



# Driveway Variances Staff Report and Recommendation

Community Development Department, Planning Division

**REPORT DATE:** November 21, 2018  
**HEARING DATE:** December 3, 2018

**LAND USE REQUESTS:**

- The maximum driveway width in a General Industrial zone is 40 feet. The applicant is requesting a 192-foot-wide driveway.
- When the posted traffic speed is 25 mph, the required minimum distance between driveways is 105 feet. The applicant is requesting a reduction to 21 feet.

**FILE NUMBER(S):** 311-18-000030-PLNG

**PROPERTY LOCATION:** 4115 24<sup>th</sup> Avenue

**LEGAL DESCRIPTION:** Washington County Tax Lot 1N332D000103

**OWNER/APPLICANT(S):** Applicant: W. Pendarvis Global Land, 4071 24<sup>th</sup> Avenue, Forest Grove, Oregon 97116  
Property Owner: Same  
Applicant's Representative: CIDA, 15895 SW 72<sup>nd</sup> Avenue Suite 200, Portland, Oregon 97224

**COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS:** General Industrial (GI)  
General Industrial (GI)

**APPLICABLE STANDARDS AND CRITERIA:** City of Forest Grove Development Code:  
§10.2.400 et. seq. Site Development Review  
§10.2.700 et. seq. Variance  
§10.3.500 et. seq. Industrial Zones  
§10.8.100 et. seq. Access and Circulation

**REVIEWING STAFF:** James Reitz (AICP), Senior Planner

**RECOMMENDATION:** Staff recommends denial of both variance requests

## I. LAND USE HISTORY

History and Request: The site is located in what is colloquially known as the Forest Grove Industrial Park (FGIP). All of the parcels along 24<sup>th</sup> Avenue between Quince and Yew streets, along with the Yew Street properties north of the railroad, are defined as within the FGIP. This designation is noted in Forest Grove Code §151.001(B)(3)(c) pertaining to the requirement for the installation of sidewalks with new construction. The code exempts all properties in the FGIP from this requirement.

In July 2016, the applicant received site plan approval for a new 72,727-square-foot production building, expanded employee parking area, and wetland mitigation. In September 2016, the applicant requested two variances to Development Code access standards:

- The maximum driveway width in a General Industrial zone is 40 feet. The applicant requested a 52-foot-wide driveway.
- When the posted traffic speed is 25 mph, the required minimum distance between driveways is 105 feet. The applicant requested a reduction to 78 feet.

These two variances were approved by the Planning Commission in October, 2016 (see Exhibit B *Planning Commission Findings and Decision No. 2016-13*). These variances allowed use of the three existing roll-up doors facing 24<sup>th</sup> Avenue through construction of a single new loading dock that provides access to all three existing doors, and the applicant has now completed construction of the new building and driveways (see the Site Examination section below).

The applicant now proposes the construction of “a significant amount of additional storage capacity (including) a new warehouse building with new corporate offices, to the south of the new processing building. The four existing, aging and outdated pre-fabricated metal buildings will be removed to allow for this new warehouse facility ...” which means that the building housing the existing 3 loading docks would be removed and replaced with a new building housing 12 loading docks. The docks would be located 79 feet north of the 24<sup>th</sup> Avenue right-of-way, and tractor-trailers would back into the loading docks directly from 24<sup>th</sup> Avenue.

The Development Code regulates both the distance required between driveways and their widths. The new driveway serving the loading docks would be located closer together than is permitted by the previous variance. In addition, the proposed width would greatly exceed what was approved previously. Thus, the applicant has requested two new variances.

Process: DC §10.2.710 *Procedure* authorizes the Planning Commission to act on a request for a variance after holding a public hearing pursuant to Type III review procedures.

Public notice for this application was mailed to property owners and residents within 300 feet of the site on November 9, 2018, as required by DC §10.1.160. Notice of this request was also provided to the Plans Review Board, and published in the *News Times*. As of the writing of this report, no comments have been received from the public.

## II. PROJECT DESCRIPTION AND ANALYSIS

- A. Description of Proposal: The applicant is proposing the construction of additional warehouse space and new corporate offices, located to the south of the new production facility. The new construction would replace four existing pre-fabricated metal buildings.

The new warehouse would have 12 loading docks that would face 24<sup>th</sup> Avenue. The loading docks would be located 79 feet north of the 24<sup>th</sup> Avenue right-of-way. Tractor-trailers would back into the loading docks directly from 24<sup>th</sup> Avenue.

The Development Code regulates both the distance required between driveways and their widths. The new driveway would be located closer than is currently permitted to an existing driveway, and the proposed width would also exceed standards. Specifically:

- The maximum driveway width in a General Industrial zone is 40 feet. The applicant is requesting a 192-foot-wide driveway.
- When the posted traffic speed is 25 mph, the required minimum distance between driveways is 105 feet. The applicant is requesting a reduction to 21 feet.

The applicant has submitted the following material in support of this request; additional details are provided in the Approval Criteria and Findings section below.

*Old Trapper currently occupies several existing buildings along 24<sup>th</sup> Avenue in Forest Grove. Prior to this year, their processing operations were in an approximately 20,000 square foot building located at 4071 24<sup>th</sup> Avenue. Last year, they expanded their storage facility in the neighboring building to meet the needs of this existing processing facility.*

*Earlier this year, Old Trapper completed construction on a new, state of the art, processing facility at the north end of Tax Lot 1N3 32D TL103. The smaller processing plant will remain in operation. To accommodate the warehouse requirements of both these facilities, Old Trapper is moving forward with plans for a new warehouse building, with new corporate office, to the south of the new processing building. The four existing, aging and outdate pre-fabricated metal buildings (will) be removed to allow for this new warehouse facility, that will provide a facility that is up to date with current life safety, seismic and accessibility standards.*

*The site has 376 feet of frontage on 24<sup>th</sup> Avenue which includes three existing driveways. As part of the prior improvement to the site, the driveways were adjusted in order to function with the new docks that were added to one of the existing buildings. Variance from Development Code standards relative to spacing and width of these adjusted driveways were approved under City File Number 311-16-000179-PLNG.*

*With the new warehouse building, Old Trapper is seeking additional variance(s) to the City's driveway standards as noted below.*

*Requests:*

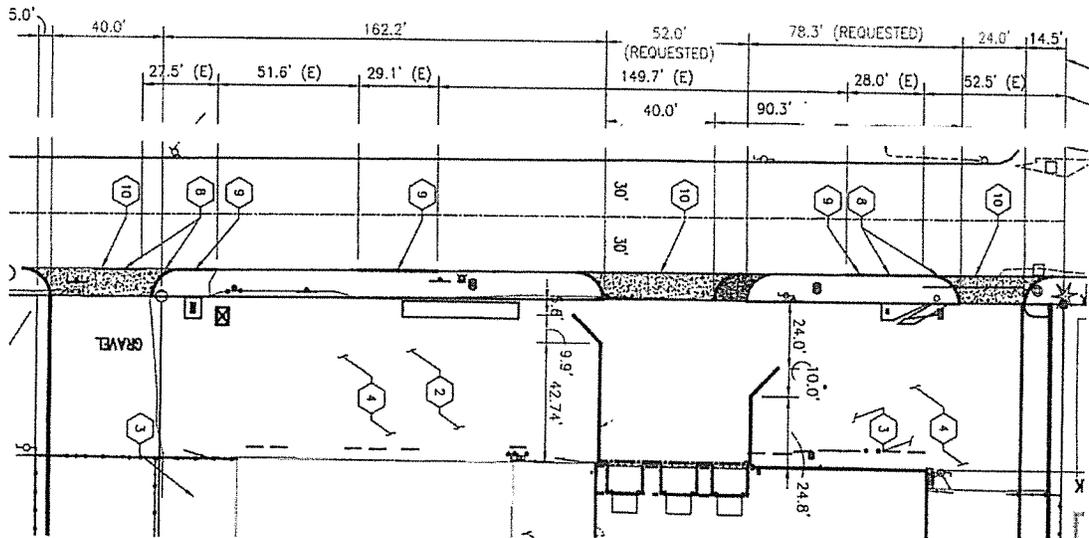
- 1. Per the City of Forest Grove Development Code, §10.8.130(B), the maximum driveway width in Industrial zones is 40'. We are requesting to increase this width to 197' - 8".*
- 2. Per the City of Forest Grove Development Code §10.8.130(D), the minimum distance between curb cuts is 105 feet where the speed limit is 25 mph. We are requesting that the spacing between the west driveway and center driveway be reduce to 21' - 4". We are requesting that the spacing between the east driveway and the center driveway be reduced to 65'.*

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

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Site	General Industrial	General Industrial	Warehousing
North	(County) FD-10	(County) FD-10	Agriculture
South	General Industrial	General Industrial	Warehousing
East	General Industrial	General Industrial	Agriculture
West	General Industrial	General Industrial	Manufacturing

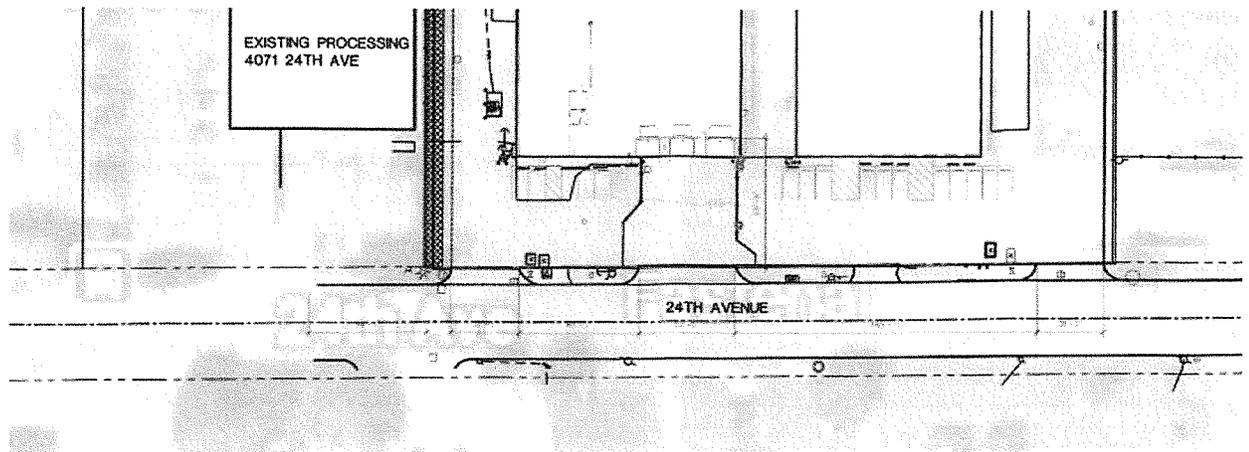
C. Site Examination: The project site is located at 4115 24<sup>th</sup> Avenue. The existing buildings have been used for warehousing and distribution, and the area surrounding the buildings has been paved for truck access and employee parking. The street frontage is improved to City standards, but lacks sidewalks as per FGC §150.001(B)(3)(c) as noted above. Lot area is approximately 9.6 acres. Lot depth (north to south) is about 550 feet, while lot width is about 376 feet.

Current driveway widths and spacing are as follows (this graphic is from the 2016 variance request staff report). The three existing driveways are 40 feet, 52 feet, and 24 feet wide. The center, 52-foot-wide driveway serves the existing loading docks.

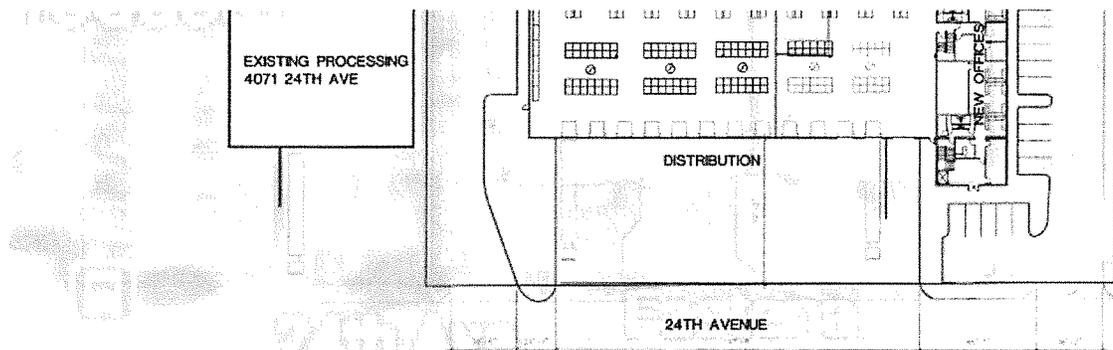


D. Traffic and Circulation: Virtually all of the buildings located along this segment of 24<sup>th</sup> Avenue have been there for decades. All pre-date the Development Code and only three businesses (Westak, Sintex - now the site of Usher Manufacturing - and Old Trapper) were constructed while the Zoning Ordinance was in effect (from 1980 to 2009). Aside from the applicant's most recent construction, all other driveways accessing 24<sup>th</sup> Avenue were constructed prior to 1980 or have been installed in compliance with Development Code standards.

The applicant proposes to retain the east (40-foot-wide) and west (24-foot-wide) driveways. The primary change would be to the central driveway, which would be expanded from a 52-foot width to a 192-foot width. With this expansion, the central driveway would be located 65 feet from the east driveway and 21 feet from the west driveway. Of the entire 376-foot-wide frontage, 284 feet (or about 76%) would be used for access. The existing and proposed driveway configurations are below.



EXISTING DRIVEWAY CONFIGURATION



PROPOSED DRIVEWAY CONFIGURATION

24<sup>th</sup> Avenue is a designated Collector Street. It has had that designation since at least 1980. The 1980-2009 Zoning Ordinance driveway width and spacing requirements are the same as in the current Development Code. The Zoning Ordinance in effect prior to that, from 1971 to 1980, required only 30 feet of separation between industrial driveways, while "Maximum curb cut width shall be as determined by the City Engineer." This would explain why several existing driveways exceed 40 feet in width: some are in the 50-to-66 foot range, but none exceed that width. Several existing driveways are also located less than 105 feet apart.

On-street parking is prohibited along 24<sup>th</sup> Avenue to minimize potential conflicts with industrial traffic. Tractor-trailers already use the street to back into the loading docks at several businesses.

While there may be some cut-through traffic (particularly when Pacific Avenue is congested) the primary traffic is generated by the businesses located there. However, because 24<sup>th</sup> Avenue is a designated Collector street (not a Local Industrial street) it is intended to serve both local and regional needs. To that end, a connection is planned between Yew Street and Holladay Street in Cornelius, thus providing additional circulation opportunities between the two cities. Forest Grove and Cornelius recently coordinated the development of a Memorandum of Under-

standing to identify a point certain for the future connection of Yew Street and Holladay Street at or near 24<sup>th</sup> Avenue (see Exhibit C).

When the connection is made with Holladay Street, 24<sup>th</sup> Avenue will serve regional and not just local needs. It will provide only the third through connection between Cornelius and Forest Grove (the others being Hwy 8 and Heather Street). The addition of 9 new loading docks (for a total of 12) that would be served with tractor-trailers backing directly into them from 24<sup>th</sup> Avenue would conflict with the future traffic anticipated on this Collector street.

The project has been designed such that vehicle maneuvering would occur in the street versus exclusively on-site. In addition to the requested driveway width and spacing variances, this scenario would also conflict with the provisions of DC §10.8.125(B), as follows:

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

The driveway width and spacing variances previously granted the applicant in 2016 resulted in essentially the same access opportunities already enjoyed by other properties in the same vicinity and zoning district. This request - for a 192-foot-wide driveway - would be exceptional as no other driveway along 24<sup>th</sup> Avenue would even be close (the widest current driveway is only 66 feet in width). Furthermore, with a 4-fold increase in the number of loading docks (from 3 to 12) there would be a commensurate increase in tractor-trailers maneuvering within the street.

Staff would also note that, if the current variance requests are granted, they would set a precedent. The applicant's site does not exhibit any unusual features; all properties abutting 24<sup>th</sup> Avenue share similar physical characteristics. The essence of the applicant's request is to maximize use of the property by shifting the loading dock functions from the site and into the public right-of-way. Each and every other business fronting 24<sup>th</sup> Avenue could make a similar request. If this application is granted, the City might not have grounds to deny such requests, and the Collector street safety and functionality of 24<sup>th</sup> Avenue would be even further compromised.

Conclusion: Staff concludes that the requested variances would result in a conflict with the purposes, safety and functionality of 24<sup>th</sup> Avenue, a designated Collector street. Because 24<sup>th</sup> Avenue is a Collector street, it is intended to serve both local and regional needs, and a 4-fold increase (from 3 to 12) in the number of loading docks that would be directly served with tractor-trailers backing into them from 24<sup>th</sup> Avenue would conflict with the future traffic anticipated on a Collector street.

### III. COMPREHENSIVE PLAN GOALS AND POLICIES

The following Comprehensive Plan Goals and Policies provide additional guidance for consideration of this request (the numbering in this section is from the original document).

#### **Chapter 4 Land Use - Existing Conditions**

Existing industrial activity in Forest Grove is concentrated in four distinct areas: the Taylor Way industrial area, 24<sup>th</sup> Avenue industrial area, 23<sup>rd</sup> Avenue industrial area and the Southeast industrial area.

The 24<sup>th</sup> Avenue industrial area includes a variety of activities including warehousing flex space, food processing, warehousing, industrial services, and some light manufacturing.

#### **Industrial and Employment Objectives**

2. Land designated for industrial use shall have a slope of 5% or less and access to arterial and collector street and adequately sized utilities.
9. Coordinate the designation of industrial and other land use activities in the Comprehensive Plan with the Transportation Element. Through the designation of industrial land use linked to the recommended transportation network of arterials and collectors, existing and proposed residential areas can be avoided to the maximum extent possible.
10. Access to industrial sites shall be from arterials or local industrial streets, oriented away from residential areas wherever feasible.

The subject site has a slope of 5% or less and has access to a designated Collector street (24<sup>th</sup> Avenue). All properties abutting 24<sup>th</sup> Avenue share these attributes; the site does not exhibit any unusual physical or dimensional characteristics.

#### **Chapter 11 Transportation - Guiding Principles**

The following guiding principles serve as the framework for the Transportation Chapter of the Forest Grove Comprehensive Plan:

- A. Promote the development of a transportation system adequate to serve local, regional and statewide needs;
- B. Recognize the mobility needs of all persons using the transportation system including the transportation disadvantaged;
- C. Encourage and support the availability of a variety of transportation choices for moving people and freight including walking, bicycling, and transit;
- D. Avoid principal reliance upon any one mode of transportation or one transportation corridor;
- E. Provide for safe and convenient vehicular, transit, pedestrian and bicycle access and circulation;
- F. Protect existing and planned transportation facilities, corridors and sites for their intended functions;
- G. Ensure coordination among affected agencies involved in transportation issues including state, county and regional partners;
- H. Balance through traffic on the state highway system with local need for access to existing and future businesses served by the transportation network;

- I. Implement a sustainable transportation system that recognizes the needs of people, minimizes the impact to the environment and is cost-effective to construct and maintain;
- J. The transportation system shall minimize conflicts and facilitate connections between modes of transportation; and
- K. The transportation system shall avoid principal reliance on any one mode of transportation by increasing transportation choices and reducing reliance on the automobile.

24<sup>th</sup> Avenue is a designated Collector street. It is intended to serve both local and regional needs. To that end, Forest Grove and Cornelius recently coordinated the development of a Memorandum of Understanding to identify a point certain for the future connection of Yew Street and Holladay Street at or near the 24<sup>th</sup> Avenue / Yew Street intersection (see Exhibit C).

### **Transportation Goals and Policies**

#### **Goal 2 Develop and maintain a transportation system that reduces the length of travel and limits congestion.**

**Policy 2.1:** Enhance street system connectivity wherever practical and feasible.

Action 2.1.1: Establish design criteria and implementing ordinances to enable the connection of streets identified on the plan as funds are available and new development or redevelopment arise. Exceptions will be given where connections are prevented by topography, barriers such as railroads, expressway or pre-existing development or environmental constraints.

**Policy 2.2:** Maintain traffic flow and mobility on arterial or collector roadways.

Action 2.2.1: The City will work with ODOT and Washington County to preserve access control standards to reduce conflicts among vehicles and trucks, as well as conflicts between vehicles and pedestrians.

To enhance street connectivity, a connection is planned between Yew Street and Holladay Street at or near the Yew Street / 24<sup>th</sup> Avenue intersection. The cities recently agreed to a Memorandum of Understanding as to the connection point of these streets, thus improving the street system's connectivity.

#### **Goal 3 Develop and maintain a transportation system that is safe.**

**Policy 3.4:** Access control and spacing standards should be developed for all streets to improve safety and promote efficient through street movement. Access control measures shall be generally consistent with Washington County access guidelines to ensure consistency on city and county roads.

Action 3.4.1: The City will adopt and implement access control and spacing standards for all street classifications in Forest Grove. For roadway reconstruction, existing driveways shall be compared with standards and a reasonable attempt shall be made to comply.

The City has adopted access control and spacing standards for all streets. A variance to these standards was granted in 2016 which essentially granted the applicant the same access opportunities already enjoyed by other properties in the same vicinity and zoning district. This request - for a 192-foot-wide driveway - would be exceptional as no other driveway along 24<sup>th</sup> Avenue would even be close (the widest current driveway is only 66 feet in width). Furthermore, with a 4-fold increase in the number of loading docks (from 3 to 12) there would be a commensurate increase in tractor-trailers maneuvering within the street.

If the current variance requests are granted, they would set a precedent. The applicant's site does not exhibit any unusual physical or dimensional characteristics; all properties abutting 24<sup>th</sup> Avenue share similar attributes. Thus, each and every other business fronting 24<sup>th</sup> Avenue could make a similar request. As the City might not have grounds to deny such requests, they would render access and spacing standards moot.

Approval of the requested variances would also conflict with the provisions of DC §10.8.125(B) which states that "*All non-residential uses shall be served by one (1) or more service drives as determined necessary to provide convenient and safe access to the property. In no case shall the design of said service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.*" The proposed use is non-residential (industrial) and the requested variances would require backward movement of tractor-trailers within 24<sup>th</sup> Avenue. While that is already occurring to some degree at the applicant's site and elsewhere along 24<sup>th</sup> Avenue, this request - for a 192-foot-wide driveway - would be exceptional, as no other driveway along 24<sup>th</sup> Avenue would even be close (the widest current driveway is only 66 feet in width). Furthermore, with a 4-fold increase in the number of loading docks (from 3 to 12) there would be a commensurate increase in tractor-trailers maneuvering within the street.

**Goal 5 Promote the development of Forest Grove, the state and the national economy through the efficient movement of people, goods, services, and information in a safe and efficient manner.**

**Policy 5.1:** Ensure a safe and efficient freight system that facilitates the movement of goods to, from and through Forest Grove and through the region while minimizing conflicts with other travel modes.

**Policy 5.2:** Require safe routing of hazardous materials consistent with federal and state guidelines.

**Policy 5.4:** Provide transportation facilities that support land development that is consistent with the Comprehensive Plan.

**Policy 5.5:** Evaluate land development projects to determine possible adverse traffic impacts.

24<sup>th</sup> Avenue is a designated Collector street. It is intended to serve both local and regional needs, including the movement of goods through Forest Grove to and from Cornelius. Increasing the number of loading docks (from 3 to 12) which would be directly served from 24<sup>th</sup> Avenue would conflict with other travel modes, particularly other local and regional traffic.

Forest Grove and Cornelius recently agreed to a Memorandum of Understanding that identifies a point certain for the future connection of Holladay Street with Yew Street at or near the Yew Street / 24<sup>th</sup> Avenue intersection. When that connection is made, it will facilitate the movement of goods through Forest Grove. Because a 4-fold increase in the number of loading docks (from 3 to 12) would result in a commensurate increase in tractor-trailers maneuvering within the street, there would be a corresponding increase in the likelihood of adverse traffic impacts and conflicts.

**Goal 9 Develop a transportation system that is consistent with the City’s Comprehensive Plan and adopted state and regional plans.**

**Policy 9.2:** Work collaboratively with other jurisdictions and agencies so the transportation system can function as one system.

Action: City will consider the State adopted mobility standards for all state facilities, based on the Oregon Highway Plan.

The City and ODOT are working on a plan to improve the Yew Street / Adair Street (Hwy 8) intersection due to its high rate of angle crashes. When the Holladay Street extension is made to Yew Street, some of the traffic going to and from 24<sup>th</sup> Avenue and using the Yew Street / Adair Street intersection will have alternative access to Cornelius, Hwy 8 and Hwy 47, which should result in fewer crashes at Yew and Adair streets. However, due to the increase in traffic volume, traffic conflicts on 24<sup>th</sup> Avenue would also increase if the variances are approved.

#### **IV. TRANSPORTATION SYSTEM PLAN**

The Transportation System Plan also provides additional guidance for consideration of this request (the numbering in this section is from the original document).

##### **8. ROADWAY PLAN**

###### **8.1.1 Functional Classification Definitions**

**Collector streets** provide both access and circulation within residential and commercial/industrial areas. Collectors differ from arterials in that they provide citywide connectivity, do not require as extensive control of access and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system. These routes may span large areas of the city but typically do not extend significantly into adjacent jurisdictions.

###### **8.3 Access Management**

Access management is important for maintaining traffic flow and mobility, particularly on high volume roadways. Where local and neighborhood streets function to provide access, collector and arterial streets serve greater traffic volume. Numerous driveways or street intersections increase the number of conflicts and potential for accidents and decrease mobility and traffic flow. Forest Grove needs a balance between streets that provide access and streets that serve mobility.

Several access management strategies were identified to improve access and mobility in Forest Grove:

- Provide left turn lanes where warranted for access onto cross streets.
- Work with land use development applications to consolidate driveways where feasible.
- Meet Washington County and ODOT access requirements on arterials.
- Use Washington County and ODOT standards for access on arterials and collectors.
- Establish City access standards for new developments and requirements that are consistent with Metro Title 6 access guidelines.
- Limit new single family residential access on arterials and collectors.
- Specific access management plans be developed for key corridors to maximize the capacity of the existing facilities and protect their functional integrity.

## **8.9 Preferred Plan Roadway Network**

The Preferred Plan roadway network builds upon the existing roadway network. Preferred Plan projects aim to fill system gaps and develop a more complete network. The system includes new roadways, new connections between roadways and intersection improvements to address expected deficiencies.... It should be noted that proposed roadways and connections depicted on the preferred plan map represent conceptual alignments, with further evaluation needed to identify specific routes. The proposed improvements are tied to land that will have future development actions. It is important that these planning level transportation improvement proposals carry through and develop further at the time of specific land use planning. Improvements tied to industrial land are particularly preliminary and may require significant adjustment as land use decisions are made. Additionally, development of projects affecting the state highway system will require on-going coordination with ODOT building on the discussions held during development of this document and the 2011 TSP.

The sections below discuss specific roadway facilities in greater detail, while Table 8-3 at the end of this chapter presents the project list.

### **8.9.2 Future Study Areas**

Figure 8-7 identifies four areas of the City requiring further study. During the TSP update, various ideas for improvements in the study areas were discussed, but no one proposed plan was agreed upon by all of the affected jurisdictions. More refined analysis is needed before conclusions on a preferred plan for each study area can be reached. The TSP is a policy level document and not a vehicle for in-depth transportation analysis. A more in-depth analysis needs to include the following:

1. Evaluate alternative plans;
2. Evaluate implications of proposed alternatives on the transportation system (e.g., connectivity, circulation, access, traffic intersections, capacity, preliminary design, etc.);
3. Present how various alternatives and the proposed plan relate to various standards (e.g., type of standards, standards met or not, etc.); and
4. Recommend an alternative based on an evaluation of outcomes.

The following is a summary of the issues in each study area including a short discussion of that analysis that has been conducted and the ideas proposed for further review.

**Yew Street / Adair Street / Mountain View Lane Study Area**

The area that encompasses the intersections of Yew Street/Adair Street, Yew Street/Baseline Street, and Mountain View Lane/Pacific Avenue has been identified as needing further study. **The Yew Street/Adair Street intersection has an existing deficiency (Level of Service F) and, with projected increases in traffic volumes, intersection operations will further degrade (emphasis added).** Additionally, the Yew Street/Baseline Street intersection is projected to have future operational deficiencies for minor street approaches. The Mountain View Lane/Pacific Avenue intersection has an existing traffic signal where Adair Street and Baseline Street converge to become Pacific Avenue. **Several solutions to address the operational deficiency at Yew and Adair Streets have been suggested including additional turn lanes, new roadways such as connections between Yew Street and Mountain View Lane to east/west roadways including OR 8 (Pacific Avenue), 24<sup>th</sup> Avenue, and Holladay Street (emphasis added),** turn restrictions with alternative routing, channelization, and coordinated traffic signals. The City's preferred alternative includes installation of traffic signals to improve operations and safety at the unsignalized intersections. However, this solution raises concerns about signal spacing along Highway 8 approaching the intersections with Baseline and Mountain View Lane. More discussion of various alternatives is included in Appendix J. A long-term solution may include these or other alternatives, and will require further study to identify a short/long-term solution. ODOT involvement and approval would be required for final recommendations.

The City and ODOT are working on a plan to improve the Yew Street / Adair Street (Hwy 8) intersection due to its high rate of angle crashes. As noted above, this intersection also functions at Level of Service F, the lowest possible rating. When the Holladay Street extension is made to Yew Street, some of the traffic going to and from 24<sup>th</sup> Avenue and using the Yew Street / Adair Street intersection will have alternative access to Cornelius, Hwy 8 and Hwy 47, which should result in an improvement in Level of Service.

V. APPROVAL CRITERIA AND FINDINGS

Development Code §10.2.720 *Review Criteria* requires that the Commission find that the proposal complies with the following criteria:

- (A) The need for the variance does not result from prior actions of the applicant or owner, or from personal circumstances of or caused by the applicant or owner, such as financial circumstances;

*Applicant's Response: Old Trapper has been located in Forest Grove for over 40 years and is well established in the community. Although Forest Grove is seeking to increase their economic base and expand business opportunities, there is very limited Industrial Land available within the City limits. Prior to purchase of this property, Old Trapper did an extensive search for industrial property that could accommodate their needs. Short of relocating out of Forest Grove, this site was the only property that could accommodate their expansion.*

*Since the purchase of this property, Old Trapper has been in discussion with owners of the adjacent property to the east and west in attempts to secure additional land, but neither property owner is willing to sell.*

*Due to these circumstances, Old Trapper must maximize the use of the available property.*

Finding: The need for the variance does not result from prior actions of the applicant.

Finding: The need for the variance is as a result of personal or financial circumstances. The applicant's site does not exhibit any unusual physical or dimensional features; all properties within the Forest Grove Industrial Park share similar attributes. As such, it is not unique. Instead, the applicant seeks to "maximize the use of the available property" by shifting the loading dock functions from the site and into the public right-of-way because of financial circumstances i.e., the applicant has been unable to purchase additional land.

Conclusion: The need for the variance is as a result of personal or financial circumstances. The applicant could purchase additional land, or re-design the project to fit the site. Thus, this criterion has not been met.

- (B) To meet the need, the request is the minimum necessary variation from the Code requirement; and

Applicant's Response: *The width of the driveway requested is based on the width needed to accommodate the twelve truck docks required along with the adjacent drive-in door. The proposed width will allow clear access to each of the twelve docks, without forcing excessive off-site maneuvering. Additional width is required to allow access to the drive-in bay while a truck is parked in the easternmost dock. The existing driveways that will remain will be used for small vehicle traffic, truck access to the receiving facility, and fire apparatus access.*

*Vehicle barriers are provided between the receiving docks and the existing drives to the east and west. This will eliminate congestion due to conflicts between truck docks and the on-site car traffic.*

*The docks are set back from the street sufficient distance, so that a full-size truck will be entirely accommodated on the site when docked.*

Finding: 24<sup>th</sup> Avenue is a designated Collector street. It is intended to serve both local and regional needs.

Finding: The City has adopted access control and spacing standards for all streets. A variance to these standards was granted in 2016 which essentially granted the applicant the same access opportunities already enjoyed by other properties in the same vicinity and zoning district. This request is for a 192-foot-wide driveway to serve 12 loading docks, which would represent a nearly 400% increase in driveway width (from 52 to 192 feet) and a 400% increase in the number of loading docks (from 3 to 12). While the applicant notes that the proposal is necessary in order to construct 12 loading docks, no evidence has been submitted to demonstrate that 12 loading docks are the minimum needed, and that the requested variances would be the minimum necessary. Instead, the application notes that the purpose of the request is to

"maximize the use of the available property" and that the project cannot be designed to fit on the site "without impacting overall storage capacity and product flow."

Conclusion: The circumstances that apply to the site do apply to other properties in the same vicinity and zoning district. The applicant's site does not exhibit any characteristics that are unique and unusual.

Furthermore, the application notes that the purpose of the request is to "maximize the use of the available property" and that the project cannot be designed to fit on the site "without impacting overall storage capacity and product flow." While an alternative design might not be optimal, a design could be developed that would not necessitate the need for a variance. Thus, this criterion has not been met.

- (C) The circumstances that apply to the site do not typically apply to other properties in the same vicinity or zoning district and are unique and unusual.

Applicant's Response: *When Old Trapper purchased the property, the seller did a lot line adjustment to divide their two properties into two narrow lots running north/south. The configuration of the lot leads to a linear building. In the case of Old Trapper, the building configuration results in receiving coming in at one end (north) and distribution going out at the opposite (south) end.*

*We have explored various options to locate the distribution docks on either the west or east sides of the building to eliminate direct truck access from 24<sup>th</sup> (Avenue). The width needed to accommodate the truck bays and maneuvering cannot feasibly be accommodated in the east/west direction without impacting overall storage capacity and product flow.*

*Aside from the inefficient use of space that an east/west truck dock results in, the phasing requirements of the warehouse structure makes it impossible to achieve an east/west dock orientation while maintaining operations and provide for a functional facility.*

*In order to maintain the warehouse capacity during construction of the new building, the new warehouse must be built in two phases. The initial phase of construction must provide equivalent storage to that provided in the existing buildings that are being removed. This will allow Old Trapper to maintain capacity when these existing buildings are removed to accommodate the second warehouse phase.*

*If docks were to be located on the east side, there would only be 40' of building structure in this first phase, which is not functional. If docks were to be located on the west side, they would need to be located at the middle of the building and be constructed in a third phase, so that the current dock doors could be utilized in the interim. This location would not allow for a functional product flow.*

*The circumstances driving the need for the requested driveway configuration are based on the lot configuration.*

Finding: The City has adopted access control and spacing standards for all streets. A variance to these standards was granted in 2016 which essentially granted the applicant the same access opportunities already enjoyed by other properties in the same vicinity and zoning district. This request - for a 192-foot-wide driveway - would

be exceptional as no other driveway along 24<sup>th</sup> Avenue would even be close (the widest current driveway is only 66 feet in width).

Finding: The applicant's site does not exhibit any unique or unusual physical or dimensional characteristics; all properties abutting 24<sup>th</sup> Avenue share similar attributes. If the current variance requests are granted, they would set a precedent, and each and every other business fronting 24<sup>th</sup> Avenue could make a similar request. Because all of the properties abutting 24<sup>th</sup> Avenue share similar attributes, the City might not have grounds to deny such requests.

Finding: The application notes that the purpose of the request is to "maximize the use of the available property." This is not a unique or unusual attribute, as any business would want to do so in order to maximize profitability.

Conclusion: The circumstances that apply to the site do apply to other properties in the same vicinity and zoning district. The applicant's site does not exhibit any characteristics that are unique and unusual. Thus, this criterion has not been met.

## VI. ALTERNATIVES

The Planning Commission may approve as submitted, continue deliberations to a date certain, or deny this request.

## VII. RECOMMENDATION

Based on the information provided in the application and the findings above, staff recommends denial of both variance requests.

## VIII. 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**      Variance narrative and application materials, prepared and submitted by the applicant
- Exhibit B**      Planning Commission Findings and Decision No. 2016-13
- Exhibit C**      Forest Grove – Cornelius Memorandum of Understanding

# EXHIBIT A

Variance Narrative and Application Materials  
Prepared and Submitted by the Applicant



---

**Introduction:**

Old Trapper currently occupies several existing buildings along 24<sup>th</sup> Avenue in Forest Grove. Prior to this year, their processing operations were in an approximately 20,000 square foot building located at 4071 24<sup>th</sup> Avenue. Last year, they expanded their storage facility in the neighboring building to meet the needs of this existing processing facility.

Earlier this year, Old Trapper completed construction on a new, state of the art, processing facility at the north end of Tax Lot IN3 32D TL103. The smaller processing plant will remain in operation. To accommodate the warehouse requirements of both these facilities, Old Trapper requires a significant amount of additional storage capacity. To this end, Old Trapper is moving forward with plans for a new warehouse building, with new corporate offices, to the south of the new processing building. The four existing, aging and outdated pre-fabricated metal buildings be removed to allow for this new warehouse facility, that will provide a facility that is up to date with current life safety, seismic and accessibility standards.

The site has 376 foot of frontage on 24th Avenue which includes three existing driveways. As part of the prior improvement to the site, the driveways were adjusted in order to function with the new docks that were added to one of the existing buildings. Variance from Development Code standards relative to spacing and width of these adjusted driveways were approved under City File Number: 311-16-000179-PLNG.

With the new warehouse building, Old Trapper is seeking additional variance to the City's driveway standards as noted below.

**Request:**

Per the City of Forest Grove Development Code, 10.8.130.B, the maximum driveway width in Industrial zones is 40'. We are requesting to increase this width to 197'-8".

Per the City of Forest Grove Development Code 10.8.130.D, the minimum distance between curb cuts is 105 feet where the speed limit is 25 mph. We are requesting that the spacing between the west driveway and center driveway be reduced to 21'-4". We are requesting that the spacing between the east driveway and the center driveway to be reduced to 65'.

The proposed driveway configuration is shown on the attached Site Plan and Driveway Plan.

**10.2.720 REVIEW CRITERIA**

A. The need for the variance does not result from prior actions of the applicant or owner, or from personal circumstances of or caused by the applicant or owner, such as financial circumstances;

***Applicant's response:***

Old Trapper has been located in Forest Grove for over 40 years and is well established in the community. Although Forest Grove is seeking to increase their economic base and expand business opportunities, there is very limited Industrial Land available within the City limits. Prior to purchase of this property, Old Trapper did an extensive search for industrial property that could accommodate their needs.



---

Short of relocating out of Forest Grove, this site was the only property available that could accommodate their expansion.

Since their purchase of this property, Old Trapper has been in discussion with the owners of the adjacent property to the east and west in attempts to secure additional land, but neither property owner is willing to sell.

Due to these circumstances, Old Trapper must maximize the use of the available property.

**B. To meet the need, the request is the minimum necessary variation from the Code requirement;**

***Applicant's response:***

The width of the driveway requested is based on the width needed to accommodate the twelve truck docks required along with the adjacent drive-in door. The proposed width will allow clear access to each of the twelve docks, without forcing excessive off-site maneuvering. Additional width is required to allow access to the drive-in bay while a truck is parked in the easternmost dock. The existing driveways that will remain will be used for small vehicle traffic, truck access to the receiving end of the facility, and fire apparatus access.

Vehicle barriers are provided between the receiving docks and the existing drives to the east and west. This will eliminate congestion due to conflicts between truck docks and the on-site car traffic.

The docks are set back from the street sufficient distance, so that a full-size truck will be entirely accommodated on the site when docked.

**C. The circumstances that apply to the site do not typically apply to other properties in the same vicinity or zoning district and are unique or unusual.**

***Applicant's response:***

When Old Trapper purchased the property, the seller did a lot line adjustment to divide their two properties into two narrow lots running north/south. The configuration of the lot leads to a linear building. In the case of Old Trapper, the building configuration results in receiving coming in at one end (north) and distribution going out at the opposite (south) end.

We have explored various options to locate the distribution docks on either the west or east sides of the building to eliminate direct truck access from 24th. The width needed to accommodate the truck bays and maneuvering cannot feasibly be accommodated in the east/west direction without impacting overall storage capacity and product flow.

Aside from the inefficient use of space that an east/west truck dock results in, the phasing requirements of the warehouse structure makes it impossible to achieve an east/west dock orientation while maintaining operations and providing for a functional facility.

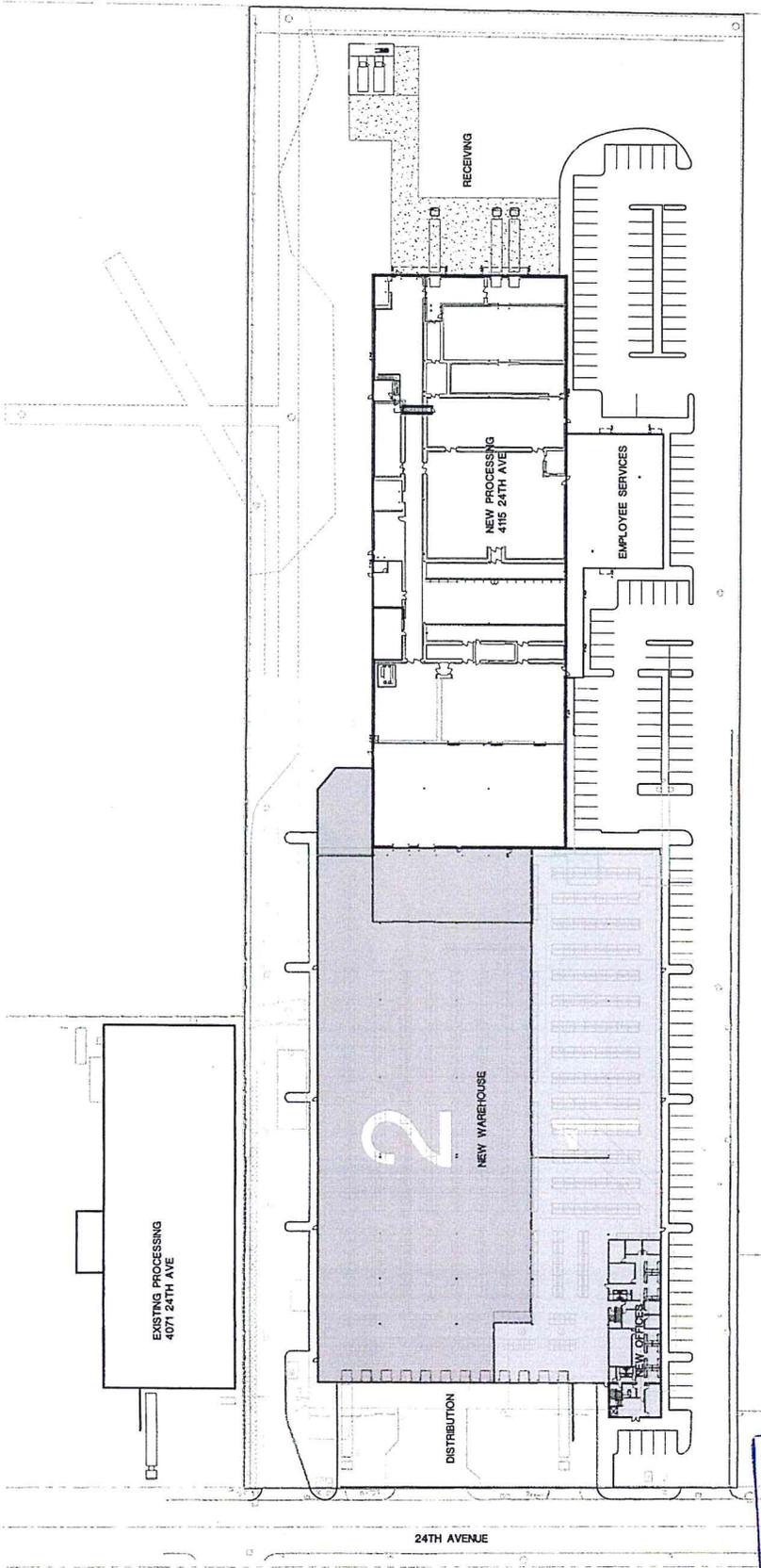
In order to maintain the warehouse capacity during construction of the new building, the new warehouse must be built in two phases. The initial phase of construction must provide equivalent storage to that



provided in the existing buildings that are being removed. This will allow Old Trapper to maintain capacity when these existing buildings are removed to accommodate the second warehouse phase.

If docks were to be located on the east side, there would only be 40' of building structure in this first phase, which is not functional. If docks were to be located on the west side, they would need to be located at the middle of the building and be constructed in a third phase, so that the current dock doors could be utilized in the interim. This location would not allow for a functional product flow.

The circumstances driving the need for the requested driveway configuration are based on the lot configuration.



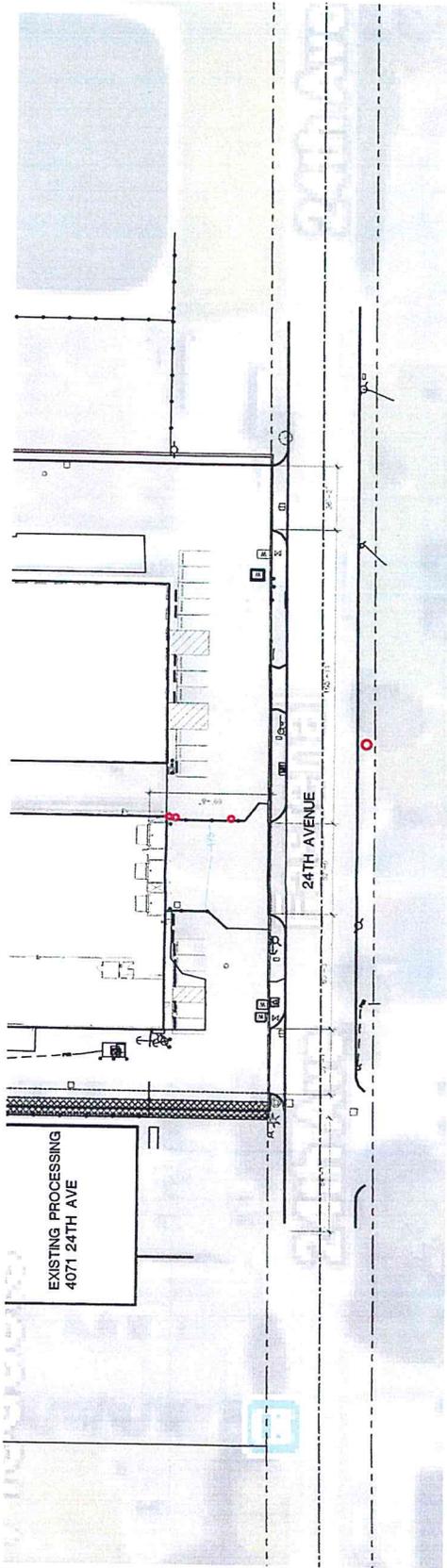
**EXHIBIT 'A' -- SITE PLAN**


**SITE PLAN**  
 SCALE: 1" = 40'  
 09.13.2018  
 JML  
 180073.01  
 © 2018 GDA, INC. ALL RIGHTS RESERVED

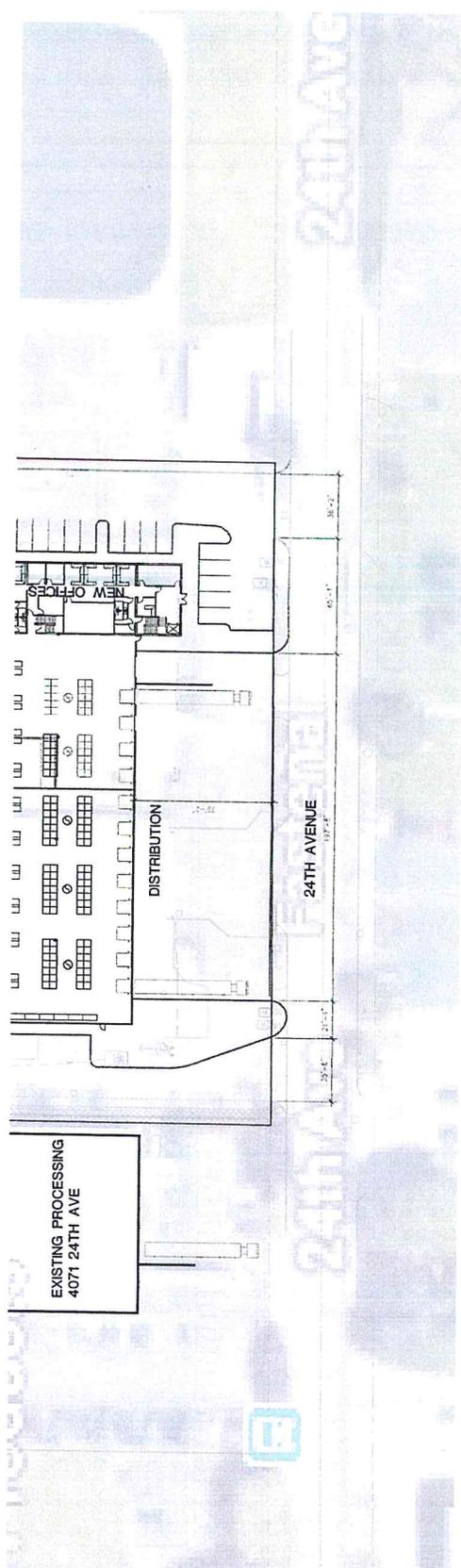
**RECEIVED**  
 SEP 28 2018  
 CITY OF FOREST GROVE

**OLD TRAPPER  
 FOREST GROVE, OR**  
 15895 SW 72ND AVE SUITE 200  
 PORTLAND, OREGON 97224  
 TEL: 503.226.1285  
 FAX: 503.226.1670





**EXISTING DRIVEWAY CONFIGURATION**



**PROPOSED DRIVEWAY CONFIGURATION**

**OLD TRAPPER  
FOREST GROVE, OR**  
15895 SW 72ND AVE SUITE 200  
PORTLAND, OREGON 97224  
TEL: 503.226.1255  
FAX: 503.226.1670

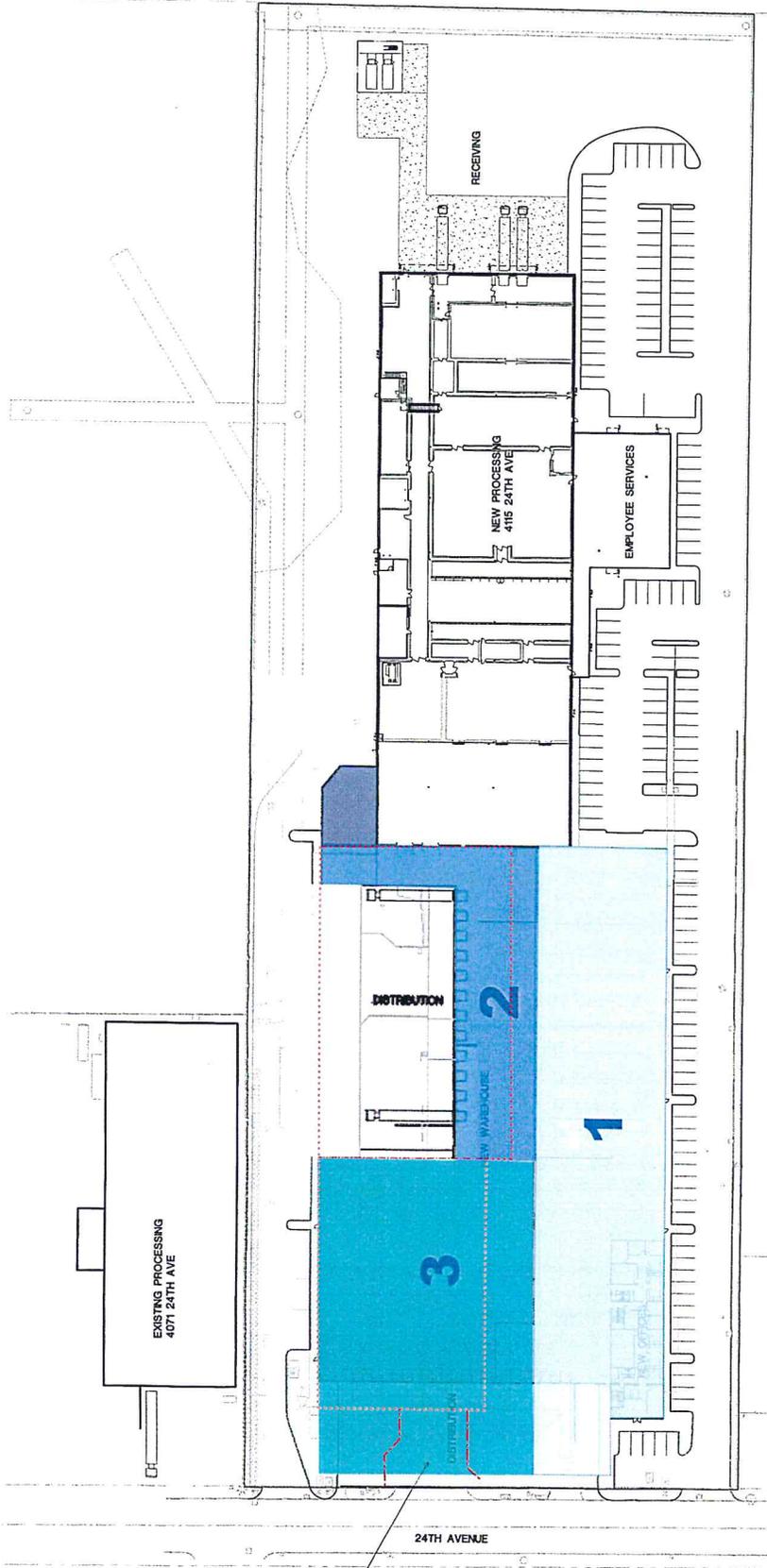


**EXHIBIT 'B' -- DRIVEWAY PLANS**



**DRIVEWAY PLANS**  
SCALE: 30' = 1"-0"  
180073.01

08.20.2018  
JML



Look for remaining units  
specifications in Phase 2

## EXHIBIT 'C' -- WEST DOCK SCENARIO

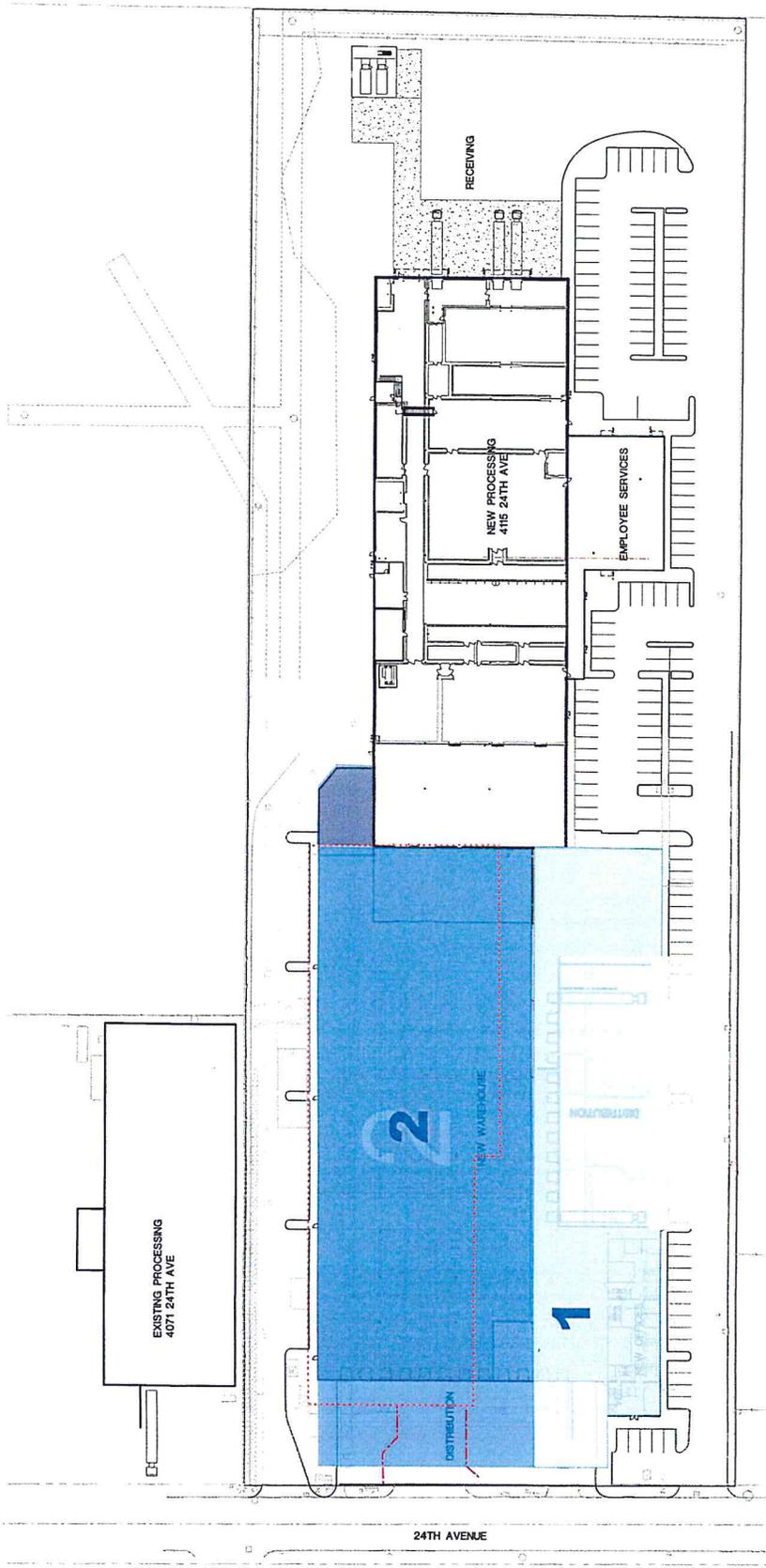
**OLD TRAPPER  
FOREST GROVE, OR**

15895 SW 72ND AVE SUITE 200  
PORTLAND, OREGON 97224  
TEL: 503.226.1285  
FAX: 503.226.1670



09.13.2018  
JML

**SITE PLAN**  
SCALE: 1" = 40'  
180073.01



## EXHIBIT 'D' -- EAST DOCK SCENARIO

**OLD TRAPPER  
FOREST GROVE, OR**  
15895 SW 72ND AVE SUITE 200  
PORTLAND, OREGON 97224  
TEL: 503.226.1285  
FAX: 503.226.1670



**SITE PLAN**  
SCALE: 1" = 40'  
180073.01  
09.13.2018  
JML  
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## EXHIBIT B

Planning Commission Findings and Decision No. 2016-13

**Planning Commission Findings and Decision Number 2016-13 to Approve Two  
Variances to the Development Code Driveway Standards at 4115 24<sup>th</sup> Avenue  
File Number: 311-16-000179-PLNG**

WHEREAS, on August 29, 2016 W. Pendarvis Global Land (a.k.a. Old Trapper Smoked Products), filed for two variances to the Development Code driveway standards for the site at 4115 24<sup>th</sup> Avenue:

- The maximum driveway width in a General Industrial zone is 40 feet. The applicant has requested a 52-foot-wide driveway.
- When the posted traffic speed is 25 mph, the required minimum distance between driveways is 105 feet. The applicant has requested a reduction to 78 feet; and

WHEREAS, notice of this request was mailed to property owners and residents within 300 feet of the subject site on September 23, 2016 as required by Development Code §10.1.610. Notice was also published in the *News Times* on October 12, 2016. No written comments were received in response to these notices; and

WHEREAS, the Planning Commission held the duly-noticed public hearing on the proposal on October 17, 2016.

The City of Forest Grove Planning Commission does hereby approve the requested variances, making the following specific findings in support of this decision:

- 1) The Planning Commission adopts by reference the staff report including findings and recommendations dated October 17, 2016.
- 2) Development Code §10.2.720 *Review Criteria* requires that the Commission find that the proposal complies with the following criteria:

- (A) The need for the variance does not result from prior actions of the applicant or owner, or from personal circumstances of or caused by the applicant or owner, such as financial circumstances;

*Applicant's Response: The pre-existing driveways on the site do not meet the required spacing minimums. The improvements undertaken by the owner are bringing the driveway spacing closer to the minimums even with the requested variance. The locations of the driveways are a result of the location of the existing buildings and the existing overhead doors.*

*Old Trapper has been located in Forest Grove for over 40 years and (is) well established in the community. The availability of industrial land suitable for the expansion of their facility in Forest Grove is limited. After several years of searching, this property was the only available site they were able to find that was able to meet their needs without relocating out of Forest Grove.*

Finding: The applicant recently acquired the site at 4115 24<sup>th</sup> Avenue for the purpose of expanding production. The site had already been developed with several warehouse and distribution facilities. The street frontage had already been improved, including three driveways taking access from 24<sup>th</sup> Avenue. The location and width of these driveways appear to have complied with the code requirements in effect at the time they were constructed, but do not comply with current Development Code standards and specifications. The need for the requested variances are thus not as a result of any prior action by the applicant, but rather as a result of changing code requirements.

- (B) To meet the need, the request is the minimum necessary variation from the Code requirement; and

Applicant's Response: *The location of the driveways is based on the existing building configuration. There are three truck access doors on the larger of the existing buildings that will house Old Trapper's distribution warehouse. The location of these doors along the frontage dictate(s) the location of the center curb cut. The proximity of the building to the street requires a wider curb cut to allow truck access to and maneuvering for these existing doors. The 52' is the minimum width needed to allow trucks to use the existing doors for loading access.*

*The western drive has been moved as far as possible away from the center curb cut to provide the greatest separation possible. The eastern drive has been moved as close to the eastern property line as possible to maximize that spacing.*

*The large majority of truck and employee access will be at the eastern drive. The center drive will be used solely by trucks accessing the distribution dock. Use of the western drive will be limited to access for the existing tenant space at the southwest corner of the existing building, overflow parking and emergency and maintenance vehicle access. Although the use of the drive is limited, it is necessary to be able to maintain this access.*

Finding: The east driveway would be shifted to the east, and widened to 40 feet. No variance to the driveway width or spacing standards is proposed or required.

Finding: Driveway widths at several businesses along 24<sup>th</sup> Avenue exceed the 40-foot maximum width currently stipulated by the Development Code. These include two driveways across the street from the project site at Henningsen Cold Storage (52 feet and 66 feet); a 42-foot-wide driveway at Old Trapper's current site; and a 52-foot-wide driveway at Chaucer Foods on Yew Street (also within the Forest Grove Industrial Park).

Finding: The 52-foot-width proposed for the center driveway would be the minimum width necessary, due to the spacing of the existing roll-up doors. Driveway width of less than 52 feet would not allow unfettered access to all three existing roll-up doors. Even if the width of the center driveway complied with the 40-foot-wide standard, it would still be located too close to the west driveway.

Finding: The west driveway is proposed to be relocated farther to the west, to align with the drive aisle on the west side of the building. The width of the driveway would be 24 feet, in compliance with Development Code standards. The purpose of shifting the drive approach to the west would be to achieve the greatest separation possible, and to align with the existing aisle.

Finding: A driveway in the vicinity of the west property line is necessary in order to maintain emergency vehicle access around the building and to provide access to Fastenal.

Finding: While the west driveway would be located only about 78 feet from the center driveway - less than the 105-feet as stipulated by the Development Code - it would exceed the existing spacing of several other driveways in the same vicinity and zoning district.

- (C) The circumstances that apply to the site do not typically apply to other properties in the same vicinity or zoning district and are unique and unusual.

Applicant's Response: *Along the length of 24<sup>th</sup> Avenue, there are several properties that have curb cuts spaced within less than 100' of each other. The Henningsen Cold Storage Facility across the street from the Old Trapper site has two curb cuts that are each 52' in width and spaced approximately 100' apart.*

*The circumstances driving the need for the requested driveway configuration are based on the existing building configuration. Old Trapper's long range plans include replacing the existing building. However, development of their new production facility is critical for their ongoing success and therefore, replacing the existing distribution warehouse is not feasible until after the production facility has allowed them to expand their capacity and market share.*

Finding: Virtually all of the buildings located along this segment of 24<sup>th</sup> Avenue have been there for decades. All pre-date the Development Code and only three businesses (Westak, Sintex (now the site of Usher Manufacturing) and Old Trapper) were constructed while the 1980-2009 Zoning Ordinance was in effect. All other driveways accessing 24<sup>th</sup> Avenue were constructed prior to 1980 or have been installed in compliance with Development Code standards.

Finding: This segment of 24<sup>th</sup> Avenue is a designated Collector Street. It has had that designation since at least 1980. The 1980-2009 Zoning Ordinance driveway width and spacing requirements are the same as in the current Development Code. The Zoning Ordinance in effect from 1971 to 1980 required only 30 feet of separation between industrial driveways, while "Maximum curb cut width shall be as determined by the City Engineer." This explains why several existing driveways exceed 40 feet in width, and why several others are located less than 105 feet apart.

Finding: The Police Department has not noted any particular traffic issue or conflict as a result of tractor trailer units backing from the street into the existing loading docks, despite their width and less than 105-foot spacing.

Finding: The proposed 52-foot-wide driveway would be less than several others in the immediate vicinity, and the 78-foot spacing greater than the spacing of several others. Thus, the requested variances would grant the applicant the same access opportunities enjoyed by other properties in the same vicinity and zoning district.

Finding: While the circumstances are not unique to the area, the variances would allow the applicant the same development rights enjoyed by others in the area, i.e., driveways that exceed 40 feet in width, and spaced closer than 105 feet apart.

  
\_\_\_\_\_  
TOM BECK, Chair

10/21/16  
\_\_\_\_\_  
Date

## EXHIBIT C

Forest Grove – Cornelius Memorandum of Understanding

**RESOLUTION NO. 2018-38**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF FOREST GROVE AND THE CITY OF CORNELIUS  
GUIDING THE EXTENSION OF N HOLLADAY STREET BETWEEN N 4TH AVENUE  
AND YEW STREET**

**WHEREAS**, the recently-adopted 2018 Cornelius Transportation System Plan (TSP) includes a conceptual extension of N Holladay Street, an industrial collector, westward from its terminus at N 4th Avenue to the western city boundary; and

**WHEREAS**, The 2014 Forest Grove TSP includes an extension of N Holladay Street between Yew Street/N 24th Avenue and Forest Grove's eastern boundary; and

**WHEREAS**, the projected street alignment falls within properties zoned for general industrial uses, and the primary beneficiaries of this road extension is anticipated to be the industrial businesses in both cities; and

**WHEREAS**, the connectivity afforded by this road extension will also serve as a secondary bypass for emergency responders; and

**WHEREAS**, City staff have developed a proposed Memorandum of Understanding identifying general parameters within which the Holladay Street connection can be made in a coordinated fashion to the benefit of both communities; and

**WHEREAS**, the City of Forest Grove and the City of Cornelius agree that the extension of N Holladay Street will be mutually beneficial to both communities.

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

Section 1. The Cornelius City Council approves the Memorandum of Understanding between the City of Forest Grove and the City of Cornelius guiding the extension of N Holladay Street between N 4th Avenue and Yew Street and authorizes the City Manager to execute the agreement on behalf of the City.

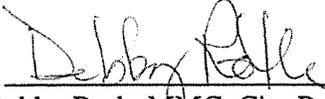
Section 2. This resolution is effective immediately upon its enactment by the City Council.

**INTRODUCED AND APPROVED** by the Cornelius City Council at their regular meeting this 1st day of October, 2018.

City of Cornelius, Oregon

By:   
Dave Schamp, Council President

Attest:

By:   
Debby Roth, MMC, City Recorder

7. ✓

**RESOLUTION NO. 2018-84**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING  
BETWEEN CITY OF CORNELIUS AND CITY OF FOREST GROVE  
RELATING TO THE EXTENSION OF N HOLLADAY STREET**

**WHEREAS**, the 2014 Forest Grove Transportation System Plan includes a conceptual extension of Holladay Street from the Forest Grove/Cornelius boundary to Highway 47; and

**WHEREAS**, 2018 Cornelius Transportation System Plan also includes a conceptual extension of N Holladay Street from N 4<sup>th</sup> Avenue to the Forest Grove/Cornelius boundary; and

**WHEREAS**, as properties are developed they are generally required to dedicate right-of-way needed to serve development; and

**WHEREAS**, a complementary alignment for Holladay Street where the street crosses the Forest Grove and Cornelius city boundary is needed to promote transportation connectivity for the mutual benefit of both communities; and

**WHEREAS**, the City of Forest Grove and City of Cornelius desire to enter into a Memorandum of Understanding to establish expectations and responsibilities for coordinated decisions related to the Holladay Street extension.

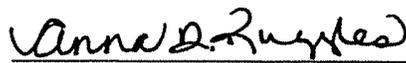
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:**

**Section 1.** The Forest Grove City Council hereby approves the Memorandum of Understanding (attached as Exhibit A), between the City of Forest Grove and City of Cornelius relating to the future extension of N Holladay Street.

**Section 2.** The City Manager is hereby authorized to execute the Memorandum of Understanding on behalf of the City of Forest Grove.

**Section 3.** This resolution is effective immediately upon its enactment by the Forest Grove City Council.

**PRESENTED AND PASSED** this 22<sup>nd</sup> day of October, 2018.

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

**APPROVED** by the Mayor this 22<sup>nd</sup> day of October, 2018.

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

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is entered into by and between the City of Cornelius, a municipal corporation, and the City of Forest Grove, a municipal corporation.

- A. **Purpose.** The purpose of this MOU is to protect private property development potential while supporting transportation system connectivity between the industrial areas of the City of Cornelius and City of Forest Grove (hereinafter, 'the Cities'). Specifically, this MOU establishes shared objectives and responsibilities to ensure alignment of North Holladay Street in Cornelius and Yew Street in Forest Grove, when future extensions of these streets occur.
- A. **Background.** The Cities share a municipal boundary which includes the area in Cornelius' northwestern region and Forest Grove's northeastern region; these areas are dominated by properties zoned for industrial uses. The Cities respectively contain adjoining vacant industrial parcels that abut the shared municipal boundary, the shared boundary measuring approximately 220 linear feet, and that have a high likelihood of private industrial development in the near future. The Tax Lot ID Nos. of these properties are 1N333CA00900 (Cornelius) and 1N332D000104 (Forest Grove).

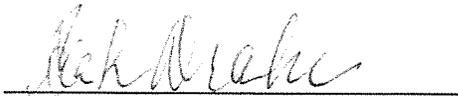
As properties receive land use approvals for development, they are generally required to dedicate right-of-way and/or construct public street improvements to serve the development as well as contribute to overall system connectivity. The Cities' staff have deemed it necessary to establish complementary alignments for future right-of-way dedications in the respective Cities and provide for future connectivity between the Cities' industrial areas.

- B. **Terms of Agreement.** This MOU establishes an agreement as to the location and general conditions of a future connection between North Holladay Street from its existing western terminus at North 4<sup>th</sup> Avenue in Cornelius, and Yew Street at its existing northern terminus located approximately 300 feet north of its intersection with 24<sup>th</sup> Avenue in Forest Grove.
1. The street centerline location where the western extension of North Holladay Street and the eastern extension of Yew Street meet shall be at the shared City boundary line, approximately 110 feet south of the northwestern corner of TLID 1N333CA00900, or halfway between the northern and southern ends of the shared boundary of the abutting parcels (see Exhibit A). This location shall be deemed the 'street connection point' for the remainder of this agreement.
  2. The maximum street centerline curvature of the street on each side of the street connection point shall be 198 feet.
  3. If the Cities have different adopted standards for street right-of-way widths for these street extensions, each shall taper the right-of-way dedication width requirements to meet the other's right-of-way width at the street connection point. The right-of-way width at the street connection point shall be the mid-point between the two Cities' right-of-way standards for the respective street classifications.

4. It shall be the sole responsibility and authority of each City to determine street alignment between the respective existing street termini and the street connection point.
  5. It shall be the sole responsibility and authority of each City to relay the terms of this MOU to the respective owners of the abutting properties.
- C. **Term.** This MOU is at-will and shall become effective upon signature by the authorized officials from the Cities. The MOU shall remain in effect until modified or terminated by any one of the parties by mutual consent, or upon completion of construction and acceptance by the respective Cities of the street connection referenced herein. This MOU may be terminated by either party hereto by giving notice to the other party sixty (60) days in advance of the specified date of termination.
- D. **Cost.** Each City shall be solely responsible for implementation of the terms of this MOU within its respective municipal boundary.

CITY OF CORNELIUS

CITY OF FOREST GROVE



Rob Drake, City Manager

Jesse VanderZanden, City Manager

10/24/2018

10/23/18

Date

Date

# EXHIBIT A

