

CITY COUNCIL MONTHLY MEETING CALENDAR

August-19						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
					FGS&CC 1st Friday	Meet the Artist
<i>Council President Johnston returns 08/3</i>			<i>Oregon Mayors Conference, Medford</i>			
4		5	6	7	8	9
	Planning Comm 7pm	National Night Out CCI 5:30pm	Barney/JWC Elected Tour 8:45am, JWC Plant FG Rural Fire Board Mtg	EDC Noon PAC 5pm		10
11	CITY COUNCIL 4:00 PM - WORK SESSION (FG 2040) 7:00 PM - REGULAR COUNCIL MEETING COMMUNITY AUDITORIUM	12	13	14	15	16
		Red Cross Blood Drive 1pm-6pm, Comm Aud Library Comm 6:30pm	Municipal Court Watershed Tour 8:30am Rep McLain Session 4pm		Delegation Recap Potluck 5pm	FG Uncorked
<i>Rippe out</i>						
18	Chamber Luncheon	19	20	21	22	23
	Planning Comm 7pm	Western WC Fire Task TBD	Barney/JWC Staff Tour 8:45am, JWC Plant P&R 7am Sister Cities 4:45pm CFC 5:15pm		Sustainability 6pm	24
25	NO CITY COUNCIL MEETING SCHEDULED	26	27	28	29	30
		HLB 6:30pm	Municipal Court		31	31
		PSAC 7:30am				
September-19						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	CITY OFFICES CLOSED	2	3	4	5	6
		CCI 5:30pm Planning Comm 7pm	Red Cross Blood Drive 1pm-6pm, Comm Aud		FGS&CC 1st Friday	7
8	CITY COUNCIL 5:00 PM - URA WORK SESSION (Interviews) 7:00 PM - REGULAR COUNCIL MEETING COMMUNITY AUDITORIUM	9	10	11	12	13
<i>Rippe out</i>		FG/Cornelius Comm Mtg 6pm Library Foundation Bites Dine Donate	Municipal Court		EDC Noon	14
15	Chamber Luncheon	16	17	18	19	20
	Planning Comm 7pm	Western WC Fire Task TBD Library Comm 6:30pm	P&R 7am CFC 5:15pm		PAC 5pm Sustainability 6pm	21
						PAC Art Bizarre Corn Roast Sidewalk Art
<i>Rippe out</i>						
22	CITY COUNCIL 5:30 PM - WORK SESSION(s) 7:00 PM - REGULAR COUNCIL MEETING COMMUNITY AUDITORIUM	23	24	25	26	27
<i>Rippe out</i>		HLB 6:30pm	Municipal Court		PSAC 7:30am	28
29						
						<i>LOC Conference, Bend</i>
Oct-19						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
		CCI 5:30pm		EDC Noon	FGS&CC 1st Friday	Sister Cities' Japanese Festival, 10am
6		7	8	9	10	11
	Planning Comm 7pm	Red Cross Blood Drive 1pm-6pm, Comm Aud	Municipal Court			12
13	CITY COUNCIL 5:30 PM - WORK SESSION(s) 7:00 PM - REGULAR COUNCIL MEETING COMMUNITY AUDITORIUM	14	15	16	17	18
		Library Comm 6:30pm	P&R 7am CFC 5:15pm		PAC 5pm	19
20	Chamber Luncheon	21	22	23	24	25
	Planning Comm 7pm		Municipal Court		Sustainability 6pm	26
27	CITY COUNCIL 5:30 PM - JOINT WORK SESSION (FG, Cornelius & School Board) 7:00 PM - REGULAR COUNCIL MEETING COMMUNITY AUDITORIUM	28	29	30	31	
		HLB 6:30pm		PSAC 7:30am		ODF 8am
						<i>Nyuzen arrives</i>
<i>Nyuzen Student Delegation Visit - October 26 - 30</i>						

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, AUGUST 12, 2019
COMMUNITY AUDITORIUM
1915 MAIN STREET**

**4:00 PM WORK SESSION (Forest Grove 2040)
7:00 PM CITY COUNCIL REGULAR MEETING**

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, 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, 503-992-3235, at least 48 hours prior to the meeting.

4:00

WORK SESSION(s):

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

- ***Forest Grove 2040 (Housing, Development, and Transportation)***

(PowerPoint Presentation)
Bryan Pohl, Community
Development Director; Gregory
Robertson, Public Works Director;
Paul Downey, Administrative
Services Director
Jesse VanderZanden, City Manager

7:00

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

7:03

1. A. **PROCLAMATION:**

- *Fill-The-Boot \$ for MDA*

Michael Kinkade, Fire Chief

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:** None.

PUBLIC HEARING TESTIMONY: Members of the audience may present oral or written testimony on matters scheduled for a Public Hearing. Please sign-in before the meeting on the hearing form posted in the foyer. Thank you.

7:10

6. **PUBLIC HEARING AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF SITE PLAN AND DESIGN REVIEW FOR DOLLAR GENERAL, 1121 GALES CREEK ROAD (WASHINGTON COUNTY TAX LOT 1N436B003100); FILE NO. 311-19-000006-PLNG**

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

8:10

7. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-09 AMENDING FOREST GROVE CODE OF ORDINANCES, ADOPTING TITLE XI (BUSINESS REGULATION), CHAPTER 111 (§ 111.065), TITLED FOOD WASTE REQUIREMENT**

Paul Downey, Administrative
Services Director
Jesse VanderZanden, City Manager

-
- | | | |
|--|------|--|
| Dan Riordan, Senior Planner
Bryan Pohl, Community
Development Director
Jesse VanderZanden, City Manager | 8:20 | 8. <u>RESOLUTION NO. 2019-41 ACCEPTING TOWN
CENTER STREET TREE INVENTORY AND
ASSESSMENT REPORT</u> |
| (PowerPoint Presentation)
Jeff King, Economic Development
Manager
Jesse VanderZanden, City Manager | 8:25 | 9. <u>RESOLUTION NO. 2019-42 ADOPTING CITY OF
FOREST GROVE 2020 ECONOMIC DEVELOPMENT
STRATEGIC PLAN</u> |
| Michael Kinkade, Fire Chief
Jesse VanderZanden, City Manager | 8:35 | 10. <u>RESOLUTION NO. 2019-43 AUTHORIZING CITY
MANAGER TO EXECUTE AN INTERGOVERNMENTAL
AGREEMENT FORMING AN EMS ALLIANCE IN
WASHINGTON COUNTY</u> |
| Paul Downey, Administrative
Services Director
Jesse VanderZanden, City Manager | 8:40 | 11. <u>RESOLUTION NO. 2019-44 RESTRICTING FUND
BALANCE WITHIN THE LIGHT AND POWER FUND
FOR NON-FEDERAL POWER PURCHASE CREDIT
SUPPORT RESERVES</u> |
| Paul Downey, Administrative
Services Director
Jesse VanderZanden, City Manager | 8:45 | 12. <u>RESOLUTION NO. 2019-45 AUTHORIZING CITY
MANAGER TO EXECUTE THE MASTER RESOURCE
AGREEMENT BETWEEN CITY OF FOREST GROVE
AND NORTHWEST INTERGOVERNMENTAL ENERGY
SERVICES (NIES) FOR A MARKET PURCHASES
THROUGH FISCAL YEAR 2021</u> |
| Paul Downey, Administrative
Services Director
Jesse VanderZanden, City Manager | 8:50 | 13. <u>RESOLUTION NO. 2019-46 AUTHORIZING CITY
MANAGER TO EXECUTE AN
INTERGOVERNMENTAL AGREEMENT BETWEEN
CITY OF FOREST GROVE AND CLEAN WATER
SERVICES FOR CONSTRUCTION OF 19TH AVENUE AND
MAPLE STREET INFLOW AND INFILTRATION
REHABILITATION PROJECT NO. 6962</u> |
| Paul Downey, Administrative
Services Director
Jesse VanderZanden, City Manager | 8:55 | 14. <u>RESOLUTION NO. 2019-47 AUTHORIZING CITY
MANAGER TO EXECUTE AN
INTERGOVERNMENTAL AGREEMENT BETWEEN
CITY OF FOREST GROVE AND CLEAN WATER
SERVICES FOR ALLOCATION OF SANITARY SEWER
SYSTEM DEVELOPMENT CHARGES</u> |
| Paul Downey, Administrative
Services Director
Peter Truax, Mayor | 9:00 | 15. <u>RESOLUTION NO. 2019-48 OF THE CITY COUNCIL
ACCEPTING CITY MANAGER'S ANNUAL
PERFORMANCE REVIEW</u> |

- | | | |
|---|--------------------|--|
| Paul Downey, Administrative Services Director
Peter Truax, Mayor | 9:05 | 16. <u>RESOLUTION NO. 2019-49 OF THE CITY COUNCIL AUTHORIZING COMPENSATION FOR CITY MANAGER FOR FISCAL YEAR 2019-20</u> |
| City Councilors | 9:10 | 17. <u>CITY COUNCIL COMMUNICATIONS:</u> |
| Jesse VanderZanden, City Manager | 9:20 | 18. <u>CITY MANAGER'S REPORT:</u> |
| Peter Truax, Mayor | 9:25 | 19. <u>MAYOR'S REPORT:</u> |
| | <u>9:30</u> | 20. <u>ADJOURNMENT:</u> |

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 Work Session (Town Center Parking Study) Meeting Minutes of June 10, 2019.
 - B. Approve City Council Work Session (Federal Grant Feasibility Analysis) Meeting Minutes of June 10, 2019.
 - C. Approve City Council Work Session (Economic Development Strategic Plan) Meeting Minutes of June 24, 2019.
 - D. Approve City Council Regular Meeting Minutes of June 24, 2019.
 - E. Approve City Council Work Session (Proposed Police Station Concept Design Review) Meeting Minutes of July 8, 2019.
 - F. Approve City Council Regular Meeting Minutes of July 8, 2019.
 - G. Approve City Council Executive Session (City Manager Performance Evaluation) Meeting Minutes of July 8, 2019.
 - H. Accept Historic Landmarks Board Meeting Minutes of June 11, 2019.
 - I. Accept Library Commission Meeting Minutes of June 11, 2019.
 - J. Accept Parks and Recreation Commission Meeting Minutes of June 19, 2019.
 - K. Accept Planning Commission Meeting Minutes of June 17, 2019.
 - L. Accept Public Arts Commission Meeting Minutes of June 13, 2019.
 - M. Community Development Department Monthly Building Activity Informational Report for July 2019.

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TRANSPORTATION

LAND USE

HOUSING

DEVELOPMENT

COUNCIL UNPLUGGED

Forest Grove
2040:
Housing, Development, and Transportation

August 12, 2019



DEVELOPMENT

Before we begin, let's briefly review the relevant policies and procedures that govern the development of land.

**Regulatory
Framework**

**City Staff's Role
in
Development**

**Planning
Commission
Role**

**City Council
Role**

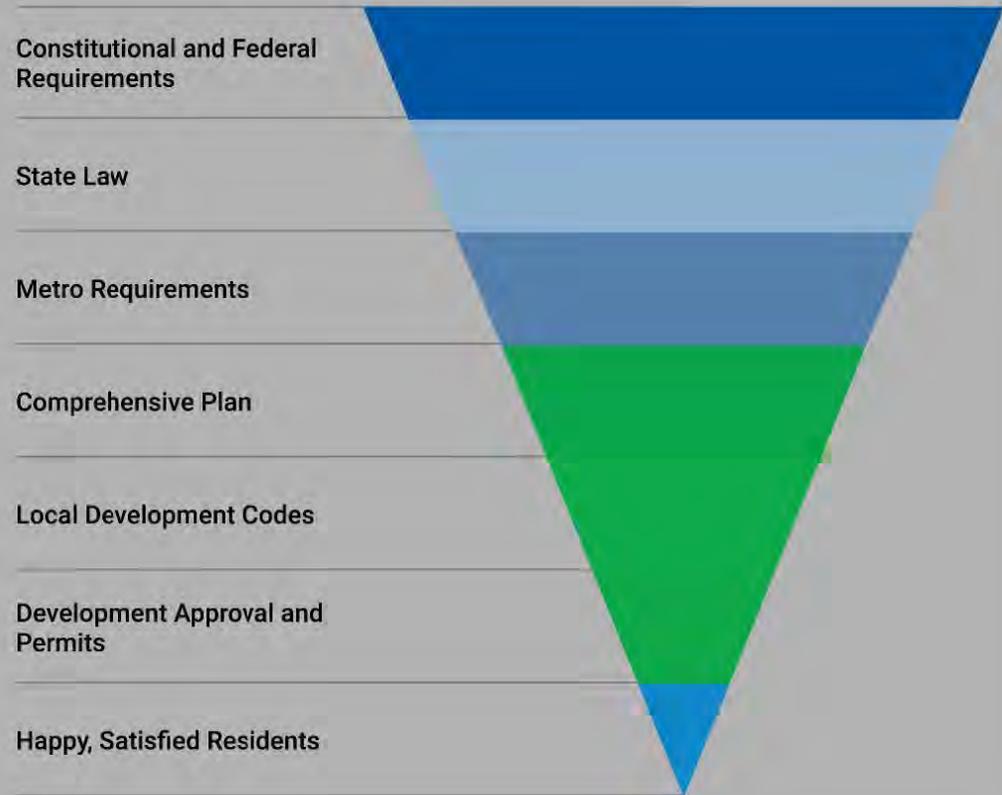
The Hierarchy of Development Regulation

These regulate how our plans may be drafted and implemented. Our plans and ordinances must maintain consistency with these laws and statutes. For example, our zoning regulations must meet Federal, State, and Metro requirements.

The Comprehensive Plan is a non-regulatory document that establishes goals and policies that are achieved through implementing ordinances.

Local development codes are implementing ordinances that are passed by local governing bodies. Staff administers these codes according to procedures set forth by both state law and the codes themselves.

Ideally, this is the outcome of all of this work.



City's Role

It is important to note that the City plays both a strategic planning and a regulatory role in development that takes place across several divisions within the City of Forest Grove.

**Planning
Process**

**Development
Approval and
Permitting**

Org. chart

Planning Process

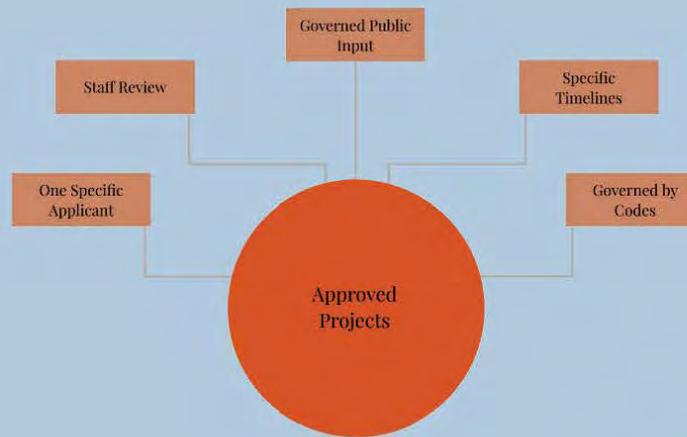


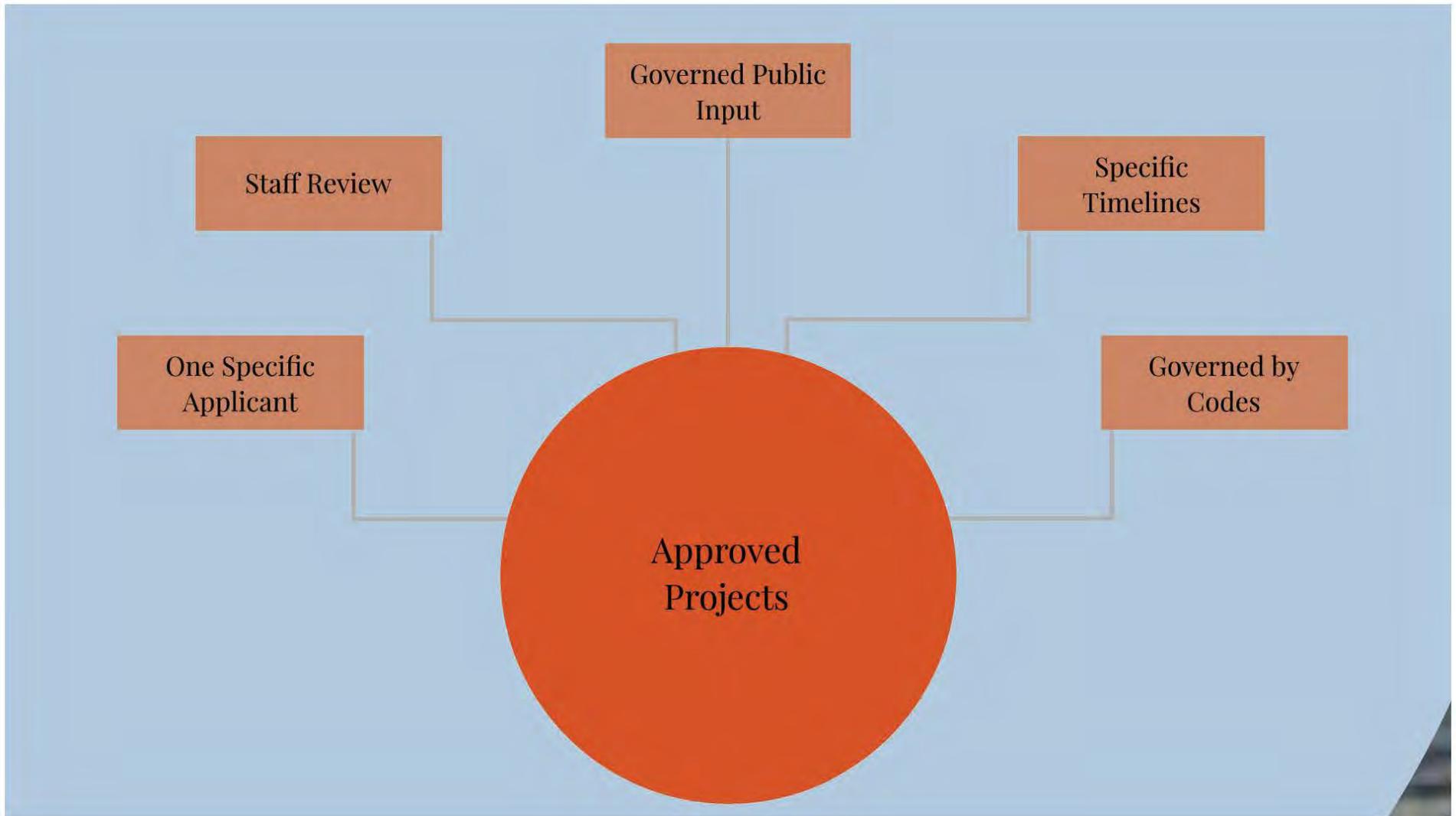


Planning Process

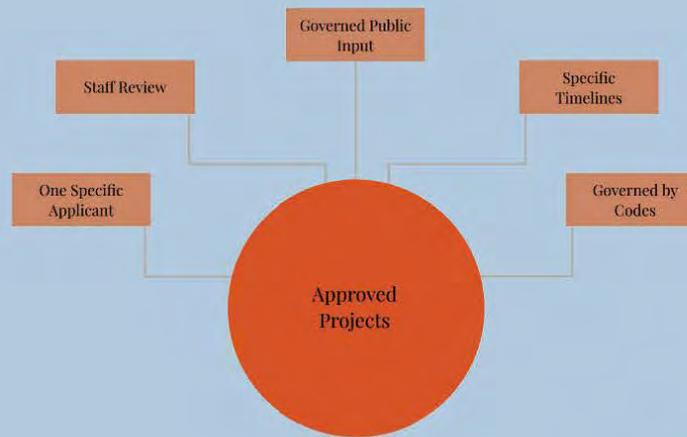


Development Approval and Permitting

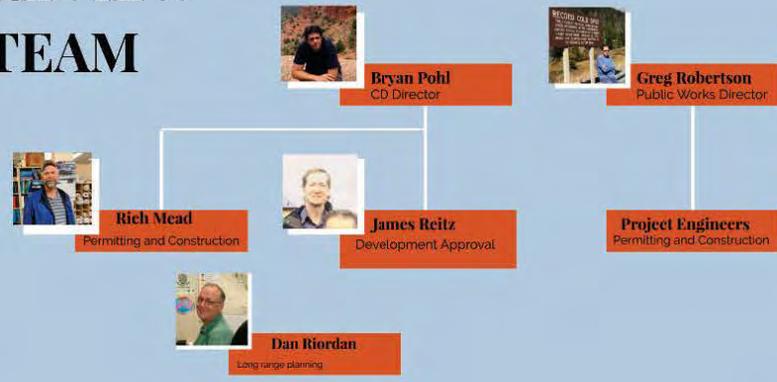




Development Approval and Permitting



DEVELOPMENT REVIEW TEAM



REVIEW TEAM



Bryan Pohl
CD Director



Greg Robertson
Public Works Director



Rich Mead
Permitting and Construction



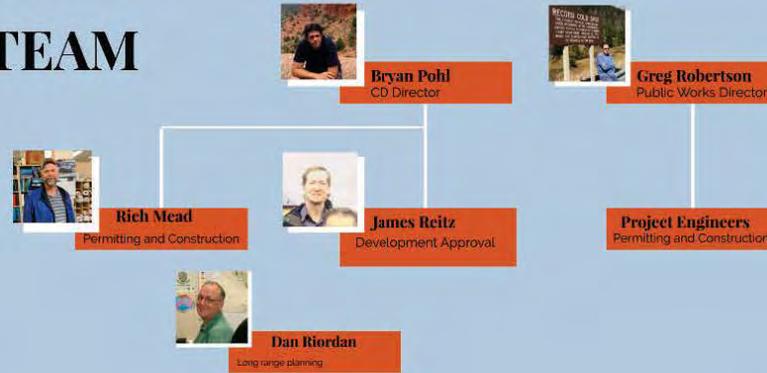
James Reitz
Development Approval

Project Engineers
Permitting and Construction



Dan Riordan
Long range planning

DEVELOPMENT REVIEW TEAM



Planning Commission

The Planning Commission is appointed by the City Council and makes quasi-judicial decisions and legislative recommendations to the City Council. This Commission is intended to represent a diverse set of interests and levels of expertise to advise and adjudicate an array of land use matters that may come before the City.

**Quasi-
Judicial**

Legislative

Quasi-Judicial Functions

Quasi-Judicial matters affect the use of an individual or small number of properties, and usually involve the use of discretionary decision criteria. These decisions are governed by state-mandated timelines (120-day "shot clock" for local decisions and appeals).

The Planning Commission's role is as follows:

- Consider appeals of staff-level decisions
- Hear applications for variances, conditional use permits, etc.
- Final decision-maker, unless appealed to City Council
- Strict rules around ex-parte contact, bias, conflicts of interest.

Legislative Functions

Legislative matters affect a large part of or the entire community, usually involving broad policies that do not apply specifically to one property or one small group of properties. There are no ex-parte contact rules or 120-day shot clock for these matters.

The Planning Commission's role in legislative matters is as follows:

- Initiate Comprehensive Plan amendments or Development Code text amendments
- Initiate special studies (West side refinement, HNA, EOA)
- Provide community involvement role through public hearings process
- Make recommendations to City Council on legislative land use matters

City Council

Established as the governing body of the local unit of government, the City Council serves a dual purpose in land use matters. On one hand, its members are elected to serve their constituents' interests in legislative matters, which requires listening to a broad array of stakeholders and community members about issues pertinent to the community. On the other hand, they must decide on quasi-judicial matters impartially and based on the Development Code, without outside interference, and based on evidence that is available to all parties. Because of this, it is key for City Councilors to understand their roles in different matters that may come before them.

**Council
Roles:
Legislative**

**Council
Roles:
Quasi
Judicial**

City Council - Legislative

Legislative matters affect a large part or entire community, usually involving broad policies that do not apply specifically to one property or one small group of properties. There are no ex-parte contact rules or 120-day shot clock for these matters.

The Council's role in legislative matters is as follows:

- Initiation of studies or land use policy directives
- Ordinance or development code amendments
- Make decisions to ensure compliance with state rules related to land use
- Make decisions on annexation requests

Quasi-Judicial

Quasi-Judicial matters affect the use of an individual or small number of properties, and usually involve the use of discretionary decision criteria. These decisions are governed by state-mandated timelines (120-day "shot clock" for local decisions and appeals).

The Council's role is as follows:

- Hear appeals of Planning Commission's decisions on any Quasi-Judicial matter.
- This is the **ONLY** role for the City Council in Quasi-Judicial matters. However, it is an important one. As mentioned before, there are strict rules around ex-parte contact, bias, and conflicts of interest.



Land Use Projects

In 2019, Community Development completed two major studies that inform development-related decisions in the City.

Additionally, two more projects, informed by these studies, could add more housing units in the coming years.

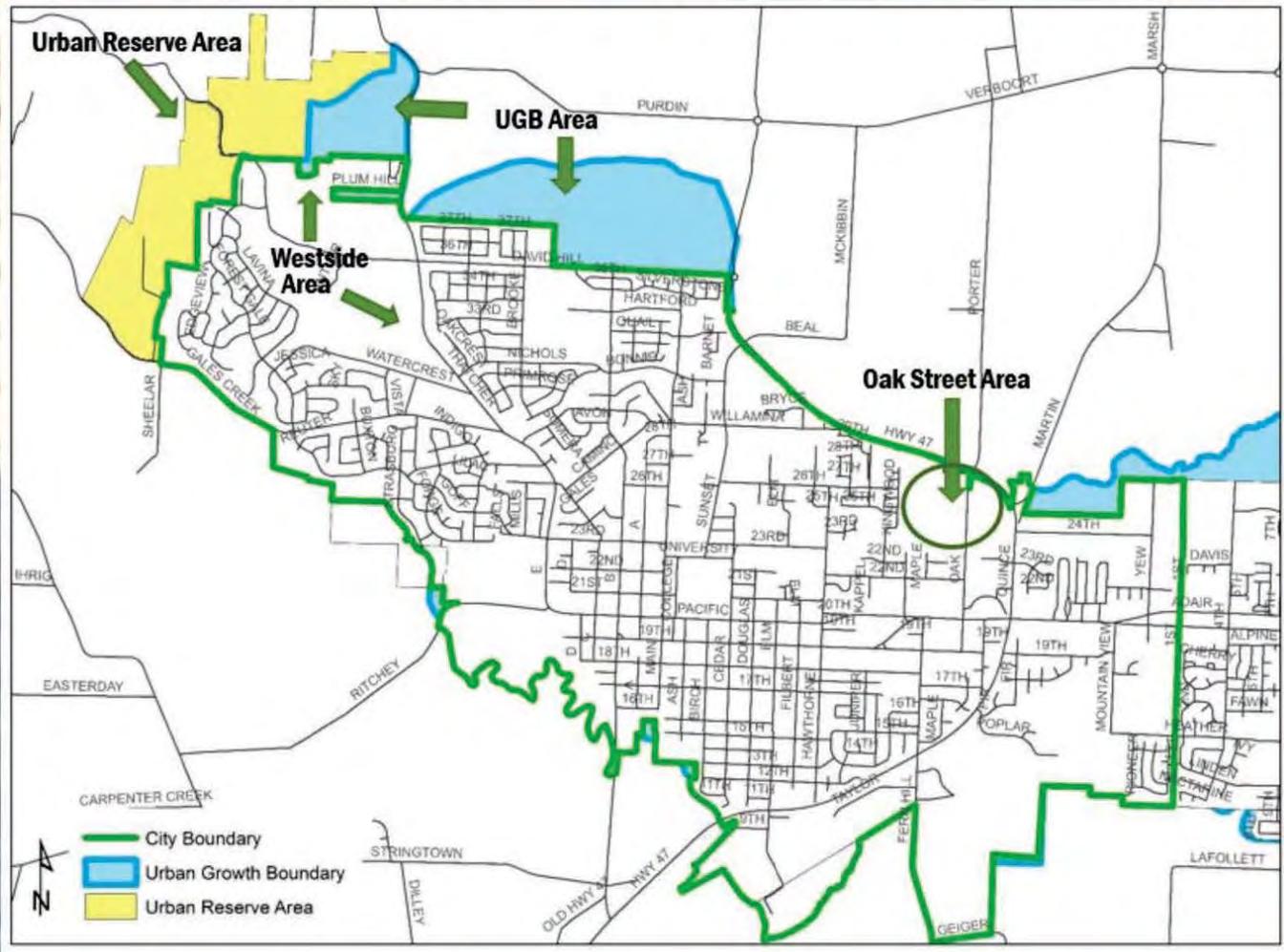
Housing
Needs
Analysis

Economic
Opportunities
Analysis

OAK
STREET
PLANNING

WEST SIDE





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Housing
Needs
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Economic
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OAK
STREET
PLANNING

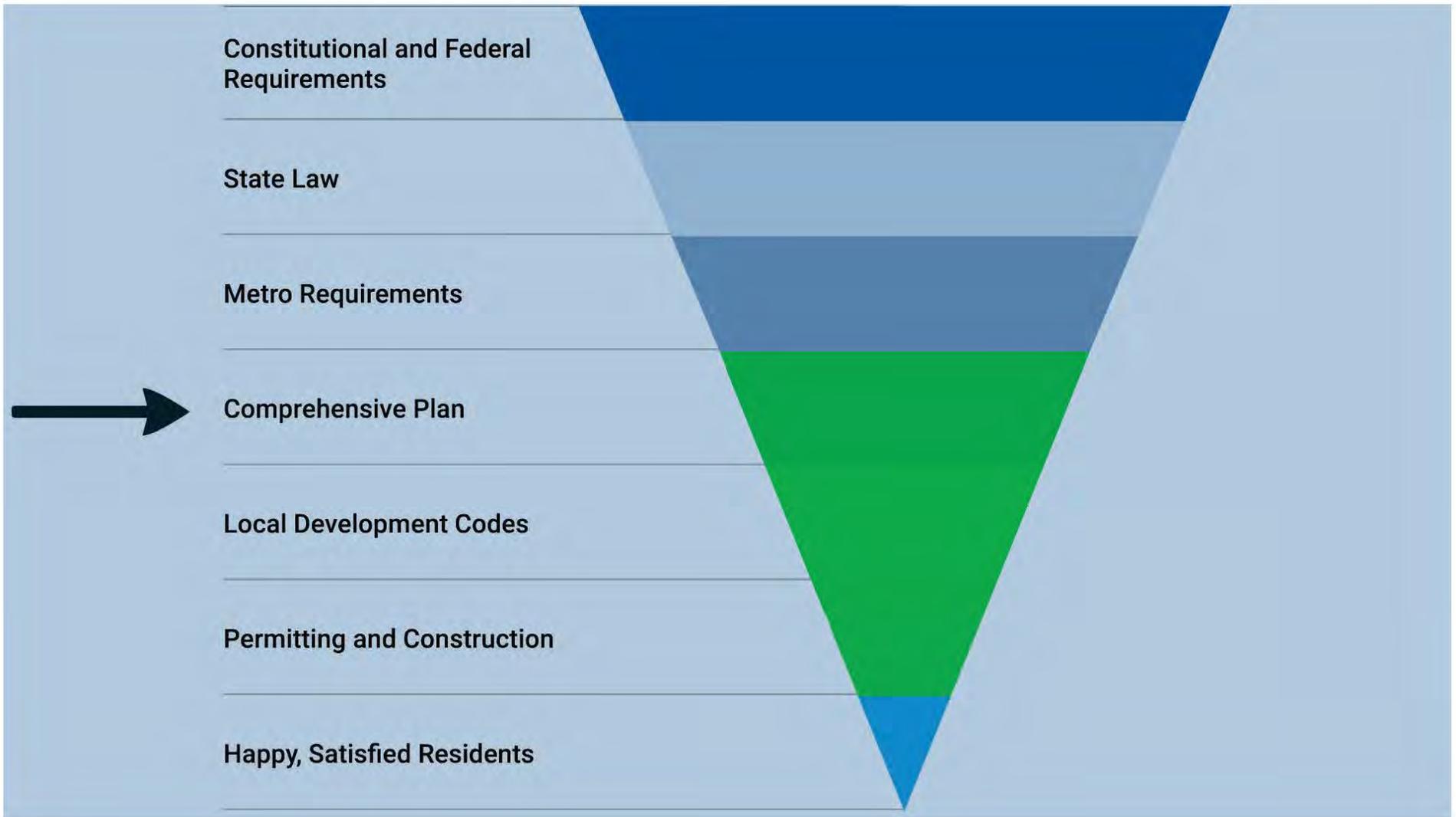
WEST SIDE



HNA

- **Required by Statewide Planning Goal 10 (Housing).**
- **The Housing Needs Analysis is part of the Comprehensive Plan.**
- **Multifamily housing will comprise slightly more of the City's housing mix in 2039.**
- **The study concludes, based on certain assumptions, that there is sufficient land zoned for residential to meet housing demand for the next twenty years within the UGB.**
- **Housing capacity estimate = 4,800 units**
- **Housing 20-year demand = 3,660 units**
- **Capacity number includes areas that may be difficult to develop, such as higher elevations or areas with unwilling property owners. Also includes potential infill densification projects that may not come to fruition.**
- **West Side Planning Area - 1,900 units (included in HNA)**
- **Oak Street (as TOD study) - Potential 800 units (not included in HNA)**
- **About 250 lots have been approved, but not built on.**





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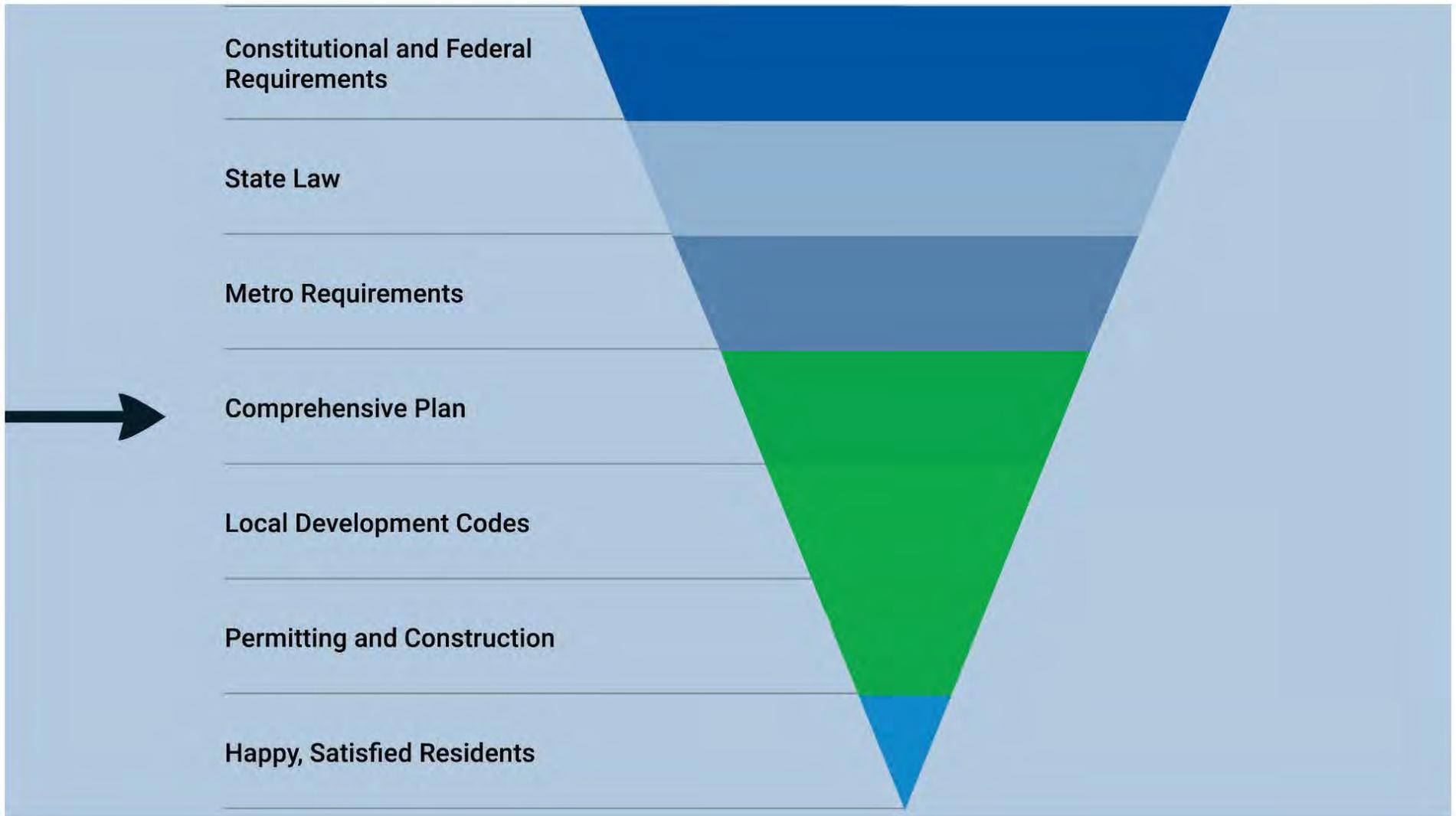
Economic Opportunities Analysis

Required by Statewide Planning Goal 9 (Economic Development).
The EOA is an element of the Comprehensive Plan.

The EOA shows:

- Employment in the City has recovered and expanded slightly since the last recession.
- There is more land currently zoned industrial than is necessary to meet the estimated twenty year demand.
- There is insufficient land zoned for mixed-use and commercial than is necessary to meet the estimated twenty year demand.
- Employment growth sectors include office, tourism related retail, retirement services healthcare, value added farm products, and high tech manufacturing.





Economic Opportunities Analysis

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OAK STREET

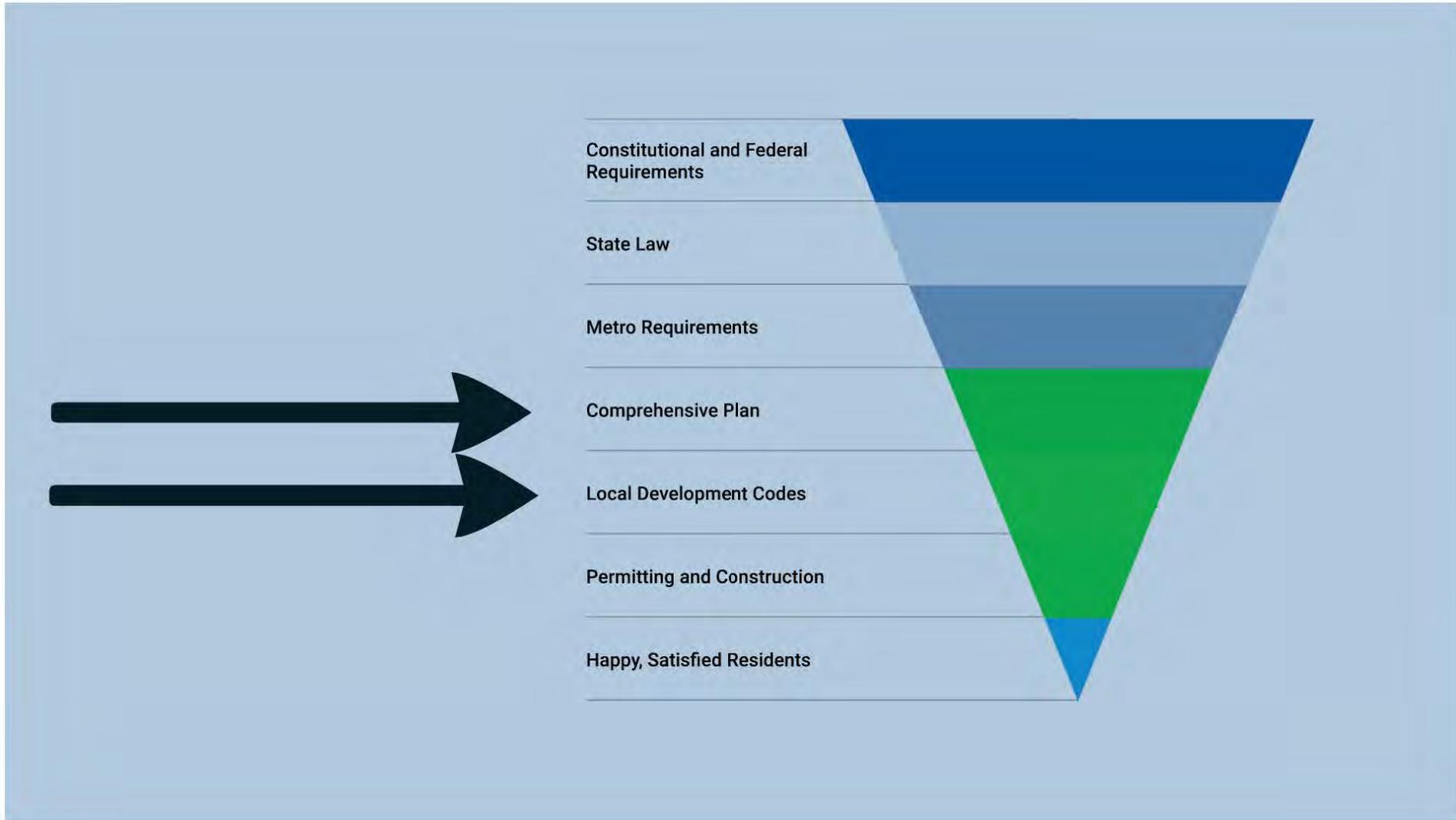
Informed by both the HNA and the EOA, the Oak Street Planning Area has been studied in the past, however, the results of the HNA and EOA are reshaping the potential direction of this area.

**KEY
FACTORS**

**OAK
STREET
AREA**

**WORK
PLAN**





OAK STREET

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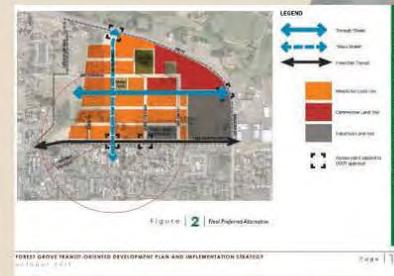


Key Factors

- Entire area zoned General Industrial (GI)
- 2019 EOA shows oversupply of industrial land and an under supply of commercial and mixed use
- 2019 HNA shows that, while current housing land needs are met for 20 years, the ability to develop those lands are constrained.
- 2019 Metro Parks Bond - Council Creek Regional Trail funding
- Tier 3 industrial site

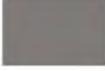
2011 TOD Study

- Commissioned in 2010 to investigate viability of high capacity transit to serve Forest Grove
- Showed conceptual layout of streets, blocks, and densities
- Concluded between 579 and 993 units and 132k-231k sf of retail / mixed use.
- Outlined issues to resolve - mainly station locations and impacts of large scale retail
- Developed alternatives and one preferred alternative...





LEGEND

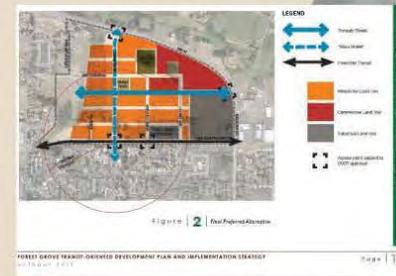
-  Through Street
-  "Main Street"
-  Fixed-Rail Transit
-  Mixed-Use Land Use
-  Commercial Land Use
-  Industrial Land Use
-  Access point subject to ODOT approval

FINAL PREFERRED ALTERNATIVE

Figure | 2 | Final Preferred Alternative

2011 TOD Study

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Oak Street Work Plan

By the end of September, staff will publish an RFP for a consultant to revisit and refine the Oak Street TOD Plan, taking into account the following factors:

- The dramatic shift in retail towards smaller, more experience-based shopping and the decline of big box retail
- The feasibility of small scale, incubator-style industrial development to coexist with residential development.
- Cost increases for infrastructure since original study.





Google

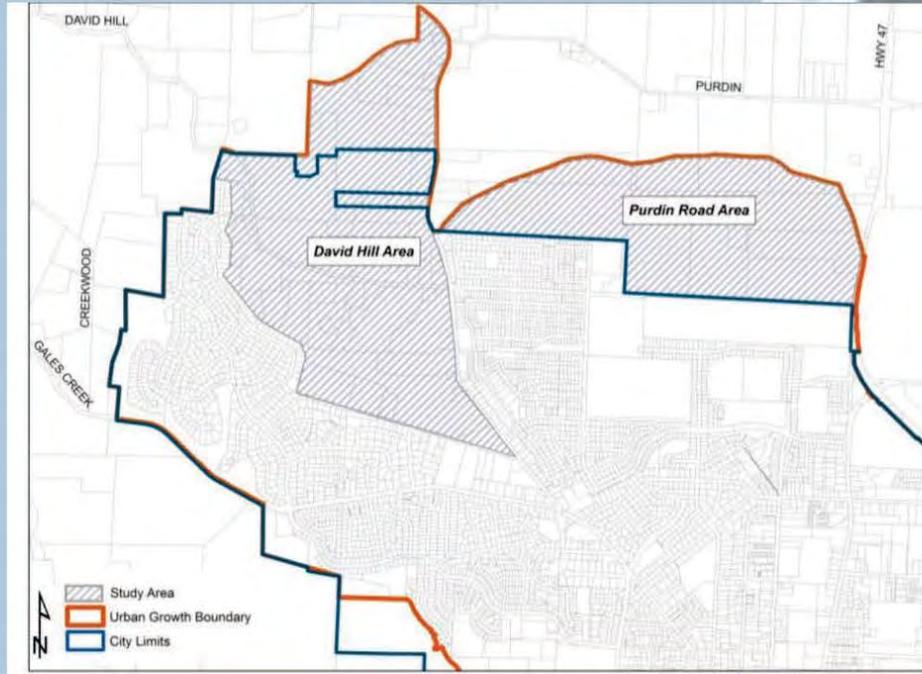
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WEST SIDE PLANNING AREA



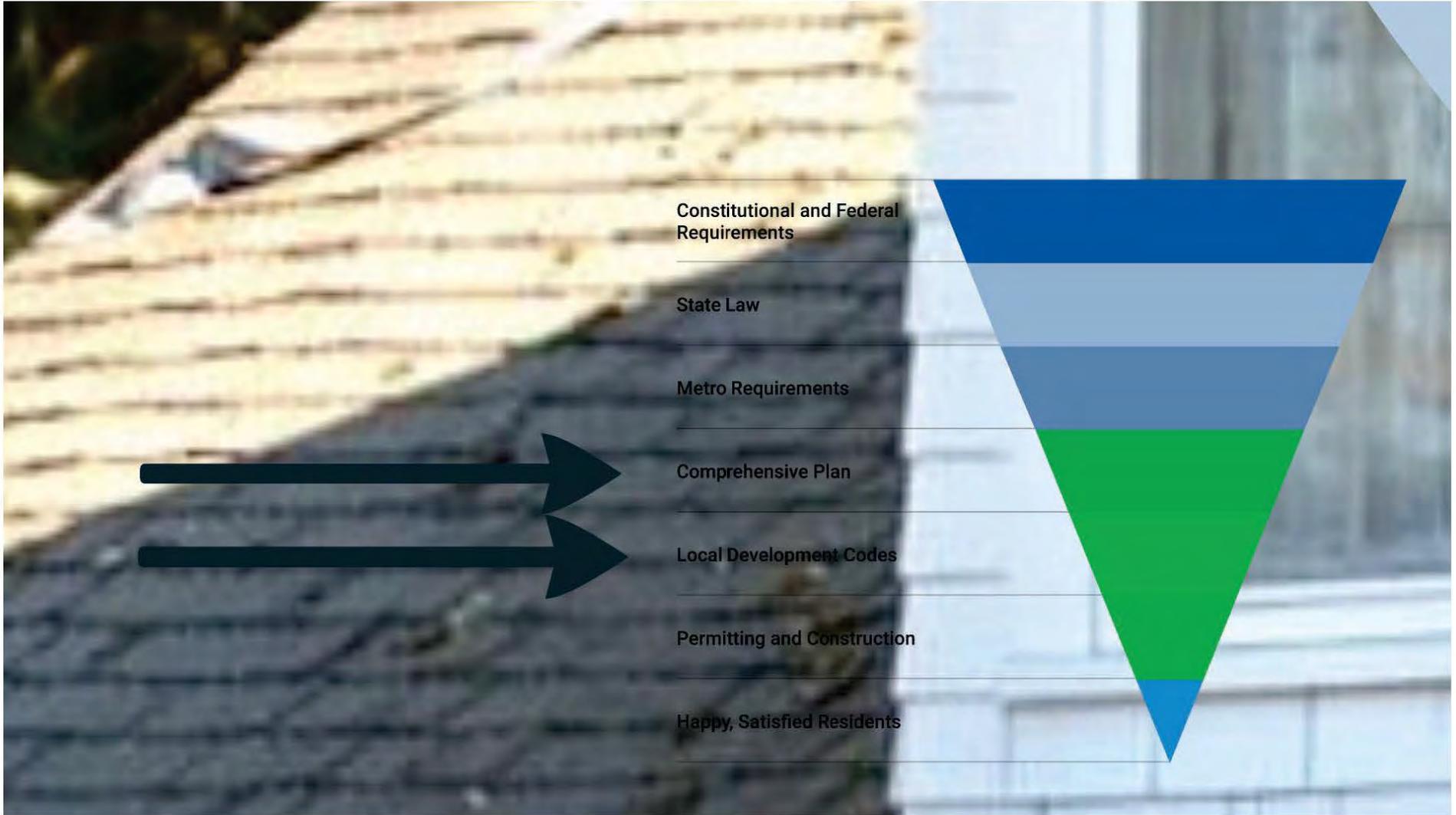
KEY POINTS OF CONSIDERATION

COMP PLAN AND ZONING MAP

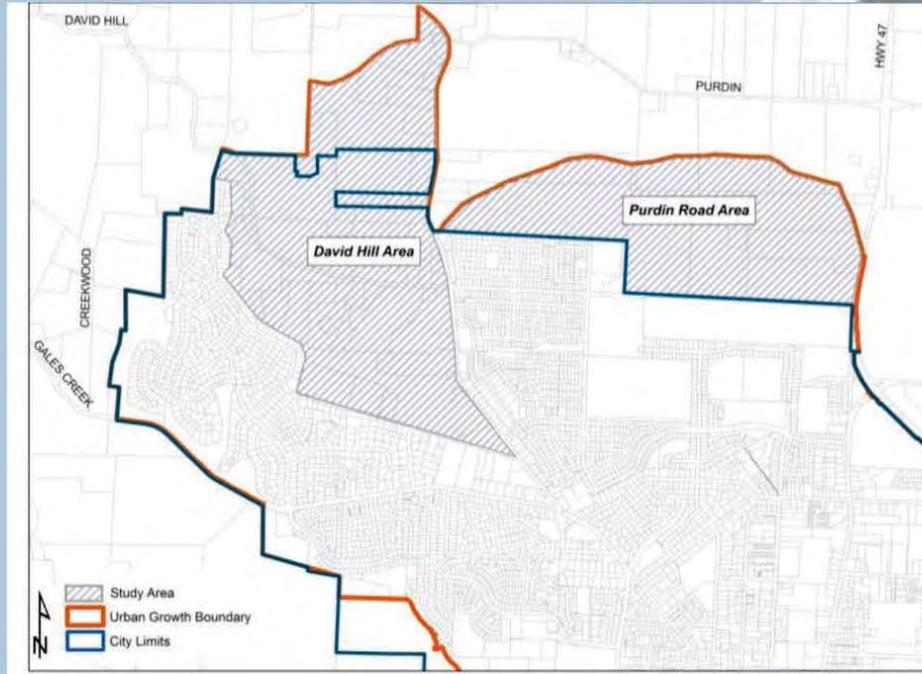
Forecast build out- 2,000 units

FUNDING OPTIONS





WEST SIDE PLANNING AREA



KEY POINTS OF CONSIDERATION

COMP PLAN AND ZONING MAP

Forecast build out- 2,000 units

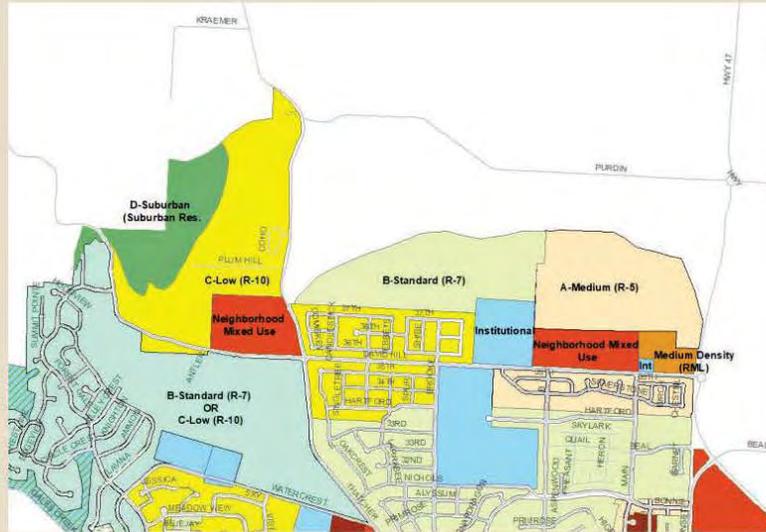
FUNDING OPTIONS

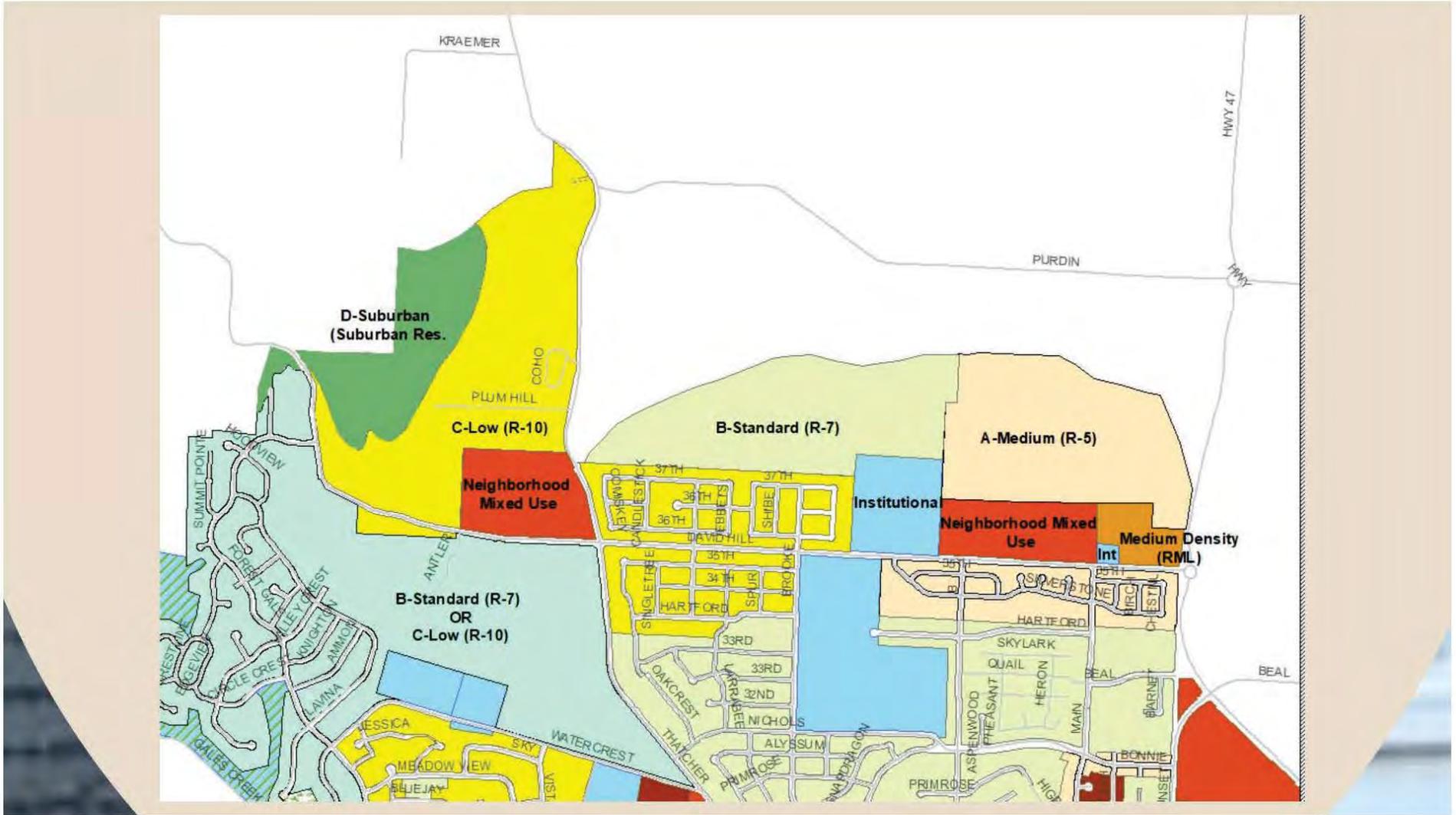


West Side - Key Points

- The goal of the Westside Refinement Plan is to provide a land use concept and financing framework to promote a well-planned mixed use community.
- The land use concept was adopted by Council in 2017.
- The financing framework requires further refinement based on public review and input by Council.
- Westside Plan conclusions:
 - The lack of public infrastructure in the Westside planning area is a barrier to development.
 - Adequate public facilities (e.g. water reservoirs and sewer trunk lines) must be provided and funded before major private development can occur.
 - The primary funding source for expanding infrastructure capacity for growth is System Development Charges. SDC revenues accrue over time.
 - Because major facilities (e.g. water reservoir improvements) are needed before significant levels of development can occur the SDC “pay as you go” approach is not considered a viable solution for funding capital projects in the plan area.

Comp Plan and Zoning





Comp Plan and Zoning

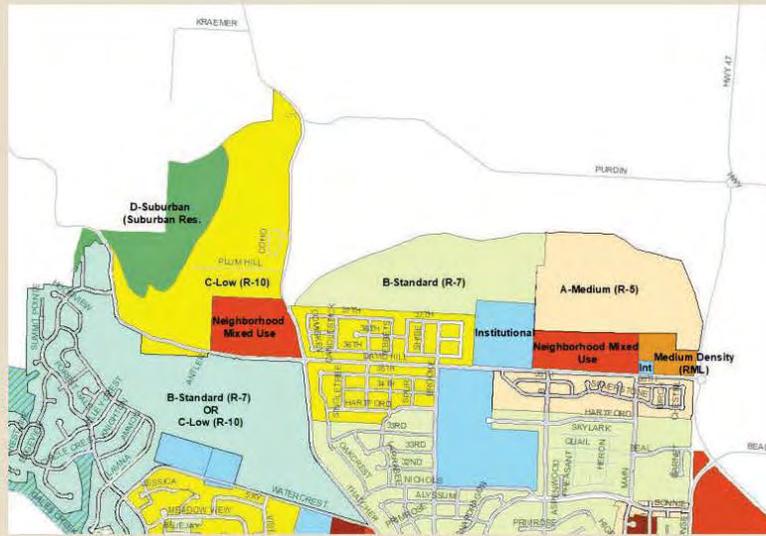


Exhibit 1.2: Westside Planning Area Growth Forecast - Buildout

		Purdin		David Hill/Gales Creek		Total	
	Unit Type	Acres	Units	Acres	Units	Acres	Units
Single Family Detached	Dwelling Units	125.64	976	198.27	853	323.91	1,829
Single Family Attached	Dwelling Units	18.50	221	0.00	4	18.50	225
Retail	1,000 SF	4.20	46.5	2.90	15.0	7.10	61.5
School	1,000 SF	11.96	65.0	0.00	0.0	11.96	65.0
Park Acres	Acres	10.98	--	0.00	0.0	10.98	--
Fire Station	Employees	2.00	3.0	0.00	0.0	2.00	3.0
Total		173.28		201.17		374.45	

Source: Revised Final Westside Water, Sewer and Stormwater Infrastructure Analysis dated June 24, 2016; compiled by FCS GROUP.

Breakdown of development potential between the two areas

WEST SIDE - FUNDING

- The Westside Plan recommends the following infrastructure funding options for refinement:
 - Allocate some or all TDT and SDC revenue collected in the Westside planning area to projects in the plan area.
 - Establish a new City transportation SDC on new development in the plan area.
 - Evaluate the feasibility of the City issuing bonds to pay for capital improvements.
 - Form a local improvement district (LID) to fund Thatcher Road improvements.
 - Implement a storm water rate surcharge for new homes in the plan area.
- Refining and implementing a Westside funding approach is resource-intensive, involving coordination with Washington County Transportation, Clean Water Services, potentially affected property owners, development interests and several City departments.



TRANSPORTATION

LAND USE

HOUSING

DEVELOPMENT

Forest Grove
2040:
Housing,
Development, and
Transportation

COUNCIL
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August 12, 2019



TRANSPORTATION

A well planned, designed, and constructed transportation system that is inclusive, resilient, sustainable, and enhances the quality of life for its users through the built environment.

**Common
Funding
Sources**

**How Projects
Get Funded**

**Project
Prioritization**

**TDT Project
Map**

Funding Sources

Federal

- Gas Tax (18.4 cents per gallon)
- Funds roads, bridges, transit, trails and other transportation related infrastructure
- Federal funds flow to state

State

- Gas Tax (34 cents per gal - 12th highest in US)
- Used to provide non-federal match, state funded projects, and maintenance and operations.
- User fees such as motor vehicle registration

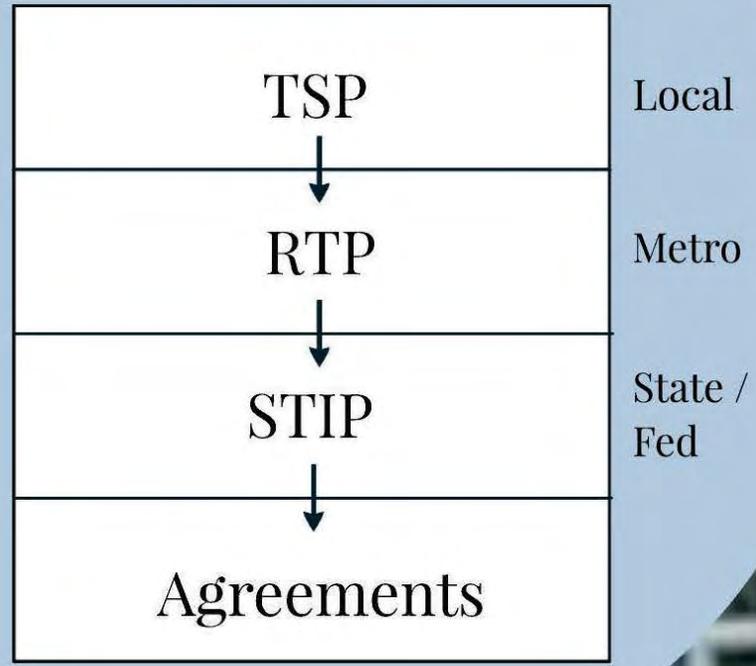
County

- Gas Tax (1 cent per gallon)
- Vehicle registration fees (\$30 per year)
- TDT (\$8,968 per detached single-family dwelling unit)

Local

- \$2.1 million flows to Forest Grove from above sources
- TDT Cash Balance : \$13.8 million

How Projects Get Funded



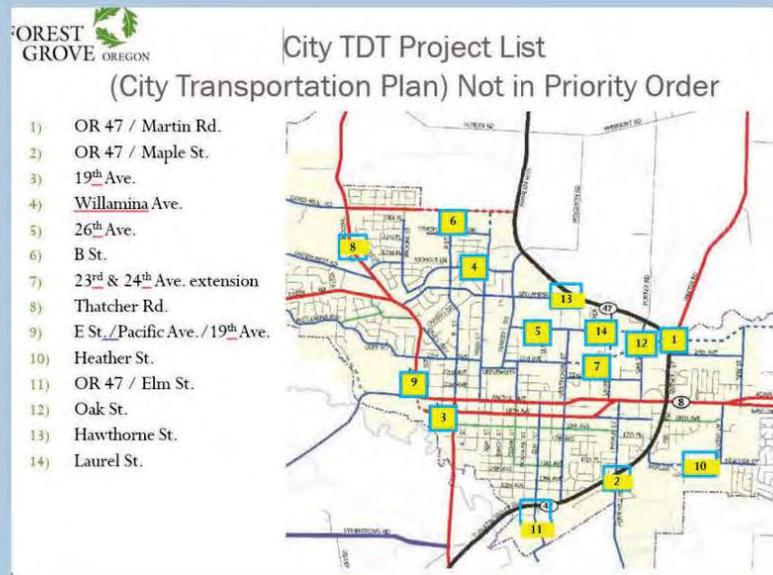
Prioritization

An objective process must be established to determine which projects are to be funded.

Potential questions to be asked:

- Is this project identified in an adopted plan?
- Does the project improve safety and system capacity?
- Does the project take advantage of partnerships and/or leveraging funds?
- Will the project enhance the needs of underserved groups?
- Will the project provide tangible benefits to the residents of Forest Grove?
- Does the project facilitate economic development?
- How does development affect the funding and construction of the project?
- Others? (open for discussion)

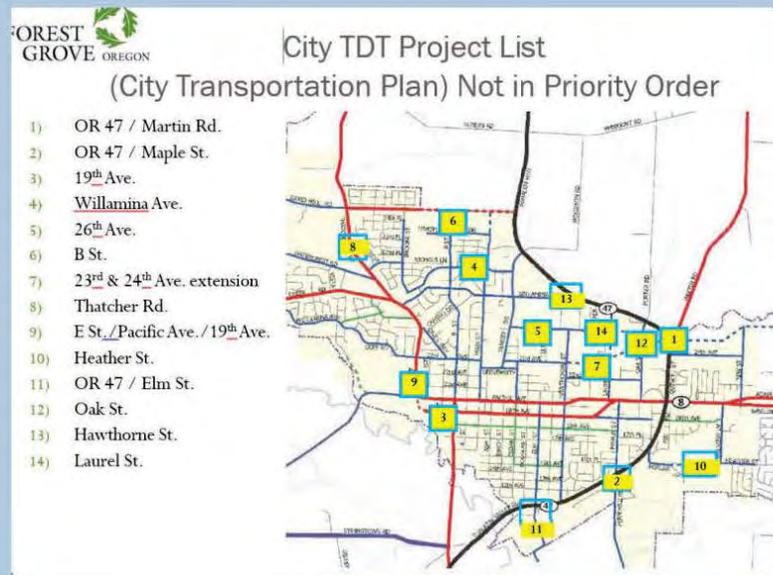
TDT Project Map



- 1) OR 47 / Martin Rd.
- 2) OR 47 / Maple St.
- 3) 19th Ave.
- 4) Willamina Ave.
- 5) 26th Ave.
- 6) B St.
- 7) 23rd & 24th Ave. extension
- 8) Thatcher Rd.
- 9) E St./Pacific Ave./19th Ave.
- 10) Heather St.
- 11) OR 47 / Elm St.
- 12) Oak St.
- 13) Hawthorne St.
- 14) Laurel St.



TDT Project Map





TRANSPORTATION

LAND USE

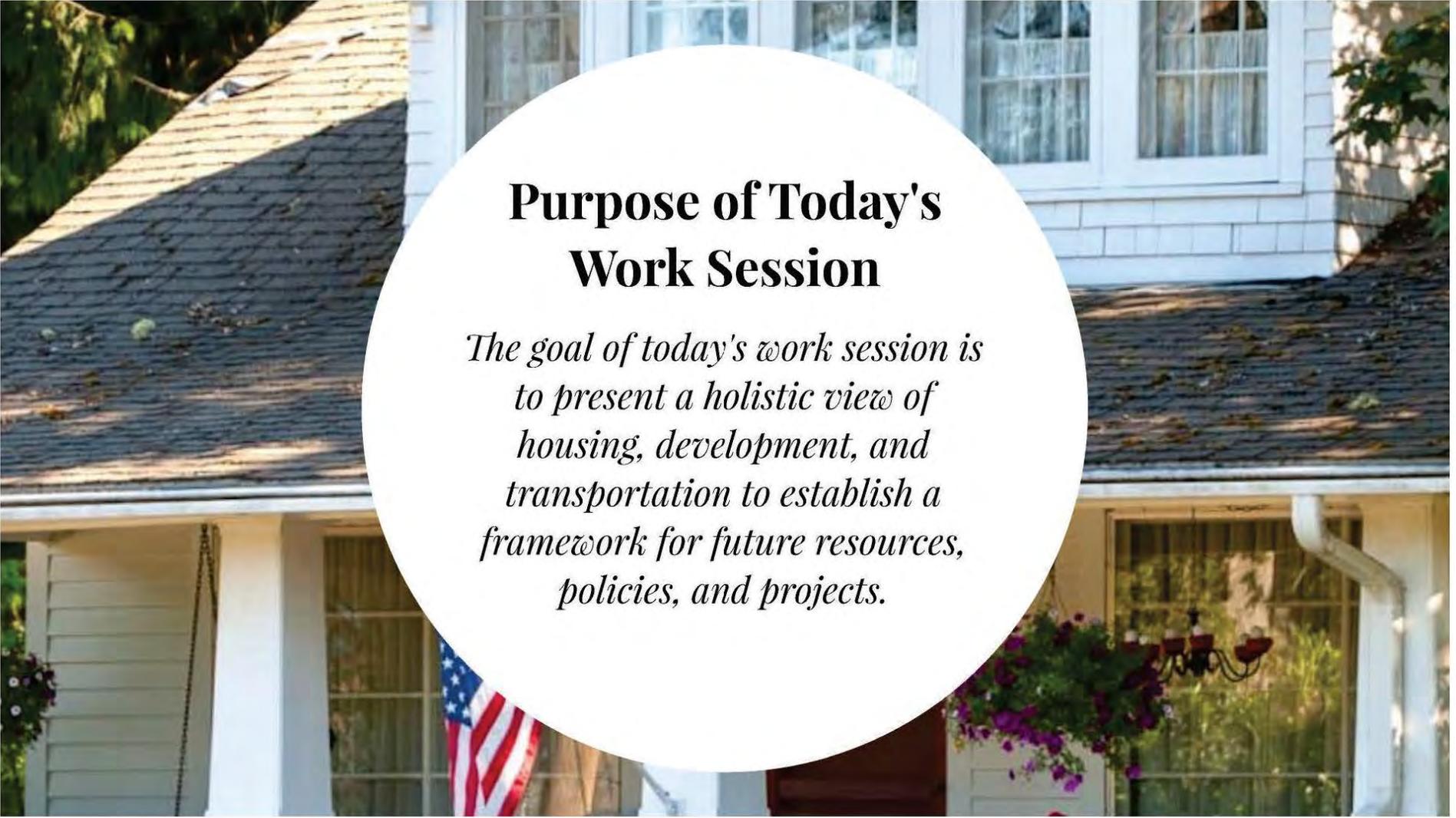
HOUSING

DEVELOPMENT

COUNCIL UNPLUGGED

Forest Grove
2040:
Housing,
Development, and
Transportation

August 12, 2019



Purpose of Today's Work Session

The goal of today's work session is to present a holistic view of housing, development, and transportation to establish a framework for future resources, policies, and projects.



TRANSPORTATION

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August 12, 2019



HOUSING

2019 was a busy year in Salem, with housing efforts being at the top of the legislative agenda. Numerous housing-related bills passed that will require the attention of CD staff.

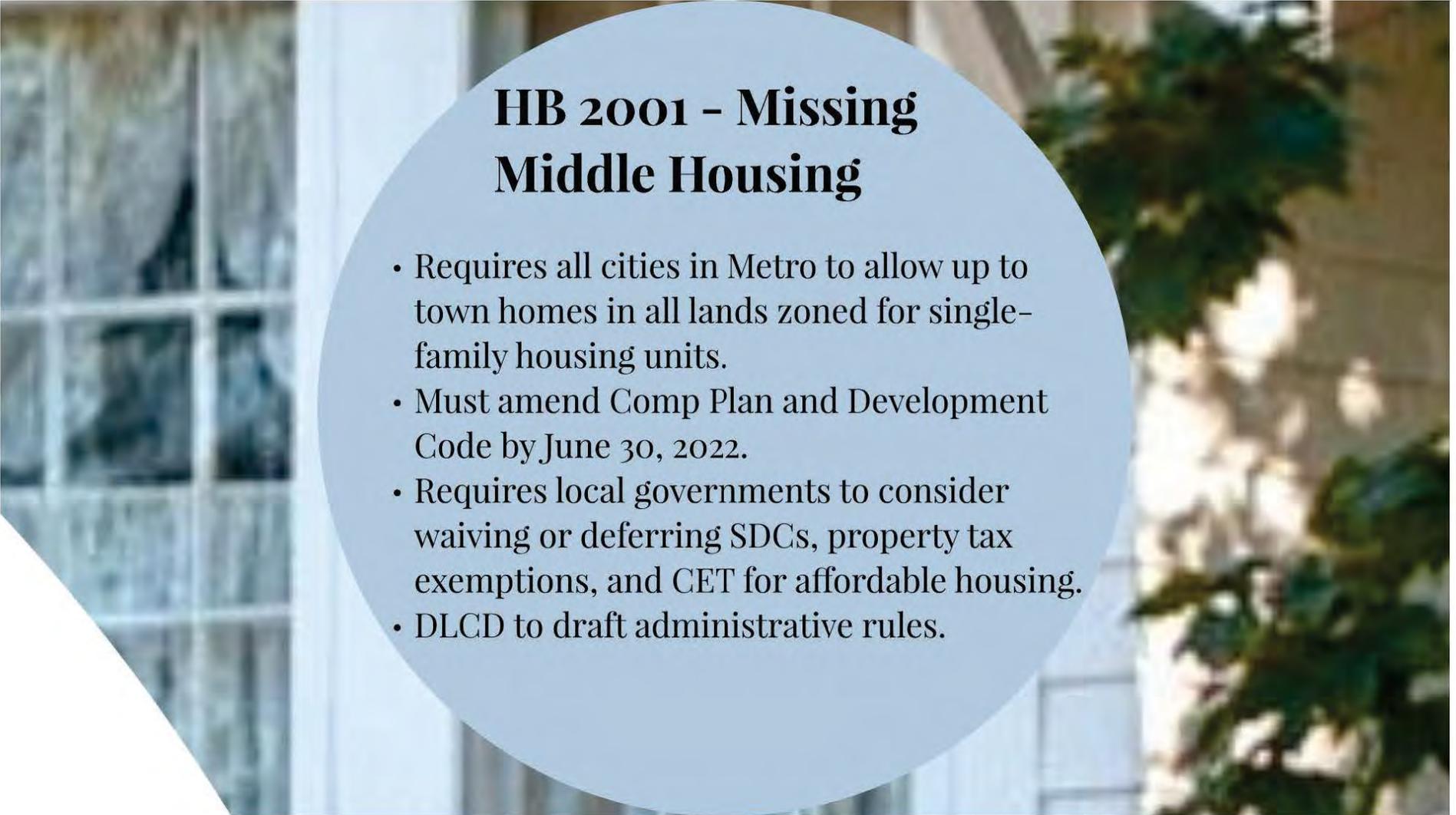
Additionally, the HNA contains several recommendations to increase housing affordability, and further discussion on roles and responsibilities with respect to the Metro Affordable Housing Bond is warranted.

HB 2001

HB 2003

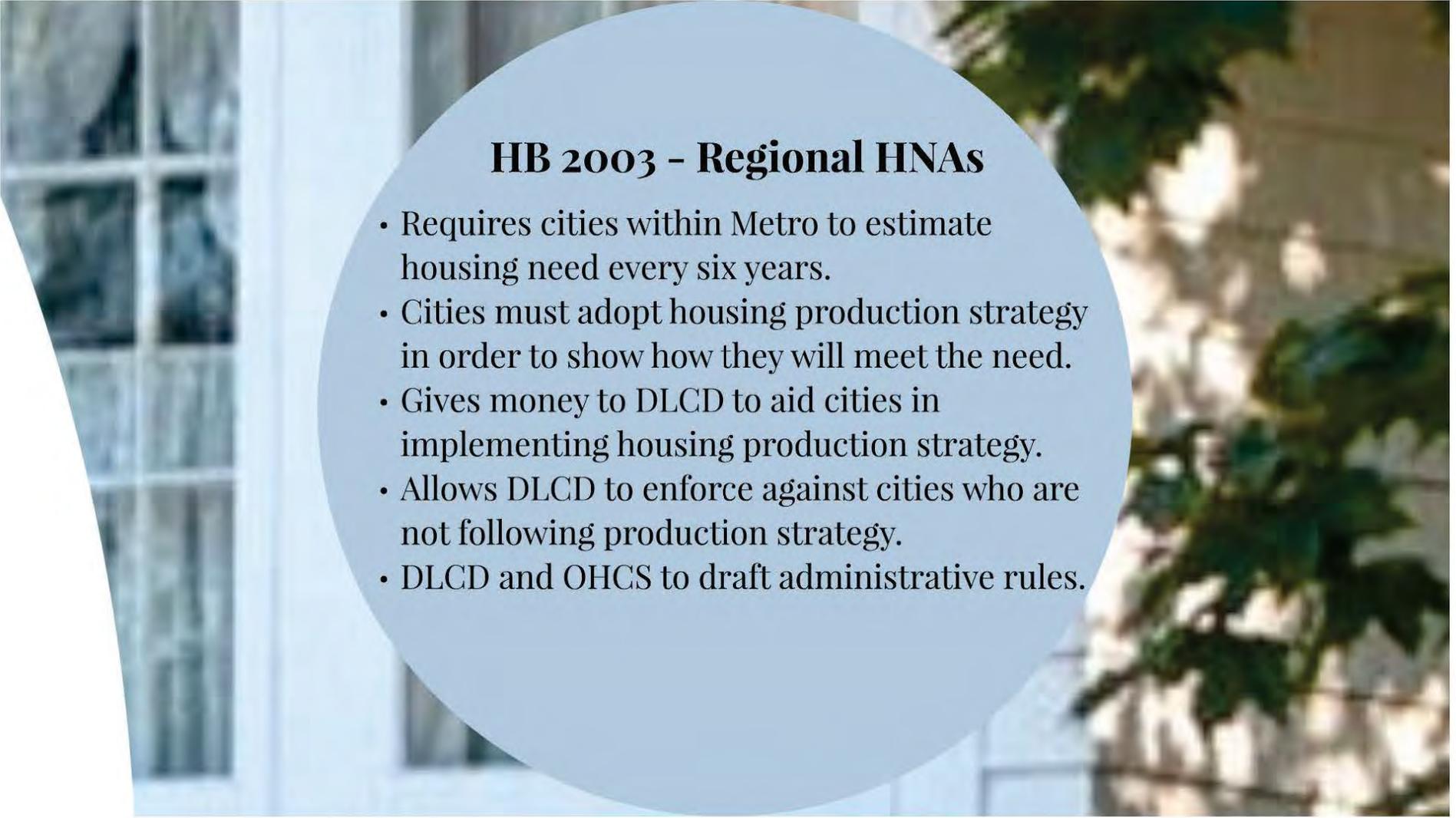
HNA
Recommendations

Bond Roles

The background of the slide features a blurred image of a window with white panes on the left and green foliage on the right. A large, light blue circle is centered over the image, containing the title and list.

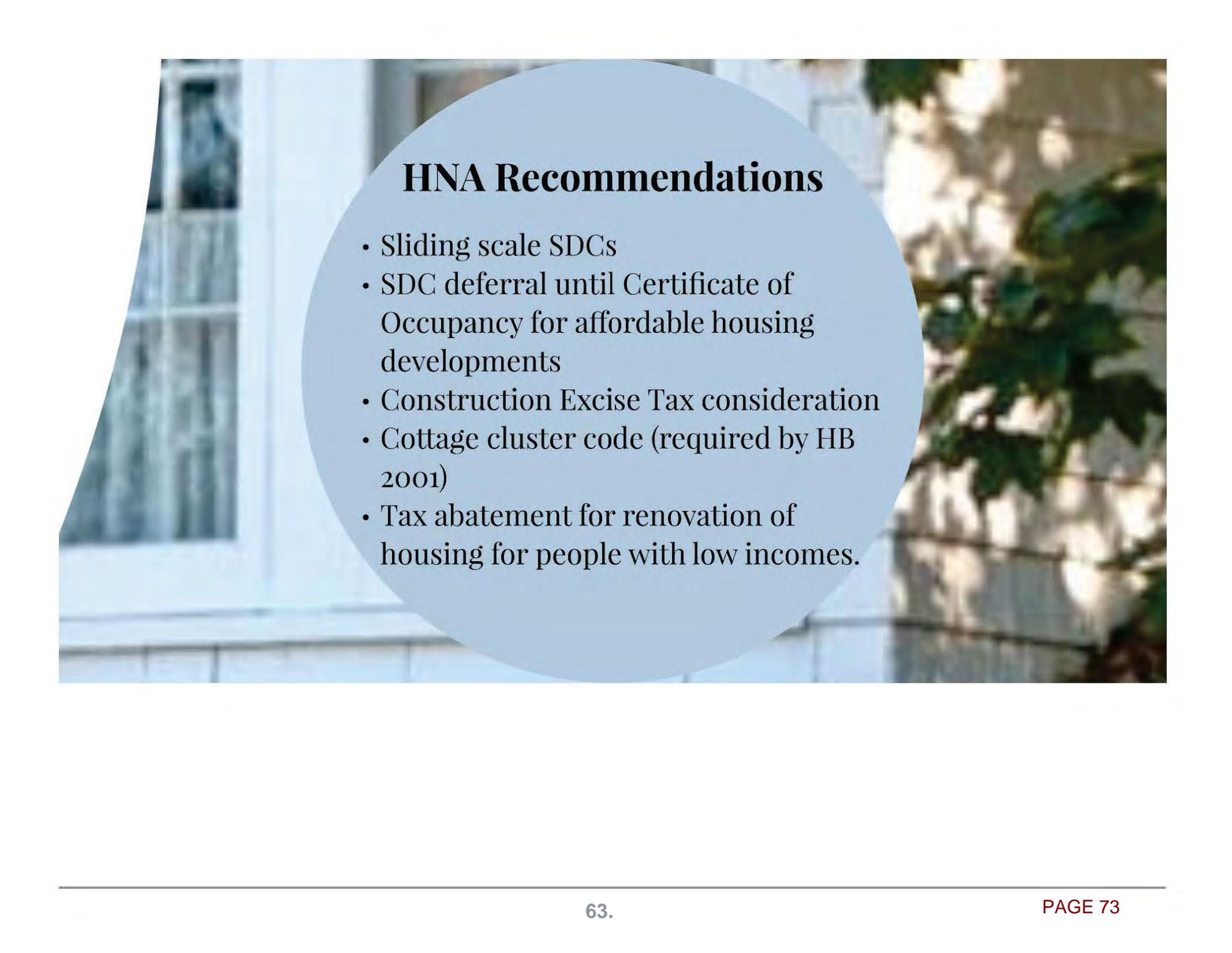
HB 2001 - Missing Middle Housing

- Requires all cities in Metro to allow up to town homes in all lands zoned for single-family housing units.
- Must amend Comp Plan and Development Code by June 30, 2022.
- Requires local governments to consider waiving or deferring SDCs, property tax exemptions, and CET for affordable housing.
- DLCDC to draft administrative rules.



HB 2003 - Regional HNAs

- Requires cities within Metro to estimate housing need every six years.
- Cities must adopt housing production strategy in order to show how they will meet the need.
- Gives money to DLCD to aid cities in implementing housing production strategy.
- Allows DLCD to enforce against cities who are not following production strategy.
- DLCD and OHCS to draft administrative rules.



HNA Recommendations

- Sliding scale SDCs
- SDC deferral until Certificate of Occupancy for affordable housing developments
- Construction Excise Tax consideration
- Cottage cluster code (required by HB 2001)
- Tax abatement for renovation of housing for people with low incomes.

Metro Bond Roles

In 2018, Metro voters passed a \$652 million bond for affordable housing. This funding will be distributed to implementing agencies. In Washington County, these agencies are Beaverton, Hillsboro, and Washington County for all other cities. Implementing agencies will develop their own housing strategy for investment of these funds.

City staff has met with Washington County Housing Authority and discussed roles and responsibilities for implementing the Metro Regional Housing Bond. The County has expressed:

- Appreciation for the work already done (density incentives, tax exemption, city owned land inventory)
- A desire for continued engagement with County staff on potential development opportunities
- Mention of pending affordable housing development within FG.



TRANSPORTATION

LAND USE

HOUSING

DEVELOPMENT

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INTER-COUNCIL DISCUSSION

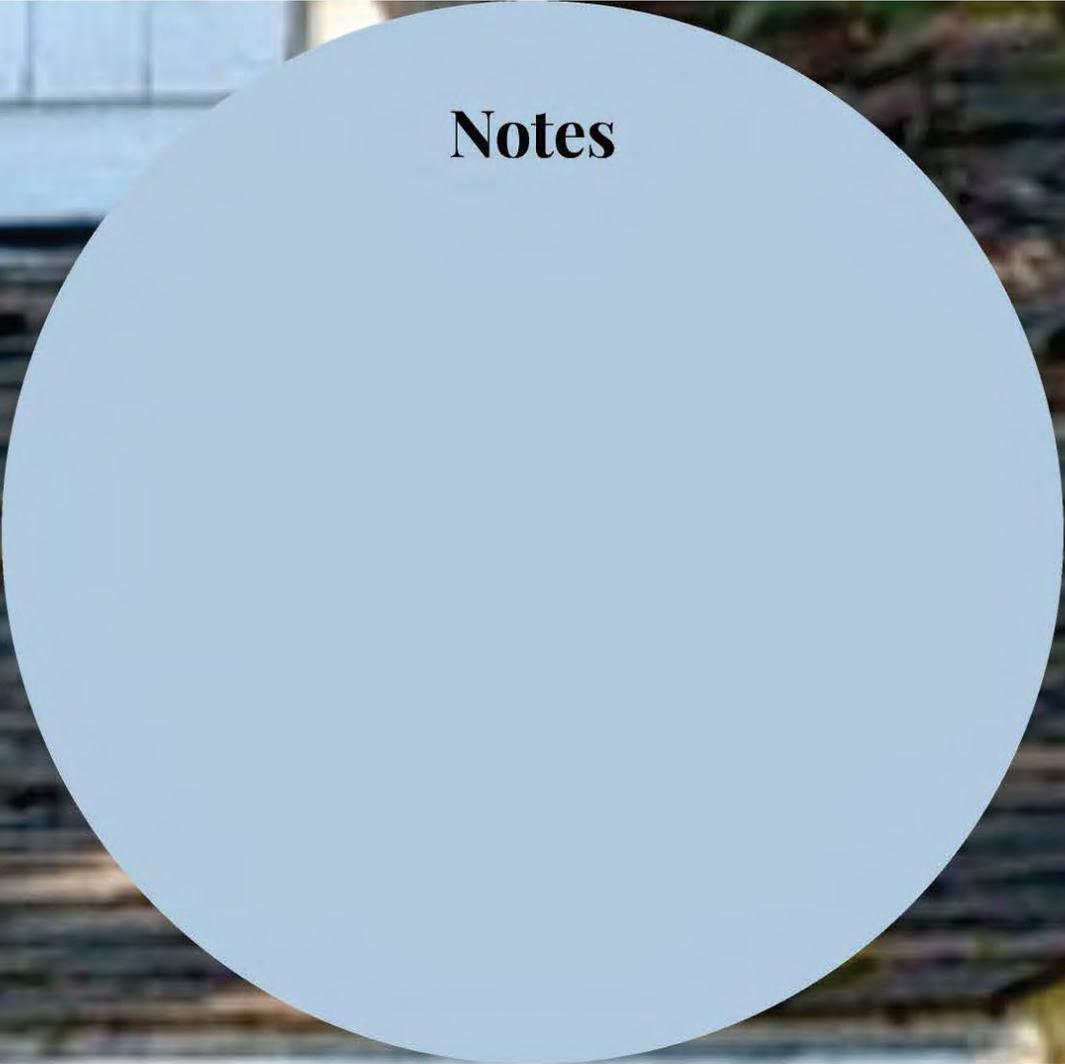
The remaining time will be devoted to the Council discussing the following matters. The intent here is to think holistically about how housing, development, and transportation affect Forest Grove's future.

**Oak Street
Plan**

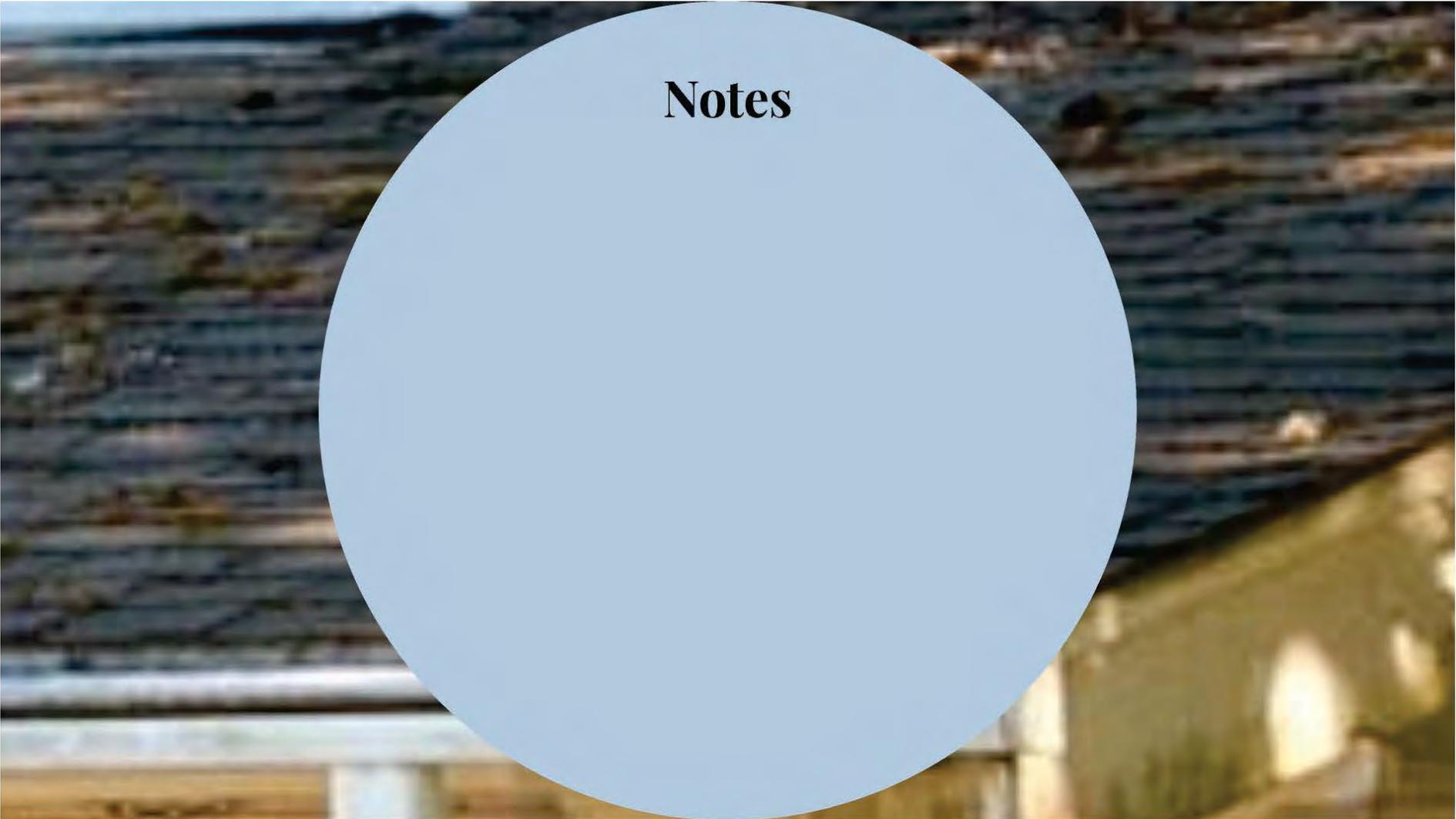
West Side

**TDT / TIF
Strategy**

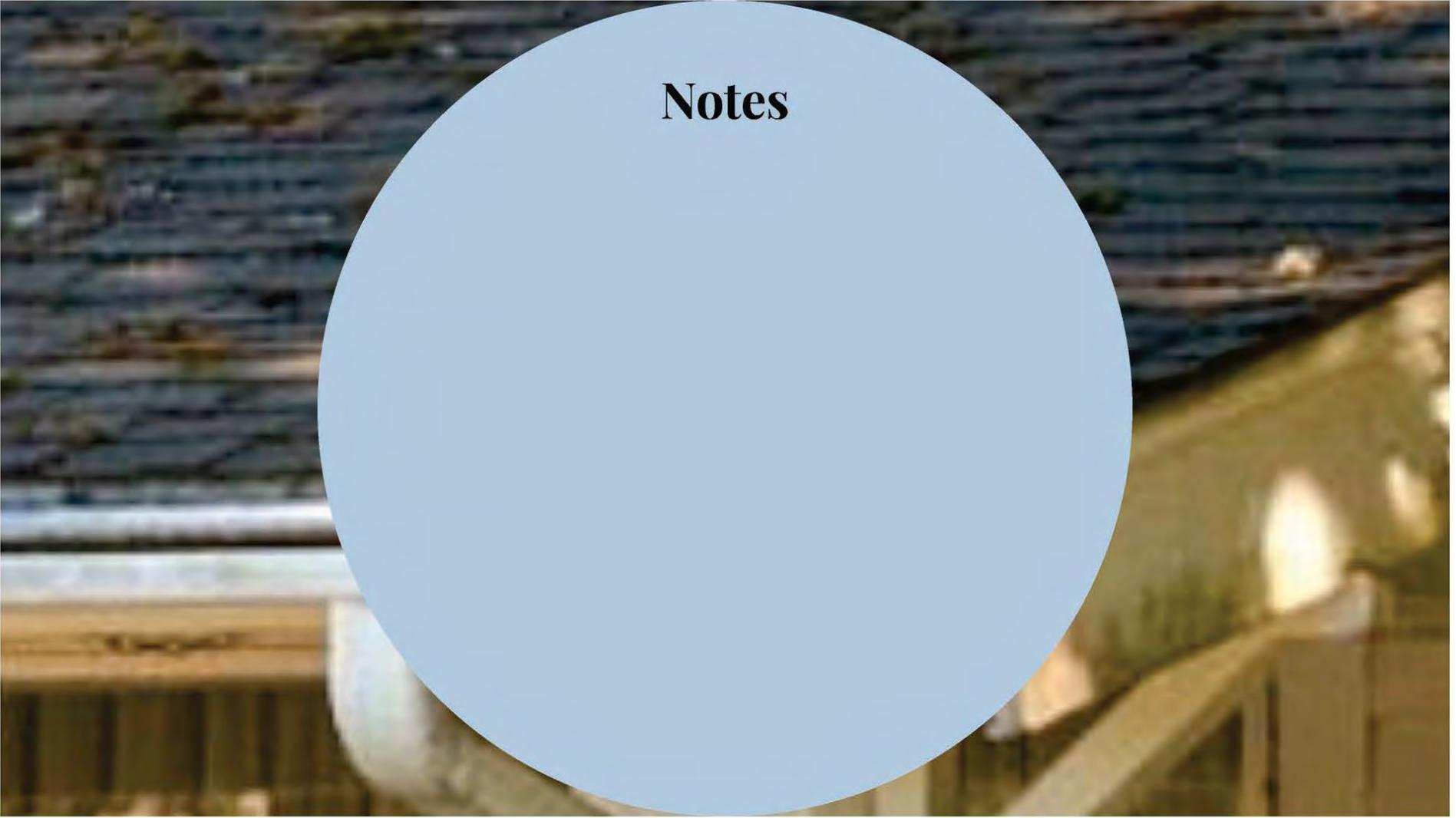
**Affordable
Housing**



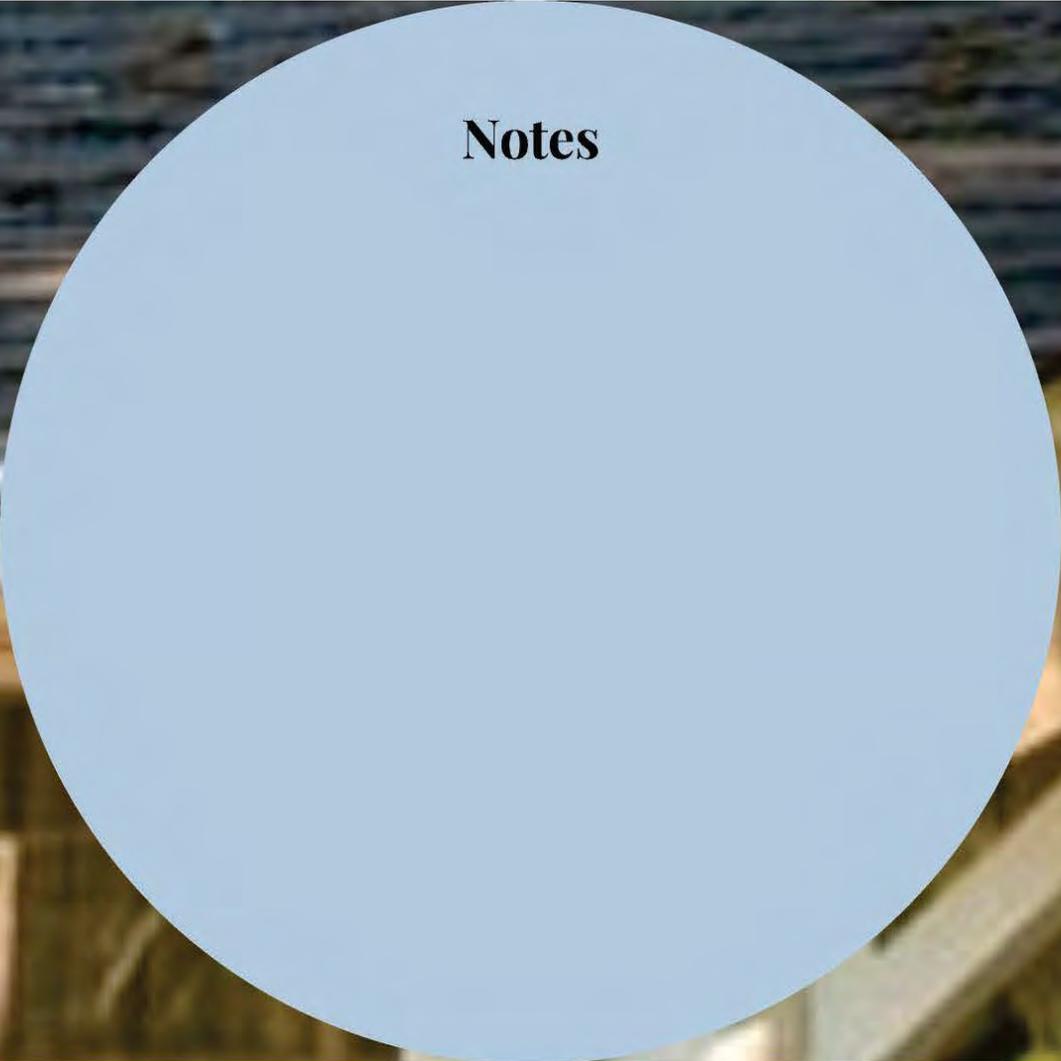
Notes



Notes



Notes



Notes



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PROCLAMATION

FILL-THE-BOOT FOR MDA August 21, 2019

WHEREAS, Forest Grove Fire and Rescue has been working with the Muscular Dystrophy Association (MDA) in their fight against neuromuscular disease, and

WHEREAS, "Fill-The-Boot" is an opportunity for Oregon firefighters to ask community members to drop donations into their fire boots to help local families served by MDA in the state. This year marks the 64th Anniversary of the partnership between firefighters and MDA in the fight against muscle wasting diseases, and

WHEREAS, through their daily service to the community and their dedication to the Muscular Dystrophy Association, Forest Grove Fire Fighters contribute greatly to the wellbeing of all its residents, and

WHEREAS, firefighters locally and nationally are the largest contributors to MDA. Forest Grove firefighters collected over \$4,500 in 2018 to help the fight against 43 different types of neuromuscular diseases.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOREST GROVE DOES HEREBY PROCLAIMS AUGUST 21, 2019, AS

"FILL-THE-BOOT FOR MDA"

In Forest Grove, Oregon, Washington County, and encourages all residents of Forest Grove to support the efforts of our local firefighters and the Muscular Dystrophy Association.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Forest Grove, Oregon, to be affixed this 12th day of August, 2019.



Peter B. Truax, Mayor

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Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 6:18 p.m.

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

STAFF PRESENT: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Bryan Pohl, Community Development Director; and Anna Ruggles, City Recorder.

2. WORK SESSION: TOWN CENTER PARKING STUDY

Pohl and VanderZanden facilitated the above-noted work session, noting the purpose of the work session was to address Council's Objective 1.4 (1), Complete Town Center Parking Study, identified in FY2019-20. Pohl introduced Brian Davis, project consultant, Lancaster Engineering, who was present in the audience, noting the consultant was asked to conduct a parking inventory of on-street parking supply and city-owned public off-street parking lots in the Town Center area, generally bounded by 23rd Avenue on the north, Cedar Street on the east, 18th Avenue on the south, and B Street on the west, and provide strategies and recommendations. Pohl reported a Project Advisory Committee convened to assist the consultant and review work products and held its first meeting on May 28th with three meetings anticipated. In addition, Pohl presented a PowerPoint presentation overview on the culmination of the analysis performed by the consultant, which including the inventory of existing on-street parking supply (468 stalls total); existing off-street parking supply (170 stalls total); data collection peak demand period; and type of parking violations within the past 12 months (by month and location).

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued as Pohl, consultant and VanderZanden responded to various Council inquiries and scenarios pertaining to the Town Center Parking Study, including the inventory of existing on-street and off-street public parking spaces; time of day parking was most problematic; need for a full-time parking enforcement officer; conflicts between residential, business and/or retail parkers; improving wayfinding and ensuring compliance of ADA parking requirements and managing city-owned parking lots, including city employee parking lot, to promote efficient use of these resources. In conclusion of the above-noted Council discussion, VanderZanden and Pohl advised the next steps are to consider formally adopting the

3A

Town Center Parking Study Findings and Recommendations, which requires Planning Commission's acceptance and forwarding a formal recommendation to Council at a later date.

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

3. ADJOURNMENT:

Mayor Truax adjourned the work session at 6:49 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 6:49 p.m.

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

STAFF PRESENT: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; and Anna Ruggles, City Recorder.

2. WORK SESSION: FEDERAL GRANT FEASIBILITY STUDY

VanderZanden facilitated the above-noted work session, noting the purpose of the work session was to address Council's Objective 3.19, Investigate Federal Grant Opportunities, identified in FY2019-20. VanderZanden reported the Budget Committee instructed staff to conduct research, noting staff met with two consultants (CFM Strategic Communications and Summit Strategies), both who are Oregon-based and well known experts in their field, and who have staff in Washington, D. C., and work closely with the Oregon Delegation and their staff. VanderZanden advised the cost to hire a consultant is \$60,000/year, noting staff is recommending a three-year contract as it often takes that long to recognize, apply and secure a federal grant. VanderZanden noted the scope of work includes identifying 6-8 projects and then applying for grants, noting these grants are updated each year to keep the list current. VanderZanden presented a PowerPoint presentation overview, noting staff created a list of potential federal grant qualifying projects, i.e., 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); and Rail conversion. In addition, VanderZanden advised staff is recommending the following options for Council consideration:

- 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 issue a Request for Interest and have a future work session to determine whether to issue a Request for Proposal. *This would not require a budget amendment at this time.*

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to whether it

was good timing to approve a budget amendment to execute the contract, recognizing a proposed levy for a new police station is currently underway. In response to various Council inquiries and scenarios pertaining to the above options, VanderZanden advised the monies would come from the General Fund and these funds would not be reimbursed by a grant, to which Council collectively concurred to proceed with Option 3, which does not require a budget amendment, with the exception of Mayor Truax, who preferred proceeding with Option 2, because in the meantime, other municipalities in Washington County are successfully securing federal grants. In conclusion of the above-noted Council discussion, VanderZanden advised staff would hold a follow-up work session to determine next steps, to which Council collectively concurred.

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

3. ADJOURNMENT:

Mayor Truax adjourned the work session at 6:59 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 5:31 p.m.

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

STAFF PRESENT: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Jeff King, Economic Development Manager; and Anna Ruggles, City Recorder.

2. WORK SESSION: ECONOMIC DEVELOPMENT STRATEGIC PLAN

King and VanderZanden facilitated the above-noted work session, noting the purpose of the work session was to address Council's Objective 3.17, Update Economic Development Strategic Plan, identified in FY2019-20. King presented a PowerPoint presentation overview of the draft Economic Development Strategic Plan (Attachment 1) and Performance Measures (Appendix A), which contained the Vision and Mission Statements and identified 7 Goals and Short and Long-term Objectives under each Goal and a list of key external partners for each goal. King reported the 7 Goals were consolidated from 19 goals identified in the previous Plan (2015-2018 Economic Development Strategic Plan adopted in 2015), noting the Plan also adds equity elements. In conclusion of the above-noted staff report, King advised the Economic Development Commission approved the draft Plan at its meeting in June and is forwarding the Plan for Council consideration, noting the Plan will serve as the City's Economic Development Strategic Plan as well.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued as King and VanderZanden responded to various Council inquiries and scenarios pertaining to the 7 goals and performance measures identified in the Plan, to which Council collectively concurred to consider shortening the 7 goals even more so the goals can be obtainable and to identify key partners' relationships to the City, such as was the relationship established by an agreement or memorandum of understanding. In addition, Mayor Truax suggested adding a phrase to the Vision Statement, to which Council collectively concurred, so that it reads "...provides opportunity and prosperity for the whole community, leaving no one behind." In conclusion of the above-noted Council discussion, VanderZanden advised staff will bring back a proposed resolution for Council

consideration at a later date.

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

3. ADJOURNMENT:

Mayor Truax adjourned the work session at 6:57 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

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A place where families and businesses thrive.

Monday, June 24, 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 7:07 p.m. and led the Pledge of Allegiance.

ROLL CALL: COUNCIL PRESENT: Timothy Rippe; Ronald Thompson; Elena Uhing; Adolph "Val" Valfre; Malynda Wenzl; and Mayor Peter Truax. **COUNCIL ABSENT:** Thomas Johnston, Council President, excused (dismissed ill after work sessions were held).

STAFF PRESENT: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Bryan Pohl, Community Development Director; J. F. Schutz, Police Chief; James Reitz, Senior Planner; Elizabeth Stover, Program Coordinator; Michael Kinkade, Fire Chief (in the audience); and Anna Ruggles, City Recorder.

2. CITIZEN COMMUNICATIONS:

Joey Tretter, Forest Grove, addressed Council inquiring about the process of removing a historic district designation from his property, located at 1836 Cedar Street, to which Mayor Truax referred the matter to the City Manager for staff follow-up.

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 Work Session (Housing Needs Analysis Update) Meeting Minutes of June 10, 2019.
- B. Approve City Council Regular Meeting Minutes of June 10, 2019.
- C. Accept Library Commission Meeting Minutes of May 14, 2019.
- D. Accept Parks and Recreation Commission Meeting Minutes of May 15, 2019.

- E. Accept Planning Commission Meeting Minutes of June 3, 2019.
- F. Accept Public Arts Commission Meeting Minutes of May 9, 2019.
- G. Endorse Liquor License Application Change of Ownership (Limited On-Premises Sales) for Bon Appetit Management Company, located at Pacific University Campus, 2043 College Way.

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

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

5. **PRESENTATIONS:**

5. A. *Police Facility Outreach*

Stover, Downey, Police Chief Schutz presented a PowerPoint presentation overview pertaining to the Police Station Outreach Program and presented a draft informational rack card for review, noting the program includes a project timeline based on a potential May 2020, bond and includes various public and community outreach events and a video produced by TVCTV, featuring Chief Schutz and Mayor Truax, which will be published on the City's website and social media. In conclusion of the above-noted presentation, Stover, Downey and Schutz addressed various Council comments pertaining to the rack card and public outreaches, to which staff concurred increasing the font on the rack card for ADA compliance and conducting a presentation for seniors at the Forest Grove Senior and Community Center.

5. B. *Tualatin Valley Highway Improvement Plan*

Pohl presented a PowerPoint presentation overview pertaining to the TV Highway Improvement Plan Project Area, noting the project is a partnership between the City and Oregon Department of Transportation to improve pedestrian/bicycle safety, better access to transit and better streetscape. Pohl reported the project includes assistance from a technical advisory committee and input from various key partners. In conclusion of the above-noted presentation, Pohl addressed various Council comments pertaining to the project implementation plan and the Council's concern to ensure safe crossings for all users, noting the next steps include gathering input and seeking feedback from the Planning Commission and Council in 2020 on the proposed design solutions, implementation strategy and funding plan.

6. **CONTINUE PUBLIC HEARING AND SECOND 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-**

000002-PLNG

The first reading of Ordinance No. 2019-05 by title occurred at the Council meeting of June 10, 2019.

Staff Report:

Reitz and Pohl presented the above-proposed ordinance for second reading, noting in response to concerns heard at the hearing held on June 10, 2019, pertaining to recreational vehicles at the Elks Lodge (2810 Pacific Avenue) and manufactured home park (2829 Pacific Avenue), staff consulted with the City Attorney who concluded the use at both locations met the ORS 197.493 definition of an RV park (two or more RV located within 500 feet of one another on a parcel of land); however, because the city's zoning ordinance in effect before 2009 did not specifically regulate RV parks, both locations are "grandfathered" as valid non-conforming uses and/or non-conforming structure(s). Reitz reported new RV parks would be conditional uses in the Community Commercial zoning district, where both sites are located, and would be reviewed under the Development Code §17.5.500, *Recreational Vehicles Parks*. In conclusion of the above-noted staff report, Reitz and Pohl advised staff is recommending Council approve the proposed ordinance, as outlined in Exhibit A and Exhibit B, Signs Code, noting the proposed ordinance as written allows each property to have one portable feather banner.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of June 10, 2019, and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

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 June 10, 2019.

VanderZanden read Ordinance No. 2019-05 by title for second reading.

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

7. **CONTINUE PUBLIC HEARING AND SECOND 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**

The first reading of Ordinance No. 2019-06 by title occurred at the Council meeting of June 10, 2019.

Staff Report:

Reitz and Pohl had nothing further to report.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of June 10, 2019, and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

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 June 10, 2019.

VanderZanden read Ordinance No. 2019-06 by title for second reading.

ROLL CALL VOTE: AYES: Councilors Rippe, Thompson, Uhing, Valfre, Wenzl,

and Mayor Truax. NOES: None. ABSENT: Council President Johnston.
MOTION CARRIED 6-0.

8. A. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-07 AMENDING THE COMPREHENSIVE PLAN MAP TO RE-DESIGNATE ONE PARCEL FROM NEIGHBORHOOD COMMERCIAL (NC) TO TOWN CENTER TRANSITION (TCT); WASHINGTON COUNTY TAX LOT 1S306BA09600; LOCATED AT 1836 CEDAR STREET, PROPERTY OWNER: JOSEPH TRETTER; FILE NO. 311-19-000005-PLNG

Staff Report:

Reitz and Pohl presented the above-proposed ordinance for first reading, noting the proposed ordinance is adopting legislative Comprehensive Plan Map amendment to re-designate one parcel from Neighborhood Commercial (NC) to Town Center Transition (TCT); Washington County Tax Lot 1S306BA09600, located at 1836 Cedar Street, within the Clark Historic District; File No. 311-19-000005-PLNG. Reitz presented a PowerPoint presentation overview of an aerial view of parcel and surrounding properties, noting when the city adopted the new Development Code in 2009, all the surrounding properties that were previously zoned Community Commercial were rezoned to TCT; however, it is unclear as to why the above-noted parcel was not rezoned as well. In addition, Reitz presented an overview of the proposed Comprehensive Plan Map and Zoning Map amendments and findings supporting the Planning Commission's recommendations contained in Planning Commission Decision No. 2019-07, attached as Exhibit B. In conclusion of the above-noted staff report, Reitz and Pohl advised staff is recommending Council adopt the proposed ordinance amending the Comprehensive Plan Map as outlined in Exhibit A, File No. 311-19-000005-PLNG, noting the city is initiating the application due to the spot-zoning of the above-noted one parcel.

Before proceeding with the Public Hearing for Agenda Items 8. A. and 8. B. and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2019-07 for first reading.

VanderZanden read Ordinance No. 2019-07 by title for first reading.

MOTION: Councilor Valfre moved, seconded by Councilor Wenzl, to adopt Ordinance No. 2019-07 Amending the Comprehensive Plan Map to Re-Designate One Parcel from Neighborhood Commercial (NC) to Town Center Transition (TCT); Washington County Tax Lot 1S306BA09600; Located at 1836 Cedar Street, Property Owner: Joseph Tretter; File No. 311-19-000005-PLNG.

Public Hearing Opened:

Mayor Truax opened the Public Hearings for Agenda Items 8. A. and 8. B. and explained hearing procedures.

Written Testimony Received:

Joel White, Forest Grove, submitted written testimony dated June 21, 2019, in opposition of re-designating the above-noted parcel to TCT.

No other written testimony was received.

Proponents:

Joey Tretter, Forest Grove, applicant, testified in support of the application to re-designate his property to TCT, noting he does not recall receiving notice from the city in 2009 regarding his property being rezoned from CC to NC. Tretter noted that he is wanting to construct improvements with setback requirements that would be allowed under the TCT designation.

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

Opponents:

No one testified and no other written comments were received.

Others:

No one testified and no other written comments were received.

Council Discussion:

In response to Rippe's inquiry pertaining to the boundaries of the Clark Historic District, Reitz referenced the map showing the boundaries.

Public Hearing Continued:

Hearing no concerns from the Council, Mayor Truax continued the Public Hearing until the next meeting July 8, 2019.

8. B. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-08 AMENDING THE ZONING MAP TO RE-DESIGNATE ONE PARCEL FROM NEIGHBORHOOD COMMERCIAL (NC) TO TOWN CENTER TRANSITION (TCT); WASHINGTON COUNTY TAX LOT 1S306BA09600; LOCATED AT 1836 CEDAR STREET, PROPERTY OWNER: JOSEPH TRETTER; FILE NO. 311-19-000005-PLNG**

Staff Report:

Reitz and Pohl presented the above-proposed ordinance for first reading, noting the proposed ordinance is adopting legislative Zoning Map amendment to re-designate one parcel from Neighborhood Commercial (NC) to Town Center Transition (TCT); Washington County Tax Lot 1S306BA09600, located at 1836 Cedar Street, within the Clark Historic District; File No. 311-19-000005-PLNG. In conclusion of the above-noted staff report, Reitz and Pohl advised staff is recommending Council adopt the proposed ordinance amending the Zoning Map as outlined in Exhibit A, File No. 311-19-000005-PLNG.

Mayor Truax asked for a motion to adopt Ordinance No. 2019-08 for first reading.

VanderZanden read Ordinance No. 2019-08 by title for first reading.

MOTION: Councilor Valfre moved, seconded by Councilor Wenzl, to adopt Ordinance No. 2019-08 Amending the Zoning Map to Re-Designate One Parcel from Neighborhood Commercial (NC) to Town Center Transition (TCT); Washington County Tax Lot 1S306BA09600; Located at 1836 Cedar Street, Property Owner: Joseph Tretter; File No. 311-19-000005-PLNG.

Public Hearing Continued:

Hearing no concerns from the Council, Mayor Truax continued the Public Hearing until the next meeting July 8, 2019.

9. PUBLIC HEARING AND RESOLUTION NO. 2019-33 ADOPTING BUDGET FOR FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020

Staff Report:

Downey presented the above-proposed resolution for Council consideration, noting the Budget Committee approved at its May 9, 2019, meeting a proposed budget of \$120,237,091 for Fiscal Year commencing July 1, 2019, and ending June 30, 2020. Downey advised staff is recommending three changes to the proposed budget as follows:

- Increase in Capital Outlay in the Water Fund of \$125,000 for the replacement of a flow meter on the 24-inch pipe from the Joint Water Commission (JWC) plant to the City's distribution system. The funds for this project will come from Water Fund Reserves.
- Increase in Professional Services in the Building Permits Fund of \$12,000 to scan large plans that need to be retained by the City and an increase in Building Permits Fund Capital Outlay for making changes to the building inspectors' work areas to improve their working area. The funds for these changes will come from Building Fund Reserves.
- Corrections to Engineering Personnel Services due to a calculation error when personnel services were budgeted. The correction lowers Engineering Personnel Services by \$47,373. The correction was made as it reduces the amount of the General Fund Support Services charge paid to the General Fund by the Water, Sewer, Street, and Surface Water Management Funds. Ending Fund Balances in all of the funds affected by the correction were increased by the amount of correction applied to each of the funds.

Downey added after working with Bonneville Power Administration (BPA) for the last few years, Light and Power has received approval from BPA to install a feeder line from Filbert Street Substation to the Thatcher Substation. The new line will fix the brief outages that are caused by issues from the BPA line from Tillamook as the new

feeder line will receive power from the BPA line from McMinnville. An initial estimate of the cost of the project is about \$900,000. The project is expected to take two years and will involve changes to the Filbert Substation, the installation of the power line, and the replacement of about 100 poles along the route, noting staff is not asking for additional budget resources as the project will be completed by deferring other maintenance projects that can be safely delayed, some of the poles along the route were already budgeted to be replaced, and existing funds for outside design services are already in the Budget. In conclusion of the above-noted staff report, Downey advised staff is recommending Council consider adopting the proposed resolution as outlined in Exhibit A, which includes the above-noted three changes to the proposed budget for a total adopted budget in the amount of \$120,189,718 for Fiscal Year 2019-20.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-33.

VanderZanden read Resolution No. 2019-33 by title.

MOTION: Councilor Wenzl moved, seconded by Councilor Uhing, to approve Resolution No. 2019-33 Adopting Budget for Fiscal Year Commencing July 1, 2019, and Ending June 30, 2020, in the amount of \$120,189,718.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

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 above motion.

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

10. **RESOLUTION NO. 2019-34 MAKING APPROPRIATIONS FOR THE CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON, FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020**

Staff Report:

Downey presented the above-proposed resolution making the necessary appropriations for Fiscal Year commencing July 1, 2019, and ending June 30, 2020, as outlined in the staff report and proposed resolution. In conclusion of the above-noted staff report, Downey advised staff is recommending Council consider adopting the proposed resolution as outlined in Exhibit A.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-34.

VanderZanden read Resolution No. 2019-34 by title.

MOTION: Councilor Rippe moved, seconded by Councilor Uhing, to approve Resolution No. 2019-34 Making Appropriations for the City of Forest Grove, Washington County, Oregon, for the Fiscal Year Commencing July 1, 2019, and Ending June 30, 2020.

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

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

11. **RESOLUTION NO. 2019-35 LEVYING AND CATEGORIZING TAXES FOR THE CITY OF FOREST GROVE FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020**

Staff Report:

Downey presented the above-proposed resolution levying and categorizing taxes imposed at the rate of \$5.554 per \$1,000 of assessed value for Fiscal Year commencing July 1, 2019, and ending June 30, 2020, as outlined in the staff report and proposed resolution. In conclusion of the above-noted staff report, Downey advised as proposed in the resolution, the City levies the following: 1) General Fund – Permanent Rate of \$3.9554 and 2) City's Five-Year Local Option Levy of \$1.6000,

which expires June 30, 2023.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-35.

VanderZanden read Resolution No. 2019-35 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Valfre, to adopt Resolution No. 2019-35 Levying and Categorizing Taxes for Fiscal Year Commencing July 1, 2019, and Ending June 30, 2020.

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

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

12. RESOLUTION NO. 2019-36 ADOPTING THE FISCAL YEARS 2019-24 CAPITAL IMPROVEMENTS PROGRAM

Staff Report:

Downey presented the above-proposed resolution adopting Fiscal Years 2019-24 Capital Improvements Program (CIP) as approved by the Budget Committee, noting the CIP forms the basis for planning capital projects over a five-year period and aids in setting system development charges (SDC) for the City. In conclusion of the above-noted staff report, Downey advised the projects to be accomplished for Fiscal Year 2019-20 are identified in the appropriate funds in the adopted budget, noting projects funded by SDC must be listed in the CIP in order for SDC funds to be expended on those projects.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-36.

VanderZanden read Resolution No. 2019-36 by title.

MOTION: Councilor Rippe moved, seconded by Councilor Uhing, to approve Resolution No. 2019-36 Adopting Fiscal Years 2019-24 Capital Improvements Program.

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

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

13. PUBLIC HEARING AND RESOLUTION NO. 2019-37 CERTIFYING SERVICES PROVIDED BY THE CITY OF FOREST GROVE

Staff Report:

Downey presented the above-proposed resolution certifying services provided by the City for Fiscal Year 2019-20 as outlined in the staff report and proposed resolution. In conclusion of the above-staff report, Downey advised the City is required to certify the services provided by the City in order to receive State Shared Revenue.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-37.

VanderZanden read Resolution No. 2019-37 by title.

MOTION: Councilor Valfre moved, seconded by Councilor Wenzl, to adopt Resolution No. 2019-37 Certifying Services Provided by the City of Forest Grove.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

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 above motion.

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

14. PUBLIC HEARING AND RESOLUTION NO. 2019-38 DECLARING THE CITY'S ELECTION TO RECEIVE STATE SHARED REVENUES

Staff Report:

Downey presented the above-proposed resolution declaring the City's intent to receive State Revenue Sharing for Fiscal Year 2019-20 as outlined in the staff report and proposed resolution. In conclusion of the above-noted staff report, Downey advised the City is projected to receive \$447,760 in Alcohol Tax Revenue; \$28,709 in Cigarette Tax Revenue; \$76,000 in State Marijuana Tax Revenue; and \$304,477 in State Revenue Sharing, noting for budgetary purposes, Alcohol Tax is allocated to the Police Department; Cigarette Tax is allocated to the Fire Department; and State Marijuana Tax and State Shared Revenue goes into the General Fund Discretionary Revenue.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-38.

VanderZanden read Resolution No. 2019-38 by title.

MOTION: Councilor Uhing moved, seconded by Councilor Wenzl, to adopt Resolution No. 2019-38 Declaring City's Election to Receive State Shared Revenues.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

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 above motion.

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

15. PUBLIC HEARING AND RESOLUTION NO. 2019-39 ADOPTING CAPITAL IMPROVEMENTS PROGRAM EXCISE TAX AND REPEALING RESOLUTION NO. 2018-64

Staff Report:

Downey presented the above-proposed resolution imposing Capital Improvements Program (CIP) Excise Tax for the purpose of funding public safety and general government programs within the CIP for Fiscal Year 2019-20 as outlined in the staff report and proposed resolution. Downey reported the City expects to collect approximately \$355,153 in revenue from the CIP Excise Tax in Fiscal Year 2019-20 based on current fee levels. The fees will remain the same for each electric meter for Fiscal Year 2019-20 as follows: 1) Residential, \$3.00; 2) Commercial – Single Phase, \$7.50; and 3) All others, \$15.00. Downey noted 90 percent of fees collected will be used to fund public safety capital needs, particularly police and fire vehicle replacements, and 10 percent will be used to fund General Government Programs. Downey advised other expenditures in Fiscal Year 2019-20 include implementing police electronic ticket software, minor improvements in Thatcher Park and a sign for a city park. In conclusion of the above-noted staff report, Downey advised the CIP Excise Tax is accounted for in a separate fund to ensure the tax proceeds are spent as required by resolution.

Before proceeding with Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-39.

VanderZanden read Resolution No. 2019-39 by title.

MOTION: Councilor Wenzl moved, seconded by Councilor Rippe, to approve Resolution No. 2019-39 Adopting Capital Improvements Program Excise Tax and Repealing Resolution No. 2018-64.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

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 above motion.

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

16. **RESOLUTION NO. 2019-40 TRANSFERRING APPROPRIATIONS WITHIN VARIOUS FUNDS FOR THE FISCAL YEAR 2018-19**

Staff Report:

Downey presented the above-proposed resolution transferring various appropriated amounts for Fiscal Year 2018-19 as outlined in the staff report and proposed resolution. In conclusion of the above-noted staff report, Downey advised staff is recommending Council adopt the proposed resolution transferring appropriations within Fiscal Year 2018-19 budget, so budgeted appropriations are not exceeded.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2019-40.

VanderZanden read Resolution No. 2019-40 by title.

MOTION: Councilor Valfre moved, seconded by Councilor Rippe, to adopt Resolution No. 2019-40 Transferring Appropriations within Various Funds for Fiscal Year 2018-19.

Council Discussion:

In response to Rippe's concern pertaining to the Building Permits Fund expenditures, Downey explained the budget will be exceeded due to a high level of building

activities and inspections performed by outside agencies and consultants, noting Cornelius pays their shared expenses separately.

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

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

17. CITY COUNCIL COMMUNICATIONS:

Council President Johnston was absent.

Rippe reported attending various community-related events and reported on upcoming meetings he was planning to attend.

Thompson reported on upcoming meetings he was planning to attend.

Uhing reported on upcoming meetings she was planning to attend.

Valfre reported attending Library Commission meeting and gave an update on the memorial garden. Valfre reported attending various community-related events. In addition, Valfre gave updates on Metro's project, 36 units for Forest Grove, as well as other regional matters of interest and upcoming meetings he was planning to attend.

Wenzl reported attending Committee for Community Involvement (CCI) meeting, noting CCI discussed the topic for Annual Town Meeting 2020, which will focus on the proposed new police station. Wenzl reported CCI also discussed the Latino summit, noting CCI would like specific direction to ensure it is effectively planned, to which VanderZanden advised he would be happy to facilitate the discussion. Wenzl reported she was unable to attend the last Parks and Recreation Commission meeting. In addition, Wenzl reported on upcoming meetings she was planning to attend.

18. City Manager's Report:

VanderZanden reported on upcoming meetings and events as noted in the Council calendar and City Manager's Report. In addition, VanderZanden gave updates on various department-related activities and projects and reported on other regional matters of interest.

19. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax recapped the City's delegation visit to Nyuzen, Japan, in celebration of the 30th Year Anniversary as sister cities, noting the past three decades have been marked by an education and appreciation of Japanese

ingenuity, inventiveness and, above all, international friendship. Mayor Truax displayed the gifts to the City from Nyuzen and a pamphlet of the City's gift to Nyuzen, noting Eric Canon Metalworks constructed an outdoor metal sculpture, consisting of a circle representing Forest Grove's three oak leaves. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County-related matters of interest and meetings he attended, upcoming community-related events, and upcoming meetings and events he was planning to attend.

20. ADJOURNMENT:

Mayor Truax adjourned the regular Council meeting at 9:15 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 5:31 p.m.

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

STAFF PRESENT: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; J. F. Schutz, Police Chief; Michael Hall, Police Captain (in the audience); and Anna Ruggles, City Recorder.

2. WORK SESSION: PROPOSED POLICE STATION CONCEPT DESIGN REVIEW

Downey, Police Chief Schutz and VanderZanden facilitated the above-noted work session, noting the purpose of the work session was to address the initial proposed police station concept design concerns from January 28, 2019, work session, and to review the new proposed concept design changes. Downey introduced MacKenzie, two consultants, who were present in the audience. Downey and Chief Schutz presented a PowerPoint presentation overview of the new proposed concept design changes, noting during discussions to develop responses to Council concerns, two concepts emerged: 1) Reducing the footprint of the original concept design from 25,443 to 22,385 square feet, and 2) Original concept design with reduction in footprint: Police Station 19,670 square feet and separate firing range structure 3,200 square feet. Downey, Chief Schutz and consultants addressed the four areas of concerns as noted below:

1) Firing Range – justification for having a range

Chief Schutz addressed current conditions, safety concerns and the available options if training was moved to an offsite range versus building a new self-contained range at the site of the proposed station, noting the payback costs for a new range on-site would take approximately 15 years or less depending on costs. Training is conducted four times a year, approximately 440 hours of overtime for officers and 80 hours for sergeants. The revised concept removes the firing range from the main building and locates it as a separate structure within the secure parking area. With this approach, the building floor plan is being reconfigured to take advantage of the firing range no longer being a design element of the building but a separate out building.

2) Lobby/Exterior Concept Design – size and look

The revised concept focuses on reducing the size of lobby by generally reconfiguring the stairs.

3E

3) Evidence Area – size and look

The revised concept focuses on downsizing the evidence storage area and using high-density mobile shelving to store evidence using less building footprint. This will not affect the amount of evidence that can be stored compared to the initial design.

4) Training Room – questioned need for another public meeting room

The intent has been that it would be a training room for police and, at times, outside agencies, and not a public meeting room due to controlled public access and security. The revised concept efficiently utilizes space.

Downey reported staff and the architect have discussed the possibility of completing schematic design prior to the bond election, which would proceed to the 30 percent design development phase of the project, meaning the detailed layout of the building is complete. Downey advised the proposal for schematic design would add approximately \$200,000 to design costs and would be reimbursed from bond funds. In conclusion of the above-noted staff report, Downey advised staff is asking Council to consider proceeding with the proposed police station concept design changes, which have separate buildings for the police station and firing range, and complete the schematic design to inform cost estimates and exterior finish.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued as Downey, Chief Schutz, consultants and VanderZanden responded to various Council inquiries and scenarios pertaining to the above-noted discussion topics; ADA Accessible, space should be welcoming and provide equal access for all; incorporating sustainable materials and the importance of completing the schematic design prior to the bond election, as well as the pros and cons of having separate buildings for the police station and firing range, to which Council collectively concurred to proceed with completing schematic design based on the proposed concept design changes. In conclusion of the above-noted discussion, VanderZanden advised staff will schedule a follow-up work session after the schematic design is completed so Council can discuss next steps to include revised cost estimates and the timelines in preparation for the May, 2020 election, noting public outreach is being scheduled and the informational rack card will be completed and published soon in both Spanish and English.

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

3. ADJOURNMENT

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

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder



A place where families and businesses thrive.

Monday, July 8, 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 7:01 p.m. and led the Pledge of Allegiance.

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

STAFF PRESENT: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Bryan Pohl, Community Development Director; Gregory Robertson, Public Works Director; J. F. Schutz, Police Chief; Michael Hall, Police Captain; Gretchen Roberts, IT Manager; James Reitz, Senior Planner; Derek Robbins, Project Engineer; and Anna Ruggles, City Recorder.

2. CITIZEN COMMUNICATIONS:

James Vance, 16th Avenue, Forest Grove, addressed Council regarding street congestion and the lack of stop signs in the area of Old Town. Vance submitted a street map showing the areas of congestion and highlighted the areas where stop signs could be installed to address safety concerns, to which Mayor Truax referred the matter to the City Manager for staff follow-up.

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 Executive Session (City Manager Performance Evaluation) Meeting Minutes of June 24, 2019.
- B. Accept Committee for Community Involvement Meeting Minutes of May 7, 2019.
- C. Accept Community Forestry Commission Meeting Minutes of May 15, 2019.
- D. Accept Historic Landmarks Board Meeting Minutes of May 21, 2019.

- E. Community Development Department Monthly Building Activity Informational Report for June 2019.
- F. Endorse New Liquor License Application (Full On-Premises Sales) for The Lazy Eye, 2036 Pacific Avenue.

MOTION: Councilor Uhing moved, seconded by Councilor Rippe, to approve the Consent Agenda as presented. **ABSENT:** Council President Johnston and Councilor Wenzl. **MOTION CARRIED 5-0 by voice vote.**

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

5. **PRESENTATIONS:**

5. A. Council Creek Regional Trail Update

Robbins and Robertson presented a PowerPoint presentation overview pertaining to the Council Creek Regional Trail, noting regional partners are seeking approximately \$1.5 million for preliminary engineering and design for Hillsboro/Cornelius/Forest Grove segment as it moves closer to implementation. Robbins gave an overview of the Forest Grove to Hillsboro trail segment, noting the trail will extend 5.5 miles, and if funding is successfully awarded, the funds will be available in 2022, which gives regional partners time to find a resolution on the railroad right-of-way. In conclusion of the above-noted presentation, Robbins and Robertson addressed various Council comments pertaining to regional funding, noting funding includes Washington County MSTIP Matching Funds (\$154,050) and Metro Regional Flexible Funding (\$1,345,950) and there is uncertainty if TriMet will provide any funding for the extension.

5. B. GIS RoadMap Update

Roberts and Downey presented a PowerPoint presentation overview on the culmination work that has been performed in an effort to fully implement the City's GIS RoadMap, noting Jennifer Zumbado-Hannibal, City's GIS Coordinator, will be implementing the project over the next 4-5 years. In conclusion of the above-noted presentation, Roberts and Downey addressed various Council comments pertaining to the scope of the project, noting the electronic standards will be finalized by the end of calendar year 2019 and short-term goals include Light and Power mapping Request for Proposal and continuing staff training on the GIS data.

6. A. **CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2019-07 AMENDING THE COMPREHENSIVE PLAN MAP TO RE-DESIGNATE ONE PARCEL FROM NEIGHBORHOOD COMMERCIAL (NC) TO TOWN CENTER TRANSITION (TCT); WASHINGTON COUNTY TAX LOT 1S306BA09600; LOCATED AT 1836 CEDAR STREET, PROPERTY OWNER: JOSEPH TRETTER; FILE NO. 311-19-000005-PLNG**

The first reading of Ordinance No. 2019-07 by title occurred at the Council meeting of

June 24, 2019.

Staff Report:

Reitz and Pohl had nothing further to report.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of June 24, 2019, and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

Proponents:

Joey Tretter, Forest Grove, applicant, had nothing further to report.

No one else 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 June 24, 2019.

VanderZanden read Ordinance No. 2019-07 by title for second reading.

ROLL CALL VOTE: AYES: Councilors Rippe, Thompson, Uhing, Valfre, and Mayor Truax. NOES: None. ABSENT: Council President Johnston and Councilor Wenzl. MOTION CARRIED 5-0.

6. B. **CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2019-08 AMENDING THE ZONING MAP TO RE-DESIGNATE ONE PARCEL FROM NEIGHBORHOOD COMMERCIAL (CN) TO TOWN CENTER TRANSITION (TCT); WASHINGTON COUNTY TAX LOT 1S306BA09600; LOCATED AT 1836 CEDAR STREET, PROPERTY OWNER: JOSEPH TRETTER; FILE NO. 311-19-000005-PLNG**

The first reading of Ordinance No. 2019-08 by title occurred at the Council meeting of June 24, 2019.

Staff Report:

Reitz and Pohl had nothing further to report.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of June 24, 2019, and explained hearing procedures.

Written Testimony Received:

No written testimony was received.

Proponents:

Joey Tretter, Forest Grove, applicant, had nothing further to report.

No one else 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 June 24, 2019.

VanderZanden read Ordinance No. 2019-08 by title for second reading.

ROLL CALL VOTE: AYES: Councilors Rippe, Thompson, Uhing, Valfre, and Mayor Truax. NOES: None. ABSENT: Council President Johnston and Councilor Wenzl. MOTION CARRIED 5-0.

7. CITY COUNCIL COMMUNICATIONS:

Council President Johnston was absent.

Rippe announced National Night Out will be held August 6, 2019. In addition, Rippe reported on legislative-related speed zone regulations and reported on upcoming meetings he was planning to attend.

Thompson reported Ride Connection/Grovelink is moving ahead with its expansion. In addition, Thompson reported on upcoming meetings he was planning to attend.

Uhing reported on legislative-related regulations, noting she would like the City to be proactive on the legislative bill that requires cities with population greater than 25,000 to allow middle housing in lands zoned for residential uses within urban growth boundary, to which VanderZanden concurred. In addition, Uhing reported on matters of interest and upcoming meetings she was planning to attend.

Valfre commended Public Works staff, noting within 24 hours of making a call, staff had a new speed zone sign installed at the entrance at Thatcher Road. In addition, Valfre reported on legislative-related funding programs and regional meetings he attended as well as upcoming speaking engagements and meetings he was planning to attend.

Wenzl was absent.

8. City Manager's Report:

VanderZanden reported on upcoming meetings and events as noted in the Council calendar and City Manager's Report. VanderZanden reported Forest Grove and Cornelius will be hosting the Westside Economic Alliance bike tour this year, tentatively scheduled for late August-early September, noting stops will include downtown Forest Grove, Fernhill Wetland and Cornelius Library. VanderZanden announced Washington County, jointly with the City, is hosting an Open House on July 31, 2019, 5pm-7pm, in the Community Auditorium, on the Martin Road project. VanderZanden noted the consultant developed two alternatives for the Safeway/Goodwill Access Study, which is addressing vehicle turn movements, noting a technical memorandum is being drafted for consideration. VanderZanden commended Police Chief Schutz who was recently recognized by the community as a Local Hero.

In addition, VanderZanden referenced the City Manager's Report to Council, which outlined various upcoming meetings and updates on department-related activities and projects, including Administrative Services; Community Development; Economic Development; Engineering/Public Works; Fire; Library; Light and Power; Parks and Recreation and Police.

9. MAYOR'S REPORT:

Mayor Truax announced dates of various upcoming activities, events and meetings as noted in the Council Calendar. Mayor Truax presented an informational map showing Metro's Tier 1 & 2 Priority Investment Corridors. In addition, Mayor Truax reported on various local, regional, Metro, and Washington County-related matters of interest and meetings he attended, upcoming community-related events, and upcoming meetings and events he was planning to attend.

10. **ADJOURNMENT:**

Mayor Truax adjourned the regular Council meeting at 8:03 p.m. Mayor Truax announced the Council was adjourning and convening in Executive Session at 8:10 p.m., instead of 8:30 p.m. as originally published on the Council meeting agenda.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

Monday, July 8, 2019
8:30 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 8:09 p.m.

ROLL CALL: COUNCIL PRESENT: Timothy Rippe; Ronald Thompson; Elena Uhing; Adolph "Val" Valfre; and Mayor Peter Truax. **COUNCIL ABSENT:** Thomas Johnston, Council President, and 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 8:40 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

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APPROVED

Forest Grove Historic Landmarks Board
Community Auditorium, 1915 Main Street
June 25, 2019 -- 6:30 P.M. Page 1 of 3

3H

Members Present: Jennifer Brent, George Cushing, Larissa Whalen Garfias, Kelsey Trostle, Bill Youngs
Members Excused: Mark Fischer, Holly Tsur
Staff Present: James Reitz
Council Liaison: Tom Johnston was excused.
Citizens Present: 04 (Virginia Petersen, Jon Schnorr, Gary Eddings, and Melody Haveluck)

1. **Call to Order:** Youngs opened the meeting at 6:34 p.m.

2. **Citizen Communication:** None.

3. **Action Items / Discussion:**

A. Preservation Grant Requests:

i. **Ireland House at 1803 Ash Street (Washington County Tax Lot 1S306BB12501). Applicants: Virginia Petersen and Jon Schnorr. File Number 311-19-000010-PLNG.** Mr. Schnorr described the project, noting that it has been approximately 20 years since the house was last painted. He said that the house was overall in fairly good condition, but the paint was starting to deteriorate. He noted there was lead paint and that would be dealt with in accordance with recommended practices. They have selected Craig Jones Painting, and the existing colors will be maintained. In response to a question about the dissimilarity in the bids they received, he replied that the other contractor does brush work exclusively and hence the bid was greater. They were pleased with Craig Jones's description of the work he would do and so have accepted his bid. The Board had no other questions but did recommend that after pressure washing the house, the painter should test for moisture content to be sure the wood had sufficiently dried before any painting started, especially as oil-based primer would be used. **Cushing/Whalen Garfias to approve a \$1,000 grant. Motion carried unanimously.**

ii. **"Drazdoff" House at 1728 Ash Street (Washington County Tax Lot 1S306 BC00300). Applicant: Nola Drazdoff. File Number 311-19-000013-PLNG.** Reitz reported that the owner was disabled and not able to attend the meeting in-person, and that her daughter (the applicant) lives out of state. The applicant requested that the Board discuss the proposed project directly with the contractor instead.

The Board discussed how best to proceed, noting that the application form states that both the owner and a representative can speak for a project. Furthermore, contractors regularly speak at Board meetings, and phone conferences have also been used before, both for absentee owners as well as Board member's participation in meetings. It was concluded that a phone consultation would be acceptable.

A call was then placed to Brandon Davis of Terra Firma Foundation Systems. He noted that the porch had settled and they were proposing to lift it as much as possible but even more important to stabilize the structure to prevent future settling. He said the porch has a concrete foundation with a slab on top. They plan to lift the structure about 3 inches while watching for stress damage to the attached roof of the house. If stress appeared, they would stop before the full 3-inch lift and evaluate further. This procedure would lift the stairs at the same time.

He described the process as using true field piers to lift the structure and then inject a Poly Level solution to stabilize it and prevent cracking of the porch. In response to a question, he replied that the piers were a screw-type system that was offset so that the equipment used to install the piers would be located outside the porch's

perimeter. They would then be drilled down under the porch. In a typical project they would be drilled at least 20 feet down but oftentimes it is deeper depending on the soil type. The screws are about 3 inches in diameter and are designed to just go down and not pull dirt up as an auger would. Once the piers are installed a poly foam fill solution is injected under the porch to fill the void left after the lift. This solution would totally fill the gap and prevent any cracking of the concrete.

In response to another question, he said the firm uses a structural engineer and a geo-tech (soils) engineer to provide the proper engineering for the system. They also employ an outside engineering company to inspect their work to ensure it is done correctly. The Board discussed and concluded that the approach would be acceptable. **Cushing / Trostle to approve a \$1,000 grant. Motion carried unanimously.**

B. National Night Out planning (August 6): Whalen Garfias led the discussion of the activities and it was decided that she would do her kid house project again. The Board will also set up the display board, and provide information on earthquake preparedness and the photo contest, as well as have the usual handouts for distribution. Due to the volume of material to be displayed, plus an area for kid house assembly, the Board will request two tables.

C. Editorial Calendar: Trostle noted that not much was on the calendar at this time. For the fall edition of the FHFG newsletter, Youngs will do an article on the porch stabilization project and tie it into seismic upgrades and the preservation grants.

Trostle commented that the *News Times* appeared happy to do announcements but as far as general interest stories they didn't seem too receptive. At this point no articles will be done until the fall.

D. Funding Sources: Trostle reported that the subcommittee had not done any recent research. It was noted that the City has contracted with Court Carrier to work on tourism development and that he might have some ideas. Cushing said he would contact him. If Mr. Carrier has some ideas on funding sources, Cushing will contact Trostle to set up a meeting to discuss those ideas.

4. Old Business/New Business:

A. Approval of Historic Landmarks Board Meeting Minutes. **The meeting minutes of May 21, 2019 were approved as submitted.**

B. Council Liaison Report. None, as Councilor Johnston was excused.

C. FHFG Report. Gary Eddings introduced himself as the new liaison. He commented that he was still learning his job and added that the garden tour went well.

D. Staff Update. Reitz reported that two responses had been received for the downtown district nomination request for proposals; both firms are very well qualified. One was from HPNW, a consultant the City has contracted with several times before, while the other was from Painter Preservation, based in Spokane. The principle of Painter Preservation had worked for Oregon's SHPO for a few years, as well as having done a large variety of other projects since.

The Board discussed the two proposals at length and concluded that while both firms are qualified, Painter Preservation has a bit more experience in commercial districts and it could be advantageous to bring in someone with a fresh perspective. **Brent/Trostle to award the contract to Painter Preservation. Motion carried unanimously.**

- E. Report on May 28, 2019 City Council Presentations. Whalen Garfias said that both the Adult and Youth photo contest winners were present at the meeting, and the Youth category winner had her family there as well. Cushing said the Stewart Award presentation was attended by both Pacific University staff and the consultant that prepared the historic resources assessment.
- F. July Agenda. Preservation grant requests, National Night Out planning, Chalk Art Festival planning, funding alternatives.

5. **Adjournment:** The June 25, 2019 meeting adjourned at 8:02 p.m.

These minutes respectively submitted by George Cushing, Secretary

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Approved

Forest Grove Library Commission
Meeting Date – 6:30PM Tues June 11, 2019
Rogers Conference Room
Page 1

Library Commission approved minutes as amended on Jul 22, 2019.

1. CALLED TO ORDER AND ROLL CALL:

Pamela Bailey, Chair, called the meeting of the Library Commission to order at 6:30PM on Tuesday June 11, 2019.

Members Present: Pamela Bailey, Chair; Elizabeth Beechwood; Jon Youngberg; Nickie Augustine; Matthew Hampton, Student;

Members Absent: Kathleen Poulsen, Vice-Chair (excused); Kirsten Beier (excused); Valyrie Ingram (excused);

Staff: Colleen Winters, Library Director

Council Liaison: Adolph "Val" Valfre

Others: None.

2. ADDITIONS/DELETIONS: None.

3. APPROVE LIBRARY COMMISSION MEETING MINUTES OF May 14, 2019:

MOTION: Elizabeth moved, seconded by Nickie, to approve the May 14, 2019 minutes as presented. **MOTION CARRIED** by all.

4. CITIZEN COMMUNICATIONS: None.

5. INFORMATIONAL ITEMS:

5a. FOUNDATION REPORT: Colleen Winters shared comments about the activities of the Library Foundation of Forest Grove:

a) The Foundation board continued efforts related to the **Memorial Garden Project** and the **Ginsburg Memorial**. Eric Canon has started design and making the archway entrance (arbor) to the Memorial Garden, including two benches, using matching metal. Next step: agreement on plants, variety, and location. Hoping for great-looking exterior of library for the library's October anniversary event.

b) See the Library Foundation of Forest Grove's web site at: www.fglf.org.

5b. FRIENDS REPORT: Colleen Winters shared comments about the activities of the Friends of the Forest Grove Library:

- a) The Friends Board does not meet during summer months.
- b) Online book sales (on Amazon.com by the Friends) remain very active and busy. These sales may have to temporarily stop due to summer vacations.
- c) The Friends web site is at: fglibraryfriends.org.

5c. **COUNCIL LIAISON REPORT:** Adolph “Val” Valfre shared comments about the recent activities of the Forest Grove City Council:

- a) Budget meetings held. Expect process to be completed by end of June.
- b) Need for new Forest Grove Police Station – education has started. City residents invited to June 22 tours of the current Police Department building.
- c) Utility increases set for next year. Allows for future growth, better reliability, and maintenance efforts. City feels need to get word out better, about low utility rates in Forest Grove.
- d) “Housing Needs Analysis Update”. West side of town, infrastructure, seem to have enough land for next 20 years to meet demand.
- e) Second annual “Severe Rent Burden” report. Forest Grove has the worst situation in Washington County. Looking for ideas and possible solutions.
- f) Solar feasibility study – at Power & Light substation properties. Early thinking – people, incentives, rebates. Too expensive for City? But for Individuals?
- g) Town center parking study.

5d. **LIBRARY DIRECTOR’S REPORT:** Colleen Winters reported these items:

- a) Second “**Repair Fair in the Grove**” event occurred Sat May 18 from 2 to 5PM. About 25 people brought in items that needed fixing – including jewelry, appliances, and bicycles. Want to hold another event this Fall.
- b) **Binge boxes** (mentioned last month) have arrived and are getting catalogued. A binge box is a collection of DVDs that are related to a theme. Each collection is housed in a binge box and can be checked out as one item. The library will have about 15 Adult, and 6 Children’s Binge Boxes for checkout to begin with.
- c) Book Club kits (mentioned last month) have been ordered.
- d) **Summer Reading program.** Is now underway and continues through the end of August. Programs and events for all ages. Sign-ups started June 1. 400 children & teens have signed up already. The Friends and a “Ready to Read” grant pay all expenses. Jim, Jillian, and Nathan of library staff are the most involved in the program. Library staff have done school outreach, talking to over 1,000 students, and by using Forest Grove School District e-mail distribution list.
- e) Library Staff (along with Cornelius Public Library staff) attended Kindergarten Roundups this year. Gave out several hundred Library Welcome bags at these events to children entering Kindergarten next fall. The Welcome Bags were funded by the Ready to Read Grant from the Oregon State Library.
- f) Recent Latino Outreach efforts include: a monthly crafts day, extra funding for

Spanish language items, outreach for Summer Reading at Farmer's Market.

g) Ariel Yang has left the library staff - References services supervisor position. Will try an internal recruitment (shorter) this time. Colleen expects to make a lot of progress on this key recruitment in the next month.

h) "Guide to Homelessness" training. Colleen and three library staff members attended this WCCLS training, by Ryan Dowd. Considered very useful. Was very well received. Lots of commonsense ideas. Want message to spread throughout Forest Grove. Web site: www.HomelessLibrary.com

i) Possible "**Local Author**" event to be held at the library in 2020. Elizabeth mentioned this possible library event. Jim J, Colleen, (our local author) Elizabeth, and (local author) MaryJane Nordgren have met and discussed that the library (with Jim J in charge) would like to host an author's fair as a way of supporting local authors. There might be a morning session with readings by local authors, followed by an afternoon session with the authors scattered throughout the library in the section where their books are shelved, perhaps even signing their books, etc. Jim J will come up with a way to decide which authors would participate and investigate how other libraries have done something like this.

j) Jillian has made a useful handout on the Dewey Decimal system, to be used at a Teens and Tweens event.

k) Jim J might visit a future Library Commission meeting and discuss his ideas on future programming at the Forest Grove City Library.

l) WCCLS Strategic Plan update. Started Fall of 2018, end of effort in sight. Has been a big project for them. Goal: a one-page Strategic Plan. Focus: relationship of WCCLS to the county member libraries. Strengths of relationship, and areas to work on. WCCLS is a cooperative, not a system. Colleen will soon let us see a draft of the report. There won't be anything that will affect our library directly. Will be internal to WCCLS.

m) Exciting programs for families in June: Mad Science, a Japanese Drum & Dance troupe, two Escape Rooms, and a visit from OMSI.

6. DISCUSSION OF ITEMS:

a) 110th Anniversary of the founding of the Forest Grove City Library. Colleen wants to hold a month-long birthday party for our library in October 2019. The Friends have offered to pay expenses.

First week: Local Oregon author Willy Vlautin will appear at a reception and author event Thurs Oct 3, 2019. An invitation-only reception?

Second week: Memorial Garden and Ginsburg Memorial dedication

Third week: Fall Used Book Sale – Oct 21 thru Oct 26, 2019.

Fourth week: Community Party with various events planned. Community can participate during the party: contests, events, activities, etc., planned by staff. Colleen wants the Library Commission to do something – a day publicized – get a

treat or a gift like a fancy bookmark. Colleen wants the Library Commission to start thinking about this fourth week event.

Pamela said that we may need separate meetings to plan. Could be a 1-day party, like the annual Wassail Party. Possibly with art activities, goodies to eat, games, music, and giveaway items (like bookmarks). Jon was worried about the date being too close to Halloween (Thurs Oct 31) when other things are happening at the library and downtown Forest Grove. **Saturday Oct 26, 2019** was tentatively chosen as the day for this event. This day is also the last day of the Used Book Sale, but this was not considered a problem. More planning remains ...

b) Study Room Reservation system. The trial project (mentioned last month) will begin soon, and address demand (and complaints) for study rooms at the library.

c) Teens and Tweens Area Update. Jillian of the library staff will come to a future Library Commission meeting and discuss the Teens and Tweens area of the library and after-school activities, etc. What is working and current thinking.

The Teen Council has 8 regular members, who are very involved. A member of the teen council might attend and be part of the update presentation for the commission.

7. ANNOUNCEMENT OF NEXT MEETING:

The next Library Commission meeting will be held on Wednesday July 17, 2019 at 6:30PM, in the Library's Rogers Room.

8. ADJOURNMENT:

Hearing no further business, Chair Bailey adjourned the meeting at 8PM.

Minutes respectfully submitted by:

Colleen Winters, Library Director
Jon Youngberg, minute-taker

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APPROVED

PARKS AND RECREATION COMMISSION REGULAR MEETING
WEDNESDAY, JUNE 19, 2019
COMMUNITY AUDITORIUM CONFERENCE ROOM
PAGE 1 OF 3

1) **ROLL CALL:**

- a) Commissioners – Mackenzie Johnston Carey, Kenneth Cobleigh, Tammi McLaughlin, Howard Sullivan, Susan Taylor and Paul Waterstreet.
Absent: Brad Bafaro, Ralph Brown and Glenn VanBlarcom
- b) Staff – Matt Baum and Tom Gamble

2) **CITIZEN COMMUNICATIONS:** None

3) **APPROVAL OF MINUTES:** The minutes of the May 15, 2019 meeting were approved.

4) **ADDITION/DELETIONS:** None

5) **OLD BUSINESS:**

a) **Parks/Aquatic Center Design Report/Progress**

- i) This study is covering three park sites (A.T. Smith House, North Lincoln and Stites) and the aquatic center.
- ii) A.T. Smith House – the consultant was informed about the history of the house and we are fine tuning what we are going to build.
 - i) Solid site plans are needed to apply for grants.
- iii) North Lincoln/Schmitke Property – We will focus on what the Master Plan calls for at this site.
- iv) Councilman Hunsacker spent two days studying the aquatic center. This included a public evening meeting and meetings with Pacific, the school district and the swim club.
 - i) A thorough evaluation of where our system is will be completed. This includes electrical, HVAC and plumbing.
 - ii) Next week we are going to meet with Place to work on the preliminary design of plans for the aquatic center.
- v) The community garden organization, Adelante Mujeres and the City have drawn up a memorandum of understanding.
 - i) The current site at the substation is no longer working, so a new location is necessary. Perhaps at the Stites Property.
- vi) There were two booths set up at the Farmers Market on the first Wednesday of June where approximately 85 people participated in a “dot” exercise to express what items they would like to see added/changed or improved.
- vii) July 16 at 6:30 p.m. there will be a design meeting targeting neighbors of the Stites Property and North Lincoln Park.

b) **C.E.P. Grant**

- i) Our grant application was denied and the funding for signs will come from Capital Improvement funding.
 - (i) The next sign will be In Lincoln Park by Sunset Drive.
 - (ii) We will continue chipping away, doing two signs per year. There are about six more to do.

**PARKS AND RECREATION COMMISSION REGULAR MEETING
WEDNESDAY, JUNE 19, 2019
COMMUNITY AUDITORIUM CONFERENCE ROOM
PAGE 2 OF 3**

c) Rogers Park Progress Report

- i) Restroom
 - i) We finally got the electrical permit from the State. The company dropped the ball and the restroom didn't get put into production.
 - ii) The State worked with us and approved the plan in two days.
 - iii) Installation will occur next week.
- ii) Anna & Abby's Yard
 - i) The project budget is 1.1 million and a review of the plans put the price at 1.9 million so a prioritization process was required.
 - (i) Many items had to be deleted and a list of "add on" items was developed.
 - ii) Spring construction will offer a savings over summer construction and the plan is to complete the project a year from now.
 - iii) The wood guy is still working on elements of the project and will continue to do so.
 - iv) Harper's Playground is contributing \$350,000 to \$500,000 to the project and they currently have raised over \$300,000.

6) NEW BUSINESS:

a) Appoint By-Laws Development Sub-Committee

- i) The City Council decided each commission would come up with by-laws.
- ii) The City Recorder will develop a template to be used.
- iii) An ordinance is already in place.
- iv) Tammi and Glenn will work on this.

b) Appoint Commission Contact for the Veterans Memorial Park

- i) The commission decided they needed more information from the City Council before they move forward. We need to be clear on who they want to honor.
- ii) Location, support, what's the next step?

c) Budget 2019-20

- i) The budget will be approved at the next City Council meeting.
- ii) **Aquatics Center**
 - i) \$100,000 from the facilities major maintenance funds will go towards refinishing the locker room floors and the floor of the activity pool.
 - ii) The Aquatics Center will be closed for three weeks in September to allow the work to be completed.
 - iii) Water Polo practice only during this time.
 - iv) Memberships will be prorated.
- iii) **Parks**
 - i) The goats will be back for two weeks working their way down the backside of Forest Gale Heights at a cost of \$12,000.
 - ii) \$5,000 has been allocated for interpretive signs at Thatcher Park.
 - iii) \$3,000 for doggy playground equipment at the dog park.
 - iv) \$6,000 to repair sidewalks around various parks.

**PARKS AND RECREATION COMMISSION REGULAR MEETING
WEDNESDAY, JUNE 19, 2019
COMMUNITY AUDITORIUM CONFERENCE ROOM
PAGE 3 OF 3**

7) COMMISSIONER'S REPORTS:

a) Mackenzie:

- i) FC West is doing some cleaning up and they have a new president, Todd Edwards-Leeper. There were about 200 participants in the spring and 300 in the fall.

b) Paul:

- i) Someone reported a sighting of a cougar or mountain lion on the B Street Trail.
- ii) Matt contacted Metro and reported it.

8) COUNCIL LIAISON REPORT: None

9) STAFF REPORTS:

a) Matt:

- i) The B Street Trail project will be starting early because of the low water level. We are clearing trees to be able to bring in the truck with rocks for the river bank. A kiosk will be installed with an explanation of the project.
- ii) Forest Glen Park will be closed one month from today to work on the underground culverts. Going out of the way so that the playground does not have to be removed.
- iii) The Dog Park is open with new chips and playground equipment. New signage will list regular closures for maintenance and/or weather.

b) Tom:

- i) The track at Lincoln Park is closed for resurfacing thru July 20.
- ii) There has been good co-operation between the baseball and softball groups this summer.

10) ANNOUNCEMENT OF NEXT MEETING: The next meeting will be **TUESDAY, JULY 16, 2019 at 5:00 p.m. at the Community Auditorium.**

11) ADJOURNMENT: The meeting was adjourned at 8:45 a.m.

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APPROVED



A place where families and businesses thrive.

**Planning Commission
Community Auditorium
1915 Main Street, Forest Grove, OR
Monday, June 17th, 2019, 7:00 pm**

1. CALL TO ORDER:

Chair Tom Beck called the meeting to order at 7:00 p.m. Roll Call:

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

Planning Commission Excused: None.

Staff Present: James Reitz, Senior Planner; Chris Crean, City Attorney; Cassi Bergstrom, Planning Commission Coordinator

2. PUBLIC MEETING:

A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:

None.

B. PUBLIC HEARING:

(1.) File No. 311-19-000006-PLNG –Site Plan and Design Review of a proposed 9,100-square-foot Dollar General retail store and parking

Chair Beck opened the quasi-judicial public hearing at 7:02 p.m., reading the hearing procedures, criteria, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. There were none, and no challenges from the audience.

Chair Beck informed the audience that a great number of emails were received as correspondence, but the development criteria must be followed. Any statements not relevant to the land use criteria will be dismissed.

Mr. Reitz showed the site plan and aerial view of the subject site, explaining the lot line adjustment and Right-of-Way (ROW) dedication required on Gales Creek Road. The zoning map shows the area zoned as Neighborhood Mixed Use (NMU) and this is the first application received for this NMU zoned area.

Vice Chair Phil Ruder inquired as to the prior zoning of that area, and Mr. Reitz responded that it was previously Commercial Planned Development (CPD) for many years, but was re-zoned to NMU in the last two years. Mr. Reitz went on to

explain that retail has migrated east, giving an example of Safeway's previous location on the west side and their migration to where they are located at now.

Mr. Reitz went on to explain that Thatcher Road and Gales Creek Road are under Washington County jurisdiction, and discussions were had with Washington County Land Use and Transportation to determine allowed access from the ROW to the subject site. Conditions of approval require a water quality facility for storm water coming from the site, a pedestrian walkway on-site, and curb/gutter sidewalk at the frontage. A ROW dedication will be required from the county from the 45 foot half street width.

Mr. Reitz explained the truck turning radius needed within the parking lot area for the delivery trucks coming to the site. All maneuvering of the trucks will be happening on site, which is why the parking stalls widths are wider than what the City usually sees.

Mr. Reitz went on to show Commissioners the Intersection Improvement Plan due to the deficiencies within the intersection of Gales Creek Road and Thatcher Road. Currently there are limited pedestrian routes and free flowing, speeding traffic. Mr. Reitz showed the City's conceptual plan to reconfigure the intersection, which the City is determining funding in order to get the project underway for year 2020-2021.

Commissioner Bannister Lawler inquired if the property owners between the intersection of Thatcher/Gales Creek Road and Dollar General will be required to construct sidewalks, and Mr. Reitz responded that they will not be required until development occurs at those other sites.

Vice Chair Phil Ruder wondered how the slowing of traffic westbound will be better due to the intersection backing up when school lets out of class. Mr. Reitz responded that the Transportation System Plan (TSP) showed the level of service at the intersection as average, but at times there can be a rush of traffic.

Mr. Reitz explained to the Commissioners that they are presented tonight with three needs for review: the lot line adjustment, site review, and the design and features of the building architecturally.

Vice Chair Ruder questioned the definition of Neighborhood Mixed Use Zoning district limitation of use and whether this application is located within the village center of a mixed use plan development. Mr. Reitz responded that this is the first application submitted within the NMU zone, which will trigger the mixed use plan development. The application currently is stand-alone as nothing else within that NMU zone has been submitted. Vice Chair Ruder believes the limitation needs to be addressed. Mr. Reitz explained that this is the smallest of the 3 NMU zones located in the City. Chair Beck explained to Commissioners that all the parcels in this area have different ownership, so development by piece meal is how this area

might develop as a neighborhood village unlike the Davidson property owned by one owner.

Mr. Reitz went on to show the architectural renderings of the building, sidewalk/parking lot plan, and landscape plan with staff recommendations for conditions of approval as well as conditions to consider for the project.

Commissioner Bannister Lawler asked what the timeline to sell the lot will be, and Mr. Reitz stated that the owner did not want to proceed until the application is approved.

CORRESPONDENCE:

Mr. Reitz informed the Commission that letters of testimony were received until almost 5 o'clock, and those letters were given out as hard copies as well as emailed out to Commissioners.

APPLICANT:

Steve Powell, Developer, 1410 Main St, Ste C, Ramona, CA 92065:

Mr. Steve Powell came to the front, and explained that properties have been looked at in and around Forest Grove. The property was selected based on demographics and commercially underserved areas. Mr. Powell explained that they met with City of Forest Grove and Washington County Transportation several times.

Mr. Powell went on to explain to Commissioners the distance from the driveway entrance to Dollar General and the intersection of Gales Creek Road/Thatcher Road being approximately 525 feet, and how the entrance to the west was concluded. Mr. Powell stated the conditions required and how the developer plans on meeting these conditions.

Mr. Powell gave his background and explained that architecture is important to them. There are 4 different NMU zones, with a limitation of 25,000 square-foot for commercial making this application under the threshold. The criteria were all looked at, from possibly having an awning and making sure horizontal light trespassing is mitigated. Mr. Powell made a correction to his hours of operation previously stated as being 8am – 9pm, and corrected them to being 8am – 10pm.

Commissioner Nakajima asked about the average sale per customer, and Mr. Powell responded the sale is roughly \$10. Commissioner Rojas asked how many employees Dollar General is expected to hire, and Mr. Powell answered there will be 8-10 employees. Commissioner Bannister Lawler inquired as to when supply trucks offload, and Mr. Powell responded supply trucks come in approximately once a week during off-hours with a shorter truck for this size store.

PROPONENTS:

Tim Schauermaun, PO Box 310, Forest Grove, OR 97116:

Mr. Tim Schauermann came to the front, stating he is one of the five people who own the two tax lots as part of the Dollar General project, which both tax lots will be sold if the application is approved. Mr. Schauermann gave the history of the land, and the zoning history since 1970 explaining that the Planning Commission has always tried to have neighborhood commercial of some sort due to that area being underserved. There are eight separate property owners, and it is impossible to get everyone to agree to put it all together for a planned development. Mr. Schauermann's hope is to get started with this project and the pieces will fall into place for future NMU development.

Mr. Schauermann went on to say that Dollar General has a business model niche that can survive a small town with low population. Profits from the store will not just go to Tennessee, but local subcontractors are needed for building and maintaining the structure over its lifetime which will create financial spin off for the community. This project meets the zoning conditions within the staff report.

OPPONENTS:

Christopher Wilmeth, 2916 25th Ave, Forest Grove, OR 97116:

Mr. Christopher Wilmeth came to the front, stating to Commissioners that no traffic study was done at this intersection, and the site sits directly between three schools where children will most likely be the pedestrian victims. Mr. Wilmeth went on to state the meeting notes from a community meeting held by the developer prior were exaggerated, misleading, and not accurate, referencing his presence at the meeting and the New Times article released.

Mr. Wilmeth strongly opposes the Commission from approving this application due to the dangerous location and outdated traffic data, and the process should be delayed in order to be completed correctly with accurate and up-to-date information from the applicant.

David Michael Smith, 3322 Knighton Way, Forest Grove, OR 97116:

Mr. David Michael Smith came to the front, stating his concerns with Dollar General and the lawsuits filed against the company, as well as the concern with the lack of a detailed traffic report done. Mr. Smith cited a petition of thirteen local businesses against the Dollar General in Forest Grove and submitted it as part of the record.

Charlotte Lumae, 1904 22nd Ave, Forest Grove, OR 97116:

Ms. Charlotte Lumae came to the front, stating her concerns with Dollar General in regards to the economic and physical impacts of the development that have not been looked at by City Staff. Chair Beck reminded Ms. Lumae that the quality of Dollar General is not a criterion to be discussed.

Ms. Lumae urged the Planning Commission to start requiring economic and physical impact review as part of the application criteria as Dollar General will start syphoning money out of Forest Grove even as a small box store.

Ms. Lumae went on to say the property owners are important in the growth of development in Forest Grove. As a small business owner, Ms. Lumae would prefer her students not getting their first job at a small box store and they need healthy food to eat. It needs to be the Commissioners job to think about the economic and physical impact of development.

Megan Welliver, 1603 A St, Forest Grove, OR 97116:

Ms. Megan Welliver came to the front, stating her husband is a small business owner in Forest Grove along Main Street. Ms. Welliver is opposed to the Dollar General store, citing community safety as her chief concern. The intersection is a high traffic section with limited/no sidewalks making it a dangerous area for children to cross from one of the three schools surrounding the area. Ms. Welliver suggested an up to date traffic study be done, specific to that area.

Ms. Welliver also is concerned about how City Staff is interpreting the zoning, as the zoning suggests a high pedestrian, high density mixed use zone. Foot traffic will now be generated for Plaid Pantry and Dollar General, and the current proposal will not improve pedestrian safety.

Chris Billman, 50984 NW Cox Rd, Forest Grove, OR 97116:

Mr. Chris Billman came to the front, stating his concerns with the lack of definition for a bicycle or a bicycle lane within the City of Forest Grove code. Mr. Billman stated the City needs to enforce the laws regarding bike lanes and sidewalks, and there are a lack of ADA upgrades within the City as well.

OTHER:

None.

REBUTTAL:

Steve Powell, Developer, 1410 Main St, Ste C, Ramona, CA 92065:

Mr. Powell came to the front in rebuttal, stating he appreciates the frustration he hears. The burden is on the property owner in order to update the sidewalks, and as other properties develop the criteria would continue for the dedication of the curb/sidewalk within the right-of-way. Mr. Powell went on to say what is proposed addresses the transportation concerns of Forest Grove and Washington County.

Chair Beck closed the public hearing at 8:35 p.m.

COMMISSIONER DISCUSSION:

Commissioner Bannister Lawler appreciates the community involvement, and wonders about the weather cover condition as an option recommended by City Staff.

Chair Beck informed the audience that the Supreme Court ruled that a city or Commission cannot require a developer to address issues off the property. Chair Beck believes that awnings do not last or look good after time and weather.

Vice Chair Ruder voiced his concerns with the scale of the business going in at the location, and interprets NMU zoning as pedestrian friendly, lower volume traffic retail with a variety of housing types. Vice Chair Ruder views this application more as a commercial project.

Commissioner Nakajima stated her concerns regarding safety at the location due to the schools in close proximity, creating an attractive nuisance.

Commissioner Sanderson questioned if the maximum commercial build-out within the zoning being on a first come, first serve basis. Chair Beck responded the zoning is difficult to develop as a whole because of the various property owners, making it a first come first serve within this NMU zone. The Commission cannot deny the proposal on the grounds that this is a 9,000 square-foot building proposal.

Commissioner Rojas stated there is no grounds to deny the proposal based on the safety issues.

Commissioner Bannister Lawler agreed with Commissioner Rojas, stating he sees nothing that violates the Development Code in approving the proposal.

Chair Beck believes the sentence of "pedestrian safety" within the definition of the NMU zoning makes it part of the criteria in approving the application.

Commissioner Sanderson discussed the point Commissioner Nakajima brought up about the project becoming an attractive nuisance, but wondered if the Commission could deny the application based on what could happen.

City Attorney Chris Crean stated the Commission has to interpret the code with what they believe the meaning is to be, and write accurate findings reflecting that interpretation.

Vice Chair Ruder questioned the definition of the NMU zone defining the type of store being walkable and friendly to the neighborhood, and he does not believe the Dollar General retail store meets that definition. Vice Chair Ruder believes the NMU zone is not the same as the Commercial zone, and does not think the store is proper in that location.

Chair Beck stated that the code does not provide guidance on how to get to the maximum square footage of the stores to be built within the NMU zoning.

Commissioner Bannister Lawler moved to approve file number 311-19-000006-PLNG –Site Plan and Design Review of a proposed 9,100-square-foot Dollar General retail store and parking with staff's recommended conditions. Commissioner Rojas seconded the motion.

Roll Call Vote on Motion: AYES: Chair Beck; Commissioners Bannister Lawler, Sanderson, Rojas, and Smith. NOES: Vice Chair Ruder; Commissioner Nakajima. ABSENT: None. MOTION CARRIED 5-2.

C. **ACTION ITEMS:**
None.

D. **WORK SESSION ITEMS:**
None.

3. **BUSINESS MEETING:**

A. **APPROVAL OF MINUTES:**
Commissioner Smith moved to approve the minutes of the June 3rd, 2019 meeting. Commissioner Bannister Lawler seconded. Motion passed 7-0.

B. **REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:**
None.

C. **DIRECTOR'S REPORT:**
Mr. James Reitz gave Commissioners an update on the next meeting to be held regarding a variance to a fence.

D. **ANNOUNCEMENT OF NEXT MEETING:**
The next meeting is scheduled for July 1st, 2019.

E. **ADJOURNMENT:**
The meeting was adjourned at 8:55 p.m.

Respectfully submitted by:

Cassi Bergstrom

Digitally signed by Cassi Bergstrom
DN: cn=City of Forest Grove, o=Cassi Bergstrom, email=C.bergstrom@forestgrove-or.gov
Reason: I am the author of this document
Location: your signing location here
Date: 2019-07-02 08:25:41
Full PhantomPDF Version: 9.5.0

Cassi Bergstrom
Planning Commission Coordinator

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MINUTES APPROVED BY THE PAC on JULY 11, 2019

Commission Members Present: Linda Taylor, Amy Tracewell, Emily Lux, Dana Eytzen, Michael Goetzke. **Excused:** Kathy Broom, Laura Frye, Kathleen Leatham, Pat Truax. **Absent:** N/A
Council Liaison Present: Tom Johnston. **Staff Present:** Tom Gamble, Colleen Winters.
Guest(s): Dan Riordan

1. **CALL TO ORDER:** By Dana Eytzen at 5:01 pm.
2. **CITIZEN COMMUNICATION:** N/A
3. **APPROVAL OF PAC MEETING MINUTES:** Amy motioned to approve the May meeting minutes as amended, Mike seconded. Motion carried, unanimously.
4. **ADDITIONS/DELETIONS:** Additions: 5F. CEP Redistribution; 5G. Arlie Press Mini Grant; 6C. Meet the Artist Dinner Update
5. **DISCUSSION/DECISION ITEMS:**
 - A. **Dan Riordan-Installation Public Art Program Update:** An April amendment included an art installation and public art program to be funded through the URA. The PAC will inform the process, call for, and selection of art in approximately seven locations and will be the primary advisor to the URA regarding public art. The goals of this program include “telling the story of Forest Grove”, with a strong emphasis on equity, diversity, and inclusion. Knowledge of the budget will be critical in implementing budget-based calls for art. Monetary allocations will be known by the end of this year, but will not be eligible for spending until July of 2020.
 - B. **Change of Meeting Date to 3rd Thursday each month:** Amy motioned to move the regular PAC meeting schedule from the second to the third Thursday of each month, at the usual time, beginning in September. Emily seconded. Motion carried, unanimously.
 - C. **Marketing Plan Work Session:** Marketing mission statement rollout/marketing plan-A slideshow was shared. Ideas included using a community contest to design a graphic to represent the PAC mission statement, “Art belongs everywhere and to everyone.” The subcommittee tried *Fiverr* website to solicit potential designs, but this did not yield ideal results. A community contest could increase PAC visibility and community participation, and further spread the mission statement and its message. The goal is for people to become more aware of the multiple forms art can take, and its many possible interpretations. The contest call will be in both English and Spanish, and will be publicized in September with and a review/vote in October. The contest will be advertised (among other venues) in the city’s market booth every Wednesday in September. The budget for this endeavor is \$300 for this year, and \$2,000 for 2020.
 - D. **Arts Guide Calendar of Events for next quarter:** The PAC committed to regularly reviewing the quarterly deadline for the Arts Guide calendar of events, to ensure we provide information for the publication on time. Colleen will check with Bev RE: future dates, and send an email to the PAC.

- E. Strategic Plan Objectives Updates:** Amy and Dana presented the strategic plan to City Council. Last Monday, Council voted to approve the plan 6-1. Councilor Rippe did not approve the plan based on a need for clarification of what would be allowed to be funded under the category of “professional development”. PAC members will clarify with Councilor Rippe once the specific guidelines are written.
- F. CEP Redistribution:** \$4,200 was allotted for mini-grants, advertising, and sponsorship. The initial request was for \$10,000. Amy moved to remove the advertisement category, and allot \$3,000 for mini-grants, and \$1,200 for sponsorships. Mike seconded. Motion carried, unanimously.
- G. Arlie Press Mini Grant:** Arlie Press was awarded a \$500 mini-grant, but has not submitted the final paperwork and report with receipts necessary to disburse the funds. June 30th is their final deadline. In the event that Arlie Press fails to submit their paperwork, Amy motioned to shift the \$500 allotted to them to fund the TITG CAST production of Musicville, instead of funding Musicville from discretionary funds, as originally voted. Michael seconded. Motion carried, unanimously.

6. INFORMATION ITEMS:

- A. Finance Report:** Reviewed. No significant changes. There is \$1.00 left in the CEP grant.
- B. Historic Photo Contest:** A copy of the winning photograph of the Historic Landmarks Board contest will be gifted to the PAC. Members will look into displaying the photo in the Stewart history room.
- C. Meet the Artist Dinner Update:** Six tickets have been sold so far for both MTAD events. Posters were provided.

7. COMMISSIONER COMMUNICATIONS: N/A

8. STAFF COMMUNICATIONS: There are 400 children already signed up for the library’s summer reading program. In October, there will be a series of events celebrating the library’s 110th anniversary, including a reading group, then author visit by William Vlautin (10/4) and dedication of the Ginsburg Memorial Garden.

9. COUNCIL LIAISON COMMUNICATIONS: A FGPD open house will be held on the 22nd from 10-2. Applications to join the URA Committee will be open soon. There is a delegation currently visiting Japan’s sister city.

10. ADJOURNMENT: Dana Eytzen adjourned the meeting at 6:30pm.

Respectfully Submitted by Emily Lux.



3m

Monthly Building Activity Report July-19 2019-2020

	Period:	July-18	Period:	July-19
Category	# of Permits	Value	# of Permits	Value
Man. Home Setup	2			
Sing-Family New	20	5,864,430.00	8	3,580,764.00
SFR Addition & Alt/Repair	7	167,999.00	6	148,141.00
MultiFamily New				
Multi Family Alterations/Repair/Additions			1	39,000.00
Group Care Facility	1	1,500,000.00		
Commercial New				
Commerical Addition				
Commercial Alt/Repair	8	151,884.00	4	17,300.00
Industrial New				
Industrial Addition	1	43,416.00		
Industrial Alt/Repair			1	7,726.00
Gov/Pub/Inst (new/add)			2	111,199.00
Signs	5	17,417.00	1	9,000.00
Grading	1			
Demolitions	1		1	
Total	46	\$7,745,146.00	24	\$3,913,130.00

Fiscal Year-to-Date

2018-2019		2019-2020	
Permits	Value	Permits	Value
46	\$7,745,146	24	\$3,913,130

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A place where families and businesses thrive.

NOTICE OF PUBLIC HEARING FOREST GROVE CITY COUNCIL PROPOSED DOLLAR GENERAL STORE

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, August 12, 2019**, at **7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, to review the following proposal:

Proposal: Appeal of the [Planning Commission's](#) approval of site plan and design review for a new 9,100-square-foot Dollar General store
Location: 1121 Gales Creek Road (Washington County Tax Lot 1N436B003100)
Appellant: Christopher Wilmeth
File Number: 311-19-000006-PLNG

CRITERIA:

- The development must comply with the use, lot size, setbacks, building height, off-street parking and loading, access and egress, landscaping, signage and additional requirements of Development Code Section [17.3.300](#) et. seq. *Neighborhood Mixed Use Zone*, Section [17.4.300](#) *Mixed Use Planned Developments*, and Section [17.8.000](#) et. seq. *General Development Standards*.

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 Community Development Director Bryan Pohl, Community Development Department, 1924 Council Street, 503.992.3224, 9 am - 5 pm, bpohl@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. 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.

###

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

FG NewsTimes 08/07/2019

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**APPEAL OF THE
DOLLAR GENERAL
SITE PLAN
APPROVAL**

James Reitz, AICP
Senior Planner

Basis of Appeal

- The use would not be located in a Village Center pursuant to Development Code §17.3.320; and
- The use would not comply with the purpose of the Neighborhood Mixed Use zone, pursuant to Development Code §17.3.310.

What Does “On the Record” Mean?

- An appellant must “identify the specific issues being appealed.”
- “On the record” means “issues in the record, whether raised in writing or orally”.

Questions Raised by the Appeal

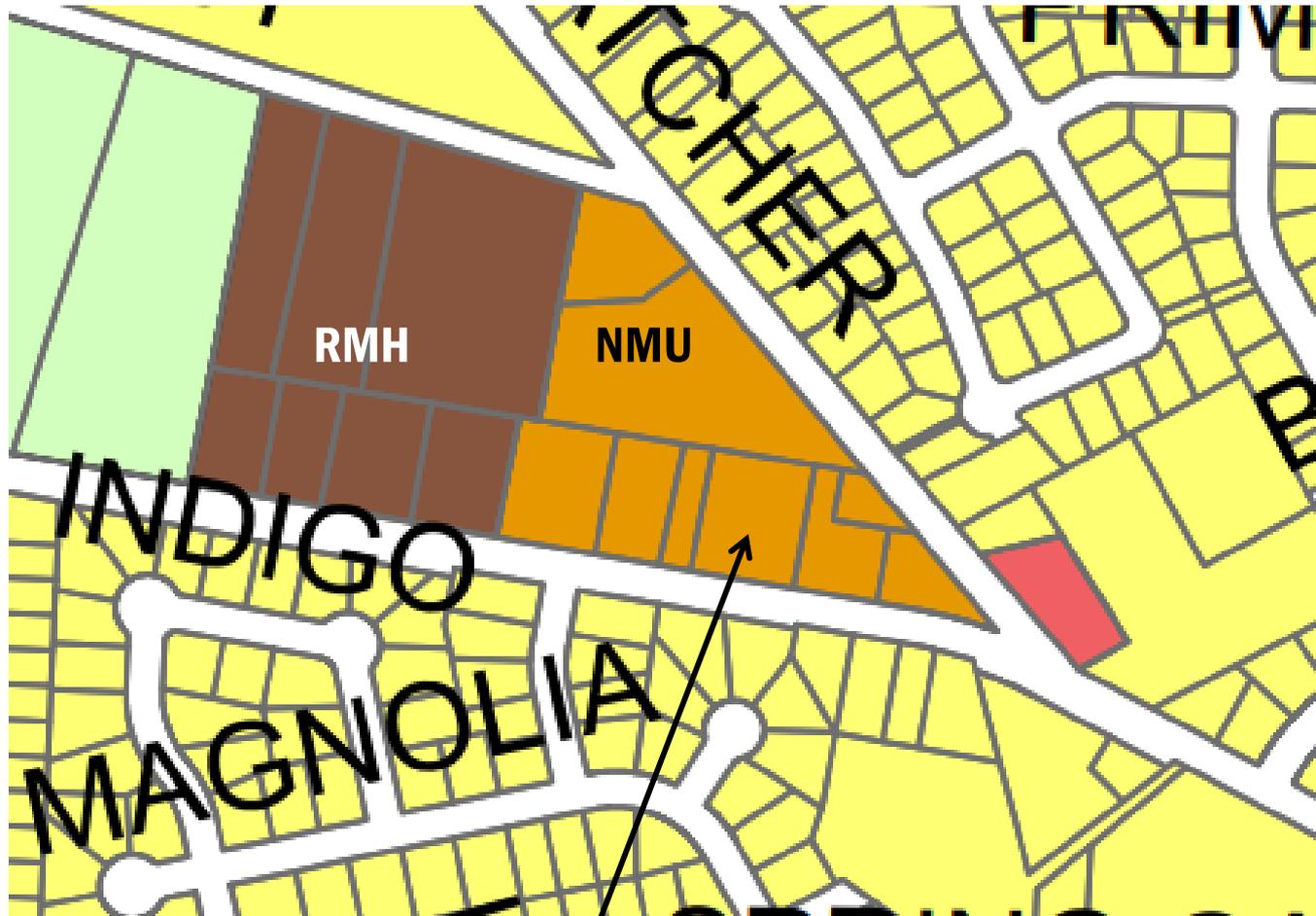
1. Is the Mixed Use Planned Development (MUPD) preliminary plan approval process the exclusive process available for designating a “Village Center”? Or put another way: Does the City have the authority and flexibility under the Development Code to designate a “Village Center” outside of the MUPD process?
2. Is the purpose statement of the Neighborhood Mixed Use (NMU) zoning district a criterion that must be satisfied in order to approve a project?

Village Center Designation

Is the MUPD preliminary plan approval process the exclusive process available for designating a “Village Center”?

- The Development Code does not define “Village Center”.
- The Development Code does not specifically identify a standalone process for designating a “Village Center”.
- The NMU zoning district regulations did not anticipate the development of individual parcels as commercial properties.
- Three of the four NMU-designated areas consist of multiple parcels and any proposed commercial project on any one parcel within them would face this question.

Zoning Map



SITE

RMH = Residential Multi-Family High Density

NMU = Neighborhood Mixed Use

Village Center Designation

The question for the Council breaks down into two parts:

1. Is the development site currently located in a “Village Center”?
2. If not, can the Council designate a Village Center as part of this application, or only as part of a MUPD preliminary plan approval process?

Aerial Photo of Site and Area



**Existing
Commercial
Development**

Village Center Designation

- If the Council determines that the MUPD preliminary plan approval process is the only means by which a “Village Center” may be established in the NMU zoning district, then the Council would be obligated to uphold the appeal.
- If the Council determines that the MUPD preliminary plan approval process is not the only means by which the Council can designate a “Village Center” then it would need to designate the subject property as a “Village Center” as part of this process in order to approve the application.

Neighborhood Mixed Use Purpose Statement

Is the purpose statement of the NMU zoning district a criterion that must be satisfied in order to approve a project?

- The statement is 1 of 3 descriptions of the various commercial zoning districts (also including CC and CN).
- These descriptions are just that – descriptions. They are general expressions of intent and the courts have concluded that they are not approval criteria.
- Thus – a zoning description is not a criterion that must be satisfied in order to approve a project.

Other ‘On the Record’ Issues

Dollar General’s Quality

- Several objections to the application were based on the opinion that this particular retail chain should not be approved because of its corporate characteristics.
- Such attributes of this or any application are not within the City’s review criteria, and may not be considered in the City Council’s decision.

Other ‘On the Record’ Issues

Traffic Impact Analysis

- Several citizens thought that a traffic impact analysis should have been required to review traffic volumes, potential intersection impacts, and potential pedestrian impacts.
- Washington County transportation engineering staff reviewed the application for traffic impacts and concluded that “the trips are low” (emphasis added) and thus a traffic impact analysis was not warranted.

Other 'On the Record' Issues

Intersection Safety

- The Transportation System Plan has information on Crash History at the Gales Creek / Thatcher Road intersection.
- Intersections with a collision rate over 1.00 suggest further safety investigation is warranted.
- The collision rate at this intersection is 0.13.
- Because of the small increase in traffic and the low documented collision rate, no further safety investigation was warranted.

Other 'On the Record' Issues

Pedestrian Safety

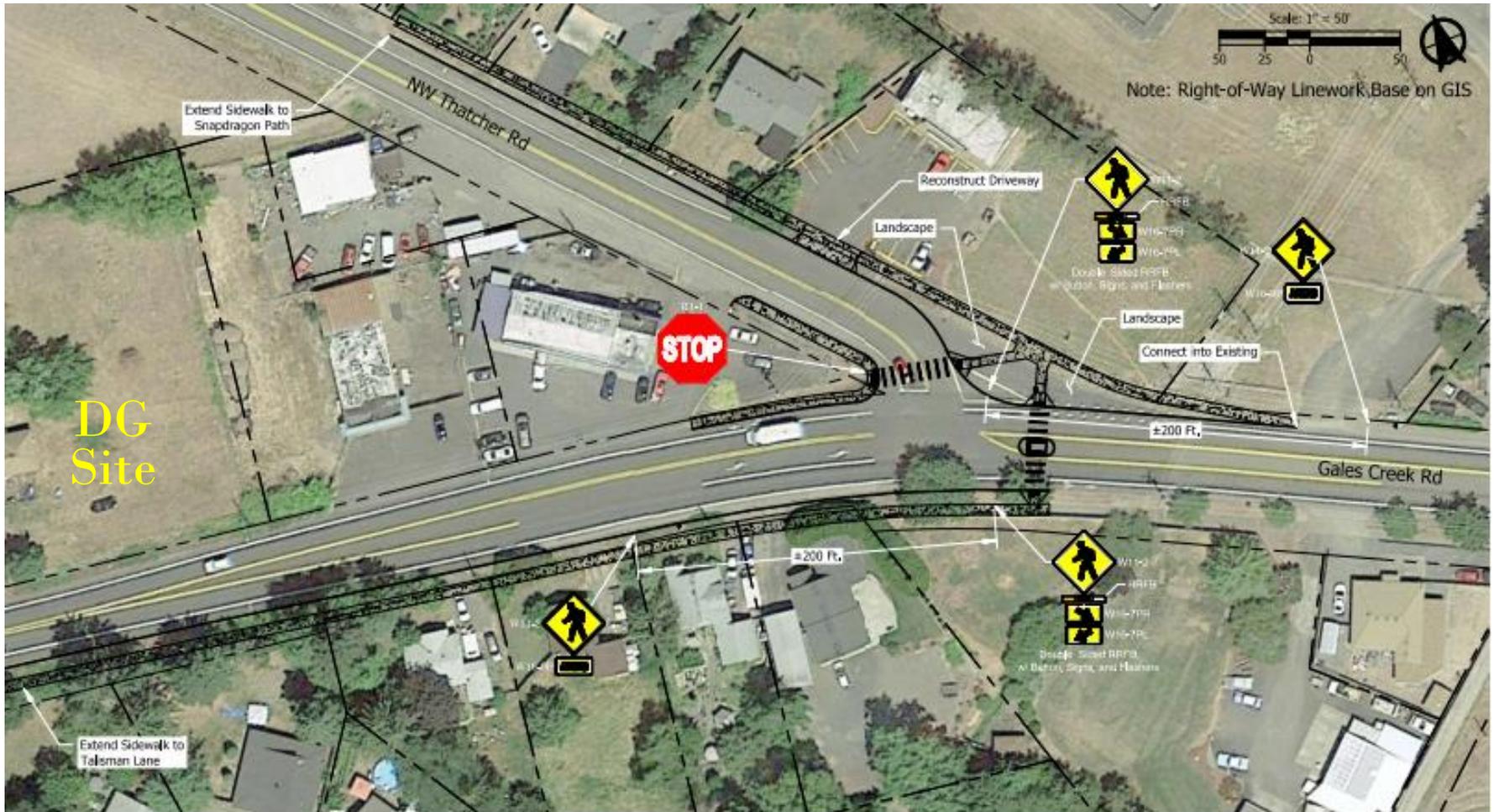
- Sidewalks are installed concurrent with development.
- An applicant can be required to extend sidewalks off-site, but only if there is a clear nexus that the use would generate significant pedestrian traffic and that the condition to require off-site sidewalks was proportional to the increase in pedestrian traffic.
- Based on the small scale of this project, that nexus does not exist.

Other ‘On the Record’ Issues

Pedestrian Safety

- All three legs of the Gales Creek Road / Thatcher Road “Y” intersection are owned by Washington County.
- A Concept Design has been prepared to improve pedestrian safety at this intersection (next slide).
- Washington County is expected to complete 30% design by December 31, 2019.
- \$700,000 has been set aside for improvements: \$500,000 by Washington County and \$200,000 by the City of Forest Grove.

Intersection Improvement Concept Plan



DG Site



Gales Creek Road / Thatcher Road Intersection Improvements Concept
Forest Grove, Oregon

Planning Commission Approval Conditions

Conditions addressed specific code requirements, including -

- Dedication of right-of-way along Gales Creek Road
- Improvement of the street frontage including curbs, gutters and sidewalks
- Extension of City-standard storm and sanitary sewer lines to the west property line
- Ensuring the perimeter landscaped areas are at least 5 feet wide exclusive of curbing

Additional conditions included -

- Reducing parking stall lengths to 16 ½ feet to the curb, and expanding the adjoining walkways and landscape areas
- Installing a landscape island at the building's southwest corner where the two pedestrian walkways converge
- All approval conditions are listed in the Planning Commission's Decision #2019-08

Council Interpretations

Is the development currently located in a “Village Center”?

If not -

Can the Council designate a Village Center as part of this application, or only as part of a MUPD preliminary plan approval process?

Council Options

1. Deny the appeal and approve the application with the conditions imposed by the Planning Commission; OR
2. Deny the appeal and approve the application with modifications to the conditions imposed by the Planning Commission; OR
3. Sustain the appeal and deny the application.

Staff will prepare an Order formalizing the Council's decision for adoption at a future Council meeting.

All issues are further discussed below. The Council's procedure for this hearing –

1. Determine whether to limit discussion to appeal issues only, or to also discuss any other “on the record” issues.
2. Open the public hearing.
3. Receive the staff report.
4. Receive testimony from all interested parties.
5. Close the public hearing.
6. Deliberate.
7. Direct staff to prepare an Order with findings based on the record, public testimony and the Council's deliberations.
8. The Order would be brought back for the Council's adoption at a future meeting. This would be accomplished without reopening the public hearing at that future meeting. The only action to be taken at that time would be adoption of the Order.

BACKGROUND: At the Planning Commission hearing, two parties spoke in favor: the applicant's representative (Steve Powell) and one of the property owners (Tim Schaueremann). Mr. Schaueremann noted that he and his partners had owned the site for decades, and that, as a planning commissioner in the 1970s, he was involved in establishing commercial zoning at this intersection. The zone at that time was intended to encourage the development of a neighborhood shopping center, which never came to fruition. He noted that there are other property owners and it would be difficult and expensive to assemble enough land for a planned development. He expressed hope that this project would finally jump-start some commercial development in the area. Mr. Schaueremann has submitted additional written testimony; it is attached.

The City received multiple letters in opposition to the application, which are attached to the Planning Commission staff report. At the hearing, five parties spoke in opposition to the application:

- Christopher Wilmeth expressed concern about the lack of a traffic impact analysis. He opposed the application because he felt it would be in a dangerous location.
- David Michael Smith opposed the application due to lawsuits filed against the company, as well as the lack of a detailed traffic impact analysis. He submitted a petition of eleven local business representatives also in opposition to this application. The businesses included Safeway, BJ's Coffee, Valley Art Center, Bites Restaurant, Daniela's on Main, Good Intentions Café, Personal Saga, Hello Market, El Gordito Feliz, Blackdog Bar and Grill, and Lucky Market.
- Charlotte Lumae stated that her concerns were with the economic impacts of the development. She urged the City to start requiring economic review as part of the application criteria. As a small business owner, she would also prefer her students not get their first job at a small box store and commented that they need healthy food to eat.
- Megan Welliver stated that her husband is a small business owner in Forest Grove along Main Street. She cited community safety as her chief concern due to the site's proximity to the intersection and limited sidewalks making it a potentially dangerous area for children to cross. She also questioned how the zone language was being interpreted, as the zoning suggests a pedestrian, high-density mixed use zone. She noted that both Plaid Pantry and Dollar General would generate foot traffic, and she felt that the current proposal would not improve pedestrian safety.
- Chris Billman stated that his concern was with the lack of definition for a bicycle or a bicycle lane within the City of Forest Grove code. He stated the City needs to enforce the laws regarding bike lanes and sidewalks, and there is a lack of ADA upgrades within the city as well.

The Planning Commission deliberated the following points (additional details are in the Planning Commission minutes, attached):

Vice Chair Ruder was concerned with the scale of the business, and interpreted the NMU zoning as being more pedestrian-friendly, lower in traffic volume, and with a variety of housing types. He viewed this as more of a more commercial project application.

Commissioner Nakajima stated her concerns regarding safety at the location due to nearby schools, which could create an attractive nuisance. Commissioner Rojas thought that there were no grounds to deny the application based on safety issues. Commissioner Bannister Lawler agreed with Commissioner Rojas, while Chair Beck thought the term “pedestrian safety” fell within the description of the intent of the NMU zoning district and could be considered on that basis.

Commissioner Sanderson asked about the project becoming an attractive nuisance and if the Commission could deny the application based on what might happen. City Attorney Chris Crean stated the Commission has to interpret the code with what they believe the meaning to be, and write accurate findings reflecting that interpretation.

Commissioner Sanderson questioned if the maximum commercial build-out allowed would be on a first-come, first-served basis. Chair Beck noted that the zoning would make it difficult to develop this area as a whole because of the multiple property owners, making it a first-come first-served within this NMU zone. The Commission cannot deny the proposal on the grounds that it is only a 9,100-square-foot building. (Staff note: As noted in the Planning Commission staff report, the maximum floor area allowed in this NMU-zoned area is 25,000 square feet. The existing commercial buildings in the area have a combined total floor area of 5,432 square feet, for a grand total of 14,532 square feet, or about 58% of the maximum allowed).

Vice Chair Ruder thought the NMU zone definition requires pedestrian friendly development, and he did not believe this application met that definition. He believes the NMU zone is not the same as a commercial zone, and does not think the store is proper in that location. Chair Beck replied that the code does not provide guidance on how to get to the maximum square footage of the stores to be built within the NMU zoning.

Following the above discussion, the Commission voted 5-2 in favor of the application, with Vice Chair Ruder and Commissioner Nakajima in opposition.

That decision has now been appealed. The appellant – Christopher Wilmeth - has cited two reasons for the appeal:

1. That the use would not be located in a Village Center pursuant to Development Code §17.3.320; and
2. That the use would not comply with the purpose of the Neighborhood Mixed Use zone, pursuant to Development Code §17.3.310.

Development Code §17.1.640 addresses appeals of Type III decisions such as the one at issue in this instance. Section 17.1.640(A) requires that the party appealing “identify the specific issues being appealed.” Further, Subsection (B) directs that “the City Council shall consider appeals of a Type III decision by conducting an appeal hearing *on the record*. *Only issues in the record, whether raised in writing or orally, shall be raised before the City Council and the hearing **may** be limited only to those issues raised in the appeal petition*” (emphasis added).

- Here, the appellant has clearly identified two specific issues being appealed, as required under Subsection (A).

- In accordance with Subsection (B), “only issues in the record . . . shall be raised before the City Council.” Under §17.1.640(B) the hearing “may” be limited only to those issues raised in the appeal petition. The use of “may” indicates that while an appellant may not insist that the Council considers issues that were not raised as part of the previous proceedings, the Council has the option to do so. Such would not be the case if the provision used mandatory language such as the word “shall” or “will” instead. Given that, as part of its threshold determination, if the Council accepts the above interpretation of §17.1.640(B), it will need to make a determination as to whether it desires to exercise its discretion in so limiting its review to issues raised before or considering other issues not raised at the Planning Commission.

If the Council wishes to exercise the discretion reserved to it by the use of the word “may” in §17.1.640(B) and consider issues beyond those raised in the appeal, staff provides the following analysis of both the appellant’s contentions, as well as other issues previously raised.

The essential questions raised by the appeal are –

- A. Is the MUPD preliminary plan approval process the exclusive process available for designating a “Village Center”? Or put another way: Does the City have the authority and flexibility under the Development Code to designate a “Village Center” outside of the MUPD process?
- B. Is the purpose statement of the Neighborhood Mixed Use zoning district a criterion that must be satisfied in order to approve the project?

APPEAL ISSUE: VILLAGE CENTER (Development Code §17.3.320 Use Regulations)

The Development Code does not define “Village Center”. Definitions are listed in Development Code Article 12, and this Article does not list a definition for “village center”.

Development Code §17.3.310(C) does provide a description of the Neighborhood Mixed Use zoning district. It states, in part:

Most non-residential uses [in the NMU Zone] must be located within a “Village Center.” The Village Center is intended to serve as the center of the neighborhood, providing convenient access to goods and services as well as “third places” where residents can gather. The NMU Zone implements the Comprehensive Plan’s Mixed Use designation. Mixed Use Planned Development approval is required in the NMU Zone in order to ensure that the objectives of the Comprehensive Plan are addressed.

The Development Code also does not specifically identify a standalone process for designating a “Village Center” in the NMU Zoning District. However, §17.4.315(F) discusses the design and development standards of “Village Centers” as a component of the process for reviewing and approving preliminary plan applications for a Mixed Use Planned Development (“MUPD”). That section of the Development Code provides the following, in part:

F. Village Center. Commercial Uses and Institutional Uses (other than basic utilities, major utilities transmission facilities, daycare, home occupations and community recreation) shall be located within a Village Center.

- 1. The applicant shall propose designs for the Village Center that provide services at a neighborhood scale within a compact, pedestrian-friendly environment. The Design and Development Standards and/or Design Guidelines applicable to the Town Center Transition (TCT) zone shall be used as a basis for development within the Village Center unless modified through an approved MUPD.*

The NMU zoning district generally, and the Village Center designation specifically, was created to foster the development of an integrated neighborhood through the MUPD process. The NMU zoning district regulations did not anticipate the development of individual parcels as *commercial* properties in the NMU zoning district. Instead, the Code assumes that all *commercial* development in the NMU zone would occur in “Village Centers” designated as such as part of the MUPD preliminary plan approval process. This is evidenced by the language in §17.3.310(C) (provided above), as well as language in §17.4.315(F) (also cited above). However, perhaps the clearest evidence comes from §17.3.320, Table 3-10, Footnote F, which is cited by the Appellant and states that a General Retail/Sales Oriented “[u]se is only permitted within a Village Center of a Mixed Use Planned Development *approved in accordance with §17.4.300.*”

Thus, because commercial uses in the NMU zoning district such as the kind proposed in this case are only allowed in “Village Centers” the Council must determine whether it can designate a Village Center as part of this application, or only as part of a MUPD preliminary plan approval process.

- If the Council determines that the MUPD preliminary plan approval process is the *only* means by which a “Village Center” may be established in the NMU zoning district, then the Council would be obligated to uphold the appeal and deny the application on the basis that the requisite “Village Center” has not been lawfully established so as to allow the proposed retail use in the NMU zoning district.
- If the Council determines that the MUPD preliminary plan approval process *is not* the only means by which the Council can designate a “Village Center” then it would need to designate the subject property as a “Village Center” as part of this process in order to approve the application.

[It should be noted that this situation is not unique to this application: three of the four NMU-designated areas consist of multiple parcels and any proposed commercial project on any one parcel within them would face this question regarding interpretation of Development Code language applicable to the NMU zoning district].

Because the Development Code does not explicitly identify any process outside of the MUPD preliminary plan approval process for designating a Village Center, and because the code requires this type of commercial use to be within a “Village Center”, to approve the Application the Council would need to do two things:

1. Make an interpretation of the Development Code that the MUPD preliminary plan approval process is not the exclusive process available for designating a “Village Center”, and that City has the authority and flexibility under the Development Code to designate “Village Centers” both in location and extent outside of that context.
2. The City Council would then need to exercise the authority outside of the MUPD preliminary plan approval process to so designate the property at 1121 Gales Creek Road a “Village Center”.

APPEAL ISSUE: NEIGHBORHOOD MIXED USE (Development Code §17.3.310 *List of Commercial and Mixed Use Zones*)

The appeal also asserts that “The proposed development does not comply with the purpose of the NMU zone under §17.3.310 of the Code....”

The section cited in the appeal is Development Code §17.3.310(C) Neighborhood Mixed Use (NMU) which reads as follows:

The Neighborhood Mixed Use zone is established to support the development of pedestrian-friendly mixed use neighborhoods with a diversity in the mix of housing types and neighborhood-scale retail sales and service, office, civic or recreational uses. Most non-residential uses must be located within a

“Village Center”. The Village Center is intended to serve as the center of the neighborhood, providing convenient access to goods and services as well as “third places” where residents can gather. The NMU Zone implements the Comprehensive Plan’s Mixed Use designation. Mixed Use Planned Development approval is required in the NMU Zone in order to ensure that the objectives of the Comprehensive Plan are addressed.

The above paragraph is one of three describing the various commercial zoning districts, the others being descriptions of the Neighborhood Commercial and Community Commercial zoning districts. These descriptions are just that – descriptions. Neither they nor zoning district Purpose statements are review criteria with which an application must comply in order to be approved; they are expressions of intent. This is consistent with holdings from the Oregon Land Use Board of Appeals and Oregon courts, as both have concluded that general expressions of the goals and objectives of a land use regulation are not approval criteria. Instead, such general policy expressions are implemented by the relevant approval criteria that follow them.

OTHER ‘ON THE RECORD’ ISSUES

Dollar General’s Quality. Several objections to the application were based on the opinion that this particular retail chain should not be approved based on corporate characteristics such as employee wages and product selection. However, such attributes of this or any application are not within the City’s review criteria, and may not be considered in the City Council’s decision.

Traffic Impact Analysis. Several citizens testified that the applicant should have been required to perform a traffic impact analysis, to review traffic volumes, potential intersection impacts, and potential pedestrian impacts.

Whenever an application is filed for a project abutting an ODOT or Washington County facility, a copy of the application is forwarded to that agency for review. Because both Gales Creek Road and Thatcher Road are County facilities, the application was sent to Washington County staff for review and analysis.

While County planning and traffic engineering staff were performing their analysis, City staff consulted the Institute of Transportation Engineers *Trip Generation Manual* (9th Edition) and the trip rate for dollar stores. They exhibit a wide range of 3.15 to 13.94 trips per 1,000 square feet (sf) of gross floor area (GFA) during the p.m. peak hour, when the highest number of trips would be generated. One trip is a vehicle entering a site, and one trip is a vehicle exiting a site. “Peak Hour” is defined as “one hour between 4 and 6 p.m.” With 9,100 sf of GFA, this store would be projected to generate anywhere from 28 to 127 trips during the p.m. peak hour period. Put another way, 14 to 64 vehicles would enter and exit the site during a one-hour period between 4 and 6 p.m.

However, a number of these trips would be “pass-by” trips. Pass-by trips are a subset of trip generation that only apply to commercial or retail projects like the current proposal. They are trips created by drivers already on the road that a business hopes to entice onto their site as they are driving by. New trips and pass-by trips are straightforward: a driver is going to a business and returning the same way (new trip), or a driver is already on the road to another destination and stops at the business because it is convenient, and then continues on (pass-by trip). So the 14 to 64 vehicles cited above would not represent only new trips.

The site abuts and would take access from Gales Creek Road, a designated arterial street. Aside from Highway 47 (which is the only street in the area designated a Principal Arterial), an arterial street is the highest order street in the Forest Grove system. An arterial street is defined as a street which “serves to interconnect and support the principal arterial highway system. These streets link major commercial, residential, industrial and

institutional areas. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors or local streets in lieu of a well-placed arterial street. Many of these routes connect to cities surrounding Forest Grove” (Transportation System Plan Update 2014, p. 95). Other arterial streets include Pacific and 19th avenues, Thatcher Road, and “E” Street. Because arterial streets are designed to “link major areas” they are expected to carry a higher volume of traffic than any other street classification, other than a principal arterial.

At the completion of the County’s review, County staff concluded that “the trips (generated by a 9,100 square foot dollar store) *are low*” (emphasis added) and thus a traffic impact analysis is not warranted. This conclusion is further supported by the City’s Transportation System Plan (2014). It contains information about how well the Gales Creek Road / Thatcher Road intersection is functioning during the PM peak hour. Based on the TSP data, the Level of Service (LOS) ranges between “A” and “C”. That range “indicates conditions where traffic moves without significant delays over periods of peak hour travel demand.” An increase of up to 127 trips during the p.m. peak hour would thus not have a significant impact on the Level of Service.

Intersection Safety. As noted in the Planning Commission staff report, the TSP also has information on Crash History at the intersection. Typically, intersections on collector and arterial roadways with a collision rate over 1.00 suggest further safety investigation is warranted. The collision rate at this intersection is 0.13. Because of the small increase in trips described above and the low documented collision rate, no further safety investigation is warranted.

Pedestrian Safety. Pedestrian access and safety were discussed by the Planning Commission. During the hearing it was noted that sidewalks are installed concurrent with development. This is evident by the sidewalks already installed along both Gales Creek and Thatcher roads where the adjoining properties have been developed. A new sidewalk would also be installed adjacent to this development site, as a condition of approval. Some who testified before the Planning Commission felt that the applicant should be obligated to extend sidewalks off-site. However, to impose that condition would require a clear, legal nexus that the use would generate significant pedestrian traffic and that the condition to require off-site sidewalks was proportional to the increase in pedestrian traffic. Based on the small scale of this project, that nexus does not exist, as evidenced by the conclusion of County staff that a traffic impact analysis is not warranted.

The proposed development site is located at 1121 Gales Creek Road. The properties to the east between the site and the intersection are 1203 and 1213 Gales Creek Road. Both of these street frontages are already almost entirely paved. When the City / County intersection improvement project described below is completed, pedestrians will have a paved route from the intersection to the site, outside of the Gales Creek Road vehicular travel lanes and bikeway.

The City and County have developed a concept plan for improvements at the Thatcher Road / Gales Creek Road intersection, including marked crosswalks across both streets (see Planning Commission staff report Exhibit D). These improvements would be constructed under the Safe Routes to School program, which is intended to provide safe walking and biking routes, crossings, sidewalks, bike lanes, flashing beacons and the like. The crosswalk over Gales Creek Road would also have a center pedestrian refuge area and a pedestrian-activated flashing beacon. Construction of this project has been tentatively scheduled for 2020-21 and would enhance and expand pedestrian amenities and options in the area of the development.

For the reasons described in the Planning Commission staff report and as further discussed above, staff believes that the applicant has complied with the relevant criteria regarding pedestrian safety.

CONCLUSIONS:

1. The Development Code does not define “Village Center”. The City Council has the authority to interpret this Development Code term.
2. The Development Code does not identify a standalone process to locate a Village Center separate from the MUPD preliminary plan approval process, and does not require that a Village Center be located in a specific geographic location relative to the boundaries of the NMU zoning district.
3. Because the Development Code does not define “Village Center” or provide a standalone process separate from the MUPD preliminary plan approval process to locate a Village Center within an NMU zoning district, as explained above the Council needs to make an interpretation as to whether the designation of such Village Centers is limited to the MUPD preliminary plan approval process, or whether the City has the authority and flexibility outside of that process (and as part of this application) to designate a Village Center.
4. Neither zoning district purpose statements nor zoning district descriptions are review criteria with which an application must comply in order to be approved. Because the
5. Gales Creek Road is under Washington County jurisdiction. County staff reviewed the anticipated traffic impacts of the proposed store and concluded that the trips generated were low, and thus a traffic impact analysis was not warranted.
6. Based on the data in the Transportation System Plan, the Level of Service (LOS) on Gales Creek Road ranges between “A” and “C”. That range “indicates conditions where traffic moves without significant delays over periods of peak hour travel demand.” An increase of up to 127 trips during the p.m. peak hour (a number of which would be pass-by trips as described above) would thus not have a significant impact on the Level of Service.
7. The applicant will be required to construct a sidewalk adjacent to the site, thus improving pedestrian connectivity and safety along Gales Creek Road.
8. The City and County have developed a plan for improvements at the Gales Creek Road / Thatcher Road intersection, including additional sidewalks and crosswalks. When constructed, these too will improve pedestrian connectivity and safety.

SUMMARY: The questions before the City Council are –

- A. Does the Council wish to limit discussion to the appeal issues only, or does it want to include any other issue raised before the Planning Commission? The Council should determine the answer to this question before receiving any public testimony.
- B. Does the Council wish to make a Development Code interpretation that the MUPD preliminary plan approval process is the exclusive process available for designating a “Village Center”, and that the City does not have the authority and flexibility under the Development Code to designate “Village Centers” outside of that context? If the answer to this question is “yes” (that the MUPD process is the only process available to create a Village Center) then the appeal must be sustained. If the answer is “no” (that the City can designate a Village Center outside of the MUPD process) then the Council can proceed to the next question.
- C. Does the Council wish to exercise its authority outside of the MUPD preliminary plan approval process to so designate the property at 1121 Gales Creek Road a “Village Center”?

OPTIONS: The Council could take one of three actions:

1. Deny the appeal and approve the application with the conditions imposed by the Planning Commission;
or
2. Deny the appeal and approve the application with modifications to the conditions imposed by the Planning Commission; or
3. Sustain the appeal and deny the application.

Staff will prepare an Order formalizing the Council's decision for adoption at a future Council meeting.

FISCAL IMPACT: None of the above options would obligate the expenditure of City funds.

ATTACHMENTS:

1. Appellant's Materials
2. Correspondence Received
3. Planning Commission Decision Number 2019-08
4. Planning Commission Minutes of June 17, 2019
5. June 17, 2019 Planning Commission Staff Report and Attachments

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EXHIBIT A

Appellant's Materials

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City of Forest Grove

BACKGROUND:

On June 17, 2019, the City of Forest Grove Planning Commission (the "Planning Commission") held a public-hearing on the matter of the proposed development of a Dollar General store to be located at 1121 Gales Creek Road, Forest Grove, Oregon (Type III Application; File No. 311-19-000006-PLNG). The Planning Commission approved the development application by a vote of 5-2.

APPEAL PETITION:

As a party that testified at the Public Hearing on June 17, 2019, I hereby appeal the decision of the Planning Commission to review the following specific issues raised during the public hearing:

- The proposed store is not located within the "Village Center" of the Neighborhood Mixed Use (NMU) zone, as specifically required under § 17.3.320 of the Forest Grove Development Code (the "Code"); and
- The proposed development does not comply with the purpose of the NMU zone under § 17.3.310 of the Code, which provides that "the Neighborhood Mixed Use zone is established to support the development of pedestrian-friendly mixed use neighborhoods with a diversity in the mix of housing types and neighborhood-scale retail sales and service, office, civic or recreational uses."

DISCUSSION:

- THE PROPOSED STORE IS NOT LOCATED WITHIN THE "VILLAGE CENTER" OF THE NEIGHBORHOOD MIXED USE (NMU) ZONE, AS SPECIFICALLY REQUIRED UNDER § 17.3.320 OF THE FOREST GROVE DEVELOPMENT CODE (THE "CODE")

Here, the Applicant is the first party to propose commercial development within the NMU zone. As was specifically raised at the Public Hearing, the application does not address the **primary requirement** of commercial development in the NMU zone, that new commercial construction be located within the "Village Center" of the NMU Zone. **Under § 17.3.320 of the Development Code, Sales-Oriented General Retail is "...only permitted within a Village Center of a Mixed Use Planned Development approved in accordance with § 17.4.300."** Under § 17.3.310 (C), Mixed Use Planned Development approval is required in the NMU Zone in order to ensure that the objectives of the Comprehensive Plan are addressed. This defect in the application was raised during the Public Hearing, and no satisfactory explanation was provided by City Staff or the Applicant.

Currently, no Village Center has been designated for this zone. As the Applicant is the first party to propose development, they **must** propose designs for what portion of the NMU zone is designated as the "Village Center." The Applicant did not proposed any designation of the NMU as the Village Center.

Nevertheless, Staff and the Planning Commission approved the application, but "missed the forest for the trees." Staff accurately applied the architectural and design restrictions within

the development code, but missed *the primary issue* in the development of property in the NMU zone: **designation of a “Village Center.”** Designating the Village Center must happen first, so that commercial development is coordinated with residential development in a manner that complies with the purpose of the NMU zone.

This is not a minor defect, but a critical error. Section 17.3.310 of the Code articulates why:

“Most non-residential uses must be located within a “Village Center.” The Village Center is intended to serve as the center of the neighborhood, providing convenient access to goods and services as well as “third places” where residents can gather. The NMU Zone implements the Comprehensive Plan’s Mixed Use designation. Mixed Use Planned Development approval is required in the NMU Zone in order to ensure that the objectives of the Comprehensive Plan are addressed.”

Substantial taxpayer money and countless hours of public service contributed to the adoption of the Comprehensive Plan. Accordingly, the City of Forest Grove must exercise the land-use approval process to ensure that those objectives are addressed.

The decision of the Planning Commission is clearly in error. **It begs the question: If property in the NMU Zone can be commercially developed on a “first-come, anything-goes” basis, why would a Village Center ever be designated?** If the decision of the Planning Commission stands, the City of Forest Grove will have abdicated authority to enforce commercial development of the NMU zone to Dollar General. Equally concerning, future developers may argue that this “first-come, anything-goes” precedent must be applied to applications within Forest Grove’s other NMU zones.

- THE PROPOSED DEVELOPMENT DOES NOT COMPLY WITH THE PURPOSE OF THE NMU ZONE UNDER § 17.3.310 OF THE CODE, WHICH PROVIDES THAT “THE NEIGHBORHOOD MIXED USE ZONE IS ESTABLISHED TO SUPPORT THE DEVELOPMENT OF PEDESTRIAN-FRIENDLY MIXED USE NEIGHBORHOODS WITH A DIVERSITY IN THE MIX OF HOUSING TYPES AND NEIGHBORHOOD-SCALE RETAIL SALES AND SERVICE, OFFICE, CIVIC OR RECREATIONAL USES.”

The Village Center designation is critical to pedestrian safety. Because no Village Center is designated, the Planning Commission is robbed of the opportunity to review whether development of the Gales Creek NMU zone complies with the development standards under § 17.4.315, which require “services at a neighborhood scale within a compact, pedestrian-friendly environment.”

Multiple parties at the Public Hearing testified that the scale and layout of the proposed construction are not neighborhood-scale retail or pedestrian-friendly. Even ignoring the blatant defect that this commercial development is not located within a “Village Center,” the testimony provided at the Public Hearing provides a sufficient basis for the City Council to overturn on the grounds that the development does not comply with the purpose of the NMU zone under § 17.3.310.

SUMMARY:

The Forest Grove City Council should reverse the Planning Commission’s decision on the basis that the proposed commercial construction is not located within a Village Center. In the

alternative, the Forest Grove City Council should reverse the Planning Commission's decision on the basis that the scale and layout of the proposed commercial construction are not neighborhood-scale retail or pedestrian-friendly.

EXHIBITS:

Attached to this Appeal Petition are the relevant excerpts of the Forest Grove Development Code, as follows:

Article I: Introduction and Procedures

§ 17.1.640 Appeals

Article II: Land Use Reviews

§ 17.2.020 Assignment of Review Authority

Article III: Zoning Districts

§ 17.3.300 Purpose

§ 17.3.310 List of Commercial and Mixed Use Zones

§ 17.3.320 Use Regulations

Article IV: Overlay Districts

§ 17.4.300 Purpose

§ 17.4.315 MUPD Development Standards

§ 17.4.320 Preliminary Plan Review

ARTICLE 1: INTRODUCTION AND PROCEDURES

§ 17.1.640 APPEALS.

A Type III decision may be appealed only if, within 14 calendar days after written notice of the decision is provided to the parties:

A. A party files an appeal petition, identifies the specific issues being appealed, and pays the required fee; or

B. The City Council directs that an appeal be initiated within the 14-day appeal period.

The City Council shall consider appeals of Type III decision by conducting an appeal hearing on the record. Only issues in the record, whether raised in writing or orally, shall be raised before the City Council and the hearing may be limited only to those issues raised in the appeal petition.

Notice of the appeal hearing shall be provided to all parties who participated in the initial hearing and requested notice.

Written notice of the decision on the appeal shall be provided to all parties to the

proceeding within seven days of the Council decision.

The decision of the City Council on an appeal is the city's final decision.

ARTICLE 2: LAND USE REVIEWS

§ 17.2.020 ASSIGNMENT OF REVIEW AUTHORITY.

Land use reviews are assigned to the review bodies stated below.

G. City Council. The City Council is responsible for final decisions on plan amendments and zone changes and all land use reviews subject to Type IV procedures. All appeals of land use reviews subject to Type II and Type III procedures are also assigned to the City Council.

ARTICLE 3: ZONING DISTRICTS

§ 17.3.300 PURPOSE.

The City of Forest Grove has established two commercial zones to implement the Commercial designation of the Comprehensive Plan, and one zone to implement the Mixed Use designation of the Comprehensive Plan.

The Neighborhood Commercial zone provides for limited commercial activities at a neighborhood scale.

The Community Commercial zone is established to accommodate commercial uses with a community market focus and promote a concentration of mixed uses along the regional transit corridor.

The Neighborhood Mixed Use zone is established to encourage the development of pedestrian-friendly mixed use neighborhoods.

Additional commercial development opportunities are provided in the Town Center Zones.

§ 17.3.310 LIST OF COMMERCIAL AND MIXED USE ZONES.

C. **Neighborhood Mixed Use (NMU).** The Neighborhood Mixed Use zone is established to support the development of pedestrian-friendly mixed use neighborhoods with a diversity in the mix of housing types and neighborhood-scale retail sales and service, office, civic or recreational uses. Most non-residential uses must be located within a "Village Center." The Village Center is intended to serve as the center of the neighborhood, providing convenient access to goods and services as well as "third places" where residents can gather. The NMU Zone implements the Comprehensive Plan's Mixed Use designation. Mixed Use Planned Development approval is required in the NMU Zone in order to ensure that the objectives of the Comprehensive Plan are addressed.

§ 17.3.320 USE REGULATIONS.

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

B. Limited uses. Uses that are allowed subject to specific limitations are listed in Table 3-10 with an “L”. These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.

<i>Table 3-10 Commercial and Mixed Use Zones Use Table.</i>			
USE CATEGORY	<i>NC</i>	<i>CC</i>	<i>NMU</i>
General Retail:			
- Sales-Oriented	L[7]	L[7]	L[16]

L[16] Use is only permitted within a Village Center of a Mixed Use Planned Development approved in accordance with § 17.4.300.

ARTICLE 4: OVERLAY DISTRICTS

§ 17.4.300 PURPOSE.

The purpose of the Mixed Use Planned Development is to ensure that sites zoned Neighborhood Mixed Use are developed into pedestrian-friendly mixed use neighborhoods. In order to accomplish that, Mixed Use Planned Developments need to provide:

- A. Diversity in the mix of housing types including single-family houses, apartments, row houses, cottages, senior housing and residential units above commercial or office space;
- B. Pedestrian-orientation in the arrangement and placement of buildings, parking and circulation systems, land uses and utilities;
- C. Pedestrian and bicycle access to, and through, the site and provide connectivity to adjacent areas for motorized and non-motorized modes of transportation;
- D. Neighborhood-scale retail sales and service, office, civic or recreational uses conveniently located for neighborhood access, thereby contributing to the livability of the area by reducing the amount of vehicle miles traveled to reach goods and services;
- E. Coordinated architectural styles, landscaping building forms and building relationships which help establish a cohesive sense of place;
- F. An urban form that emphasizes the efficient use of land and compact urban form;
- G. The applicant with reasonable assurance of ultimate approval before requiring detailed design and engineering, while providing the city with assurances that the project will retain the character envisioned at the time of approval; and
- H. A basis for discretionary review of an overall plan of development that can subsequently be developed in phases over time with administrative approval.

§ 17.4.315 MUPD DEVELOPMENT STANDARDS

F. *Village center.* Commercial Uses and Institutional Uses (other than basic utilities, major

utilities transmission facilities, daycare, home occupations and community recreation) shall be located within a village center.

1. The applicant shall propose designs for the Village Center that provide services at a neighborhood scale within a compact, pedestrian-friendly environment. The Design and Development Standards and/or Design Guidelines applicable to the Town Center Transition (TCT) zone shall be used as a basis for development within the Village Center unless modified through an approved MUPD.

2. The minimum and maximum floor area of commercial or institutional uses permitted within the Village Center is shown in Table 4-2.

3. The total area of the Village Center shall not exceed 50% of the buildable land within the MUPD or three acres, whichever is greater. For the purposes of this calculation the area of the Village Center shall include the contiguous areas dedicated to commercial and institutional uses and related parking. Streets and open space shall not be included in the Village Center area calculations.

4. Only one Village Center is permitted within each of the NMU Zoned Areas.

§ 17.4.320 PRELIMINARY PLAN REVIEW.

B. Submittal requirements. Applications for a preliminary plan review must contain the information stated below in addition to that required by § 17.1.325.

2. Summary report. A summary report identifying the different land uses, including the amount of land for housing, Village Center (if any) and other non-residential uses, open areas, streets and parking; the number and type of housing units; and a statement of how necessary services will be provided and whether the services will be publicly or privately owned and operated.

EXHIBIT B

Correspondence Received

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been no new development in this NMU zoned area since it was annexed by the City several years ago.

Prior to filing the Application, the Applicant met with the City staff as part of a pre-application meeting to discuss the proposed project. The City staff advised the Applicant that the proposed development would be allowed provided it satisfied the applicable approval criteria. The City staff did not advise the Applicant or the property owner that the Property could only be developed as part of a larger project involving the entire NMU zoned area.

The Planning Commission held a public hearing for the Application on June 17, 2019. The City staff recommended approval of the Application subject to conditions of approval. The Planning Commission voted 5 to 2 to approve the Application subject to the City staff's recommended conditions of approval. The Planning Commission adopted its own findings and adopted by incorporation the Staff Report, dated June 17, 2019.

The appellant appealed the Planning Commission's decision pursuant to an appeal petition. The appeal petition challenged the Planning Commission's decision based on two grounds.

B. Scope of the appeal.

The City's Development Code ("DC") Section 17.1.640 sets forth the process and standards for an appeal of the Planning Commission's decision. There are three primary limitations to the scope of an appeal under DC 17.1.640. First, the appeal is limited to those issues raised in the appeal petition. DC 17.1.640(A) & (B). Second, the appeal is limited to those issues raised before the Planning Commission. DC 17.1.640(B). Third, the appeal is limited to the record before the Planning Commission. DC 17.1.640(B).

The appeal petition in this case is limited to two issue. First, the appellant alleges that the Application does not comply with DC 17.3.320 because the Applicant was required to designate and obtain approval for the entire Village Center before it can propose any commercial use in the NMU zoned area. Second, the appellant alleges that the Application does not comply with DC 17.3.310 because the proposed retail store is not a neighborhood-scale retail store or pedestrian friendly. The appeal is limited to these two issues because they are the only issues raised in the appeal petition.

C. Response to appeal issues.

The City Council's resolution of the appeal issues depends predominately on the City Council's interpretation of the applicable Development Code provisions. As explained below, the appeal is based predominately on the appellant's erroneous interpretation of DC 17.3.310 and 17.3.320 and not factual or evidentiary issues. The Planning Commission, the City staff and the Applicant interpreted these particular code provisions and related code provisions in a very different manner than the appellant. Therefore, the appeal hinges largely on which code interpretation the City Council adopts.

The City Council is entitled to considerable deference in interpreting its own code because it is the governing body that adopted the code in the first place. ORS 197.829(1); *Siporen v. City of Medford*, 349 Or 247, 259, 243 P3d 776 (2010). The City Council's primary task in interpreting its code is to discern the intent of the City Council when it adopted the applicable code provisions. *State v. Gaines*, 346 Or 160, 171-72, 206 P3d 1042 (2008). To discern the intent, the City Council must examine the text and context of the applicable code provisions, and any relevant legislative history regarding the purpose behind these code provisions. *Id.* The City Council's interpretation will be affirmed if it is "plausible," i.e. the City Council "plausibly interprets its own land use regulations by considering and then choosing between or harmonizing conflicting provisions." *Id.*

For the reasons provided below, the City Council should adopt the Planning Commission, the City staff and the Applicant's interpretation of these code provisions, reject the appeal and approve the Application. The appellant's proposed interpretations are not consistent with the plain language of the code or the purpose behind these code provisions. The appellant's proposed interpretations would not only preclude this project, but they would also make it extremely difficult to develop the Gales Creek NMU zoned area or any of the other NMU zoned areas in the City.

1. DC 17.3.320 does not require the Applicant to designate and obtain approval of a multi-use Village Center before any commercial development can be approved in the NMU zoned area.

The NMU zone requires a mix of uses, including residential, commercial, and institutional uses. DC 17.3.310(C). Commercial and institutional uses must be located within a Village Center. DC 17.4.315(F). There is a limitation on the maximum size of the Village Center - the total area of the Village Center cannot exceed 50% of the buildable land within the NMU zoned area or three acres, whichever is greater. DC 17.4.315(F)(3). However, there is no minimum requirement regarding the number of commercial uses or size of such uses in the Village Center. DC 17.4.315(F) provides the specific development requirements and restrictions applicable to the Village Center.

The appellant argues that DC 17.3.320 requires the Applicant to designate and obtain approval of a multi-use Village Center before any commercial development can occur in the NMU zoned area. The Applicant disagrees with this interpretation of DC 17.3.320 and argues that an individual commercial development can be approved within the NMU zone area so long as it complies with the Village Center requirements set forth in DC 17.4.315(F). The Planning Commission and the City staff agreed with the Applicant's interpretation of these code provisions. The City Council should adopt the Planning Commission, the City staff and the Applicant's interpretation of these code provisions interpretation for the following reasons.

Although DC 17.3.320 requires commercial uses to be located within a Village Center, it does not require the City to "designate" the Village Center before any individual commercial use can be approved. General retail uses, such as the proposed Dollar General store, are allowed in the NMU zone as a limited use. DC 17.3.320, Table 3-10. Footnote 16 of Table 3-10 provides that such commercial uses are only "permitted within a Village Center of a Mixed Use Planned

Development,” but it does not require the formal designation or approval of a multi-use Village Center before any individual commercial uses are allowed. If the City Council intended the Village Center to be designated and all potential commercial uses approved as a single development proposal before any commercial development can occur, it would have expressly stated so. The absence of an express requirement to develop the entire Village Center as a single development completely undermines the appellant’s proposed interpretation. *See State v. Blueback*, 291 Or App 779, 783-84, 422 P3d 385 (2017) (While a review body can sometimes attempt to harmonize or give effect to conflicting provisions, it cannot do so in a way that requires the insertion of terms that were not included in the code provisions in question.)

Similarly, DC 17.4.315(F) does not require the City to formally designate and approve a Village Center before any individual commercial use can be approved. DC 17.4.315(F) is the most relevant code provision because it sets forth the specific requirements for Village Centers. There is nothing in DC 17.4.315(F) that requires designation of a Village Center or approval of all potential commercial uses before any individual commercial use can be allowed. If the City Council intended such a requirement, it would have expressly stated so in DC 17.4.315(F) since that is the code provision that specifically governs the Village Center requirements.

The appellant’s interpretation erroneously presumes there is a minimum requirement on the number of commercial uses and/or size of the Village Center. There is no minimum requirement on the number of commercial uses or the size of the Village Center. DC 17.4.315(F)(3). Therefore, a single commercial use such as the Dollar General store proposed in this case can satisfy the Village Center requirements. The appellant’s interpretation is inconsistent with the applicable code provisions because it imposes an amorphous minimum requirement on the number of commercial uses and/or size of the Village Center that is not consistent with the plain language of the applicable code provisions.

Nor would it make practical sense for the City Council to interpret DC 17.3.320 in the manner suggested by the appellant. The appellant appears to be suggesting that before any commercial development can occur in the NMU zoned area, all potential commercial development that could occur in the NMU zoned area must be identified and approved as part of the Village Center. This approach would essentially require the entire NMU zoned area to be designed and approved as a single development before any individual development could occur. Such an interpretation would make it extremely difficult to develop in the NMU zoned areas because the entire NMU zoned area would have to be developed at the same time so that all potential uses could be taken into account.

Such an approach would make it virtually impossible to develop the Gales Creek NMU zoned area because it is owned by multiple parties. The NMU zoned area is owned by nine (9) different property owners. If the entire NMU zoned area was required to be planned and approved as a single development, it would require the coordination and agreement of all nine (9) property owners. It would also require there to be sufficient interest in developing the entire 6.68 acre NMU zoned area. Given that the proposed Dollar General store is the first development proposed in this NMU zoned area since it was annexed by the City several years ago, it is highly unlikely it will ever be developed if it can only be developed as a single, large, mixed use development.

As the Planning Commission and the City staff concluded, a commercial use is allowed in the NMU zoned area so long as it satisfies the Village Center requirements for commercial uses set forth in DC 17.4.315(F). The Planning Commission concluded that the proposed Dollar General store satisfied DC 17.4.315(F) and the appellant did not challenge those findings. If there are additional commercial uses proposed in the future in this NMU zoned area, those future developments must satisfy DC 17.4.315(F) as well. The City Council should adopt the Planning Commission, the City staff and the Applicant's interpretation of these code provisions and reject the appellant's proposed interpretation for these reasons set forth herein.

2. The proposed Dollar General store is a neighborhood-scale retail and pedestrian friendly consistent with DC 17.3.310(C).

The appellant argues that the proposed Dollar General store does not satisfy DC 17.3.310(C) because it is not a neighborhood-scale retail or pedestrian friendly. DC 17.3.310(C) provides in relevant part: "The Neighborhood Mixed Use zone is established to support the development of pedestrian-friendly mixed use neighborhoods with a diversity in the mix of housing types and neighborhood-scale retail sales and service, office, civic or recreational uses." Although the appellant alleges that the proposed development does not satisfy DC 17.3.310(C), he does not explain *why* he believes the proposed Dollar General store is not a neighborhood-scale retail or pedestrian friendly. The City Council should reject this appeal issue for multiple reasons.

The appellant failed to explain why the proposed development does not satisfy DC 17.3.310(C). The appellant cannot merely allege that the proposed development does not satisfy DC 17.3.310(C). The appellant must explain *why* it does not satisfy this criterion. Without some explanation as to why the proposed Dollar General store is not a neighborhood-scale retail or pedestrian friendly, there is no basis to uphold the appeal.

DC 17.3.310(C) is a purpose statement and does not impose specific approval criteria regarding the allowed size for a neighborhood-scale retail uses or pedestrian connectivity. Purpose statements in local codes, which express general goals or objectives, are not approval standards. *Baker v. City of Garibaldi*, 49 Or LUBA 437, 449-50, *aff'd without opinion*, 201 Or App 299 (2005). DC 17.3.310(C) is such a purpose statement that merely expresses general goals or objectives. As explained below, there are other code provisions that apply specific standards regarding the size of allowed retail uses and pedestrian connectivity. It is those standards, not DC 17.3.310(C), that dictate whether the proposed Dollar General store is a neighborhood-scale retail use and pedestrian friendly.

The proposed Dollar General store is clearly a neighborhood-scale retail because it is well below the maximum size restriction imposed on commercial uses. DC 17.4.315(F), Table 4-2 provides the maximum square footage for commercial uses in each NMU zoned area. For the Gales Creek NMU zoned area, the maximum square footage allowed for commercial uses is 25,000 square feet. The proposed Dollar General store is 9,100 square feet, well below the maximum size allowed. A proposed commercial use that is well below the maximum size allowed in the NMU zoned area must satisfy the neighborhood-scale retail requirement.

The proposed Dollar General store is also pedestrian friendly. There are several applicable code provisions that impose specific pedestrian connection requirements, including DC 17.4.315(J) and the Town Center Design Guidelines Site – Pedestrian Connections. The Planning Commission and the City staff concluded that the proposed development satisfied these requirements because it includes a new public sidewalk along Gales Creek Road and a walkway connection from the sidewalk to the building. The appellant did not challenge these findings in its appeal petition and therefore waived any arguments regarding the pedestrian connections.

Although it is not clear from the appeal petition, the appellant appears to imply that the Applicant is required to provide pedestrian connections and throughout the entire the NMU zoned area. To the extent the appellant is making such an argument, he is wrong because there is nothing in the applicable code provisions that requires the Applicant to provide pedestrian connections to portions of the NMU zoned area that are not being developed.

Additionally, any condition requiring the Applicant to provide pedestrian connections or related public improvements for the entire NMU zoned area would constitute an unconstitutional exaction of property in violation of the Fifth and Fourteenth Amendments to the United States Constitution. An exaction includes a requirement to provide or pay for public improvements as a condition of granting a permit to develop property. *Koontz v. St. Johns Water Management District*, 570 U.S. 595, 133 S. Ct. 2586 (2013). A local government may only impose an exaction as a condition of a permit if the government demonstrates: (1) a nexus between a governmental interest that would furnish a valid ground for the denial of the permit and the exaction of property; and (2) that the nature and extent of the exaction are roughly proportional to the effect of the proposed development. *Dolan v. City of Tigard*, 512 U.S. 374, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994); *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987); *Brown v. City of Medford*, 251 Or App 42, 47, 283 P3d 367 (2012). Under the first element, the local government must identify specific project impacts that provide a basis to deny the application. *Daniel Hill v. City of Portland*, 293 Or App 283, 290-91, 428 P3d 986 (2018). Under the second element, the local government must demonstrate that the exaction is roughly proportionate to the development's projected impacts. *Dolan*, 512 U.S. at 391. The City would not be able to satisfy either element because the impacts of the project are limited to the immediate area around the proposed development and does not extend to the entire NMU zoned area.

D. Conclusion.

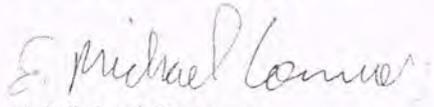
The Dollar General store will provide much needed development to this area of the City and valuable retail goods and services to the surrounding community. The design of the store is first class and will establish a good precedent for future development in this area. The Planning Commission and the City staff carefully reviewed the Application and concluded that it complies with all of the applicable approval criteria. The appellant is proposing erroneous interpretations of DC 17.3.310 and 17.3.320 that are inconsistent with their plain language and the purpose behind these code provisions, and would make it extremely difficult to develop the Gales Creek NMU zoned area or any of the other NMU zoned areas in the City. Therefore, the City Council should deny the appeal and approve the Application consistent with the Planning Commission's decision and conditions of approval.

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July 31, 2019

We appreciate the City Council's attention to this matter and look forward to discussing the project and these appeal issues in greater detail at the August 12, 2019 appeal hearing.

Very truly yours,

HATHAWAY LARSON LLP

A handwritten signature in cursive script that reads "E. Michael Connors".

E. Michael Connors

EMC/ph
cc: Client

Thatcher Road LLC

PO Box 310
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Tim0215@live.com

RECEIVED

JUL 17 2019

City of Forest Grove

This is a response to the recent appeal of the Planning Commissions decision to approve the Dollar General Store application at 1121 Gales Creek Road.

I am one of the owners of Thatcher Road LLC, which holds the current title and is presently under contract to sell the property for a Dollar General Store. My partners and I have been involved with the property since 2004. We have participated in hearings for annexation of the property, in addition to the formation of a zone which meets the City of Forest Grove's plans to develop the West side.

I am not going to address the legalities of the Mixed Use and Village Center part of the City code, leaving that to the City of Forest Grove's lawyer and the developer of Dollar General. However, I am going to address the history of the site and the discussions we have had with the City staff and Planning Commissioners at various hearings regarding annexations and zoning.

First, a bit of history – this property has been in the City's plans, one way or another, since 1978, as a place for commercial property to serve the West side of Forest Grove. It was originally planned as commercial soon after the Urban Growth boundary was approved in the late 1970's. At that time, the property was within the County and not inside the City limits of Forest Grove. Additionally, there were already three commercial establishments in the area: A Chevron service station at the intersection of Gales Creek Road and Thatcher Road, a fishing and bait shop just West of the service station along Gales Creek Road, and a radiator shop just North along Thatcher Road. The City decided in the early planning process that more commercial was needed on the West side, therefore, putting this property along with the existing three businesses and seven other properties into its plan as commercial.

Several years ago, the property was annexed into the City and work began on zoning the planned properties. This works' findings concluded that commercial businesses serving the West end of Forest Grove had diminished vastly in the previous decades. Safeway, a grocery store and variety store just East of the current Middle School, gave up and moved to the East end of town. A Tradewell Box store then leased the location of the previous Safeway store and failed roughly five years later. Business was so bad they closed the store and continued to pay their \$5,000.00/month lease rather than sustain greater losses. Ultimately, the location was sold to the Assembly of God Church and is operated as a church to this day.

Because of this, the City and property owners searched for a zoning on this property that was attainable. It appeared that the possibility of getting a larger store like Hank's Supercenters, Walmart, or Trader Joe's would never happen; they all needed the traffic volume on the East end of Forest Grove, as well as the market area including Cornelius and West Hillsboro, to make their business models work. As a compromise, the City suggested Mixed Use Zoning which would allow either commercial or residential development of the properties. I remember being told that the zone adopted would allow 100% commercial, residential, or any variation in between. As property owners, we agreed to the current zone because we were assured it offered a chance for commercial but if that never happened, it could be developed fully as residential. There was no discussion of the need to develop bike paths, walking

paths, and/or other elements of a “town center”. In fact, from everything I know about town or village centers, the approximately 3.5 acres we controlled could never develop as the type of center cited by the appellant. In order to develop a true “town center” with all the connectivity elements required to be successful, common ownership of at least 20 acres would more reasonably justify such a development. Even if we somehow designed bike and walking paths on our 3.5 acres, the 70 years of development surrounding the property are not designed to take advantage of such improvements.

I did a drive thru last week. Here is what I found.

1. The major development just East and slightly South of several hundred homes has almost no sidewalks.
2. Talisman Development just South and slightly West is mixed. Many homes have sidewalks, but some do not including the street leading directly to the city park just a few hundred feet from our property.
3. The Forestry Center to the West has no sidewalks or connection to our properties or the subdivisions to the West of it.
4. Fairview Terrace developed in the 1950's has no sidewalks or curbs. It is just West of the Forestry Center.
5. Forest Gale Heights has some sidewalks but none along the first developed streets leading out of the subdivision.
6. Gales Creek Highway is a no curb, no sidewalk road for its entire length.
7. Thatcher Road has no curb or sidewalks for most of its length.

The idea that this property could serve as some sort of a walkable, bike friendly Village Center for an area that is currently NOT bike or walking friendly was never part of any discussion at any level we had with the City. The idea that our 3.5 acres could be the catalyst to make this happen was never mentioned by anyone.

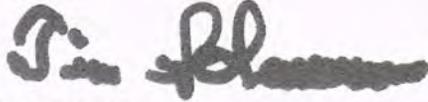
The zoning discussion, for several years, with both staff and Planning Commissioners, centered around finding a way to provide some neighborhood shopping to decrease trips across town to the major shopping areas on the East side of Forest Grove.

Our testimony was that the several decades of failure on the West side of town made any significant attraction of new shopping very difficult. Therefore, we wanted some type of mixed zoning that recognized attracting Trader Joe's or larger retail stores nearly impossible. In fact, our property was exposed through a realtor to Hanks and Trader Joe's and the feedback we got was that in no way did the West side of Forest Grove have enough population or traffic to make those tenants a remote possibility.

The City staff proposed the current zoning as a way to allow both the City's desire to have some neighborhood shopping on the West side and the communities desire for flexibility to develop residentially if no retail could be attracted.

As such, we were pleasantly surprised that Dollar General presented a business model that did not require a large population base or high traffic volumes to be successful. We believed, based on years of interaction with the planners and Planning Commissioners, that the current proposal was exactly what both sides wanted. We also heard the City Attorney answer a question about this subject with a paraphrased statement: “This is a judgement call and each Planning Commissioner can make the call based on their judgement”.

Therefore, we ask that the appeal be overturned and the application for approval be confirmed. If not, we will surely be asking for zone changes. The idea that this area can be developed as a walkable, bike friendly commercial site is not based on the reality of the current development and certainly cannot be accomplished by the owner of 3.5 acres. To require our property to somehow develop a village or town center as envisioned by the appellant in this location would be similar to telling us we could only build a skyscraper at the same location. It would, for all practical developable purposes, zone the property as unusable.



7-16-2019

Tim Schauer
Thatcher Road LLC, Member(one of the owners)

EXHIBIT C

Planning Commission
Decision Number 2019-08

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**Planning Commission Findings and Decision Number 2019-08 to
Approve the Site Plan and Building Design of Dollar General
1121 Gales Creek Road
File Number: 311-19-000006-PLNG**

WHEREAS, Dollar General filed for site plan and design review for a new 9,100-square – foot retail store on April 19, 2019; and

WHEREAS, the application was deemed complete on May 15, 2019; and

WHEREAS, notice of this request was mailed to property owners and residents within 300 feet of the subject site on May 28, 2019 as required by Development Code §17.1.610. Notice was also published in the *News Times* on April 26, 2017. Multiple written comments were received in response to these notices; and

WHEREAS, the Planning Commission held the duly-noticed public hearing on the proposal on June 17, 2019.

The City of Forest Grove Planning Commission does hereby approve the site plan and building design, making the following specific findings in support of this decision:

- 1) The Planning Commission adopts by reference the staff report including findings dated June 17, 2019.
- 2) The project complies with Development Code §17.2.450 *Site Development Review Criteria* as follows:
 - A. The site development plan complies with all applicable standards of the base zoning district, any overlay district, and the applicable general development standards of Article 8.

Finding: The site is located in the Neighborhood Mixed Use (NMU) zoning district. No front, side, or rear setbacks apply. At its closest point, the building would be about 80 feet from the Gales Creek Road right-of-way. The side (west) setback would be about 84 feet; the side (east) setback would be 15 feet; and the rear (north) setback would be 10 feet. The project complies with setback standards.

Finding: The trash and recycling enclosure would be located in the northwest corner of the site. Based on the submitted architectural renderings, the enclosure would be of masonry construction with solid gates to provide screening. It would be finished with a roof or pergola.

Finding: The height limit in the NMU zone district is 45 feet. The height of the building would be about 23 feet at the roof peak over the entry, well below the maximum height allowed.

Finding: With 9,100 square feet of floor area, between 34 and 56 parking spaces would be required. Because the site would be served by GroveLink, which provides regular transit service, a 10% reduction in on-site parking is possible. This would reduce the minimum number of spaces required from 34 to 31. As 31 spaces are proposed, this standard is met.

Finding: DC §17.8.545 requires landscaping and screening of car parks. Proposed landscaping would include a variety of both deciduous and conifer trees scattered throughout the site. The plans also include various deciduous and evergreen shrubs, groundcover and

ornamental grasses. With the condition to provide additional landscaping where the walkways converge, the landscape plan would comply with the provisions of this code section.

Conclusion: With the conditions noted above, the project would comply with Development Code standards.

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

1. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and

Finding: Residential properties are located adjacent to the site, but are also located in the same NMU zoning district as the application site.

2. Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or adequately mitigated through other design techniques.

Finding: Residential properties are located adjacent to the site, but are also located in the same NMU zoning district as the application site. The building site would abut the east and north property lines, at the greatest distance possible from nearby residences. The site would be largely enclosed by a six-foot-tall painted wood fence and the car park would be landscaped, which will minimize off-site headlight glare. Car park lighting would be screened as per DC §17.8.755(C) and (E) so that lighting "is directed downward with no splay of light off the site." Furthermore, "any light source over 10 feet high shall incorporate a cutoff shield."

Finding: As a retail project, off-site noise impacts are not anticipated. Should noise become a complaint issue, the City has in place a noise control ordinance that could be used to abate the nuisance.

Finding: As a retail project, off-site odor impacts are not anticipated. The trash and recycling enclosure would be located abutting the west and north property lines; no residences would be located nearby.

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

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

Finding: No sensitive natural resource areas, prominent topographic features, or sensitive natural resource areas exist on or adjacent to the site. This criterion does not apply to those features. There is a mature Douglas fir tree on-site near the Gales Creek Road property line. While the intent is to preserve this tree, it may need to be removed because the installation of street improvements and/or on-site improvements may adversely impact the root zone.

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

Finding: No designated historic resources are present on or adjacent to the site. This criterion does not apply.

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

Finding: The Gales Creek Road right-of-way will need to be widened to comply with Washington County Arterial street standards. In addition, the r.o.w. is not fully improved, lacking curbs, gutters, sidewalks, and landscaping. Approval of the application has been conditioned to require additional r.o.w. and full frontage improvements. With these conditions, the site plan would comply with County street standards.

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

Finding: DC §17.8.115(4) requires a minimum walkway width of four feet. Concrete pedestrian walkways are proposed to connect the building to the car park and public sidewalk. All walkways would be at least five feet wide; the walkway from the building entrance to the sidewalk would be eight feet wide. This criterion is met.

- G. Design Review Criteria: DC §17.4.315(F)(1) *MUPD Development Standards – Village Center* states (in part) that “*The Design and Development Standards and/or Design Guidelines applicable to the Town Center Transition zone shall be used as a basis for development within the Village Center unless modified through an approved MUPD.*” This application is for a single site that is not part of a larger planned development project, but because it is located in the NMU zoning district, and because “*MUPD approval is required in the NMU zone*” (per DC §17.3.310(C)) then the TCT *Design Guidelines* apply.

Projects subject to design review are to be evaluated based on the following:

- (A) The development standards of the applicable zoning district and any overlay district;
- (B) The general development standards of Article 8.
- (C) Departures from code requirements may be permitted as part of a Track 2 Design Review Process, when the following criteria are met:
 - 1. The design guidelines contained in the applicable section of the “Design Guideline Handbook” are adequately addressed.
 - 2. The applicant demonstrates that the overall development would result in a development that better meets the intent of the design guidelines than a design that simply meets the Code.

Design Guideline Handbook Section I *Town Center Design Guidelines* establishes specific design review criteria intended to respond to typical commercial development common to Forest Grove, as follows -

Site - Building Orientation

Minimize building setbacks from any public street right-of-way. Zero lot line buildings along the public street right-of-way are encouraged to maintain an inviting and continuous storefront presentation. The building would be setback about 80 feet from the Gales Creek Road right-of-way. This width is necessary in order to provide maneuvering space for delivery trucks, and for the water quality facility which must be located at the lowest point of the property, which is adjacent to Gales Creek Road.

Design and construct a primary building entrance for each building façade. If a building has frontage on more than one public street, a single building entrance on the corner is acceptable. The building entrance would face Gales Creek Road.

Use the area between the right-of-way and building to create a plaza court, planter area, bicycle parking or another amenity. The area forward of the building would be used for a water quality facility, bicycle parking, and vehicular parking.

Main entrance should be oriented to the street. The main entrance would be oriented to the street.

Site – Pedestrian Connections

Design and locate buildings and off-street parking within the Town Center to reinforce the district's traditional pedestrian orientation. The Gales Creek Road MUPD area does not at present have a strong pedestrian orientation. With this project, a new sidewalk would be installed along Gales Creek Road where one does not presently exist, and walkways provided on-site to the building entrance.

Separate walkways from vehicle areas by landscaping, bollards or changes in elevation. The walkway alongside the building would be grade separated. The walkway connection to the public sidewalk would be partially grade separated; it would also be of another material so as to delineate the pedestrian crossing from the drive aisle.

Provide landscaped pedestrian walkways for direct, convenient mid-block connections. The pedestrian connection to the public sidewalk would abut landscape areas.

Separate or screen pedestrians from nuisances, such as mechanical equipment, dumpsters, and loading areas. The trash and recycling area would be enclosed. Mechanical equipment will have to be screened, and the loading area would be located to the rear of the building.

Enclose trash and recycling areas. The trash and recycling area would be enclosed.

Site – Amenities

Provide weather protection above sidewalks in the form of awnings or other building elements appropriate to the design of the structure. The building entrance would be set back six feet, thus providing some weather protection.

Canvas fixed or retractable awnings or horizontal metal canopies. No awnings are proposed.

Seating areas near retail establishments. No seating areas are proposed.

Courtyards, squares, forecourts, and plazas with active adjacent ground-floor uses. No courtyards etc. are proposed.

Building – Facades

Walls that have a comfortable rhythm of bays, columns, pilasters or other articulations. The walls would have a series of design features, including changes in siding and trim, windows with faux shutters, a projecting entry area, and pedimented roof.

Facades should be taller than one-story to create a sense of enclosure along the sidewalk. The building would not be located along the sidewalk.

Architectural elements such as towers, roof parapets. The building design includes a roof pediment over the entry.

Well-detailed cornices of significant proportions to create visual interest and shadow lines. The cornice would be differentiated by a change in materials (shingles) which would create different shadow lines than the lap siding below it.

Vertical elements that break up long, monolithic building facades along the street. The façade facing the street would be broken up by the building entrance, windows, and various architectural details including stone, lap and shingle siding, and shutters.

Regularly spaced and similar-shaped windows with window trim on all building stories. Faux windows would be located on the front (south) façade. Faux windows would also be placed on the west façade, facing the car park. The west and north facades would not have windows.

Bay windows on second story or higher floor levels. The building would be a single story; therefore, this design element is not applicable.

Screen mechanical equipment. Mechanical equipment will be required to be screened.

Building – Retail Storefronts

Storefronts should be designed to encourage a lively streetscape with clear windows, window displays. Clerestory or transom windows above storefronts are recommended. Windows facing the street would be clear (although tinted); clerestory windows (above the doors) are also proposed.

Entry ways with multiple doors, windows, architecture details and ornate hardware. The entry way would have multiple doors and windows.

Sliding, overhead or other operable windows for restaurants or other active uses. The proposed use would be retail and would not be defined as an active use, thus, no sliding or overhead operable doors are proposed.

Building – Entries

Entryways that project or are recessed from their surrounding building façades. The entryway would be recessed from the primary building façade.

Visible frame or trim detail surrounding the entry. No specific frame or trim detail surrounding the entry is proposed.

Transom, sidelights and other detailed window surrounds at the front entry. Transom windows and sidelights would surround the entry doors.

Doors combined with special architectural detailing. No special architectural detailing is proposed around the doors.

Well-detailed doors with ornate hardware. Doors would be a component of a standard storefront panel; no ornate hardware is proposed.

Building – Residential Entries

Multi-panel doors.

Transom windows and sidelights.

Durable, high quality metal door hardware.

Wood solid core doors.

Entries separated from the street by semi-private transition areas such as porches, terraces, stoops or canopy-covered doorways.

As no residences are proposed, this section is not applicable.

Building - Windows

The majority of the ground floor building façade should contain windows. A majority of the street-facing façade does not contain windows.

Multiple windows should be provided on the front façade above the main floor in a uniform pattern. Multiple windows would be provided above the front entry.

Windows should be oriented vertically with rectangular shapes. Windows would be oriented vertically and would be rectangular.

Frame openings with trim around windows and doors. Window sets on either side of the entry would be trimmed and bracketed with faux shutters.

If used, door and window shutters should be sized to cover the entire window. The faux shutters appear to be sized such that they could cover the windows, if they were operable.

“Punched” window openings recessed rather than flush with the building façade. Window openings do not appear to be recessed.

Building – Exterior Walls

Quality materials such as brick, stone and natural wood. The building design includes cultured stone.

Applications that create depth, such as recessed windows and doors. The entry doors would be recessed.

Establish a single clearly dominant exterior wall material and finish. Lap siding would be the dominant exterior material.

Belt courses and medallions. A belt course would be included at the top of the band of cultured stone.

Consider the following materials:

TCC: Brick or stone masonry. Not applicable to this application.

TCT: Brick or stone masonry; cement-based stucco; lap siding; board and batten siding; shingles and shakes. Proposed siding materials include stone masonry, lap siding, and shingles.

Building Landscape – Walls and Fences

Site wall and landscaped planter box materials and character should generally match or provide compatibility with the adjoining building materials and historic character. No walls or planter boxes are proposed.

Preferred materials include: brick and stone masonry; cast-in-place concrete or architectural finished exposed concrete; cementitious-based stucco over masonry or concrete substrate; solid wood pickets, lattice and boards; or painted welded metal or wrought iron. The proposed fence would be painted wood.

Lighting – Exterior Building

Lighting which adds visual interest and highlights aspects of the building. Goose-neck lamps are proposed over the building entry and above the windows.

Decorative wall sconce and similar architectural lighting features. No wall sconces are proposed, but the gooseneck lights will highlight the windows and faux windows on the south and east elevations.

Lighting fixtures which are integrated with and highlight landscaping. No landscape lighting is proposed.

Lighting – Parking Lot

Light poles should be dark green or black. This design element has been included in the approval conditions.

Standards should accommodate banners and hanging flower pots (with drip irrigation systems). Light standards could be equipped at any time for banners. Because the standards would be located in landscaped areas and not over sidewalks, hanging flower pots are unnecessary.

Light standards should be located in landscaped areas when possible to protect fixtures from automobile damage. Light standards will be located in landscape areas.

Lights should be shorter than two-stories in height. Light standards are required to be 18 feet or less.

Lighting – Sidewalk and Landscape

Seasonal lights on buildings and trees. Seasonal lighting by definition would not be permanent as thus, this guideline is not applicable.

Foot lighting that illuminate walkways and stairs. The site will be illuminated with lights on the building and in the car park. Illumination will be required to comply with DC §17.8.750 et. seq. *Lighting Standards.*

Fixtures concealed and integrated into the design of buildings and site landscaping elements. No concealed fixtures are proposed.

Bollard lighting that is directed downwards toward walkways. No bollards or bollard lighting is proposed.

Lighting – Signs

“Gooseneck” lighting that illuminates wall signs. Gooseneck lighting is proposed over the building sign above the entry, as well as over the windows and faux windows.

Sign silhouette backlighting is not proposed.

Incandescent or fluorescent bulb or low-voltage lighting. The illumination type is not known at this time.

Signs – Wall

Signs should identify the name of the building or major tenant only. The building will be identified with a sign naming the owner/tenant

Signs should be incorporated into the building architecture as embossing, low relief casting, or application to wall surfaces. The wall sign will be attached to the wall surface.

Signs should be durable and long lasting. Specific materials have not yet been identified.

Signs should be located as panels above storefronts, on columns, or on walls flanking doorways. The wall sign would be located above the storefront.

Signs – Hanging and Projecting

Signs should identify the name of the building or major tenant only.

Sign lighting should be integrated into the façade.

Sign should be durable and long lasting should not obstruct sidewalks or hang low enough to create hazards.

No hanging or projecting signs are proposed; these design elements are not applicable.

Signs – Window

Interior applied lettering or graphics.

Interior neon or other illumination.

No window signs are proposed, these design elements are not applicable.

Signs – Informational and Directional

Low-scaled signs.

Located at entries to parking lots, service areas, or pedestrian areas.

Sign should be durable and long lasting.
Signs should not obstruct sidewalks.
Compatible with adjacent architecture and streetscape elements.

No informational or directional signs are proposed, these design elements are not applicable.

Signs – Temporary

Easels and chalkboards.
Sandwich boards.
Small professionally painted and designed sandwich boards.
Compatible with adjacent architecture and streetscape elements.

No temporary signs are proposed at this time.

Conclusion: With the conditions described in the section above, the design guidelines have been adequately addressed by the application.

Based on the information provided in the application and the findings above, the Planning Commission hereby approves the application for site design, design review and lot line adjustment for the proposed Dollar General store at 1121 Gales Creek Road, with the following conditions:

GENERAL

1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.
2. The applicant must comply with all applicable City, County and CWS building and development standards, including all dimensional standards and public works specifications.
3. All utility connections shall be underground (DC §17.8.645(A) *Underground Utilities*).

STREET AND PUBLIC IMPROVEMENTS

4. Dedicate as needed additional right-of-way along Gales Creek Road, as per Washington County standards and specifications.
5. Improve the Gales Creek Road frontage including curbs, gutters and sidewalks, as per Washington County standards and specifications.
6. Public infrastructure shall comply with County or City-standard design and construction standards including CWS requirements. City-standard storm and sanitary sewer lines shall be extended to the west property line.
7. A water quality facility maintenance agreement shall be required.

ACCESS, CIRCULATION AND PARKING

8. Except where required by other codes (e.g. ADA), parking stalls shall be reduced in length to 16 ½ feet to the curb, provided the adjoining walkways and landscape areas are commensurately enlarged. Where stalls are shortened, no additional curb stops shall be required.

LANDSCAPING

9. Install a landscape island at the building's southwest corner where the two pedestrian walkways converge. Landscaping shall include an additional Chinese Pistache tree, and shrubs and/or groundcover.

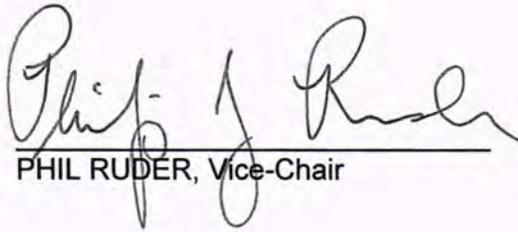
10. Perimeter landscaped areas adjacent to the car park shall be at least 5 feet wide exclusive of the curb, in compliance with DC §17.8.545(D) *Landscaping and Screening of Parking and Loading Areas*.
11. The Gales Creek Road right-of-way shall be landscaped in compliance with DC §17.5.120 *Street Trees* and FGC 90.40 et. seq. *Parkway*.

LIGHTING

12. All lighting shall comply with the provisions of DC §17.8.755(C) *Pedestrian Lighting Standards* and §17.8.755(E) *Lighting Standards for Commercial Development*.
13. Light poles shall be black or dark green.

BUILDING DESIGN

14. All ground level and roof-top mechanical equipment shall be screened from view with landscaping, fencing and or walls. The height of the screen shall equal or exceed the height of the equipment, and include screening from views from above when visible from adjacent buildings.
15. The building address shall be identified with digits at least 6 inches tall that contrast with their background.


PHIL RUDER, Vice-Chair

June 18, 2019
Date

EXHIBIT D

Planning Commission Minutes of June 17, 2019

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A place where families and businesses thrive.

**Planning Commission
Community Auditorium
1915 Main Street, Forest Grove, OR
Monday, June 17th, 2019, 7:00 pm**

1. CALL TO ORDER:

Chair Tom Beck called the meeting to order at 7:00 p.m. Roll Call:

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

Planning Commission Excused: None.

Staff Present: James Reitz, Senior Planner; Chris Crean, City Attorney; Cassi Bergstrom, Planning Commission Coordinator

2. PUBLIC MEETING:

A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:

None.

B. PUBLIC HEARING:

(1.) File No. 311-19-000006-PLNG –Site Plan and Design Review of a proposed 9,100-square-foot Dollar General retail store and parking

Chair Beck opened the quasi-judicial public hearing at 7:02 p.m., reading the hearing procedures, criteria, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. There were none, and no challenges from the audience.

Chair Beck informed the audience that a great number of emails were received as correspondence, but the development criteria must be followed. Any statements not relevant to the land use criteria will be dismissed.

Mr. Reitz showed the site plan and aerial view of the subject site, explaining the lot line adjustment and Right-of-Way (ROW) dedication required on Gales Creek Road. The zoning map shows the area zoned as Neighborhood Mixed Use (NMU) and this is the first application received for this NMU zoned area.

Vice Chair Phil Ruder inquired as to the prior zoning of that area, and Mr. Reitz responded that it was previously Commercial Planned Development (CPD) for many years, but was re-zoned to NMU in the last two years. Mr. Reitz went on to

explain that retail has migrated east, giving an example of Safeway's previous location on the west side and their migration to where they are located at now.

Mr. Reitz went on to explain that Thatcher Road and Gales Creek Road are under Washington County jurisdiction, and discussions were had with Washington County Land Use and Transportation to determine allowed access from the ROW to the subject site. Conditions of approval require a water quality facility for storm water coming from the site, a pedestrian walkway on-site, and curb/gutter sidewalk at the frontage. A ROW dedication will be required from the county from the 45 foot half street width.

Mr. Reitz explained the truck turning radius needed within the parking lot area for the delivery trucks coming to the site. All maneuvering of the trucks will be happening on site, which is why the parking stalls widths are wider than what the City usually sees.

Mr. Reitz went on to show Commissioners the Intersection Improvement Plan due to the deficiencies within the intersection of Gales Creek Road and Thatcher Road. Currently there are limited pedestrian routes and free flowing, speeding traffic. Mr. Reitz showed the City's conceptual plan to reconfigure the intersection, which the City is determining funding in order to get the project underway for year 2020-2021.

Commissioner Bannister Lawler inquired if the property owners between the intersection of Thatcher/Gales Creek Road and Dollar General will be required to construct sidewalks, and Mr. Reitz responded that they will not be required until development occurs at those other sites.

Vice Chair Phil Ruder wondered how the slowing of traffic westbound will be better due to the intersection backing up when school lets out of class. Mr. Reitz responded that the Transportation System Plan (TSP) showed the level of service at the intersection as average, but at times there can be a rush of traffic.

Mr. Reitz explained to the Commissioners that they are presented tonight with three needs for review: the lot line adjustment, site review, and the design and features of the building architecturally.

Vice Chair Ruder questioned the definition of Neighborhood Mixed Use Zoning district limitation of use and whether this application is located within the village center of a mixed use plan development. Mr. Reitz responded that this is the first application submitted within the NMU zone, which will trigger the mixed use plan development. The application currently is stand-alone as nothing else within that NMU zone has been submitted. Vice Chair Ruder believes the limitation needs to be addressed. Mr. Reitz explained that this is the smallest of the 3 NMU zones located in the City. Chair Beck explained to Commissioners that all the parcels in this area have different ownership, so development by piece meal is how this area

might develop as a neighborhood village unlike the Davidson property owned by one owner.

Mr. Reitz went on to show the architectural renderings of the building, sidewalk/parking lot plan, and landscape plan with staff recommendations for conditions of approval as well as conditions to consider for the project.

Commissioner Bannister Lawler asked what the timeline to sell the lot will be, and Mr. Reitz stated that the owner did not want to proceed until the application is approved.

CORRESPONDENCE:

Mr. Reitz informed the Commission that letters of testimony were received until almost 5 o'clock, and those letters were given out as hard copies as well as emailed out to Commissioners.

APPLICANT:

Steve Powell, Developer, 1410 Main St, Ste C, Ramona, CA 92065:

Mr. Steve Powell came to the front, and explained that properties have been looked at in and around Forest Grove. The property was selected based on demographics and commercially underserved areas. Mr. Powell explained that they met with City of Forest Grove and Washington County Transportation several times.

Mr. Powell went on to explain to Commissioners the distance from the driveway entrance to Dollar General and the intersection of Gales Creek Road/Thatcher Road being approximately 525 feet, and how the entrance to the west was concluded. Mr. Powell stated the conditions required and how the developer plans on meeting these conditions.

Mr. Powell gave his background and explained that architecture is important to them. There are 4 different NMU zones, with a limitation of 25,000 square-foot for commercial making this application under the threshold. The criteria were all looked at, from possibly having an awning and making sure horizontal light trespassing is mitigated. Mr. Powell made a correction to his hours of operation previously stated as being 8am – 9pm, and corrected them to being 8am – 10pm.

Commissioner Nakajima asked about the average sale per customer, and Mr. Powell responded the sale is roughly \$10. Commissioner Rojas asked how many employees Dollar General is expected to hire, and Mr. Powell answered there will be 8-10 employees. Commissioner Bannister Lawler inquired as to when supply trucks offload, and Mr. Powell responded supply trucks come in approximately once a week during off-hours with a shorter truck for this size store.

PROPONENTS:

Tim Schauermaun, PO Box 310, Forest Grove, OR 97116:

Mr. Tim Schauermann came to the front, stating he is one of the five people who own the two tax lots as part of the Dollar General project, which both tax lots will be sold if the application is approved. Mr. Schauermann gave the history of the land, and the zoning history since 1970 explaining that the Planning Commission has always tried to have neighborhood commercial of some sort due to that area being underserved. There are eight separate property owners, and it is impossible to get everyone to agree to put it all together for a planned development. Mr. Schauermann's hope is to get started with this project and the pieces will fall into place for future NMU development.

Mr. Schauermann went on to say that Dollar General has a business model niche that can survive a small town with low population. Profits from the store will not just go to Tennessee, but local subcontractors are needed for building and maintaining the structure over its lifetime which will create financial spin off for the community. This project meets the zoning conditions within the staff report.

OPPONENTS:

Christopher Wilmeth, 2916 25th Ave, Forest Grove, OR 97116:

Mr. Christopher Wilmeth came to the front, stating to Commissioners that no traffic study was done at this intersection, and the site sits directly between three schools where children will most likely be the pedestrian victims. Mr. Wilmeth went on to state the meeting notes from a community meeting held by the developer prior were exaggerated, misleading, and not accurate, referencing his presence at the meeting and the New Times article released.

Mr. Wilmeth strongly opposes the Commission from approving this application due to the dangerous location and outdated traffic data, and the process should be delayed in order to be completed correctly with accurate and up-to-date information from the applicant.

David Michael Smith, 3322 Knighton Way, Forest Grove, OR 97116:

Mr. David Michael Smith came to the front, stating his concerns with Dollar General and the lawsuits filed against the company, as well as the concern with the lack of a detailed traffic report done. Mr. Smith cited a petition of thirteen local businesses against the Dollar General in Forest Grove and submitted it as part of the record.

Charlotte Lumae, 1904 22nd Ave, Forest Grove, OR 97116:

Ms. Charlotte Lumae came to the front, stating her concerns with Dollar General in regards to the economic and physical impacts of the development that have not been looked at by City Staff. Chair Beck reminded Ms. Lumae that the quality of Dollar General is not a criterion to be discussed.

Ms. Lumae urged the Planning Commission to start requiring economic and physical impact review as part of the application criteria as Dollar General will start syphoning money out of Forest Grove even as a small box store.

Ms. Lumae went on to say the property owners are important in the growth of development in Forest Grove. As a small business owner, Ms. Lumae would prefer her students not getting their first job at a small box store and they need healthy food to eat. It needs to be the Commissioners job to think about the economic and physical impact of development.

Megan Welliver, 1603 A St, Forest Grove, OR 97116:

Ms. Megan Welliver came to the front, stating her husband is a small business owner in Forest Grove along Main Street. Ms. Welliver is opposed to the Dollar General store, citing community safety as her chief concern. The intersection is a high traffic section with limited/no sidewalks making it a dangerous area for children to cross from one of the three schools surrounding the area. Ms. Welliver suggested an up to date traffic study be done, specific to that area.

Ms. Welliver also is concerned about how City Staff is interpreting the zoning, as the zoning suggests a high pedestrian, high density mixed use zone. Foot traffic will now be generated for Plaid Pantry and Dollar General, and the current proposal will not improve pedestrian safety.

Chris Billman, 50984 NW Cox Rd, Forest Grove, OR 97116:

Mr. Chris Billman came to the front, stating his concerns with the lack of definition for a bicycle or a bicycle lane within the City of Forest Grove code. Mr. Billman stated the City needs to enforce the laws regarding bike lanes and sidewalks, and there are a lack of ADA upgrades within the City as well.

OTHER:

None.

REBUTTAL:

Steve Powell, Developer, 1410 Main St, Ste C, Ramona, CA 92065:

Mr. Powell came to the front in rebuttal, stating he appreciates the frustration he hears. The burden is on the property owner in order to update the sidewalks, and as other properties develop the criteria would continue for the dedication of the curb/sidewalk within the right-of-way. Mr. Powell went on to say what is proposed addresses the transportation concerns of Forest Grove and Washington County.

Chair Beck closed the public hearing at 8:35 p.m.

COMMISSIONER DISCUSSION:

Commissioner Bannister Lawler appreciates the community involvement, and wonders about the weather cover condition as an option recommended by City Staff.

Chair Beck informed the audience that the Supreme Court ruled that a city or Commission cannot require a developer to address issues off the property. Chair Beck believes that awnings do not last or look good after time and weather.

Vice Chair Ruder voiced his concerns with the scale of the business going in at the location, and interprets NMU zoning as pedestrian friendly, lower volume traffic retail with a variety of housing types. Vice Chair Ruder views this application more as a commercial project.

Commissioner Nakajima stated her concerns regarding safety at the location due to the schools in close proximity, creating an attractive nuisance.

Commissioner Sanderson questioned if the maximum commercial build-out within the zoning being on a first come, first serve basis. Chair Beck responded the zoning is difficult to develop as a whole because of the various property owners, making it a first come first serve within this NMU zone. The Commission cannot deny the proposal on the grounds that this is a 9,000 square-foot building proposal.

Commissioner Rojas stated there is no grounds to deny the proposal based on the safety issues.

Commissioner Bannister Lawler agreed with Commissioner Rojas, stating he sees nothing that violates the Development Code in approving the proposal.

Chair Beck believes the sentence of "pedestrian safety" within the definition of the NMU zoning makes it part of the criteria in approving the application.

Commissioner Sanderson discussed the point Commissioner Nakajima brought up about the project becoming an attractive nuisance, but wondered if the Commission could deny the application based on what could happen.

City Attorney Chris Crean stated the Commission has to interpret the code with what they believe the meaning is to be, and write accurate findings reflecting that interpretation.

Vice Chair Ruder questioned the definition of the NMU zone defining the type of store being walkable and friendly to the neighborhood, and he does not believe the Dollar General retail store meets that definition. Vice Chair Ruder believes the NMU zone is not the same as the Commercial zone, and does not think the store is proper in that location.

Chair Beck stated that the code does not provide guidance on how to get to the maximum square footage of the stores to be built within the NMU zoning.

Commissioner Bannister Lawler moved to approve file number 311-19-000006-PLNG –Site Plan and Design Review of a proposed 9,100-square-foot Dollar General retail store and parking with staff's recommended conditions. Commissioner Rojas seconded the motion.

Roll Call Vote on Motion: AYES: Chair Beck; Commissioners Bannister Lawler, Sanderson, Rojas, and Smith. NOES: Vice Chair Ruder; Commissioner Nakajima. ABSENT: None. MOTION CARRIED 5-2.

C. **ACTION ITEMS:**
None.

D. **WORK SESSION ITEMS:**
None.

3. **BUSINESS MEETING:**

A. **APPROVAL OF MINUTES:**
Commissioner Smith moved to approve the minutes of the June 3rd, 2019 meeting. Commissioner Bannister Lawler seconded. Motion passed 7-0.

B. **REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:**
None.

C. **DIRECTOR'S REPORT:**
Mr. James Reitz gave Commissioners an update on the next meeting to be held regarding a variance to a fence.

D. **ANNOUNCEMENT OF NEXT MEETING:**
The next meeting is scheduled for July 1st, 2019.

E. **ADJOURNMENT:**
The meeting was adjourned at 8:55 p.m.

Respectfully submitted by:

Cassi Bergstrom

Digitally signed by Cassi Bergstrom
DN: cn=Cassi Bergstrom, o=City of Forest Grove, email=C.bergstrom@forestgrove.or.gov
Reason: I am the author of this document
Location: your signing device here
Date: 2019.07.02 09:55:41
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Cassi Bergstrom
Planning Commission Coordinator

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EXHIBIT E

June 17, 2019 Planning Commission
Staff Report and Attachments

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Site Plan and Design Review Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE: June 7, 2019

HEARING DATE: June 17, 2019

LAND USE REQUEST: Site Plan and Design Review of a proposed 9,100-square-foot Dollar General retail store and parking

FILE NUMBER: 311-19-000006-PLNG

PROPERTY LOCATION: 1121 Gales Creek Road

LEGAL DESCRIPTION: Washington County Tax Lots 1N436B003100 & 1N436B003500

OWNER/APPLICANT(S): Property Owner: Thatcher Road LLC
PO Box 310, Forest Grove, Oregon 97116

Applicant: Woodcrest REV (Steve Powell)
1410 Main Street, Suite C
Ramona, California 92065

**COMPREHENSIVE PLAN
MAP AND ZONING MAP
DESIGNATIONS:** Neighborhood Mixed Use (NMU)
Neighborhood Mixed Use (NMU)

**APPLICABLE
STANDARDS
AND CRITERIA:** City of Forest Grove Development Code
§17.2.300 et. seq. *Design Review*
§17.2.400 et. seq. *Site Review*
§17.3.300 - .340 *Commercial and Mixed Use Zones*
§17.4.000 et. seq. *Mixed Use Planned Developments*
§17.7.200 et. seq. *Solid Waste and Recycling*
§17.8.000 et. seq. *General Development Standards*

REVIEWING STAFF: James Reitz (AICP) Senior Planner

RECOMMENDATION: Staff recommends approval with conditions

I. LAND USE HISTORY

This application is for a site and design review permit to allow for a new retail store. Development Code (DC) §17.3.320 Table 3-10 *Commercial and Mixed Use Zones – Use Table* lists *General Retail – Sales Oriented* as a Limited use in the Neighborhood Mixed Use zoning district. The limitation is that the use must be located within a Village Center of a Mixed Use Planned Development and reviewed pursuant to §17.4.300 et. seq.

The Development Code defines General Retail - Sales Oriented as “Establishments which engage in consumer-oriented sales, leasing and rental of consumer, home and business goods. Examples include sales, leasing and rental of art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationary and videos. The sales-oriented category excludes large-scale consumer products (see §17.12.130(D)(4) Bulk Sales) and those sold primarily outdoors (see §17.12.130 (D)(5), Outdoor Sales).”

Dollar General is a variety store with multiple product lines. Because it engages in consumer-oriented sales, it falls within the General Retail – Sales Oriented definition above.

As the proposed building would exceed 3,000 square feet of gross floor area, the Design Guidelines require Planning Commission review pursuant to Type III review procedures. Because this activity requires design review, all associated reviews (in this case, site plan approval and a lot line adjustment) are also subject to Planning Commission review, pursuant to DC §17.1.510 Elevation of a Type II Application to Type III Process.

The applicant hosted a neighborhood meeting on May 28, 2019. The City provided a mailing list to the applicant that included property owners and residents within the standard 300-foot radius used by the City for official notices. The applicant’s meeting summary is attached as Exhibit “E”.

Public notice for this application was mailed to property owners and residents within 300 feet of the site on May 28, 2019, as required by DC §17.1.610. Notice of this request was also provided to Washington County (because the County has jurisdiction over Gales Creek Road), the Plans Review Board, and published in the *News Times*. Washington County’s comments are attached as Exhibit “B”. Comments from the Building Division, Engineering and Fire departments are included below in the Public Services section. As of the writing of this report, several comments have been received from the public; they are attached in Exhibit “F”.

II. PROJECT DESCRIPTION AND ANALYSIS

1. Description of Proposal: The proposal would result in the construction of a new retail building and associated parking and landscaping. The building would be a single-story and have 9,100 square feet of floor area. It would take vehicular access from Gales Creek Road. A lot line adjustment to enlarge the gross site area from 0.78 to 0.86 acres is also proposed (net area will be less due to a right-of-way dedication).
2. Site Examination: The site is located west of the Thatcher Road / Gales Creek Road intersection. It slopes upward east-to-west, and is presently developed with a small (832-square-foot) single-family home of indeterminate age. The site has a scattering

of conifer and deciduous trees but is otherwise mostly grass. The Gales Creek Road frontage is unimproved, lacking curbs, gutters and sidewalks. Storm drainage is provided via a ditch. Overhead power and utility lines are located along the front property line.

3. Existing Comprehensive Plan Designation and Zoning of Site and Area

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Site	Neighborhood Mixed Use (NMU)	Neighborhood Mixed Use (NMU)	Single-Family Home
North	Neighborhood Mixed Use (NMU)	Neighborhood Mixed Use (NMU)	Single-Family Home
South	Low Density Residential – Standard (LDR-B)	Single-Family Residential (R-7)	Single-Family Homes
East	Neighborhood Mixed Use (NMU)	Neighborhood Mixed Use (NMU)	Online Retail Auto Parts Sales
West	Neighborhood Mixed Use (NMU)	Neighborhood Mixed Use (NMU)	Single-Family Home

4. Site Design: The site plan consists of a new building to be located at the northeast corner of the site, and parking for 31 cars, including 2 ADA spaces. The trash enclosure would be located at the northwest corner of the site, while the water quality facility would be located at the property's lowest point along the Gales Creek Road right-of-way. A pedestrian walkway would be provided from the building to connect with a new public sidewalk to be constructed along the frontage.

Vehicular access to the site would be via a driveway connecting to Gales Creek Road. The driveway would be located toward the western property line in order to maximize the distance between it and the Thatcher Road intersection. The driveway location has been reviewed and approved by Washington County.

The balance of the site would be landscaped (see Exhibit 1 Sheets L1.0 and L2.0 *Landscape Plans*). Further discussion follows in the Landscape section below.

5. Building Design Standards: This application was submitted before specific design standards for the NMU zoning district were adopted. For this application, the standards of DC §17.4.315 MUPD Development Standards and DC §17.8.000 et. seq. General Development Standards apply as follows:
- a. Base Zone Standards. The NMU base zone standards apply.
 - b. Site Size. There are no minimum or maximum MUPD areas required.
 - c. Residential Density. This section is not applicable as no housing is proposed.
 - d. Lot Sizes. There is no minimum or maximum lot area required.
 - e. Housing Types Allowed. This section is not applicable because no housing is proposed.

f. Village Center.

1. Building Design. The design and development standards for the Town Center Transition zoning district form the basis for the building's design unless modified through the MUPD. The Building Design Standards Within Town Center Districts are listed in DC §17.8.710(C) as follows (alternatively, project elements can be approved by applying the Design Guidelines in the section that follows) -

1) Building Form

- a. All new structures shall be a minimum of two-stories in height in the TCC Zone or a minimum height of 16 feet in the TCT Zone, as measured at the front elevation to top of parapet or eave line of lowest point of facade.

The lowest point of the façade would be 18 feet high, which would exceed the 16-foot minimum.

- b. All flat-roofed buildings shall have a decorative cornice at top of building (parapet).

The building would have a flat roof. There would be a decorative 3.5-foot-tall cornice at the top on the sides and rear, and a 9-foot tall cornice over the front entry.

- c. Exterior pilasters and columns shall project a minimum of 6 inches beyond building face.

No pilasters or external columns are proposed.

- d. All rooftop mechanical equipment shall be screened by a solid wall from view of the public right-of-way and pedestrian routes.

Mechanical equipment would be mounted on the roof. Screening of the equipment is included as a condition of approval.

2) Retail Storefronts

- a. First floor vertical elements such as columns or pilasters shall be provided and spaced center-to-center at a maximum of 25 feet apart.

No pilasters or external columns are proposed. The front entryway would be set forward of the main plane of the façade on internal columns, and would be further embellished with a pediment (i.e., a gable, usually of a triangular shape, placed above a horizontal structure).

- b. Doors on the main floor façade facing a street shall contain windows equivalent in size to 50% of door surface area.

The front doors would be entirely glazed. Additional glazing would be provided on both sides of and above the doors.

- c. Storefront glazing must be transparent. Reflective, tinted, glazed or techniques that obscure more than 20% of glazed surfaces shall be prohibited.

Glazing would be tinted. Tinting would be appropriate as the windows would face south.

- d. Glazing dimensions shall have a greater height than width.

Window dimensions of the faux windows are 5 feet tall by 2 feet wide, in pairs. They would be bracketed with decorative shutters.

- e. Storefront glazing with divided lights shall be limited to transom windows only.

Based on the submitted plans (Exhibit "A" Sheet A3.0) divided lights are proposed for the faux windows on either side of the store-front entry. Divided lights can be approved through application of the Design Guidelines if found to result in a higher quality development than would result under a strict interpretation of the code.

- f. All window frames shall be painted.

Window frames would be pre-finished aluminum, which can be approved through application of the Design Guidelines if found to result in a higher quality development than would result under a strict interpretation of the code.

- g. Awnings shall be constructed of metal, glass or natural canvas fabrics. Vinyl, synthetic fabric, plastic or backlit awnings are prohibited.

No awnings are proposed.

3) Commercial Entries

- a. The entry enclosure shall be offset a minimum of 2 feet from the building façade.

The entry would be set back 3 feet from the plane of the main façade, and the pediment would project out another 2 feet.

- b. Windows and door in exterior wall shall be surrounded with trim of 2-1/2 inches minimum width.

Window trim would be 5.5 inches in width.

- c. At least 25% of all primary entry doors shall contain transparent glazing.

The primary entry doors would be 100% transparent.

- d. Unpainted metal frames are prohibited.

Window frames would be pre-finished aluminum, which can be approved through application of the Design Guidelines if found to result in a higher quality development than would result under a strict interpretation of the code.

- e. Reflective, opaque or tinted glazing is prohibited.

Glazing would be tinted, which can be approved through application of the Design Guidelines if found to result in a higher quality development than would result under a strict interpretation of the code. Tinting would be appropriate as the windows would face south.

4) Residential Entries

This section is not applicable as no residences are proposed.

5) Windows and Doors

- a. Window and door openings shall comprise the following minimum portions of the front building facades at the main floor as measured between 2 feet above the sidewalk to 10 feet above the sidewalk: TCC - 80%; TCT - 50%.

Window and door openings would be about 42% of the front building façade between 2 and 10 feet above the walkway, which is less than the 50% required. A lesser percentage can be approved through application of the Design Guidelines if found to result in a higher quality development than would result under a strict interpretation of the code.

- b. Window and door openings shall comprise the following minimum portions of the front building façade above the main floor as measured between 2 feet above the sidewalk to 10 feet above the sidewalk: TCC - 30%; TCT - 30%.

This section appears to be duplicative to (a) above, but at a reduced standard for the TCT zoning district. As (a) above is more restrictive, it is the applicable code section.

- c. Clear or transparent glazing is required for windows fronting the public rights-of-way.

Glazing facing the street would 100% transparent, although tinted.

- d. Glass shall be recessed a minimum of 1-1/2 inches from the surrounding exterior wall surface.

Windows would be recessed.

- e. Spandrel, glass curtain-wall or any window wall glazing that creates an opaque, flat or featureless, or reflective surface shall not be used at ground floor.

Spandrel glazing is designed to be opaque. All the faux windows – including those on the front elevation – would have spandrel glazing. This feature can be approved through application of the Design Guidelines if found to result in a higher quality development than would result under a strict interpretation of the code.

6) Exterior Walls

a. Vinyl, plastic or metal siding are prohibited the all Town Center zones.

No vinyl, plastic or metal siding is proposed. Siding is proposed to be various Hardie-brand products, and cultured stone.

b. Synthetic Stucco (EIFS, Dryvit, etc.) insulating cladding materials along the first floor of facades that front public rights-of-way are prohibited.

No synthetic stucco is proposed. Siding is proposed to be various Hardie-brand products, and cultured stone.

c. Flagstone or other stone veneer along the first floor of facades that front public rights-of-way are prohibited.

Cultured stone veneer is proposed on the south elevation facing Gales Creek Road and on the west elevation facing the car park. Cultured stone veneer can be approved through application of the Design Guidelines if found to result in a higher quality development than would result under a strict interpretation of the code.

d. Simulated or cultured stonework are prohibited for commercial uses.

Cultured stone veneer is proposed on the south elevation facing Gales Creek Road and on the west elevation facing the car park. Cultured stone veneer can be approved through application of the Design Guidelines if found to result in a higher quality development than would result under a strict interpretation of the code.

e. Wood, asphalt or cement shingles are prohibited at first floor for commercial uses.

Shingles are proposed along the cornice. Shingles can be approved through application of the Design Guidelines if found to result in a higher quality development than would result under a strict interpretation of the code.

7) Walls and Fences

a. Plastic and/or chain-link fences are prohibited in all Town Center zones.

No plastic or chain-link fencing is proposed. The proposed fence would be painted wood.

b. All wood fences shall be painted.

A six-foot-tall painted wooden fence is proposed along the sides and rear of the site.

2. Minimum and Maximum Commercial Floor Area. The maximum floor area allowed is 25,000 square feet. This building would be 9,100 square feet. The existing commercial buildings in the area have a combined total floor area of 5,432 square feet, for a grand total of 14,532 square feet, or about 58% of the maximum allowed.
3. Village Center Maximum Area is limited to 50% of the developable land or 3 acres, whichever is greater. This NMU-zoned area totals 6.68 acres. The combined lot area of the existing and proposed commercial uses is 1.85 acres. This total is less than 3 acres, and about 28% of the total land area within the NMU-zoned area.
4. One Village Center is allowed in each NMU Zoned Area.
5. Institutional Uses may not exceed 10% of the maximum floor area. This section is not applicable because no institutional uses are proposed.
- g. Building Height. The height limit in the NMU zoning district is 45 feet. The height of the building would be 18 feet, except for the parapet over the front entry, which would be 27 feet tall. As such, the building height would be well below the maximum allowed.
- h. Building Setbacks. The site is located in the Neighborhood Mixed Use (NMU) zoning district. No front, side, or rear setbacks apply. The front (south) setback would be about 80 feet while the rear (north) setback would be 10 feet. The east side yard setback would be 15 feet, while the west side yard setback would be about 85 feet.
- i. Open Space. At least 20% open space in a MUPD is required. However, as this is not a planned development project, this provision is not applicable.
- j. Pedestrian Orientation. This section emphasizes pedestrian connectivity. As proposed, the new building would have a walkway connection to a new public sidewalk along Gales Creek Road. No walkway connections to adjacent properties are proposed, but they could be installed at a later date when the adjoining properties are redeveloped.
- k. Parking. Base zone parking area requirements apply. DC §17.8.515 Table 8-5 *Parking Requirements* regulates the minimum number of parking stalls required and the maximum number of parking stalls allowed.

Use	Proposed Floor Area	Minimum Spaces per 1,000 S.F.	Maximum Spaces per 1,000 S.F.	Spaces Required
General Retail – Sales Oriented	9,100 Square Feet	3.70	6.20	34 Minimum 56 Maximum

Between 34 and 56 spaces would be required overall. As designed, 31 spaces would be constructed. All would be standard-sized (including 2 ADA-accessible spaces).

DC §17.8.520(A)(1) allows for the minimum number of parking spaces required to be reduced by 10% if the site is within 500 feet walking distance of a transit stop. A GroveLink stop is located at the Gales Creek Road / Thatcher Road intersection less than 300 feet distant from the site. A 10% reduction from 34 spaces would allow for 31 parking spaces.

DC §17.4.315(K) stipulates that *“No parking or vehicular circulation areas shall be located between the building and the street.”* As noted above, this is a single-building project, and not part of a planned development. Parking can be located between the building and the street through application of the Design Guidelines if found to result in a higher quality development than would result under a strict interpretation of the code.

- i. Water Features. No water features are extant. This section is not applicable.
 - m. Facilities and Services. This section requires the provision of all service facilities. All facilities are already extant or will be required to be installed by the applicant as a condition of approval.
 - n. Underground Utilities are required (also required by §17.8.645(A)). The site and building would be served with underground utilities. The existing overhead lines along Gales Creek Road would remain in place; there are no plans to underground these facilities.
 - o. Construction to Standards. This section requires that all public facilities be constructed to City standards. All facilities will be required to do so as a condition of approval.
6. Traffic and Circulation: The site fronts Gales Creek Road, a designated Arterial street on both the Forest Grove and Washington County transportation system plans. The road is under Washington County’s jurisdiction. It has a single travel lane in each direction. The taper for the left-turn lane serving the Thatcher Road intersection begins in front of the site.

The Institute of Transportation Engineers *Trip Generation Manual 9th Edition* (2012) defines a “Variety Store” as “...a retail store that sells a broad range of inexpensive items often at a single price. These stores are typically referred to as ‘dollar stores.’ Items sold at these stores typically include kitchen supplies, cleaning products, home office supplies, food products, household goods, decorations and toys. These stores are sometimes stand-alone sites, but they may also be located in small strip shopping centers.”

The *Manual* cites a limited number of studies (15) performed in Florida in 2010. The estimates are calculated based on how many trips would be generated per 1,000 square feet of a building's gross floor area (GFA):

	Trip Rate	GFA	DG GFA	Trips
Average Daily Trips (ADT) Lower Range	33.73	1,000	9.1	306.94
Average Daily Trips (ADT) Upper Range	133.60	1,000	9.1	1,215.76
Average Daily Trips (ADT) Combined	64.03	1,000	9.1	582.67
Weekday a.m. peak hour (7 - 9 a.m.)	3.81	1,000	9.1	34.67
Weekday p.m. peak hour (4 - 6 p.m.)	6.82	1,000	9.1	62.06

It would be expected that a significant percentage of trips would be "pass-by" traffic e.g., those shopping on their way home, versus those specifically coming to this location and then returning to their trip origin point.

The ADT rates cited above exhibit a wide range (about 300 to about 1,200). A "trip" is defined as one-way: one trip would be inbound to the site; one trip would be outbound. Dollar General proposes to be open from 8 a.m. to 9 p.m., which would result in a range of about 24 trips to about 93 trips per hour overall (50% of which would be inbound and 50% outbound). Based on the Combined rate ADT, about 45 trips per hour could be anticipated, also at the 50:50 ratio.

Because the site is located on an Arterial street, the ADT over the course of business day is less of a factor than are the morning and evening peak hour trips, when the most traffic is present and when congestion is most likely. As noted above, the morning and evening peak hour traffic generation rate is estimated to be between 35 and 62 trips respectively.

The City's Transportation System Plan (2014) contains information about how well the Gales Creek Road / Thatcher Road intersection is functioning during the PM peak hour (see Exhibit B Table 3-8). Based on the data in the TSP, the Level of Service (LOS) ranges between "A" and "C". That range "indicates conditions where traffic moves without significant delays over periods of peak hour travel demand." An increase of 62 trips during the p.m. peak hour would thus not have a significant impact on the Level of Service.

The TSP also has information on Crash History at the intersection (see Exhibit B Table 3-9). "Typically, intersections on collector and arterial roadways with a collision rate over 1.00 suggest further safety investigation is warranted." As shown in the table, the collision rate at this intersection is 0.13. The increase in trips generated by this project would not be anticipated to result in a significant increase in the collision rate such that safety measures are warranted.

Based on the above, staff concludes that the proposed Dollar General store would not have a significant impact on the level of service for Gales Creek Road. Furthermore, based on the estimated traffic generation, there should be no significant impact on the Gales Creek Road / Thatcher Road intersection.

Because Gales Creek Road is under County jurisdiction, notice of this application was provided to Washington County review staff. County staff's comments are included in their entirety in Exhibit "C" – the salient conditions are as follows:

- i. Dedication of additional right-of-way to meet 45 feet from the centerline of Gales Creek Road.
- ii. Provision of a non-access reservation along the site's frontage of Gales Creek Road with the exception of the access approved in conjunction with this development application.
- iii. Half-street improvement to include additional pavement width as needed for interim/future, gutter, curb, 5' sidewalk and 6' planter strip along the site's frontage on Gales Creek Road. Note: The half-street can be located as shown on (Exhibit "B") Sheet C1.0 of the submitted plan set.
- iv. Improvements within the right-of-way as necessary to provide adequate intersection sight distance at the access driveway on Gales Creek Road.

Staff concurs with the County's conditions. They are included in their entirety in the recommended **conditions** of approval.

City and County staff have also been working on a plan to improve the pedestrian connections at the Thatcher Road and Gales Creek Road intersection. A concept plan has been developed that would reconfigure the intersection from a "Y" design to more of a "T" design (see Exhibit "D"). This would have the effect of slowing northbound Thatcher Road traffic.

Furthermore, a pedestrian crosswalk would be installed across Gales Creek Road south of the intersection, to be connected to a new sidewalk that would be installed to Talisman Lane. Another crosswalk would be installed across Thatcher Road at the intersection. Construction timing for the project has not been set, but is tentatively scheduled for 2020-21.

Conclusion: With the conditions noted above, traffic access and circulation requirements would be met.

7. Pedestrian Walkways:

- DC §17.8.115(4) requires a minimum walkway width of four feet. An 8-foot-wide concrete pedestrian walkway is proposed to connect the building to a new Gales Creek Road sidewalk.
- A 4-foot-wide walkway would extend from the building to the west side of the car park.
- A third walkway would abut the west side of the building. It is proposed to be 4 feet wide, and protected from vehicle overhang by wheel stops. The proposed parking stalls would be 20 feet long, in excess of the City's 18-foot-long standard. Staff has included a **condition** to reduce the length to 16 ½ feet (except ADA stalls). The reduced length would allow for wider landscaped areas and wider walkways without compromising functionality. Furthermore, the need for wheel stops would be eliminated, thus removing a tripping hazard and a barrier to mechanized parking area cleaning equipment.

Conclusion: With the condition noted above, pedestrian access requirements would be met.

8. Environmental Quality: There is no record of any environmental conditions. Runoff from new impervious surfaces would be routed to a new on-site water quality facility. Additional landscaping is proposed to be installed (see below) that may improve air quality and reduce glare and heat.

9. Landscaping: DC §17.8.545 requires landscaping and screening of car parks. Pro-posed landscaping would include American Elm, Chinese Pistache and Hogan Cedar trees, as well as a variety of shrubs, grasses and groundcover. The water quality facility would be located along the site's frontage, and would be landscaped in compliance with CWS standards and specifications.

Staff has included a **condition** to install a landscape island at the building's southwest corner where the two pedestrian walkways converge, in order to provide more separation between pedestrian and vehicular traffic and increase the amount of landscaping. With that condition, the landscape plan appears to comply with the provisions of this code section.

10. Public Services: The application has been reviewed by the Engineering, Fire, Light and Power, Police, and Public Works departments. Specific comments included:

a. Building Division Review: Submit a geo-tech (soils) report for the site and incorporate those recommendations into the building plans.

b. Engineering Department Review:

- i. Coordinate with Washington County for required right-of-way dedication and roadway improvements.
- ii. Extend storm and sanitary sewer to west property line.
- iii. Address storm water quality and quantity.
- iv. Water quality facility maintenance agreement required.

The above items are included as a **condition** of approval.

c. Fire Department Review:

- The building address shall be identified with digits at least 6 inches tall that contrasts with their background.

The above item is included as **condition** of approval.

d. Light and Power Department Review: A 10-foot-wide utility easement will be required beyond the 90-foot road right-of-way.

Because Gales Creek Road is a designated Arterial street, Washington County is requiring a 15-foot-wide right-of-way dedication as a condition of the project's approval. Ultimate right-of-way width will be 90 feet. While the street frontage will be improved with curb, gutters and sidewalks, the existing overhead utility lines and poles will remain in place; no upgrades or modifications to existing facilities are proposed or needed at this time. As the L&P Department has not identified a specific need for the requested easement, it is not proposed to be included as a condition of approval.

11. Site Development Approval Criteria: DC §17.2.450 *Site Development Review Criteria* are as follows:

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

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

Finding: The site is located in the Neighborhood Mixed Use (NMU) zoning district. No front, side, or rear setbacks apply. At its closest point, the building would be about 80 feet from the Gales Creek Road right-of-way. The side (west) setback would be about 84 feet; the side (east) setback would be 15 feet; and the rear (north) setback would be 10 feet. The project complies with setback standards.

Finding: The trash and recycling enclosure would be located in the northwest corner of the site. Based on the submitted architectural renderings, the enclosure would be of masonry construction with solid gates to provide screening. It would be finished with a roof or pergola.

Finding: The height limit in the NMU zone district is 45 feet. The height of the building would be about 23 feet at the roof peak over the entry, well below the maximum height allowed.

Finding: With 9,100 square feet of floor area, between 34 and 56 parking spaces would be required. Because the site would be served by GroveLink, which provides regular transit service, a 10% reduction in on-site parking is possible. This would reduce the minimum number of spaces required from 34 to 31. As 31 spaces are proposed, this standard is met.

Finding: DC §17.8.545 requires landscaping and screening of car parks. Proposed landscaping would include a variety of both deciduous and conifer trees scattered throughout the site. The plans also include various deciduous and evergreen shrubs, groundcover and ornamental grasses. With the condition to provide additional landscaping where the walkways converge, the landscape plan would comply with the provisions of this code section.

Conclusion: With the conditions noted above, the project would comply with Development Code standards.

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

1. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and

Finding: Residential properties are located adjacent to the site, but are also located in the same NMU zoning district as the application site.

2. Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or adequately mitigated through other design techniques.

Finding: Residential properties are located adjacent to the site, but are also located in the same NMU zoning district as the application site. The building site would abut the east and north property lines, at the greatest distance possible from nearby residences. The site would be largely enclosed by a six-foot tall

painted wood fence and the car park would be landscaped, which will minimize off-site headlight glare. Car park lighting would be screened as per DC §17.8.755(C) and (E) so that lighting "is directed downward with no splay of light off the site." Furthermore, "any light source over 10 feet high shall incorporate a cutoff shield."

Finding: As a retail project, off-site noise impacts are not anticipated. Should noise become a complaint issue, the City has in place a noise control ordinance that could be used to abate the nuisance.

Finding: As a retail project, off-site odor impacts are not anticipated. The trash and recycling enclosure would be located abutting the west and north property lines; no residences would be located nearby.

- C. The site development plan preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:
1. Significant on-site vegetation and trees;
 2. Prominent topographic features; and
 3. Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.

Finding: No sensitive natural resource areas, prominent topographic features, or sensitive natural resource areas exist on or adjacent to the site. This criterion does not apply to those features. There is a mature Douglas fir tree on-site near the Gales Creek Road property line. While the intent is to preserve this tree, it may need to be removed because the installation of street improvements and/or on-site improvements may adversely impact the root zone.

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

Finding: No designated historic resources are present on or adjacent to the site. This criterion does not apply.

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

Finding: The Gales Creek Road right-of-way will need to be widened to comply with Washington County Arterial street standards. In addition, the r.o.w. is not fully improved, lacking curbs, gutters, sidewalks, and landscaping. Approval of the application has been conditioned to require additional r.o.w. and full frontage improvements. With these conditions, the site plan would comply with County street standards.

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

Finding: DC §17.8.115(4) requires a minimum walkway width of four feet. Concrete pedestrian walkways are proposed to connect the building to the car park and public

sidewalk. All walkways would be at least five feet wide; the walkway from the building entrance to the sidewalk would be eight feet wide. This criterion is met.

- G. Design Review Criteria: DC §17.4.315(F)(1) *MUPD Development Standards – Village Center* states (in part) that “*The Design and Development Standards and/or Design Guidelines applicable to the Town Center Transition zone shall be used as a basis for development within the Village Center unless modified through an approved MUPD.*” As noted elsewhere, this application is for a single site that is not part of a larger planned development project, but because it is located in the NMU zoning district, and because “*MUPD approval is required in the NMU zone*” (per DC §17.3.310(C)) then the *TCT Design Guidelines* apply.

Projects subject to design review are to be evaluated based on the following:

- (A) The development standards of the applicable zoning district and any overlay district;
- (B) The general development standards of Article 8.
- (C) Departures from code requirements may be permitted as part of a Track 2 Design Review Process, when the following criteria are met:
 - 1. The design guidelines contained in the applicable section of the “Design Guideline Handbook” are adequately addressed.
 - 2. The applicant demonstrates that the overall development would result in a development that better meets the intent of the design guidelines than a design that simply meets the Code.

Design Guideline Handbook Section I *Town Center Design Guidelines* establishes specific design review criteria intended to respond to typical commercial development common to Forest Grove, as follows -

Site - Building Orientation

Minimize building setbacks from any public street right-of-way. Zero lot line buildings along the public street right-of-way are encouraged to maintain an inviting and continuous storefront presentation. The building would be setback about 80 feet from the Gales Creek Road right-of-way. This width is necessary in order to provide maneuvering space for delivery trucks, and for the water quality facility which must be located at the lowest point of the property.

Design and construct a primary building entrance for each building façade. If a building has frontage on more than one public street, a single building entrance on the corner is acceptable. The building entrance would face Gales Creek Road.

Use the area between the right-of-way and building to create a plaza court, planter area, bicycle parking or another amenity. The area forward of the building would be used for a water quality facility, bicycle parking, and vehicular parking.

Main entrance should be oriented to the street. The main entrance would be oriented to the street.

Site – Pedestrian Connections

Design and locate buildings and off-street parking within the Town Center to reinforce the district's traditional pedestrian orientation. The Gales Creek Road MUPD area does not at present have a strong pedestrian orientation. With this

project, a new sidewalk would be installed along Gales Creek Road where one does not presently exist, and walkways provided on-site to the building entrance.

Separate walkways from vehicle areas by landscaping, bollards or changes in elevation. The walkway alongside the building would be grade separated. The walkway connection to the public sidewalk would be partially grade separated; it would also be on another material so as to delineate the pedestrian crossing from the drive aisle.

Provide landscaped pedestrian walkways for direct, convenient mid-block connections. The pedestrian connection to the public sidewalk would abut landscape areas.

Separate or screen pedestrians from nuisances, such as mechanical equipment, dumpsters, and loading areas. The trash and recycling area would be enclosed. Mechanical equipment will have to be screened, and the loading area would be located to the rear of the building.

Enclose trash and recycling areas. The trash and recycling area would be enclosed.

Site – Amenities

Provide weather protection above sidewalks in the form of awnings or other building elements appropriate to the design of the structure. Awnings could be included along the south and west facades to provide weather protection over those walkways. The building entrance would be set back six feet, thus providing some weather protection.

Canvas fixed or retractable awnings or horizontal metal canopies. No awnings are proposed. Awnings over the south-facing windows could provide an additional architectural detail while also providing some weather protection and minimizing solar gain.

Seating areas near retail establishments. No seating areas are proposed.

Courtyards, squares, forecourts, and plazas with active adjacent ground-floor uses. No courtyards etc. are proposed.

Building – Facades

Walls that have a comfortable rhythm of bays, columns, pilasters or other articulations. The walls would have a series of design features, including changes in siding and trim, windows with faux shutters, a projecting entry area, and pedimented roof.

Facades should be taller than one-story to create a sense of enclosure along the sidewalk. The building would not be located along the sidewalk.

Architectural elements such as towers, roof parapets. The building design includes a roof pediment over the entry.

Well-detailed cornices of significant proportions to create visual interest and shadow lines. The cornice would be differentiated by a change in materials (shingles) which would create different shadow lines than the lap siding below it.

Vertical elements that break up long, monolithic building facades along the street. The façade facing the street would be broken up by the building entrance, windows, and various architectural details including stone, lap and shingle siding, and shutters.

Regularly spaced and similar-shaped windows with window trim on all building stories. Functional windows would be located on the front (south) façade. Faux windows would be placed on the west façade, facing the car park. The west and north facades would not have windows.

Bay windows on second story or higher floor levels. The building would be a single story, therefore, this design element is not applicable.

Screen mechanical equipment. Mechanical equipment will be required to be screened.

Building – Retail Storefronts

Storefronts should be designed to encourage a lively streetscape with clear windows, window displays. Clerestory or transom windows above storefronts are recommended. Windows facing the street would be clear (although tinted); clerestory windows (above the doors) are also proposed.

Entry ways with multiple doors, windows, architecture details and ornate hardware. The entry way would have multiple doors and windows.

Sliding, overhead or other operable windows for restaurants or other active uses. The proposed use would be retail and would not be defined as an active use, thus, no sliding or overhead operable doors are proposed.

Building – Entries

Entryways that project or are recessed from their surrounding building façades. The entryway would be recessed from the primary building façade.

Visible frame or trim detail surrounding the entry. No specific frame or trim detail surrounding the entry is proposed.

Transom, sidelights and other detailed window surrounds at the front entry. Transom windows and sidelights would surround the entry doors.

Doors combined with special architectural detailing. No special architectural detailing is proposed around the doors.

Well-detailed doors with ornate hardware. Doors would be a component of a standard storefront panel; no ornate hardware is proposed.

Building – Residential Entries

Multi-panel doors.

Transom windows and sidelights.

Durable, high quality metal door hardware.

Wood solid core doors.

Entries separated from the street by semi-private transition areas such as porches, terraces, stoops or canopy-covered doorways.

As no residences are proposed, this section is not applicable.

Building - Windows

The majority of the ground floor building façade should contain windows. A majority of the street-facing façade does not contain windows.

Multiple windows should be provided on the front façade above the main floor in a uniform pattern. Multiple windows would be provided above the front entry.

Windows should be oriented vertically with rectangular shapes. Windows would be oriented vertically and would be rectangular.

Frame openings with trim around windows and doors. Window sets on either side of the entry would be trimmed and bracketed with faux shutters.

If used, door and window shutters should be sized to cover the entire window. The faux shutters appear to be sized such that they could cover the windows, if they were operable.

"Punched" window openings recessed rather than flush with the building façade. Window openings do not appear to be recessed.

Building – Exterior Walls

Quality materials such as brick, stone and natural wood. The building design includes cultured stone.

Applications that create depth, such as recessed windows and doors. The entry doors would be recessed.

Establish a single clearly dominant exterior wall material and finish. Lap siding would be the dominant exterior material.

Belt courses and medallions. A belt course would be included at the top of the band of cultured stone.

Consider the following materials:

TCC: Brick or stone masonry. Not applicable to this application.

TCT: Brick or stone masonry; cement-based stucco; lap siding; board and batten siding; shingles and shakes. Proposed siding materials include stone masonry, lap siding, and shingles.

Building Landscape – Walls and Fences

Site wall and landscaped planter box materials and character should generally match or provide compatibility with the adjoining building materials and historic character. No walls or planter boxes are proposed.

Preferred materials include: brick and stone masonry; cast-in-place concrete or architectural finished exposed concrete; cementitious-based stucco over masonry or concrete substrate; solid wood pickets, lattice and boards; or painted welded metal or wrought iron. The proposed fence would be painted wood.

Lighting – Exterior Building

Lighting which adds visual interest and highlights aspects of the building. Goose-neck lamps are proposed over the building entry and above the windows.

Decorative wall sconce and similar architectural lighting features. No wall sconces are proposed, but the gooseneck lights will highlight the windows and faux windows on the south and east elevations.

Lighting fixtures which are integrated with and highlight landscaping. No landscape lighting is proposed.

Lighting – Parking Lot

Light poles should be dark green or black. This design element has been included in the approval conditions.

Standards should accommodate banners and hanging flower pots (with drip irrigation systems). Light standards could be equipped at any time for banners. Because the standards would be located in landscaped areas and not over sidewalks, hanging flower pots are probably unnecessary.

Light standards should be located in landscaped areas when possible to protect fixtures from automobile damage. Light standards will be located in landscape areas.

Lights should be shorter than two-stories in height. Light standards are required to be 18 feet or less.

Lighting – Sidewalk and Landscape

Seasonal lights on buildings and trees. Seasonal lighting by definition would not be permanent as thus, this guideline is not applicable.

Foot lighting that illuminate walkways and stairs. The site will be illuminated with lights on the building and in the car park. Illumination will be required to comply with DC §17.8.750 et. seq. *Lighting Standards.*

Fixtures concealed and integrated into the design of buildings and site landscaping elements. No concealed fixtures are proposed.

Bollard lighting that is directed downwards toward walkways. No bollards or bollard lighting is proposed.

Lighting – Signs

“Gooseneck” lighting that illuminates wall signs. Gooseneck lighting is proposed over the building sign above the entry, as well as over the windows and faux windows.

Sign silhouette backlighting is not proposed.

Incandescent or fluorescent bulb or low-voltage lighting. The illumination type is not known at this time.

Signs – Wall

Signs should identify the name of the building or major tenant only. The building will be identified with a sign naming the owner/tenant

Signs should be incorporated into the building architecture as embossing, low relief casting, or application to wall surfaces. The wall sign will be attached to the wall surface.

Signs should be durable and long lasting. Specific materials have not yet been identified.

Signs should be located as panels above storefronts, on columns, or on walls flanking doorways. The wall sign would be located above the storefront.

Signs – Hanging and Projecting

Signs should identify the name of the building or major tenant only.

Sign lighting should be integrated into the façade.

Sign should be durable and long lasting should not obstruct sidewalks or hang low enough to create hazards.

No hanging or projecting signs are proposed; these design elements are not applicable.

Signs – Window

Interior applied lettering or graphics.

Interior neon or other illumination.

No window signs are proposed, these design elements are not applicable.

Signs – Informational and Directional

Low-scaled signs.

Located at entries to parking lots, service areas, or pedestrian areas.

Sign should be durable and long lasting.

Signs should not obstruct sidewalks.

Compatible with adjacent architecture and streetscape elements.

No informational or directional signs are proposed, these design elements are not applicable.

Signs – Temporary

Easels and chalkboards.

Sandwich boards.

Small professionally painted and designed sandwich boards.

Compatible with adjacent architecture and streetscape elements.

No temporary signs are proposed at this time.

Based on the above guidelines, the Planning Commission may wish to consider these additional building and site design elements:

1. Reducing the length of the front car park stalls and front walkway width so that the building would be located closer to the street.
2. Awnings over the windows and faux windows for additional architectural detail, or a continuous awning over the south and west walkways to provide weather protection.
3. Additional windows in the south elevation, facing the street.

Optional **conditions** have been prepared for each of these alternatives.

Conclusion: With the conditions described in the section above, the design guidelines have been adequately addressed by the application.

III. ALTERNATIVES

The Planning Commission may approve the application as submitted, approve it with conditions, continue deliberations to a date certain, or deny this request.

IV. RECOMMENDATION

Based on the information provided in the application and the findings above, staff recommends approval of the application for site design, design review and lot line adjustment for the proposed Dollar General store at 1121 Gales Creek Road, with the following conditions:

GENERAL

1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.
2. The applicant must comply with all applicable City, County and CWS building and development standards, including all dimensional standards and public works specifications.
3. All utility connections shall be underground (DC §17.8.645(A) *Underground Utilities*).

STREET AND PUBLIC IMPROVEMENTS

4. Dedicate as needed additional right-of-way along Gales Creek Road, as per Washington County standards and specifications.
5. Improve the Gales Creek Road frontage including curbs, gutters and sidewalks, as per Washington County standards and specifications.
6. Public infrastructure shall comply with County or City-standard design and construction standards including CWS requirements. City-standard storm and sanitary sewer lines shall be extended to the west property line.
7. A water quality facility maintenance agreement shall be required.

ACCESS, CIRCULATION AND PARKING

8. Except where required by other codes (e.g. ADA), parking stalls shall be reduced in length to 16 ½ feet to the curb, provided the adjoining walkways and landscape areas are commensurately enlarged. Where stalls are shortened, no additional curb stops shall be required.

LANDSCAPING

9. Install a landscape island at the building's southwest corner where the two pedestrian walkways converge. Landscaping shall include an additional Chinese Pistache tree, and shrubs and/or groundcover.
10. Perimeter landscaped areas adjacent to the car park shall be at least 5 feet wide exclusive of the curb, in compliance with DC §17.8.545(D) *Landscaping and Screening of Parking and Loading Areas*.
11. The Gales Creek Road right-of-way shall be landscaped in compliance with DC §17.5.120 *Street Trees* and FGC 90.40 et. seq. *Parkway*.

LIGHTING

12. All lighting shall comply with the provisions of DC §17.8.755(C) *Pedestrian Lighting Standards* and §17.8.755(E) *Lighting Standards for Commercial Development*.
13. Light poles shall be black or dark green.

BUILDING DESIGN

14. All ground level and roof-top mechanical equipment shall be screened from view with landscaping, fencing and or walls. The height of the screen shall equal or exceed the height of the equipment, and include screening from views from above when visible from adjacent buildings.
15. The building address shall be identified with digits at least 6 inches tall that contrast with their background.

OPTIONAL CONDITIONS FOR PLANNING COMMISSION CONSIDERATION -

16. Reduce the length of the front car park stalls and the front walkway width, and locate the building closer to the street.
17. Install awnings over the faux windows; or
18. Install a continuous awning over the south and west walkways.
19. Increase the front façade window and door openings to equal or exceed 50% of the wall area between a height of 2 feet and 10 feet above grade.

V. 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** Site Plan and Design Review application materials, submitted by the applicant
- Exhibit B** Forest Grove Transportation System Plan Excerpts
- Exhibit C** Washington County Review Comments
- Exhibit D** Thatcher Road / Gales Creek Road Pedestrian Improvement Concept Plan
- Exhibit E** Neighborhood Meeting Summary, submitted by the applicant
- Exhibit F** Correspondence Received
- Exhibit G** PowerPoint Slides

EXHIBIT A

Site Plan and Design Review

Application Materials

Submitted by the Applicant

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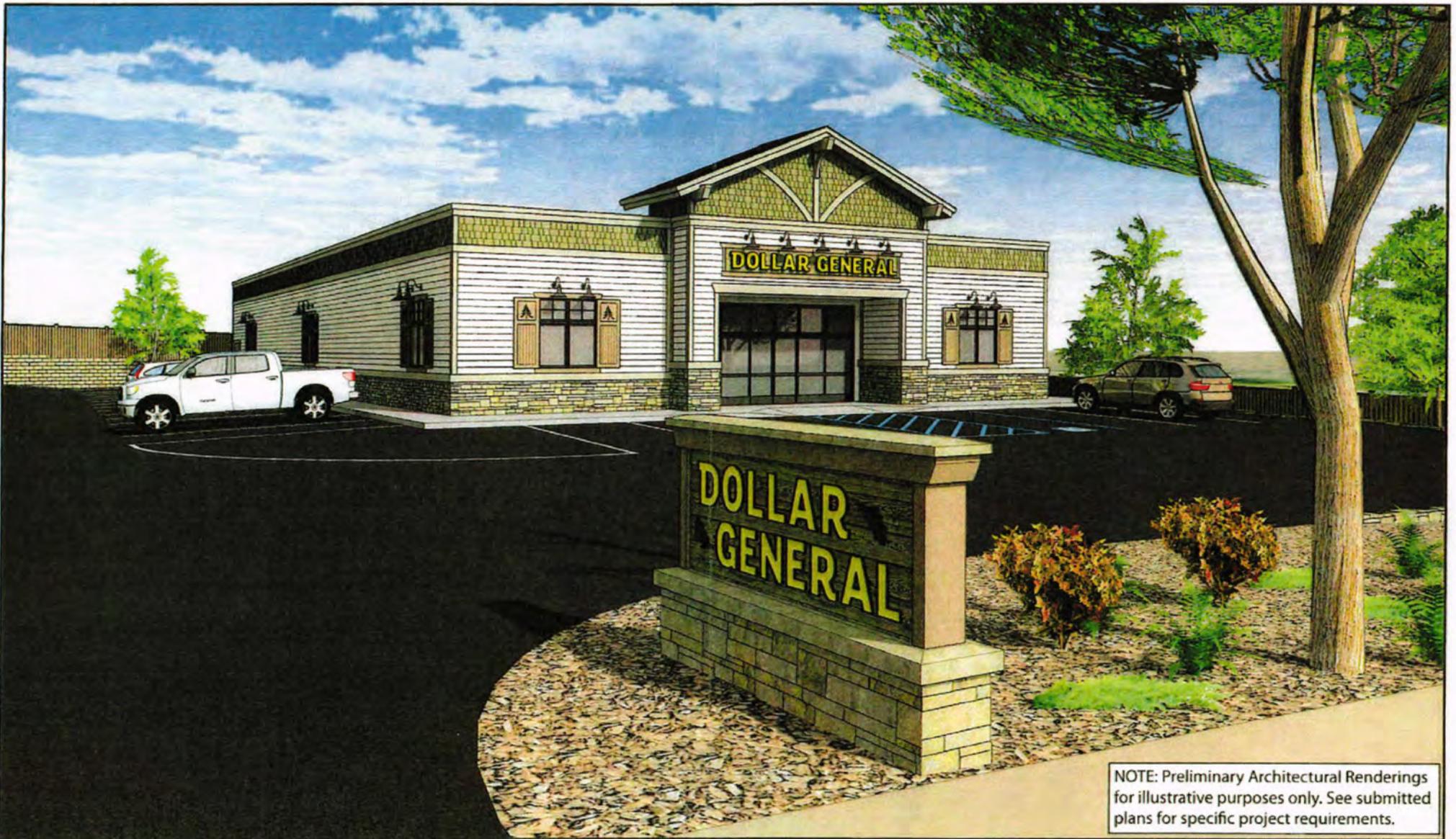


NOTE: Preliminary Architectural Renderings for illustrative purposes only. See submitted plans for specific project requirements.

 1410 MAIN STREET, SUITE C
RAMONA, CA 92065
760-789-5493

Street View Frontage

Dollar General
Forest Grove, OR



NOTE: Preliminary Architectural Renderings for illustrative purposes only. See submitted plans for specific project requirements.



1410 MAIN STREET, SUITE C
RAMONA, CA 92065
760-789-5493

Monument Sign View

Dollar General
Forest Grove, OR

Dollar General

Design Review, Site Development Review and Lot Line Adjustment Applications

Prepared for:
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April 2019
A19046.30

RECEIVED
APR 19 2019
City of Forest Grove

Dollar General

Design Review and Site Development Review and Lot Line Adjustment Application

Summary

PROJECT LOCATION and EXISTING CONDITIONS AERIAL

The property is located in the City of Forest Grove at 1211 Gales Creek Road. Specifically, the property is described legally as 1N436B, Tax Lot #003100. Currently the property is approximately 0.75 acres in size, however a right-of-way dedication and a lot line adjustment with Tax Lot #003500 to the north will result in a site of approximately 0.86 acres.

The project site is zoned NMU and is located within the Gales Creek Mixed Use Planned Development, 'Village Center'. The project will be processed as a Type III Design Review and Site Development Review.

PROJECT PROPOSAL

The project proposes new construction of a 9100 GSF Specialty Retail Store for proposed tenant Dollar General, with associated parking, loading, landscape and utilities.

No Traffic Study is required per Washington County Department of Land Use & Transportation.

Existing power poles are to remain in their current location in concurrence with Washington County Department of Land Use & Transportation and Forest Grove Light & Power.

Applicable Standards

The following Standards and Regulations have been addressed within this Narrative.
Forest Grove Community Development Code

Article 2 LAND USE REVIEWS

- 17.2.030 Concurrent Reviews
- 17.2.300 Design Review
- 17.2.400 Site Development Review

Article 3 ZONING DISTRICTS

- 17.3.310 List of Commercial and Mixed Use Zones

Article 4 OVERLAY DISTRICTS

- 17.4.300 Mixed Use Planned development

Article 6 LAND DIVISIONS

- 17.6.015 Lot Line Adjustments

Article 8 GENERAL DEVELOPMENT STANDARDS

- 17.8.100 Access & Circulation
- 17.8.150 Clear Vision Area
- 17.8.400 Landscaping, Screening and Buffering
- 17.8.500 Off-Street Parking and Loading
- 17.8.600 Public Improvements
- 17.8.700 Building Design and Development Standards
- 17.8.750 Lighting Standards
- 17.8.800 Signs
- 17.8.880 Other Development Review Standards

DESIGN GUIDELINES

- SITE – BUILDING ORIENTATION
- BUILDING – FACADES
- BUILDING – RETAIL STOREFRONTS
- BUILDING - ENTRIES
- BUILDING – WINDOWS
- BUILDING – EXTERIOR WALLS

ATTACHMENTS:

- A. Environmental Review for the Gales Creek Road Development Project.
- B. Email Chain RE: Traffic Impact Analysis not Required.
- C. CWS Sensitive Area Pre-Screening form

Forest Grove Community Development Code

Article 2

LAND USE REVIEWS

17.2.030 CONCURRENT REVIEWS

Applications for more than one land use review on a site may be consolidated into a single application package. If the reviews are not assigned to the same review body, they are assigned in the manner stated below.

A. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure and reviewed by the review body assigned to that procedure.

B. When the requested reviews have the same procedure but are assigned different review bodies, the reviews may be processed simultaneously with a joint hearing before the applicable review bodies. For the purposes of this section, a joint hearing includes either holding a consolidated hearing before all applicable review bodies at the same meeting, or holding consecutive public hearings at the same location. The Director shall determine the manner of processing applications and conducting the hearings.

RESPONSE: This application requests reviews for Design Review, Site Development Review and Lot Line Adjustment to be processed concurrently.

DESIGN REVIEW

17.2.310 APPLICABILITY Design review is required for the following:

C. New commercial development;

RESPONSE: This project proposes new commercial development and is therefore subject to Design Review.

17.2.320 OVERVIEW OF PROCESS Design review applications will be processed in one of two tracks: Development Standards or Design Guidelines. The applicant shall identify the desired tract as part of the initial application. The tracks are described as follows:

Track 2 -- Design Guidelines. Applications allow more flexibility in terms of design. Under this process the applicant shall be held to the intent of the standards, but is allowed to vary from these standards if demonstrated that related guidelines and objectives are adequately addressed and that the deviation results in a higher quality development than would result under a strict interpretation of the code.

RESPONSE: Because this site is subject to Mixed Use Planned Development Review, the Track 2 process will be used.

17.2.330 PROCEDURE The design review applicant must select one of two design review tracks: (1) development standards track or the (2) design guidelines track. Depending upon the tract and specific characteristics of the project, these are reviewed under a Type II or Type III procedure, as described below.

B. Track 2 – Design Guidelines. The review standards are intended to be flexible in nature. This process does not allow applicants to avoid any City requirements, but may provide alternative methods for meeting requirements. Track 2 applications shall be reviewed under a Type II or III procedures as outlined below:

2. Type III Review. The Planning Commission is the review authority for the following Track 2 design review applications:

- a. Multifamily developments with more than six (6) units;
- b. Commercial alterations, remodels, renovation, and new construction of more than 3,000 square feet; and
- c. Any Type II design review application elevated by the Director to the Type III procedure.

RESPONSE: This project will be processed as a Track 2/Type III process.

17.2.340 SUBMITTAL REQUIREMENTS In addition to the standard submittal requirements for a Type II or Type III application, and the submittal requirements of a Site Plan in 10.2.440, the following documents are required for Design Review. Plans shall be drawn to scale and fully dimensioned. At the pre-application conference, the Director may specify more detailed submittal requirements or waive specific submittal requirements if warranted.

A. Architectural drawings, renderings, sketches and a materials board showing all elevations of proposed buildings as they will appear on completion.

B. All existing and proposed walls and fences, including the location, height, type of design and composition.

RESPONSE: These plans and specifications are included in this application package.

17.2.350 REVIEW CRITERIA Projects subject to design review by the Director (Type II) or the Design Review Commission (Type III) shall be evaluated based on the following:

A. The development standards of the applicable zoning district and any overlay district;

B. The general development standards of Article 8.

C. Departures from code requirements may be permitted as part of a Track 2 Design Review Process, when the following criteria are met:

1. The design guidelines contained in the applicable section of the "Design Guideline Handbook" are adequately addressed.

2. The applicant demonstrates that the overall development would result in a development that better meets the intent of the design guidelines than a design that simply meets the Code.

RESPONSE: Deviations from the development standards of the zoning district and overlay district (NMU) are discussed within the Design Guideline section of this narrative.

SITE DEVELOPMENT REVIEW

17.2.410 APPLICABILITY.

Site development review is required for the following:

A. All new development of vacant sites (with the exception of the exemptions listed below);

B. An expansion of 20% or more of the existing building square footage on the development site;

C. A new parking lot or 20% expansion of an existing parking lot that is not associated with new commercial or multi-family development;

D. Any change of use (according to use table of applicable zoning district);

E. As part of a Master Plan application (17.4.100 et seq);

F. As part of a Conditional Use permit application (17.2.200); and

G. As part of a Design Review application (17.2.300 et seq).

RESPONSE: This project proposes a change in use (residential to commercial) as well as being part of a Design Review. As such, the project is subject to Site Development Review.

17.2.430 PROCEDURE.

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

RESPONSE: The Site Development review application will be processed as part of a Type III Design Review application.

17.2.440 SUBMITTAL REQUIREMENTS.

In addition to the standard submittal requirements for a Type II application, the following plans and information are required for Site Development Review. The Director may waive specific submittal requirements at the pre-application conference, if warranted. Site Development Plans shall be drawn to scale and fully dimensioned, and shall illustrate the following:

- A. Boundaries of the development site, with lot line dimensions and land area in square feet;
- B. Boundaries of lots adjacent to the development site, with general locations of existing buildings and driveways and description of current land uses;
- C. Existing contours of the development site at two-foot intervals for slopes of less than 10% and at ten-foot intervals for slopes of more than 10%. Additional contour data may be required by the Director for slopes greater than 20%;
- D. Major existing physical and natural features such as perennial and intermittent streams, wooded areas, marshes, rock outcroppings and vegetative cover types;
- E. Environmental resource areas subject to the provisions in 17.8.305 and, where applicable, 17.5.005 et seq. and environmental hazard areas subject to the requirements in 17.8.310;
- F. Individual trees or groves of trees subject to the provisions of 17.5.100 et seq.;
- G. Historic Landmarks subject to the provisions of 17.5.200 et seq.;
- H. Location, dimensions and heights of existing and/or proposed structures, including area in square feet and designation of existing and/or proposed use;
- I. Setback dimensions from buildings to lot lines and lot coverage as a percentage of total lot size;
- J. Location and dimensions of existing and/or proposed streets, driveways, transit facilities, sidewalks, trails, off-street parking and loading space, bicycle parking facilities, landscaped areas, recreation areas and trash storage areas;
- K. Location of existing utilities and fire hydrants adjacent to the site, including the size of storm sewer, sanitary sewer and water lines;
- L. Location and names of public street, parks, utility rights-of-way and easements within or adjacent to the site;
- M. Location and types of proposed drainage, water and sewer facilities to serve the development;
- N. Elevation drawings of proposed buildings;

O. Landscape plan depicting existing and proposed trees, shrubs, groundcover, irrigation and architectural features such as fences or walls. Proposed plantings shall be designated as to species, quantities and size at time of planting;

P. Location, character and dimensions of proposed signs and lighting; and

Q. Locations and dimensions of all existing and proposed outdoor storage areas, including but not limited to trash storage and recycling areas.

RESPONSE: Plans, reports and specifications applicable to the project are included in this application package.

17.2.450 REVIEW CRITERIA.

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

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

RESPONSE: The development standards of the zone (NMU) are addressed as defined as a Planned Development. Additionally, all applicable standards, including those found in Article 8, have been addressed in this narrative document.

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

1. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and

2. Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or adequately mitigated through other design techniques.

RESPONSE: This project proposes a single-story commercial building which will not negatively affect any of the existing residential areas to the south and west of the site. The project will not result in any negative off-site impacts. Proposed site lighting will be directed away from property lines so that there is no light trespass.

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

1. Significant on-site vegetation and trees;

2. Prominent topographic features; and

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

RESPONSE: There are no existing prominent topographic features or sensitive natural resources on the proposed site. The site does contain vegetation as identified on the Existing Conditions Plan; however, none is considered significant.

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

RESPONSE: There are no identified historic resources on this site.

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

RESPONSE: This project will construct a curb and sidewalk as well as dedicate an additional 15-feet of right-of-way to Gales Creek Road.

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

RESPONSE: This project proposes an 8-foot concrete connection between the entrance to the building and the Gales Creek Road right-of-way.

Article 3

ZONING DISTRICTS

17.3.310 LIST OF COMMERCIAL AND MIXED USE ZONES.

C. *Neighborhood Mixed Use (NMU)*. The Neighborhood Mixed Use zone is established to support the development of pedestrian-friendly mixed use neighborhoods with a diversity in the mix of housing types and neighborhood-scale retail sales and service, office, civic or recreational uses. Most non-residential uses must be located within a "Village Center." The Village Center is intended to serve as the center of the neighborhood, providing convenient access to goods and services as well as "third places" where residents can gather. The NMU Zone implements the Comprehensive Plan's Mixed Use designation. Mixed Use Planned Development approval is required in the NMU Zone in order to ensure that the objectives of the Comprehensive Plan are addressed.

RESPONSE: This project site is zoned NMU, within the 'Village Center' of the Gales Creek Mixed Use district.

17.3.320 USE REGULATIONS.

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

A. *Permitted uses*. Uses allowed in the Commercial zones are listed in Table 3-10 with a "P". These uses are allowed if they comply with the development standards and other regulations of this Code.

B. *Limited uses*. Uses that are allowed subject to specific limitations are listed in Table 3-10 with an "L". These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.

C. *Conditional uses*. Uses that are allowed if approved through the conditional use process are listed in Table 3-10 with a "C". These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. § 17.2.200 contains the conditional use process and approval criteria.

D. *Not permitted uses*. Uses listed in Table 3-10 with an "N" are not permitted or prohibited. Existing uses may be subject to the regulations of §§ 17.7.100 et. seq. Nonconforming Development.

E. *Accessory uses*. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards

USE CATEGORY	NC	CC	NMU
General Retail:			
- Sales-Oriented	L[7]	L[7]	L[16]

[16] Use is only permitted within a Village Center of a Mixed Use Planned Development approved in accordance with § 17.4.300.

RESPONSE: This project proposes a General Retail - Sales Oriented Use. As such it is an allowed use within the Village Center of a Mixed Use Planned Development.

17.3.330 COMMERCIAL AND MIXED USE ZONE DEVELOPMENT STANDARDS.

A. *Purpose.* The development standards for the commercial and mixed use zones are intended to promote efficient site planning, control the overall scale of buildings and promote streetscapes that are consistent with the desired character of the zones.

B. *Development standards.* Development standards for the NC, CC and NMU zones are summarized below:

STANDARD	NC	CC	NMU
Maximum Use Size[1]	2,000 square feet	No maximum	No maximum
Minimum Lot Size	5,000 square feet	5,000 square feet	No minimum[5]
Minimum Lot Width	50 feet	50 feet	No minimum[5]
Minimum Lot Depth	100 feet	None	No minimum[5]
Minimum Setbacks[2]			No minimum[5]
- Front	14 feet	None	No minimum[5]
- Interior Side	5 feet	None	No minimum[5]
- Corner (street side)	14 feet	None	No minimum[5]
- Rear	15 feet	None	No minimum[5]
Maximum Setback	20 feet	See footnote [3]	No minimum[5]
Maximum Building Height[4]	35 feet	45 feet	35 feet 45 feet[6]
Minimum Landscaped Area	15% of site	15% of site	No minimum[5]

Footnotes:

[5] New development in the NMU Zone requires approval of a Mixed Use Planned Development (MUPD) in accordance with § 17.4.300. Development standards are established through the MUPD process.

[6] Maximum 45-foot building height allowed only within a Village Center with approved MUPD.

RESPONSE: This project proposes a single story building which is 18-feet high to the parapet and 26.5-feet to the top peak of the gable over the entrance. The building is setback approximately 80-feet from Gales Creek Road (after dedication) and 10-feet from the north, 15-feet from the east, and approximately 85-feet from the west property lines. The proposed parking and maneuvering areas are setback approximately 14-feet from Gales Creek road. The project proposes 19.6 % landscape area.

Article 4

OVERLAY DISTRICTS

MIXED USE PLANNED DEVELOPMENT

17.4.300 PURPOSE.

The purpose of the Mixed Use Planned Development is to ensure that sites zoned Neighborhood Mixed Use are developed into pedestrian-friendly mixed use neighborhoods. In order to accomplish that, Mixed Use Planned Developments need to provide:

A. Diversity in the mix of housing types including single-family houses, apartments, row houses, cottages, senior housing and residential units above commercial or office space;

RESPONSE: This project does not include a residential component.

B. Pedestrian-orientation in the arrangement and placement of buildings, parking and circulation systems, land uses and utilities;

RESPONSE: Pedestrian connections are provided between the right-of-way, the building and the parking areas.

C. Pedestrian and bicycle access to, and through, the site and provide connectivity to adjacent areas for motorized and non-motorized modes of transportation;

RESPONSE: Pedestrian and bicycle transportation is provided between the proposed building and the abutting right-of-way. Existing development around the project site is limited, providing few opportunities for connectivity.

D. Neighborhood-scale retail sales and service, office, civic or recreational uses conveniently located for neighborhood access, thereby contributing to the livability of the area by reducing the amount of vehicle miles traveled to reach goods and services;

RESPONSE: A Dollar General store project will provide an excellent neighborhood scale and retail service to the current and future neighborhood development.

E. Coordinated architectural styles, landscaping building forms and building relationships which help establish a cohesive sense of place;

RESPONSE: This project is the first Development in this area and will therefore set the tone for future projects.

F. An urban form that emphasizes the efficient use of land and compact urban form;

RESPONSE: As the first Commercial development in the Gales Creek District, Dollar General includes a compact urban, pedestrian scale, site plan design.

G. The applicant with reasonable assurance of ultimate approval before requiring detailed design and engineering, while providing the city with assurances that the project will retain the character envisioned at the time of approval; and

RESPONSE: The project will retain all positive design aspects proposed at the time of approval.

H. A basis for discretionary review of an overall plan of development that can subsequently be developed in phases over time with administrative approval.

RESPONSE: It is understood that this project will serve as an example for future development. Therefore, the project has been tasked with proposing a style and quality of design which can be emulated for future development in the Village Center of this zone.

17.4.305 PROCEDURES.

RESPONSE: This project will be processed through the Design Review and Site Development Review processes. As a Mixed Use Overlay, the standards of this code section apply.

17.4.315 MUPD DEVELOPMENT STANDARDS.

A. *Base zone standards.* The development standards of the base zone apply unless they are superseded by the standards of this section or an MUPD approval.

RESPONSE: The project site is zoned NMU.

B. *Site size.* There are no minimum or maximum size limitations for a MUPD.

D. *Lot sizes.* There are no required minimum lot sizes.

F. *Village center.* Commercial Uses and Institutional Uses (other than basic utilities, major utilities transmission facilities, daycare, home occupations and community recreation) shall be located within a village center.

1. The applicant shall propose designs for the Village Center that provide services at a neighborhood scale within a compact, pedestrian-friendly environment. The Design and Development Standards and/or Design Guidelines applicable to the Town Center Transition (TCT) zone shall be used as a basis for development within the Village Center unless modified through an approved MUPD.

2. The minimum and maximum floor area of commercial or institutional uses permitted within the Village Center is shown in Table 4-2.

Table 4-2: Commercial/Institutional Uses within the Village Center		
NMU Zoned Area	Minimum Square Footage	Maximum Square Footage
Area 1 - David Hill/Nixon	None	15,000 SF Gross Floor Area
Area 2 - Gales Creek	None	25,000 SF Gross Floor Area
Area 3 - Davidson	25,000 SF Gross Floor Area	130,000 SF Gross Floor Area ^[1]
Area 4 - East David Hill Rd	10,000 SF Gross Floor Area	150,000 SF Gross Floor Area ^[2]
[1] Maximum building footprint is 50,000 square feet		
[2] Maximum building footprint is 50,000 square feet		

RESPONSE: The site is considered within the Village Center for the Gales Creek District. This project is the first project in this district. This project proposes a single story, 9100 SF building with pedestrian scale architectural accents.

G. *Height.* The height limits of the base zone apply.

RESPONSE: The NMU standards restrict this building to a 45-foot height limit. The proposed single-story building is 18-feet high to the parapet and 26.5-feet at the top of the gable over the entrance.

H. *Building setbacks.* Building setbacks are established as part of the preliminary development plans approval.

RESPONSE: The building is setback approximately 80-feet from Gales Creek Road (after dedication) and 10-feet from the north, 15-feet from the east, and 85-feet from the west property lines.

I. *Open space.* A MUPD shall include a minimum of 20% usable common open space, landscaped areas and/or protected natural areas.

RESPONSE: Per Table 3-13, in code section 17.3.430, 5% landscaping is required and has been provided.

J. *Pedestrian-orientation and circulation.* A MUPD shall include a transportation system that emphasizes pedestrian mobility and accessibility, and demonstrates an effective and convenient system of pedestrian facilities that provides connectivity throughout the MUPD and to adjacent properties. The transportation system shall identify existing and proposed pedestrian connections and may include a combination of sidewalks, multi-use pathways and trails.

RESPONSE: As the first development within the Gales Creek MUPD, Village Center, there are limited opportunities for connectivity. However, the project proposes a connection to the Gales Creek right-of-way from the building entrance and between the building and the parking/loading/trash recycling areas.

K. *Parking.* The base zone parking requirements apply except that shared parking is encouraged within the MUPD. Where the MUPD abuts land zoned for single-family residential development, common parking and maneuvering areas must be set back at least 20 feet from the lot line. No parking or vehicular circulation areas shall be located between the building and the street. Garages and off-street parking areas for residential developments shall be accessed by alleys unless otherwise approved by the Planning Commission.

RESPONSE: Seven parking spaces and a truck maneuvering/aisle area have been placed between the building and the Gales Creek right-of-way. Nonconformity with this code section is discussed below under the Guidelines section.

M. *Facilities and services.* It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the MUPD. Service facilities such as streets, water supply facilities, sanitary sewers and stormwater detention facilities must be dedicated to the public if they are to provide service to any property not included in the MUPD. However, the review body may approve private service facilities with the consent of the appropriate service provider.

RESPONSE: All required service connections including sanitary sewer and stormdrain will be provided to the site by the applicant.

N. *Underground utilities.* All service facilities must be placed underground except those that by their nature must be on or above ground, such as fire hydrants and

open watercourses. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities.
RESPONSE: All proposed and necessary utility connections and extensions will be installed underground.

O. *Construction to standards.* All service facilities dedicated to the public must be constructed to city standards. All private service facilities must be designed by a qualified civil engineer to city standards or comparable design life as determined by the City Engineer.

RESPONSE: All public improvements will be built to City standards. Both private and public service facilities will be designed by a registered civil engineer.

Article 6

LAND DIVISIONS

17.6.015 LOT LINE ADJUSTMENT

17.6.015 PURPOSE.

This sub-article provides the opportunity for adjustment of a common boundary between two lots. A lot line adjustment does not result in the creation of a new lot.

RESPONSE: The PLA will not create a new lot.

17.6.020 PROCEDURE

Lot line adjustments shall be processed under the Type I procedure.

RESPONSE: The lot line adjustment will be submitted and processed concurrently with the Design Review/Site Plan Review, as a Type I application.

17.6.025 APPLICATION REQUIREMENTS.

An application for a lot line adjustment consists of a completed application, signed by all property owners involved in the proposed adjustment, and a map showing the following details:

- A. The scale, north arrow and date of the map;
- B. The tax map and lot number identifying each parcel involved in the adjustment;
- C. The location, width and purpose of any easements and driveway access to public right-of-way, existing or proposed;
- D. The area, before and after the lot line adjustment, of each parcel;
- E. The proposed property lines and dimensions of each parcel;
- F. Existing and proposed utility services and stub locations, including water, sanitary sewer, drainage, power, gas and telephone; and
- G. Adjacent rights-of-way, with width shown.

RESPONSE: All these items are included in the Lot Line Adjustment application.

17.6.030 REVIEW CRITERIA.

The Director shall approve or deny a lot line adjustment based on the following criteria:

- A. An additional parcel is not created by the lot line adjustment, and the parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the zoning district; and

RESPONSE: The proposed PLA will not create a new lot. Furthermore, there are no restrictions to lot size in the NMU zone.

- B. The resulting parcels conform to the dimensional standards of the zoning district, including:

1. The minimum width of the lots shall meet the requirements of the applicable zoning district; and

2. Setbacks shall be as required by the applicable zoning district.

RESPONSE: There is no minimum lot width in the MNU zone. Approvable setbacks will be determined during the Design Review/Site Plan Review process.

17.6.035 EXEMPTIONS FROM DEDICATIONS.

A lot line adjustment is not considered a development action for purposes of determining whether floodplain or right-of-way dedication is required.

RESPONSE: The proposed property line adjustment is being made to facilitate a prototypical building for the Dollar General retail store. It is not being made for the purpose of determining whether flood plain or right-of-way dedication is required.

Article 8

GENERAL DEVELOPMENT STANDARDS

17.8.000 OVERVIEW OF ARTICLE 8.

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

The following list summarizes the topics covered in Article 8:

- Access & Circulation
- Clear Vision Area
- Open Space, Recreation Facilities and Common Areas
- Hazard and Resources
- Landscaping, Screening and Buffering
- Off-Street Parking and Loading
- Public Improvements
- Building Design and Development Standards
- Lighting Standards
- Signs
- Other Development Review Standards
- Land Division Standards
- Covenants, Conditions And Requirements

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

RESPONSE: All applicable sections are covered within this narrative document.

ACCESS AND CIRCULATION

17.8.115 ON-SITE PEDESTRIAN WALKWAYS.

A. *Required walkways.* On-site pedestrian walkways are required as follows:

1. Walkways shall extend from the ground floor entrances or from the ground floor landing of stairs, ramps or elevators of all commercial, institutional and industrial uses, to the public sidewalk or curb of the public street or streets which provide the required access and egress. Walkways shall provide convenient connections between buildings in multi-building commercial, institutional and industrial complexes. Walkways shall be constructed between a new development and neighboring developments. If

connections aren't currently available, then planned connections shall be designed to provide an opportunity to connect adjoining developments.

RESPONSE: The project proposes a walkway connection between the building entrance and the Gales Creek right-of-way as well as to the associated on-site parking. As the first development within the Gales Creek MUPD, Village Center, there are limited opportunities for connectivity.

2. The maximum distance between a parking space and a walkway shall not exceed 45 feet. All walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of walkways shall be firm, stable and slip resistant.

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

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

RESPONSE: There are two primary walkway connections provided. Both are of concrete construction. (parking and maneuvering areas will be asphalt) The walkway connection to Gales Creek Road is 8-feet in width and the walkway connection to the eastern parking is 4-feet in width. All other walkways around the building are also of concrete and vary in width. All on-site sidewalks comply with ADA requirements.

17.8.125 MINIMUM ACCESS REQUIREMENTS FOR NON-RESIDENTIAL USES.

17.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS.

A. Minimum driveway widths at the street right-of-way line shall be 15 feet for institutional, commercial, industrial and multi-family residential uses, and ten feet for single-family and two-family residential uses.

B. Maximum driveway widths at the street right-of-way line shall be as follows.

2. Thirty-six feet in institutional, town center or commercial zones; and

RESPONSE: The driveway access from the Gales Creek right-of-way line is 36-feet in width.

C. Location of curb cut. No portion of a curb cut shall be located closer to an intersecting street right-of-way line than:

1. One hundred feet on an arterial street with four or more travel lanes;
2. Fifty feet on an arterial street with two or three travel lanes;
3. Fifty feet on a collector street; or
4. Twenty feet on a local street.

F. City Engineer's authority to restrict driveway widths and locations. To ensure that driveways do not conflict with public infrastructure, the City Engineer has the authority to restrict the width and location of any driveway.

RESPONSE: The proposed driveway is located at the west end of the site, as far away from the Thatcher Road / Gales Creek Road intersection as feasible. This location was negotiated and agreed to with Washington County Department of Land Use & Transportation.

17.8.140 SPECIFIC SITE ACCESS AND CIRCULATION STANDARDS.

The following access and circulation standards apply specifically to certain types of development or apply within certain locations within the community.

B. *Commercial development.* Commercial development should accommodate automobiles, mass transit, bicycles and pedestrians in a safe, functional and visually appealing manner.

1. *Circulation.*

a. Auto/truck access to parking shall be from a local or collector street, an adjacent development, alley or existing driveways along arterial roads.

b. Where buildings are setback from right-of-ways, a continuous and direct sidewalk with a 12-foot minimum width shall be provided between the public sidewalk and the front door to all buildings on site.

RESPONSE: This project proposes access via Gales Creek Road. An 8-foot sidewalk provides a connection between the right-of-way and the building entrance. The 8-foot width is more pedestrian friendly and allows significantly more landscape across the front yard area.

2. *Parking.*

a. Construct off-street surface parking that does not occupy more than 50% of the street frontage. Where a site has frontage along a side street a surface car park may occupy more than 50% of the side street frontage.

RESPONSE: This project proposes parking in front of the building, for reasons discussed in the Guidelines section of this narrative document. The total Gales Creek frontage is 170-feet. The building is 70-feet wide (with parking in front) and the western parking row is 18-feet wide, which is slightly more than 50% of the frontage. (51%)

b. Screen parking with a solid perimeter wall, decorative welded metal (wrought iron) fencing and columns, earthen berm or evergreen hedge (or a combination thereof). The maximum height of screening shall be five feet except along the street frontage where the maximum height shall be three feet six inches.

RESPONSE: A 3.5-foot evergreen hedge has been placed along the site frontage on Gales Creek Road.

c. Provide a minimum of 15% of the car park as water pervious surface – either paving or landscaped retention areas.

RESPONSE: Interior landscaping in excess of the required 8% per 17.8.415(E)(3) is provided.

d. Development sites shall not consist of paved parking areas of more than 50% of the entire site area.

RESPONSE: Approximately 16,068 square feet of paving is dedicated to parking and maneuvering. This results in 42.8% coverage.

3. *Pedestrian environment.*

a. The sidewalk system shall connect all customer entrances to the public sidewalk.

RESPONSE: A direct sidewalk connection has been provided between the Gales Creek right-of-way and the main entrance of the store.

b. Minimum sidewalk width ten feet. Sidewalks shall meet American with Disabilities Act (ADA) requirements and may include landscaped areas, benches and other pedestrian amenities.

RESPONSE: The sidewalk within the Gales Creek right-of-way will meet all applicable ADA and county requirements

c. Plazas, squares or courts shall be fronted by commercial building facades with 75% or more transparency/window opening of first 15 feet of building.

RESPONSE: No plaza, squares or courts are proposed or exist adjacent to this project.

d. All development shall provide a sheltered entry area at the entrance to each commercial establishment with a minimum area of 50 square feet and a minimum dimension of six feet.

RESPONSE: The building entrance is within an alcove measuring 21' X 5.75'. (total 120.75 SF)

4. *Screening of service areas.*

a. All loading areas shall be physically separated from customer pedestrian and residential areas with a solid five-foot tall fence, evergreen hedge, arbor, berm or a combination of these elements.

b. All ground level and roof-top mechanical equipment shall be screened from view with landscaping, fencing and or walls. The height of the screen shall equal or exceed the height of the equipment, and include screening from views from above when visible from adjacent inhabited buildings.

RESPONSE: All proposed roof top mechanical equipment is placed towards the center of the structure, and a parapet has been provided for screening. There are no large above ground equipment.

5. *Landscaping.*

a. Landscaping standards vary depending on zoning, use, adjacent zoning and existing site conditions.

b. A landscaped strip at least ten feet in width shall be provided abutting any property line facing a street. The landscape strip shall be appropriately landscaped with ground cover, planted berm, shrubbery and/or trees.

c. At least 75% of required landscaped area shall be planted with any suitable combination of trees, shrubs or evergreen ground cover.

d. A maximum of 25% of required landscaped area may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, rock groupings, decorative hard paving and gravel areas interspersed with planting areas.

RESPONSE: A planted 13.5 foot landscape strip is proposed adjacent to the street ROW. 21.8% of the landscape area is proposed gravel area interspersed within the planting areas.

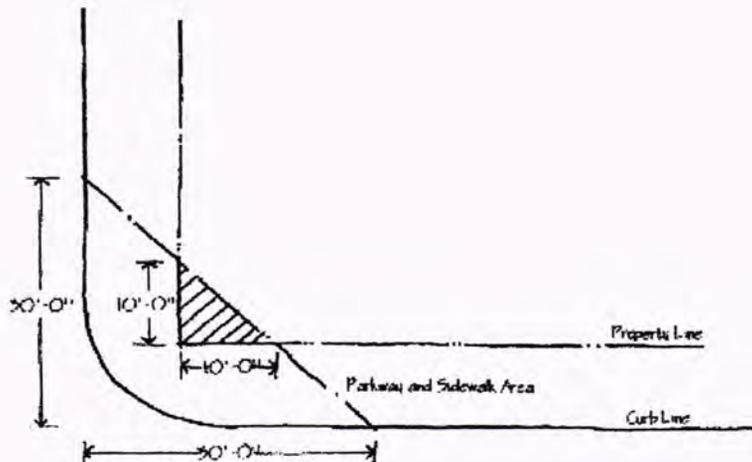
CLEAR VISION AREA
17.8.155 STANDARDS.

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

B. A private access shall be treated as a public street for the purpose of this section. The edge of the paved surface area of the private access, be it roadway, curb or sidewalk, shall be treated as the curb line in determining the vision clearance area.

C. The vision clearance area for all commercial, industrial, institutional and multi-family uses shall be determined in the manner set forth in subsection A.1. above.

Figure 8-5: Clear Vision Area



RESPONSE: Clear Vision areas per the above diagram have been provided on each side of the access driveway off of Gales Creek Road.

LANDSCAPING, SCREENING AND BUFFERING

17.8.405 APPLICABILITY.

A. *Applicability.* The provisions of this subarticle shall apply to all new development and to a change of use that result in the need for increased on-site parking.

C. *Landscape plan.* The applicant shall submit a landscape plan. The Director shall provide the applicant with information on the submittal requirements.

RESPONSE: A Landscape Plan is included in this submittal package.

17.8.410 GENERAL PROVISIONS.

A. *Obligation to maintain.* It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained.

B. *Ground preparation.* The ground in all required landscaped areas should be properly prepared with suitable soil and fertilizer. Specifications shall be submitted with the landscape plans showing that adequate preparation of the top soil and sub-soil will be undertaken prior to planting to support the plantings over a long period of time.

C. *Installation requirements.* The installation of all landscaping shall be as follows:

1. All landscaping shall be installed according to accepted planting procedures and the provisions of this article;
2. The plant materials shall be of high grade, and shall meet the size and grading standards of the American Standards for Nursery Stock; and
3. All required landscaped areas must be provided with a piped underground irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation.

D. *Pruning required.* All plant growth in landscaped areas of developments shall be controlled by pruning or trimming so that it will not:

1. Interfere with the maintenance or repair of any public utility;
2. Restrict pedestrian or vehicular access; and
3. Constitute a traffic hazard because of reduced visibility.

E. *Certificate of occupancy.* Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city such as the posting of a performance bond or security equal to 125% of the cost of the landscaping.

F. *Care of landscaping along public rights-of-way.* Appropriate methods for the care and maintenance of street trees and landscaping materials shall be provided by the owner of the property abutting the rights-of-way unless otherwise required for emergency conditions and the safety of the general public.

RESPONSE: The landscape will be professionally maintained. Ground preparation, installation requirements, and pruning requirements are stated in the sheet specification. A design build automatic irrigation system will be installed as part of the project.

17.8.415 GENERAL STANDARDS.

A. Non-invasive native vegetation is encouraged to be used for all landscaping except within 100 feet of a natural resource area. In such situations, native vegetation is required.

RESPONSE: Non-invasive vegetation is specified along with native vegetation. The project is not within 100 feet of a natural resource area.

B. Installation of bio-swales or preservation of wetlands should be located where possible in landscaped areas.

RESPONSE: Storm water is being handled in an underground detention system because there is lack of usable landscape and anticipated low infiltration rates.

C. Required landscaping adjacent to public rights-of-way. A strip of land at least five feet in width located between the abutting right-of-way and the off-street parking area or vehicle use area which is exposed to an abutting right-of-way, except in required vision clearance areas.

RESPONSE: A planted 13.5 foot landscape strip is proposed adjacent to the street and ROW.

D. Perimeter landscaping relating to abutting properties. On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, where such areas will not be entirely screened visually by an intervening building or structure from abutting property, a five-foot landscaped strip shall be between the common lot line and the off-street parking area or other vehicular use area exposed to

abutting property. Landscaped areas should include where possible water quality features such as bio-swailes or wetlands, trees, grass, shrubs and other plant material so as to cover the landscape area.

RESPONSE: A three foot landscape strip is proposed on the north side of the parking area and a three foot six inch landscape strip is proposed on the east and west sides of the parking area. The plantings will consist of an evergreen hedge that reaches five feet tall and will sufficiently screen the parking from adjacent properties.

E. Parking area interior landscaping. Landscaped areas shall be appropriately distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety and delineate pedestrian walkways and traffic lanes. Except for industrial development within industrial zones, the following interior landscaping shall be met.

1. Percentage approach. For the purpose of this section, **INTERIOR PARKING LOT AREA** is defined as the hard surface parking area (parking stalls and aisles). Such area does not include loading and unloading zones or perimeter landscaping around the lot. Where perimeter landscaping intrudes into the parking lot four or more feet, that area is included in both the interior parking lot area and interior parking lot landscaping.

2. A required landscaped area shall have a minimum interior dimension of six feet and be no less than 48 square feet in area.

RESPONSE: Three 157 SF planting islands are proposed in the parking lot to break up the asphalt. They will be planted with a large deciduous tree to provide shade.

3. At least 8% of the Interior Parking Lot Area shall be landscaped. Landscaped areas may include water quality features such as bio-swailes or wetlands, trees, grass, shrubs and other plant material so as to cover the landscape area.

RESPONSE: 8.5% of the interior parking lot is proposed landscape area.

4. One tree shall be required for every 1,600 square feet of interior parking lot area as defined in subsection 1. above. Trees shall have a minimum two-inch caliper and six-foot branch height at time of planting.

RESPONSE: The parking area is 16,068 sf and will require 10 trees. 10 large deciduous trees are proposed throughout the parking lot.

5. Interior parking area landscaping and trees must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed. Required trees may be planted within five feet of the edges of the parking area.

6. Perimeter landscaping area may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends four feet or more into the parking area from the perimeter landscape line.

Perimeter landscaping has not been included in the calculation for interior landscaping.

17.8.420 LANDSCAPING REQUIREMENTS BY ZONE.

A. *Landscaping required in the Neighborhood Commercial Zone.* All required yards (exclusive of accessways and other permitted intrusions) adjacent to a public or private street shall be landscaped.

RESPONSE: This project site is zoned NMU zone and is a commercial development.

E. *Seventy-five percent coverage.* Except in the Town Center Core Zone, at least 75% of the required landscaped area shall be planted with any suitable combination of trees,

shrubs or evergreen ground cover. The required 75% coverage shall be based on the size of the plant material within a specified time as follows:

1. Trees – within five years from the date of final inspection by the Building Official;
2. Shrubs – within two years from the date of final inspection by the building Official; and
3. Ground covers – at the time of final inspection by the Building Official.

RESPONSE: 75% of the required landscape area is planted with a combination of trees, shrubs, and ground covers.

F. *Twenty-five percent architectural features.* Except in the Town Center Core Zone, landscaped areas as required by this article may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, fences, rock groupings, decorative hard paving and gravel areas, interspersed with planting areas. The exposed area developed with such features shall not exceed 25% of the required landscaped area. Artificial plants are prohibited in any required landscaped area.

RESPONSE: 21.8% of the landscape area is covered with gravel; this is primarily behind the building.

17.8.425 BUFFERING AND SCREENING STANDARDS.

A. *General provisions.*

1. It is the intent that these requirements shall provide for privacy and protection and reduce or eliminate the adverse impacts of visual or noise pollution at a development site, without unduly interfering with the view from neighboring properties or jeopardizing the safety of pedestrians and vehicles;

2. Buffering and screening is required to reduce the impacts on adjacent uses which are of a different type in accordance with the matrices in this chapter (Tables 8-2, 8-3 and 8-4). The owner of each proposed development is responsible for the installation and effective maintenance of buffering and screening.

Table 8-3 Buffer Combinations for Landscaping and Screening [1]

		Minimum Width (feet)	Trees (per linear feet of buffer)	Shrubs or Groundcover	Screening
A	--	10	--	Lawn/living groundcover	--
B	--	10	20' min/30' max spacing	Lawn/living groundcover	--
C	1	10	15' min/30' max spacing	Shrubs	4' hedges
	2	8		Shrubs	5' fence
	3	6		Shrubs	6' wall
D	1	20	10' min/20' max spacing	Shrubs	6' hedge
	2	15		Shrubs	6' fence

	3	10		Shrubs	6' wall
E	1	30	10' min/20' max spacing	Shrubs	6' hedge or fence
	2	25		Shrubs	5' earthen berm or wall
<p>[1] Buffers are not required between abutting uses that are not of a different type when the uses are separated by a street. Adjustments from these requirements can be obtained; see <u>Article 2</u>.</p>					

RESPONSE: The project site is surrounded to the east, north and south by residential uses. There is a commercial development to the west. These properties are or will be rezoned to MNU therefore buffers are not required.

OFF-STREET PARKING AND LOADING

17.8.510 GENERAL PROVISIONS.

B. *Parking plan requirements.* The parking plan, drawn to scale, shall show all elements necessary to indicate that off-street parking requirements are met. The parking plan shall include but not be limited to:

1. Delineation of individual parking and loading spaces and their dimensions;
2. Circulation area necessary to serve parking spaces;
3. Access to streets, alleys and properties to be served;
4. Curb cuts;
5. Location and dimensions of all parking area;
6. Grading and drainage; and
7. Specifications as to signs and bumper guards.

RESPONSE: The Site Plan as submitted with this application, contains all the items required in this code section.

C. *Building permit conditions.* The provisions and maintenance of off-street vehicle parking and loading spaces are the continuing obligation of the property owner:

1. No building or other permit shall be issued until plans are presented to the Director to show that property is and will remain available for exclusive use as off-street vehicle parking and loading space; and
2. Required vehicle parking shall:
 - a. Be available for the parking of operable passenger vehicles of residents, patrons and employees only;
 - b. Not be used for storage of vehicles or materials or for the parking of trucks not used in conduct of the business or use; and
 - c. Not be rented, leased or assigned to any other person or organization.

RESPONSE: All proposed off-street parking spaces are reserved for use by patron and employees only.

E. *Parking area connections.* In order to eliminate the need to use public streets for movements between commercial or industrial properties, parking areas shall be designed to connect with parking areas within a project site and on adjacent properties unless not feasible. Access easements between properties shall be required where necessary to provide for parking area connections.

RESPONSE: Site topography / grading requirements in conjunction with a negotiated driveway location, intersectional distance requirements, safety issues and potential internal traffic conflicts make access easements to the adjacent eastern property not feasible.

F. *Walkway connections.* In order to facilitate pedestrian and bicycle circulation, access and parking area plans shall provide an efficient sidewalk and/or walkway connection between neighboring developments and land uses.

RESPONSE: This project is the first development within the Gales Creek Mixed Use District, therefore, there is no other commercial development to connect to at this time.

G. *Standards of measurement.* Except as otherwise defined in this Code, "one standard parking space" means a parking stall of nine feet in width and 18 feet in length. To accommodate compact cars more efficiently, up to 50% of the available parking spaces may have a minimum dimension of eight feet in width and 16 feet in length so long as they are identified as compact car stalls and are not readily accessible to large cars.

GROSS LEASABLE AREA means all finished floors and excludes elevators, corridors, utility or rest rooms, and interior service areas and all outside service areas, boiler rooms, freight tunnels or corridors and truck docks.

GROSS FLOOR AREA means the total square footage including all finished floors. This number is estimated to be 10% greater than Gross Leasable Area.

RESPONSE: No compact car parking spaces are proposed.

H. *Eligible parking.* Parking spaces available along the public street frontage or alleys are eligible in fulfilling the parking requirements, except for single-family dwellings and duplexes.

RESPONSE: No on-street parking is proposed.

I. Where improvements subject to these off-street parking and loading provisions result in hard surfaces, pervious surfaces are encouraged to be used. Where improvements are within the public rights-of-way, such surfaces can be used upon approval by the City Engineer.

RESPONSE: Impervious surfaces are not proposed, however, site landscape in excess of the required 5% is provided.

17.8.515 OFF-STREET PARKING REQUIREMENTS.

B. *Location of off-street parking.* Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. For all other uses, required off-street parking spaces shall be located not farther than 500 feet from the building or use they are required to serve, except as exempted in the Town Center zones.

RESPONSE: All proposed off street parking is located on the subject site.

C. *Improvements.* Required parking spaces shall be improved to the standards as contained in this article and available for use at the time of the final building inspection.

D. *Carpool and vanpool parking.* Commercial, industrial and institutional developments (including but not limited to hospitals, nursing and retirement homes, schools, churches, auditoriums and transit park-and-ride facilities) with 20 or more long-term parking spaces shall designate at least 10% of those spaces for carpool and vanpool parking. These spaces shall be located closer to the primary public or employee entrance than all other parking spaces with the exception of handicapped parking spaces. Carpool and vanpool parking spaces shall be full-sized and clearly designated for use by carpools or vanpools.

RESPONSE: This project proposes 31 vehicular parking spaces, which results in the requirement of 3 van/carpool spaces. These 3 spaces are provided immediately adjacent to the main building entrance, as indicated on the site plan.

E. *Minimum/maximum parking.* Unless specified below or otherwise exempted by this Code, the minimum and maximum number of required parking spaces shall be provided for all uses in accordance with the specifications of Table 8-4.

RESPONSE: As a Retail Sales oriented project, a minimum of 34 vehicular parking spaces are required (3.7/1000 SF). There is a maximum parking allowed of 57 vehicular parking spaces (5.1/1000 SF).

H. *Determination of parking zone classification.* Except as provided for in this article or as modified under the variance process outlined in § 17.2.700, parking provided shall not be less than the amount specified in the "Minimum Parking Required" column nor greater than the amount specified in the "Maximum Parking Allowed" column of Table 8-4 based on the appropriate Parking Zone Classification.

1. *Parking Zone A.* All properties located within one-quarter mile walking distance of a transit bus stop that provide 20-minute peak hour service shall be classified as Parking Zone A.

In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the nearest point of the subject lot located along the nearest street frontage that allows for the shortest walking distance.

The transit provider shall be the official source for transit stop location and peak service availability.

2. *Parking Zone B.* All properties not located within Parking Zone A shall be classified as Parking Zone B.

RESPONSE: Because the West Loop of the Grovelink Loop does not provide a 20 minute peak hour pick up, the project is located in Parking Zone B.

17.8.520 REDUCTION OR MODIFICATION OF OFF-STREET PARKING REQUIREMENT.

A. *Parking reductions allowed by right.* The following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. The reductions allowed by this section may not be used in conjunction with the reductions allowed by subsection B. below. In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways or streets, where sidewalks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

1. Parking for commercial and industrial uses may be reduced by 10% providing the development is within 500 feet walking distance of a transit stop.

RESPONSE: The project site is within 500 feet of the Thatcher and Gales Creek transit stop. Therefore, a reduction of parking of 10% is allowed, for a minimum of 31 vehicular parking spaces required.

17.8.525 DESIGN AND MAINTENANCE STANDARDS FOR OFF-STREET PARKING AND LOADING.

A. *No backing movement.* Excluding single-family and duplex residences, groups of more than two parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way would be required.

RESPONSE: The project has been designed to eliminate backing or maneuvering within a right-of-way.

B. *Free flow of traffic.* Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.

RESPONSE: No service drives are proposed.

C. *Parking accessible from street.* Each parking and/or loading space shall be accessible from a street and the access shall be of a width and location as described in 17.8.100 et seq. for Access and Circulation.

RESPONSE: Direct access to the parking area from Gales Creek Rd. is provided.

D. *Parking space, stall and access aisle dimensions.* Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicles turning and maneuvering, based on the standards shown in Figures 8-10 and 8-11.

RESPONSE: All proposed parking spaces are 90-degree spaces and exceed the minimum 9' x 18' dimensional standard. All proposed drive aisles are two way and as such, exceed the minimum 24-foot width.

E. *Permanent marking.* Except for single-family and duplex residences, any area intended to be used to meet the off-street parking requirements shall have all parking spaces clearly marked using permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of traffic flow and maintain vehicular and pedestrian safety.

RESPONSE: As proposed all parking spaces and traffic flow are clearly marked.

F. *Surfacing.*

Except for single-family and duplex residences, all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of city streets.

RESPONSE: All proposed parking and maneuvering areas will be paved.

G. *Wheel stops.* Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located one and one-half feet back from the front of the parking stall as defined in Figure 8-7.

RESPONSE: Wheel stops are provided throughout the parking lot.

H. *Drainage.* Off-street parking and loading areas shall provide stormwater drainage in accordance with specifications approved by the City Engineer. Off-street parking and loading facilities shall be drained to avoid flow of water across public sidewalks.

RESPONSE: The site has been graded to eliminate storm water run off across all sidewalks, primarily with the use of curbing. Additionally, the site has been designed to catch and detain all storm water on-site, with the use of a water quality facilities.

I. *Lighting.* Artificial lighting on all off-street parking facilities shall be designed to deflect all light away from surrounding residences and so as not to create a glare hazard to the public use of any road or street.

RESPONSE: All proposed exterior lighting will be designed to eliminate off site glare or flow.

J. *Maintenance.* All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.

RESPONSE: Noted

17.8.535 OFF-STREET LOADING SPACE.

A. *Required.* Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading and maneuvering space in accordance with the requirements of Table 8-6.

RESPONSE: This project proposed a 9100 SF, Commercial Retail building. As such the project does not require a loading space. (under 10,000 SF)

17.8.540 BICYCLE PARKING.

A. *When required.* Bicycle parking shall be provided on-site in conjunction with the following uses:

2. Retail and office development;

RESPONSE: As a retail use, bicycle parking is both required and provided.

B. *Required number of spaces.* The number of bicycle parking spaces required shall be at least 20% of the required automobile parking for the use, but not less than two spaces.

RESPONSE: The project requires 34 vehicular parking spaces. As such, it also requires 7 bicycle parking spaces.

C. *Location and design standards.* Bicycle parking facilities shall be:

1. Located within 75 feet of a primary building entrance and dispersed for multiple entrances;
2. Designed to provide direct access to a public right-of-way, but not to obstruct sidewalks or walkways. Public sidewalks may be utilized for bicycle parking when parking can't be reasonably accommodated on-site and the location is convenient to the building's primary entrance. If a public sidewalk is used for bicycle parking, a minimum of six feet of clear and unobstructed sidewalk must be maintained;
3. In a location visible to building occupants or from the main parking lot;
4. Thoroughly illuminated during working hours. Bicycle parking areas shall be at least as well lit as automobile parking areas;
5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack to which the bicycle can be locked. All bicycle racks, lockers or other facilities shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience. Such racks shall be designed to hold bicycles securely by means of the frame, with the frame supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels; and
6. Bicycle parking spaces shall be at least six feet long and two feet wide with an overhead clearance of at least seven feet. An access aisle of at least five feet shall be provided and maintained beside or between each row of bicycle parking. Each required bicycle parking space shall be accessible without moving another bicycle.

RESPONSE: A bicycle parking area is designated just west of the main building entrance. This area meets all applicable standards for 7 (seven) bikes.

17.8.545 LANDSCAPING AND SCREENING OF PARKING AND LOADING AREAS.

C. *Required landscaping for parking lots adjacent to public rights-of-way.* A minimum five-foot landscaped strip is required between the abutting right-of-way and the off-street parking area or vehicle use area.

RESPONSE: : A planted 13.5 foot landscape strip is proposed adjacent to the street and ROW.

D. *Perimeter parking lot landscaping.* When the off-street parking area or other vehicular use area is not visually screened from an abutting property by an intervening building or structure, a minimum five-foot landscaped strip shall be installed between the common property line and the off-street parking area or other vehicular use area that is visually exposed.

RESPONSE: A three foot landscape strip is proposed on the north side of the parking area and a three foot six inch landscape strip is proposed on the east and west sides of the parking area. The plantings will consist of an evergreen hedge that reaches five feet tall and will sufficiently screen the parking from adjacent properties.

E. *Interior parking lot landscaping.* Landscaped areas shall be appropriately distributed to break up large expanses of pavement, improve the appearance and climate of the site, improve safety and delineate pedestrian walkways and traffic lanes. For the purpose of this section, interior parking lot area is defined as the hard surface parking area (parking stalls and aisles). Such area does not include loading and unloading zones or perimeter landscaping around the lot.

1. At least 8% of the interior parking lot area shall be landscaped. Landscaped areas should include water quality features such as bio-swales or wetlands, trees, grass, shrubs and other material when possible so as to cover the landscape area.

RESPONSE: 8.5% of the interior parking lot is proposed landscape area.

2. A required landscaped area shall have a minimum interior dimension of six feet and be no less than 48 square feet in area. Landscaping shall be protected from vehicular damage by some form of wheel guard or curb.

RESPONSE: Three 157 sf planters are proposed in the parking lot to break up the asphalt. They will be planted with a large deciduous tree to provide shade.

3. One tree shall be required for every 1,600 square feet of interior parking lot area. Trees shall have a minimum two-inch caliper and six-foot branch height at the time of planting.

RESPONSE: The parking area is 16,068 sf and will require 10 trees. 10 large deciduous trees are proposed throughout the parking lot.

4. Interior parking area landscaping and trees must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed.

RESPONSE: Interior parking lot trees are proposed throughout the parking area.

5. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends four feet or more into the parking area from the perimeter landscape line.

RESPONSE: Perimeter landscaping has not been included in the calculation for interior landscaping.

F. *Landscaping within clear vision areas.* All landscaping of parking lots within clear vision areas shall provide unobstructed cross-visibility at a level between three to ten feet above the curb line. With the exception of grass or groundcover, no landscaping shall be located closer than three feet from the edge of any accessway pavement.

RESPONSE: The clear visions areas will be maintained clear of obstructions between 3 and 10 vertical feet.

PUBLIC IMPROVEMENTS

10.8.610 Streets

A. Improvements. No development shall occur unless the development has frontage or approved access to a public street:

RESPONSE: This development has frontage to a public street.

10.8.625 Sanitary Sewers

A. Sewers Required. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in Design and Construction Standards for Sanitary and Surface Water Management (as adopted by Clean Water Services in 1996 and including any future revisions or amendments) and the adopted policies of the Comprehensive Plan and the City's Master Sewer Plan.

RESPONSE: This project will install a new public sewer main to and through the project frontage on Gales Creek Road. A new facility will connect to the new public sewer main.

10.8.630 Water Facilities

A. Water Facilities Required. Water facilities shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth in the adopted policies of the Comprehensive Plan and the City's Master Water Plan.

RESPONSE: There is existing public water main in the project frontage. The project will connect to the public waterline as required.

10.8.635 Storm Drainage

A. General Provisions. The Director and City Engineer shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made, and:

1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;
2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and
3. Surface water drainage patterns shall be shown on every development proposal plan.

RESPONSE: The project will install a new public storm line to and through the project frontage. The onsite storm water will be captured, piped to a water quality facility, and then discharged to the new storm only system.

10.8.645 Utilities

A. Underground Utilities. All utility lines in new developments shall be placed underground, and:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services;
2. The City reserves the right to approve location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

RESPONSE: The project will coordinate with the City utility company. The new services to the building will be placed underground.

BUILDING DESIGN AND DEVELOPMENT STANDARDS

17.8.700 STANDARDS

C. *Building Design Standards within Town Center Districts.*

1. *Building form.*

a. All new structures shall be a minimum of two-stories in height in the TCC Zone or a minimum height of 16 feet in the TCT Zone, as measured at the front elevation to top of parapet or eave line of lowest point of facade.

RESPONSE: The proposed building is 18' high to the parapet and 26'-6" top the peak of the gable over the entrance.

b. All flat-roofed buildings shall have a decorative cornice at top of building (parapet)

RESPONSE: The proposed building has a decorative cornice at the top of the parapet.

c. Exterior pilasters and columns shall project a minimum of six inches beyond building face.

RESPONSE: The proposed columns project 2' from the building façade.

d. All rooftop mechanical equipment shall be screened by a solid wall from view of the public right-of-way and pedestrian routes.

RESPONSE: The proposed parapet wall screens equipment from view from the public right of way and pedestrian routes.

2. *Retail storefronts.*

a. First floor vertical elements such as columns or pilasters shall be provided and spaced center-to-center at a maximum of 25 feet apart.

RESPONSE: The proposed columns on front façade are 25' from center to center.

b. Doors on the main floor facade facing a street shall contain windows equivalent in size to 50% of door surface area.

RESPONSE: The proposed doors at storefront are designed to have windows in excess of 50% of the door area.

c. Storefront glazing must be transparent. Reflective, tinted, glazed or techniques that obscure more than 20% of glazed surfaces shall be prohibited.

RESPONSE: RESPONSE: The proposed storefront glazing noted as transparent on Exterior Elevations.

d. Glazing dimensions shall have a greater height than width.

RESPONSE: RESPONSE: Proposed glazing dimensions have a greater height than width.

e. Storefront glazing with divided lights shall be limited to transom windows only.

RESPONSE: Proposed storefront glazing does not contain divided lights.

f. All window frames shall be painted.

RESPONSE: Proposed window frames are to be painted.

g. Awnings shall be constructed of metal, glass or natural canvas fabrics. Vinyl, synthetic fabric, plastic or backlit awnings are prohibited.

RESPONSE: There are no proposed awnings.

3. *Commercial entries.*

a. The entry enclosure shall be offset a minimum of two feet from the building facade.

RESPONSE: The proposed entry is offset 5.75' from the front building face.

b. Windows and door in exterior wall shall be surrounded with trim of two and one-half inches minimum width.

RESPONSE: Proposed front windows and doors are to be trimmed with minimum 3½" wide trim.

c. At least 25% of all primary entry doors shall contain transparent glazing.

RESPONSE: Proposed entry doors are in excess of 25% glazing.

d. Unpainted metal frames are prohibited.

RESPONSE: Proposed window frames are to be painted.

e. Reflective, opaque or tinted glazing is prohibited.

RESPONSE: Proposed glazing is to be transparent.

5. *Windows and doors.*

a. Window and door openings shall comprise the following minimum portions of the front building facades at the main floor as measured between two feet above the sidewalk to ten feet above the sidewalk: TCC - 80%; TCT -50%.

RESPONSE: The current building façade is designed with 41.9% glazing along the front face of the structure from 2' to 10' in height. Applicant requests that this be allowed since the building façade also incorporates shutters surrounding the windows and additional window openings would lead to crowding of the front façade elements, thus eliminating the shutters.

c. Clear or transparent glazing is required for windows fronting the public rights-of-way.

RESPONSE: The proposed building has transparent glazing facing the right-of-way.

d. Glass shall be recessed a minimum of one and one-half inches from the surrounding exterior wall surface.

RESPONSE: All proposed glass shall be recessed from the surrounding exterior wall surface.

e. Spandrel, glass curtain-wall or any window wall glazing that creates an opaque, flat or featureless, or reflective surface shall not be used at ground floor.

RESPONSE: The proposed building does not have any spandrel or curtain-wall glazing that would produce a flat, featureless, or reflective surface.

6. *Exterior walls.*

- a. Vinyl, plastic or metal siding are prohibited the all Town Center zones.
- b. Synthetic Stucco (EIFS, Dryvit, etc.) insulating cladding materials along the first floor of facades that front public rights-of-way are prohibited.
- c. Flagstone or other stone veneer along the first floor of facades that front public rights-of-way are prohibited.
- d. Simulated or cultured stonework are prohibited for commercial uses.
- e. Wood, asphalt or cement shingles are prohibited at first floor for commercial uses.

RESPONSE: Proposed structure is to be stone from 0' to 4' with horizontal cementitious siding up to 14'-3" and cementitious shingles above that typical. Front gabled entry has stone up to 5' with horizontal cementitious siding up to 18' and cementitious shingles above and up to gabled roof surface. Applicant feels that this design offers a sense of permanence to the building and compliments the area with its style and form.

7. *Walls and fences.*

- a. Plastic and/or chain-link fences are prohibited in all Town Center zones.
- b. All wood fences shall be painted.

RESPONSE: Proposed fences are to be painted wood.

LIGHTING STANDARDS

17.8.755 GENERAL PROVISIONS.

A. *When standards apply.* Unless otherwise provided, the provisions of this subarticle apply to lighting that is part of a multi-family or commercial project, or lighting within one of the Town Center zoning districts.

RESPONSE: Although a photometric Plan is not required at this time, all applicable standards of this section will be met by the design of exterior lighting.

SIGNS

17.8.830 PERMANENT SIGN REGULATIONS.

RESPONSE: All project signage will be a deferred submittal.

DESIGN GUIDELINES

- **SITE – BUILDING ORIENTATION**

Guideline – Design and construct buildings oriented to a public street right-of-way to create safe, pleasant and active pedestrian environments.

RESPONSE: As proposed, the site plan and building placement does not comply with code section 17.4.315 (K), which requires that there be no parking between the building and the right-of-way. In order for delivery trucks to enter and exit the site

in a forward motion, the truck needs to be able to maneuver in front of the building as well as comply with code section 17.8.125 (B);

“...In no case shall the design of said service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street...”

To that end, a 36-foot drive aisle has been placed between the building and the Gales Creek right-of-way.

Additionally, in order to provide handicap parking adjacent to the main entrance, and to meet the minimum parking requirements of the zone, parking is provided off the 36-foot drive aisle. (7 spaces).

Mitigation has been provided in several ways. The landscape design has sought to present a frontage that both screens and focuses on the pedestrian access. The 8-foot pedestrian connection between the main entrance and the right-of-way. will be constructed of brushed concrete. It will provide a direct, distinct path across the vehicular maneuvering areas, but follow the outer curb through the landscape areas, giving the user greater experience of the landscape and views of the water quality facility. The water quality facility has been artfully planted for both function and attractiveness.

- BUILDING – FACADES

Guideline – All buildings shall contribute to the storefront character and visual relatedness of town center buildings

RESPONSE: The proposed building is the first proposed structure in this NMU zoning block and is therefore intended to establish the character of this new town center area.

- BUILDING – RETAIL STOREFRONTS

Guideline – Storefronts should appear open, inviting and engaging to the passerby.

RESPONSE: The proposed design has an enhanced gabled entry that is inviting from the right-of-way.

- BUILDING - ENTRIES

Guideline – Entryways should be clearly visible and recognizable from the street, and appear open and inviting to the pedestrian.

RESPONSE: The gabled area is intended as a clearly defined entry for the structure. The large storefront doors are inviting.

- BUILDING – WINDOWS

Guideline – Use windows to create an open and inviting atmosphere.

RESPONSE: Building frontage windows have been designed to make the structure open and inviting as viewed from the public right-of-way.

- BUILDING – EXTERIOR WALLS

Guideline – Use materials that are compatible with the character of Forest Grove and create a sense of permanence.

RESPONSE: Proposed building materials have been used to create an aesthetically pleasing and permanent structure on the site. The use of varying siding (horizontal and shingles), stone wainscoting, shutters, architectural trim and light fixtures will convey a sense of character to the surrounding neighborhood.

Attachment A

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Environmental Review for the Gales Creek Road Development Project

Prepared for: Woodcrest Companies
Prepared by: Turnstone Environmental Consultants, Inc.
Date: February 5, 2019

Introduction

Turnstone Environmental Consultants, Inc. (Turnstone) conducted an environmental review for the property located at 1121 Gales Creek Road (subject property) in Forest Grove, Oregon. This environmental review encompassed the following natural resources that are regulated by local, state, and federal laws, statutes and/or ordinances: special-status^{*} wildlife and botanical species, Wetlands and Waterways under the jurisdiction of the U.S. Army Corps of Engineers and the Department of State Lands, and areas defined by Goal 5 inventories, including flood plain and drainage hazard areas and Significant Natural and Cultural Resources areas.

Methodology

Turnstone conducted a desktop review to determine the potential presence of natural resources within the subject property. Data sources used for this desktop review included the Washington County species listings from the U.S. Fish and Wildlife Service, aerial photography, Oregon Biodiversity Information Center (ORBIC) data, local and/or national wetland inventory maps, USGS topographic maps, Washington County soil surveys, and local Significant Natural Resource maps. A desktop habitat assessment was conducted in order to identify potentially-suitable habitat for special-status species through the use of GIS data and aerial photography. Turnstone biologists then reviewed the likelihood of occurrence of each special-status species in the study area, taking into consideration the species' historic and current range and associated habitat.

Results

The study area is located in Washington County, Oregon. The study area, 0.9 acre in size and roughly 230-feet wide by 175-feet long, includes Taxlot #1N436B003100 and a portion of Taxlot #1N436B003500. It is bordered to the south by Gales Creek Road, to west by a residential development, to the east by an industrial development, and to the north by agricultural land. A little over ten percent of the study area is agricultural land, with the remaining majority being residential development. The development includes a mix of coniferous and deciduous trees, as well as open space, and likely contains a large percentage of ornamental and non-native species.

^{*} Special-status is defined as those species identified for protection under federal or state laws including: (1) species listed as endangered or threatened, species proposed for listing, or candidates for listing under the federal Endangered Species Act of 1973 (ESA); (2) state-listed endangered, threatened, or candidate species, or (3) species federally protected by the Bald and Golden Eagle Protection Act of 1940 or the Migratory Bird Treaty Act (MBTA) of 1918.

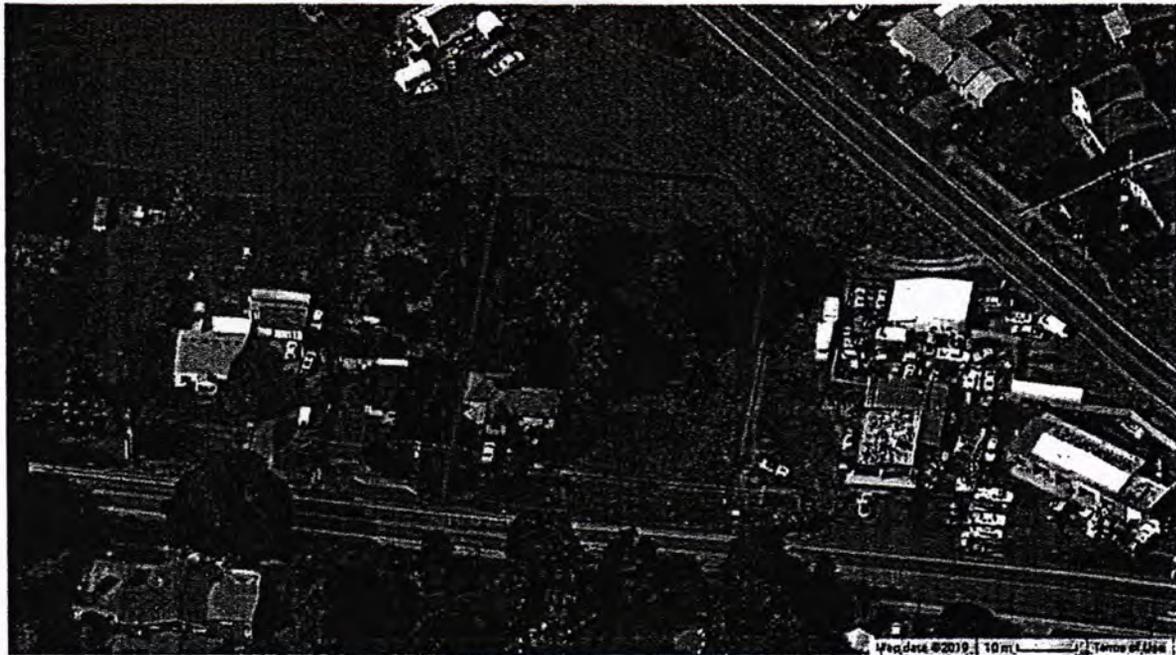


Figure 1. Google Earth View of the Study Area

Wetlands and Waterways

No jurisdictional wetlands or waterways are mapped in local or national wetland inventories, and there are no hydric soils present on the site. Desktop review of the local topography and vegetation also does not indicate the likely presence of any wetlands. LIDAR† data indicates that there is a roadside ditch and a ditch along the eastern lot line. During development review, Clean Water Services (CWS) may potentially ask for an assessment of the ditch to see if it falls under its jurisdiction. Project area ditches are unlikely to be regulated by CWS unless it is determined that the ditches are straightened reaches of natural waterways or are believed to have been created from wetlands.

Special-Status Species

Special-Status Wildlife Species

The following terrestrial wildlife species known to be present in the Tualatin River Watershed were considered for the study area. Fish species were excluded from the analysis due to the lack of fish-bearing streams within the study area. Additional wildlife species, such as federal Species of Concern, that currently receive no protection but may be listed for protection in the future may also be present.

- Red Tree Vole (*Arborimus longicaudus*): The species is a proposed candidate for federal listing and is a state-listed sensitive-vulnerable species. There are no known occurrences within two miles and there is no suitable habitat within the study area; therefore, the species is unlikely to be present.
- Gray Wolf (*Canis lupus*): The species is a federally-listed endangered in areas west of highways 395-78-95, and is considered a special-status game mammal, protected by statute and managed under the Oregon Wolf Conservation and Management Plan (Wolf Plan) throughout the state of Oregon. Wolves are habitat generalists and will establish territories anywhere there is a sufficient food source. There are

† Light Detection and Ranging, is a remote sensing method that uses light in the form of a pulsed laser to measure ranges (variable distances) to the Earth

no known occurrences within two miles and highly-populated areas are considered low quality habitat for the species; therefore, the species is unlikely to be present.

- Fender's Blue Butterfly (*Icaricia icarioides fenderi*): The species is federally-listed as endangered and occurs in native prairie habitats. There are no known occurrences within two miles and there is no suitable habitat within the study area; therefore, the species is unlikely to be present.
- Bald Eagle (*Haliaeetus leucocephalus*): The bald eagle is federally-protected by the Bald and Golden Eagle Protection Act of 1940. The species nests in forested areas near (within one mile) large bodies of water, and is associated with many habitats, including grasslands, agriculture, pastures, urban and mixed environments. Eagles require large trees to support the large nests they build; many nesting trees in Oregon are over 40 inches diameter and 125 feet tall. The species prefers Douglas-fir trees for nesting in western Oregon, especially when the nests are not located adjacent to a river. There are known occurrences within two miles and the study area is within one mile of Gales Creek, a tributary of the Tualatin River. However, there are no trees large enough to support nesting bald eagles within the disturbance distance (660 feet) of the study area. Therefore, any development activities within the study area would be unlikely to violate state or federal protections for the species.
- MBTA Species‡: Migratory birds include all native birds in the United States, except those non-migratory species such as quail, that are managed by individual states. Many migratory bird species are likely present within the study area. Under the provisions of the MBTA, it is unlawful "by any means or manner to pursue, hunt, take, capture (or) kill" any migratory birds except as permitted by regulations issued by the U.S. Fish and Wildlife Service (USFWS). The term "take" is defined by USFWS regulation to mean to "pursue, hunt, shoot, wound, kill, trap, capture or collect" any migratory bird or any part, nest or egg of any migratory bird covered by the conventions, or to attempt those activities. To the maximum extent possible, USFWS advises scheduling all vegetation removal, trimming, and grading of vegetated areas outside of the peak bird breeding season (April to August). When project activities cannot occur outside the bird nesting season, USFWS recommends conducting surveys prior to scheduled activity to determine if active nests are present within the area of impact and buffer any nesting locations found during surveys.

Special-Status Plant Species

- Bradshaw's Desert Parsley (*Lomatium bradshawii*): The species is federally-listed as endangered and occurs in wet prairie habitats in clay soils with a dense clay layer. There are no known occurrences within two miles and there is no suitable habitat within the study area; therefore, the species is unlikely to be present.
- Kincaid's Lupine (*Lupinus sulphureus ssp. Kincaidii*): The species is federally- and state-listed as threatened and occurs in upland prairie remnants and ecotones between grassland and forest, in heavy, well-drained soils. There are known occurrences within two miles; however, there is habitat within the study area is of poor quality and therefore the species is unlikely to be present.
- Nelson's Checkermallow (*Sidalcea nelsoniana*): The species is federally- and state-listed as threatened and occurs in open prairie remnants along the margins of streams, sloughs, ditches, roadsides, fence rows, and drainage swales and in fallow fields. There are known occurrences within two miles and suitable habitat occurs within the study area; therefore, the species has the potential to be present. However, listed plant species receive no protection on private lands and no action is required unless the project requires federal permitting for other reasons.
- Water Howellia (*Howellia aquatilis*): The species is federally-listed as threatened and occurs in various features that have an annual cycle of filling with water followed by drying during the summer months.

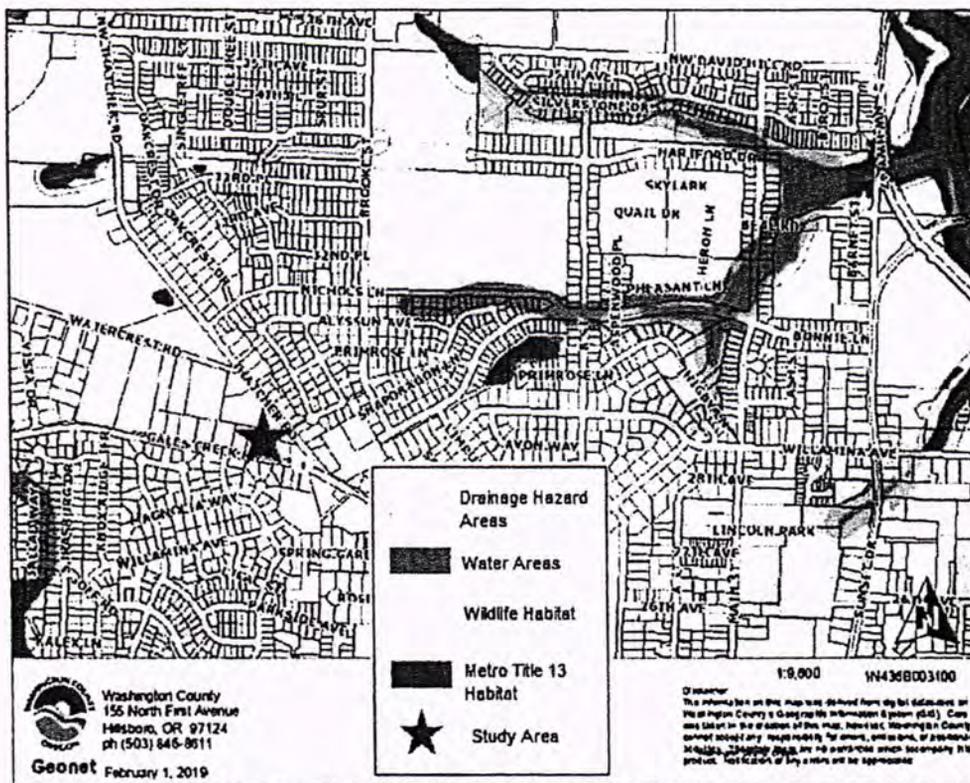
‡In April 2018, a federal directive was issued stating that the take "of birds resulting from an activity is not prohibited [...] when the underlying purpose of that activity is not to take birds." The state of Oregon is participating in a lawsuit to stop the full implementation of this directive.

There are no known occurrences within two miles and there is no suitable habitat within the study area; therefore, the species is unlikely to be present.

- Willamette Daisy (*Erigeron decumbens*): The species is federally- and state-listed as endangered and occurs in seasonally-flooded bottomland prairies and well-drained upland prairies. There are no known occurrences within two miles and the habitat within the study area is of poor quality; therefore, the species is unlikely to be present.

Other Natural Resource Concerns

The desktop review indicates there is no presence of other mapped natural resource concerns related to city, Washington County, or Metro area Goal 5 inventories, including: flood plain or drainage hazard areas, Significant Natural or Cultural Resources areas.



From: James Reitz <jreitz@forestgrove-or.gov>
 Sent: Monday, February 4, 2019 12:44 PM
 To: Daphne Day <daphne@turnstoneenvironmental.com>
 Subject: RE: Mapped Natural Resources

Daphne, City records do not indicate any environmental issues at this site.

Let me know if you need anything further.

James Reitz, AICP
 Senior Planner
 6503/992-3233

Attachment B

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Structural • Civil • Landscape • Planning
4875 SW Griffith DR | Ste 300 | Beaverton, OR | 97005

From: Craig Harris [<mailto:craigh@aaieng.com>]
Sent: Friday, March 29, 2019 3:48 PM
To: 'Naomi Vogel'; 'Nichole George'
Cc: 'Steve Powell'
Subject: RE: Dollar General / Gales Creek (Forest Grove)

Naomi/Nichole,
Attached is the road layout that I believe is what the County is looking for. Can you please review and confirm as soon as you can so we can finalize our site plan.

Regards,
Craig N. Harris, PE | Principal
503.352.7678 dir | 503.348.5064 cell



Structural • Civil • Landscape • Planning
4875 SW Griffith DR | Ste 300 | Beaverton, OR | 97005

From: Naomi Vogel [mailto:Naomi_Vogel@co.washington.or.us]
Sent: Friday, March 29, 2019 2:04 PM
To: Craig Harris; Nichole George
Cc: Steve Powell
Subject: RE: Dollar General / Gales Creek (Forest Grove)

Hi,

One is not required due to the low trips based on 9,000 sq. ft of retail. I'm sorry but I was out sick yesterday so I was unable to get Nichole up to date on what was discussed.

Naomi

From: Craig Harris [<mailto:craigh@aaieng.com>]

ATTACHMENT B

Sent: Friday, March 29, 2019 2:02 PM
To: Nichole George; Naomi Vogel
Subject: RE: Dollar General / Gales Creek (Forest Grove)

Nichole,
Can you confirm the traffic study requirement as my client believes that Naomi told them that one was not required.

Regards,
Craig N. Harris, PE | Principal
503.352.7678 dir | 503.348.5064 cell



Structural • Civil • Landscape • Planning
4875 SW Griffith DR | Ste 300 | Beaverton, OR 97005

From: Nichole George [mailto:Nichole_George@co.washington.or.us]
Sent: Thursday, March 28, 2019 11:23 AM
To: 'craigh@aaieng.com'; Naomi Vogel
Subject: Dollar General / Gales Creek (Forest Grove)

Hi Craig,
Thank you for coming in today to discuss the project in Forest Grove.
I believe we can live with the existing pavement out there and just have you build the curb, planter and sidewalk with dedication of the needed ROW.

Some concerns we discuss today were:

1. Traffic study to ensure there is no need for turn lane
2. Utility Poles on both the East and West side of the property
 - a. Provide layout of the lane lines, bike lane, curb, planter and sidewalk to see if the poles need relocated

Please let us know if there are further questions,

Nichole George | Engineering Associate II
Washington County Department of Land Use & Transportation
Engineering and Construction Services Division
1400 SW Walnut, MS 17 | Hillsboro, OR 97124
503-846-7850 Direct | 503-846-7940 Fax
nichole_george@co.washington.or.us | www.co.washington.or.us/lut

Washington County Roads on Twitter on Facebook
Plan Responsibly. Build Safely. Live Well.

Attachment C

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Clean Water Services File Number

19-000976

Sensitive Area Pre-Screening Site Assessment

1. Jurisdiction: Forest Grove

2. Property Information (example 1S234AB01400)

Tax lot ID(s): 1N436B003100 AND 1N436B003100

Site Address: 1211 Gales Creek Road

City, State, Zip: Forest Grove, Oregon, 97116

Nearest Cross Street: NW Thatcher Road

3. Owner Information

Name: _____

Company: Thatcher Road LLC

Address: PO Box 310

City, State, Zip: Forest Grove, Oregon, 97116

Phone/Fax: unknown

E-Mail: unknown

4. Development Activity (check all that apply)

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

5. Applicant Information

Name: Beth Zauner

Company: AAI Engineering

Address: 4875 SW Griffith Dr.

City, State, Zip: Beaverton, OR, 97005

Phone/Fax: 5036203030

E-Mail: bethz@aaieng.com

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

Location and description of off-site work need to bring sewer and storm to the site from the intersection of Thatcher and Gales Creek

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

A property line adjust is proposed to move the northern property line to the north.

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

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

Print/Type Name Beth Zauner Print/Type Title Planner

ONLINE SUBMITTAL

Date 3/26/2019

FOR DISTRICT USE ONLY

- Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Based on review of the submitted materials and best available information Sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 17-05, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, State, and federal law.
- Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- This Service Provider Letter is not valid unless _____ CWS approved site plan(s) are attached.
- The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.

Reviewed by Date 3/29/19



AAI ENGINEERING
 AAI Engineering Inc.
 1500 S. W. 10th Ave. Suite 1000 | Miami, FL 33135 | Phone: (305) 444-1111 | Fax: (305) 444-1112
 www.aai-engineering.com

WOODCREST
 1151 MARKET STREET
 HAWAII, CALIFORNIA 94734
 CONTACT: ANDREW WILDE
 P. 708-784-8443
 WWW.WOODCRESTARCHITECTS.COM

DOLLAR GENERAL
 FOREST CREEK, OH

SHEET TITLE
HARDSCAPE PLA

DATE: 04/18/21
 DRAWN: JH
 CHECKED: CH
 REVISIONS:

C1.0

JOB NUMBER: A190121

SHEET NOTES

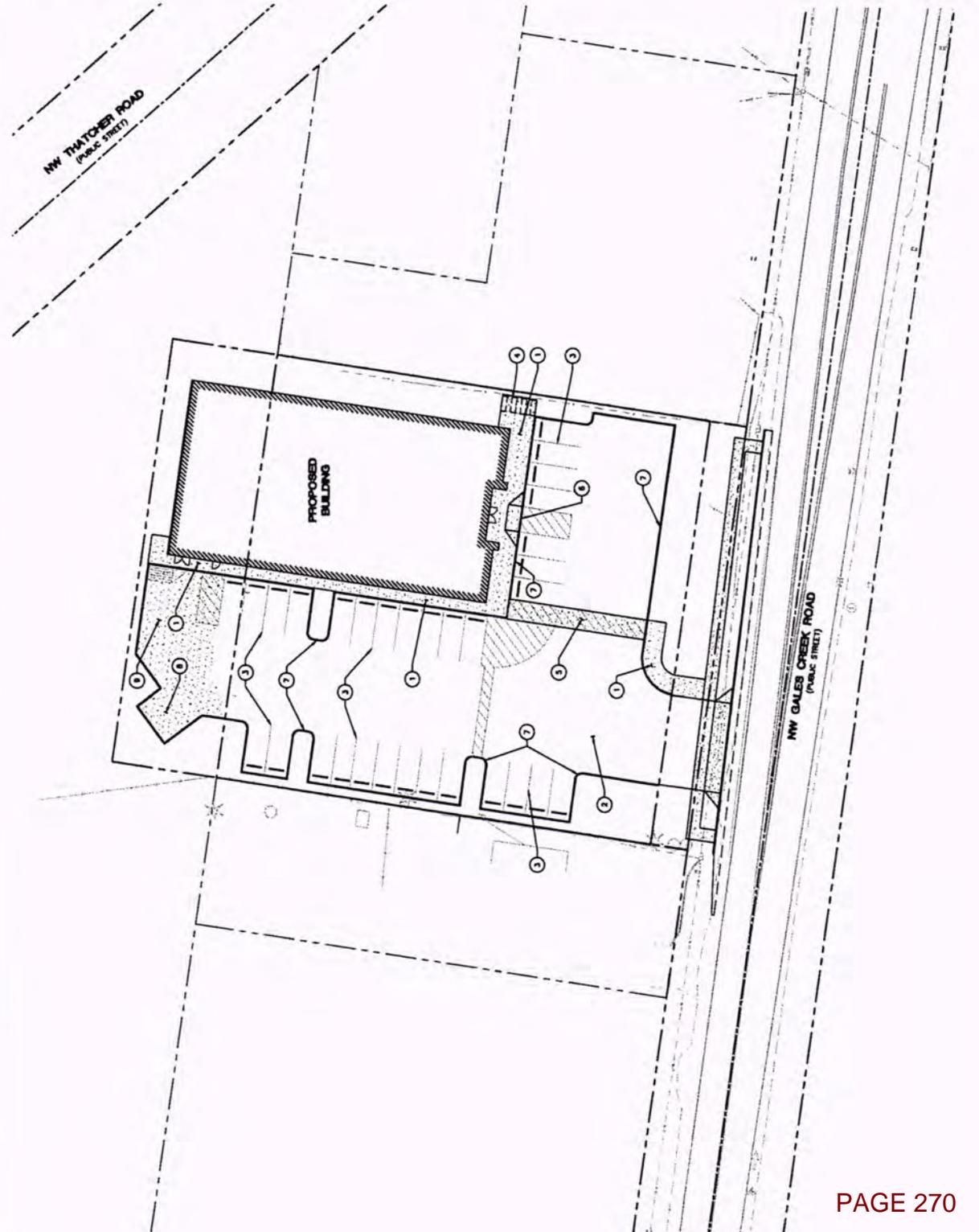
- SEE ARCHITECTURAL PLANS FOR ADDITIONAL SITE INFORMATION.
- CONTRACTOR SHALL MAINTAIN A FULL SET OF THE CURRENT APPROVED CONSTRUCTION DOCUMENTS INCLUDING APPROVAL ON THE PROJECT SITE AT ALL TIMES.
- THE CONTRACTOR SHALL KEEP THE ENGINEER AND ARCHITECT ADVISED OF ANY CHANGES TO THE PROJECT. FACILITATE SITE OPERATIONS AT REQUESTED INTERVALS. 24-HOUR NOTICE IS REQUIRED.

CONSTRUCTION NOTES

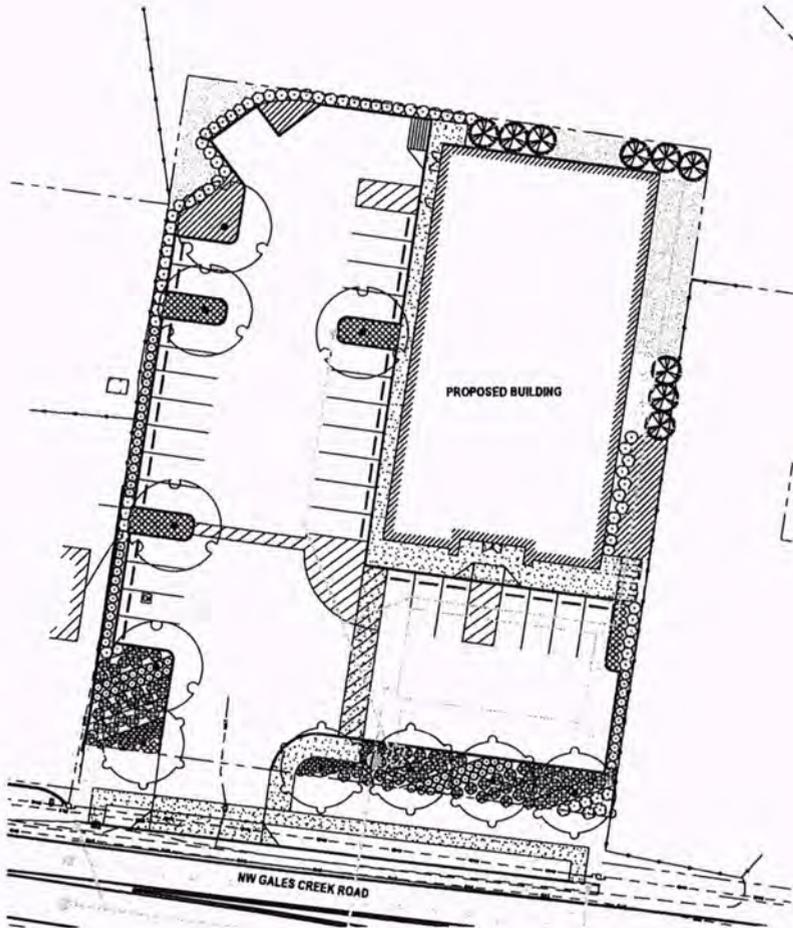
- INSTALL PRIVATE SIDEWALK
- INSTALL PRIVATE ASPHALT
- INSTALL STRIPPS, SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION
- INSTALL BIKE PARKING
- INSTALL CONCRETE ADA PATH
- INSTALL ADA RAMP
- INSTALL PRIVATE CURB
- INSTALL TRASH ENCLOSURE, SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION. SEE ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.

LEGEND

PROPERTY LINE
 CONCRETE SIDEWALK
 SURFACING
 ASPHALT SURFACING

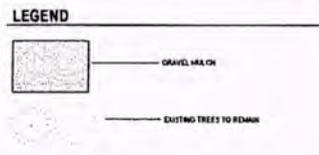


04/16/2019 -- LAND USE SUBMITTAL



PLANT SCHEDULE						
TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	
	PC	5	PLTALCA CHINENSIS	CHINESE PISTACHE	7 CAL	
	UC	5	ILMUS X FRONTERA	AMERICAN ELM	7 CAL	
EVERGREEN TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	
	TH	8	THUJA PLICATA 'HOGAN'	HOGAN CEDAR	5 HT	
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	
	RV	30	RAEBERIS VERRUCULOSA	HARTY BARBERRY	1 GAL	
	ES	45	EVONYMUS JAPONICUS 'SILVER KING'	SILVER KING EVONYMUS	1 GAL	
	GS	57	GALE THERA SHALOM	SHAL	1 GAL	
	JF	63	JANPERUS HORIZONTALIS 'YOUNGSTOWN'	CRESPING JAMPER	1 GAL	
	LE	7	LOROPETALUM CHINENSIS 'PPA 3 RED'	PPA 3 RED LOROPETALUM	1 GAL	
	VO	15	VACCINIUM OVALEM	EVERGREEN HUCKLEBERRY	1 GAL	
GRASSES	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
	MP	40	MISCANTHUS SINENSIS 'PURPURESCENS'	FLAME GRASS	1 GAL	
	PH	32	PENSTEMON ALOPECUROIDES 'HAMEL'	HAMEL DWARF FOXTAIL GRASS	1 GAL	
GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
	FC	273	FRAGARIA CHINENSIS	BEACH STRAWBERRY	--	1' x 4'
	MR	221	MAHONIA REPENS	CREeping MAHONIA	--	1' x 4'

LANDSCAPE REQUIREMENTS	
TOTAL SITE AREA	= 37,461 SF
LANDSCAPE AREA REQUIRED 5% OF SITE	= 1,873 SF
LANDSCAPE AREA PROPOSED 18.6% OF SITE	= 7,348 SF
INTERIOR Pkg. LOT LANDSCAPING REQ. 8% OF PARKING AREA (1608 SF)	= 1,285 SF
INTERIOR Pkg. LOT LANDSCAPING PROPOSED	= 1,375 SF (8.5%)
Pkg. LOT TREES REQUIRED (1/1,600 SF OF Pkg.) x 10	= 10
Pkg. LOT TREES PROPOSED	= 10

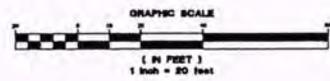


GENERAL NOTES

1. CONTRACTOR SHALL CONTACT LANDSCAPE ARCHITECT AT LEAST TWO WEEKS PRIOR TO START OF LANDSCAPE WORK TO REVIEW PLANT SELECTIONS & JURISDICTIONAL REQUIREMENTS.

- PLANTING NOTES**
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT CITY OF FOREST GROVE STANDARDS AND THE OREGON STRUCTURAL SPECIALTY CODE.
 - VERIFY ALL EXISTING CONDITIONS, INCLUDING LOCATION OF PROPERTY LINES, PRIOR TO BEGINNING ANY WORK. REPORT ANY DISCREPANCIES TO THE OWNER'S REPRESENTATIVE IMMEDIATELY.
 - DO NOT WILLFULLY PROCEED WITH CONSTRUCTION WHEN UNKNOWN OBSTRUCTIONS AND/OR DIFFERENCES EXIST THAT MAY NOT HAVE BEEN KNOWN DURING DESIGN. IMMEDIATELY NOTIFY OWNER'S REPRESENTATIVE OF UNKNOWN OBSTRUCTIONS AND/OR DIFFERENCES PRIOR TO REMOVING ANY EXISTING FEATURES. REVIEW AND CONFIRM EXTENT OF CONFLICT WITH OWNER'S REPRESENTATIVE.
 - PROTECT EXISTING ITEMS TO REMAIN DURING CONSTRUCTION. ANY DAMAGE TO EXISTING ITEMS ORIGINATED TO REMAIN I.E. CURBS, WALLS, PLANT MATERIAL, LAINS OR FENCES SHALL BE REPAIRED OR REPLACED AT NO ADDITIONAL COST TO THE OWNER.
 - VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES, LINES, PIPES, UTILITY, OR BORES PRIOR TO EXCAVATION. MARK AND PROTECT ALL UTILITIES, USE FEATURES AND VEGETATION TO REMAIN IN PLACE. ANY DAMAGE TO ANY KNOWN EXISTING UTILITY ELEMENTS SHALL BE REPAIRED PROPERLY AND IMMEDIATELY.
 - REMOVE FROM THE SITE AND LEGALLY DISPOSE OF ALL DEBRIS AND EXCAVATED MATERIAL, NOT REQUIRED FOR FILL. NO RUBBISH OR DEBRIS SHALL BE BURNED ON THE SITE.
 - MAINTAIN ALL ROADWAYS AND PAVED PATHWAYS CLEAN AND FREE OF CONSTRUCTION MATERIALS AND DEBRIS. PROVIDING NECESSARY DUST CONTROL WHERE REQUIRED.
 - COORDINATE AND SCHEDULE ALL WORK WITH THE OWNER'S REPRESENTATIVE.
 - INSTALL EROSION CONTROL SYSTEMS IN ACCORDANCE WITH CITY OF FOREST GROVE STANDARDS PRIOR TO SITE WORK AND LANDSCAPE INSTALLATION.
 - CONTRACTOR SHALL PROVIDE TOPSOIL, SOIL AMENDMENTS, AND EROSION CONTROL.
 - CONTRACTOR SHALL SUBMIT CERTIFIED TOPSOIL ANALYSIS REPORT FOR OWNER'S APPROVAL PRIOR TO PLANT INSTALLATION. SEE SPECS.
 - CONTRACTOR IS RESPONSIBLE FOR ANY AMENDMENTS TO SOIL PH FERTILITY AND/OR DRAINAGE CONDITIONS NECESSARY TO ENSURE PROPER GROWING CONDITIONS FOR PROPOSED PLANTINGS. SEE SPECS.
 - CONTRACTOR SHALL FOLLOW PROVIDER'S INSTRUCTIONS AND RECOMMENDATIONS FOR SEEDING.
 - ALL PLANTS SHALL BE INSTALLED ACCORDING TO AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60) AS WELL AS DETAIL DRAWINGS AND SPECIFICATIONS.
 - ALL PLANTS SHALL BE IRRIGATED BY A FULLY AUTOMATED PERMANENT IRRIGATION SYSTEM UNLESS OTHERWISE NOTED. SEE SPECS.
 - CONTRACTOR SHALL INSTALL RAIN SENSORS AS PER MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS. VERIFY THE LOCATION WITH THE OWNER PRIOR TO INSTALLATION.
 - CONTRACTOR SHALL DESIGN THE IRRIGATION SYSTEM AND PROVIDE OWNER WITH SHOP DRAWINGS FOR APPROVAL. SEE SPECS.
 - PRIOR TO FINAL ACCEPTANCE, CONTRACTOR SHALL PROVIDE OWNER WITH AS-BUILT PLANS OF THE INSTALLATION, COPIES OF ALL OPERATION MANUALS AND WARRANTY DOCUMENTS.
 - ALL NEW PLANTS IN LANDSCAPE AREAS SHALL BE MAINTAINED FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL ACCEPTANCE.

LANDSCAPE PLAN
SCALE 1" = 20'



REGISTERED
552
Oregon
LANDSCAPE ARCHITECT

AAI ENGINEERING
4475 SW Gales Creek Lane, Suite 300, Beaverton, OR 97005
503.639.3030 or 1.503.675.5528 fax 1.503.675.5528

DOLLAR GENERAL
FOREST GROVE, OR

SHEET TITLE
LANDSCAPE PLAN

DATE: 04/16/19
DRAWN: JWB
CHECKED: CNI

REVISIONS:
 1. ALL EXISTING UTILITIES, LINES, PIPES, UTILITY, OR BORES PRIOR TO EXCAVATION. MARK AND PROTECT ALL UTILITIES, USE FEATURES AND VEGETATION TO REMAIN IN PLACE. ANY DAMAGE TO ANY KNOWN EXISTING UTILITY ELEMENTS SHALL BE REPAIRED PROPERLY AND IMMEDIATELY.
 2. VERIFY THE LOCATION WITH THE OWNER PRIOR TO INSTALLATION.
 3. PRIOR TO FINAL ACCEPTANCE, CONTRACTOR SHALL PROVIDE OWNER WITH AS-BUILT PLANS OF THE INSTALLATION, COPIES OF ALL OPERATION MANUALS AND WARRANTY DOCUMENTS.
 SHEET NUMBER

EXHIBIT B

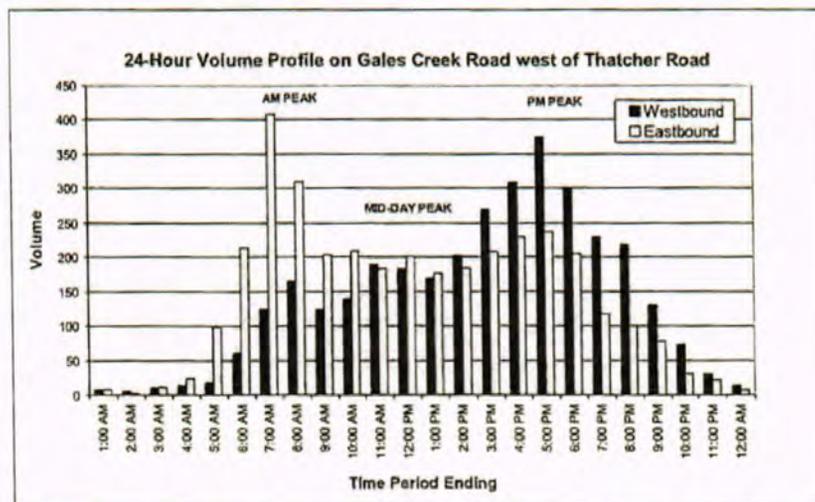
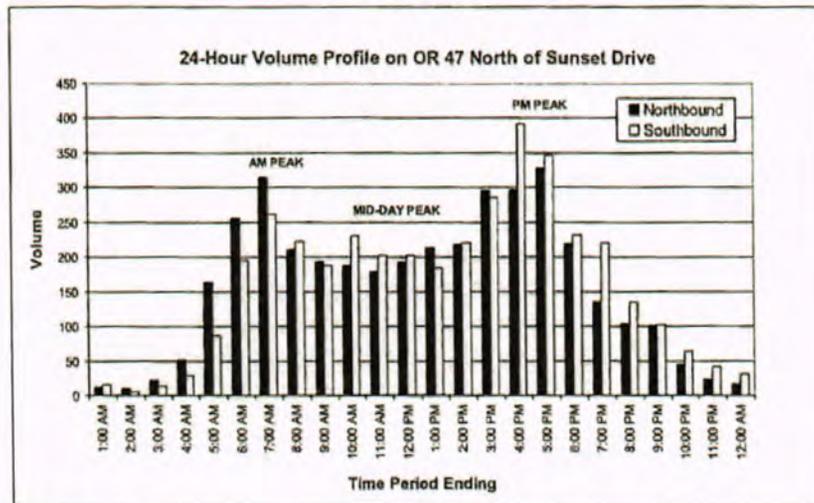
Forest Grove

Transportation System Plan

Excerpts

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the evening peak period is when traffic volumes are highest. This can be attributed to a combination of commute, retail and school trips. The volume profiles shown on the next page illustrate the trends of motor vehicle travel for three survey locations within Forest Grove. The volume profiles summarize the daily traffic by hour of day per direction.



3.4.4 Traffic Levels of Service

While analysis of traffic flows and functional classifications are useful in understanding the general nature of traffic in an area, traffic volumes alone indicate neither the ability of the street network to carry additional traffic, nor the quality of service afforded by the street facilities. For this, the concept of level of service has been developed to correlate traffic volume data to subjective descriptions of traffic performance at intersections.

Level of Service (LOS) is used as a measure of effectiveness for both unsignalized and signalized intersection operation. It is similar to a “report card” rating based upon average vehicle delay.

- Level of Service A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand.
- Level of Service D and E are progressively worse peak hour operating conditions.

Intersections controlled by STOP signs on the minor street approaches are subject to a separate capacity analysis methodology. These unsignalized intersections provide levels of service only for major and minor street turning movements, and not the traffic on the major facility. For this reason, LOS E and even LOS F can occur for a specific side street turning movement, however, the majority of traffic may not be delayed (in cases where major street traffic is not required to stop). LOS E or F conditions at intersections without traffic signals generally provide a basis to study the intersection further and to determine availability of acceptable gaps, safety and traffic signal warrants.

Table 3-8 and Figure 3-10 provide a summary of PM peak hour levels of service at selected intersections. The LOS for intersections controlled by STOP signs represents the condition for the major/minor street approach, respectively. The city has adopted a minimum standard for level of service of LOS D.

Table 3-8. PM Peak Hour Intersection Level of Service

No.	Intersection	Operational Standard	Level of Service (LOS) ¹	Average Delay* (Seconds) ²	Volume / Capacity (V/C) ²
<i>Unsignalized Intersections</i>					
1	Gales Creek Road/Forest Gale Drive	LOS E/0.99	A/B	11.4	0.13
2	Thatcher Road/Watercrest Road	LOS E/0.99	A/B	11.2	0.03
3	Gales Creek Road/Thatcher Road	LOS E/0.99	A/C	16.5	0.35
4	Gales Creek Road/Willamina Avenue	LOS E/0.99	A/C	12.9	0.10
5	Sunset Drive/Willamina Avenue	LOS E/0.99	A/B	10.9	0.11
6	Sunset Drive/26th Avenue	LOS E/0.99	A/A	9.2	0.06
7	23rd Avenue/B Street	LOS D	A/B	12.2	0.23
8	23rd Avenue/Main Street	LOS D	A/B	11.0	0.14
9	Pacific Avenue/E Street	LOS E/0.99	A/B	14.3	0.24
10	19th Avenue/Council Street	LOS D	A/B	12.5	0.10
11	Highway 47/Verboort & Purdin	V/C=0.99	A/D	32.0	0.71
12	Highway 47/Porter & Oak	V/C=0.99	A/C	16.6	0.14
13	Highway 47/Martin Way	V/C=0.99	A/D	29.5	0.73
14	Highway 47/24th Avenue	V/C=0.99	A/C	15.3	0.19
15	Highway 47/19th Avenue	V/C=0.99	A/D	30.9	0.42
16	Highway 47/Poplar Street	V/C=0.99	A/C	20.0	0.31
17	Highway 47/Maple Street	V/C=0.99	A/F	111.0	1.00
18	Highway 47/Elm Street	V/C=0.99	A/D	31.3	0.45
19	Highway 47/B Street	V/C=0.99	A/C	21.6	0.37
20	Adair Street/Yew Street	V/C=0.99	A/F	>180	1.00
21	Baseline Street/Yew Street	V/C=0.99	A/F	63.4	0.70
<i>All-Way Stop Controlled Intersections</i>					
22	19th Avenue/B Street**	LOS D	A/D	26.6	0.85
23	B Street/Willamina Avenue	LOS D	A/A	8.5	0.19
24	Bonnie Lane/B Street	LOS D	A/A	8.5	0.24
<i>Signalized Intersections</i>					
25	Highway 47/Sunset Drive	V/C=0.99	C	28.4	0.37
26	Pacific Avenue/Quince Street	V/C=0.99	D	51.2	0.92

Table 3-8 Continued. PM Peak Hour Intersection Level of Service

No.	Intersection	Operational Standard	Level of Service (LOS) ¹	Average Delay* (Seconds) ²	Volume / Capacity (V/C) ²
27	Pacific Avenue/Mt. View Lane	V/C=0.99	A	8.3	0.66
28	Pacific Avenue/B Street	LOS D	C	25.6	0.57
29	Pacific Avenue/Main Street	LOS D	B	15.6	0.49
30	Pacific Avenue/College-Council	LOS D	A	5.2	0.39
31	Pacific Avenue/Elm Street	LOS D	A	9.6	0.46
32	Pacific Avenue/Maple Street	LOS D	B	15.9	0.71

* Minor street average delay reported for unsignalized intersections

** The atypical signal control at this intersection is treated as a four-way stop for LOS calculations.

1 First value is the free movement, second value is the worst stopped movement.

2 Worst stopped movement.

Source: SCJ Alliance from DKS Associates, Inc.

All of the study intersections with traffic signals currently operate at LOS D or better. Some queuing occurs at the Pacific Avenue / Quince Street and Pacific Avenue / Main Street intersections during peak hours. Most study intersections with STOP sign controls operate at level of service C or better during the evening peak hour. In other words, the minor street approaches have average delays of less than 25 seconds during this hour.

Three intersections along Highway 47 (19th Avenue, Elm Street, and Martin Way) operate with LOS D on minor approaches, as does the Baseline Street / Yew Street intersection. Highway 47 / Maple Street and Adair Street / Yew Street operate at LOS F on minor approaches. The intersections of Highway 47/Maple Street and Highway 47 / Martin Way met MUTCD⁹ traffic signal warrant 3 (Peak Hour Warrant). The capacity analysis calculation sheets are in Appendix C.

3.4.5 Crash History

Crash data was obtained for the study intersections from Oregon Department of Transportation for the period between January 1, 2002 and December 31, 2006. Figure 3-11 shows crash locations with any reported collisions within 200 feet of an intersection. Locations that have only one reported vehicle to vehicle collision in four years are not statistically significant. Table 3-9 summarizes the highest intersection crash rates.

Typically, intersections on collector and arterial roadways with a collision rate over 1.00 suggest further safety investigation is warranted. As shown in the table, only the B Street / 23rd Avenue intersection is calculated to have a rate of over 1.00 collisions per million vehicles. A review of reported collisions at this intersection showed that most collisions were caused by vehicles traveling towards Pacific Avenue from B Street failing to respect right-of-way or failing to obey the posted stop sign. The presence of ample sight distance at this intersection suggests that enhanced visibility of posted stop signs, a reduction in posted speeds, or modification of intersection controls may provide a solution. Recommendations for this intersection are incorporated into the Roadway Plan (Chapter 8).

⁹ *Manual on Uniform Traffic Control Devices (MUTCD)*, FHWA, 2003.

Table 3-9. Study Intersection Crash Data

Rank	North-South Roadway	East-West Roadway	Reported Crashes (2002-2006)	Intersection ADT	Crash Rate (per MEV)
1	B Street	23rd Avenue	10	4,950	1.22
2	Yew Street	Adair Street	19*	18,200	0.57
3	B Street	Pacific Avenue	12	13,210	0.55
4	Highway 47	Pacific Avenue	30	39,710	0.46
5	Maple Street/Fern Hill Rd	Highway 47	11	15,950	0.42
6	Main Street	Pacific Avenue	8	12,760	0.38
7	Gales Creek Road	Willamina Avenue	5	8,670	0.35
8	Elm Street	Highway 47	7	14,025	0.30
9	Sunset Drive	26th Avenue	1	2,640	0.23
10	Elm Street	Pacific Avenue	4	11,790	0.20
11	Highway 47	Martin Road	4	11,890	0.20
12	Maple Street	Pacific Avenue	8	26,630	0.18
13	B Street	Willamina Avenue	1	3,820	0.16
14	Thatcher Road	Watercrest Road	1	4,225	0.14
15	Mountain View Lane	Pacific Avenue	8*	32,890	0.13
16	Thatcher Road	Gales Creek Road	2*	8,480	0.13
17	B Street	19th Avenue	2	9,790	0.12
18	Yew Street	Baseline Street	3*	15,030	0.11
19	Highway 47	24th Avenue	2	11,600	0.10
20	Highway 47	Poplar Street	2	13,700	0.09
21	Highway 47	19th Avenue	2	14,170	0.09
22	E Street	Pacific Avenue	1	8,690	0.06

Source: Oregon Department of Transportation (ODOT) crash analysis and reporting unit

*Crash data is for 2004-2008.

The Washington County Safety Priority Index System (SPIS) is used to identify and evaluate existing hazardous intersections for potential safety improvements. The County SPIS list is compiled from vehicle crashes reported to ODOT and includes intersections that have three or more crashes, or one or more severe injury or fatal crashes, based on the most recent three years of crash data. The SPIS list only includes intersections where the County has jurisdiction of at least one leg of the intersection. There are currently four intersections within the City of Forest Grove that appear on the latest SPIS list (2006 – 2008). These intersections along with their corresponding priority rank are listed below.

- Fern Hill Road / Maple Street/OR 47 (19)
- Oregon Highway 47 / Purdin Road-Verboort Road (42) – intersection reconstructed and flashing beacon removed in 2005.
- Oregon Highway 47 / B Street (65)
- 1st Avenue / Baseline Street (192)

3.4.6 Trucks

Currently, there are no designated principal truck routes in Forest Grove. The intent of the truck route system is to provide connections with truck routes serving areas within and outside of Forest Grove making efficient truck movement and the delivery of raw materials, goods, services and finished products possible. These routes are generally found in and serve areas where there are concentrations of commercial and/or industrial land uses.

EXHIBIT C

Washington County Review Comments

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WASHINGTON COUNTY, OREGON

Department of Land Use and Transportation, Operations & Maintenance Division
1400 SW Walnut Street, MS 51, Hillsboro, Oregon 97123-5625
(503) 846-7623 · FAX: (503) 846-7620

June 4, 2019

To: James Reitz – Senior Planner

From: Naomi Vogel – Associate Planner

**RE: Dollar General Store
City Casefile: 311-19-000006-PLNG
County File Number: CP19-916
Tax Map and Lot Number: 1N436B003100
Location: 1121 Gales Creek Road**

Washington County Department of Land Use and Transportation has reviewed the above noted development application for a 9,100 square foot retail building and a new commercial driveway access on Gales Creek Road, a County-maintained Arterial (3 lanes).

The proposed access on Gales Creek is approved subject to the conditions noted below. However, Washington County will monitor the access to assure that it operates safely. If safety/operational problems arise due to the standing queue at the intersection of Gales Creek Road/Thatcher Road, the applicant will be responsible for modifying the access to provide safe operation of the access in compliance with County standards for Arterial streets. This may require that the applicant install traffic control devices to limit turning movements and/or make physical improvements to the roadway. All changes will be subject to Washington County Engineer's approval.

REQUIRED CONDITIONS OF APPROVAL

- I. **PRIOR TO ISSUANCE OF A SITE DEVELOPMENT PERMIT BY THE CITY OF FOREST GROVE:**
 - A. The following shall be recorded with Washington County Survey Division (John Kidd – 503.846.7932):
 1. Dedication of additional right-of-way to meet 45 feet from the centerline of Gales Creek Road.

2. Provision of a non-access reservation along the site's frontage of Gales Creek Road with the exception of the access approved in conjunction with this development application.

B. Submit to **Washington County** Public Assurance Staff, 503-846-3843:

1. Completed Washington County "Design Option" form, Geotech/Pavement report and Plan Submittal/Review Checklist (Appendix 'E' of the County's Road Standards).

2. **\$10,000.00** Administration Deposit.

NOTE: The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.

3. A copy of the City's Land Use Approval with Conditions and County's letter dated June 4, 2019.
4. Preliminary certification of adequate sight distance at the site's access on Gales Creek Road in accordance with County Code, prepared and stamped by a registered professional engineer, as well as:
 - a. A detailed list of improvements necessary to produce adequate intersection sight distance (refer to the following link for sight distance certification submittal requirements).

<http://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/development-application-forms.cfm>

5. Engineering plans for construction of the following public improvements to County standards, including a Geotech/Pavement report to support the roadway section:
 - a. Half-street improvement to include additional pavement width as needed for interim/future, gutter, curb, 5' sidewalk and 6' planter strip along the site's frontage on Gales Creek Road. Note: The half-street can be located as shown on Sheet C1.0 of the submitted plan set.
 - b. Improvements within the right-of-way as necessary to provide adequate intersection sight distance at the access driveway on Gales Creek Road.

- c. Commercial driveway on Gales Creek Road to County standards. Include truck turning templates. Note: Access shall be located as far west as possible.
- d. Replacement of existing street lights with LED lights located along the site's frontage of Gales Creek Road to County standards unless replaced by the city.
- e. All work within the dedicated right-of-way of Gales Creek Road to County standards.

C. Obtain a Washington County **Facility Permit** upon completion of the following:

- 1. Obtain Engineering Division approval and provide a financial assurance for the construction of the public improvements listed in conditions **I.B.5**.

NOTE: The Public Assurance staff (503-846-3843) will send the required forms to the applicant's representative **after** submittal and approval of items listed under **I.B.**

The Facility Permit allows construction work within County rights-of-way and permits site access only after the developer first submits plans and obtains Washington County Engineering approval, obtains required grading and erosion control permits, and satisfies various other requirements of Washington County's Assurances Section including but not limited to execution of financial and contractual agreements. This process ensures that the developer accepts responsibility for construction of public improvements, and that improvements are closely monitored, inspected, and built to standard in a timely manner. Access will only be permitted under the required Washington County Facility Permit, and only following submittal and County acceptance of all materials required under the facility permit process.

II. PRIOR TO OCCUPANCY:

Obtain a Finaled Washington County **Facility Permit**, contingent upon the following:

- A. The road improvements required in condition **I.B.5**. above shall be completed and accepted by Washington County.
- B. Upon completion of necessary improvements, submit **final** certification of adequate sight distance in accordance with County Code, prepared and stamped by a registered professional engineer.

Note: The property owner shall continuously maintain adequate sight distance. This may require the property owner to periodically remove obstructing vegetation from the road right-of-way (and on site).

If you have any questions, please contact me at 503-846-7639.

Naomi Vogel - Associate Planner

Cc: Road Engineering Services
Assurances Section
Transportation File

EXHIBIT D

Thatcher Road / Gales Creek Road Pedestrian Improvement Concept Plan

EXHIBIT E

Neighborhood Meeting Summary, Submitted by the Applicant

WOODCREST COMPANIES

A Division of Woodcrest Homes, Inc.

City Of Forest Grove
1924 Council St.
Forest Grove, OR 97116-2311

May 16, 2019

Dear City Manager,

You are receiving this letter to inform you of a community meeting scheduled for Tuesday, May 28, 2019. The meeting purpose is to introduce and share plans for a new 9,100 sq. ft. Dollar General retail store located at 1121 Gales Creek Rd. Forest Grove, OR. Dollar General helps shoppers save time and money by offering products that are frequently used and replenished, such as food, snacks, health and beauty aids, cleaning supplies, basic apparel, housewares and seasonal items at everyday low prices in convenient neighborhood locations. In addition to high-quality private brands, Dollar General sells products from America's most-trusted manufacturers such as Clorox, Energizer, Procter & Gamble, Hanes, Coca-Cola, General Mills, and PepsiCo.

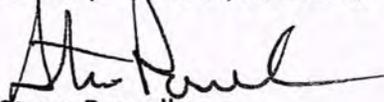
The meeting will be held at the Forest Grove City Library from 7pm – 8pm. Please feel free to reach out to Steve Powell or Lauren Schulte at 760-789-5493, if you have any questions.

Meeting Date: Tuesday, May 28, 2019

Meeting Time: 7:00pm – 8:00pm

Meeting Location: Forest Grove City Library – Rogers Room
2114 Pacific Avenue
Forest Grove, OR

We hope to see you there,



Steve Powell
President



Community Outreach Meeting

May 28, 2019

Re: Proposed development of a 9,100 sq. ft. general retail store, tenant Dollar General

Development Location: 1121 Gales Creek Rd., Forest Grove, OR

Meeting Location: Forest Grove City Library, Rogers Room
2114 Pacific Ave. Forest Grove, OR

Scheduled Meeting Time: 7:00 – 8:00pm

Actual Meeting Time: Inside the library: 6:50pm – 8:25pm, In the parking lot 8:30pm – 9:30pm

Number of Attendees: 46

PROJECT PRESENTATION:

1. Developer / Owner introductions
2. Area zoning designation descriptions
 - Several people in the audience had little understanding of zoning. Some were surprised that the area included density to the west.
 - There were audience members that defended the NMU designation and were pleased that a project [finally] was being proposed
 - The Forest Grove Zoning Map and an Area Specific Zoning Exhibit were on display
3. Informative description of the proposed Site Plan and Building Structure. Items discussed:
 - Architectural style, color and placement
 - Lighting
 - Signage
 - Fencing
 - Parking
 - Truck delivery
 - Landscape Plan
 - Off-site improvements
 - Utility extensions
 - Drainage
 - Exhibits on display were:
 - Zoning Maps
 - Photo survey of subject property and existing commercial
 - Project site plan and floor plan
 - Colored architectural elevations
 - Colored architectural 3d rendering



- Landscape plan
 - Civil plans
4. Introduction of the tenant, Dollar General (DG). Information discussed:
- Who is DG?
 - Products carried (2 copies of inventory examples were provided for viewing)
 - Hours of operation
 - Number of employees
 - Number of expected customers at any given time
 - Average sales ticket
 - Brief discussion on why the tenant choose this location and the impact it might have (positively and negatively) on other businesses and residences in the area.

Question, Answer & Comment Period. Points discussed:

1. The tenant. Several people couldn't understand why DG wanted to locate away for the main retail area in Forest Grove. It was repeatedly explained that the subject location was chosen because it is a commercially underserved area, all demographic data supports this location, the zoning is correct, and it will provide a convenient place for people to shop without having to drive greater distances for the same goods.
2. One lady was concerned that DG wasn't a Union Shop. She expressed her concern for jobs with high paying wages and long-term benefits. She has a disabled son who would love to work at DG but needs to make a higher income.
3. Questions were brought up about lighting, more particularly, horizontal light trespass. We explained that we are proposing to use all downward shielding fixtures, the same that would be required in areas with dark sky requirements.
4. Concerns were raised about crime. We explained that DG is not a 24-hr convenience store. DG store hours are 8am-9pm M-Sun. and are closed during the statistical peak crime hours of 11pm – 7am. Stores are well lit and have in-store security systems.
5. Traffic concerns included certain hours of congestion on Thatcher Road and if there were any improvements proposed for the intersection of Thatcher Rd. and Gales Creek Rd. TDT fees were discussed in addition to all project related [off-site] improvements. Comments were made that sidewalks would be a benefit; the project is providing sidewalks along its frontage.
6. Suggestions were made about additional products some would like DG to sell, mostly, fresh produce. Several were hoping that locally grown items could be sold. We explained that these types of questions and what products are projected to sell in this location was outside the purview of this meeting. However, it was shared that DG is testing produce sales in select stores in addition to a smaller DG format

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A Division of Woodcrest Homes, Inc.

- called DGX that will have a healthier selection. Most agreed that DG sells what people want, if there is a large enough demand for a product that fits the DG format, chances are they will carry it.
7. One gentleman said that our being here was a "publicity stunt" and that we didn't invite enough people. We informed the audience that the mailing addresses were obtained from the Planning Dept. and the meeting time was scheduled to avoid conflict with the School Board meeting.
NOTE: Many that were in attendance claimed they found out about our meeting on a local Facebook page.
 8. One lady made threatening statements that included we either "find another tenant" or be prepared for a large "organized boycott".
 9. Suggestions were made about other potential locations. Again, it was explained why this location was chosen and the gained benefits of having a local place to shop.
 10. Many were interested and appreciated that fact that this project could be the catalyst for other [new] convenient commercial projects. At one-point people started talking about other tenants that might follow including a café or a deli.
 11. Just about everyone in the audience agreed that the design and colors are appropriate for the area. In addition, they were very appreciative that we were are proposing an attractive project. On several occasions, comments were made that they [community members] should be thankful we [the developers] care about the project and are concerned that it complements the area and supports the intent of the NMU zoning. At one point, the audience thanked us and gave a round of applause for us coming and sharing the project.
 12. There were several near-by property owners that supported the proposed project and engaged in debate with other audience members about how this is a good fit for the area.
 13. Questions were raised about who's the deciding agency for Gales Creek Rd. - Washington County Transportation or the City of Forest Grove. We explained the interaction between both jurisdictions and how the plans have gone back and forth until a consensus was met.
 14. Many negative comments were made against the local Safeway Grocery store. Some asked if competition created by DG would help clean up Safeway.
 15. Contiguous neighbors asked if there was going to be a fence, answer was yes.
 16. Concern was voiced by one lady that she didn't want the dumpster in the front of the property, we explained the dumpster enclosure plan and location, she was happy with the answer.
 17. A representative from one of the local Homeowners Associations said her area was of higher affluency and that having this type of store wasn't appropriate for the area.

WOODCREST REAL ESTATE VENTURES

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18. One couple who lives on the east side of Thatcher Rd. complained about the bright lights that shine horizontally from the Plaid Pantry. They were concerned that our project might have the same impact. We explained our fixture type, downward shielding, which eliminates horizontal light trespass which will mitigate their concern, they were satisfied. They also said they look forward to a more convenient place to shop.
19. One of the neighboring commercial property owners on Thatcher Rd. was very excited about the project. He expressed sincere frustration with people who are ignorant on growth patterns, zoning and the need for convenient shopping.
20. Another lady supported the project from a carbon emissions reduction standpoint.

Overall the presentation went well. The greatest concern had to do with the unknowns associated with an unfamiliar tenant. Many people had never visited or heard of Dollar General. It was apparent that those who showed up to protest did much of their homework on the internet, often quoting information that is the first to pop up on Google. However, once we had the opportunity to explain the project and debunk some of the overexaggerated claims, I believe many came around to the conclusion that what was being proposed is an attractive project with a need that will be met. Several went on to state that "we should be thankful this developer cares about the look of the project . . . the next guy might not be so inclined". Of course, there were those that vowed to protest and take their voice back to their groups and inform as many as they can via social media. When our meeting time in the library was up, several folks hung around to further discuss the project in the parking lot. Many questions were asked and answered to the best of our knowledge. In large part, the meeting was a respectful and appreciated. We handed out our contact information and encouraged anyone to contact us if they have additional questions or need more information.



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EXHIBIT F

Correspondence Received

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James Reitz

From: Anna Ruggles
Sent: Wednesday, May 29, 2019 12:01 PM
To: James Reitz
Cc: Jesse VanderZanden; Bryan Pohl
Subject: FW: Dollar General question

Sent directly to Mayor, please include it as "written testimony".

Anna D. Ruggles, CMC, City Recorder
1924 Council Street, 2nd Floor
P. O. Box 326
Forest Grove, OR 97116-0326
Direct Line: 503.992.3235
E-mail: aruggles@forestgrove-or.gov
<https://www.forestgrove-or.gov/>

From: Aubrey Sidwell [mailto:[\[REDACTED\]](mailto:)]
Sent: Wednesday, May 29, 2019 7:20 AM
To: Peter Truax <ptruax@forestgrove-or.gov>
Subject: Dollar General question

Mayor Truax,

I've been following information regarding the possibility of a Dollar General chain store coming to Forest Grove. I'm already against this type of store coming to our town but what makes it worse is if the location of Gales Creek Hwy and Thatcher Road is the intended location. That's smack in the middle of a residential neighborhood. Sure there are other commercial establishments in that area but nothing of this magnitude. Plaid Pantry and 7-Eleven stores have had places in neighborhoods for a long time and fits. My wife and I own a home just blocks from this location and I think it's bad for the neighborhood. We already have a homeless population problems people doing drugs, and theft. A store like this is likely to bring more of the same. I don't know how everyone else feels but I'm certainly against it.

James Reitz

From: Kimberly <[REDACTED]>
Sent: Sunday, June 02, 2019 2:51 PM
To: James Reitz
Subject: No dollar general

I live near the area that dollar general is purposing to be coming in and I oppose this! I am all for supporting the community and what we need. We are a growing community and need another grocery store but I do not condone a dollar general. If you want another dollar store bring in new seasons or Trader Joe's, something that is a healthier choice for our community. If we wanted a cheaper way for food you have Walmart and winco. I would rather see something come in that will benefit our community. Also if you going to be placing a store like that around that area there needs to be stop lights ect for the protection of our kids. There are homeless non stop outside of Safeway and dollar tree I will not be happy if that comes closer to my house where I wouldn't feel comfortable having my kids outside or be able to walk to the plaid pantry when they are old enough. Please no dollar general!

Sent from my iPhone

James Reitz

From: Sierra Briano <[REDACTED]>
Sent: Sunday, June 02, 2019 3:13 PM
To: James Reitz
Subject: \$\$ General

Dear Sir,

I urge you vote against the construction of a Dollar General store in Forest Grove. The location is inappropriate for such an establishment. Our area does not need any more businesses that hire part-time workers at low wages with no benefits. Thank you,

Sierra Briano

James Reitz

From: Stephanie Lertkantitham Richards <[REDACTED]>
Sent: Sunday, June 02, 2019 2:59 PM
To: James Reitz
Subject: Dollar General

Dear Sir,

I am a long time resident of Forest Grove. My husband and I live in Forest Gale Heights with our 3 school aged children.

I implore you to not allow the Dollar General to be built in Forest Grove. We need businesses that will ADD to our community and economy, not take away from it.

Please understand that I am not opposed to growth but rather would like to see businesses that will provide strong wages, a better sense of community and wherever possible, are locally owned and operated.

Thank you for your consideration.

Stephanie Richards

James Reitz

From: Timothy B <[REDACTED]>
Sent: Sunday, June 02, 2019 4:13 PM
To: James Reitz
Subject: No to Dollar Tree

Not only do we not need another Dollar Store, we don't need retail on Thatcher. Could we please not ruin a beautiful, quiet area with cheap, crappy stores.

What forest Grove could use is good quality places to grab lunch. Mod Pizza, Chipotle, Corner Bakery, pastini's. We are currently just Asian/Hawaiian or Mexican food. So Hillsboro and Beaverton get a lot of our business.

Tim

James Reitz

From: Tamara Dowie <[REDACTED]>
Sent: Sunday, June 02, 2019 4:32 PM
To: James Reitz
Subject: Dollar General

Mr. Reitz,

I'm a preschool teacher for at risk students locally. Yet, I say no to Dollar General as we have so many stores like that already! I say yes to a Trader Joe's or something similar to help lift this community up, instead of bringing it down!

Thank you for your time,

Tamara Dowie

James Reitz

From: T Hennessy <[REDACTED]>
Sent: Sunday, June 02, 2019 5:14 PM
To: James Reitz
Subject: NO to Dollar General in Forest Grove

Placing a Dollar General, or any other store or should Center in the proposed location of the Dollar General is an awful idea idea. One that will create even more traffic problems for the residential area. That intersection already gets very backed up at all times of the day, not just "rush hours". Not to mention this will create even more dangerous situations for pedestrians and cyclists. There are plenty of other empty store fronts and lots that would make more sense for a new store. Please keep our residential area safe for residents and find a different location for the Dollar General.

Sincerely,
A concerned resident in the area

James Reitz

From: gbeachmail <[REDACTED]>
Sent: Sunday, June 02, 2019 5:16 PM
To: James Reitz
Subject: Dollar General

Sir,
I am opposed to this business coming into Forest Grove.
I feel its choice of location is extremely poor. What impact will traffic have on the area? It is too close to family friendly neighborhoods. It is not the type of business that our city should be looking for. I do not consider this a grocery store. It's a low wage lower income attractor.
I'm not opposed to businesses coming into our city but I feel care should be given on where they want to build and the impact that business will have with increased traffic, environment and yes even aesthetics.
Please address these issues BEFORE you act on it.
Don't fall for the rah-rah ain't we great sales baloney.
The residents in Forest Grove have real concerns especially those that live in the area of the proposed building site.
I Vote No!!!
Thank you.
Gail Cline-Beach

Sent via the Samsung Galaxy, an AT&T 4G LTE smartphone

James Reitz

From: Erica Noll <[REDACTED]>
Sent: Sunday, June 02, 2019 5:40 PM
To: James Reitz
Subject: No to Dollar General

I'm writing in hopes that my voice can be heard regarding the possibility of Dollar General going in on Gales Creek rd. I don't necessarily oppose the business as much as the location. I'm concerned with the speed limits on the road and potential accidents due to people pulling out of a parking lot there. Secondly I'm concerned with the fact that there are no sidewalks along the road and people may want to walk to the store, which will leave pedestrians vulnerable to being hit along Gales Creek.

I live nearby and all of my neighbors also feel that this is not needed in our neighborhood. Plaid Pantry on the corner sells milk and other essentials that are needed if a "quick trip" to the store are needed. People around here live away from the busy town for a reason and don't mind driving into town to the store. This area is also higher income compared to other parts of town who may benefit from a business like this more.

Thanks for your time and consideration.
Erica Noll

James Reitz

From: Scott Harrison <[REDACTED]>
Sent: Sunday, June 02, 2019 7:36 PM
To: James Reitz
Subject: Proposed dollar general

Dear Sir,

I am writing in opposition to the building of a dollar general at the thatcher-Pacific site. That is already a dangerous intersection used heavily by high school students and commuters. The addition of the dollar general will raise the risks of serious traffic or pedestrian-traffic accidents in my view.

Additionally a dollar general will have a negligible economic impact given its a small store employing few people and not at a living wage. The store simply replicates the Plaid pantry already in that location selling convenience items. This is nit the kind of commerce Forest Grove needs and likely will contribute to a further deterioration of that neighborhoods and nearby home values. I recommend the planning commission and city council reconsider the zoning in that area, lack of safe traffic access and not allow the store to be built at that location.

Sincerely

Jason Harrison
Forest Grove

Sent from my iPad

James Reitz

From: sara lawrence <[REDACTED]>
Sent: Sunday, June 02, 2019 7:48 PM
To: James Reitz
Subject: No to dollar general

Hello,

My name is Sara Lawrence and I am a forest grove resident in Ballad town. I would like to tell you how much I am against dollar general being built.

Please fight against this on behalf of our family.

Thank you,

Sara
[REDACTED]

James Reitz

From: Debie Wilson <[REDACTED]>
Sent: Monday, June 03, 2019 9:15 AM
To: James Reitz
Subject: NO Dollar General

NO to the request for a Dollar General.

Sent from my Verizon 4G LTE smartphone

James Reitz

From: Wanda Streator <[REDACTED]>
Sent: Monday, June 03, 2019 10:04 AM
To: James Reitz
Subject: Dollar General

Hi James,

I would like to voice my concerns with the proposed Dollar General Store that is headed to the planning commission soon.

Our community needs another grocery store, however it is very important that we get one with quality produce and meats. Adding the dollar general will reduce our chances of attracting a higher quality store that will fulfill the real nutritional needs of our community. I have lived her all my life and it breaks my heart to see us considering this step toward making FG a food desert. It is not good for anyone!

I am also concerned with reports regarding repeated OSHA violations, less than living wage jobs w/o benefits, and thinning the market for existing vendor that have supported this community for years.

Thank you,

Wanda Streator

James Reitz

From: Highhouse, Nina <[REDACTED]>
Sent: Monday, June 03, 2019 11:52 AM
To: James Reitz
Subject: Dollar General Store in Forest Grove

I'd like to voice my opinion about the potential of a Dollar General store coming to Forest Grove – the current proposed location is residential and I while I don't mind the store coming to Forest Grove, I'd rather see it somewhere around the area of Bi-Mart – driving through town yesterday, there are a number of locations perfect for this store all in areas in plain sight and in commercial zoned areas. Don't put it on Thatcher and Gales Creek Road – it's hard enough to turn onto Gales Creek Highway as it is without putting more congestion there.

Talk Safeway into building a new superstore somewhere and let dollar general go where safeway is.

Nina Highhouse

James Reitz

From: Francis Bates <[REDACTED]>
Sent: Thursday, June 06, 2019 2:21 PM
To: James Reitz
Subject: Dollar general

Sir,

I am opposed to siting a Dollar General store in the community. We already have 7 convenience stores and two Mexican markets around the city. Do we need another one? Is there a compelling reason to add another low cost, low quality commercial store to the mix we currently have? Can't we find to raise the bar to improve the quality of the shopping experience in Forest Grove?

For many of us another dollar store is just another disappointment and does nothing to enhance the quality of life in this city.

Sincerely

Fran Bates
934 37th Ave
Forest Grove.

Sent from my iPad

James Reitz

From: Rep McLain <[REDACTED]>
Sent: Friday, June 07, 2019 2:28 PM
To: James Reitz
Subject: Constituent Request - Forest Grove

Hello Mr. Reitz,

I reached out to ODOT with a constituent question and they referred me to you. I am hoping you can help provide some clarity for a constituent in Forest Grove who is concerned that the proposal to build a Dollar General on the intersection of Gales Creek and Thatcher Road will create potential traffic safety issues. She has requested a state transportation study, but that is not possible as the roads in question are not state highway facilities. Have there been any local studies of the traffic safety implications of this proposed project? Below is the request I received from my constituent, please let me know what information you have to answer her concerns. In case I get other requests from citizens of Forest Grove, I would like to have an understanding of the impacts on that intersection.

"I know this is a tremendously busy time, but I am reaching out with a somewhat urgent request and am hoping you can help.

The City of Forest Grove is reviewing a developer's request to build a Dollar General on the intersection of Gales Creek and Thatcher Road. The Planning Commission is set to vote on it at their June 17th meeting. Most community members just found out about the development last week, and we have significant concerns.

Among other things, we're worried about potential traffic safety issues -- particularly the risks it poses to school children who walk the area daily to get to and from Tom McCall. The Gales Creek/Thatcher intersection is already a high traffic area (just last week an accident occurred when a driver was speeding, hit a power line, and abandoned their car at Gales Creek/Thatcher as they fled the scene.) With the additional cars and supply trucks that will travel to and from the area, the community wants to ensure that all necessary safety measures are being taken to keep the area safe for bicyclists, walkers, the high school track team that regularly runs on Thatcher Road, and others. I spoke this evening with School Board member Kate Grandusky who also shares these concerns and is planning to reach out to the Planning Commission herself.

Representative McLain, I am hoping that you would be willing to write a letter to the State Department of Transportation to request that the state conduct a transportation study on the intersection, and that any efforts to move the development forward be suspended until such a study is completed. It doesn't seem appropriate for the development to move forward until a state transportation study has identified safety risks and recommended improvements to minimize those risks."

Thank you,

Representative Susan McLain

(Please note that all email sent to and from this email may be accessed by Representative McLain's personal staff, and may be subject to disclosure under public records law.)

James Reitz

From: [REDACTED]
Sent: Sunday, June 09, 2019 5:59 PM
To: James Reitz
Subject: Vote no to Dollar General in Forest Grove

We do not need a low end grocery store that will raise prices or worse cause Safeway to leave Forest Grove. We do not need a store hat has a historically poor record as far as employee compensation and customer service due to lack of staffing. We are desperately in need of more family friendly restaurants and useful store such as Trader Joe's. I and my network of friends will absolutely not patronize this business. I have no need for their services or goods. Please do not allow Dollar General in Forest Grove - the community does not need or want this establishment.

Sincerely,
Dr. Lisa Janssen Carlson

Sent from my iPhone

James Reitz

From: Dale Feik <[REDACTED]>
Sent: Sunday, June 09, 2019 4:00 AM
To: James Reitz
Cc: Devon Downeysmith
Subject: Concern about Dollar General Store

To: James Reitz,
From: Dale Feik
Re: Concerns about Dollar General application

After reading the information distributed by nodollargeneral store, I have concerns about it being built at the intersection of Gales Creek and Thatcher. I live at 3363 Lavina Drive.

Sincerely,

Dale Feik
cell: [REDACTED]

Cc: Devon Downeysmith

Forest Grove Senior Planner James Reitz will submit a staff report on Dollar General's application. This report will contain the City's recommendation on how the Planning Commission should vote on the project, based on whether or not they meet development criteria. He must submit the report no later than June 11. Any emails he receives about the project must go into his report for public record. You can help amplify your concerns by emailing them to James no later than June 11 at jreitz@forestgrove-or.gov.

James Reitz

From: Denise Shoup <[REDACTED]>
Sent: Saturday, June 08, 2019 8:39 AM
To: James Reitz
Subject: No Dollar General

Hello,

I am writing to you out of concern over the proposed Dollar General store. There are many reasons that I do not want to be so close to a Dollar General (I live in Forest Gale Heights), but I think the arrival of Dollar General would be bad for Forest Grove as a whole. They drive local businesses out by undercutting prices (by selling poor-quality goods). Their entire business model and rapid growth are based on the notion that income inequality will create a permanent underclass in this country (which they add to with their underpaid employees).

Please do not recommend that this development move forward!

Thank you for your time and consideration, Denise Shoup Blue Jay Ave Forest Grove

James Reitz

From: Llynda Hughes <[REDACTED]>
Sent: Monday, June 10, 2019 1:53 PM
To: James Reitz
Subject: I strongly believe Dollar General is wrong for our community!!

I'm all for growth in Forest Grove especially new housing areas which bring with it the need for a REAL grocery store. We desperately need one! Many of us travel to 185th for shopping. Or travel to Cornelius and Hillsboro to Fred Meyer and Winco. Dollar General is DEFINITELY NOT THE ANSWER. We need a real grocery store that includes fresh produce, a meat department and healthy food. A grocery store that supports our local community and local farmers.

I was out of town or I would have attended the City Council Meeting about the Planning Commission's plan to build a Dollar General Store on Gales Creek Road near Thatcher Road. A large portion of the community didn't even know about the City Council Meeting.

The site chosen is a very poor location. It should be built in a more open location with more parking and better access in and out of the parking area. It will increase traffic on a two lane road, cause safety issues for bicyclists and children walking to school. The community is definitely upset about the location.

I live in Forest Gale Heights which includes a lot of new homes as well as the David Hill and Goff Road areas. We definitely need a REAL grocery store on this side of town. The only logical place to build it would be off of Hwy 47 and David Hill. Or Purdin Road.

Bringing in a Dollar General Store would defeat any hope of ever getting a real grocery store to come to Forest Grove.

I hope the committee will consider mine and the communities objections to bringing a Dollar General Store to Forest Grove.

Anna Ruggles

From: Devon Downeysmith [REDACTED] >
Sent: Monday, June 17, 2019 6:21 PM
To: Anna Ruggles
Subject: Planning Commission Testimony Submission

Hi Anna,

I was hoping to attend and testify in-person at this evening's meeting. However I am still in Salem for work and do not anticipate I'll make it back in time. As such, I am submitting the testimony below for the written record.

Good evening,

My name is Devon Downeysmith; I live at 3322 Knighton Way. I am a local business owner, and mother to a 3 year old.

I am testifying to voice serious concerns about the proposed Dollar General development. I educated myself on this issue as I would when working on a project for a client, doing extensive research to become well-informed on the issue before arriving at an opinion. This included in-person meetings with Bryan Pohl and James Reitz at the City, both of whom were extremely helpful in aiding my requests for information. I also met with the Dollar General project developers one-on-one prior to the community meeting they hosted at the library. And finally, I read the full proposal and supplemental materials, and spoke with our State Representative, Susan McLain, who serves on the Joint Committee on Transportation and has extensive experience with local transportation issues from her years as a legislator and Metro councilor.

While I have many concerns about the development, safety is chief among them. I am concerned about the prospect of allowing the development to continue without adequate road upgrade. While reviewing materials with James Reitz, I saw that traffic assessments for the development proposal were made, at least in part, by referencing data from the 9th edition of the *Trip Generation Manual*, a book that provides data on common trip generation rates for new development sites during peak and non-peak driving times. This book was published in September of 2012, and referenced a traffic study based on a variety store development site in Florida. While this book may provide some helpful data, it seems highly insufficient to base traffic data for a development in our city on a site in Florida and a study conducted in 2012 or even earlier.

Algorithms and traffic studies elsewhere do not factor in the specific safety risks to the children who walk Thatcher and Gales Creek Road on their way to school, or the High School track team that runs regularly on Thatcher Road, or people like my husband who walk or bike to work on Main Street, or the large number of weekend cyclists.

They do not factor in the new housing developments in this part of the city, and the development's impact on adequate access and egress to and from neighborhood homes. They do not factor in the supply trucks that would overload these roads and force existing property owners to bear the cost of road improvements, rather than making the developers pay for the impacts they create. They do not factor in that this is already a high traffic corridor where accidents are all too common.

I implore our Planning Commission -- before approving this development -- please first require an ODOT traffic study, paid for by the developer, to look into the risks and upgrades needed to ensure community safety. Past studies elsewhere and algorithms do not reflect current or future impacts on this dangerous intersection which is so heavily frequented by our community -- particularly by our children.

Devon Downeysmith

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EXHIBIT G

Power Point Slides

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DOLLAR GENERAL SITE & DESIGN REVIEW

James Reitz, AICP
Senior Planner

06/17/19

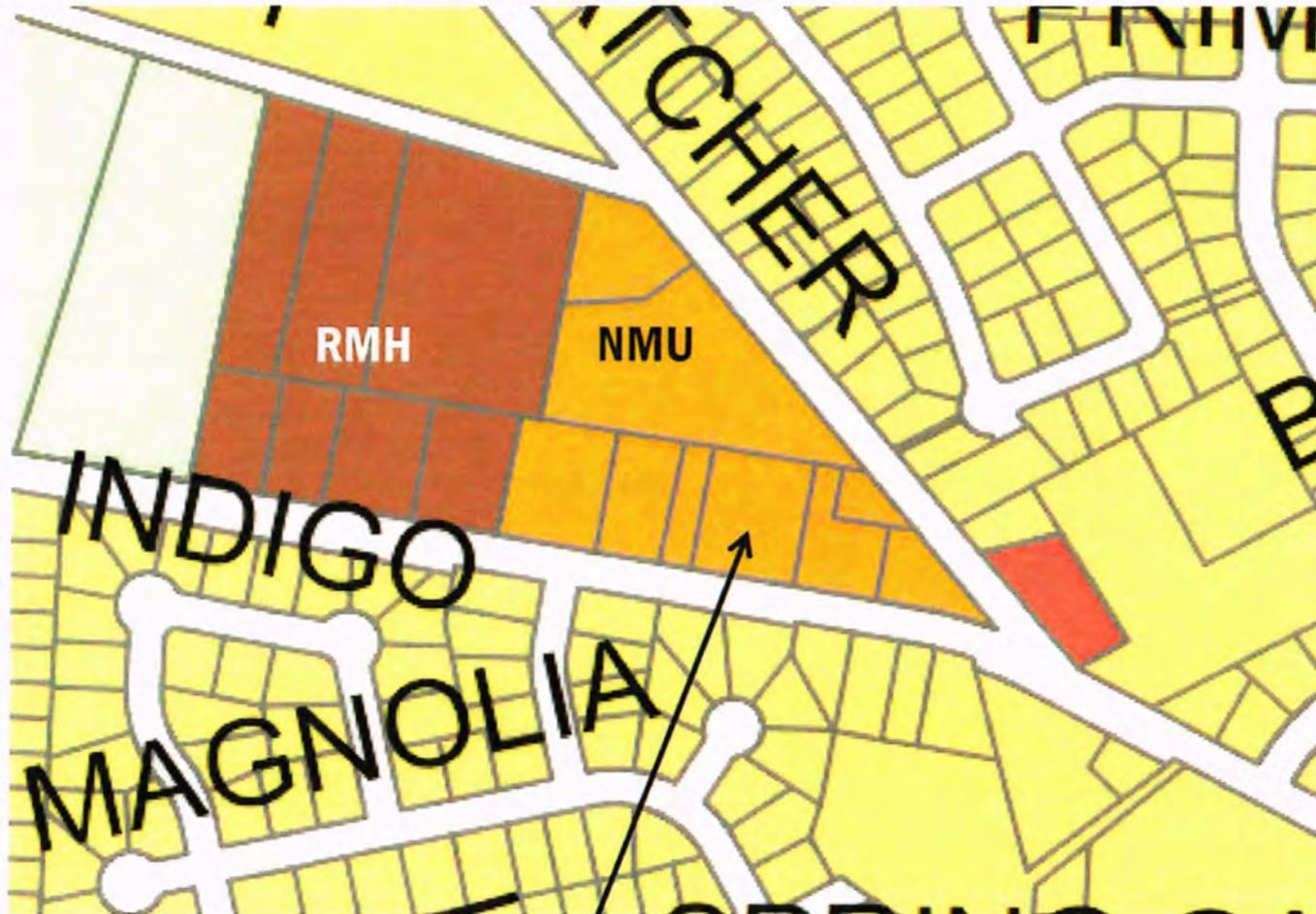
Washington County Tax Map



Aerial Photo of Site and Area



Zoning Map



SITE

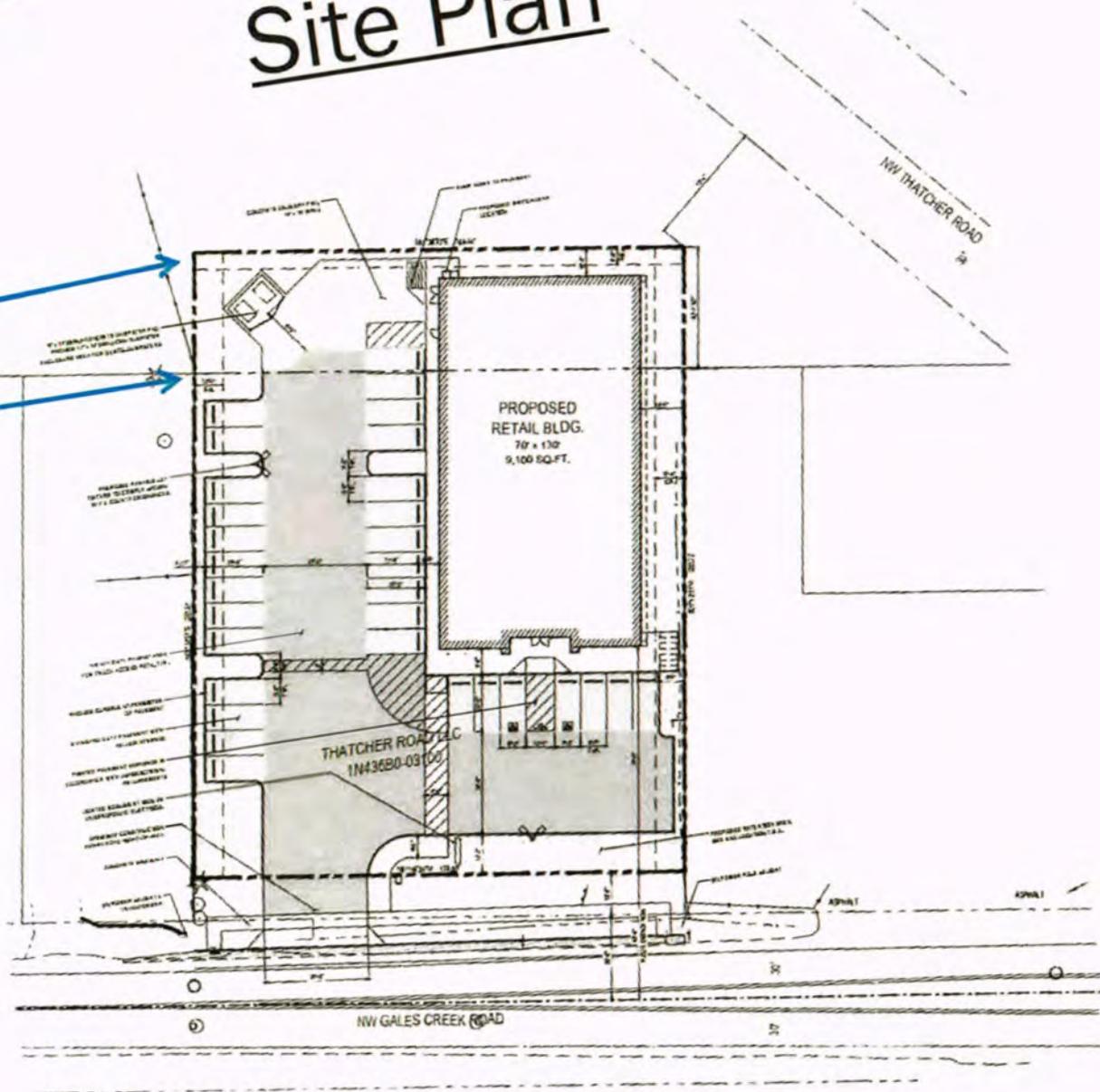
RMH = Residential Multi-Family High Density

NMU = Neighborhood Mixed Use

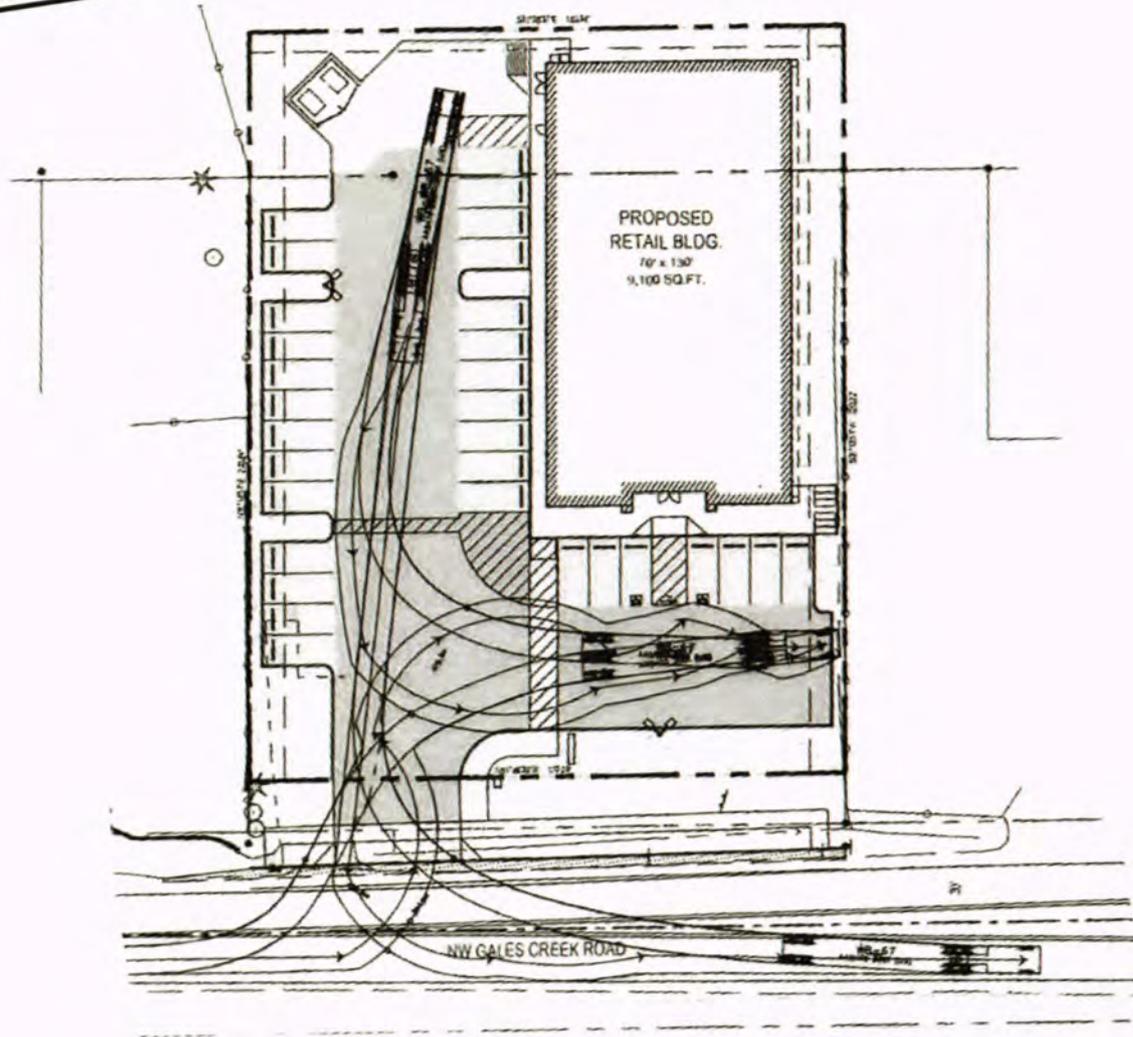
Site Plan

New Lot Line

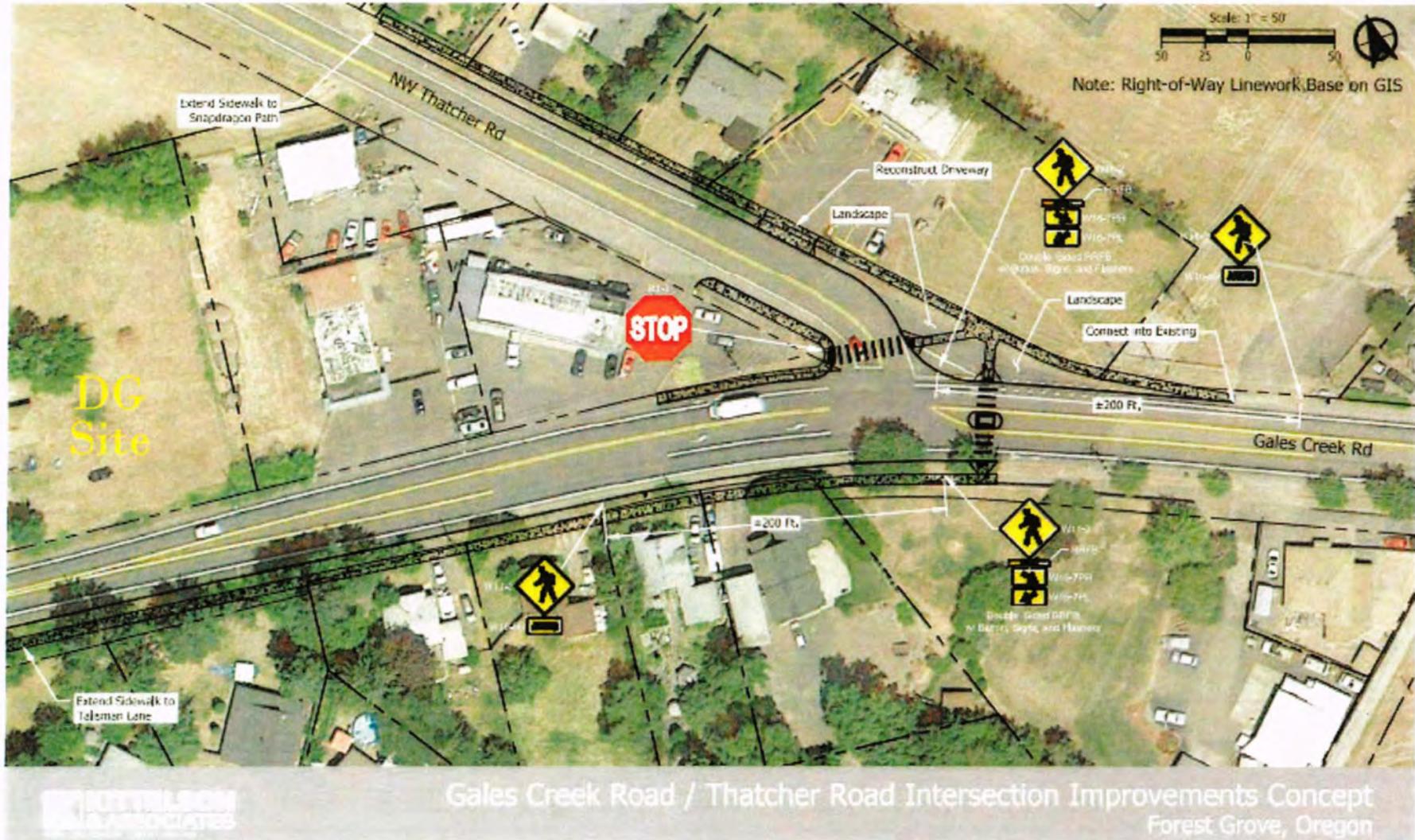
Existing Lot Line



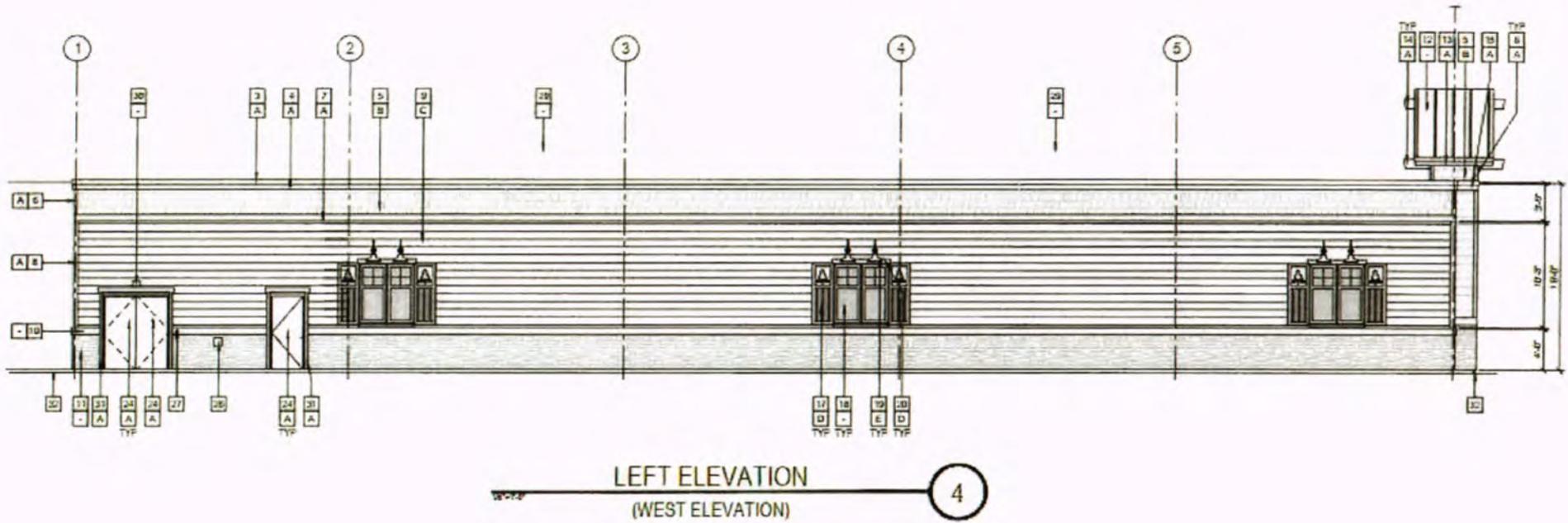
Truck Turning Template



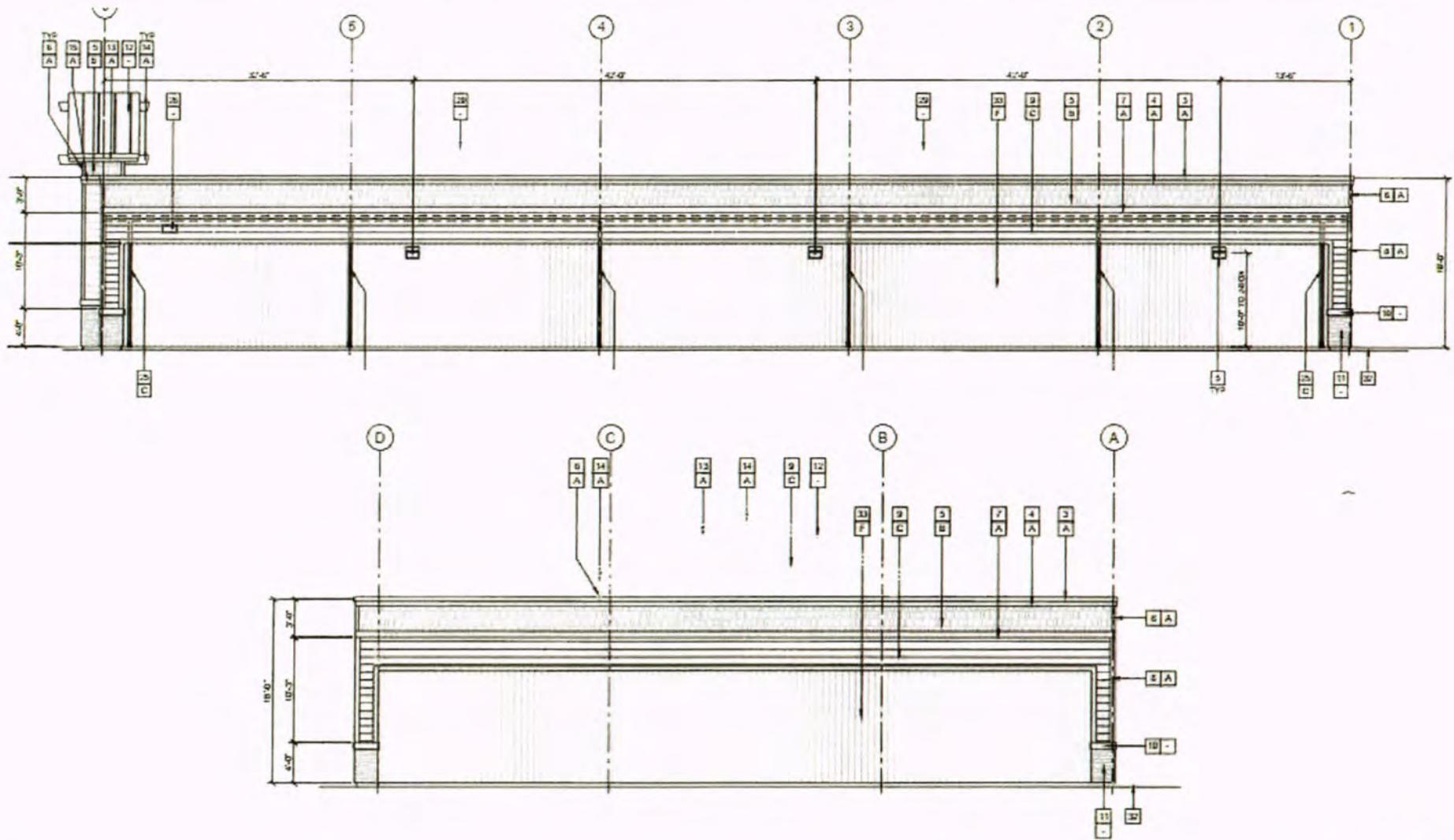
Intersection Improvement Plan



Side (West) Elevation



Side (East) & Rear (North) Elevations



REAR ELEVATION
(NORTH ELEVATION)

2

Architectural Rendering



NOTE: Preliminary Architectural Renderings for illustrative purposes only. See submitted plans for specific project requirements.


WOODCREST
1410 MAIN STREET, SUITE C
RAMONA, CA 92065
760-789-5193

Street View Frontage

Dollar General
Forest Grove, OR

Architectural Rendering



NOTE: Preliminary Architectural Renderings for illustrative purposes only. See submitted plans for specific project requirements.

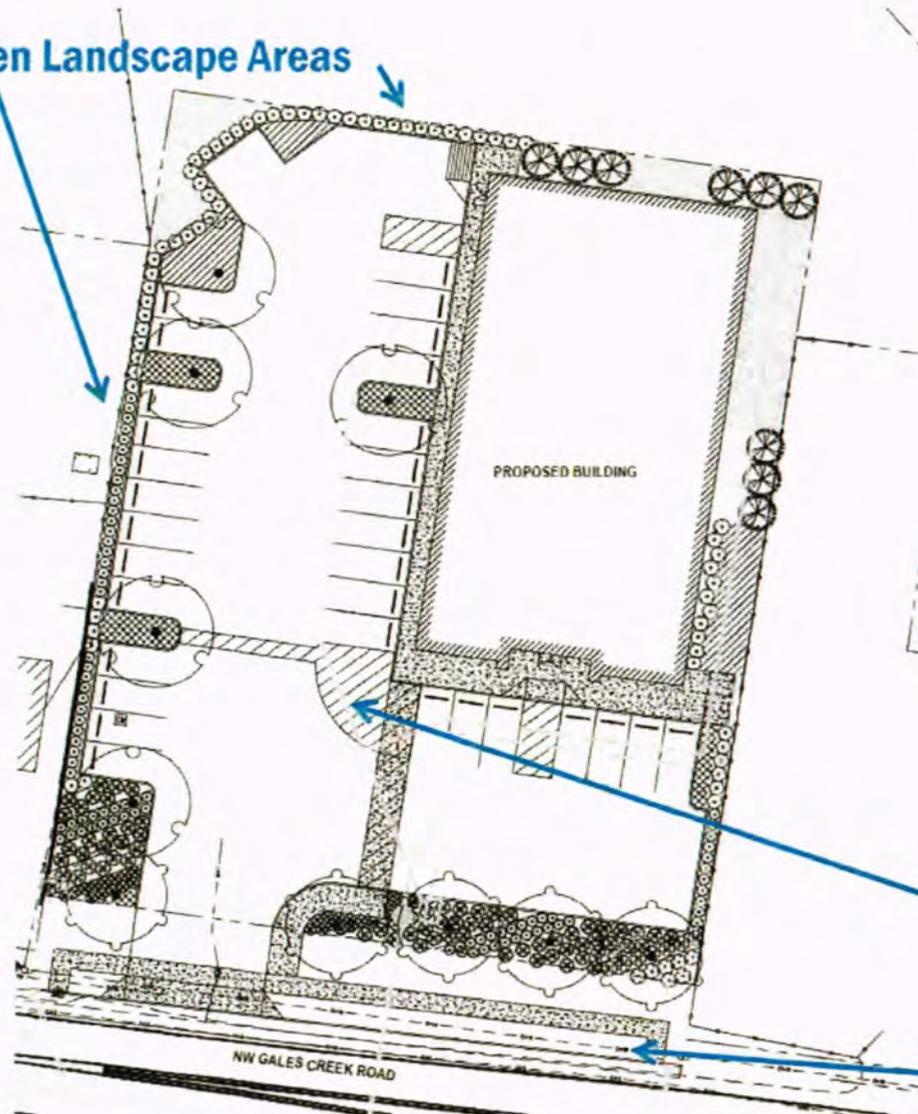
 1410 MAIN STREET, SUITE C
RAMONA, CA 92065
760-789-5493

Monument Sign View

Dollar General
Forest Grove, OR

Landscape Plan

Widen Landscape Areas



PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME
	PC	5	RETICOLA CHINENSIS	CHINESE BUTTACHE
	UC	8	LIANGIA 'FRONTIER'	AMERICAN ELM
EVERGREEN TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME
	PH	8	THUJA PLICATA 'HOGAN'	HOGAN CEDAR
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME
	SV	30	SORBUS VERUCULOSA	HARDY BARBERRY
	ES	40	ELONNUS JAPONICUS 'SILVER KING'	SILVER KING ELONNUS
	GS	37	GALLIUM CHALON	SAGE
	JY	60	JUNIPERUS HORIZONTALIS 'YOUNGSTOWN'	CRESPING JUNPER
	LE	7	LOROPETALUM CHINENSIS 'PPA'S RED'	PPA'S RED LOROPETALUM
	VO	15	VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY
GRASSES	CODE	QTY	BOTANICAL NAME	COMMON NAME
	SP	40	STYRACHTIS SINENSIS 'PURPURESCENS'	PURPLE GRASS
	PH	30	PHENICOLA SPECIOSA 'WISLEN'	PHENICOLA SPECIOSA
GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME
	PC	001	FRAGARIA CHLOENSE	BEACH STRAWBERRY
	SR	001	LYTHONALBERG	CRESPING LYTHONAL

Additional Landscape Island Area

Install Landscaping in ROW

Recommended Conditions

Most conditions address specific code requirements, including -

- Dedication of right-of-way along Gales Creek Road
- Improvement of the street frontage including curbs, gutters and sidewalks
- Extension of City-standard storm and sanitary sewer lines to the west property line
- Ensuring the perimeter landscaped areas are at least 5 feet wide exclusive of curbing

Suggested conditions include -

- Reducing parking stall lengths to 16 ½ feet to the curb, and expanding the adjoining walkways and landscape areas
- Installing a landscape island at the building's southwest corner where the two pedestrian walkways converge

Other conditions to consider -

1. Reducing the length of the front car park stalls and the front walkway width, and locating the building closer to the street
2. Installing awnings over the faux windows; or
3. Installing a continuous awning over the south and west walkways.
4. Increasing the front façade window and door openings to equal or exceed 50% of the wall area between a height of 2 feet and 10 feet above grade



CITY RECORDER USE ONLY:	
AGENDA ITEM #:	7.
MEETING DATE:	08/12/2019
FINAL ACTION:	First Reading

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *August 12, 2019*

PROJECT TEAM: *Paul Downey, Administrative Services Director*

SUBJECT TITLE: *Ordinance for Business Food Waste Recycling Requirements*

ACTION REQUESTED: Ordinance Order Resolution Motion Informational

X all that apply

ISSUE STATEMENT: Metro adopted Ordinance No. 18-1418 which established a business food waste recycling requirement. One of the requirements of the Metro ordinance was that local governments must, through rule or ordinance, require certain businesses to separate and recover food waste. The City Attorney’s Office and City staff have prepared an ordinance to comply with the requirements of the Metro ordinance for Council consideration. Metro required the City ordinance to be completed by July 31, 2019. Since the City has a process and established timeline to consider the ordinance, Metro has granted Forest Grove an extension to have the ordinance in place by October 31, 2019.

BACKGROUND: The overall goal of the business food waste recycling program is to reduce the amount of food waste going to the landfills. Metro estimates that 5,000 long-haul trucks per year full of just food go to the landfills. Ultimately, Metro may consider a disposal ban on food waste. Staff has presented this topic to the Council at several presentations, the latest presentation being held on May 28, 2019.

Metro Ordinance No. 18-1418 establishes that local government must:

- Through ordinance or rule, require businesses to separate and recover food waste
- Notify affected businesses
- Provide education and technical assistance to affected businesses
- Enforce the requirement
- Compel persons providing space to a covered business to allow for the source separation and collection of business food waste

Metro’s Ordinance requires that businesses that generate over 250 pounds of food scraps per week recycle that food waste. The recycling requirement applies to “back of the house” waste that

is controlled by employees and does not apply to food waste disposed of by consumers at those establishments.

The recycling requirements will affect approximately 38 businesses in Forest Grove phased-in over a four-year period in three groups:

- Group 1 – March 2020 – March 2021
 - Businesses that generate over 1,000 pounds per week – 11 businesses
- Group 2 – March 2021 – September 2022
 - Businesses that generate over 500 pounds per week – 8 businesses
- Group 3 - Sept. 2022 – Sept. 2023
 - Businesses that generate over 250 pounds per week – 19 businesses

A list of the businesses by group is attached to this report.

The ordinance covers the following areas: 1) Covered Businesses; 2) Business Food Waste Requirements; 3) Compliance Timeline; 4) Temporary Compliance Waiver to Covered Businesses; and 5) Enforcement of the Business Waste Food Requirement. For the enforcement portion of the ordinance, the emphasis will be placed on getting a business to comply with the requirements. If a covered business does not cure a violation within the time specified in a citation, it may be subject to the general City fine of up to \$1,000. Again the enforcement will first focus on education and assistance to get the business to comply similar to the Business Recycling Requirement that the City adopted.

If the ordinance is adopted, the affected businesses will be notified. Education and technical assistance will be offered to those businesses. Metro will provide funding for notification, technical assistance, and other resources. The City will work with its partner, Washington County Solid Waste and Recycling, to implement the education and outreach as part of the cooperative program. Resources for businesses will include internal collection containers, decals, and posters. Assistance includes staff training, coordination with waste haulers, and troubleshooting issues that arise.

The other aspects of implementation is the working with Waste Management on the collection process and determining a rate to cover the costs of the program prior to the start of the collection. City staff has a meeting scheduled with Waste Management later this week to begin discussing the collection process and determining a rate. There are different rate models that could be considered: 1) a separate rate only for the affected business; 2) spread the costs over all commercial and industrial customers and 3) spread the rate over all classes of service including residential. Options 2 and 3 would subsidize the rates for the affected customers. Staff will have more information as the collection process is determined and the costs are developed. To help mitigate the costs of taking the food scraps from the collection route to a transfer point or processor, Metro will provide temporary Access to Transfer Services payments to offset additional costs from transporting separated food scraps a longer distance than they currently are when collected as garbage.

City staff presented the proposed ordinance to the Sustainability Committee on July 25, 2019. There was a good discussion on the topic and staff forwarded some questions to Metro centering on whether or not there is a net overall benefit to climate change when processing waste in this manner. The questions and Metro's responses to the questions are as follows:

1. Where will the Forest Grove commercial food scraps be taken: 1) initially to what transfer station; and 2) the final destination for processing?

Waste Management can take the food scraps to any of three transfer stations that accept commercial food waste. Currently both Metro Central Station and WRI in Wilsonville accept commercial food scraps. Beginning in 2020, Pride (in Sherwood) will also accept this material. See question #2 for the current processing destinations. Metro will compensate Waste Management for the extra distance to the transfer stations that accept food scraps. This payment system is outlined in the Administrative Rules section 5.10-4035.

2. How will the commercial foods scraps be processed? Will they be composted or will another process be used?

Food scraps delivered to Metro Central are currently sent to two composting facilities owned by Recology—one in Aumsville and one in McMinnville. Food scraps delivered to WRI are sent to Republic's compost facility (PRC) in Corvallis. Pride has not yet determined where they will send their material. Metro is also evaluating the installation of pre-processing equipment at Metro Central that would allow us to create a "slurry" from the food waste that could then be transported to a wastewater treatment plant in North Portland (and potentially to other facilities in the future) to be digested. In this process, the gases produced are captured and used to fuel city vehicles or can be used to generate electricity. The goal of the program (and one of the reasons it is a "food only" system) is to have a clean, high-quality stream that could go to multiple uses and not just tied to one processor or processing method. This makes the system more stable.

3. For the facility at which the commercial food scraps are processed, is there or will there be any collection system for any greenhouse gases that may be released during the processing?

That depends on the process used. One of the key reasons to keep food out of the landfill is to reduce the production of greenhouse gas (GHG). Food waste, when landfilled, produces and releases methane, which is 24 times more potent a greenhouse gas than CO₂. Methane is released when the food decomposes in an anaerobic environment (void of oxygen). Composting is an aerobic process (with oxygen) that releases little to no GHG during organic matter breakdown. Anaerobic digestion (wastewater treatment process) uses the anaerobic process to capture the methane produced in an enclosed environment and use it to create fuels or electricity. Essentially, the act of removing the food waste from the landfill-bound waste stream and putting it into a composting or anaerobic digestion process will greatly reduce the GHG emissions no matter what process is used.

FISCAL IMPACT: Metro will be providing funding assistance to help implement the program so the principal City resource will be staff time working with Washington County Solid Waste. Staff does not expect the Community Enhancement Program Revenue to decline as a result of this change as Metro is capping the waste at the Forest Grove Transfer Station can accept to

approximately 75,000 tons per year which is down from the current 125,000 ton limit. There should be enough other waste to make up for the loss of food waste at the new tonnage limit.

STAFF RECOMMENDATION: Staff recommends City Council approve the proposed ordinance.

ATTACHMENT(s): City Ordinance No. 2019-09 with Exhibit A
Metro Extension Letter
List of Affected Businesses



600 NE Grand Ave.
Portland, OR 97232-2736
oregonmetro.gov

August 2, 2019

Paul Downey
Director of Administrative Services
City of Forest Grove
PO Box 326
Forest Grove, OR 97116

Dear Mr. Downey,

I am in receipt of your July 31, 2019 letter requesting an extension for the City's adoption of the Business Food Waste Requirement (Metro Ordinance No. 18-1418). The City of Forest Grove has demonstrated clear intent to move forward with the ordinance and has provided specific dates for consideration by the City Council, therefore your request is approved.

Please notify me of any changes to the proposed meeting and agenda dates noted in your request.

My staff is available to assist you with any needs you may have in preparation for discussions with your Council. Please feel free to reach out to Pam Peck, Resource Conservation & Recycling Planning Manager at (503) 797-1866, pam.peck@oregonmetro.gov or Jennifer Erickson, Principal Planner, (503) 797-1647, jennifer.erickson@oregonmetro.gov.

Thank you for your efforts in helping the region reduce and recover food waste.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roy W. Brower'.

Roy W. Brower
Interim Director
Property and Environmental Services

Cc: Pam Peck, Resource Conservation and Recycling Planning Manager
Jennifer Erickson, Principal Planner

Busiesss Name	Street Address	City	State	Zip	NAICS Code	NAICS Group	Sector	Group	Phase Totals	
CHAUCER FOODS INC	2238 YEW ST	FOREST GROVE	OR	97116	311423	Other	Food Product Manufacturing	Group 1 > 0.5 tons/week	Phase 1	11
GRAND LODGE HOTEL	3505 PACIFIC AVE	FOREST GROVE	OR	97116	722511	Food Services	Full Service Restaurant	Group 1 > 0.5 tons/week	Phase 2	8
LIEB FOODS LLC	2550 23RD AVE	FOREST GROVE	OR	97116	311421	Other	Food Product Manufacturing	Group 1 > 0.5 tons/week	Phase 3	19
MCDONALD'S FOREST GROVE	3315 PACIFIC AVE	FOREST GROVE	OR	97116	722513	Food Services	Limited Service Restaurant	Group 1 > 0.5 tons/week	Total	38
OLD TRAPPER SMOKED PRODUCTS, INC.	4071 24TH AVE	FOREST GROVE	OR	97116	311612	Other	Food Product Manufacturing	Group 1 > 0.5 tons/week		
PACIFIC UNIVERSITY	2043 COLLEGE WAY	FOREST GROVE	OR	97116	611310	Education	College & University	Group 1 > 0.5 tons/week		
PACIFIC UNIVERSITY	2043 COLLEGE WAY	FOREST GROVE	OR	97116	722310	Food Services	Contractors	Group 1 > 0.5 tons/week		
PAPA MURPHYS	3330 PACIFIC AVE	FOREST GROVE	OR	97116	445299	Grocery	All Other Specialty Food Store	Group 1 > 0.5 tons/week		
PRIME TIME SPORTS BAR & RESTAURANT	4450 PACIFIC AVE	FOREST GROVE	OR	97116	722511	Food Services	Full Service Restaurant	Group 1 > 0.5 tons/week		
SAFEWAY STORES, INC.	2833 PACIFIC AVE	FOREST GROVE	OR	97116	445110	Grocery	Retail	Group 1 > 0.5 tons/week		
SODEXO USA	2701 TAYLOR WAY	FOREST GROVE	OR	97116	722310	Food Services	Contractors	Group 1 > 0.5 tons/week		
JACK IN THE BOX RESTAURANTS	3206 PACIFIC AVE	FOREST GROVE	OR	97116	722513	Food Services	Limited Service Restaurant	Group 2 > 0.25 tons/week		
MASONIC & EASTERN STAR HOME	2221 OAK ST	FOREST GROVE	OR	97116	623312	Health Care	Retirement& Assisted Living	Group 2 > 0.25 tons/week		
NEW SEASON FOODS INC	2329 YEW ST STE A1	FOREST GROVE	OR	97116	311423	Other	Food Product Manufacturing	Group 2 > 0.25 tons/week		
PIZZA HUT	2332 PACIFIC AVE	FOREST GROVE	OR	97116	722513	Food Services	Limited Service Restaurant	Group 2 > 0.25 tons/week		
SCOTTIES DRIVE-IN	1702 PACIFIC AVE	FOREST GROVE	OR	97116	722513	Food Services	Limited Service Restaurant	Group 2 > 0.25 tons/week		
SODEXO USA	1728 MAIN ST	FOREST GROVE	OR	97116	722310	Food Services	Contractors	Group 2 > 0.25 tons/week		
SUBWAY	4419 PACIFIC AVE	FOREST GROVE	OR	97116	722513	Food Services	Limited Service Restaurant	Group 2 > 0.25 tons/week		
TACO BELL	4455 PACIFIC AVE	FOREST GROVE	OR	97116	722513	Food Services	Limited Service Restaurant	Group 2 > 0.25 tons/week		
BROOKDALE FOREST GROVE	3110 19TH AVE	FOREST GROVE	OR	97116	623312	Health Care	Retirement& Assisted Living	Group 3 > 0.125 tons/week		
CAMELOT CARE CENTER	3900 PACIFIC AVE	FOREST GROVE	OR	97116	623110	Health Care	Nursing & Resid Care	Group 3 > 0.125 tons/week		
DUTCH IT INC	2406 PACIFIC AVE	FOREST GROVE	OR	97116	722515	Food Services	Snack & Beverage	Group 3 > 0.125 tons/week		
FERN HILL ELEMENTARY SCHOOL	4445 HEATHER ST	FOREST GROVE	OR	97116	611110	Education	Elementary & Secondary	Group 3 > 0.125 tons/week		
FOREST GROVE BEEHIVE,HAWTHORNE HOUS	2122 HAWTHORNE ST	FOREST GROVE	OR	97116	623312	Health Care	Retirement& Assisted Living	Group 3 > 0.125 tons/week		
FOREST GROVE HIGH SCHOOL	1401 NICHOLS LN	FOREST GROVE	OR	97116	611110	Education	Elementary & Secondary	Group 3 > 0.125 tons/week		
FOREST GROVE SCHOOL DISTRICT	1728 MAIN ST	FOREST GROVE	OR	97116	611110	Education	Elementary & Secondary	Group 3 > 0.125 tons/week		
FOREST GROVE SUSHI FG SUSHI	1905 BIRCH ST	FOREST GROVE	OR	97116	722513	Food Services	Limited Service Restaurant	Group 3 > 0.125 tons/week		
GODFATHER'S PIZZA	2834 PACIFIC AVE STE A	FOREST GROVE	OR	97116	722513	Food Services	Limited Service Restaurant	Group 3 > 0.125 tons/week		
HARVEY CLARKE ELEM SCHOOL	2516 B ST	FOREST GROVE	OR	97116	611110	Education	Elementary & Secondary	Group 3 > 0.125 tons/week		
JOSEPH GALE ELEM SCHOOL	3130 18TH AVE	FOREST GROVE	OR	97116	611110	Education	Elementary & Secondary	Group 3 > 0.125 tons/week		
MAGGIES BUNS	2007 21ST AVE	FOREST GROVE	OR	97116	722513	Food Services	Limited Service Restaurant	Group 3 > 0.125 tons/week		
MARQUIS COMPANIES I INC	3300 19TH AVE	FOREST GROVE	OR	97116	623110	Health Care	Nursing & Resid Care	Group 3 > 0.125 tons/week		
NEIL ARMSTRONG MIDDLE SCHOOL	1777 MT VIEW LN	FOREST GROVE	OR	97116	611110	Education	Elementary & Secondary	Group 3 > 0.125 tons/week		
PAC THAI	1923 PACIFIC AVE	FOREST GROVE	OR	97116	722511	Food Services	Full Service Restaurant	Group 3 > 0.125 tons/week		
PIZZA SCHMIZZA, FOREST GROVE	2042 MAIN ST	FOREST GROVE	OR	97116	722513	Food Services	Limited Service Restaurant	Group 3 > 0.125 tons/week		
SUMMIT FOODS INC	1840 B STREET	FOREST GROVE	OR	97116	311421	Other	Food Product Manufacturing	Group 3 > 0.125 tons/week		
THE GROVE LLC	2112 OAK ST	FOREST GROVE	OR	97116	623312	Health Care	Retirement& Assisted Living	Group 3 > 0.125 tons/week		
TOM MCCALL UPPER ELEM SCHOOL	1341 PACIFIC AVE	FOREST GROVE	OR	97116	611110	Education	Elementary & Secondary	Group 3 > 0.125 tons/week		



A place where families and businesses thrive.

**NOTICE OF PUBLIC HEARING
FOREST GROVE CITY COUNCIL
ORDINANCE AMENDING FOREST GROVE CODE OF ORDINANCES**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, August 12, 2019, 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider enacting an ordinance adopting City Code Chapter 113, Business Food Waste Requirement. The purpose of the program is to establish Metro's mandatory program to separate and collect food waste from certain food-waste generating businesses. The proposed ordinance, if enacted by the City Council, would take effect 30 days immediately after enactment unless City Council declares an emergency.

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

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

FG NewsTimes 08/07/2019

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ORDINANCE NO. 2019-09

**AMENDING FOREST GROVE CODE OF ORDINANCES
ADOPTING TITLE XI (BUSINESS REGULATIONS), CHAPTER 111,
§ 111.065, TITLED FOOD WASTE REQUIREMENT**

WHEREAS, the City of Forest Grove is within Metro's jurisdiction for Solid Waste Management; and

WHEREAS, Metro regulates solid waste generated within the Metro region pursuant to Metro's constitutional, statutory, and charter authority and as set forth in the Metro Code; and

WHEREAS, Metro has mandated the City adopt Business Food Waste Requirements effective July 31, 2019; and

WHEREAS, although the City does not recognize that Metro has the legal authority to require the City Council to legislatively enact the Business Food Waste Requirements, the City nevertheless finds it is in the public interest to adopt these requirements; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on August 12, 2019, and continued the hearing on September 9, 2019.

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

Section 1: The City Council hereby amends Forest Grove Code of Ordinances adopting Title XI (Business Regulations), Chapter 111, § 111.065, titled Food Waste Requirement, as set forth in Exhibit A.

Section 2: This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading this 12th day of August, 2019.

PASSED the second reading this 9th day of September, 2019.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 9th day of September, 2019.

Peter B. Truax, Mayor

Exhibit A

TITLE XI BUSINESS REGULATIONS

§ 111.065 FOOD WASTE REQUIREMENT

(A) Applicability. This section applies to all covered businesses.

(B) Covered Businesses. A **COVERED BUSINESS** is a business that cooks, assembles, processes, serves, or sells food or does so as service providers for other enterprises.

Covered businesses subject to the business food waste requirement include but are not limited to:

Cafeterias & buffets	Grocery retail
Caterers	Grocery wholesale
Colleges & universities*	Hospitals*
Correctional facilities	Hotels*
Drinking places*	Limited service restaurants
Elementary and secondary schools*	Nursing & residential care*
Food product manufacturing	Retirement & assisted living*
Food service contractors	Specialty food markets
Full service restaurants	Warehouse clubs

* Only those with full-service restaurants or on-site food preparation or service are subject to this requirement.

(C) Business Food Waste Requirement.

(1) Covered businesses must separate food waste from all other solid waste for collection. Food waste means solid waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation by a charitable organization and any food collected to feed animals in compliance with applicable regulations.

(2) Covered businesses must collect food waste that is controlled by the business, agents, and employees. This requirement does not apply to food wastes controlled by customers or the public. At its discretion, a business may also collect food

waste from customers or the public but must ensure that food wastes are free of non-food items. K-12 schools may also include student-generated food waste from school cafeteria meals but must ensure that food wastes are free of non-food items.

(3) Covered businesses must have correctly-labeled and easily-identifiable receptacles for internal maintenance or work areas where food waste may be collected, stored, or both.

(4) Covered businesses must post accurate signs where food waste is collected, stored, or both that identify the materials that the covered business must source separate.

(5) Owners or managers of single or multi-tenant buildings containing covered businesses must allow or otherwise enable the provision of food waste collection service to lessees or occupants subject to the business food waste requirement.

(D) Compliance Timeline.

Covered Businesses must comply with the food waste requirement as determined by the quantity of food waste they generate per week, on average. Implementation will begin with Business Group 1 and progress to the other groups according to the dates noted below. Covered Businesses that demonstrate they generate less than 250 pounds per week of food waste are not subject to this requirement.

1. Business Group 1
March 31, 2020-March 31, 2021
≥0.5 ton (1,000 pounds) per week food waste generated
2. Business Group 2
March 31, 2021-Sept. 30, 2022
≥0.25 ton (500 pounds) per week food waste generated
3. Business Group 3
Sept. 30, 2022-Sept. 30, 2023
≥0.125 ton (250 pounds) per week food waste generated
and elementary and secondary schools

(E) Temporary Compliance Waivers to Covered Businesses.

A covered business may seek a temporary (12 month) waiver from the business food waste requirement by providing access to a recycling specialist for a site visit and demonstrating that the covered business cannot comply with the business food waste requirement. Businesses must agree to periodic waiver verification site visits to determine if conditions that warrant the waiver are still in place and cannot be remedied in accordance with waiver criteria.

(F) Enforcement of the Business Food Waste Requirement.

(1) A covered business that does not comply with the business food waste requirement may receive a written notice of noncompliance. The notice shall describe:

- (a) The violation;

(b) Provide the covered business an opportunity to cure the violation within the time specified in the notice; and

(c) An offer of assistance with compliance.

(2) A covered business that does not cure a violation within the time specified in the notice of noncompliance may receive a written citation. The citation will provide an additional opportunity to cure the violation within the time specified in the citation and will notify the covered business that it may be subject to a fine.

(3) A covered business that does not cure a violation within the time specified in the citation may be subject to a fine. The general penalty of violation is punishable under the provisions of § [10.99](#).



<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>8.</u>
MEETING DATE:	<u>08/12/2019</u>
FINAL ACTION:	_____

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *August 12, 2019*

PROJECT TEAM: *Daniel Riordan, Senior Planner, Bryan Pohl, Community Development Director*

SUBJECT TITLE: *Resolution Accepting Town Center Street Tree Inventory and Assessment Report*

ACTION REQUESTED:

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

ISSUE STATEMENT: On April 8, 2019, City Council adopted Objective 1.4 “Implement Town Center Program” including an action item to “complete [a] street trees assessment and develop policy recommendations.” The Community Forestry Commission applied for and received a Community Enhancement Program (CEP) grant award to hire a consulting arborist to conduct a visual tree assessment of the street trees in the area bounded by 21st Avenue, College Way, Pacific Avenue, Cedar Street, 19th Avenue, and B Street. The work performed by the arborist partially fulfills Council Goal Objective 1.4.

The arborist’s findings, conclusions, and recommendations are summarized in the attached PowerPoint presentation presented to Council on May 28, 2019 (Attachment A). The complete report is attached to the resolution (Attachment B) that’s the subject of this Council agenda item. Staff is requesting City Council adopt the resolution formally accepting the Town Center Street Tree Inventory and Assessment.

BACKGROUND: Many of the street trees in the Town Center were planted in the 1990s as part of a broader enhanced streetscape project. Many of the trees have grown quite large resulting in conflicts with sidewalks, buildings and signs. A consulting arborist was retained to develop a baseline of information documenting the current situation. The arborist inventoried over 200 trees in the Town Center. Key findings from the inventory and assessment include:

- 24 trees are causing conflicts with streets, sidewalk or parking lot clearance;
- 8 trees were noted has having recent cuts to roots or tree base and/or damage from surrounding tree grates;
- 4 trees were identified as being in need of upper crown and/or structural pruning;
- 30 trees are affected by compacted soil resulting in exposed or girdled roots; and

- 8 trees are recommended for removal:
 - One maple tree on Main Street adjacent to the Adelante Mujeres office;
 - One maple tree on B Street adjacent to the Urban Renewal Agency's Site B property;
 - 4 flowering plum trees along the south side of Pacific Avenue east of Ash Street;
 - One Maple on the west side of Ash Street between Pacific Avenue and 19th Avenue; and
 - One maple on Council Street near the City Hall parking lot.

The arborist's report indicates a need for street tree management and maintenance policies to guide future actions including appropriate trees to plant in the Town Center and clear expectations for ongoing tree care. Currently, City Code places responsibility for street tree care on adjacent property owners throughout the City including the Town Center. Unlike other areas of the City however, the street trees in the Town Center were planted by the City as part of the enhanced streetscape project. Also unlike other areas of the City, when street trees are not consistently maintained, problems tend to be more noticeable and may cause greater safety concerns due to higher levels of pedestrian activity in the Town Center. This points to a need for a proactive approach to street tree management in the Town Center and possibly dedicated funding for street tree management in the Town Center. Funding to allow for proactive monitoring and care of street trees in the Town Center to minimize future conflicts and possible damage to trees and infrastructure will be considered during the FY 20-21 budget process.

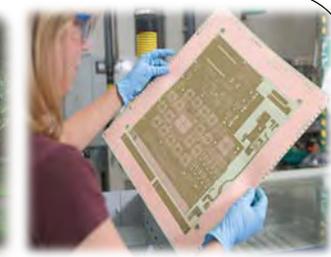
On May 15, 2019, the Community Forestry Commission unanimously approved a motion to accept the Town Center Street Tree Inventory and Assessment Report. The Community Forestry Commission also unanimously approved a motion to recommend the City budget for and hire a design consultant to recommend best methods to Town Center tree hazards and prepare a 20-year vision for planting in the Town Center. This work could potentially be added to the Town Center festival street design project.

FISCAL IMPACT: Accepting the arborist's report results in no fiscal impact on the City. Implementing recommendations for tree removal and replanting, and preparing best management recommendations and a 20-year vision for planting in the Town Center as recommended by the Community Forestry Commission, would have a fiscal impact on the City. Costs and funding sources for these initiatives will be considered in the FY 20-21 budget.

STAFF RECOMMENDATION: Staff recommends City Council adopt the accompanying resolution accepting the Town Center Street Tree Inventory and Assessment Report.

ATTACHMENT(s):

- A. PowerPoint Presentation, May 28, 2019
- B. Resolution Accepting Town Center Tree Inventory and Assessment prepared by Oregon Tree Care, April 23, 2019



Town Center Tree Inventory and Assessment

City Council Work Session
May 28, 2019

Purpose

- The purpose of this presentation is to:
 - Brief Council on key findings from the recently completed Town Center Tree Inventory and Assessment.
 - Highlight conclusions drawn from the data; and
 - Identify possible next steps.
- This work is part of the broader Town Center initiative discussed by Council focusing on streetscape, crosswalk enhancements, parklets, public art and street trees.
- Seven presentations and work sessions with City Council or Urban Renewal Agency Board on the Town Center occurred between July 2018 through April 2019.

Background



Background

- To complement the Town Center work, the Community Forestry Commission applied for and was awarded a Community Enhancement Program grant (\$4,500) to look at issues related to street trees in the Town Center.
- Grant funds were used to hire a certified arborist to conduct an inventory and assessment of the street trees in the Town Center using accepted industry standards.
- The arborist inventoried over 200 trees in the Town Center including about 25 trees in City owned parking lots.



Professional and ethical tree care focused on community and preservation.

Background

- Many street trees in the Town Center were planted more than twenty or thirty years ago.
- Some trees have grown quite large and have caused damage to sidewalks and infrastructure.
- A number of trees have been constrained by tree grates causing damage to the trees.



Background

- In some cases the grates were being lifted creating a tripping hazard.
- Public Works addressed this issue:
 - 96 tree grates were inventoried by Public Works;
 - 65 needed attention because of inadequate area for the tree trunk or lifting;
 - 5% (5 of 96) were causing damage to the tree; and
 - Some grates were altered or removed.



Findings

- Over 200 Street Trees Inventoried by Arborist.
- Trees adjacent to Pacific U. campus were not inventoried as they are subject to requirements of the Pacific U. Master Plan.
- The University is preparing a tree management plan and seeking Tree Campus USA designation from the Arbor Day Foundation.
- The arborist used a visual tree assessment method to evaluate tree characteristics:
 - Size;
 - Health;
 - Structure; and
 - Root System
- Seventeen different tree species were identified.
 - Red maple is the most common species.



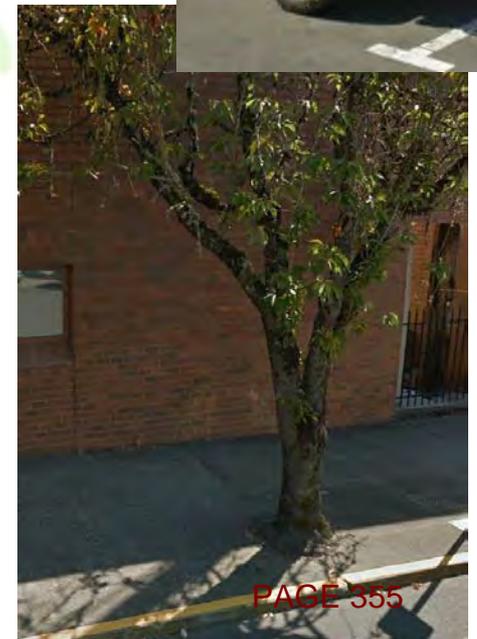
Findings

- 24 trees are causing conflicts with streets, sidewalk or parking lot clearance and need pruning.
- 8 trees are noted as having recent cuts to roots or tree base and/or damage from surrounding tree grates. Public Works recently attended to the grates to prevent further damage.
- 4 trees were identified as being in need of upper crown and/or structural pruning.
- 30 trees are affected by compacted soil resulting in exposed or girdled roots.



Findings

- Eight trees are recommended for removal:
 - (1) Maple on Main Street adjacent to the Adelante Mujeres office. This tree was damaged when the oak near the UCC recently fell. Tree replacement is a condition of approval for Adelante's construction project.
 - (1) Maple on B Street adjacent to Site B.
 - (2) Flowering plum on Pacific Avenue adjacent to Library.
 - (1) Flowering plum on Pacific Avenue near Post Office.
 - (1) Flowering plum on Ash Street adjacent to PD.
 - (1) Maple on Ash Street north of City Hall parking lot.
 - (1) Maple on Council near City Hall parking lot.



Main Street Trees

- 22 maple trees exist on Main Street between 19th & 22nd Ave.
- 2 large maple trees were removed last year on Main Street south of 21st Avenue due to sidewalk damage.
- 7 trees require attention due to decay, pruning, and damage caused by metal guards intended to protect the trees from pedestrians after replanting.



Conclusions

- The street tree assessment indicates a need for street tree management and maintenance policies to guide future actions.
- The assessment also demonstrates a need for dedicated resources to conduct proactive monitoring and care of the street trees to minimize future conflicts and damage to trees and infrastructure.
- Data suggests a need to remove and replace some trees in the Town Center. An approach should be developed for removal and replacement of trees if desired.

Next Steps

- The Community Forestry Commission (CFC) discussed the arborist's report and findings at length during their May 15th meeting.
- The CFC accepted the arborist's report and began a discussion about a comprehensive street tree management plan based on the data and findings contained in the report.
- The CFC also discussed the need to have a conversation with property and business owners about tree planting, care and replanting when warranted.

Next Steps

- The comprehensive management plan could address for Council consideration:
 - Types of trees appropriate for planting in the Town Center.
 - Best practices for tree planting.
 - Policies for management and maintenance.
 - Identification of possible funding sources.
 - Approach for tree replacement.
 - Other issues or concerns Council may direct to the CFC to address.



Questions?

RESOLUTION NO. 2019-41**RESOLUTION ACCEPTING TOWN CENTER
STREET TREE INVENTORY AND ASSESSMENT REPORT**

WHEREAS, on April 8, 2019, City Council adopted Resolution 2019-13 including Goal Objective 1.4 "Implement Town Center Program"; and action item "complete street trees assessment and develop policy recommendations; and

WHEREAS, the Community Forestry Commission applied for and received a Community Enhancement Program (CEP) grant award in 2018 to prepare an inventory and assessment of street trees in the Town Center; and

WHEREAS, grant funds were used to retain a certified consulting arborist with expertise in performing visual tree assessments; and

WHEREAS, the consulting arborist prepared a report summarizing findings, conclusions, and recommendations for further action based on information gathered from the tree inventory and assessment; and

WHEREAS, the work performed by the consulting arborist partially fulfills Council Goal Objective 1.4; and

WHEREAS, on May 15, 2019, the Community Forestry Commission unanimously approved a motion to accept the Town Center Street Tree Inventory and Assessment Report.

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

Section 1. That the City Council hereby accepts the Town Center Street Tree Inventory and Assessment Report (Exhibit A).

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of August, 2019.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of August, 2019.

Peter B. Truax, Mayor

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Tree Inventory & Assessment

The City of Forest Grove
Forest Grove, OR

Prepared for:
The City of Forest Grove
1924 Council Street
PO Box 326
Forest Grove, OR 97116

Prepared by:
Oregon Tree Care
PO Box 13068
Portland, OR 97213

April 23, 2019



RE Tree assessment and inventory for trees located on designated streets in Forest Grove, Oregon.

Date April 16, 2019

Attention Daniel Riordan, Senior Planner, City of Forest Grove

Site Address Forest Grove, OR 97116

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Appendix C – Assumptions & Limiting Conditions

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Assignment & Scope of Work

We were contacted on November 20, 2018 by Daniel Riordan, on behalf of the City of Forest Grove to offer our Certified Arborist consulting/reporting services. Following a response to the RFP, Oregon Tree Care and Damien Carré were awarded the contract to fulfill the requests detailed in the RFP (refer to Appendix B). Oregon Tree Care (OTC) then conducted a site visit to the property on March 4, 2019, March 14, 2019 and April 12, 2019. A visual assessment of 202 trees total was conducted that included identification, DBH measurement, inventory mapping, inspection of roots for any existing concerns to surrounding hardscape and structures. The data collected is summarized in this Report.

Limits of Assignment

Unless stated otherwise: 1) Information contained in this report covers only those trees that were examined and reflects the condition of those trees at the time of inspection; and 2) The inspection is limited to visual examination of the subject trees without dissection, probing, or coring unless explicitly specified. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the subject trees may not arise in the future. Additional Assumptions and Limiting Conditions can be found in Appendix C.

Methods

We used a Visual Tree Assessment (VTA) method to evaluate tree health, structure and root system at ground level. VTA is based on the outward indications of tree stress and growth, as indicated by the formation of new tree parts, the shape of the new wood and the amount of live tissue. Trees adapt to current and past stress by growing wood to support themselves in an upright condition. This type of assessment is facilitated by our personal knowledge of tree growth as it relates to structural integrity. We used a diameter tape marked in inches on one side and with diameter calculations on the opposite for measuring tree diameter.

Observations & Statements

Based on the described scope of work and after the initial site visit to walk through the property, an inventory was completed to include mapping to match identification numbers for the 202 trees during the site visit. Seventeen different tree species were identified, but red maple (*Acer rubrum*) is most the common, accounting for 133 (65.8%) of the inventoried trees.

86 trees (42.5%) are surrounded by tree grates.

Recommendations

4 trees were identified as being in need of upper crown and/or structural pruning:

ID Number	Tree Type	Tree Species	Size in inches (dbh)	Vigor	Comments	Recommendation
20	maple	<i>Acer macrophyllum</i>	35	A		pruning, deadwood mitigation
167	oak	<i>Quercus rubra</i>	19	A		upper crown pruning
168	oak	<i>Quercus rubra</i>	26	A		upper crown pruning
169	oak	<i>Quercus rubra</i>	28	A	small girdled root	upper crown pruning
199	oak	<i>Quercus garryana</i>	43	A	no evidence of prior pruning	structural pruning

24 trees are in need of clearance for street, sidewalk or parking lot clearance.

ID Number	Tree Type	Tree Species	Size in inches (dbh)	Vigor	Comments	Recommendation
10	maple	<i>Acer rubrum</i>	14	A		street clearance
11	maple	<i>Acer rubrum</i>	12	A		street clearance
12	maple	<i>Acer rubrum</i>	11	A		street clearance
13	maple	<i>Acer rubrum</i>	10	A		street clearance
14	maple	<i>Acer rubrum</i>	10	P	Column of decay on lower trunk	Monitor yearly, street clearance
33	maple	<i>Acer rubrum</i>	13	A	compacted soil	street light clearance
39	cherry	<i>Prunus serulata</i>	19	A	compacted soil, restricted root space	Monitor grating, street clearance
40	cherry	<i>Prunus serulata</i>	14	A	compacted roots, girdling, restricted root space	Monitor grating, street clearance
41	cherry	<i>Prunus serulata</i>	17	A	compacted soil, restricted root space	Monitor grating, street clearance
42	cherry	<i>Prunus serulata</i>	12	P	compacted soil, restricted root space	Monitor grating, street clearance
43	cherry	<i>Prunus serulata</i>	13	A	compacted soil, restricted root space	Monitor grating, street clearance
44	cherry	<i>Prunus serulata</i>	13	A	compacted soil, restricted root space	Monitor grating, street clearance
54	cherry	<i>Prunus serulata</i>	14	A	girdled roots	street and sidewalk clearance pruning
55	cherry	<i>Prunus serulata</i>	15	A		street and sidewalk clearance pruning
56	cherry	<i>Prunus serulata</i>	13	A		street and sidewalk clearance pruning
65	maple	<i>Acer rubrum</i>	2	A		parking lot clearance
66	maple	<i>Acer rubrum</i>	3	A		parking lot clearance
67	maple	<i>Acer rubrum</i>	15	A		parking lot clearance
68	maple	<i>Acer rubrum</i>	10	A		parking lot clearance
69	maple	<i>Acer rubrum</i>	18	A		parking lot clearance
70	maple	<i>Acer rubrum</i>	21	A		parking lot clearance
71	maple	<i>Acer rubrum</i>	19	A		parking lot clearance
95	Katsura	<i>Cercidiphyllum</i>	18	A		street and sidewalk clearance pruning, Monitor grating

8 trees are noted as having recent cuts to roots or tree base and/or damage from surrounding tree grates. These trees should be monitored or mitigated accordingly:

ID Number	Tree Type	Tree Species	Size in inches (dbh)	Vigor	Comments	Recommendation
26	maple	<i>Acer rubrum</i>	6	A	girdling roots, damage from steel grate	mitigate grate
38	maple	<i>Acer rubrum</i>	8	A	compacted soil, grate damaging roots	mitigate grate, monitor decay annually
110	maple	<i>Acer rubrum</i>	11	A	recent cuts to root collar	Monitor grating, monitor annually
120	maple	<i>Acer rubrum</i>	6	A	roots pruned at base	Monitor grating, monitor annually
145	maple	<i>Acer rubrum</i>	6	A	cuts at base of tree	Monitor grating, monitor annually
179	maple	<i>Acer rubrum</i>	9	A	cuts at base of tree	Monitor grating, monitor annually
187	maple	<i>Acer rubrum</i>	8	A	cuts at base of tree	Monitor grating, monitor annually
188	maple	<i>Acer rubrum</i>	6	A	cuts at base of tree	Monitor grating, monitor annually

8 trees have been recommended for removal based on poor vigor rating and visible signs of severe decay. These trees are listed below:

ID Number	Tree Type	Tree Species	Size in inches (dbh)	Vigor	Comments	Recommendation
19	maple	<i>Acer platanoides</i>	4	P		removal
47	cherry	<i>Prunus serulata</i>	10	P	vertical column of decay	removal
48	cherry	<i>Prunus serulata</i>	6	P	vertical column of decay	removal
53	maple	<i>Acer rubrum</i>	3	P	vertical column of decay	removal
61	cherry	<i>Prunus serulata</i>	20	P	girdled roots, compacted soil, restricted roots	removal
64	maple	<i>Acer rubrum</i>	3	P	vertical column of decay near base	removal
94	maple	<i>Acer rubrum</i>	8	P	severe column of decay at base	removal
180	maple	<i>Acer rubrum</i>	4	P	vertical column of decay all the way up trunk	removal

OREGON TREE CARE . TREE INVENTORY

CERTIFIED

LOCATION: City of Forest Grove ARBORIST: Damien Carre . PN-6405A

Condition rating key: A- Average, P- Poor

SITE VISIT DATE: 3/14/2019, 4/12/2019



ID Number	Tree Type	Tree Species	Size in inches		Vigor	Comments	Recommendation
			DBH	Height			
1	pear	<i>Pyrus calleniana</i>	12		A		
2	pear	<i>Pyrus calleniana</i>	10		A		
3	pear	<i>Pyrus calleniana</i>	13		A		
4	pear	<i>Pyrus calleniana</i>	14		A		
5	maple	<i>Acer rubrum</i>	9		A		
6	maple	<i>Acer rubrum</i>	11		A	Compacted soil, exposed roots	
7	maple	<i>Acer rubrum</i>	13		A	Compacted soil, exposed roots	
8	maple	<i>Acer rubrum</i>	13		A	Compacted soil, exposed roots	
9	maple	<i>Acer rubrum</i>	13		A	Compacted soil, exposed roots	
10	maple	<i>Acer rubrum</i>	14		A		street clearance
11	maple	<i>Acer rubrum</i>	12		A		street clearance
12	maple	<i>Acer rubrum</i>	11		A		street clearance
13	maple	<i>Acer rubrum</i>	10		A		street clearance
14	maple	<i>Acer rubrum</i>	10		P	Column of decay on lower trunk	Monitor annually, street clearance
15	cherry	<i>Prunus serulata</i>	5		A		
16	maple	<i>Acer rubrum</i>	14		A	Compacted soil, exposed roots	

OREGON TREE CARE . TREE INVENTORY

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ID Number	Tree Type	Tree Species	Size in inches		Vigor	Comments	Recommendation
			DBH	Height			
17	maple	<i>Acer rubrum</i>	8		A	Compacted soil, exposed roots	
18	maple	<i>Acer platanoides</i>	5		A		
19	maple	<i>Acer platanoides</i>	4		P		removal
20	maple	<i>Acer macrophyllum</i>	35		A		structural pruning, deadwood mitigation
21	maple	<i>Acer platanoides</i>	7		A		
22	ash	<i>Fraxinus pennsylvanica</i>	8		A		
23	maple	<i>Acer rubrum</i>	6		A		Monitor grating
24	maple	<i>Acer rubrum</i>	6		A	compacted soil	Monitor grating
25	maple	<i>Acer rubrum</i>	6		A	vertical column of decay at base	monitor decay annually, Monitor grating
26	maple	<i>Acer rubrum</i>	6		A	girdling roots, damage from steel grate	mitigate grate
27	maple	<i>Acer rubrum</i>	3		A		
28	maple	<i>Acer rubrum</i>	4		A		Monitor grating
29	maple	<i>Acer rubrum</i>	3		A		Monitor grating
30	maple	<i>Acer rubrum</i>	10		A	compacted soil, exposed trunk collar	
31	maple	<i>Acer rubrum</i>	8		A	compacted soil, exposed trunk collar	
32	maple	<i>Acer rubrum</i>	12		A	compacted soil, girdling roots	

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ID Number	Tree Type	Tree Species	Size in inches (dbh)		Vigor	Comments	Recommendation
33	maple	<i>Acer rubrum</i>	13		A	compacted soil	street light clearance
34	maple	<i>Acer rubrum</i>	5		A		Monitor grating
35	maple	<i>Acer rubrum</i>	2		A		Monitor grating
36	maple	<i>Acer rubrum</i>	3		A		Monitor grating
37	maple	<i>Acer rubrum</i>	5		A	vertical column of decay at base, grate damaging roots	mitigate grate, monitor decay annually
38	maple	<i>Acer rubrum</i>	8		A	compacted soil, grate damaging roots	mitigate grate, monitor decay annually
39	cherry	<i>Prunus serulata</i>	19		A	compacted soil, restricted root space	Monitor grating, street clearance
40	cherry	<i>Prunus serulata</i>	14		A	compacted roots, girdling, restricted root space	Monitor grating, street clearance
41	cherry	<i>Prunus serulata</i>	17		A	compacted soil, restricted root space	Monitor grating, street clearance
42	cherry	<i>Prunus serulata</i>	12		P	compacted soil, restricted root space	Monitor grating, street clearance
43	cherry	<i>Prunus serulata</i>	13		A	compacted soil, restricted root space	Monitor grating, street clearance
44	cherry	<i>Prunus serulata</i>	13		A	compacted soil, restricted root space	Monitor grating, street clearance
45	cherry	<i>Prunus serulata</i>	11		P	compacted soil	
46	cherry	<i>Prunus serulata</i>	13		A	compacted soil	
47	cherry	<i>Prunus serulata</i>	10		P	vertical column of decay	removal
48	cherry	<i>Prunus serulata</i>	6		P	vertical column of decay	removal

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SITE VISIT DATE: 3/14/2019, 4/12/2019



ID Number	Tree Type	Tree Species	Size in inches (dbh)		Vigor	Comments	Recommendation
49	cherry	<i>Prunus serulata</i>		8	A	compacted soil	
50	cherry	<i>Prunus serulata</i>		7	A	compacted soil	
51	maple	<i>Acer rubrum</i>		6	A	will conflict with power lines and streetlight in the future	monitor
52	maple	<i>Acer rubrum</i>		5	A	will conflict with power lines and streetlight in the future	monitor
53	maple	<i>Acer rubrum</i>		3	P	vertical column of decay	removal
54	cherry	<i>Prunus serulata</i>		14	A	girdled roots	street and sidewalk clearance pruning
55	cherry	<i>Prunus serulata</i>		15	A		street and sidewalk clearance pruning
56	cherry	<i>Prunus serulata</i>		13	A		street and sidewalk clearance pruning
57	pear	<i>Pyrus calleryana</i>		8	A		
58	snowbell	<i>Styrax japonicus</i>		6	A		
59	snowbell	<i>Styrax japonicus</i>		6	A		
60	cherry	<i>Prunus serulata</i>		8	A	compacted soil	
61	cherry	<i>Prunus serulata</i>		20	P	girdled roots, compacted soil, restricted roots	removal
62	maple	<i>Acer rubrum</i>		5	A		Monitor grating
63	maple	<i>Acer rubrum</i>		3	A		
64	maple	<i>Acer rubrum</i>		3	P	vertical column of decay near base	removal

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ID Number	Tree Type	Tree Species	Size in inches (dbh)		Vigor	Comments	Recommendation
65	maple	<i>Acer rubrum</i>		2	A		parking lot clearance
66	maple	<i>Acer rubrum</i>		3	A		parking lot clearance
67	maple	<i>Acer rubrum</i>		15	A		parking lot clearance
68	maple	<i>Acer rubrum</i>		10	A		parking lot clearance
69	maple	<i>Acer rubrum</i>		18	A		parking lot clearance
70	maple	<i>Acer rubrum</i>		21	A		parking lot clearance
71	maple	<i>Acer rubrum</i>		19	A		parking lot clearance
72	London planetree	<i>Platanus x acerifolia</i>		29	A	restricted root space, raising pavement	
73	London planetree	<i>Platanus x acerifolia</i>		20	A	restricted root space, raising pavement	
74	cherry	<i>Prunus serulata</i>		11	A	restricted root space, raising pavement	
75	London planetree	<i>Platanus x acerifolia</i>		19	A	restricted root space, raising pavement	
76	London planetree	<i>Platanus x acerifolia</i>		21	A	restricted root space, raising pavement	
77	maple	<i>Acer rubrum</i>		7	A	exposed roots	
78	pear	<i>Pyrus calleryana</i>		5	A		
79	pear	<i>Pyrus calleryana</i>		6	A	vertical column of decay	monitor decay annually
80	pear	<i>Pyrus calleryana</i>		7	A		

OREGON TREE CARE . TREE INVENTORY

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Condition rating key: A- Average, P- Poor

SITE VISIT DATE: 3/14/2019, 4/12/2019



ID Number	Tree Type	Tree Species	Size in inches		Vigor	Comments	Recommendation
			DBH	Height			
81	cherry	<i>Prunus serulata</i>	10		A		
82	hornbeam	<i>Carpinus</i>	5		A		
83	maple	<i>Acer rubrum</i>	2		A		
84	maple	<i>Acer rubrum</i>	2		A		
85	hornbeam	<i>Carpinus</i>	8		A		
86	hornbeam	<i>Carpinus</i>	2		P	vertical column of decay near base	monitor decay annually
87	hornbeam	<i>Carpinus</i>	2		A	vertical column of decay at breast height	monitor decay annually
88	hornbeam	<i>Carpinus</i>	4		A		
89	maple	<i>Acer rubrum</i>	7		A		
90	maple	<i>Acer rubrum</i>	8		A		
91	maple	<i>Acer rubrum</i>	2		A		
92	maple	<i>Acer rubrum</i>	2		A		
93	maple	<i>Acer rubrum</i>	8		A		
94	maple	<i>Acer rubrum</i>	8		P	severe column of decay at base	removal
95	katsura	<i>Cercidiphyllum</i>	18		A		street and sidewalk clearance pruning. Monitor grating
96	maple	<i>Acer rubrum</i>	4		A		Monitor grating

OREGON TREE CARE . TREE INVENTORY

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ID Number	Tree Type	Tree Species	Size in inches		Vigor	Comments	Recommendation
			DBH	Height			
97	ash	<i>Fraxinus pennsylvanica</i>	10		A		
98	ash	<i>Fraxinus pennsylvanica</i>	2		A		
99	ash	<i>Fraxinus pennsylvanica</i>	4		A		
100	ash	<i>Fraxinus pennsylvanica</i>	6		A		
101	maple	<i>Acer griseum</i>	10		A		
102	maple	<i>Acer griseum</i>	9		A		
103	ash	<i>Fraxinus pennsylvanica</i>	10		A		
104	ash	<i>Fraxinus pennsylvanica</i>	8		A		
105	ash	<i>Fraxinus pennsylvanica</i>	5		A		
106	maple	<i>Acer rubrum</i>	10		A		Monitor grating
107	maple	<i>Acer rubrum</i>	4		A		Monitor grating
108	maple	<i>Acer rubrum</i>	6		A		Monitor grating
109	maple	<i>Acer rubrum</i>	8		A		Monitor grating
110	maple	<i>Acer rubrum</i>	11		A	recent cuts to root collar	Monitor grating, monitor annually
111	maple	<i>Acer rubrum</i>	4		A		Monitor grating

OREGON TREE CARE . TREE INVENTORY

CERTIFIED

LOCATION: City of Forest Grove ARBORIST: Damien Carre . PN-6405A

Condition rating key: A- Average, P- Poor

SITE VISIT DATE: 3/14/2019, 4/12/2019



ID Number	Tree Type	Tree Species	Size in inches		Vigor	Comments	Recommendation
			DBH	Height			
112	maple	<i>Acer rubrum</i>	6		A		Monitor grating
113	maple	<i>Acer rubrum</i>	3		A		Monitor grating
114	maple	<i>Acer rubrum</i>	3		A		
115	maple	<i>Acer rubrum</i>	4		A	lowest whorl of lateral branches being damaged by metal brace surrounding tree	Monitor grating, remove brace
116	maple	<i>Acer rubrum</i>	3		A	lowest whorl of lateral branches being damaged by metal brace surrounding tree	Monitor grating, remove brace
117	maple	<i>Acer rubrum</i>	3		A		Monitor grating
118	maple	<i>Acer rubrum</i>	4		A		Monitor grating
119	maple	<i>Acer rubrum</i>	4		A		Monitor grating
120	maple	<i>Acer rubrum</i>	6		A	roots pruned at base	Monitor grating, monitor annually
121	maple	<i>Acer rubrum</i>	4		A		Monitor grating, topsoil/mulch/gravel recommended
122	maple	<i>Acer rubrum</i>	4		A		Monitor grating
123	maple	<i>Acer rubrum</i>	6		A		Monitor grating
124	maple	<i>Acer rubrum</i>	4		A		Monitor grating
125	maple	<i>Acer rubrum</i>	5		A		Monitor grating

OREGON TREE CARE . TREE INVENTORY

CERTIFIED

LOCATION: City of Forest Grove ARBORIST: Damien Carre . PN-6405A

Condition rating key: A- Average, P- Poor

SITE VISIT DATE: 3/14/2019, 4/12/2019



ID Number	Tree Type	Tree Species	Size in inches		Vigor	Comments	Recommendation
			DBH	Height			
126	maple	<i>Acer rubrum</i>	3		A		Monitor grating
127	maple	<i>Acer rubrum</i>	15		A	restricted root space, raising pavement	monitor
128	maple	<i>Acer rubrum</i>	16		A	restricted root space, raising pavement	monitor
129	maple	<i>Acer rubrum</i>	4		A		Monitor grating
130	maple	<i>Acer rubrum</i>	3		A		Monitor grating
131	maple	<i>Acer rubrum</i>	5		A		Monitor grating
132	maple	<i>Acer rubrum</i>	4		A		Monitor grating
133	maple	<i>Acer rubrum</i>	5		A		Monitor grating
134	maple	<i>Acer rubrum</i>	5		A		Monitor grating
135	maple	<i>Acer rubrum</i>	4		A		Monitor grating
136	maple	<i>Acer rubrum</i>	4		A		Monitor grating
137	maple	<i>Acer rubrum</i>	5		A		Monitor grating
138	maple	<i>Acer rubrum</i>	3		A		Monitor grating
139	maple	<i>Acer rubrum</i>	2		A	bike chain @ base of tree, future issue with girdling	Monitor grating, remove bike chain

OREGON TREE CARE . TREE INVENTORY

CERTIFIED

LOCATION: City of Forest Grove ARBORIST: Damien Carre . PN-6405A

Condition rating key: A- Average, P- Poor

SITE VISIT DATE: 3/14/2019, 4/12/2019



ID Number	Tree Type	Tree Species	Size in inches (dbh)	Vigor	Comments	Recommendation
140	maple	<i>Acer rubrum</i>	2	A		Monitor grating
141	maple	<i>Acer rubrum</i>	4	A		Monitor grating
142	maple	<i>Acer rubrum</i>	4	A		Monitor grating
143	maple	<i>Acer rubrum</i>	2	A		Monitor grating
144	maple	<i>Acer rubrum</i>	3	A		Monitor grating
145	maple	<i>Acer rubrum</i>	6	A	cuts at base of tree	Monitor grating, monitor annually
146	maple	<i>Acer rubrum</i>	4	A		Monitor grating
147	maple	<i>Acer rubrum</i>	6	A		Monitor grating
148	maple	<i>Acer rubrum</i>	6	A		Monitor grating
149	maple	<i>Acer rubrum</i>	8	A		Monitor grating
150	maple	<i>Acer rubrum</i>	2	A		Monitor grating
151	sweetgum	<i>Liquidambar styraciflua</i>	27	A	compacted soil, exposed root flare	Monitor grating
152	sweetgum	<i>Liquidambar styraciflua</i>	50	A	compacted soil, exposed root flare, girdled root, no evidence of prior pruning	root prune recommended to mitigate girdled root, full structural pruning recommended
153	maple	<i>Acer rubrum</i>	1.5	A		Monitor grating

OREGON TREE CARE . TREE INVENTORY

CERTIFIED

LOCATION: City of Forest Grove ARBORIST: Damien Carre . PN-6405A

SITE VISIT DATE: 3/14/2019, 4/12/2019



Condition rating key: A- Average, P- Poor

ID Number	Tree Type	Tree Species	Size in inches		Vigor	Comments	Recommendation
			DBH	Height			
154	maple	<i>Acer rubrum</i>	4		A	vertical column of decay	Monitor grating, monitor decay annually
155	maple	<i>Acer rubrum</i>	4		A		Monitor grating
156	maple	<i>Acer rubrum</i>	6		A	wound at base of tree	Monitor grating, monitor annually
157	maple	<i>Acer rubrum</i>	2		A		
158	maple	<i>Acer rubrum</i>	2		A		
159	maple	<i>Acer rubrum</i>	2		A		
160	maple	<i>Acer rubrum</i>	2		A		
161	maple	<i>Acer rubrum</i>	2		A		
162	maple	<i>Acer rubrum</i>	2		A		
163	maple	<i>Acer rubrum</i>	2		A		
164	maple	<i>Acer rubrum</i>	7		A		Monitor grating
165	maple	<i>Acer rubrum</i>	6		A		Monitor grating
166	maple	<i>Acer rubrum</i>	8		A		Monitor grating
167	oak	<i>Quercus rubra</i>	19		A		upper crown pruning

OREGON TREE CARE . TREE INVENTORY

CERTIFIED

LOCATION: City of Forest Grove ARBORIST: Damien Carre . PN-6405A

Condition rating key: A- Average, P- Poor

SITE VISIT DATE: 3/14/2019, 4/12/2019



ID Number	Tree Type	Tree Species	Size in inches		Vigor	Comments	Recommendation
			DBH	Height			
168	oak	<i>Quercus rubra</i>	26		A		upper crown pruning
169	oak	<i>Quercus rubra</i>	28		A	small girdled root	upper crown pruning
170	maple	<i>Acer rubrum</i>	5		A		Monitor grating
171	maple	<i>Acer rubrum</i>	4		A		Monitor grating
172	maple	<i>Acer rubrum</i>	4		P		Monitor grating, monitor annually
173	maple	<i>Acer rubrum</i>	4		A		Monitor grating
174	maple	<i>Acer rubrum</i>	4		A		Monitor grating
175	maple	<i>Acer rubrum</i>	4		A		Monitor grating
176	maple	<i>Acer rubrum</i>	10		A		Monitor grating
177	maple	<i>Acer rubrum</i>	8		A		Monitor grating
178	maple	<i>Acer rubrum</i>	9		A		Monitor grating
179	maple	<i>Acer rubrum</i>	9		A	cuts at base of tree	Monitor grating, monitor annually
180	maple	<i>Acer rubrum</i>	4		P	vertical column of decay all the way up trunk	removal
181	maple	<i>Acer rubrum</i>	6		A		Monitor grating

OREGON TREE CARE . TREE INVENTORY

CERTIFIED

LOCATION: City of Forest Grove ARBORIST: Damien Carre . PN-6405A

Condition rating key: A- Average, P- Poor

SITE VISIT DATE: 3/14/2019, 4/12/2019



ID Number	Tree Type	Tree Species	Size in inches		Vigor	Comments	Recommendation
			DBH	Height			
182	maple	<i>Acer rubrum</i>	10		A		Monitor grating
183	maple	<i>Acer rubrum</i>	9		A		Monitor grating
184	maple	<i>Acer rubrum</i>	5		A	vertical column of decay at base	Monitor grating, monitor decay annually
185	maple	<i>Acer rubrum</i>	8		A		Monitor grating
186	maple	<i>Acer rubrum</i>	8		A		Monitor grating
187	maple	<i>Acer rubrum</i>	8		A	cuts at base of tree	Monitor grating, monitor annually
188	maple	<i>Acer rubrum</i>	6		A	cuts at base of tree	Monitor grating, monitor annually
189	maple	<i>Acer rubrum</i>	10		A	compacted soil	
190	maple	<i>Acer rubrum</i>	15		A	compacted soil	
191	pine	<i>Pinus jeffreyi</i>	12		A		
192	fir	<i>Pseudotsuga menziesii</i>	13		A		
193	fir	<i>Pseudotsuga menziesii</i>	10		A		
194	plum	<i>Prunus cerasifera</i>	10		A		
195	plum	<i>Prunus cerasifera</i>	10		A		

OREGON TREE CARE . TREE INVENTORY

CERTIFIED

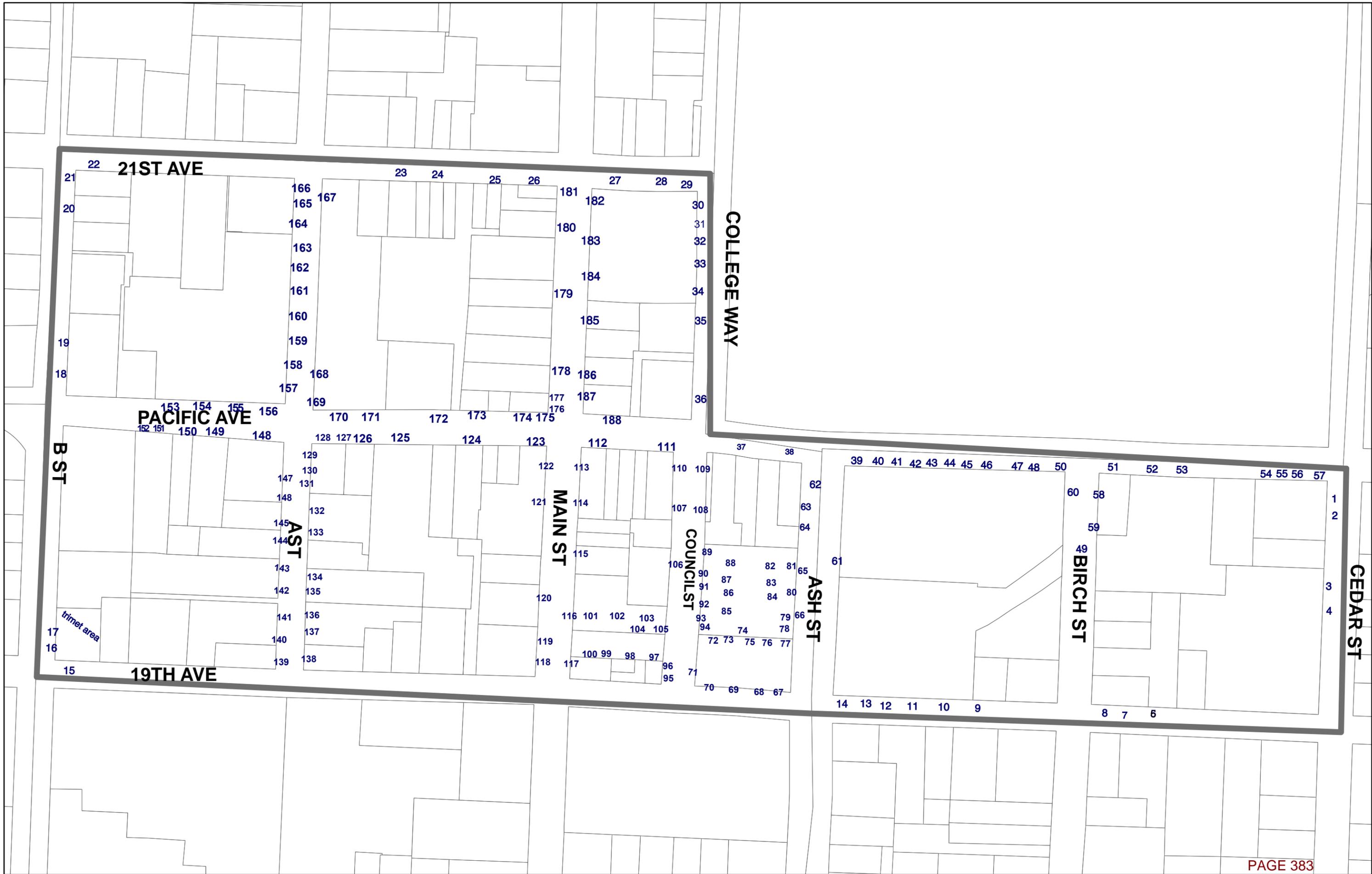
LOCATION: City of Forest Grove ARBORIST: Damien Carre . PN-6405A

Condition rating key: A- Average, P- Poor

SITE VISIT DATE: 3/14/2019, 4/12/2019



ID Number	Tree Type	Tree Species	Size in inches (dbh)	Vigor	Comments	Recommendation
196	fir	<i>Pseudotsuga menziesii</i>	8	A		
197	fir	<i>Pseudotsuga menziesii</i>	13	A		
198	maple	<i>Acer rubrum</i>	10	A	compacted soil, exposed roots	
199	oak	<i>Quercus garryana</i>	43	A	no evidence of prior pruning	structural pruning
200	plum	<i>Prunus cerasifera</i>	12	A	compacted soil	
201	plum	<i>Prunus cerasifera</i>	10	A	compacted soil	
202	maple	<i>Acer rubrum</i>	8	A	compacted soil	



COLLEGE WAY

21ST AVE

PACIFIC AVE

19TH AVE

MAIN ST

COUNCIL ST

ASH ST

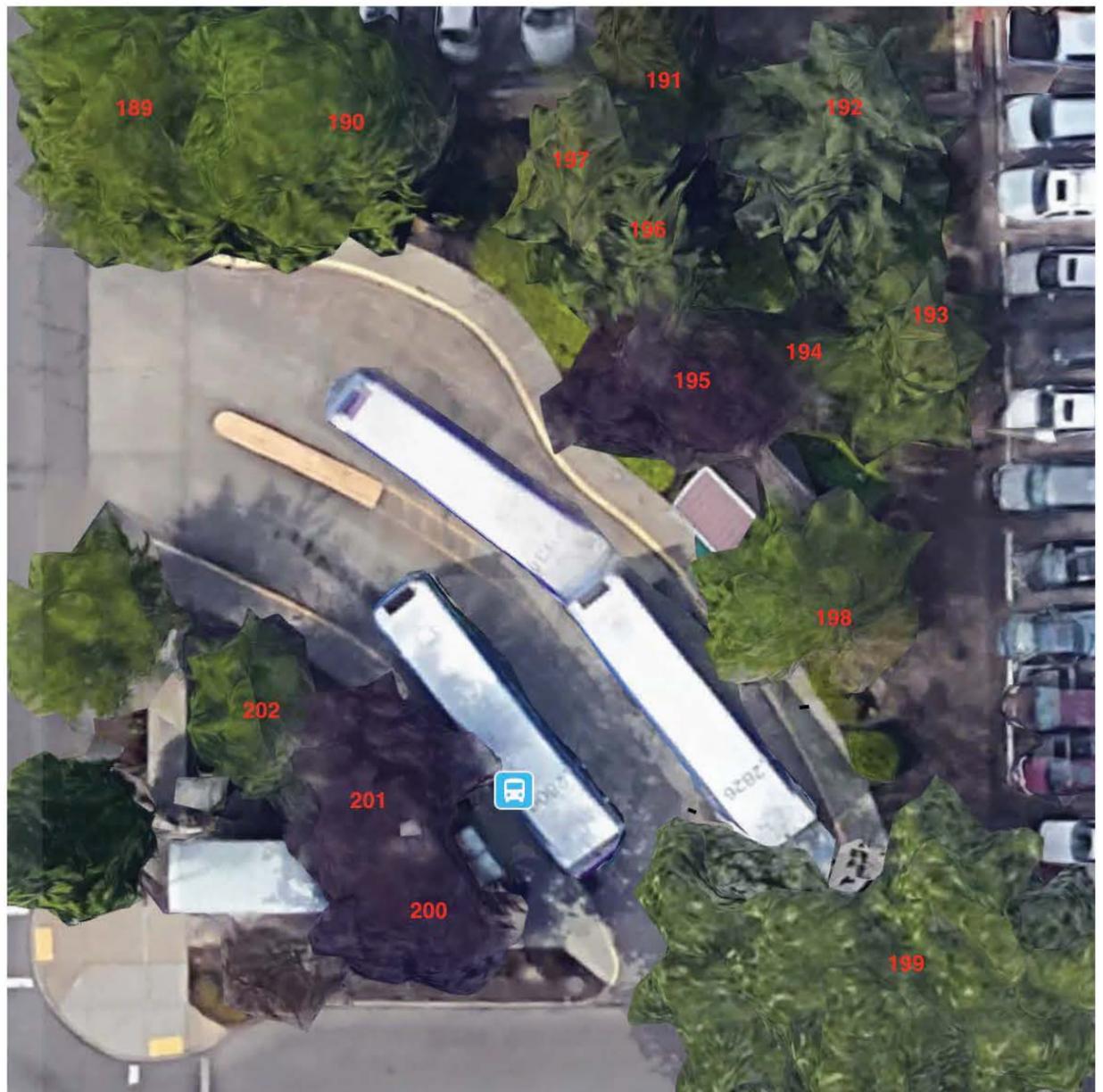
BIRCH ST

CEDAR ST

B ST

AST

trimet area





Town Center Street Tree Inventory and Assessment Request for Letters of Interest

Submittal Deadline: Friday, October 12, 2018, 4:30 pm Pacific Daylight Time.

Introduction and Project Objectives

The City of Forest Grove is soliciting letters of interest from certified consulting arborist interested in preparing a street tree inventory and assessment for the Forest Grove Town Center. The street trees downtown were planted decades ago. Over time problems with conflicts between street trees, sidewalks, signs and buildings have occurred. In some cases pedestrian safety has been compromised due to sidewalk damage causing tripping hazards. This is most notable along Main Street which is a high pedestrian area. Adjacent property owners have generally not kept up with maintenance of the street trees. As a result several trees have grown too large and roots have caused damage to sidewalks, sewer and water lines.

A baseline of information is needed to fully assess the situation and to serve as basis for preparing recommendations for managing street trees in the downtown. At a minimum, information is needed about street tree location, tree type, height, size, condition and presence of conflicts with buildings, sidewalks and signs if any.

Assessment of conditions requires expertise by trained professionals certified in performing visual tree assessments based on generally accepted practices sanctioned by the organizations such as the International Society of Arboriculture.

Information gathered by the consultant will be entered in the City's GIS and used to develop policy recommendations for management of the downtown street trees for consideration by the Community Forestry Commission and City Council. Recommendations will address appropriate tree varieties to plant in a downtown environment, locations for additional tree planting, location of trees recommended for removal based on the tree assessment and policies for ongoing maintenance and shared responsibility for tree care between the City, property and business owners. The City is also interested in recommendations for locations where new street trees could be planted.

A map of the study area is provided on the next page. The project area includes approximately 150 street trees. The maximum budget for this project is \$4,800.

In response to this solicitation the following items must be included in a letter of interest:

- **Qualifications:** Provide a brief description of firm qualifications and experience successfully completing similar projects. Please briefly describe experience conducting urban forest tree inventories and urban forest management recommendations for governmental agencies. Also, please describe any experience using Geographic Information System (GIS) software for tree inventories and analysis.
- **Personnel:** name and contact information for project manager and indication of personnel assigned to the project.
- **Scope of Services:** summarize the services you will provide, approach to the scope of work and recommendations for changes, if any.
- **Timeline:** Estimate of project duration expressed in number of days after receiving the City's notice to proceed. Please include a statement confirming the consultant is available and has the time and resources necessary to complete the project within the specified timeline.
- **Cost:** Hourly rate for assigned personnel, anticipated time allocation/budget for assigned personnel and lump sum fee proposal.

Consultant selection will include review of letters of interest by the City of Forest Grove Community Forestry Commission. The Commission may request additional information and may conduct interviews prior to selecting the project consultant.

For any questions contact:

- Dan Riordan, Community Forestry Commission staff liaison at (503) 992-3226 or driordan@forestgrove-or.gov.

Mail submittals to:

City of Forest Grove
Community Development Department
PO Box 326
Forest Grove, OR 97116

In person submittals to:

City of Forest Grove
Community Development Department
1924 Council Street

Submittal deadline: Friday, October 12, 2018, 4:30 pm Pacific Daylight Time,

Appendix C - Assumptions & Limiting Conditions

1. Consultant assumes that any legal description provided to Consultant is correct and that title to property is good and marketable. Consultant assumes no responsibility for legal matters. Consultant assumes all property appraised or evaluated is free and clear, and is under responsible ownership and competent management.
2. Consultant assumes that the property and its use do not violate applicable codes, ordinances, statutes or regulations.
3. Although Consultant has taken care to obtain all information from reliable sources and to verify the data insofar as possible, Consultant does not guarantee and is not responsible for the accuracy of information provided by others.
4. Client may not require Consultant to testify or attend court by reason of any report unless mutually satisfactory contractual arrangements are made, including payment of an additional fee for such Services.
5. Unless otherwise required by law, possession of this report does not imply right of publication or use for any purpose by any person other than the person to whom it is addressed, without the prior express written consent of the Consultant.
6. Unless otherwise required by law, no part of this report shall be conveyed by any person, including the Client, the public through advertising, public relations, news, sales or other media without the Consultant's prior express written consent.
7. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a specific value, a stipulated result, the occurrence of a subsequent event or upon any finding to be reported.
8. Sketches, drawings and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys. The reproduction of any information generated by architects, engineers or other consultants and any sketches, drawings or photographs is for the express purpose of coordination and ease of reference only. Inclusion of such information on any drawings or other documents does not constitute a representation by Consultant as to the sufficiency or accuracy of the information.
9. Unless otherwise agreed, (1) information contained in this report covers only the items examined and reflects the condition of the those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, climbing, or coring. Consultant makes no warranty or guarantee, express or implied that the problems or deficiencies of the plans or property in question may not arise in the future.
10. Loss or alteration of any part of this Agreement invalidates the entire report.

Appendix D – Bibliography & Glossary

Partial Glossary of Terms

DBH: Diameter at Breast Height, typically measured at four and a half feet from ground level.

Girdling: A root that grows around the trunk of the tree thus tending to strangle the tree.

Pruning: The act of sawing or cutting branches from a living tree generally involving thinning, deadwood removal and weight reduction to improve the overall health of a tree. The species and size/age of the tree will determine the proper amount of reduction and type of cuts performed.

Risk: Likelihood or probability that something will happen. Usually associated with negative consequences. In tree management, the likelihood that a tree or tree part will fall and cause injury or damage.

Root flare: the area at the base of the trunk that swells out to become buttress roots entering the soil.

Vigor: A measure of the increase in plant growth or foliage volume through time after planting.

OTC Cares

Caring for our environment stems from a deep knowledge of trees. How they work, what keeps them healthy, and knowing when to remove a hazard tree is all part of our training. The International Society of Arboriculture (ISA) sets the industry standard for proper care. Our Certified Arborists are tested and approved by the ISA. With annual education requirements, we stay current in our knowledge and qualifications.

Respectfully Submitted,

A handwritten signature in black ink that reads "Damien Carré". The signature is written in a cursive, flowing style.

Damien Carré – Owner

- Certified Arborist, ISA (PN-6405A)
- Certified Tree Risk Assessor (CTRA 1717)
- Over 20 years' experience in the arboriculture industry
- ISA, PNW-ISA Member, TCIA Member
- PNW-ISA Arborist of The Year 2016
- Ascending the Giants, Board Member; non-profit documenting the champion trees in the Pacific Northwest
- PNW-ISA, member representative for course design and setup to the Local, Regional, National and International Climbing Championships

Disclaimer

Arborists are specialists in tree management and care who use their education, knowledge, training and experience to inspect and assess tree health and condition, recommend measures that are likely to enhance the health and beauty of trees, and attempt to identify measures that reduce risk of personal injury or property damage from trees exhibiting defects. Clients may choose to accept or disregard the recommendation of the arborist, or to seek additional advice. Arborists cannot detect every condition that could possibly lead to the structural failure or decline in health of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time.

Likewise, the response to any remedial treatments, like any medicine, cannot be guaranteed. Treatment, pruning or removal of trees may involve considerations beyond the scope of the Arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the Arborist. An Arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

In order to accomplish a full assessment and to produce the best information, historical data on each tree (from past observations and reporting) should be provided in accordance with standard systematic tree assessment practices. OTC sincerely has the interest of not only the tree and the environment in mind, but also the residents.

-END-



<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	9.
MEETING DATE:	08/12/2019
FINAL ACTION:	

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *August 12, 2019*

PROJECT TEAM: *Jeff King, Economic Development Manager*

SUBJECT TITLE: *Economic Development Strategic Plan*

ACTION REQUESTED:

Ordinance	Order	X	Resolution	Motion	Informational
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X all that apply

PURPOSE:

To present the Forest Grove Economic Development Strategic Plan for potential adoption by the City Council.

BACKGROUND:

In 2009, the Economic Development Commission (EDC) developed a Strategic Plan (Plan) to guide economic development programs and efforts within the City. A new Plan was developed in 2015 which was intended for three years through 2018.

Recognizing the Plan needed an update, the City Council passed Objective 3.17 in 2019 which states, “Update Economic Development Strategic Plan.” In furtherance of this goal, staff worked closely with EDC to conduct a SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis, solicit public input, and review, revise and update the 2015 Plan.

The EDC approved the draft Plan at their June 6, 2109 meeting. The draft Plan differs from the 2015 Plan in the following ways: 1) It is an economic development plan for the City of Forest Grove, not just the Economic Development Commission, 2) It includes a Vision Statement, 3) It consolidates 19 previous goals into 7 goals, 4) It contains a list of key external partners to aid in the accomplishment of each goal; 5) It highlights and adds Equity as a key component of the Plan; and 6) It contains measurements to help determine the success of the Plan and make possible amendments in the future to improve it.

The draft Plan was presented to City Council at a work session on June, 24, 2019. The City Council suggested several revisions that were incorporated into the final Plan that is appended to this memo. The revisions that were incorporated include:

- Vision Statement: The word *foster* replaced the word *provides*.
- Goal #1: The word *retention* was added.
- Goal #3: The word *retention* was added.

- Measures: The measures were previously aggregated and listed in the appendix of the draft Plan. The measures in the final Plan were moved to the Goal in which they most closely applied. The general measures which applied to all goals remain in the appendix.
- Measures: The wording of several measures were refined or added to increase clarity.
- Appendix: The local economic indicators of Forest Grove were added to the appendix.
- Appendix: A summary of the SWOT analysis was added to the appendix.

STAFF RECOMMENDATION:

Staff recommends City Council approve the resolution adopting the Forest Grove Economic Development Strategic Plan.

ATTACHMENTS:

- A) Final Economic Development Strategic Plan
- B) Resolution
- C) PowerPoint



ECONOMIC DEVELOPMENT STRATEGIC PLAN

Council Meeting
JEFFREY KING, ECONOMIC DEVELOPMENT MANAGER

Purpose

- Presentation of Forest Grove Economic Development Strategic Plan (Plan)
- Council consideration and possible adoption of the Plan

Background

- Economic Development Commission (EDC) passed a Strategic Plan in 2009 and a three-year update in 2015.
- City Council passed Objective 3.17 in 2019 which states: “Update Economic Development Strategic Plan.”
- EDC approved a Draft Strategic Plan on June 6 and forwarded to Council for consideration.

Background

- The Council held a Work Session on the draft Strategic Plan on June 24, 2019.
- The Strategic Plan presented tonight has been updated to reflect Council comments.

Background

The major changes to the Strategic Plan that resulted from the Work Session include:

- Vision Statement: Replaced ‘provides’ with “fosters”
- The word *retention* was added to Goals 1 and 3.
- A “Definitions” section was added.
- Several measures were refined.
- Measures pertaining to a specific Goal were placed under that Goal.
- An Appendix was added that includes 1) General measurements, 2) Annual Economic Indicators, and 3) a SWOT analysis previously done by EDC.

Background

This Plan differs from the previous Plan as follows:

1. Adds a Vision Statement
2. Consolidates 19 goals into 7
3. Lists key external partners for each goal
4. Adds equity elements
5. Adds measurements to track success

Vision

A strong, sustainable, local economy that fosters opportunity and prosperity for the whole community.

Mission

We foster a vibrant economic climate that encourages and attracts sustainable and equitable business development through strategically focused policies and programs, collaboration and partnerships.

Definitions

- Short Term – Less than two years.
- Long Term – More than two years.
- Measurements – Metrics that reflect the success of the Strategic Plan. The metrics will be compiled into a report that is given to the Economic Development Commission and City Council on an annual basis.
- Annually – a calendar year unless otherwise specified.

Goals

1. Support Industrial and Commercial Business Growth and Retention
2. Expand Opportunities for Entrepreneurship and Innovation
3. Support Small Business Development and Retention
4. Assist in the Development of a Prosperous Downtown
5. Expand the Economic Impact of Tourism
6. Foster a Competitive Business Climate That Supports Economic Growth
7. Expand Partnership, Outreach, and Equity Efforts

Objectives

External Partners

Measurements

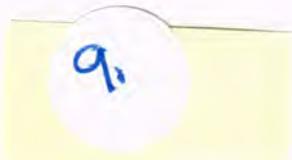
To assure a successful Plan, each are listed under every Goal.

Appendix

- General Measurements. These measurements apply to the overall Plan.
- Annual Forest Grove Economic Indicators. These indicate the status and trend of the economy.
- SWOT Analysis Summary. This was done by the Economic Development Commission.

Questions?

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RESOLUTION NO. 2019-42

**RESOLUTION ADOPTING THE CITY OF FOREST GROVE
2020 ECONOMIC DEVELOPMENT STRATEGIC PLAN**

WHEREAS, Resolution No. 2007-45 provided for an Economic Development Commission (EDC) to advise and make recommendations to City Council on economic development policy and issues and to support advancing the economy and prosperity of Forest Grove; and

WHEREAS, Economic growth and prosperity are important to the overall quality of life for the community of Forest Grove; and

WHEREAS, The City Council, as part of their 2019 Goals and Objectives Plan, passed Objective 3.17 which states, "Update Economic Development Strategic Plan"; and

WHEREAS, The Forest Grove Economic Development Commission (EDC) reviewed past strategic plans, current and past economic trends and indicators, performed a SWOT analysis, and received public input; and

WHEREAS, the EDC approved a draft Economic Development Strategic Plan (Plan) on June 6, 2019, and recommended approval to the City Council; and

WHEREAS, the City Council held a work session to review the draft Plan on June 24, 2019, and recommended several changes; all of which have been incorporated into the final Plan (Exhibit A).

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

Section 1. The City Council hereby adopts the 2020 Forest Grove Economic Development Strategic Plan (Exhibit A).

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of August, 2019.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of August, 2019.

Peter B. Truax, Mayor

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WELCOME TO FOREST GROVE
Home of Pacific University

ECONOMIC DEVELOPMENT STRATEGIC PLAN

Forest Grove, Oregon
1924 Council Street
Forest Grove, OR 97116
www.forestgrove-or.gov

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ECONOMIC DEVELOPMENT STRATEGIC PLAN

VISION STATEMENT

A strong, sustainable, local economy that fosters opportunity and prosperity for the whole community.

MISSION STATEMENT

We foster a vibrant economic climate that encourages and attracts sustainable and equitable business development through strategically focused policies and programs, collaboration and partnerships.

DEFINITIONS

Short Term – Less than two years.

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Measurements – Metrics that reflect the success of the Strategic Plan. The metrics will be compiled into a report that is given to the Economic Development Commission and City Council on an annual basis.

Annually – A calendar year unless otherwise specified.

GOAL 1. SUPPORT INDUSTRIAL AND COMMERCIAL BUSINESS GROWTH AND RETENTION

OBJECTIVES

SHORT TERM

- Provide direct assistance and high quality customer service to help new companies navigate the permitting process and access program resources.
- Proactively work to identify a 20-year supply of employment lands and target initiatives to increase market-ready certified sites.
- Evaluate and refine permitting process, where needed, to increase efficiencies and predictability and ensure a user-friendly experience.
- Review Forest Grove's competitive advantages and ensure that these are on the City's website and part of advertising and marketing collateral.
- Maintain and market an inventory of available sites and buildings, socio-economic data, program resources and incentives.
- Complete Oak Street Area Concept Plan.

LONG TERM

- Implement business attraction strategies for both traded sector and larger commercial businesses tailored to their specific needs.
- Respond, in collaboration with partners, to business leads and companies whose targets include Forest Grove.
- Maintain and manage business retention and expansion program.
- Prioritize marketing to targeted traded sector key industry clusters such as Advanced Manufacturing and those identified in the Economic Opportunity Analysis. Maintain an incentive toolkit.

- Convene local industry clusters to build networks, understand needs and address priorities.

MEASUREMENTS

- Total assessed value – industrial.
- Total assessed value – commercial.
- Total square footage –industrial.
- Total square footage – commercial.
- Industrial square footage vacancy rate.
- Commercial square footage vacancy rate.
- Number of Business Enterprise Zone applications.

STRATEGIC EXTERNAL PARTNERS

Forest Grove-Cornelius Chamber of Commerce, Business Oregon, Forest Grove EDC, Greater Portland Inc., Westside Economic Alliance, Commercial Brokers, and Site Selectors.

GOAL 2. EXPAND OPPORTUNITIES FOR ENTREPRENEURSHIP AND INNOVATION

OBJECTIVES

SHORT TERM

- Study opportunities with partners to establish an accelerator, incubator, or maker space to support entrepreneurship and innovation.
- Host and participate in conferences, workshops, and training that promote innovation and entrepreneurial development.

LONG TERM

- Establish and maintain stronger ties with Pacific University School of Business and related institutes, Forest Grove High School, and emerging Clean Water Services environmental and wetland technologies and concepts to encourage innovation and entrepreneurship opportunities.
- Disseminate information on efforts to encourage start-ups and innovation strategies in Forest Grove.

MEASUREMENTS

- Prepare a report on the potential to establish innovation/entrepreneurship initiatives, including a center in Forest Grove.

STRATEGIC EXTERNAL PARTNERS

Pacific University-School of Business, Forest Grove High School, Portland Community College, Clean Water Services, Oregon Entrepreneurs Network, PCC Small Business Development Center, SCORE.

GOAL 3. SUPPORT SMALL BUSINESS DEVELOPMENT AND RETENTION

OBJECTIVES

SHORT TERM

- Disseminate and maintain information, technical assistance, programs, initiatives, and incentives that support small business growth and operations.
- Work to identify and address the challenges and barriers faced by Latino businesses and other groups in an effort to support a more diverse and inclusionary business community.

LONG TERM

- Convene resource partners and small businesses to better understand existing resources and the needs and challenges faced by small business.

MEASUREMENTS

- Number of Marketlink Market Analysis Reports completed.
- Number of Business Program applications completed.

STRATEGIC EXTERNAL PARTNERS

Forest Grove-Cornelius Chamber of Commerce, Pacific University- School of Business, PCC Small Business Development Center, Columbia-Pacific Economic Development District, Adelante Mujeres, Micro-Enterprise Services of Oregon, Mercy Corps NW, SCORE, Local and Regional Banks, Commercial Brokers.

GOAL 4. ASSIST IN THE DEVELOPMENT OF A PROSPEROUS DOWNTOWN

OBJECTIVES

SHORT TERM

- Partner with the private sector to improve the attractiveness of downtown through implementation of the Town Center Plan.
- Work with partners to enhance organizational capacity to better promote downtown events, activities, and the interests of downtown. Research the possibility of a Main Street program.

LONG TERM

- Continue to work with property owners and brokers with site development and vacant space reduction while seeking a diverse mix of businesses.

- Support and promote a vibrant and active City Center through unique, colorful, and family-friendly events that draw new visitors.

MEASUREMENTS

- Number of Storefront Façade Program projects completed.
- Number of net new businesses.
- Reach decision on Main Street Program.

STRATEGIC EXTERNAL PARTNERS

City Club of Forest Grove, Forest Grove -Cornelius Chamber of Commerce, Small Business Development Centers, Micro-Enterprise Services of Oregon, Oregon Main Street, Commercial Brokers, Property Owners.

GOAL 5. EXPAND THE ECONOMIC IMPACT OF TOURISM

OBJECTIVES

SHORT TERM

- Serve on the tourism advisory committee (TAC) to increase support and awareness of tourism strategies.

LONG TERM

- Develop strategies for marketing, branding, capital projects, and event development through contracted services.
- Enhance and strengthen collaborations with tourism amenity operators and opportunities: local wineries, Hagg Lake, bicycling trails, and regional parks and forests.

MEASUREMENTS

- Overnight lodging stays per year.
- Transit Lodging Tax revenues per year.

STRATEGIC EXTERNAL PARTNERS

Washington County Visitors Association, Forest Grove Tourism Services Contractor, Forest Grove-Cornelius Chamber of Commerce, Travel Portland, Travel Oregon, Washington County Parks & Recreation (Hagg Lake), Oregon Forestry Department (Tillamook Forest), Oregon Parks & Recreation, North Willamette Vintners Assoc., Local Tourism Amenity Operators.

GOAL 6. FOSTER A COMPETITIVE BUSINESS CLIMATE THAT SUPPORTS ECONOMIC GROWTH

OBJECTIVES

SHORT TERM

- Support transportation investments that enhance freight mobility and access, community livability, connectivity, congestion reduction, and public transit options.
- Maintain adequate supply of water, wastewater capacity, and power and telecommunication utilities to support planned business growth.
- Maintain affordable power as a competitive advantage for Forest Grove.
- In collaboration with the Forest Grove-Cornelius Chamber of Commerce, Forest Grove High School and Pacific University, Increase local employment opportunities through the establishment of a local job board: employee-employer job match platform.

LONG TERM

- Work with businesses to enhance understanding, access, and use of workforce programs.
- Coordinate K-12 and higher education institutions with local companies to better understand current and future needs of business, enhance workforce skills, and identify employment opportunities.

MEASUREMENTS

- Power price benchmarked against providers in the region.
- Water price benchmarked against providers in the region.
- Number of broadband infrastructure companies providing service in Forest Grove benchmarked against companies providing services in the region.

STRATEGIC EXTERNAL PARTNERS

Portland Community College, Pacific University , Forest Grove High School, Oregon Work Source Centers, Work system, Inc. Frontier, Electric Light Wave, Comcast, Washington County Land Use and Transportation. Oregon Department of Transportation, Metro, Tri-Met, Forest Grove Light and Power, Clean Water Services.

GOAL 7. EXPAND PARTNERSHIP, OUTREACH, AND EQUITY EFFORTS

OBJECTIVES

SHORT TERM

- Work to understand and reduce barriers that Latinos and other diverse populations face in starting and operating businesses.
- Proactively coordinate with regulatory agencies to reduce delays and barriers to development.

LONG TERM

- Work to increase access and utilization of services to diverse members of community.
- Collaborate locally and regionally to establish strategic relationships in support of economic development priorities.
- Represent Forest Grove’s economic development interests and needs externally in the region and state by increasing visibility and engagement.
- Develop outreach strategies to educate the public about the City’s economic development strategies.
- In coordination with the leadership of the Forest Grove –Cornelius Chamber, celebrate business achievements and consider an annual awards program.

MEASUREMENTS

- Completion of equity research study identifying barriers for Latino small businesses.
- Increase understanding and reduce barriers for minority-owned start-ups.
- Assure minority representation on EDC through outreach efforts.
- Number of regional/partners organizations participated in.
- Number of minority or economically disadvantaged persons/businesses assisted.

STRATEGIC EXTERNAL PARTNERS

Pacific University, Forest Grove-Cornelius Chamber of Commerce, City Club of Forest Grove, Adelante Mujeres, Business Oregon, Greater Portland Inc., Portland Community College, Work Source/Oregon Employment Department, Metro, Washington County Visitors Association, Micro Enterprise Services of Oregon, PCC Small Business Development Center.

APPENDIX A

STRATEGIC PLAN GENERAL MEASUREMENTS

- Number of jobs created.
- Number of leads generated.
- Number of impressions.
- Number of businesses provided assistance.
- Number of businesses accessing workforce services.

ANNUAL FOREST GROVE ECONOMIC INDICATORS

- Population and growth rate.
- Unemployment rate.
- Median household income.
- Average wage.
- Total employment.
- Forest Grove employment sectors.
- Education attainment.
- Poverty rate.

STRENGTHS, WEAKNESSES, OPPORTUNITIES, AND THREATS (SWOT) ANALYSIS

S

- Great Downtown
 - Tourism draw
- Low power/utility rates
- Full Service City – utilities, infrastructure, etc.
- Fiber optics
- Quality of Life
- Pacific University
 - Academic conferences attract attendees from around the world – global exposure; they spend dollars on local eateries, hotels
- Clean, Cheap water
 - Public ownership - “we control our fate”
 - Stable – we have a back-up source
- 3 Tier One large lot industrial sites (Tier One = development-ready)
- Wineries
- Tremendous nearby recreational assets – Fern Hill Reservoir; Hagg lake; trails
- Farmers’ Market Great Events – Concours d’Elegance; Sidewalk Art Festival
- Historic Districts – 3 residential; DT HD in the works
- Hollywood has discovered us – university, other “sets” for films/tv/ads
- Business Friendly City administration
 - Entitlements – parallel path rather than sequential, allows for quicker process timelines
 - Collaborative spirit
 - Supportive, encouraging staff
 - Facilitates engagement with other regulatory entities – e.g. CWS
- Tools
 - Urban Renewal
 - Enterprise Zone
 - E Commerce
 - Business Incentive program
- Urban Renewal Area (formed 2014)
- Jesse Quinn – new mixed use development
- McMenamin’s/Grand Lodge
- Business Diversity
- Local ownership of business
- Agricultural Identity
 - Our roots & heritage – sense of place – character – not a generic suburb
 - Where we come from; who we are
 - Advantage of being on the edge of the Portland region – “I can breathe”; livability
- Agriculture not just about the past – new Ag business is growing; Example: nursery, organics
- History – oldest City in the County
- Strong working relationships with nearby communities, e.g. Cornelius
- Latino business assistance
 - Adelante Mujeres
 - Centro Cultural
- Forest Grove HS – high AP class percentage; lots of extra-curriculars; hosts sporting events-expands exposure.
- City has a good bond rating (but see discussion in weaknesses re: need to diversify the tax base

W

- Distance from highways (26)
 - Long travel times to PDX, DT Portland
- Industrial Areas have challenging access – narrow streets, difficult for trucks to navigate
- Workforce “daily exodus”
 - 83% of working residents commute to jobs in other jurisdictions
 - Higher wages in Hillsboro, Beaverton, Portland – tough for local companies to compete for FG workers
- “End of the line” – no pass-through customers
- Commute patterns bypass commercial areas – lost opportunity to capture customers
- Logjam east of Highway 47; Cornelius has Fred Meyer, Walmart because it is easier to access
- Limited transit options
- Only one grocery store
- Challenge in attracting/retaining skilled workforce – more work, better pay in Hillsboro and points east
 - A person can make more money in construction in Portland than a manufacturing job in FG
- Schools – flat growth projected for the next twenty years
- School funding (however – Forest Grove was the only place in Oregon during the recession to approve a bond)
- Schools are “adequate”; particularly given the funding
- Kids are going to other schools – transferring to other districts (i.e. Gaston) or private
- Some industrial lots are Tier 3 (difficult to develop due to infrastructure capacity, transportation deficiencies)
- Perception of distance from Portland; perception that Forest Grove is “on the coast” or close to it
- Property tax revenue base imbalanced – too much residential (a tax “taker”) and not enough industrial (a tax “giver”)
- Tax base needs to be more diversified – bond counsel tells us our rating would be stronger if the tax base were more diverse
- Rising rents – making housing (workforce in particular) less affordable
- Dearth of hotel rooms – need more hotels, particularly upper end/4 star
- Lack of parking downtown – holding us back
- Lack of a hospital, only urgent care clinic



- Trails in the region (Salmonberry, Council Creek, Yamhalis) – Forest Grove not connected, but could be the hub – attract Eco-tourists, generate more demand for hotels, restaurants
- Metro Open Space bond – could help address prior point
- Wine Country – could Forest Grove get a resort hotel like the Allison in Newberg?
- WCVA – how might we tap into their resources and energy more
- TLT – do a strategic plan to guide our efforts; deploy these dollars strategically/intentionally
- Craft breweries – let's attract one or several – give people a local option rather than have to go to DT Portland, etc.
- Downtown parking study (underway) – opportunity to strengthen business district
- Town Center Plan (underway) – opportunity to guide future UR and other investments in bolstering DT
- Clusters to build on: tech; food including ag tech
 - Opportunity to diversify our economy
- Connections between our businesses and local farmers (e.g. distillery, bakery) for our businesses
- High Tech – opportunity to attract more suppliers to Intel, etc.; spin-offs; Example: MGC
- Ag – same – opportunity to attract more suppliers, spin-offs
- Strengthen ties between schools and businesses tied to vocational training; Schools have a new hire in Food Services
- FG has a disproportionately high percentage of seniors opportunity to expand medical service businesses/cluster
 - Maple Street Clinic is increasing its services; they've had a huge spike in number of customers. The Clinic's residents stay there for two years – many will remain in the community
 - Dialysis unit – High water usage. Our high quality/stable water supply an advantage/op.
- Business Retention focus
- Pacific's new business school – op to integrate with our efforts.
 - Mutually beneficial; our businesses will benefit from Pacific's engagement in business planning, analysis; and the students get real world experience
 - Plus – a pipeline of workers as students get to know our businesses and our community
 - Plus – supplement City Ec Dev staff and Chamber
- Business "exit interviews" – interview people who have gone through entitlement process. Opportunity to expand this. Create stronger feedback loop on "how we're doing"
- Developer roundtable – op for developers, others who go through the process to weigh in on code, policy, permitting, fee issues
- Clean Water Service purchase of TTM office building. Opportunity for R & D Center, accelerator, incubator.
- Build a hospital in Forest Grove. Expand medical services from current status.



- Diminishing supply of industrial land
 - If recent absorption patterns (last 3-4 years) continue, we may not have a 20 year supply of market ready employment land as called for in State land use law
- Metro's restrictions on UGB expansion
 - "Grand Bargain" removed our long term "Urban Reserve" supply of employment land
- Limited resources for business retention/recruitment. Jeff doing a great job but there's only so much band width and funding.
 - The challenge is exacerbated by the increasing complexity of Ec Dev – e.g., E-commerce.
- "Public should do its business; private sector should do its business" – in other words, public sector should "set the table" and then get out of the way
- High senior population – is Forest Grove convenient/accessible for seniors.
- Low unemployment – hard to keep people here – tough for small business.
 - Tough to compete with smaller communities out of the region, where there is a lower minimum wage – i.e. we have higher labor costs than some of our competition.



<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	10.
MEETING DATE:	08/12/2019
FINAL ACTION:	

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *June 24, 2019*

PROJECT TEAM: *Michael Kinkade, Fire Chief*

SUBJECT TITLE: *Intergovernmental Agreement for Fire Alliance*

ACTION REQUESTED:

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

ISSUE STATEMENT:

Washington County’s Emergency Medical Services (EMS) system began primarily as 911 emergency response. Today’s system, however, is more complex, including 911 response and two growing sectors of business for the private provider: Non-Emergency (inter-facility/wheelchair) and Mobile Integrated Healthcare.

Within the 911 response system there are two EMS models - public and private - serving the same community and patients. Having two EMS models that are not integrated with differing governance, deployment, dispatch, system analysis, medical direction, and funding; challenges both public and private responders’ ability to provide optimum patient care.

The EMS system can be integrated more effectively with a governance change that includes a unified decision-making body and an EMS Plan that ensures a single, transparent system from dispatch to transport.

An integrated model will prompt system-wide patient care improvements and provide a funding mechanism for system efficiencies and innovations. The EMS Alliance is expected to support and promote new and evolving revenue opportunities.

BACKGROUND:

In February, 2019, the Washington County Board of Commissioners approved developing a new EMS governance model. The new EMS governance model—currently being called an ‘EMS Alliance’—is expected to ensure that all EMS providers operate under a single, transparent system from dispatch to transport. This supports a key foundational element approved by the Board of Commissioners in 2017: Integrated EMS system based on a collaborative public/private partnership. In addition to the Commission’s approval, the new EMS governance model has both public and private stakeholder support, including all Fire/EMS agencies, Metro West Ambulance, Washington County 911 Dispatch, Washington County’s Administrative Office, Health and Human

Services Department, and Public Health and EMS Program. The Commission's decision followed years of efforts to improve the system, including:

System Improvement Timeline

- 2005-2015: Efforts focused on operational improvements - the Polaris Group Audit, Strategic Plan 2014, Washington County EMS Retreat.
- December 2015: Washington County Board of Commissioners establishes an EMS Advisory Council, comprised of all public and private EMS providers, County staff and medical direction, WCCCA, and citizen representatives, to "review, advise and make policy and operational/technical recommendations related to improving the delivery of EMS in Washington County."
- May 2017: The EMS Advisory Council develops and the Board of Commissioners approves the guiding principles for Washington County's EMS System.
- February-October 2018:
 - The County announces its intent to redesign the EMS system and hires a consultant to help identify a new EMS governance and finance model. The County's scope of work directs the consultant to "conduct a focused review of best practices of integrated EMS systems, and recommend a model that would incorporate the EMS foundational principles and fully utilize the capabilities and resources of the current EMS providers."
 - All Washington County Fire Chiefs agree that improvements in patient care cannot be achieved without governance and structure changes that ensure full system integration.
 - Discussions with elected officials and city leadership for a governance change are positive.
 - November 2018: The consultant's comparative analysis is presented to the EMS Council. The analysis highlights three models, including an EMS Alliance model. County staff proposes and the EMS Advisory Council supports implementing a formal 190/EMS Alliance model to establish a fully-integrated system founded in a public/private partnership.
 - February 12, 2019: County staff presents two options to the Board of Commissioners. The Commission approves developing a 190/EMS Alliance concept in Washington County.
 - June 2019: County develops draft IGA for EMS Alliance. Concept approved by Fire Chiefs.
 - July 2019: EMS Alliance IGA approved by Hillsboro, TVFR and Banks.

FISCAL IMPACT: None.

STAFF RECOMMENDATION: Staff recommends City Council approve the IGA establishing an EMS Alliance.

ATTACHMENT(s):

- 1) Intergovernmental Agreement (IGA) for Forming and EMS Alliance in Washington County.
- 2) Mission and Vision Statements for Washington County's EMS System (April 2017).



Mission and Vision Statements Washington County's EMS System Revised April 2017

The mission of Washington County EMS is to maintain and enhance a safe and effective EMS system through leadership, oversight, facilitation and education for the citizens and EMS community we serve.

The vision of Washington County EMS is to provide a high performance patient-centric health care system, within a just culture, through improved resource utilization, expanded education, system development and collaboration.

Foundation Washington County's EMS System Revised April 2017

Integrated EMS System based on a collaborative public/private partnership

- Utilizes all EMS system resources to best meet patient needs.
- EMS calls are cooperatively and collaboratively managed by the professional public safety community through effective teamwork.
- The integration of public safety, public health and health care systems provide opportunities for broader out-of-hospital care of non-acute and chronic conditions.

Transparency and Accountability

- Planned, real-time and strategic availability and tracking of EMS response resources are accessible to operational and administrative staff of all EMS system agencies.
- All EMS system agencies are engaged in and committed to quality improvement on an agency and system level and within a just culture environment.
- Development of a shared reporting system that regularly monitors and measures the quality and performance of all partners in the EMS system.

Responsive

- The EMS system framework and its oversight is designed and structured to accommodate timely and consistent response to achieve effective operational and clinical outcomes.

Fiscally Responsible

- While clinical excellence and operational effectiveness are priorities of the EMS system, they are to be pursued in a fiscally responsible manner.

Clinical Excellence

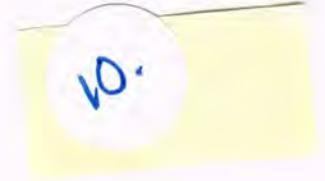
- Patient-centric system that is evidence-based with tangible and meaningful performance measurements.
- Treatment protocols are progressive, evolving with current medical practices, based on sound scientific research and linked to patient outcomes.
- EMS field providers function at a high level of clinical competency supported by coordinated and collaborative continuing education and quality improvement programs.
- Involvement and leadership in out-of-hospital clinical practice and quality improvement by a physician with EMS training, knowledge and experience.

Operational Effectiveness

- A system structure capable of effectively responding to surges and disasters.
- Strong data and quality improvement programs that measure performance and support system improvements and enhancement.
- Adoption and routine utilization of the NIMS incident command system.

Culture of Safety and Mindfulness

- Reporting Culture – Reporting errors and near-misses to help reduce adverse events and injuries. System guidelines are identified for prioritization, tracking, trending and responsibilities.
- Just Culture – An atmosphere of trust in which both systems and human behaviors are explored in a manner that creates an environment where mitigation of risk is an interest superior to blame.
- Flexible Culture – Adapts to changing demands and defers to expertise. Encourages creative thinking and generates innovative ideas and solutions to problems.
- Informed Culture – Learning by means of on-going dialogue to identify sources of hazard and it opens opportunities for the system to transform continuously for the better.



RESOLUTION NO. 2019-43

**RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE
AN INTERGOVERNMENTAL AGREEMENT FOR FORMING
AN EMS ALLIANCE IN WASHINGTON COUNTY**

WHEREAS, The Intergovernmental Agreement is entered by and between Washington County, Oregon (the "County") and all the entities (hereinafter "Participants" or "Members"); and

WHEREAS, Washington County maintains statutory authority for the regulation of emergency ambulance transport and must develop a plan pursuant to ORS 682.062 to coordinate ambulance services; and

WHEREAS, the Participants to this Agreement desire to cooperate in the planning, implementation and monitoring of an integrated Washington County emergency medical services ("EMS") system through membership in the Washington County EMS Alliance; 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.

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) for Forming an EMS Alliance in Washington County.

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 12th day of August, 2019.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of August, 2019.

Peter B. Truax, Mayor

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**INTERGOVERNMENTAL AGREEMENT
FOR
FORMING AN EMS ALLIANCE IN WASHINGTON COUNTY**

This Intergovernmental Agreement (“Agreement”) is entered by and between Washington County, Oregon (the “County”), and all the entities signing below (the “Participants” or “Members”).

RECITALS

WHEREAS, Washington County maintains statutory authority for the regulation of emergency ambulance transport and must develop a plan pursuant to ORS 682.062 to coordinate ambulance services; and

WHEREAS, Washington County has developed an ASA plan that has been approved by the Oregon Health Authority; and

WHEREAS, pursuant to ORS 682.031, Washington County has developed an ordinance to create a uniform countywide system for the delivery of emergency medical services and that ordinance is codified at WCC Chapter 8.32; and

WHEREAS, cities and fire districts maintain responsibility for first response fire, medical and rescue services; and

WHEREAS, ORS Chapter 190 provides that cities, counties, and rural fire protection districts, among other local government entities, may enter into a written agreement for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform, whether by joint administration, by joint use of personnel, facilities and equipment, by one of the parties on behalf of the others or by any combination of those and other methods; and

WHEREAS, the parties to this Agreement desire to cooperate in the planning, implementation and monitoring of an integrated Washington County emergency medical services (“EMS”) system through membership in the Washington County EMS Alliance; and

WHEREAS, private ambulance provider(s) may participate as non-voting Affiliate Member(s) of the Washington County EMS Alliance formed by this IGA as an integral partner in EMS in Washington County; and

WHEREAS, the parties agree that the integrated system will be informed by the “foundational principles” adopted by the Washington County Board of Commissioners; and

WHEREAS, the parties further agree that the integrated system will be guided by the belief and commitment that the authority and practice of local governments providing and overseeing services to their constituents, including EMS services, shall be protected and maintained; and

WHEREAS, the parties recognize that any changes to the County ASA Plan must be adopted by the Washington County Board of Commissioners and submitted to the Oregon Health Authority for approval.

NOW, THEREFORE, pursuant to the authority granted in ORS Chapter 190, the County and the Participants hereby agree as follows:

AGREEMENT

1. Membership and Duties.

- A. **Members.** Membership in the Alliance consists of one person delegated by each of the Members from the Member's appointed executive management staff. Each delegate shall serve at the pleasure of the appointing Member. Other public entities authorized under ORS Chapter 190 to enter into this Agreement may, on application, join as additional Participants by consent of Members then existing at the time of such application. The Members shall form the "governing board" of the Alliance. The governing board may form workgroups that support the governing board, foundational principles and EMS plan.
- B. **Affiliate Members.** Washington County franchised private ambulance provider(s) and other system stakeholders not otherwise "Members" may, on application, join as an "Affiliate Members" by consent of Members then existing at the time of such application. Affiliate Members may participate and vote in Alliance workgroup activities, for which they are participating; but are not part of the "governing board".
- C. **Powers and Duties.** The Alliance will through collaboration and consensus develop a comprehensive County EMS plan for review and consideration by the Washington County Board of Commissioners. The County EMS plan will provide a vision and work plan for the EMS system and be grounded in the "foundational principles". The Alliance will monitor and report on the EMS system and provide annual updates to the County EMS plan as appropriate. The "foundational principles" are attached hereto and by this reference incorporated into this IGA.

2. Meetings.

- A. At the Alliance's first organizational meeting, the Members shall select a presiding officer from among them to serve for a term of one year. The presiding officer shall set the time and place of all future meetings and shall consult with the designated "administrative home" to prepare the agenda and maintain any minutes of the meeting(s) that the Alliance deems necessary or desirable.

- B. At any meeting a quorum consisting of a minimum majority of Alliance Members as then constituted shall be necessary to take any affirmative action, by vote or otherwise, as to any matter before the Alliance. Except as stated in paragraph 10 below, no action requiring a vote shall be effective unless agreed to by a majority vote of all Members. The Alliance shall devise and adopt additional rules of procedure for the conduct of its business.
3. **Administrative Home.** The Alliance will designate one Member agency as the “administrative home”. The agency will assume, in consultation with the presiding officer, the responsibility for agenda preparation, meeting support, Member communications, meeting notices (if applicable), minutes and any other required organizational/administrative duties. Washington County will serve as the initial “administrative home”. The “administrative home” may be changed with the unanimous consent of the Members.
 4. **Assignment of Participating Agency Staff.** The Members and Affiliate Members will identify staff to work with the Alliance, including participation in workgroups. The County will provide temporary work space for Members and Affiliate Members to periodically co-locate to enhance coordination and co-production efforts.
 5. **Term and Termination.** The Agreement will be in effect until June 30, 2022 unless Members agree to an earlier termination, extension or modification of terms. The County may unilaterally terminate the IGA at its sole discretion with 90 days written notice to Members. A Member to this Agreement may unilaterally withdraw from this Agreement upon thirty (30) days written notice. Notwithstanding the foregoing, the agency that is acting as the “administrative home” to the Alliance may unilaterally withdraw from this Agreement, or from the role as “administrative home”, only upon 90 days written notice to allow for the proper transition of the “administrative home” to another Member, unless otherwise agreed to by the Members.
 6. **Responsibilities for Acts.** Each of the Members and Affiliate Members shall be solely responsible for its own acts and the acts of its employees and officers under this Agreement. No Member or Affiliate Members shall be responsible or liable for consequential damages to any other Member or Affiliate Members arising out of the performance of the terms and conditions of this Agreement.
 7. **Insurance.** Each Member 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 through 30.274. Affiliate Members agree to maintain the same levels of insurance as the Members.
 8. **Severability.** The terms of this Agreement are severable and a determination by an appropriate body having jurisdiction over the subject matter of the Agreement that results in the invalidity of any part shall not affect the remainder of the Agreement.

9. Interpretation. The terms and conditions of this Agreement shall be liberally construed in accordance with the general purposes of the Agreement.

10. Amendment. Alliance members may recommend amendments to this IGA by unanimous vote of the governing board. Any proposed amendments recommended by the Alliance members will be forwarded to the governing bodies of the members for review and consideration.

This Agreement is hereby agreed to upon by the parties and executed by the duly authorized signatures below.

IT IS HEREBY AGREED:

Washington County

By: _____
Its: _____
Date: _____

City of Hillsboro

By: _____
Its: _____
Date: _____

City of Forest Grove

By: _____
Its: _____
Date: _____

Banks Fire District # 13

By: _____
Its: _____
Date: _____

Tualatin Valley Fire & Rescue, A Rural Protection District

By: _____
Its: _____
Date: _____

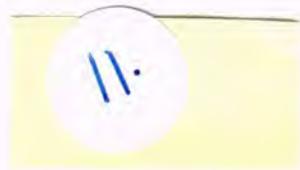
Member's Credit Support Reserves requirement is calculated by multiplying the sum of Member's outstanding transactions minus its average two month prepay amount, and then multiplied by ten percent (10%).

Staff is recommending option C as it is the easiest method for the City to administer. This option requires that the City set aside funds which cannot be used for any other purpose while this resolution is in effect. The required reserves will decline over time. The required reserve at October 1, 2019, is \$53,646. The required reserves at September 1, 2020, is \$27,655. The resolution will adjust the amount of required reserves over time.

FISCAL IMPACT: Fiscal impact is minimal as only about 1% of the Light & Power Fund's Fund Balance will be restricted from other use at the outset of the resolution.

STAFF RECOMMENDATION: Staff recommends City Council approve the attached resolution establishing the restricted funds.

ATTACHMENT(s): Resolution Restricting Fund Balance Within the Light & Power Fund for Non-Federal Power Purchases



RESOLUTION NO. 2019-44

**RESOLUTION RESTRICTING FUND BALANCE WITHIN
THE LIGHT AND POWER FUND FOR NON-FEDERAL POWER
PURCHASE CREDIT SUPPORT RESERVES**

WHEREAS, the City has committed to purchase 1 megawatt (MW) of non-federal power in both fiscal years 2019 and 2020 through the Northwest Energy Supply Cooperative (NIES); and

WHEREAS, the contract with NIES requires that the City establish Credit Support Reserves (Reserves) for the power purchases based on a percentage of the remaining purchase obligation; and

WHEREAS, the City Council has determined that restricting a portion of the Light and Power Fund's Fund Balance is the best way to meet the Reserves requirement.

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

Section 1. The following amounts of the Light and Power Fund's Fund Balance are restricted solely for the purpose of meeting the Credit Support Reserves requirement of the power purchase agreement through NIES: 1) as of October 1, 2019, \$53,646; 2) as of June 30, 2020, the amount restricted is lowered to \$32,603; and 3) as of September 1, 2020, the amount restricted is lowered to \$27,955.

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of August, 2019.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of August, 2019.

Peter B. Truax, Mayor

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STAFF RECOMMENDATION: Staff recommends City Council authorize the City Manager to execute the revised Master Resource Agreement with NIES.

ATTACHMENT(s): Resolution Approving the NIES Resource Agreement

RESOLUTION NO. 2019-45

**RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE THE
MASTER RESOURCE AGREEMENT BETWEEN THE CITY OF FOREST GROVE
AND NORTHWEST INTERGOVERNMENTAL ENERGY SERVICES (NIES)
FOR A MARKET PURCHASES THROUGH FISCAL YEAR 2021**

WHEREAS, the City of Forest Grove (City) owns and operates an electric utility which must purchase wholesale power in order to provide service to customers within the City and some surrounding area; and

WHEREAS, the City of Forest Grove is a member of the Northwest Intergovernmental Energy Supply ("NIES"), an inter-governmental entity formed and existing pursuant to Oregon Revised Statutes, Chapter 190; and

WHEREAS, Northwest Energy Management Services ("NEMS") is a Cooperative under Oregon Revised Statutes, Chapter 62; and

WHEREAS, the City and NIES are currently parties to a Joint Resources Planning and Acquisition Agreement ("JRPAA"), which provides the basis by which NIES and NEMS would help the City meet its wholesale power needs that are not being served by the Bonneville Power Administration ("BPA"); and

WHEREAS, the City has a projected need for 1 aMW of Tier Two power in both 2020 and 2021 to fulfill its obligation under the BPA contract; and

WHEREAS, current market prices are actually below Tier One prices; and

WHEREAS, the City of Forest Grove City Council wishes to authorize its City Manager to complete and to execute a Resources Agreement for a market purchase for 2020 and 2021 near or below forecast Tier One prices.

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

Section 1. The City Council of the City of Forest Grove hereby approves the Resource Agreement between the City of Forest Grove and NIES for the purpose of purchasing Tier Two Power in 2020 and 2021 (attached as Exhibit A).

Section 2. The City Manager is hereby authorized to endorse the Master Resource Agreement (attached as Exhibit A) on behalf of the City of Forest Grove.

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of August, 2019.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of August, 2019.

Peter B. Truax, Mayor

MASTER RESOURCE AGREEMENT
FOR
NORTHWEST INTERGOVERNMENTAL ENERGY SUPPLY

THIS MASTER RESOURCE AGREEMENT (“Agreement”), dated as of _____ (“Effective Date”) is entered into by and between Northwest Intergovernmental Energy Supply (“NIES”), an Oregon intergovernmental entity and City of Forest Grove, a municipality (hereafter “Member”).

RECITALS

WHEREAS:

- A. NIES and Member are Parties to a Joint Resource Planning and Acquisition Agreement (“JRPAA”) dated December 10, 2014, pursuant to which Member may agree to participate in a NIES-Owned Resource pursuant to the terms and conditions of this Master Resource Agreement; and
- B. Member wishes to participate in one or more Transactions beginning in BPA Fiscal Year 2020 or thereafter; and
- C. NIES will exercise its best efforts to execute one or more Enabling Agreements and Confirmations with third party sellers that meet Member’s Transaction criteria; and
- D. If NIES can execute an Enabling Agreement and Confirmation that meets Member’s Transaction criteria, then the Parties desire to establish a Fixed Purchase Amount and a Percentage Cost Responsibility (“PCR”) for each Transaction consistent with the terms and conditions of the JRPAA, the applicable Enabling Agreement and Confirmation, this Agreement, and any applicable NIES credit support or other policy or other applicable agreement between NIES and Member.

NOW THEREFORE, NIES and Member agree as follows:

AGREEMENT

1. Definitions. All capitalized terms used herein shall have the respective meanings set forth in the JRPAA, as applicable, or below unless the context in which such term is used clearly requires otherwise.

- 1.1. “BPA Fiscal Year” begins October 1 and ends September 30.
- 1.2. “Enabling Agreement” means a master agreement between NIES and a third party seller or purchaser that provides the general terms and conditions for the purchase, sale, or exchange of electricity.
- 1.3. “Confirmation” is the documentation of an agreement between NIES and a third party seller or purchaser pursuant to an Enabling Agreement, for the purchase or sale and delivery of electric power at a specified quantity, price, and delivery point and other specified terms.
- 1.4. “Remarket” is the NIES resale on behalf of Member of all or a portion of Member’s Fixed Purchase Amount associated with a Transaction.
- 1.5. “Resource Costs” are calculated for each Transaction by multiplying Member’s Fixed Purchase Amount (converted to megawatt hours) for such Transaction by the Transaction Price plus Member’s share of any additional costs incurred by NIES that are directly related to the purchase and delivery of the Resource for that particular year. Additional costs may include, without limitation, any costs incurred by NIES to provide credit support or financial security for the purchase and delivery of the Resource. Member’s Resource Costs for a Transaction may also include the direct (non-proportionate) allocation of costs incurred by NIES in connection with the purchase and delivery of the Resource that would not have been incurred but for Member’s participation in the Resource. Resource Costs do not include Specific Resource Investigation Costs, which are recovered separately from the Resource Costs. Exhibit A lists Member’s estimated annual Resource Cost for each Transaction.
- 1.6. “Transaction” is Member’s participation, as set forth in Exhibit A, in any NIES-Owned Resource that is documented in a Confirmation.
- 1.7. “Transaction Price” is the price per megawatt hour listed in the Confirmation executed by NIES as documented in Exhibit A.
- 1.8. For purposes of this Agreement, a “signature” or “signed” document or a “vote in writing” as that term is used in section 3.4 may include electronic signatures that comply with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001-7031, or a comparable Oregon state law applicable to NIES, and that include a user identification number or password as a method of verification of the identity of the person signing a document.

2. Transaction Terms and Conditions

- 2.1. Member's Participation. Member may participate in one or more Transactions under this Agreement. Each Transaction in which Member participates shall be documented in Exhibit A.
- 2.2. Member's Fixed Purchase Amount. Member shall have a Fixed Purchase Amount for each Transaction in which it has agreed to participate, which shall be documented in Exhibit A.
- 2.3. Member's PCR. Member shall have a PCR for each Transaction listed in Exhibit A. Member's PCR shall equal its Fixed Purchase Amount divided by the sum of all NIES members' Fixed Purchase Amounts for that particular NIES-Owned Resource.
- 2.4. Member's Voting Rights. Member's Voting Rights for each Transaction in which it participates shall equal its PCR for that Transaction.
- 2.5. Member's Obligation to Pay Resource Costs. Pursuant to section III(D)(3) of the JRPA , Member shall pay its Resource Costs with respect to any Transaction listed in Exhibit A.
- 2.6. Creditworthiness and Credit Support Requirements. During the term of any Transaction listed on Exhibit A, Member shall be bound by and shall abide by all terms and conditions of NIES' then applicable Credit and Risk Management Policy.
- 2.7. Monthly Invoicing. NIES will submit an invoice to Member on or before the fifth day of the month of delivery itemizing Member's monthly Resource Costs for each Transaction listed in Exhibit A. On or after the tenth day of that month, Member hereby authorizes NIES, through its designee NEMS, to perform an Automated Clearing House (ACH) electronic funds transfer to withdraw the funds in the amount of the invoice from Member's bank account. Notwithstanding the foregoing, NIES may invoice Member based on charges for scheduled deliveries in the current month and the next two succeeding months as estimated by NIES, and Member shall be obligated to pay such invoices in advance of actual deliveries.
- 2.8. Indemnity. Member shall indemnify and hold harmless NIES and any non-participating NIES members, from and against any and all costs, claims, demands, losses, causes of action, damage, lawsuits, judgments, including attorneys' fees and costs arising from or associated with Member's share of the NIES-Owned Resource subject to this Master Resource Agreement. For purposes of this indemnity, "Member's share" shall be based on Member's PCR for such NIES-Owned Resource.

Member shall be solely liable for, and shall indemnify and hold harmless NIES, non-participating NIES members, and all other Participating Members from and against, any and all costs, claims, demands, losses, causes of action, damage, lawsuits, judgments, including attorneys' fees and costs arising out of: (a) Member's obligation to pay its Resource Costs, and (b) NIES Remarketing of all or a portion of Member's Fixed Purchase Amount.

- 2.9. Member's Share of Specific Resource Investigation Costs. NIES and Member agree that Member shall be responsible for its share, equal to its PCR, of Specific Resource Investigation Costs incurred by NIES for each Transaction. Member shall be responsible for such costs for each resource investigation in which Member participates pursuant to Sections 3.1 or 3.2 below even if Member elects not to participate in a Transaction pursuant to Section 3.4. Such Specific Resource Investigation Costs shall be payable upon invoice by NIES. Notwithstanding the foregoing, Member and NIES agree that Member's Specific Resource Investigation Costs under this Agreement shall not exceed \$1,000.00 per Transaction unless Member agrees in writing to pay any additional Specific Resource Investigation Costs.

3. Process to Participate in a Transaction

- 3.1. Resource Investigation Initiated by Member. Member shall notify NIES that it desires to initiate an investigation into a potential NIES-Owned Resource by submitting a letter to NIES, using the template contained in Exhibit B. The notification letter must specify Member's desired annual megawatt amount and maximum purchase price and any other attributes Member requires of the Transaction. Member acknowledges and agrees that, upon NIES' receipt of such notice from Member, NIES will notify all other NIES members of its intent to form a Resource Committee to investigate a potential NIES-Owned Resource. Other NIES members will have three (3) business days to notify NIES of their desire to participate in the investigation of such potential NIES-Owned Resource and to appoint a representative to the Resource Committee by submitting a letter or email to NIES, using the template contained in Exhibit B.
- 3.2. Resource Investigation Initiated by Other NIES Members. Upon NIES' receipt of notice from any other NIES member to initiate a resource investigation, NIES shall notify Member of its intent to form a Resource Committee to investigate a potential NIES-Owned Resource. Upon receipt of such notice, Member shall have three (3) business days to notify NIES of its desire to participate in the investigation of such potential NIES-Owned Resource and to appoint a representative to the Resource Committee by submitting a letter or email to NIES, using the template contained in Exhibit B.
- 3.3. Resource Committee. With respect to any resource investigation that Member has initiated pursuant to Section 3.1 or in which Member has notified NIES of its intent to participate pursuant to Section 3.2, NIES shall establish a Resource Committee with a representative of Member and a representative from each additional NIES member providing notice of its intent to participate. NIES shall establish a PCR for Member at this time.
- 3.4. Resource Committee Voting. With respect to any Resource Committee established by NIES pursuant to Section 3.3 in which Member has a representative, NIES shall provide Member written or electronic notice at least two (2) business days before any Resource Committee vote to authorize NIES to enter into a Confirmation. Member's Resource Committee representative, and the representatives of each other participating

NIES member, shall vote to either approve or reject NIES' execution of the Confirmation.

The vote of Member's representative, and each other Resource Committee representative, shall be made and communicated to NIES in writing on or before the deadline established by NIES. The failure to submit a timely and written vote shall be deemed to be a vote against entering into a Transaction. Member shall not be bound by any Confirmation executed by NIES pursuant to this Agreement unless Member's Resource Committee representative has timely and affirmatively voted in writing to authorize NIES to execute the Confirmation. Such written vote authorizing NIES to execute a Confirmation shall be signed by Member's Resource Committee representative and shall be in the form attached hereto as Exhibit D.

If Member's Resource Committee representative does not affirmatively vote in writing to authorize the execution of the Confirmation by the deadline established by NIES, then Member's right to participate in a Transaction with respect to such NIES-Owned Resource shall automatically be terminated. In such case, Member's representative will no longer be a member of the Resource Committee and will not have a PCR or Voting Rights. Member remains obligated, however, to pay its share of any Specific Resource Investigation Costs incurred prior to the voting deadline.

If Member's Resource Committee representative *does* affirmatively vote in writing to authorize the execution of the Confirmation by the deadline established by NIES, but the representative of any other participating NIES member does not affirmatively vote in writing to authorize the execution of the Confirmation, then NIES shall not be authorized to execute the Confirmation. In such case, the representatives of the NIES members not voting or voting against the Confirmation shall be removed from the Resource Committee and the PCR and Voting Rights of Member and of each of the NIES members whose representatives voted in favor of executing the Confirmation shall be adjusted to reflect the new composition of the remaining participating NIES members. The remaining representatives of the revised and reconstituted Resource Committee may thereafter vote to authorize or reject NIES' execution of the Confirmation. The voting requirements set forth above shall remain applicable to each subsequent vote. This voting process shall be repeated until all remaining Resource Committee representatives have unanimously voted in writing or via electronic message to authorize the execution of the Confirmation and all approved terms.

- 3.5. NIES Authorized to Transact. Upon the unanimous approval by the Resource Committee pursuant to section 3.4, NIES shall be authorized to execute a Confirmation under the terms and conditions set forth in Section IV.C of the JRPAA and as approved by the Resource Committee. NIES agrees to attempt to execute such Confirmation no later than ten (10) business days after it has received authorization to transact. If for any reason NIES is unable to execute a Confirmation within ten (10) business days after receiving authorization to transact, then such authorization shall automatically terminate unless a longer deadline is expressly permitted in Exhibit D as initially submitted, or as subsequently amended in writing, by Member's Resource

Committee representative and by the Resource Committee representatives of each other Participating Member.

NIES shall have no liability to Member under this Agreement or otherwise, if for any reason NIES is unable to execute a Confirmation as approved by the Resource Committee. NIES' execution of a Confirmation consistent with this Agreement establishes a Transaction that is binding on Member without any further authorization or approval from Member's governing body. Upon NIES' execution of a Confirmation, NIES shall send a revised Exhibit A to Member reflecting the Transaction. Member shall be bound to participate in such Transaction according to the terms of the JRPPA and this Master Resource Agreement.

4. Remarketing

- 4.1. Member's Request to Remarket. Member may request that NIES Remarket its Fixed Purchase Amount or a portion thereof at any time before or during the term of a Transaction. Member shall make such request NIES at least three (3) business days prior to the first desired Remarketing delivery date. Member shall authorize NIES in writing using Exhibit C, and Member must identify the desired megawatt amount, minimum Remarketing price, term length, and any other attributes required by Member.
- 4.2. NIES Authorized to Remarket. Upon receipt of an authorization to Remarket all or a portion of Member's Fixed Purchase Amount, NIES shall use commercially reasonable efforts to Remarket in accordance with Member's request. NIES agrees to attempt to execute such Confirmation no later than ten (10) business days after it has received authorization to transact. NIES shall have no liability to Member under this Agreement or otherwise, if for any reason NIES is unable to execute a Confirmation as approved by the Member. NIES' execution of a Confirmation consistent with this Agreement establishes a Transaction that is binding on Member without any further authorization or approval from Member's governing body. Upon NIES' execution of a Confirmation, NIES shall send a revised Exhibit A to Member reflecting the Transaction. Member shall be bound to participate in such Transaction according to the terms of the JRPPA and this Master Resource Agreement.
- 4.3. No Price Guarantee. Member acknowledges and agrees that the Remarket price may be different than the original Transaction Price, which could result in a net loss or net gain to the Member. NIES shall have no liability if it is unable to Remarket the Fixed Purchase Amount on the terms requested by Member. If for any reason the Remarketing is not completed, then Member shall remain obligated to receive and pay for Member's entire Fixed Purchase Amount at the original Transaction Price all as set forth in Exhibit A. In the event that the Remarket price is greater than Transaction Price, then Member shall be entitled to receive the positive difference between Remarket price and the Transaction Price.

5. Representations.

5.1. Member Representations. Member represents and warrants as follows:

- (i) Member has the corporate power and authority to execute and deliver this Agreement.
- (ii) The execution and delivery by Member of this Agreement and the performance by Member of the actions contemplated on its part hereby have been duly authorized by the governing body of the Member.
- (iii) This Agreement has been duly executed and delivered by the Member and is a valid and binding agreement of the Member, enforceable against the Member in accordance with its terms, subject only to limitations on enforceability imposed by (i) applicable bankruptcy, insolvency, reorganization, moratorium, or similar laws affecting creditors' rights generally, and (ii) general equitable principles.
- (iv) Member's representative serving on any Resource Committee has been duly appointed by Member and delegated the legal authority by Member's governing body to bind Member to Transactions pursuant to this Master Resource Agreement.

5.2. NIES Representations. NIES represents and warrants as follows:

- (i) NIES has the corporate power and authority to execute and deliver this Agreement.
- (ii) The execution and delivery of this Agreement by NIES and the performance by NIES of the actions contemplated on its part hereby have been duly authorized by the Board of Directors of NIES.
- (iii) This Agreement has been duly executed and delivered by NIES and is a valid and binding agreement of NIES, enforceable against NIES in accordance with its terms, subject only to limitations on enforceability imposed by (i) applicable bankruptcy, insolvency, reorganization, moratorium, or similar laws affecting creditors' rights generally, and (ii) general equitable principles.

6. Miscellaneous.

6.1. Termination Date. This Agreement shall terminate if and when the JRPPA expires or terminates. This Agreement may also be terminated by either party hereto with or without cause by giving the other party not less than thirty (30) days written notice. Notwithstanding the forgoing, the applicable provisions of this Agreement shall survive termination until all outstanding Transactions listed on Exhibit A have expired or have been terminated and all existing obligations arising under this Agreement, any Specific Resource Investigation Agreement, any Confirmation and/or under any agreement to provide credit support shall continue to be enforceable until fully satisfied.

6.2. Additional Remedies. Nothing herein is intended to limit the remedies available to a non-defaulting party under this Agreement, the JRPAA, an applicable Enabling Agreement or Confirmation or by law. In particular, but without limitation, if NIES is

the non-defaulting party in any Transaction in which Member is the defaulting party, NIES shall have the right (i) to indefinitely suspend NIES' performance of all Transactions with Member under this Agreement; and (ii) during any period of suspension, Remarket Member's Fixed Purchase Amount, and (iii) recover any losses due to a differential between the Resource Cost and the amount recovered from the Remarketing of Member's Fixed Purchase Amount. NIES and Member may agree to terms for a resumption of performance of any Transaction for which performance has been suspended.

- 6.3. Binding Effect; Assignment. This Agreement shall be binding upon and inure to the benefit of NIES and Member and their respective successors and permitted assigns. Member may not make any transfer or assignment of this Agreement, other than an assignment for security, without NIES' prior written consent. Any assignment made without a consent required hereunder shall be void and of no force or effect.
- 6.4. Amendments. This Agreement may be amended by agreement between NIES and Member, but no such amendment to this Agreement shall be effective unless it is in writing, executed by both parties.
- 6.5. Entire Agreement; Waiver. This Agreement, together with Exhibits A through D, the Credit Policy and other applicable policies of NIES, any applicable Enabling Agreement or Confirmation, and the JRPAA, constitutes the entire agreement between the parties hereto relating to the subject matter contemplated by this Agreement and supersedes all prior agreements, whether oral or written. The subject matter of this Agreement involves only Transactions for the delivery of power commencing in BPA Fiscal Year 2020 or later, and nothing in this Agreement is intended to supersede the terms of any existing or future agreement that would fit the definition of a Transaction but commenced prior to BPA Fiscal Year 2020.
- 6.6. Conflicts. This Agreement and the JRPAA shall be interpreted to be consistent if possible; however, in the event of any irreconcilable conflict between the provisions of this Agreement and the JRPAA, the provisions of this Agreement shall prevail.
- 6.7. Counterparts. This Agreement may be executed in multiple counterparts to be construed as one.
- 6.8. Severability. If any part, term, or provision of this Agreement is held by a court of competent jurisdiction to be unenforceable, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular part, term, or provision held to be unenforceable.
- 6.9. Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Oregon.

IN WITNESS WHEREOF, NIES and the Member have caused this Agreement to be executed, attested, sealed and delivered by their respective duly authorized officers as of the day and year first written above.

City of Forest Grove	Northwest Intergovernmental Energy Supply
Date:	Date:
By:	By:
Its:	Its: President

Draft as of 9/16/16

Revision No. X Dated XX/XX/XX

Exhibit A: List of Member Transactions

This Exhibit documents the Transactions that Member has agreed to purchase from NIES. Each revision supersedes any prior Exhibit A.

Date of Transaction	Transaction No.	Fixed Purchase Amount (aMW)	Percentage Cost Responsibility	MWh	Transaction Price	Resource Cost (MWh * Transaction Price)	Credit Support/ Financial Security Costs	Other Costs	Term	Delivery Point

**EXHIBIT B
MARKET PURCHASE NOTIFICATION FORM**

Please use the following form to notify NIES of your desire to participate in a market purchase Transaction. Please submit this form electronically to NIES at nems@nru-nw.com.

NEW MARKET PURCHASE TRANSACTION

- 1) A Fixed Purchase Amount for any amount up to but not exceeding the following amounts of power for each Fiscal Year¹ (FY), stated in whole average megawatts, and not exceeding the maximum purchase price for each FY stated below:

2020 = _____ aMW @ \$_____/MWh
2021 = _____ aMW @ \$_____/MWh
2022 = _____ aMW @ \$_____/MWh
2023 = _____ aMW @ \$_____/MWh
2025 = _____ aMW @ \$_____/MWh
2026 = _____ aMW @ \$_____/MWh
2027 = _____ aMW @ \$_____/MWh
2028 = _____ aMW @ \$_____/MWh

- 2) Please identify any other attributes that are required as part of the transaction:

Submitted By:

On Behalf Of: City of Forest Grove

Date:

¹ Fiscal Year begins October 1 and ends September 30

EXHIBIT C
MARKET PURCHASE REMARKETING AUTHORIZATION FORM

I _____, acting as the Resource Committee Representative on behalf of City of Forest Grove authorize NIES to execute a Confirmation in order to Remarket the following amounts of power for each month listed below, stated in whole average megawatts, and not below the minimum remarketing price stated below:

Month	Year	
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh
_____	_____	= _____ aMW @ \$_____/MWh

Additional conditions or requirements:

Signed: _____

Title: _____

Date: _____

**EXHIBIT D
MARKET PURCHASE TRANSACTION AUTHORIZATION FORM**

I _____, acting as the Resource Committee Representative on behalf of City of Forest Grove authorize NIES to execute a Confirmation in order to purchase the following amounts of power for each Fiscal Year² (FY), stated in whole average megawatts, and not exceeding the maximum purchase price for each FY stated below:

- 2020 = _____ aMW @ \$_____/MWh
- 2021 = _____ aMW @ \$_____/MWh
- 2022 = _____ aMW @ \$_____/MWh
- 2023 = _____ aMW @ \$_____/MWh
- 2025 = _____ aMW @ \$_____/MWh
- 2026 = _____ aMW @ \$_____/MWh
- 2027 = _____ aMW @ \$_____/MWh
- 2028 = _____ aMW @ \$_____/MWh

Additional conditions or requirements:

Signed: _____

Title: _____

Date: _____

² Fiscal Year begins October 1 and ends September 30

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<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	13. & 14.
MEETING DATE:	08/12/2019
FINAL ACTION:	

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *August 12, 2019*

PROJECT TEAM: *Paul Downey, Administrative Services Director
Gregory Robertson, Public Works Director*

SUBJECT TITLE: *Two IGAs with CWS for I&I Project*

ACTION REQUESTED:

	Ordinance		Order	X	Resolution		Motion		Informational
--	-----------	--	-------	---	------------	--	--------	--	---------------

X all that apply

ISSUE STATEMENT: The City has agreed to participate with Clean Water Services on the first of up to three Inflow and Infiltration (I&I) projects. The projects are designed to replace sewer pipes and laterals in areas of the City where significant amount of surface water (inflow) and/or groundwater (infiltration) is getting into the sewer system. There are two intergovernmental agreements (IGA) related to the project. The first IGA is the agreement for the first project. The second IGA concerns the split of the Sewer System Development Charges (SDC) between the City and CWS. Staff has prepared resolutions approving both IGAs and authorizing the City Manager to execute the agreements. The IGAs are substantially complete but minor language edits may be incorporated in the final version.

BACKGROUND: I&I projects are designed to reduce the amount of surface water and groundwater getting into the sewer system so CWS does not have to increase the size of treatment plants just to treat rain and other water intrusions into the sewer system. CWS has identified three areas in the City where I&I projects are needed. CWS is proposing to do each area separately and will evaluate how much inflow and infiltration is reduced by each project. If the first two projects reduce I&I to an acceptable level, CWS will propose not doing the third project. A map of the first project area is attached. The total estimated cost of the first project is \$2,495,000 with the City responsible to pay for 50% of the final project costs.

The City has insufficient funds to pay for the projects up front without significantly depleting reserves in the Sewer and Sewer SDC Funds. CWS has agreed to pay all of the costs of the first project up front and then the City will pay CWS back for the City’s share of the project costs over a ten-year period with semi-annual payments with interest at 2.07%. This arrangement is similar to the last I&I project in 2008. Similar financing arrangements will be made for the other planned I&I projects. The City will use Sewer SDC funds to pay the debt service on the first project. Future debt service payments on any subsequent projects will have to be paid from the Sewer Fund.

Currently, CWS retains 80% and the City retains 20% of the current Sewer SDC collected and the City is responsible for funding sewer line projects under 24 inches in diameter. In all of the other cities in the CWS service area, CWS retains 96% and the cities retain 4% of the Sewer SDC with CWS being responsible for funding sewer line projects greater than 12 inches.

There are two IGAs for Council consideration. The first IGA is for the first project and discusses the obligations of CWS and the City. The IGA states the City will pay a total not-to-exceed \$1,247,500 for the project and will pay its 50% share of the final project costs to CWS by equal semi-annual payments over a ten-year period. The second IGA states the current 80/20 split of Sewer SDC collected will remain unchanged through June 30, 2023.

FISCAL IMPACT: Between current Fund Balance and ongoing revenues, the Sewer SDC Fund will have the resources to pay the debt service on the first project over the next ten years and still have funds for smaller projects such as upsizing sewer lines if needed when development occurs. If one or both of the next two potential I&I projects occur, the debt service payments will have to come out of Sewer Fund so the debt service payments will be from sewer rates. Future sewer rates may be impacted if the future projects occur.

STAFF RECOMMENDATION: Staff recommends City Council approve the IGAs and authorize the City Manager to execute the agreements.

ATTACHMENT(s): Resolutions Approving IGAs with Clean Water Services; Map of Project Area; IGA for the Project; and IGA for Sewer SDC Revenue Split

13.

RESOLUTION NO. 2019-46

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND CLEAN WATER SERVICES FOR CONSTRUCTION OF 19TH AVENUE AND MAPLE STREET INFLOW AND INFILTRATION REHABILITATION PROJECT NO. 6962

WHEREAS, Oregon Revised Statutes(ORS) 190.010 authorizes agencies to enter into intergovernmental agreements (IGA) for the performance of any or all functions and activities that a party to the agreement has the authority to perform; and

WHEREAS, Clean Water Services has proposed and project to reduce inflow and infiltration (I&I) of surface water into the sewer pipes around 19th Avenue and Maple Street; and

WHEREAS, the City and CWS have agreed to pay split the total costs on a 50/50 basis: and

WHEREAS, CWS has proposed an IGA for the proposed project and City staff is recommending approval of the IGA.

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 and Clean Water Services for Inflow and Infiltration Project No. 6962.

Section 2. The City Manager is authorized to execute the Intergovernmental Agreement on behalf of the City.

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of August, 2019.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of August, 2019.

Peter B. Truax, Mayor

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**INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF FOREST GROVE AND
CLEAN WATER SERVICES FOR CONSTRUCTION OF
19TH AVENUE AND MAPLE STREET INFLOW AND
INFILTRATION REHABILITATION PROJECT NO. 6962**

This Agreement, dated _____, _____, is between Clean Water Services (District) a county service district organized under ORS Chapter 451 and the City of Forest Grove (City) an Oregon Municipality.

A. RECITALS

ORS 190.003 - 190.110 encourages intergovernmental cooperation and authorizes local governments to delegate to each other authority to perform their respective functions as necessary.

District undertook the 19th Avenue and Maple Street Inflow and Infiltration Rehabilitation Project No. 6962 (Project) located in the City to reduce inflow and infiltration into the sanitary sewer system which may reduce or delay required capacity driven capital improvement projects. This Project has been endorsed by the Capital Improvement Program Prioritization Committee.

NOW, THEREFORE, the parties agree as follows:

B. PROJECT DESCRIPTION

The Project consists of rehabilitating approximately 10,100 linear feet of 10-inch, 8-inch and 6-inch concrete sanitary sewer pipe and replacing 135 sewer laterals and 39 manholes located in the vicinity of Pacific Avenue between Laurel Street and Oak Street in the City. See attached Exhibit A for the Project location.

C. DEFINITIONS

1. Capital Improvement Program Prioritization Committee – This Committee has been established by District and the Member Cities of Beaverton, Cornelius, Forest Grove, Hillsboro, Tigard, Tualatin, and Sherwood.
2. Financial Partner –City or District will assume this role, primarily for the purpose of funding a portion of the Project.
3. Managing Partner –City or District will assume this role, primarily for the purpose of administering the Project.

D. DISTRICT OBLIGATIONS

District is the Managing Partner and shall perform all Tasks identified on Exhibit B for the Managing Partner, the List of Standard Obligations, attached hereto unless the Task is checked “Not Applicable”. District shall assign Andy Braun as District’s Project Manager.

E. CITY OBLIGATIONS

1. City is the Financial Partner and shall perform all services identified on Exhibit B for the Financial Partner unless the Task is checked “Not Applicable”. City shall assign Richard Blackmun as City’s Project Manager.
2. City shall make equal semi-annual payments to the District commencing thirty days from the date District accepts construction of the Project as final. The payments shall be in accordance with a ten year amortization schedule reflecting the principal payment identified in Exhibit B with interest added at the Oregon Bond Index AA Rating hereby set at 2.07%. District shall provide the City with an amortization schedule. City may pay remaining principal plus any accrued interest at any time without penalty.

F. GENERAL TERMS

1. Laws and Regulations. City and District agree to abide by all applicable laws and regulations.
2. Term of this Agreement. This Agreement is effective from the date the last party signs it and shall remain in effect until the Project is complete and the parties’ obligations have been fully performed or this Agreement is terminated as provided herein.
3. Amendment of Agreement. City and District may amend this Agreement from time to time, by mutual written agreement.
 - A. Proposed changes of scope during the Project implementation must be reviewed and endorsed by the Capital Improvement Program Prioritization Committee. Changes necessitated by conditions discovered during design or construction, but consistent with the original scope of the Project, may be approved by the Managing Partner without further approval.
 - B. The construction contract amount of the Project may be increased by up to 20% without re-negotiating the Agreement, provided the increase shall not exceed the not to exceed amount contained in Exhibit B.
4. Termination. This Agreement may be terminated immediately by mutual written agreement of the parties, or by either of the parties notifying the other in writing prior to award of a construction contract, with the termination being effective in 30 days.

5. 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. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this Agreement. Acceptance or acquiescence in a course of performance rendered under this Agreement shall not be relevant to determine the meaning of this Agreement and no waiver by a party of any right under this Agreement shall prejudice the waiving party's exercise of the right in the future.
6. Indemnification. Within the limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the parties shall indemnify and defend the other and their officers, employees, agents, and representatives from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which arises out of, or results from, the negligent or other legally culpable acts or omissions of the indemnitor, its employees, agents, contractors or representatives.
7. Attorney Fees. If any dispute arises concerning the interpretation or enforcement of this Agreement or any issues related to the U.S. Bankruptcy Code (whether or not such issues relate to the terms of this Agreement), the prevailing party in any such dispute shall be entitled to recover all of its attorney fees, paralegal fees, costs, disbursements and other expenses from the non prevailing party, including without limitation those arising before and at any trial, arbitration, bankruptcy, or other proceeding and in any appeal.
8. Resolution of Disputes. If any dispute out of this Agreement cannot be resolved by the project managers from each party, the City Manager and District's Chief Executive Officer will attempt to resolve the issue. If the City Manager and District's Chief Executive Officer are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as otherwise provided in Oregon law.
9. Interpretation of Agreement.
 - A. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
 - B. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in construing or interpreting this Agreement.
10. Severability/Survival. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this Agreement for any cause.

11. Approval Required. This Agreement and all amendments, modifications or waivers of any portion thereof shall not be effective until approved by 1) District's Chief Executive Officer or the Chief Executive Officer's designee and when required by applicable District rules, District's Board of Directors and 2) City. Proposed changes of scope must also be approved by the Capital Improvement Program Prioritization Committee.

12. Choice of Law/Venue. This Agreement and all rights, obligations and disputes arising out of the Agreement shall be governed by Oregon law. All disputes and litigation arising out of this Agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.

CLEAN WATER SERVICES

CITY OF FOREST GROVE, OREGON

By: _____
Chief Executive Officer or Designee

By: _____
City Manager or Designee

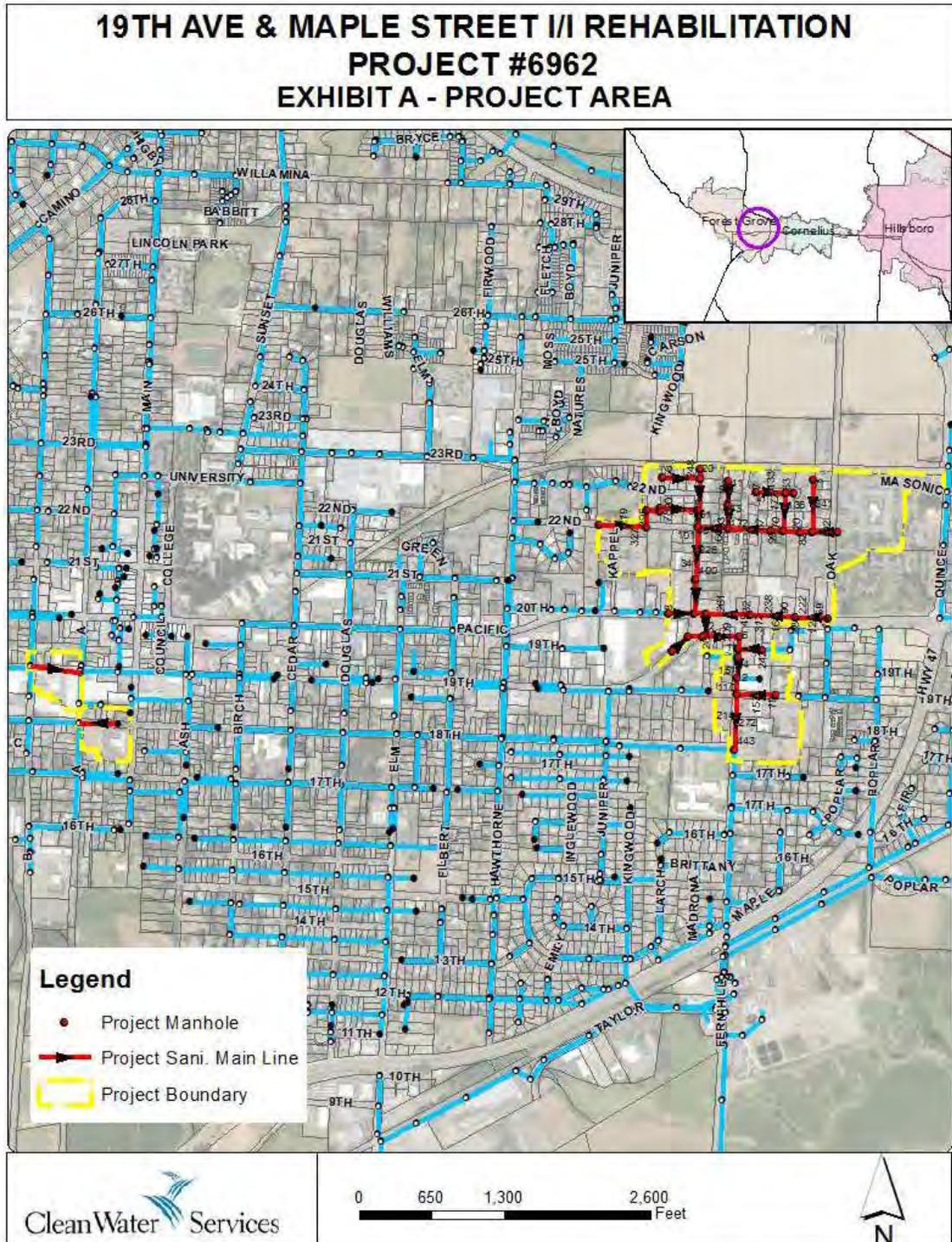
Date: _____

Date: _____

APPROVED AS TO FORM

District Counsel

Exhibit A Project Location Map



**EXHIBIT B
LIST OF STANDARD OBLIGATIONS**

Task	Not Applicable
<u>Managing Partner shall:</u>	
Provide Financial Partner at least ten days to review the plans and specifications for the Project and incorporate Financial Partner’s comments into the plans.	<input checked="" type="checkbox"/>
Provide any required notice and communicate with the neighborhood and property owners within the Project limits. Respond to public calls arising from work being completed under this Agreement.	<input type="checkbox"/>
Prepare and submit invoices of the Project costs to Financial Partner upon completion of the Project.	<input type="checkbox"/>
Make all required payments to the construction contractor.	<input type="checkbox"/>
Prepare and submit a Project summary of completed tasks to Financial Partner with each invoice.	<input type="checkbox"/>
Prepare all contracts and bid documents, advertise for bids, and select a construction contractor for the Project.	<input type="checkbox"/>
Construct the Project and provide construction inspection and management services for the Project.	<input type="checkbox"/>
If requested, hold progress meetings with Financial Partner during the field investigation and design phases of the Project. Financial Partner may review options and provide input on the Project.	<input type="checkbox"/>
Pay 50 percent of the following costs for the Project: administration, easements, field inspection, design, construction and construction administration (Project Costs).	<input type="checkbox"/>
Require all contractors to include Financial Partner as an additional insured on insurance coverage required for construction work performed in completing the Project.	<input checked="" type="checkbox"/>
Take the lead in coordinating public involvement related to the Project.	<input type="checkbox"/>
Waive any land use or permit fees (except plumbing inspection fees) for work related to the Project.	<input type="checkbox"/>
City currently has sewer fund balances, including a sewer development charge (SDC) balance. City has been allowed to retain these balances to “spend down” on sewer-related projects within the City, regardless of funding responsibilities. Funding for the Project shall include \$0 from City’s existing sewer fund balances.	<input checked="" type="checkbox"/>

EXHIBIT B
LIST OF STANDARD OBLIGATIONS

Task	Not Applicable
<u>Infiltration and Inflow Abatement projects</u>	
Obtain written permission from each property owner to inspect their sanitary sewer lateral and to line or replace it if deficient.	<input type="checkbox"/>
Establish whether each property has a cleanout at the structure. If no cleanout exists, Managing Partner will install one.	<input type="checkbox"/>
Inspect and evaluate each sanitary sewer lateral and main with a television camera. Managing Partner will line or replace all deficient sewer laterals and mains.	<input type="checkbox"/>
Other: (please describe) _____	<input checked="" type="checkbox"/>
<u>Financial Partner shall:</u>	
Review the plans and specifications for the Project and provide Managing Partner with written comments and/or approval within 10 days of receiving them.	<input checked="" type="checkbox"/>
Have the right to approve the final acceptance of the Project after construction.	<input type="checkbox"/>
Pay Managing Partner 50 percent of the Project Costs.	<input type="checkbox"/>
Pay invoice submitted by Managing Partner for actual costs incurred. Payments shall be made by equal semi-annual payments over a ten year period.	<input type="checkbox"/>
Pay a total not to exceed of \$1,247,500 toward the cost of the Project.	<input type="checkbox"/>
Assist Managing Partner in communicating with the property owners and Project stakeholders.	<input checked="" type="checkbox"/>
Other: (please describe) _____	<input checked="" type="checkbox"/>

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RESOLUTION NO. 2019-47**RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND CLEAN WATER SERVICES FOR ALLOCATION OF SANITARY SEWER SYSTEM DEVELOPMENT CHARGES**

WHEREAS, Oregon Revised Statutes(ORS) 190.010 authorizes agencies to enter into intergovernmental agreements (IGA) for the performance of any or all functions and activities that a party to the agreement has the authority to perform; and

WHEREAS, Clean Water Services (CWS) charges a Sanitary Sewer System Development Charge (SDC) that is allocated between the Clean Water Services and the City that collects the SDC; and

WHEREAS, the City of Forest Grove's allocation is different than other cities' allocations: and

WHEREAS, CWS has proposed an IGA to formalize the allocation of Sewer SDC revenue between the City and CWS and City staff is recommending approval of the IGA.

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 and Clean Water Services to allocate the Sewer System Development Charges through June 30, 2023.

Section 2. The City Manager is authorized to execute the Intergovernmental Agreement on behalf of the City.

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of August, 2019.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of August, 2019.

Peter B. Truax, Mayor

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**INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF FOREST GROVE AND CLEAN WATER SERVICES
FOR ALLOCATION OF
SANITARY SEWER SYSTEM DEVELOPMENT CHARGES**

This Agreement, dated _____, 2019, is between Clean Water Services (CWS/District), a county service district organized under ORS Chapter 451 and the City of Forest Grove (City), an Oregon Municipality.

A. RECITALS

WHEREAS ORS 190.003 - 190.110 encourages intergovernmental cooperation;
and

WHEREAS City and District have authority to enter into contracts for the cooperative operation of service facilities under ORS 451.560 and ORS Chapter 190; and

WHEREAS, City and District entered into an Intergovernmental Agreement (IGA) on January 4, 2005 (and subsequently amended it on June 10, 2005, July 1, 2008, and December 7, 2009) (collectively, Operating IGA) for the cooperative operation of sanitary sewer facilities;

WHEREAS, City and District entered into an IGA for construction of the 19th Avenue and Maple Street Inflow & Infiltration Rehab Project (#6962), which requires the City to reimburse the District for 50% of the project costs (not to exceed \$1,247,500);

WHEREAS, City and District are likely to enter into subsequent IGA's during the duration of this Agreement that will involve allocating sanitary sewer system development charges (SDC) between parties;

WHEREAS, the District's Rates & Charges, Appendix B allows for a change in the SDC Charges allocation between the District and City through an IGA;

NOW, THEREFORE, the parties agree as follows:

B. ALLOCATION OF SANITARY SEWER SYSTEM DEVELOPMENT CHARGES

The subject of this Agreement is the allocation of SDC's collected within the City.

1. City owes the District for costs incurred for construction projects located within the City and may incur additional costs it will owe the District for on other construction projects during the duration of this Agreement.

2. This Agreement allows City to retain the Local Portion of the SDC in the amount of 20% of the fee established by District's Board of Directors, unless this Agreement is terminated as provided herein.

C. CITY OBLIGATIONS

For each SDC collected in City, City shall:

1. Impose and collect a total SDC per EDU as established by District's Board of Directors in its annually adopted Rates and Charges.
2. Retain the City (or Local) Portion in the amount of 20% of the fee established by District's Board of Directors.
3. Remit to District the remaining portion of the SDC.
4. Additionally, City is responsible for funding sewer line projects under 24 inches in diameter. Such projects include repairs, replacements, reconstruction, rehabilitation, CIP construction and improvements, except Conveyance System Infiltration and Inflow (I&I) abatement projects. For Conveyance system I&I abatement projects, City is responsible for 50 percent of the funding, for mutually agreed-upon projects. This provision is consistent with Appendix A, approved for Fiscal Year 2010, of the Operating IGA.

D. DISTRICT OBLIGATIONS

For each SDC collected in City, CWS shall:

Determine the system development charge (SDC) for the sanitary sewerage system. In accordance with Section 4 of the Operating IGA, the District Board of Directors will certify the SDC.

E. GENERAL TERMS

1. Effective Date and Duration. The terms of this Agreement are effective from July 1, 2018 to June 30, 2023, unless both parties agree to terminate this Agreement as provided herein.
2. Laws and Regulations. City and District agree to abide by all applicable laws and regulations.
3. Amendment of Agreement. City and CWS may amend this Agreement from time to time, by mutual written agreement.
4. Termination. This Agreement may be terminated immediately by mutual written agreement of both parties, or by either of the parties notifying the other in writing, with the termination being effective in 30 days.

5. 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. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this Agreement. Acceptance or acquiescence in a course of performance rendered under this Agreement shall not be relevant to determine the meaning of this Agreement and no waiver by a party of any right under this Agreement shall prejudice the waiving party's exercise of the right in the future.
6. Indemnification. Within the limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the parties shall indemnify and defend the others and their officers, employees, agents, and representatives from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which arises out of, or results from, the negligent or other legally culpable acts or omissions of the indemnitor, its employees, agents, contractors or representatives.
7. Attorney Fees. If any dispute arises concerning the interpretation or enforcement of this Agreement or any issues related to the U.S. Bankruptcy Code (whether or not such issues relate to the terms of this Agreement), the prevailing party in any such dispute shall be entitled to recover all of its attorney fees, paralegal fees, costs, disbursements and other expenses from the non prevailing party, including without limitation those arising before and at any trial, arbitration, bankruptcy, or other proceeding and in any appeal.
8. Resolution of Disputes. If any dispute out of this Agreement cannot be resolved by the project managers from each party, the County Manager and District's General Manager will attempt to resolve the issue. If the City Manager and District's General Manager are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as otherwise provided in Oregon law.
10. Interpretation of Agreement.
 - A. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
 - B. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in constructing or interpreting this Agreement.

11. Severability/Survival. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired. All provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this Agreement for any cause.
12. Approval Required. This Agreement and all amendments, modifications or waivers of any portion thereof shall not be effective until approved by 1) District's Chief Executive Officer or designee and City Administrator or the City Administrator's Designee and, when required by applicable District rules, District's Board of Directors and, when required by applicable City rules, City Council. Additionally, proposed changes of scope must be presented to the Capital Improvement Program Prioritization Committee for approval.
13. Choice of Law/Venue. This Agreement and all rights, obligations and disputes arising out of the Agreement shall be governed by Oregon law. All disputes and litigation arising out of this Agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

CLEAN WATER SERVICES

**CITY OF FOREST GROVE,
OREGON**

By: _____
Chief Executive Officer or Designee

By: _____
City Manager or Designee

APPROVED AS TO FORM

District Counsel

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RESOLUTION NO. 2019-48

**RESOLUTION OF THE CITY COUNCIL
ACCEPTING CITY MANAGER’S PERFORMANCE REVIEW**

WHEREAS, Michael “Jesse” VanderZanden was appointed as City Manager effective August 1, 2015; and

WHEREAS, the City Council shall evaluate the City Manager’s performance at least once a year in accordance with the City Manager’s Employment Agreement, Section 6;

WHEREAS, the City Council evaluated the performance of the City Manager in Executive Sessions under ORS 192.660(2)(i) held on May 28, June 24 and July 8, 2019.

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

Section 1. The City Council hereby accepts City Manager’s Performance Review dated on July 8, 2019.

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of August, 2019.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of August, 2018.

Peter B. Truax, Mayor

RESOLUTION NO. 2019-49

**RESOLUTION OF THE CITY COUNCIL
AUTHORIZING COMPENSATION FOR CITY MANAGER
FISCAL YEAR 2019-20**

WHEREAS, Michael "Jesse" VanderZanden was appointed as City Manager effective August 1, 2015; and

WHEREAS, the City Council shall set by resolution the City Manager's annual base salary upon conclusion of the performance review in accordance with the City Manager's Employment Agreement, Section 5 and 6; and

WHEREAS, the City Council evaluated the performance of the City Manager in Executive Sessions under ORS 192.660(2)(i) held on May 28, June 24 and July 8, 2019; and

WHEREAS, the City Council shall set the amount of the vehicle allowance annually as part of the City Manager's salary resolution in accordance with the City Manager's Employment Agreement, Section 9.

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

Section 1. The City Manager's base salary shall be as follows, effective July 1, 2019 through June 30, 2020: \$12,918.87/monthly; \$155,026.44/annually (3.5% increase).

Section 2. The City Manager's vehicle allowance in lieu of the City providing the use of a city-owned vehicle shall be as follows, effective July 1, 2019 through June 30, 2020: \$258.75/monthly; \$3,105.00/annually (3.5% increase).

Section 3. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 12th day of August, 2019.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 12th day of August, 2019.

Peter B. Truax, Mayor



A place where families and businesses thrive

CITY MANAGER'S REPORT TO COUNCIL

August 7, 2019

UPCOMING EVENTS:

August 14:	Watershed Tour, 8:30 am to 12:30 pm
August 17:	FGUncorked, 4 to 9 pm, Main Street
Aug 31 – Sept 22:	Aquatic Center Maintenance Closure
September 10:	Dine & Donate for Library Foundation, 11 am to 8:30 pm, Bites Restaurant
September 20:	Westside Economic Alliance Bike Tour of Forest Grove/Cornelius, Noon-4 pm

CITY MANAGER:

- Court Carrier, Tourism Consultant, conducted a 4-hour strategic planning session with the tourism advisory group. The meeting was well attended and will help inform the forthcoming Tourism Plan.
- The Executive Committee of the Washington County Cooperative Library Services (WCCLS) unanimously passed its Strategic Plan in August. The Vision is "A curious, engaged, and literate community where everyone is welcome and thrives." The Mission is "WCCLS partners with local public libraries to connect people to excellent countywide library services". And last, the Core Values are Accountability, Collaboration, Inclusion, Innovation, and Stewardship. The Plan goes to the Board of Commissioners for final approval in September.
- Attended the annual meeting of the Oregon City/County Managers Association in Newport. Participated in and attended seminars on visioning, equity, state legislation, financial management/budgeting, and succession planning. Meeting was well attended and an excellent opportunity to compare policies and programs with other cities.
- A Joint Work Session / Dinner with the Forest Grove School District is tentatively scheduled for October 28, 2019. If you have items that may be of interest to both parties, please let me know.
- Forest Grove, Cornelius, and Clean Water Services are collaborating and co-hosting the Westside Economic Alliance bike tour on September 20 from Noon-4 pm. The tour averages 40-50 elected officials from across Washington County. This year's route tentatively includes downtown Forest Grove, Pacific University, Fernhill Wetlands, and Cornelius Library.
- Due to a very rare opportunity, I will be out of the office September 9-13. Unfortunately, this will result in missing the September 9 City Council meeting. Paul Downey will be acting in my absence. The Work Session will consist of Urban Renewal Advisory Committee member interviews and the agenda is still in being composed.

ADMINISTRATIVE SERVICES:

- Defined Benefit Retirement Plan: The Defined Benefit Retirement Plan had an annual earnings rate of 8.76% for the year ended June 30, 2019. The assumed rate of return for that year was 6.50% so the plan earnings exceeded the assumed rate of return. The assumed rate of return for the fiscal year which began on July 1, 2019, was lowered to 6.00%. Staff will provide more information when the actuaries complete the actuarial valuation later this year.
- Tax Abatement for Enterprise Zones: The County provides an annual report of the dollar amount of property tax abatements for cities in Washington County. The FY 2018-19 property tax abatements in Forest Grove were related to the City's Enterprise Zone. In FY 2018-19, the City did not receive \$115,000 in property taxes and Urban Renewal Agency did not receive \$3,000 in property taxes due to enterprise zone tax abatements.

- Solid Waste: Staff will be meeting with Waste Management later this week to discuss the collection and rate development process for the business food waste recycling program set to start in March 2020 for the Tier 1 businesses.
- Parking Lots: Public Works has completed the resurfacing and restriping of the City Hall lot, the City Hall employee parking lot, and the lot behind the Forest Theater. Restriping of the Senior Center parking lot was added to project under the City's contractual responsibility to maintain the parking lot. The City Center lot was also redesigned to fit an additional 8 parking spots. Efforts are also being made to find a suitable solution for trash receptacles in the City Center lot that were recently displaced due to construction.
- Police Facility:
 - Staff and the architects met to finalize the concept design with the gun range separated from the Police Station. Schematic design will now begin and weekly meetings with the architects are being planned to complete the schematic design over the next two months. Staff will be also working on combining the tax lots for the Station and proposing a zoning change for the block to make it compatible with surrounding blocks.
 - Staff has worked with TVCTV to prepare an informational video about the need for a new Police Station. The Mayor and the Police Chief are the spokespersons. Kudos to Elizabeth Stover for all her behind-the-scene efforts on this project. The video has been completed and will soon be put on the City's website and social media outlets.
- Current recruitments underway include: Administrative Specialist – L&P, Police Officer, Fire Lieutenant (Internal Only), Building Inspector 1 or 2, Adult Services Librarian

COMMUNITY DEVELOPMENT/URBAN RENEWAL AGENCY:

- Community Development Staff hosted the first TV Highway Improvement Plan Technical Advisory Committee (TAC) meeting with officials from ODOT, Centro Cultural, Jacobs Engineering, City of Cornelius, Metro, TriMet, etc. The meeting was at Habitat for Humanity and was followed by a walking tour of the project area.
- CCI met August 6 and was introduced to the Community Involvement Plan for the TV Highway Improvement Plan. Feedback was very positive, with some suggestions for potential outreach efforts. They were also asked to choose among some names suggested from the consultants. They did not like any of them. However, they were unable to reach consensus on an alternative. Suggestions may be submitted to the Director subsequent to the meeting.
- Both temporary seasonal shelters and the Housing Needs Analysis will be on the City Council Agenda for September 9 for initial public hearing.

ECONOMIC DEVELOPMENT:

- Attended first meeting with Tourism TAC to develop a Forest Grove Tourism Strategic Plan. A SWOT analysis was completed.
- Collaborating with Clean Water Services and Pacific University to possibly create an accelerator for small businesses in TTM's old office building, now owned by Clean Water Services. Met with representatives in Newberg to discuss how their accelerator works.
- Met with Forest Grove School District and Chamber of Commerce to continue Junior Achievement Program next school year. Chaucer Foods will contribute \$1,000 as match. Chamber to work to fundraise additional \$3,500 from local business community.
- Working on two Downtown Storefront Improvement Program projects: Forest Grove Dance Academy, which should begin in August; and the old Forest Grove News Times building, in concept design.
- 2019 Dining Guide has been updated and will go to print shortly.
- Working with local metal fabrication company looking to build an additional factory.

- Haworth property site is now certified as a Shovel Ready Industrial Site. Working with owners on efforts to increase marketing and exposure.
- Revised Draft 2020 Economic Development Strategic Plan based on City Council feedback and will present final Plan for adoption at the August 12 Council meeting
- Completed and presented to Council an economic development educational power point.
- A two page story regarding economic development in Forest Grove was published in the July/August Oregon Business Magazine and on their website. Received a case of extra copies to use for marketing. Similarly, a new, two page blog, promoting growth in Forest Grove was placed in the Portland Relocation Guide website summer edition magazine.
- Bike Amenities including 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:

- David Hill Road/Thatcher Road Intersection: There was another collision this past month at this intersection. A review of the intersection crash history showed a clear trend of right angle crashes. This prompted a meeting with Washington County to discuss options to correct this trend. A meeting was held last Friday afternoon between the City and the County, and as a result, the County agreed with the City's position to install four way stop control at the intersection. As of Friday last week, a work order has been established and the County expects to have it installed in the near future. The revision will include advanced warning signs on Thatcher Road and David Hill Road, advising motorists of the change. The County also mentioned that stop signs may include LED lighting enhancements.
- Martin Rd. and Highway 47 Intersection Improvements: Washington County hosted an Open House for the Martin Road and Highway 47 intersection improvement project on July 31, at the Forest Grove Community Auditorium. Comments received from the public in attendance were positive. City staff have reviewed the 50 percent design documents and returned comments back to the County. It appears that ODOT will be able to cover the shortfall in funding to construct the roundabout, but staff is still waiting for the official confirmation.
- All Roads Transportation Safety Program (ARTS): This program will add reflectorized back plates to all of the signals along the City's couplet and replace the existing pedestrian signals with pedestrian countdown signal heads. ODOT has recommended to the City that the federal funds for this project be exchanged for state funds via the State Funded Local Program (SLFP). The Engineering Division would manage, design, and deliver the project using this approach and would receive reimbursement from ODOT for the project. City staff have reviewed a new IGA for the SLFP and submitted comments to ODOT. Once the IGA language is finalized, a resolution will be prepared to authorize the City Manager to execute the IGA.
- Annual Paving and Curb Ramp Improvements: Notice to Proceed will be given to Hoss Paving. A pre-construction meeting will be occurring soon and project work related to ADA ramps is expected to start by the end of August.
- 21st Avenue/Main Street: Options for improving this intersection continue. We are exploring a combination of traffic calming and improving pedestrian safety while accommodating car and truck traffic. Because of intersection geometry, it is complicated. We hope to be able to make a presentation to City Council in the near future to discuss these alternatives.
- Pacific Avenue – Safeway/Goodwill Access Study: We are currently investigating alternatives to address congestion, improper turn movements and improving safety of Pacific Avenue in the vicinity of the Safeway and Goodwill entrances. A review of the accident history for this area shows 31 accidents, 17 of which involved injuries and 4 involving pedestrians.
- 10th Street Water Distribution Flow Control Facility Improvements: The JWC water enters the Forest Grove water distribution system at this flow control point. The facility consists of flow control valves,

monitoring equipment, fluoride injection system, and flow meter. Currently, we are designing improvements to the flow metering, including rebuilding the flow control valves.

- Watershed: The 2019 Timber Harvest is finishing up this week, with approximately 10% of the volume yielding poles. 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 will take place next Wednesday, August 14; a total of 52 attendees are expected, including the City's Foresters and four employees/drivers.
- Water System Master Plan: The consultant is working on updating flow demands based on the May 2019 flow meter testing conducted by JWC, Hillsboro, and Forest Grove, and using ground water wells as potential emergency water supplies.
- CWS Sanitary Sewer Rehab: Clean Water Services will be working throughout the city on their Sanitary Sewer Rehabilitation project. The project will involve pipe lining and replacement by bursting or open trench excavation, to eliminate ground water infiltration into sanitary sewer lines.
- Forest Glen Park Slide and Sewer Repair: K&B Quality Excavating is scheduled to begin work the week of August 19. The work is designed to stop erosion proximal to the park, trails, and utilities.

POLICE:

- National Night Out was conducted on August 6. The official entry station counted 1219 citizens who entered the event. Estimates are much higher for participants due to other entry points. The police department, with the help of many donors, distributed almost 700 units of ice cream, 135 backpacks and 16 bicycles. Immense amount of positive feedback from our citizens.
- Community Outreach: COS Quinsland hosted an advisory meeting for the Washington County Crisis Intervention Training which the department is hosting in September; attended First Wednesday and continues to attend the Farmer's Market on a regular basis; assisted with logistics for the Oregon Police Officer's Association Search Warrant Training hosted by the department; received training on Law Enforcement and Social Media and provided a Power Point presentation to supervisors and command staff on Twitter as the department is beginning to branch out with a more vigorous Twitter presence; coordinated and attended Coffee with a Cop hosted at Telvet Coffee.
- Code Enforcement: Issued 52 parking citations; 5 vehicles impounded; 1 vehicle booted; 1 in-process abatement; 10 Reports / 9 supplemental reports; 1 warning for City Ordinance violations.

LIBRARY:

- National Night Out: Twenty-five new readers signed up for Summer Reading at National Night Out. Additionally, library staff and volunteer Dave Pauli handed out WCCLS promotional items and stamped passports for many happy families.
- The Library will be doing five outreach story-times in Spanish at Rose Grove Mobile Home Park in September and October (one each week for 5 consecutive weeks). This outreach is funded by WCCLS and its goal is to invite underserved members of our community to their local public libraries.
- The library will be attending the Bienestar Kids Fair later this month. We hope to see over 100 families there, and plan to pass out library welcome bags to children under the age of five (Ready to Read grant funded), OR free books to youth that sign up for the Summer Reading Program (Friends' funded).
- Foundation Bequest: At the July Foundation Board meeting, Mike Moore reported that the probate had been completed for the estate of Rachel Anne Campbell and the bequest to the Foundation is \$167,368.94. The Foundation also received a \$500 donation from the Forest Grove Lions Club.
- Summer Reading: In July, 35 tweens scoured the library using only their Harry Potter knowledge and Dewey Decimal System brochures (and lots of friendly help from library staff) in search of chocolate frog cards during the Scavenger Hunt.

- We also had our first Teen after hours program—mini golf—which was fun to both make and play. Several Teen Library Council members surprised us by coming in early to the mini golf program to help set up and we were extremely grateful for the assistance!
- Next week we'll end the summer with two pizza programs; the teens and tweens have learned a LOT this summer, from sustainability practices and self-care to photography and origami, so we are happy to end on a fun, team-building note. With the fall season comes improv and zine workshops, escape rooms, and twice-monthly TLC meetings.
- After our outreach at National Night Out, the Library's Summer Reading Incentive Program sign-ups now stand at 1,255 youth participants. This is our second highest participation in the last decade, the highest being 1,329 participants in 2017.
- We had record numbers of Summer Reading Program attendees at library events in July, 1233 people attended youth programs during the month.
- In early August, the Reptile Man events exceeded our expectations for attendance, with 185 people attending the first show, and 170 people attending the second.
- Our Youth Services Librarian recently helped a group of Pacific University students with a school project that identified books and other resources told from a variety of diverse perspectives. Their final product was a website meant to be an aid for teachers of elementary school classrooms. The final tool can be seen here: <https://rohinyakidslit.home.blog/>. And the WCCLS online resource created to highlight the final project can be seen here: https://wccls.bibliocommons.com/list/share/1251122017_forestgrove_nathanj/1445664667_inclusive_narratives_resources_for_the_elementary_classroom.
- Garden project Update: The Foundation Board has prepared an RFP to submit to local landscape companies for the installation of the garden. Artist Eric Canon has begun work on the arbor and benches for the garden. Also, the small, ailing paperbark maple tree was removed by Parks.
- Recent displays: Toni Morrison (died August 6); Tour de France; 50th Anniversary of Apollo 11 moon landing; National Wellness month.

LIGHT & POWER:

- Crews have finished replacement of aging poles, conductor and associated hardware in several locations around the city that were identified for replacement thru the annual inspection system.
- A large transformer was replaced at an industrial customer's site on 24th Avenue. This failing transformer was identified thru thermal imaging as part of our routine inspection program.
- Crews continue replacing high voltage underground cables as part of our cable replacement program. New cables have been installed in the 1700 block of Poplar St, 2600 block of A St, and on Verboort Rd.
- The underground cables that feed Neil Armstrong Middle School are being replaced. Although these cables have not yet failed, they are very old and are being replaced due to this location being considered a critical customer and also due to the time of year with school out of session.
- Three customers in the 700 block of Gales Creek Road experienced an approximately three-hour power outage while crews made repairs to the failed high voltage cable feeding them. This cable has been identified for replacement and is near the top of the list.
- Work has begun on the replacement and upgrading of the poles and lines on the 1800 & 1900 blocks of D Street. This upgraded line will be one of the new power feeds serving Gales Creek Terrace.
- Crews participated in the National Night Out event by offering bucket truck rides to all who were interested. This continues to be a popular attraction.
- Renae Ooley retired on August 2 after 30 years of employment with the City. Michelle Stromberg was promoted and a search is now underway to replace Michelle. There are 154 applicants.

COUNTY-WIDE:

WCCLS: Tuality Healthcare will permanently close their library on August 12. Tuality is the last "special" WCCLS member library following the closure of the Oregon College of Arts and Crafts library earlier this year. The official announcement from Tuality read: *"Tuality remains committed to fostering intellectual curiosity and will continue to support continuing medical education (CME) and online offerings through our collaboration with OHSU and the OHSU Library. We plan to keep a space and computers available to employees as we recognize this is a useful resource. There will be further updates about the evolution of our library services and online offerings in the coming weeks"*.

JWC: No update.

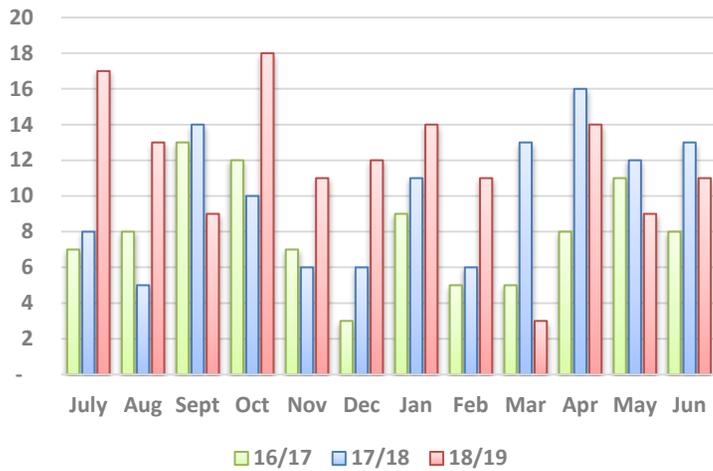
WCCCA: No update.

CONSTRUCTION PROJECTS IN FOREST GROVE:

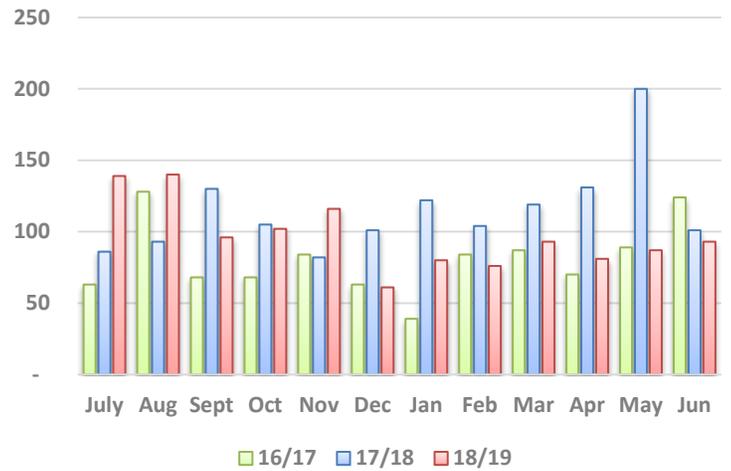
NAME	LOCATION	DESCRIPTION	LAND USE PERMIT STATUS	BLDG PERMIT STATUS	CONST. STATUS
Kidd Court	22 nd Place	Subdivision 7 units	Approved	4 permits issued	Under Construction
Silverstone	David Hill Rd	Subdivision (200 lots)	Approved	181 lots issued	Under construction
Gales Creek Terrace	Pacific Ave/19 th Ave	Subdivision (197 lots)	Approved	N/A	In grading
Green Grove	Thatcher Rd	Co-Housing (9 lots)	Approved	6 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	Permit Issued; Under construction
Wauna Credit Union	Pacific/Hwy 47	Commercial New	Approved	Permit Issued	Grading under construction
Nectar Marijuana Dispensary	Pacific Ave/Oak Street	Commercial/Tenant Improvement	Approved	Permit Issued	Grading under construction
Inserta Tee Storage Building	24 th Ave	Industrial New	Approved	Permit issued	Under construction
Rose Grove Park Expansion	Pacific Ave	Manufactured Home Park	Approved	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)	Planning Commission Approved; Appealed to City Council	N/A	N/A
Green Apartments	19 th Ave	Apartments (9 units)	Approved	N/A	N/A
Rainbow Lanes	19 th Avenue	Commercial Tenant Improvement	N/A	Permit Issued	Under construction

Forest Grove Activity Report

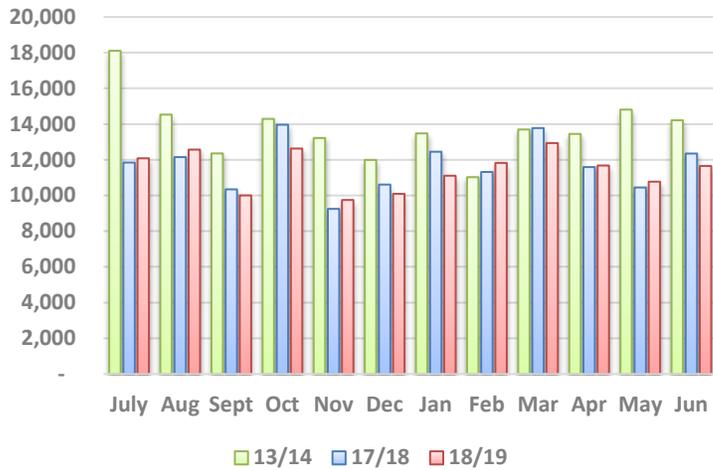
New Business Licenses



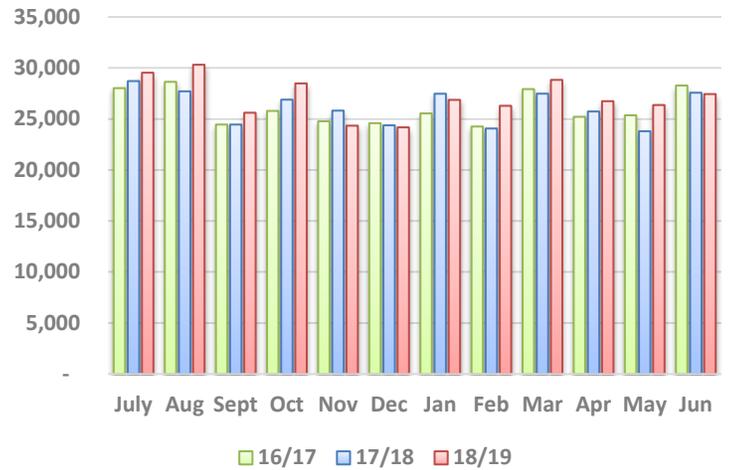
Total Building Permits



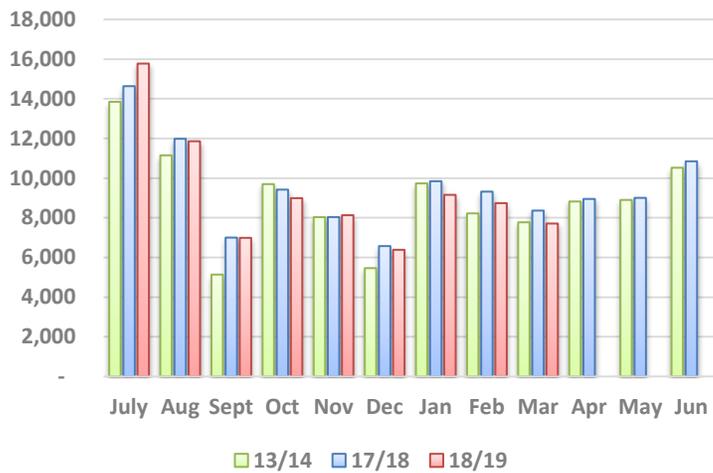
Library Walk-Ins



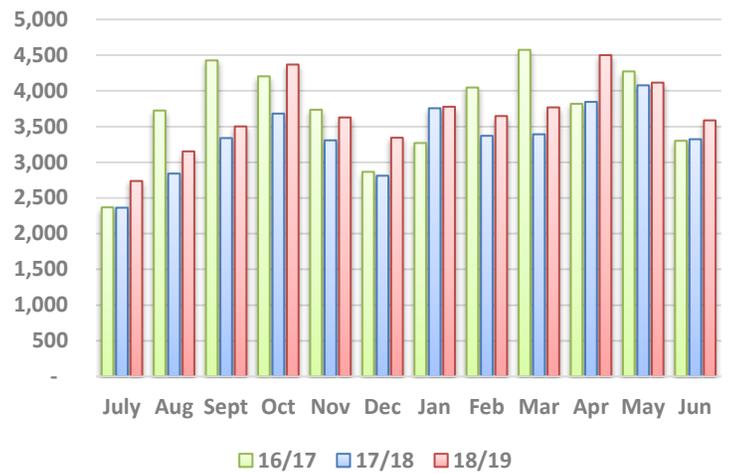
Library Circulation



Aquatic Center Attendance

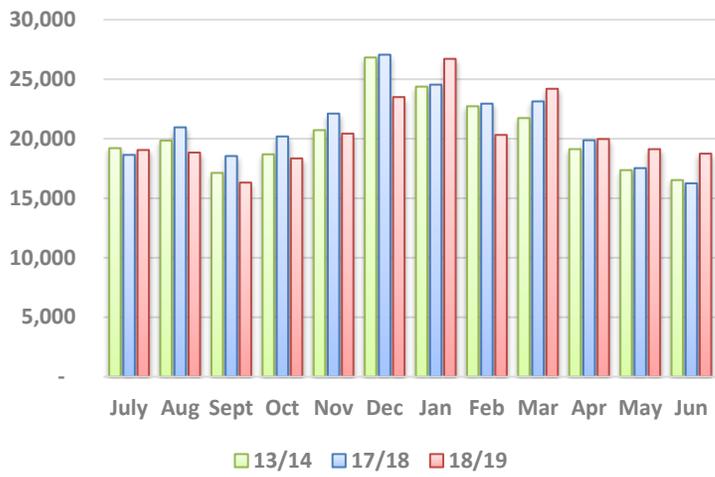


Grove Link Riders



Forest Grove Activity Report

Light & Power Total MWh



Fire Department Calls

