



Site Plan and Design Review Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE:	September 26, 2022
HEARING DATE:	October 3, 2022
PROJECT NAME:	Stonewood Apartments
FILE NUMBER:	311-22-000024-PLNG
LAND USE REQUEST:	Site development and design review of a proposed 32-unit multi-family apartment complex.
PROPERTY LOCATION:	Fir Road & Pacific Avenue Washington County Tax Lot 1S305AB00501
APPLICANT:	Matt Newman, NW Engineers
OWNER:	AC Buzz Avery-Stonewood Center LLC.
COMPREHENSIVE PLAN MAP DESIGNATION:	Community Commercial (CC)
ZONING MAP DESIGNATION:	Community Commercial (CC)
APPLICABLE STANDARDS AND CRITERIA:	City of Forest Grove Development Code §17.2.300 et. seq. <i>Design Review</i> §17.2.400 et. seq. <i>Site Development Review</i> §17.3.300 et. seq. <i>Commercial and Mixed-Use Zones</i> §17.7.200 et. seq. <i>Solid Waste and Recycling</i> §17.8.000 et. seq. <i>General Development Standards</i> City of Forest Grove Design Guideline Handbook Focus Area III <i>Multi-Unit Residential Focus Area</i>
REVIEWING STAFF:	Amy Kreimeier (AICP) Senior Planner
RECOMMENDATION:	Staff recommends approval with conditions

I. REVIEW PROCEDURE

Development Code (DC) §17.2.300 et. seq. *Design Review* requires review of new multi-family housing, defined as five or more units. The Planning Commission shall be the review authority for multi-family projects of more than five units. Because the proposed project would include 32 units, it is subject to Commission review. The Commission can act on a request for Design Review after holding a public hearing pursuant to DC §17.1.600 et. seq. Type III Process. Applications subject to Design Review are also subject to Site Development Review as provided in DC § 17.2.400. The Site Development Review is subject to Planning Commission review, pursuant to DC §17.1.205 - *Consolidated Review*.

The application was submitted on June 7, 2022. An Incomplete letter was mailed to the applicant on July 6, 2022. The application was resubmitted on July 29th and it was deemed complete on August 18, 2022.

Public notice for this application was mailed to property owners and residents within 300 feet of the site on September 13, 2022 as required by DC §17.1.610. Notice of this request was published in the News-Times on September 22, 2022. As of the writing of this report, no comments have been received from the public.

Copies of the application materials were provided to the Plans Review Board. Comments and conditions received from the Plans Review Board pertain to complying with various standard Building, Light & Power, and Fire code requirements that will be addressed through the building permit review process. The Engineering Division has provided conditions which are attached as Exhibit B.

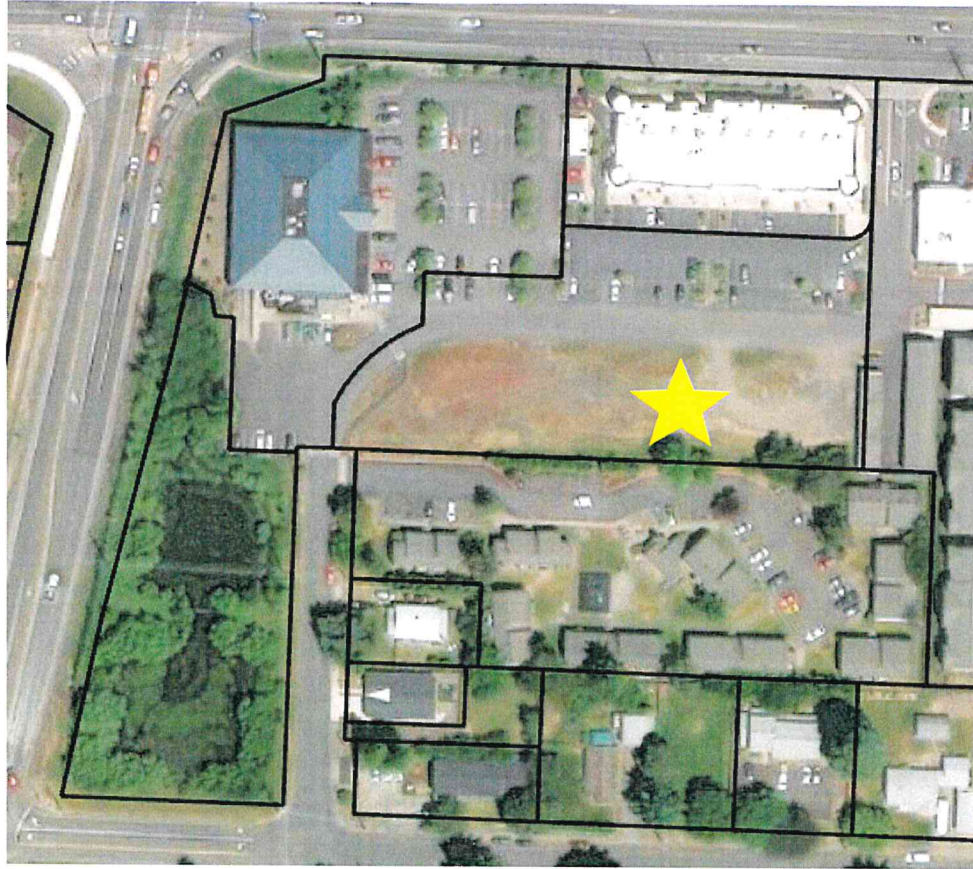
II. BACKGROUND

A. LAND USE HISTORY

The subject site was originally approved for commercial development as part of the Stonewood Retail Center approved in 2016. Building 1 of the Stonewood Center which fronts on Pacific Avenue was recently constructed. All street improvements along the frontage of Pacific Avenue have been improved, and the parking lot serving both Building 1 and adjacent Ace Hardware has been completed. A Reciprocal Easement Agreement has been recorded to allow for pedestrian access and vehicle ingress and egress between the subject site and the Stonewood Center.

B. SITE EXAMINATION

The subject site is comprised of one parcel totaling 1.69 acres. However, the buildable area totals 1.09 acres as a portion of the site has been developed with parking and a drive aisle. The remainder of the site is relatively narrow with a north-south dimension of 112-ft. The site is almost completely flat and partially graveled. Access to the development is from the southwest corner of the site at the northern terminus of Fir Road and Pacific Avenue through the adjacent properties. No wetlands, floodplains, or sensitive areas exist on site. There is an existing wetland adjacent to the water quality facility southwest of the site. The image below shows the subject property in relation to the surrounding area.



C. COMPREHENSIVE PLAN DESIGNATION AND ZONING

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Site	Community Commercial (CC)	Community Commercial (CC)	Vacant, Stonewood Center
North	Community Commercial (CC)	Community Commercial (CC)	Commercial, Stonewood Center
South	Community Commercial (CC)	Community Commercial (CC)	Multi-family Residential
East	Community Commercial (CC)	Community Commercial (CC)	Multi-family Residential
West	Community Commercial (CC)	Community Commercial (CC)	Commercial, Stonewood Center

III. PROJECT DESCRIPTION

A. DESCRIPTION OF PROPOSAL

The proposal is to construct a 32-unit multi-family apartment project consisting of two buildings. 10 one-bedroom and 22 two-bedroom units are proposed. Associated site improvements proposed include off-street parking, open space and site landscaping. The

Stonewood Center would be completely built out with this project. The applicant intends to construct the project in a single phase.

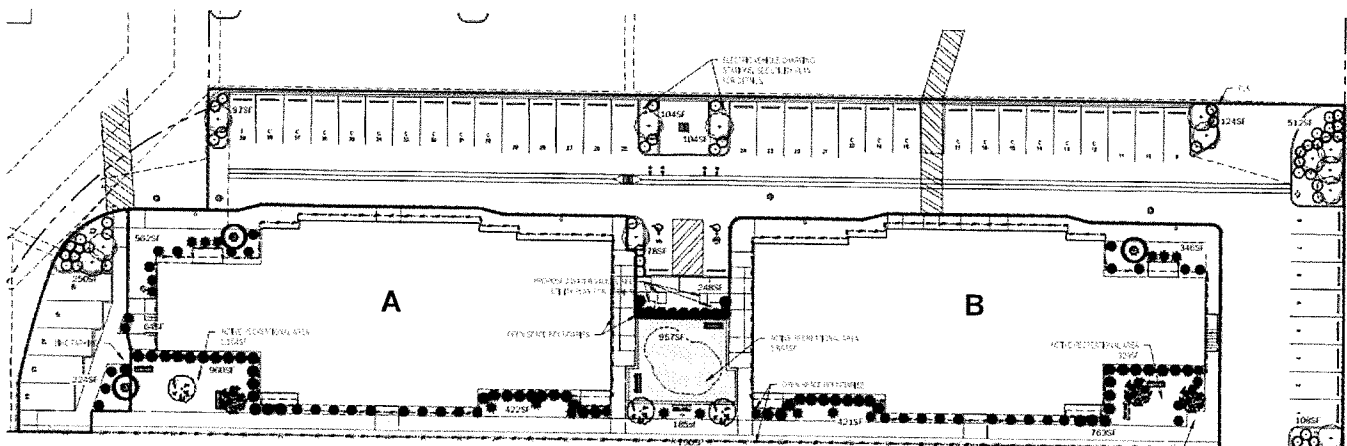
B. SITE DESIGN

The site plan consists of 2 three-story apartment buildings. The proposed buildings are identical and proposed to be located on the site as a mirror-image of one another. The building has been designed with a step-down in height on both the west and east ends. The center of the building will be three-stories with a step down to one-story and a step-down to two-stories on opposite ends of the building. The one-story portion of the buildings will be oriented towards the center of the site. Each building consists of 16 units with 5 one-bedroom and 11 two-bedroom units each. Units located within the three-story portion of the building will be accessed via a shared interior hallway while units located in the one and two-story portions of the buildings will be accessed on the exterior of the building.

Parking would be provided around the perimeter of the developable area of the site. The parking area proposed along the northern edge of the developable area is proposed to be separated from the remainder of the property and the Stonewood Center by a 6-foot-tall CMU block wall. The buildings would be connected with pedestrian walkways. Pedestrian pathways would also connect the site to the existing pedestrian pathways within the center and the existing sidewalk along Fir Road. To connect to the existing center pathways, a break in the CMU block wall is proposed.

Open space is provided around the buildings with the largest open space area located between the buildings and smaller open space areas are located at the east and west ends of the site. It is split into three active recreational areas: (1) 1,836 sq. ft. children's play area with three benches between the buildings; (2) 1,164 sq. ft. landscaped area with two benches at the site's southwest corner; and (3) 929 sq. ft. landscaped area with two benches at the site's southeast corner. Additional open space areas are located on the northwest and northeast corners of the site.

SITE PLAN



BUILDING ELEVATION



IV. DEVELOPMENT CODE CONFORMANCE

A. DENSITY

COMMUNITY COMMERCIAL ZONE		
CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL
Multi-family units (DC §17.3.320, Table 3-10 Note 2)	16.22 – 30 units/net acre	29 units/net acre

B. DIMENSIONAL REQUIREMENTS

COMMUNITY COMMERCIAL ZONE (DC §17.3.330, Table 3-11)		
CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL
Minimum Lot Size	5,000 square feet (SF)	47,551 SF (1.09 acres)
Minimum Lot Width	50 feet	±488 ft. existing
Minimum Lot Depth	None	±112 ft. existing
Minimum Setbacks		
- Front	None	42.5 ft. minimum
- Interior Side	None	46 ft. minimum
- Rear	None	10 ft.
Maximum Building Height	45 feet	44 ft. (29 ft. to eaves)

C. PARKING

PARKING REQUIREMENTS		
CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL
Multi-family units (outside the town center) (DC §17.8.515, Table 8-4)	45.5 spaces required 1-bedroom: 1.25/DU 2-bedroom: 1.50/DU	46 spaces proposed 10 – 1-bedroom units 22 – 2-bedroom units
Bicycle Parking (DC §17.8.540)	20% of required auto parking (9 spaces)	10 exterior parking spaces 33 interior parking spaces

D. OPEN SPACE

MULTI-FAMILY DWELLINGS, 20 UNITS OR MORE (DC §17.8.205)		
CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL
Required Open Space	20% of lot area	22% (10,678 SF)
Recreation Space	½ of required open space (10%) Minimum area of 870 SF, minimum dimension of 20 ft. Children's play area required	10.8% (5,125 SF) Min. area 929 SF, min. dimension 20 ft. Play area provided
Private Open Space	1 patio or balcony/DU Minimum area of 48 SF, minimum dimension of 4 ft.	Provided for 24 out of 32 units Min. area 48SF, min. dimension 4 ft.

E. LANDSCAPING

LANDSCAPING REQUIREMENTS		
CODE STANDARD	CODE REQUIREMENT	PROJECT PROPOSAL
Minimum Landscaped Area (DC §17.3.330, Table 3-11)	15% of site	15.4% (7,319 SF)
Parking Lot Landscaping (DC §17.8.415)	8% of interior parking lot area	9% (1,849 SF)
Parking Lot Trees (DC §17.8.415)	1 tree/1,600 square feet of interior parking lot area	13 trees provided
Buffering & Screening (DC §17.8.425, Table 8-3))	Minimum 10-foot landscape buffer + 6-foot wall	6-foot wall

F. CIRCULATION AND TRAFFIC

The site has no direct frontage on a public street. The site takes primary access from the northern terminus of Fir Road through an existing 24-foot-wide drive aisle shared with the adjacent Ace Hardware property in the Stonewood Center. A Reciprocal Easement Agreement has been recorded to allow for pedestrian access and vehicle ingress and egress between the subject site and the Stonewood Center. A secondary shared point of access to Pacific Ave. is located to the east of the subject site. The parking area intended for future residents of the buildings will be accessed by a 20-foot-wide, one-way drive aisle.

G. PUBLIC UTILITIES

The application has been reviewed by the Engineering, Fire, Light and Power, Police, and Public Works departments. All departments have indicated that existing public utilities to serve the site are adequate. Specific comments and conditions from the Engineering, Fire and Light & Power departments are listed in Exhibits B-E.

V. DESIGN STANDARDS AND GUIDELINES

Design Review applications may be processed in one of two tracts: Development Standards or Design Guidelines. The applicant has selected the Design Guidelines tract, which allows for more flexibility in terms of design. This process does not allow applicants to avoid any city

requirements, but may provide alternative methods for meeting requirements. Under this process the applicant shall be held to the intent of the development 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. Staff's analysis of the proposal as compared to the design guidelines is contained within Exhibit A of the attached Draft Planning Commission Findings and Decision.

VI. REVIEW CRITERIA

The project is subject to the City's design review and site development review criteria, listed below.

Design Review Criteria (Development Code §17.2.350)

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 Development Code 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:
 - i. The design guidelines contained in the applicable section of the Design Guideline Handbook are adequately addressed.
 - ii. 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.

Site Development Review Criteria (Development Code §17.2.450)

- A. The site development plan complies with all applicable standards of the base zoning district, any overlay district and applicable general development standards of Article 8.
- B. The site development plan ensures reasonable compatibility with surrounding uses as it relates to the following factors:
 - i. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and
 - ii. 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.
- C. The site development plan preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:
 - i. Significant on-site vegetation and trees
 - ii. Prominent topographic features, and
 - iii. Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.
- D. The site development plan preserves or adequately mitigates impacts to designated historic resources.

- 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.
- F. The site development 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.

VII. ANALYSIS AND FINDINGS

Staff's analysis of the project's compliance with the applicable review criteria is provided in the form of findings and is attached as Exhibit A to this report. The applicant's descriptions in response to the relevant review criteria can be found within the application narrative.

VIII. ALTERNATIVES

The Planning Commission has the following alternatives:

- 1. Approve the application as submitted by the applicant
- 2. Approve the application with conditions.
- 3. Deny the application, stating reasons for doing so.
- 4. Continue the matter to a date certain for further consideration.

IX. RECOMMENDATION

Staff recommends the Planning Commission find that the proposed design review and site development review application satisfies the applicable review criteria based on the information provided in the application and the findings attached to this report. Staff recommends approval of the application for site design and design review for the proposed 32-unit multi-family apartments at Fir and Pacific Avenue, with the following conditions:

- 1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.
- 2. This approval is valid for a period of one year from the effective approval date. The applicant may file for an extension in accordance with the provisions of DC §17.1.135.F. No single extension of time shall exceed a one-year period. Extensions shall not exceed a total of two years from the effective date of the initial approval.
- 3. All plans submitted to date are considered conceptual only. Detailed plans and specifications shall be submitted that demonstrate compliance with the conditions of approval, standards and regulations adopted by the City of Forest Grove, and/or all other agencies that have jurisdiction.
- 4. The project shall proceed only in accordance with: architectural plans titled "Stonewood Apartments", as prepared by Barry L. Newdelman Architects consisting of 6 sheets, dated received July 29, 2022; and civil plans titled "Preliminary Plans for Stonewood Apartments", as prepared by NW Engineers, consisting of 9 sheets, dated received July 29, 2022, except as may be modified by the conditions contained herein, and shall proceed in accordance with the Forest Grove Development Code.
- 5. All plans shall be coordinated for consistency by the applicant. Any change or modification to one particular plan shall require the corresponding revisions on other plans. All plans

shall be consistent with that approved by the Community Development Department. The applicant shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or construction.

6. The applicant shall continue to comply with all applicable City building and development standards, including all dimensional standards and public works specifications.
7. Submit a complete geo-technical engineer's report for the project that addresses footing drains, if required, and any footing/foundation requirements. All recommendations from the geotechnical report shall be incorporated into building/construction plans.
8. Clustered mailboxes shall be installed prior to the issuance of a certificate of occupancy. Placement locations and specifications of clustered mailboxes shall be approved by the Forest Grove Post Office prior to installation.
9. Secondary residential access doors proposed on units 102 and 103 which open directly onto the shared sidewalk shall be removed. Only front entry doors and doors which open onto a private patio or balcony shall be permitted.
10. Separate pedestrian pathways from dwellings by a minimum of 3 feet. Front entries for all exterior accessed ground floor units shall be separated from public pathways by a minimum of 3 feet. The area between the pathways and dwellings shall be landscaped. Private open space may be located within this area.
11. The 2-foot-wide planting area along the southern property line shall be planted with a mixture of groundcover and shrubs.
12. Replace the proposed CMU wall with a 6-foot-tall landscape hedge.
13. The primary parking area access aisle shall be clearly marked and signed to show one-way direction of traffic flow from west to east.
14. The maximum permitted fence height for residential uses is 6-feet. The proposed chain link fence along the southern edge of the site is limited to a maximum height of 6 feet.
15. Per O.R.S. 455.417, a minimum of 20% of the spaces in the new parking area shall be required to have electric vehicle charging infrastructure.
16. Compliance with the attached Engineering Conditions of Approval dated August 16, 2022 (Exhibit B).

Optional Conditions

17. Provide private open space for all ground floor units with a minimum area and dimension necessary to meet Building Code requirements and ADA requirements (if accessible unit proposed). All other private open space provided shall meet the minimum area and dimensions as required by the Development Code and proposed on plans.
18. Provide an architecturally defined entry space for all exterior accessed ground floor units.

X. LIST OF ATTACHMENTS

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:** Review Criteria Analysis and Findings
- Exhibit B:** Engineering Division Conditions of Approval
- Exhibit C:** Development Code Standards and Specifications
- Exhibit D:** Fire Department Standards and Specifications
- Exhibit E:** Light and Power Department Standards and Specifications

Exhibit F: Application Materials, prepared and submitted by the applicant
Exhibit G: PowerPoint
Exhibit H: Correspondence

EXHIBIT A

DESIGN REVIEW AND SITE DEVELOPMENT REVIEW CRITERIA ANALYSIS AND FINDINGS

Design Review Criteria (Development Code §17.2.350)

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;*

Finding: The project is located within the Community Commercial (CC) zoning district. Multi-family development is a permitted use. A summary of development code conformance is provided in Section IV of the staff report. The project meets the development standards of the CC zone and dimensional requirements for minimum lot area, width and depth, minimum setbacks, maximum building height and minimum landscaped area.

B. *The general development standards of Development Code Article 8;*

Finding: The applicant has requested project review based on the Multi-unit Residential Focus Area design guidelines and not the design and development standards contained in Article 8. Therefore, staff finds that Design Review Criteria B does not apply to this project review.

C. *Departures from code requirements may be permitted as part of a Track 2 Design Review Process, when the following criteria are met:*

- i. *The design guidelines contained in the applicable section of the Design Guideline Handbook are adequately addressed.*
- ii. *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.*

Analysis: The following sections analyze the design guidelines as they apply to the proposed project.

SITE - CIRCULATION	
<u>Guideline</u> - Encourage aesthetically pleasing and functional site design, which minimizes vehicle, bicycle and pedestrian conflicts and creates a safe environment for all users. <u>Description</u> – A functional vehicle circulation system should be emphasized, as well as pedestrian safety. Vehicle circulation and parking areas should be separated from pedestrian areas where possible.	
<u>Design Guidelines</u>	<u>Development Standards</u>
<u>Recommended</u> Vehicles should access site from collector or local roadways. Where arterials are used for access, driveway should be combined with adjacent developments.	<u>Related Code Standards (§17.8.100)</u> A continuous pedestrian connection shall be provided from the front door of all residential buildings to the public sidewalk.

· Access parking lots or structures from alleys or common driveways when appropriate. · Interconnect the vehicular and pedestrian circulation systems of adjacent developments. · Consolidate vehicular access points serving adjacent sites, thus minimizing curb cuts along the public streets. · Provide comprehensive, pleasant and direct pedestrian pathways linking buildings, open space and parking areas. · Clearly and directly link public right of way – streets and sidewalks – to building front doors with a minimum of vehicular crossings. · Use traffic calming elements to reduce traffic speed. Elements should be compatible with the site's landscape plan. · Provide adequate circulation for services (garbage collection, etc.) to avoid excessive turning or backing up of vehicles.	· Separate pathways from dwellings a minimum distance of ten (10) feet. The separation is measured from the pathway edge closest to any dwelling unit. · On-site pedestrian walkways are required to be a minimum width of five (5) feet connecting dwelling units to parking/open space/recreation areas.
<u><i>Not Recommended</i></u> · Confusing, meandering vehicle routes. · Vehicular road design that allows and/or encourages high vehicle speed.	

Analysis: The primary access for the site is from an existing drive aisle located at the northern terminus of Fir Road and shared with the adjacent property owner. A secondary access point for the Stonewood Center is located on Pacific Avenue east of the subject site. The proposed parking area has been designed for one-way vehicle access moving from west to east. Vehicles will exit at the eastern end of the site into the Stonewood Center where they can exit back onto Fir Road or onto Pacific Ave. A Reciprocal Easement Agreement allows for shared ingress and egress between the subject site and the adjacent Stonewood Center.

A 5-foot-wide pedestrian sidewalk is proposed connecting the front door of all units to the public sidewalk at the north terminus of Fir Road. Striped pathways are also proposed to connect the sidewalk to the parking area and the existing pedestrian pathways within the Stonewood Center. The sidewalk provides access to the open space and recreation areas within the site. A stairway is proposed within the sidewalk along the eastern elevation of Building B which obstructs pedestrian access to the north. Pedestrians in this location would instead travel along the pathway along the sites southern edge and north through the center of the site to reach the northern parking area.

Separation between proposed sidewalks and dwelling units varies from 0 feet to over 10 feet within the subject site. The applicant states that due to the limited north south dimension of the site, they are unable to provide the minimum 10 feet of separation between the proposed sidewalk and dwelling units. A minimum of 10 feet of separation between proposed sidewalks and

dwelling is provided adjacent to the open space areas on the eastern and western ends of the site. No separation is provided between the sidewalks and the dwelling units along the northern and eastern elevations of Buildings A & B, and the western elevation of Building B. Five of the six externally accessed ground floor units have a front door which opens directly onto the public sidewalk, providing no separation between the private and public space.

Staff has proposed a **condition** to require a minimum of 3 feet of separation between the dwellings and pathways and that the 3-foot area be landscaped. Compliance with this condition will satisfy the intent of the code while providing an aesthetically pleasing and functional site design which minimizes conflicts between vehicles, pedestrians and residents.

SITE - PARKING	
Guideline - Create parking areas which are efficient and function well for automobiles yet minimize the negative impact on buildings on site or in adjacent neighborhoods. Description – Parking should be located to provide convenient and safe access to residential units while minimizing views from the street right-of-way and adjacent existing development. Landscaping or other well-designed screening devices should be used to buffer views of parking lots from street right-of-way and adjacent properties.	
<u>Design Guidelines</u>	<u>Development Standards</u>
<u>Recommended</u> - Minimize the expanse of continuous blocks of parking spaces. - Screen parking areas with landscaping, landscaped berms, low walls and fences or a combination of these. - Locate parking to minimize views of parking areas from the public right-of-way. - Provide pedestrian pathways within parking areas. - Break up larger areas of parking with canopy trees and planting beds. - Use landscaping to provide a separation of pedestrian pathways from moving vehicles. - Minimize surface parking lots adjacent to the public sidewalks to allow buildings to be located close to the sidewalk and street. - Use parking lot areas for water run-off retention and water quality improvement where appropriate. - Use water permeable paving materials to reduce run-off where appropriate.	<u>Related Code Standards (§17.8.500)</u> <i>Note:</i> In addition to the design standards below, all residential development will be required to meet the minimum parking requirements provide in (§17.8.500 see Table 8-5) - Separate physically and visually parking areas greater than 10,000 square feet in area with landscape planter bays at least eighteen feet in width. Individual parking areas may be connected by a driveway. - The sidewalk system shall connect the front door of all residential buildings to parking area(s).
<u>Not Recommended</u>	

- Parking lots located between the front of buildings and public sidewalks and streets.

Analysis: The project proposes to construct 46 parking spaces. 56 parking spaces have already been developed on the site bringing the total number of parking spaces on the subject site to 102 spaces. Per O.R.S. 455.417, a minimum of 20% of the spaces in the new parking area shall be required to have electric vehicle charging infrastructure. A 20-foot drive aisle is proposed which will allow for one-way traffic through the site. A 23-foot-wide drive aisle would be required to permit two-way traffic.

The proposed parking area for the development is 20,715 square feet in area which includes an east and west portion of roughly equal areas separated by a 29-foot-wide landscape planting area and storage area. 9% of the internal parking area is proposed to be landscaped and 13 trees are proposed within the parking area, meeting code requirements.

The parking area is to be screened from the adjacent Stonewood Center and existing parking spaces by a 6-foot-tall CMU wall. Pedestrian pathways are proposed which connect the front door of all units to the parking area as well as connection to the existing pedestrian pathways within the Stonewood Center.

SITE – PEDESTRIAN ENVIRONMENT	
Guideline – Create safe, pleasant and active streets and public spaces.	
Description – Pedestrian areas should be functional and inviting, providing the multi-unit residential development with amenities. These areas should enhance the feeling of community and increase the ability for neighbors to meet. Development of public courts, plazas and squares is encouraged.	
Design Guidelines	Development Standards
<u>Recommended</u> · Provide pedestrian amenities such as benches for a pleasant and inviting place to sit, rest, linger and meet. · Safely separate pedestrian areas from vehicle traffic by providing street trees along sidewalks as buffers. · Provide an active ground floor environment along all pedestrian streets and public courts, plazas and squares. That is, design buildings with transparent windows and doors. · Develop public spaces – plazas, squares or other open spaces that are “activated” by building entries and locate uses that encourage foot traffic.	<u>Related Code Standards</u> (§ 17.8.140(A)(3)) · Residential doors that face a public right-of-way shall be setback a minimum of 3 feet from a public sidewalk plus any additional width needed to meet the minimum sidewalk requirements (where applicable). · The following types of doors shall not provide the primary entrance into a dwelling unit: sliding glass or solid metal doors without glazing. · Residential stoops, porches or terraces shall be no higher than 4 feet above grade as measured at the adjacent right-of-way. · Residences with entry porches or terraces shall have a minimum area of 40 square feet. · Residential entries shall be no lower than 4 feet below grade as measured at adjacent right-of-way.
<u>Not Recommended</u>	

- Pedestrian-only streets or corridors.
- Indirect pedestrian routes.
- Pedestrian routes blocked by obstructions or barriers including mechanical units or utility, sign or light poles.
- Public spaces that are not “outdoor rooms” – i.e., that are not enclosed by building edges and landscaping on all sides.
- Public plazas or squares in parking lots.
- Pedestrian-inhospitable areas such as public plazas or squares at intersections of arterial roadways.
- Use of public spaces primarily as amenities for those arriving by auto.

Analysis: The pedestrian environment provides for safe and pleasant connectivity within the site and to adjacent uses. The pedestrian route along the eastern edge of the subject site adjacent to the building is obstructed by a stairwell which creates an indirect pedestrian route around Building B in order to access the parking area to the north. For five of the six externally accessed ground floor units, the front door of the unit is flush with the public sidewalk; entries open directly onto the public sidewalk.

Open space areas with pedestrian amenities have been provided around the site. Benches are proposed within the southwest, southeast, and the central open space areas, easily accessed by pedestrians on site. The central primary recreation space is ‘activated’ by the four dwelling units whose entries front directly onto the space.

The proposed buildings provide no separation from public pathways in numerous locations. Staff has proposed a **condition** to require a minimum of 3 feet of separation between the dwellings and pathways. This would ensure separation between the dwelling units, including the front door of the exterior accessed ground-floor units, and the public sidewalk, creating distinction between the public and private realm. Compliance with this condition would also reduce the stairwells obstruction into the pedestrian pathway resulting in a design similar to the proposed stairwell on the western edge of the subject site.

SITE – SCREENING/SERVICE AREAS

Guideline - Screen “objectionable views” from residential dwellings, adjacent properties and public rights-of-way.

Description – Residential developments should create a pleasant visual environment. One way to accomplish this is to screen views of loading areas, mechanical/electrical equipment and dumpster and recycling collection areas from both within the site and off-site.

Design Guidelines

Recommended

- Incorporate screening - including landscaping, fences and walls - as an integral part of the design of the building and site.
- Locate loading and service areas for easy truck access and maneuvering and to minimize conflict with on-site parking, and vehicular and pedestrian circulation activities.

Development Standards

Related Code Standards (§17.8.140(A)(4))

- All mechanical equipment shall be screened from view by an opaque fence or solid landscape screen 8 feet high.
- Service/refuse collection areas shall not be located within 20 feet of public rights-of-way.

· Locate loading and service areas away from residential units, for instance on alleyways. · Screen ground level and roof-top equipment from view. · Locate ground-mounted mechanical units away from pedestrian areas.	· Also see §17.7.205 - <i>Size, Location and Access Standards for Storage Areas C) Design Standards 3) Sight-obscuring Fence</i> · All development of two or more stories in height shall be required to provide screening of garbage collection and storage areas from above. · All roof mounted mechanical equipment other than vents shall be screened from ground level view. The screening shall be as high as the height of the equipment and shall be integrated with the exterior building façade.
<u>Not Recommended</u> · Screens consisting of chain link security fencing.	

Analysis: A 180 square foot storage area is proposed to be located within the primary parking area on the north edge of the development area, 20 square feet larger than required by the Development Code. It shall be located across the proposed drive aisle away from the residences with lighting for security. The storage area shall be screened by a minimum 6-foot-tall solid wood fence and be roofed. It shall be screened from the adjacent Stonewood Center by the proposed 6-foot-tall CMU wall. No above-ground or rooftop mechanical equipment is proposed.

SITE – LANDSCAPING	
<u>Guideline</u> – Use landscaping to enhance character and visual quality of residential developments. <u>Description</u> – Landscaping can help provide a quality environment for residents and help achieve compatibility with surrounding land uses. A mix of landscaping treatments and techniques can provide appropriate separation between adjacent properties, screen objectionable views, provide visual relief, and create weather protection.	
<u>Design Guidelines</u>	<u>Development Standards</u>
<u>Recommended</u> · Plant landscaping to define and accentuate entry ways. · Provide landscape elements along all exterior walls to soften the visual impact of the building and promote residential character of the site. · Use landscaping and/or fencing to buffer multi-unit development from abutting properties and enhance privacy of dwelling units, especially by landscaping setback areas. · Distribute canopy trees along roadways; provide landscape buffers along edges of developed areas and throughout parking areas.	<u>Related Code Standards</u> (§17.8.140(A)(5)) · Landscaping standards vary depending on zoning, use, adjacent zoning, and existing site conditions. · At least 75% of required landscaped area shall be planted with any suitable combination of trees, shrubs, or evergreen ground cover. · 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. · Buffering and screening are required as specified in §17.8.425.

· Large species street trees should be planted to provide shade and emphasize the residential character of the site.	
<u>Not Recommended</u> · Removing significant trees. · Landscaping that creates a pedestrian physical barrier between walkways, gathering areas and building entries. · Use of non-native, noxious, or invasive plant materials. · Parking lot landscaping that creates pedestrian physical or visual barriers between walkways and building entries	

Analysis: The proposal includes 7,319 square feet of landscape area, or 15.4% of the site, to be planted with a combination of trees, shrubs, and groundcover/lawn. This exceeds the 15% required by code. Landscaping is proposed within the parking area and along the eastern, western, and southern edges of the buildings, around the recreation areas. No landscaping is proposed along the majority of the northern elevation between the buildings and the drive aisle.

The site abuts residential multi-family uses to the east and south therefore no buffering or screening is required along these property lines. Although not required to meet screening or buffering requirements, an 8-foot-tall chain link fence with slats is proposed along the southern property line with a 2-foot-wide planting area to be planted with ground cover. Per DC §17.7.040, the maximum height for any fence or wall for residential uses is 6-feet. A **condition** has been included to ensure that the height of any proposed wall or fence is limited to a maximum of 6-feet.

Although the subject site is located within the Stonewood Center, it is being developed to function separately. Therefore, landscape screening and buffering would be required per DC §17.8.425. Per DC §17.8.425, the screening and buffering requirement between multi-family and commercial uses requires a minimum landscape buffer width of 10-feet in conjunction with a 6-foot-tall wall. The buffer width is exclusive of any parking area or drive-aisle. The applicant states that due to the limited north south dimension of the subject site they are unable to provide the 10-foot landscape buffer. A 6-foot-tall CMU wall with a decorative landscape trellis is proposed instead to provide separation and screening between the subject site and the Stonewood Center.

Landscaping enhances the character and visual quality of residential developments. The lack of landscaping along the northern and southern edges of the subject site and use of solely physical barriers does not promote residential character of the commercial site as the guidelines intend. To address this, staff proposes a **condition** to replace the proposed groundcover in the 2-foot-wide planting area along the southern property line with a mixture of shrubs and groundcover. Compliance with the condition to separate the pathways from the building by a minimum of 3 feet will create a landscape area adjacent to the northern elevation of the proposed building where landscape elements can be planted along exterior walls to soften the visual impact of the buildings.

Staff also proposes a **condition** to replace the proposed CMU wall with a 6-foot-tall hedge. A hedge is preferable to a CMU wall, which may become an attractive nuisance for graffiti and tagging. A landscaped hedge will provide the same visual and physical buffer between the subject site and the Stonewood Center while softening the visual impact of the development.

SITE – CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)	
Guideline – Consider crime prevention and the safety of residents in site design and use of landscaping. Description – Crime prevention through environmental design is a proven concept that has been used to enhance the safety of residents and address the crime problem that afflicts many communities by ensuring that the right type of landscaping is used. The conspicuous presence of people increases surveillance, which discourages criminals. More people outdoors means that threatening behavior is more likely to be observed. At the same time, potential criminals' sense that they are being noticed and watched. The green and groomed appearance of an apartment building is itself a cue that residents and owners care about a property, and watch over it and each other.	
<u>Design Guidelines</u> <u>Recommended</u> · Plant landscaping and install fencing that does not obscure visual surveillance of common open space, parking areas or entryways. · Install fences, walls and plant materials between a street-facing dwelling unit and a public or private street in locations that do not obstruct visibility of the dwelling entry from the street. · Design residences so that "active rooms" such as living rooms or kitchens face common open space and pedestrian paths to allow visual surveillance by residents of these areas. · Install lighting that illuminates all exterior dwelling unit entrances, pedestrian walkways and parking areas within the project site.	<u>Development Standards</u> <u>Related Code Standards (§ 17.8.140(A)(6))</u> · No landscaping, fences, walls or plant materials greater than 5 feet in height shall be installed which obstruct the visibility of a dwelling entry from a public street. · A minimum of 25 square feet of window area shall be provided within each dwelling unit facing a common open space, pedestrian path or parking lot to allow visual surveillance. · Lighting shall be provided at all exterior dwelling unit entrances. · Guard or a keyed variation of gated residential development is prohibited. · Motion activated security lighting is prohibited along public rights-of-way.
<u>Not Recommended</u> · Design elements that create an uninviting or fortress-like atmosphere. · Design techniques that reduce or infringe on the privacy of residents both indoors and outdoors.	

Analysis: Each building has been designed with crime prevention elements. The parking area and all building entrances and walkways will be lighted for safety. All parking spaces are visible from multiple dwelling units. Each open space area proposed is visible from multiple units. There are no restricted lines of site within the proposed development. The proposed 6-foot-tall CMU wall along the northern edge of the site and the chain link fence along the southern end of the site will provide physical and visual separation from the adjacent developments. Those elements, coupled with the lack of landscaping in these areas create a fortress-like atmosphere surrounding the project site. Compliance with the conditions of approval discussed in previous sections will eliminate the appearance of a fortress-like atmosphere on site by softening the sites appearance with additional landscaping while still allowing for visual surveillance.

SITE – OPEN SPACE

Guideline – Provide accessible and usable open space for all residents of multi-unit developments.

Description – Open space is important in multi-unit developments to provide for active and passive recreational uses. Open space should be both usable and provide visual delight. The protection and integration of natural resources should be fostered.

Design Guidelines

Recommended

- Provide usable open space in close proximity to all dwelling units.
- Group buildings around common open area to create a pleasant outdoor space, such as a plaza, square, courtyard, alley (long linear space flanked by trees planted at even intervals on either side), or “outdoor room.”
- Orient open space “outdoor rooms” and courtyards to the street and enclose edges with residences.
- Front doors should engage open space.
- Promote open space areas that can accommodate recreation and other intended activities.
- Provide children's play areas which incorporate safety into their design: visibility from dwelling units, and separation from vehicles.
- Provide individual private open space (patio or balcony) directly accessible to each dwelling unit.
- Integrate open space with natural characteristics of the site.
- Use open space to provide visual relief from structural bulk of multi-unit buildings and provide separation between buildings.

Development Standards

Related Code Standards (§ 17.8.205)

- All multi-unit developments shall provide 20% of the lot area in open space (excluding area designated within parking areas). All designated open space shall be landscaped and maintained. Indoor or covered recreation space shall count towards meeting this requirement.
- All multi-unit development over 20 units shall improve one-half of the required open space as recreation space. Recreation space shall be planted in grass and/or improved for recreational use, and have a minimum area of 870 square feet and a minimum dimension of 20 feet.
- All multi-unit developments over twenty (20) units shall provide children's play area(s).
- Install a fence a minimum of thirty (30) inches in height to separate a parking lot, street, or driveway from any children's play area.
- A minimum of 48 square feet of private open shall be provided with a minimum dimension of 4 feet. Private open space shall be directly accessible from unit.
- Private open space shall be separated from common open space through the use of perimeter landscaping, fencing or a change in vertical grade (e.g., second floor balconies).

Not Recommended

- Open space that cannot be viewed, accessed and otherwise enjoyed by residents.
- Open space without active edges – that is, the activity provided by building entries fronting on the open space.

Analysis: The proposal exceeds the minimum amount of required open space with 22% of the site proposed as open space. This includes 9,482 square feet of common open space and 1,196 square feet of private open space. 10.8% of the site has been improved as recreation space which includes the 1,196 square feet of private open space and three active recreational areas: (1) 1,836 sq. ft. children's play area with three benches between the buildings; (2) 1,164 sq. ft. landscaped area with two benches at the site's southwest corner; and (3) 929 sq. ft. landscaped area with two benches at the site's southeast corner. Four of the exterior accessed ground floor units front directly onto the interior recreation area.

Private open space is provided for 24 of the 32 proposed units. All private patios and balconies proposed will be separated from common open space through the use of landscaping, fencing or a change in vertical grade. 8 ground floor units, 4 per building, do not have private open space. To the best of Staff's knowledge, no multi-family apartment project of 20 units or more has been approved without the required private open space since the Development Code was comprehensively updated in 2009.

All dwellings will have access to a minimum of 600 square feet of common open space which includes passive and active recreation areas. The applicant states that due to the limited north south dimension of the subject site and the proposed sidewalk to be located flush with the proposed buildings, they are unable to provide private open space for all ground floor units. However, upon compliance with the condition to separate the sidewalk from the buildings, the flush sidewalk will no longer be a contributing factor to the lack of private open space. The Planning Commission could require private open space be provided for all units. Staff has included this as an optional **condition**.

BUILDING – MASSING AND FORM	
Guideline – The bulk and character of structures should enhance the public realm and be cohesive with adjacent homes or businesses. Buildings should be designed to relate to human scale. Description – Multi-unit buildings should be harmonious with existing Forest Grove neighborhoods. In cases where new multi-unit structures will be larger than structures on adjacent properties, the new buildings should be designed so that they do not overwhelm, create discordance or contrast dramatically.	
<u>Design Guidelines</u>	<u>Development Standards</u>
<u>Recommended</u> · Site building with sensitivity to topography, natural land form and significant trees. · Avoid long monotonous exterior walls; create a comfortable sense of rhythm by breaking the linear thrust of a building by dividing the mass into a series of vertical elements. · Minimize the appearance of building bulk with building offset intervals established and repeated along the structure facades. · Group collections of buildings to create courtyard or "outdoor room" providing visual amenity and useable space for residents.	<u>Related Code Standards (§ 17.8.710(A)(1))</u> · On lots with an average cross slope of 15% or more, no more than 60% of the site shall be re-graded. · No building shall have a dimension greater than one-hundred and fifty (150) feet without a minimum three (3) feet off-set of the exterior wall. · At a minimum, every two dwelling units shall be offset from the next dwelling unit by at least four (4) feet in depth. · All habitable room shall incorporate at least one window when facing parking lots and common areas.

- For higher density projects, the building mass should engage the public realm – streets and/or open space.
- Landscaping and open space are recommended to break up the mass of townhome/rowhouse development.

Not Recommended

- Avoid repetitive “cookie-cutter” massing of townhomes or other multi-unit buildings.
- Disorder/lack of human scale/rhythm
- Building massing and forms that stand out or erode the neighborhood fabric.
- Massing without vertical variations in roof height.

Analysis: Each building is 149-feet in length. Every two units is proposed to be off-set from the adjacent unit by a minimum of 4 feet. All habitable rooms have at least one window facing the parking lot or a common area.

BUILDING – COMPATIBILITY

Guideline - Encourage design which provides visual linkages between proposed development and adjoining existing buildings.

Description - Much of the land zoned for multi-unit development is currently occupied by single-family homes. New multi-unit development should “fit” by relating to surrounding architecture through use of common elements of scale, color, rhythm and proportion in similar ways as existing buildings.

Design Guidelines

Recommended

- Design buildings to provide an appropriate transition between new buildings and adjacent buildings.
- Use architectural elements and façade materials consistently throughout the site.
- Locate and treat entries similar to that of existing adjacent or neighborhood buildings (for example, providing roof, awning, or portico).
- Use similar landscaping, setback, spacing and orientation of buildings that strengthens and contributes to character and identity of the neighborhood.
- Use similar façade materials, colors and treatments of existing buildings.

Development Standards

Related Code Standards (§ 17.8.710(A)(2))

- Setback requirements vary by building height (see §17.3.130 Table 3-7)
- All buildings shall incorporate a porch or architecturally defined entry space for each ground level dwelling unit with a minimum area of 16 square feet per dwelling unit, with no dimension less than 4 feet. Shared porches or entry spaces are permitted. All grade level porches shall include hand-railing, half-walls, or shrubs to define their outside perimeter.

· Repeat, strengthen and expand upon building elements that create a unified street edge – i.e., window placement, belt coursings, etc.	
<u>Not Recommended</u> · Literal interpretation of existing buildings. · Surface materials, building textures or colors that vary greatly with nearby development. · Proportions of windows, doorways, bays and other features that vary greatly with nearby development.	

Analysis: The proposed buildings meet or exceed required setbacks. The buildings are proposed with a maximum height of 44 feet. This height is located in the center of the buildings. The proposed buildings will be one-story in height at the interior of the site adjacent to the primary recreation area and two stories in height at both the eastern and western end of the site. The variation in building height is compatible with the surrounding development. Commercial development to the north is one-story while the residential development to the south and east is two and three stories in height, respectively.

Each building proposes to have four ground-floor units accessed from an internal pathway within the center of the buildings created a shared entry space. Each building also proposes 3 externally accessed ground floor units. For five of the six externally accessed ground floor units, no separation is provided between the front door of the unit and the public sidewalk. Entries open directly onto the public sidewalk. As the proposed units are flush with the public pathway, no roof, awning, or portico, which would define the entry space and provide coverage from the elements, is proposed over the four ground floor units which face the interior of the site. Compliance with the condition to provide a minimum of 3 feet of separation between the pathways and the buildings will provide distinction between entries to the units and the public areas. The Planning Commission could require an architecturally defined entry space for each externally accessed ground floor unit. Staff has included this as an optional **condition**.

BUILDING – SAFETY	
<u>Guideline</u> – Create development which provides a safe environment for all users. <u>Description</u> – Residents and visitors need to feel secure yet welcome throughout multi-unit residential developments. This can be accomplished through building design and lighting that provide security without creating a fortress.	
<u>Design Guidelines</u>	<u>Development Standards</u>
<u>Recommended</u> · Design building so that building entries are clearly visible from within buildings as well as from the sidewalks, streets and parking areas. · Light building entryways, parking areas and pedestrian pathways pleasantly and sufficiently to achieve safety. · Locate buildings and entries so that they are easily accessible to emergency responders.	<u>Related Code Standards</u> · A clear line of site between all front building entries and the public sidewalk or parking areas shall be maintained.
<u>Not Recommended</u> · Reflective or tinted glass at street level.	

- Lighting that casts glare or creates dark shadows.
- Bars, gates or other security design elements that cannot be rolled-up and /or hidden from view during business hours.
- Security lighting, cameras or other elements that overwhelm or become an explicit architectural feature of the building facade.

Analysis: Each building has been designed with safety features for residents. The parking area and all building entrances and walkways will be lighted for safety. All parking spaces are visible from multiple dwelling units. Each open space area proposed is visible from multiple units.

BUILDING – PRIVACY	
Guideline – Ensure that the essential privacy needs of residents is provided for while simultaneously maintaining the sense of communal interaction, contact and relationship that creates or strengthens a neighborhood. Description – A successful residential development balances and achieves its people's needs for essential privacy with their desires for differing degrees of community interaction. The relationship of a residence to the public realm is often confused: either the dwelling is exposed tentatively to the street, parking lot or neighbor and there is no privacy; or the dwelling turns its back to the street, open space or neighbor and communion with the district is lost. New development should strive to support both needs.	
<u>Design Guidelines</u>	<u>Development Standards</u>
<u>Recommended</u> · Set back or raise elevation of interior living spaces from streets, parking areas and pathways to provide a visual separation. · Provide visual separation of bedrooms, bathrooms and other “private” rooms between adjoining buildings and public areas. Consider use of window offsets, windows placed above eye level, or frosted or diffused glazing. · Provide a transition between the public realm and private space. Use terraces, porches, stoops or other techniques. · Selectively use fences and walls to enclose private spaces within interior courts, greenways or other spaces.	<u>Related Code Standards</u> · Front entryways into dwelling units shall be separated vertically or horizontally a minimum of three feet from sidewalks used by more than one dwelling unit. · Bedroom and bathroom windows shall be offset a minimum of four (4) feet from windows on adjacent buildings (unless window glazing is frosted, diffused or glass block).
<u>Not Recommended</u> · Guard-gated community development. · Security walls or fences along public rights-of-way. · Blank walls and inwardly-oriented “compound”-like development.	

Analysis: For five of the six externally accessed ground floor units, no separation is provided between the front door of the unit and the public sidewalk. Additionally, with the lack of separation between numerous dwelling units and the public sidewalk, there is no visual separation between private rooms and public areas. Bedroom windows face directly onto the public sidewalk. To

ensure privacy while meeting the intent of the code staff proposes a **condition** to separate the pedestrian pathway from buildings by a minimum of 3 feet.

Secondary access doors are proposed for four of the eight ground floor units with no private open space, 2 per building. However, the proposed secondary access doors open directly onto the public sidewalk adjacent to the drive aisle on the northern edge of the building providing no distinction between public and private space. Staff is concerned that the secondary access doors could create a security risk and have proposed a **condition** to remove the secondary access doors which do not front onto private open space for these units. Only front entry doors and doors which open onto a private patio or balcony would be permitted.

SITE LIGHTING	
<u>Guideline</u> – Lighting should be attractive, uniform in appearance and help provide a safe environment. <u>Description</u> – Lighting should be used in parking areas to improve visibility and create a safe environment; along pedestrian routes to ensure visibility and used to highlight building and landscape features.	
<u>Design Guidelines</u>	<u>Development Standards</u>
<u>Recommended</u> · Lighting should illuminate all exterior dwelling unit entrances, pedestrian walkways and parking areas. · Lighting of walkways, path intersections, seating areas and any other pedestrian areas which may require lighting for a feeling of security. · Area lighting should be directed downward with no splay of light off the site. · Light posts should be located in landscape areas to protect fixtures from automobile damage and keep pedestrian ways clear of obstructions. · Night lighting of buildings should be done to highlight special features, or to articulate the façade. · Architectural lighting should be direct, as wall washing, overhead down lighting or interior illumination radiating outside. The visual effect achieved should complement the building character. · Sign lighting should be designed as integral to the site, building, and sign composition. Low voltage lighting is preferred.	<u>Related Code Standards (§ 17.8.755(D))</u> · All exterior dwelling unit entrances and pedestrian walkways shall be lighted. · Poles outside of the public right-of-way shall be a maximum of 14 feet in height. · Concrete light fixture bases taller than 8 inches are prohibited. · Area lighting shall be directed downward with no splay of light off the site. Any light source over ten (10) feet high shall incorporate cut-off shield. · Plastic signs with an internal light source are prohibited.
<u>Not Recommended</u> · Concrete light fixtures should be no taller than 8" · Car park lighting should be designed to avoid unnecessary illumination of residential areas. · Car park lighting fixtures taller than 14 feet.	

- Plastic signs with an internal light source.
- Signs with exposed electrical conduit, junction boxes or other electrical infrastructure.

Analysis: All exterior dwelling unit entrances and pedestrian walkways shall be lighted. Four light poles are proposed along the north side of Buildings A and B and one light pole is proposed on the south side adjacent to the primary recreation area. All lighting will be designed in accordance with Development Code standards.

Finding: The applicant chose to address Track 2 - Design Guidelines due to the limited 112-foot north south dimension of the site. The proposal includes five main departures from the Development Code: minimum 10 feet of separation between pathways and dwellings; 3 feet of separation between pathways and ground floor residential entries; 10-foot landscape buffer on the northern edge of the development; minimum 16 square feet of defined entry space for each ground floor unit; and private open space for each residential unit.

The application asserts that the departures from code requirements result in a higher quality development than would result under a strict interpretation of the code. The Design Guidelines track is not intended to allow applicants to avoid city requirements but provide alternative methods for meeting requirements. The departures from development requirements appear to be proposed not only due to the limited north south dimension but also from a desire not to reduce the size of the preferred building design. The alternative methods proposed by the applicant attempt to satisfy the intent of the design guidelines while retaining the preferred building design.

Following review of the project, staff has proposed conditions of approval which will ensure that the development satisfies the intent of the Development Code and that related guidelines and objectives are adequately addressed. Compliance with the proposed conditions of approval may require modifications to the site and building plans. Upon compliance with the proposed conditions of approval, staff has determined that the overall development will result in a development that better meets the intent of the design guidelines than a design that simply meets the code.

Site Development Review Criteria (Development Code §17.2.450)

- A. *The site development plan complies with all applicable standards of the base zoning district, any overlay district and applicable general development standards of Article 8.*

Finding: The project is located within the Community Commercial (CC) zoning district. Multi-family development is a permitted use. A summary of development code conformance is provided in section IV of the staff report. The project meets the development standards of the CC zone and dimensional requirements for minimum lot area, width and depth, minimum setbacks, maximum building height and minimum landscaped area.

Finding: The applicant has requested project review based on the Multi-unit Residential Focus Area design guidelines and not the design and development standards contained in Article 8. Compliance with the applicable design guidelines is analyzed in the Design Review Criteria of this document.

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

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

- ii. *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: The proposed buildings meet or exceed required setbacks. The buildings are proposed with a maximum height of 44 feet. This height is located in the center of the buildings. The proposed buildings will be one-story in height at the interior of the site adjacent to the primary recreation area and two stories in height at both the eastern and western end of the site. The variation in building height is compatible with the surrounding development. Commercial development to the north is one-story while the residential development to the south and east is two and three stories in height, respectively.

Finding: Each building is 149-feet in length. Every two units is proposed to be off-set from the adjacent unit by a minimum of 4 feet. All habitable rooms have at least one window facing the parking lot or a common area. The mass and scale of the buildings will not result in substantial visual impacts to nearby residential properties.

Finding: Each building has been designed with crime prevention elements. The parking area and all building entrances and walkways will be lighted for safety. All parking spaces are visible from multiple dwelling units. Each open space area proposed is visible from multiple units. There are no restricted lines of sight within the proposed development. The proposed 6-ft tall CMU wall along the northern edge of the site and the chain link fence along the southern end of the site will provide physical and visual separation from the adjacent developments. The building and site design will not result in substantial privacy impacts to nearby residential properties.

Finding: Site improvements which could cause off-site impacts such as noise, glare, and odors have been oriented away from residential uses. The parking areas and the storage facility are located adjacent to existing parking areas and away from the nearby residential uses. The primary active recreation space has been located between the two proposed buildings and is separated from the adjacent residential use by their parking area. The site has been designed to eliminate or mitigate impacts to surrounding uses. Compliance with the proposed conditions of approval will ensure reasonable compatibility with the surrounding uses.

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

- i. *Significant on-site vegetation and trees*
- ii. *Prominent topographic features, and*
- iii. *Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.*

Finding: The site does not include unique or distinctive features including significant on-site vegetation and trees, prominent topographic features, or sensitive natural resources such as wetlands, creek corridors and riparian areas.

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

Finding: There are no historic resources existing on site. This criterion is not applicable.

- 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 site does not contain any frontage on a public street. It is accessed from an existing drive aisle at the northern terminus of Fir Road and an existing drive aisle located to the east of the subject site that connects to Pacific Ave. A Reciprocal Easement Agreement has been recorded to allow for pedestrian access and vehicle ingress and egress between the subject site and the Stonewood Center. All street improvements along Pacific Ave. have been constructed. No additional right-of-way improvements are required as part of this development.

- F. *The site development 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: A 5-foot-wide pedestrian sidewalk is proposed connecting the front door of all units to the public sidewalk at the north terminus of Fir Road. Striped pathways are also proposed to connect the sidewalk to the parking area and the existing pedestrian pathways within the Stonewood Center. The sidewalk provides access to the open space and recreation areas within the site. The pedestrian environment provides for safe and pleasant connectivity within the site and to adjacent uses. Open space areas with pedestrian amenities are provided around the site. Benches are proposed within the southwest, southeast, and the central open space areas, easily accessed by pedestrians on site.

Finding: Separation between proposed sidewalks and dwelling units varies from 0-feet to over 10 feet within the subject site. Staff has proposed a **condition** to require a minimum of 3 feet of separation between the dwellings and pathways and that the 3-foot area be landscaped. Compliance with this condition will satisfy the intent of the code while providing an aesthetically pleasing and functional site design which minimizes conflicts between vehicles, pedestrians and residents.

EXHIBIT B

Engineering Conditions

City of Forest Grove Engineering Conditions of Approval – General (Kingwood Commons)

Applicant/representative shall sign below and return to City Engineering. Applicant/representative has read the conditional approval form and understands the conditions of approval outlined to this project. Not meeting these conditions may result in withdrawal of engineering approval to project.

GENERAL

1. All plans submitted to date are considered preliminary only. Upon completion of land use application approval, detailed construction plans and specifications must be submitted to engineering that demonstrate compliance with standards and regulations adopted by the City of Forest Grove and/or all other agencies that have jurisdiction including Clean Water Services, Washington County, Oregon Department of Transportation, and the conditions of approval as passed by the City Planning Commission for Land Use Approval. Contact engineering for questions on detail construction plan check process and the required number of construction plan sets/specification required for the detailed review.
2. All detailed construction plans submitted shall be stamped by an Oregon registered professional engineer.
3. All information related to vertical and horizontal location including in documents containing legal description, Draft Development Plan, Final Development Plan, Final Plat, Right-of-Way Deed, or Easement, and Record Drawings must be on the City of Forest Grove current City Datum. Narrative of City Datum including Bench Mark information is available through City Engineering Department.
- ~~4. Prior to issuance of Building Permit, Applicant will enter into an agreement with the City of Forest Grove for the construction of public facilities. City will prepare Agreement Allowing Developer to Construct Public facilities. The Agreement document shall be fully executed by City and Developer prior to start of construction.~~
- ~~5.4.~~ Public improvements shall be in place and accepted by the City Engineer prior to issuance of building permits for new lots of record.
- ~~6.5.~~ Final Development Plans and Specifications containing design for construction of public facilities shall receive approvals (as applicable) from City of Forest Grove, Clean Water Services, and other affected jurisdictional agencies. Developer is responsible for all submittals, approvals and permit acquisitions, unless advised otherwise by the City. Permits, if required, shall be secured by developer or authorized representative prior to start of construction (e.g. both on-site and off-site construction).
- ~~7.6.~~ It is the responsibility of the Applicant to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from engineering must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
- ~~8.7.~~ Applicant shall, at applicant's expense, and under City's direction, provide for traffic control,

during construction, so as to minimize the impact on residents surrounding or adjacent to the Project. Applicant agrees that, during any construction within or as a part of the overall Project, all existing roadways as of the date of approval of this project, at all times, remain passable to a minimum of two lanes of traffic, one in each direction, or an acceptable detour approved by City. Applicant further agrees that if, at any time, City shall determine that there are not sufficient acceptable traffic lanes or acceptable detours which are passable, that all construction by applicant shall immediately cease upon written demand therefore, by City.

~~9.8.~~ Applicant shall replace, or have replaced, or repair or have repaired, as the case may be, all existing infrastructure which have been destroyed or damaged, and applicant shall replace or have replaced, repair, or have repaired, as the case may be, or pay to the owner, the entire cost of replacement by reason of any work done hereunder, whether such property be owned by the City or any agency thereof, by any private, or by any person whomsoever, or by any combination of such owners. Any such repair or replacement shall be to the satisfaction and subject to the approval of the City Engineer.

~~10.9.~~ Prior to commencement of project work the project Applicant shall provide proposed trucking routes for all equipment and material deliveries as may be required by the City Engineer. The City shall, at Applicant expense, video the routes to establish preconstruction conditions. Damage to any public improvements, on or off site caused by construction operations, during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the Applicant. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.

~~11.10.~~ Project Applicant shall obtain, at Project Applicants sole expense, any and all easements or real property which may be required for the development of the Project, and which may be necessary and required in order for Project Applicant to comply with these Conditions of Approval, and the applicable ordinances and resolutions of the City.

~~12.11.~~ All engineering design, including, but not limited to, storm sewers and appurtenances, sanitary sewers and appurtenances, streets including, but not limited to, geometrics, sight distances, lighting and sound walls, water systems and appurtenances, signing and striping, landscaping and appurtenances, shall be supported by applicable engineering studies/calculations, as required by the City Engineer.

~~13.12.~~ Project applicant shall design/install all improvements and perform all work required for this project in accordance with established City Standards or as approved by the City Engineer and Public Works. Plans for all improvements, including, but not limited to, storm drainage, water and sewer main sizes, either on-site or off-site, shall be in accordance with City Specifications and shall be approved by the City Engineer.

~~14.13.~~ The Project Applicant shall be responsible for all work performed by any and all contractors and subcontractors.

- ~~15.~~14. Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, fiber optics and storm drain, both on- and off-site, shall be as directed by the City Engineer. Developer shall have written approval from the City Engineer for any variations from the City's master plans or standards prior to any final approval.
- ~~16.~~15. The applicant, in order to reduce the tracking of mud throughout the City, shall design/install standard construction entrances, and shall be responsible for cleaning up (or any expenses incurred by the City for cleaning up) mud, debris, etc. from City streets that is attributed to his project during construction.
- ~~17.~~16. As-built work in the public right of way are to be submitted to the engineering department on CD ROM or DVD computer disk in a format approved by engineering. Digitized information shall be submitted before requesting a final inspection and should reflect as-built status and information as approved by engineering. CAD drawings shall be georeferenced (refer to the City's electronic submittal requirements).
- ~~18.~~17. Public facilities serving the proposed development, including but not limited to, sanitary sewers, water, streets, storm sewers, electrical power facilities, parks, public safety and schools shall be adequate and meet current City standards; or it is guaranteed that inadequate or nonexistent public facilities will be upgraded or constructed by the applicant prior to occupancy of the project.
- ~~19.~~18. Except as provided otherwise, in the City's conditions of approval or special specifications for construction of public improvements, the Design and Construction Standards for Sanitary Sewer and Surface Water Management by Clean Water Services shall apply in all matters concerning sanitary sewers and the management of storm and surface water runoff.
- ~~20.~~19. The recommendations of the traffic study, geotechnical report, and drainage report shall be incorporated into the detailed construction plans and specification review.
- ~~21.~~20. Unless approved otherwise applicant shall extend utilities and roadways through the project to site boundaries for purposes of future development.
- ~~22.~~21. Identify in plans and profile, any potential vertical conflict points between utilities. Show provisions necessary to accommodate any such questionable or otherwise close conditions.

DEDICATIONS

~~23.~~22. The Applicant shall provide all necessary easements for streets, alleys, sewer, and water facilities, irrigation, fiber optics, district facilities, and other facilities as may be required by the City. Utility easements shall be at a minimum a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities. Easements shall not be split between property lines or as otherwise determined by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.

GRADING/DRAINAGE

~~24.~~23. It is the responsibility of the Applicant to meet all Clean Water Service Standard. City engineering will coordinate and submit a set of completed detailed construction plans (completed City engineering review process) for Clean Water Services review.

~~25.~~24. Regarding drainage, the applicant must identify if the project will impact existing surrounding uses including but not limited to agricultural uses. The applicant shall submit a drainage plan showing enough detail to address the mitigation of impacts on these existing surrounding uses or to conclusively show that there will be no impacts to the satisfaction of the City Engineer. The mitigation of these impacts is the financial responsibility of the Applicant until the City formally accepts the mitigation. Additionally, the Applicant shall bear the financial responsibility of, and shall dedicate to the City, runoff control easements, as needed.

~~26.~~25. The applicant must identify issues where the finished grade of the property is higher or lower than the abutting property or adjacent lots, and a suitable solution acceptable to City Engineering shall be required. Solutions including retaining walls shall be shown on grading plans. Retaining walls shall be structurally engineered if over four (4) feet in height, including surcharge, and will require a separate building permit. Applicant shall ensure proper setback requirement on these measures for mitigating grade differences, including building code requirement of two foot setback from toe of slopes.

~~27.~~26. A geotechnical report shall be prepared and submitted by a geotechnical engineer who will be retained by the Applicant to observe, test, and certify that all recommendations outlined in the Report are fulfilled during construction. The reports shall be less than one year old. The reports shall include information on the nature, distribution, physical, and engineering properties of the soils onsite and/or soils to be used as fill, and include recommendations on grading procedures.

~~28.~~27. Prepare and submit hydrology/hydraulic calculations for sizing of all proposed drainage devices. The analysis shall also determine if changes in the post-development versus pre-development conditions have occurred. The analysis shall be stamped and signed by an Oregon Civil Engineer and prepared per area standard, including Clean Water Services requirements. Local regulations requires certain new development and redevelopment projects/activities to incorporate post construction Best Management Practices (BMPs) into the grading/drainage plans to control pollutants. Please refer to the Clean Water Service guidelines for specific comments and requirements.

- ~~29~~.28. The applicant shall take every step necessary to contain all dirt, construction materials, and construction run-off on site. No grading or construction-related debris, either directly or indirectly carried by water, will be permitted to leave the construction site.
- ~~30~~.29. All grading projects require an Erosion Control Plan as part of the grading plans. Grading permits will not be issued until an Erosion Control Plan is approved. Please refer to Clean Water Services requirements.
- ~~31~~.30. The project shall incorporate site design measures for reducing water quality impacts of the project, in compliance with Clean Water Services requirements. Where feasible, parking lots and other impervious areas shall be designed to drain stormwater runoff to, private water quality facilities, vegetated drainage swales, filter strips, and/or other treatment devices that can be integrated into required landscaping areas and traffic islands prior to discharge into storm drain systems. The use of permeable paving for parking and driveway surfaces is encouraged, to reduce runoff from the site. Such paving should meet fire department requirements and be structurally appropriate for the location. Such water quality mitigations should plan to meet manufacture required maintenance provision.
- ~~32~~.31. All new private water quality facilities will be required to sign a Private Water Quality Facility Maintenance Agreement and provide information for City master storm water connection report prior to receiving building permit.
- ~~33~~.32. Project applicant shall, at Project Applicant expense, shall prepare and submit a Dust Emission Control Plan for Project Grading. The Plan shall require that contractor work specifications shall include provisions for adequate water to be applied during construction in order to control dust disturbance resulting from grading operations. The Plan and related contractor work specifications shall be reviewed and approved by the
- ~~34~~.33. Prior to City issuance of a grading permit, dust control measures shall be applied in accordance with all ordinances, rules and regulations of the City, including regarding use of water for compaction or dust control purposes.
- ~~35~~.34. The Applicant shall submit a grading plan to the City Engineer for approval which reflects the recommendations of a final Geologic and Geotechnical study, including construction procedures and/or design criteria. Construction plans submitted to the City Engineering shall conform to the City Engineering Design Standards and include specifications necessary to minimize potential impacts resulting from soil conditions on the project site. The City Engineer or his representative shall verify in the field that all conditions have been satisfied.
- ~~36~~.35. The project plans shall include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with Clean Water Service standards. Drainage from parking lots and private streets to the public right-of-way will be filtered through a City approved systems. The system shall be located on the development property and maintained by the property owner.

~~37.~~36. Pre-development flow from adjacent properties onto the project site shall be maintained or accounted for in the final design.

~~38.~~37. The on-site drainage system must be properly designed to maximize infiltration of roof and/or surface runoff into the underlying soil before discharging into public storm drain, street or alley. Also, the storm drainage from project site can not become a nuisance to surrounding property.

~~39.~~38. Storm pipe video inspection shall be provided to the Engineering Division prior to final approval.

RIGHT OF WAY IMPROVEMENTS

~~40.~~39. Any existing damage or damage incurred during construction to the approaches, curb, gutter and/or sidewalk shall be repaired and/or replaced to the approval of the City Engineer.

~~41.~~40. A State or County permit shall be secured prior to the construction of improvements on State or County Facilities.

~~42.~~41. All street improvements shall conform with the requirements of the Americans with Disabilities Act, including the placement of sidewalk at the rear of the driveway at all driveway locations and adjacent to the back of curb at all non-driveway locations.

~~43.~~42. All proposed streets shall be fully improved in conformance with the City standards to the width required by the City. The Project shall install normal and necessary public improvements along the property street frontages to the satisfaction of the City Engineer.

~~44.~~43. These improvements may include, but are not necessarily limited to, grading, curb and gutter, sidewalk, paving, make-up paving and wheel chair ramps, along with construction of all standard utilities necessary including water facilities, sanitary sewer, and storm drainage systems, street lighting, underground utilities, traffic control devices, landscaping, and automatic irrigation systems. All approved driveway locations shall be constructed to City standards.

~~45.~~44. Public sidewalk location shall be shown on the approved plans. Sidewalks (parallel with public streets) shall be located near property/R.O.W. line unless approved otherwise by the City Engineer. Unless designated otherwise on the approved plans, sidewalks shall be installed concurrent with development of lot(s) of record.

TRAFFIC & LIGHTING

~~46.~~45. Arrange for relocation of all utilities, poles, signals, street lights, etc.

~~47.~~46. Developer shall provide and install the following : (1) all signing including, but not limited to, street names, speed, warning, no parking, vehicular and pedestrian traffic protection and direction, for public rights-of-way and easements; and (2) pavement striping, marking and reflective pavement markers. All such signing, striping and marking

shall be shown on the approved plans.

~~48.~~47. All signing shall conform to the City Sign Ordinance in regards to size, design, and location. All signs shall be reviewed, approved, and a sign permit obtained prior to installation.

~~49.~~48. Prior to acceptance of improvements by the City, the developer shall perform roadway surface improvements, such as slurry seal or overlay as required by the City Engineer, and shall install any additional traffic signs, striping and pavement markings determined necessary by the City's Traffic Engineer, after inspection of the final physical improvement, to insure safe operation of all intersections and segments of streets before any building can be occupied.

~~50.~~49. Establishment of new pedestrian crossings at uncontrolled intersections or at mid-block locations on roadways under control of the City shall be based upon an engineering study by applicant, and reviewed and approved by the City Engineer according to evaluation process set by Washington County.

STORM AND SANITARY SEWER IMPROVEMENTS

~~51.~~50. Sewer pipe video inspection shall be provided to the Engineering Division prior to final approval.

~~52.~~51. Regarding septic systems, the applicant must identify if the project will impact existing surrounding systems. The applicant shall submit a plan showing enough detail to address the mitigation of impacts on these existing surrounding uses or to conclusively show that there will be no impacts to the satisfaction of the City Engineer. The mitigation of these impacts is the financial responsibility of the Applicant until the City formally accepts the mitigation. Additionally, the Applicant shall bear the financial responsibility of, and shall dedicate to the City, runoff control easements, as needed. County standards on setbacks to existing system shall be followed.

~~53.~~52. Public Storm Drain and Sewer pipe materials shall be in accordance with the latest Clean Water Services design and construction standards.

~~54.~~53. Location of sewer and storm mains shall follow City standards or approved otherwise by the City Engineer.

~~55.~~54. Submit Drainage Report. Include (therein) data relevant to treatment and detention of storm and surface water runoff.

EXCAVATION, PAVING, and GRADING

~~56.~~55. Paving shall be per City Standards.

~~57.~~56. Limits of Paving Restoration shall be determined by the City Engineer or Public Works Inspector.

~~58.~~57. All site grading and public improvement work shall conform with the City of Forest Grove Municipal Code, development Conditions of Approval, City of Forest Grove Standard Specifications, Uniform Building Code Appendix Chapter 33-Excavation and Grading, and, if applicable, the Agreement Allowing Developer to Construct Public Improvements.

WATER

~~59.~~58. Water facilities must comply with plumbing cross-connection control standards as required by City Ordinance and State law for the protection of water supplies. Information on acceptable back-flow assemblies is available from the City Water Division.

~~60.~~59. The size and location of all water meters shall be determined by the Engineer/Architect or authorized representative. All water meters will be furnished and installed by the Water Division at the expense of the Applicant.

~~61.~~60. All public water system components must be constructed within public right-of-way or public easements.

~~62.~~61. All water connections to the City Water Distribution system shall be shown on the construction plan submittal review. This includes irrigation water meters for general open areas in a development project. Water irrigation meters and related impact fees will be paid before the Civil/Grading plans are approved and will be based on the City current meter fee schedules.

~~63.~~62. Municipal Code requires that water systems shall be designed to flow a minimum 2000 gpm (medium density) with 20 psi residual pressure at all new fire hydrants. New public water mains shall be sized 8-inch minimum dia. and be D.I.P. unless approved otherwise by the City Engineer.

~~64.~~63. Standard location for public water mains is on the West and/or South side of the public street R.O.W. and additionally, West and/or South of public storm drains unless approved otherwise by the City Engineer.

~~65.~~64. Public Fire Hydrant spacing and location shall conform to City Code and as otherwise required by the City Fire Marshal.

~~66.~~65. All new Fire Hydrants shall conform to current City Standards. City Standards require that all hydrants be equipped with a 4-inch Storz fitting. Where possible, each hydrant location shall be identified with installation of blue reflective pavement marker, adjacent to hydrant, near centerline of street or as determined otherwise by the City Fire Marshal. Hydrants situated outside of public street R.O.W. shall be clearly marked and protected from damage as deemed necessary by the City Fire Marshall.

~~67.~~66. Size of the new water meter service shall be shown on the plans and shall be installed by the Applicant at his/her expense per City Standard Specifications.

~~68.~~67. Domestic and fire backflow-prevention devices, designed to protect the public water supply, shall be approved by the City Engineer in addition to the City Building & Plumbing Official.

~~69.~~68. Water used in conjunction with construction of the project shall be obtained only from pre-approved sources. A permit to take City water for this purpose shall be secured by applicant or representative prior to start of construction activity.

SPECIAL CONDITIONS:

- All required permits shall be secured by developer prior to start of construction (e.g. both on-site and off-site construction permits)
- Required public facilities shall be in place and accepted by the City Engineer prior to developer's receipt of final building approvals and/or certificate of occupancy for development.
- Locate domestic and fire service meters near the water main on the west side of the property.

If you've any questions about any of the above items, please contact me at nkelsay@forestgrove-or.gov or (503) 992-3230.

Project Engineer:

Nick Kelsay

Applicant: Print Name: _____

Signature _____ Date _____

EXHIBIT C – DEVELOPMENT CODE STANDARDS & SPECIFICATIONS

- 1) The applicant shall comply with all applicable City building and development standards, including all dimensional standards and public works specifications.
- 2) All signage (including but not limited to, street names, vehicular parking restrictions, and vehicular and pedestrian traffic protection and direction) for public rights-of-way and easements; pavement striping and marking; and pavement reflectors (including, but not limited to, blue fire hydrant markers), shall be shown on the approved plans and installed by the developer. To minimize conflict with driveway locations and street trees, signs shall be attached to light poles wherever possible (DC §17.8.525 *Design Standards*).
- 3) All utility connections shall be underground (DC §17.8.645(A) *Underground Utilities*).
- 4) All lighting shall comply with the provisions of DC §17.8.755(C) *Pedestrian Lighting Standards* and §17.8.755(D) *Lighting Standards for Multi-Unit Development*.
- 5) Fences within the side and rear yards are limited to a height of six feet (DC §17.7.040(B) *Fences*).
- 6) 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 DC §17.8.525 Figures 8-10 and 8-11 (DC §17.8.525(D) *Off-Street Parking and Loading*).
- 7) 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 (DC §17.8.525(E) *Off-Street Parking and Loading*).
- 8) Private open space shall be separated from common open space through the use of perimeter landscaping, fencing or a change in vertical grade (e.g., second floor balconies) (DC §17.8.205(C)(4) *Open Space, Recreational Facilities, and Common Areas*)

EXHIBIT D - FIRE DEPARTMENT STANDARDS & SPECIFICATIONS

- 9) Each building shall be identified with digits at least 8 inches tall that contrasts with the background; numbers shall be posted so that they are visible from both directions of travel in the parking area. Individual unit numbers shall be at least 4 inches in height and contrast with the background (FGC §150.098 *House Numbers*).

EXHIBIT E - LIGHT & POWER DEPARTMENT STANDARDS & SPECIFICATIONS

- 10) Provide a CAD file of the site plan (including wet utilities).
- 11) Electrical loading and demand will need to be provided by the developer.
- 12) Developer shall work directly with Jason O'Dell, Forest Grove Light and Power Department, to extend electrical infrastructure to the property and provide service to each apartment building.
- 13) A minimum distance of 8 feet shall be maintained between electrical transformers and any combustible structure, overhang, window or door. Consult Forest Grove Light and Power Department Electrical Service Requirements & Guidelines §1.09 *Clearances from Utility Equipment* and National Electrical Safety Code (NESC) Rule 012C for additional clearances and information.
- 14) An electrical easement or P.U.E. will be required over any high voltage conductors and transformers. The easement location can only be determined after the electrical design is complete.

THIS DESIGN COMPLIES WITH O.R.S. §2.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAN. NO DESIGN MODIFICATIONS NOR FINAL FIELD LOCATION CHANGE SHALL BE PERMITTED IF IT WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PRIORITIZED AREA.

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OUR 952-001-0010 THROUGH 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS 503-232-1987).

PRELIMINARY PLANS FOR STONEWOOD APARTMENTS



FOR STONEWOOD CENTER LLC
PO BOX 12807
SALEM, OR 97309
971-449-6100
SITE Tax Map 1330548
Tax Lot 00901
FOREST GROVE, WASHINGTON COUNTY

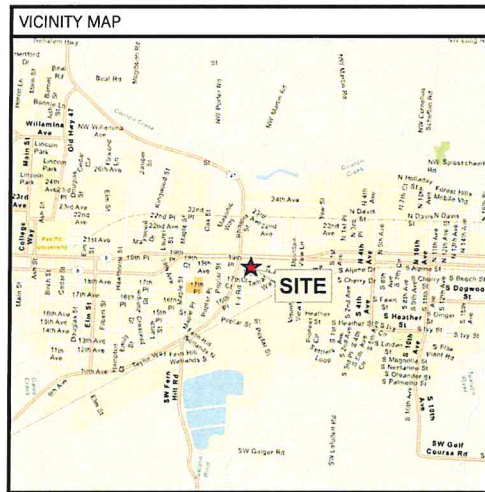
STONEWOOD APARTMENTS
N0783
COVER SHEET

REVISION	DATE	BY
1		
2		
3		
4		
5		
6		
7		

DESIGNED	DRAWN	REVIEWED	SUBMITTAL
	ALM		

COVER 1 OF 9

As noted, Printed Jul 26, 2022 - 8:00am, P:\N0783\Long View\N0783-COVER.dwg



UTILITY CONTACTS

POWER	FOREST GROVE LIGHT & POWER 1818 "B" STREET PO BOX 326 FOREST GROVE, OREGON 97116 503 992-3250	GAS	NORTHWEST NATURAL GAS COMPANY 220 NW 2ND AVENUE PORTLAND, OR 97209 503-723-2449
FIRE	FOREST GROVE FIRE & RESCUE 1919 ASH STREET FOREST GROVE, OREGON 97116 503 992-3241	WATER	WATER DIVISION PUBLIC WORKS DEPARTMENT 2551A 23RD AVENUE PO BOX 326 FOREST GROVE, OREGON 97116 503 992-3258

PROJECT TEAM

OWNER/DEVELOPER	STONEWOOD CENTER LLC PO BOX 12807 SALEM, OR 97309	SURVEYOR	CASWELL/HERTEL SURVEYORS, INC 6150 SW 324TH AVE BEAVERTON, OREGON 97008 503-644-3179 BENJAMIN STACY
ENGINEER	NW ENGINEERS, LLC 3409 NE JOHN OLSEN AVENUE HILLSBORO, OREGON 97124 503-601-4401 STEVE WHITE		

NOTE TO ENGINEER OF RECORD: THE AMERICANS WITH DISABILITIES ACT (ADA) IS THE LAW. YOU ARE RESPONSIBLE FOR IMPLEMENTATION OF THIS PLAN TO MEET CURRENT ADA STANDARDS. PUBLIC RIGHTS-OF-WAY AND FACILITIES ARE REQUIRED TO BE ACCESSIBLE TO PERSONS WITH DISABILITIES THROUGH THE FOLLOWING STATUTES: SECTION 504 OF THE REHABILITATION ACT OF 1973 (SECTION 504) (29 U.S.C. §794) AND TITLE II OF THE ADA ACT OF 1990 (42 U.S.C. §§ 12131-12164). FOR DESIGN ASSISTANCE, PLEASE SEE: [WWW.ACCESS-BOARD.GOV/](http://www.ACCESS-BOARD.GOV/), [WWW.OREGON.GOV/GOVT/ENGINERS/PAGES/ROADWAY_DRAWINGS.ASPX](http://www.OREGON.GOV/GOVT/ENGINERS/PAGES/ROADWAY_DRAWINGS.ASPX), [WWW.ACCESS-BOARD.GOV/ATTACHMENTS/ARTICLE/743/HPRA.PDF](http://www.ACCESS-BOARD.GOV/ATTACHMENTS/ARTICLE/743/HPRA.PDF), AND [WWW.OREGON.GOV/GOVT/ENGINERS/PAGES/ADA.ASPX](http://www.OREGON.GOV/GOVT/ENGINERS/PAGES/ADA.ASPX).

INDEX OF DRAWINGS

1. COVER COVER SHEET
2. EXC EXISTING CONDITIONS PLAN
3. PSUT PRELIMINARY SITE PLAN
4. PUGL PRELIMINARY UTILITY PLAN
5. PGSD PRELIMINARY GRADING & EROSION CONTROL PLAN
6. GED GRADING & EROSION CONTROL DETAILS
7. PPLA PRELIMINARY LANDSCAPE PLAN
8. PLSG1 PRELIMINARY LANDSCAPE SPECIFICATIONS AND DETAILS
9. PLSG2 PRELIMINARY LANDSCAPE SPECIFICATIONS AND DETAILS

ENGINEER'S NOTE TO CONTRACTOR:

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS TO THE BEST OF OUR KNOWLEDGE. THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, COORDINATES OF STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

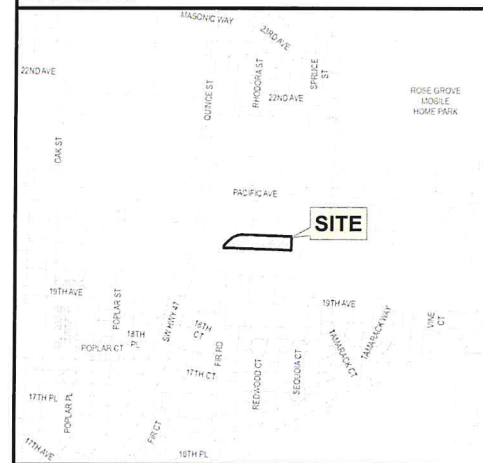
THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, THAT HE SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL OBTAIN, MAINTAIN AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

LEGEND

EX MANHOLE & STORM SEWER	EX COMMUNICATION LINE
PR MANHOLE & STORM SEWER	EX GAS LINE
FUTURE MANHOLE & STORM SEWER	EX GAS VALVE
EX INLET & STORM SEWER	EX UNDERGROUND TELEPHONE LINE
PR CATCH BASIN & STORM SEWER	EX TELEPHONE PEDESTAL
PR DITCH INLET & STORM SEWER	EX UNDER GROUND CABLE TV LINE
EX MANHOLE & SANITARY SEWER	EX CABLE TV PEDESTAL
EX CLEANOUT & SANITARY SEWER	EX UNDERGROUND ELECTRIC LINE
PR CLEANOUT & SANITARY SEWER	EX ELECTRIC VAULT
PR SANITARY LATERAL	EX UTILITY POLE
PR STORM LATERAL	EX STREET LIGHT
EX WATERLINE	PR STREET LIGHT
PR WATERLINE	PR COBRA STREET LIGHT
EX WATER VALVE & BOX	EX SIGN
PR WATER VALVE & BOX	PR SIGN
EX REDUCER	RETAINING WALL (ROCKERY)
PR REDUCER	RETAINING WALL (LOCK/BLOCK)
EX BLOWOFF	EX STREET BARRICADE
PR BLOWOFF	PR STREET BARRICADE
PR C & V	CURB RETURN NUMBER
EX WATER SERVICE	CENTERLINE CURVE NUMBER
PR WATER SERVICE	A D A RAMP TO BE CONSTRUCTED WITH THIS CONTRACT
EX FIRE HYDRANT	SIDEWALK TO BE CONSTRUCTED WITH THIS CONTRACT
PR FIRE HYDRANT	
FENCE	

LOCATION MAP



BENCH MARK

TEMPORARY BENCHMARK LOCATED IN THE CITY OF FOREST GROVE, NEAR THE INTERSECTION OF 19TH AVE AND FIR ROAD, STATION 512DEGREE 9 5' TO FIRE HYDRANT, 145DEGREE 19 3' TO POWERPOLE, 145DEGREE 6' TO FACE OF CURB, ELEVATION 174.99 NGVD 29

IMPERVIOUS AREAS & AREA OF DISTURBANCE

IMPERVIOUS AREAS
PUBLIC RIGHT-OF-WAY = 0.57 AC (0.57 AC)
EXISTING PRIVATE PROPERTY = 31,000 SF (0.71 AC)
PROPOSED PRIVATE PROPERTY = 40,899 SF (0.94 AC)
REMOVED = 644 SF (0.015 AC)
MODIFIED = 5,905 SF (0.14 AC)
NEW = 34,994 SF (0.80 AC)

AREA OF DISTURBANCE = 47,551 SF (1.09 AC)

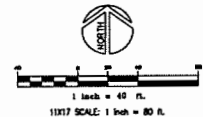
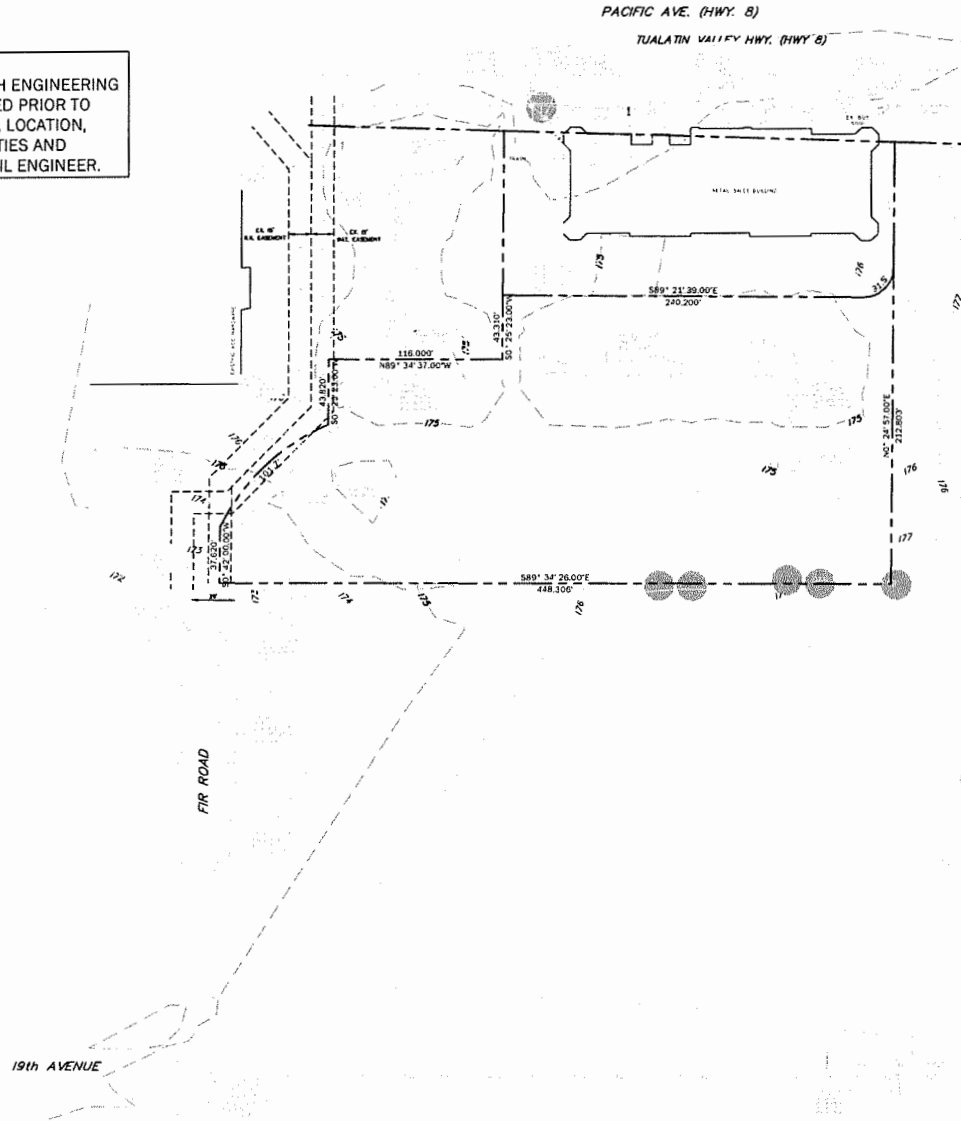
LOCATES

48 HOUR NOTICE REQUIRED PRIOR TO EXCAVATION
THE CONTRACTOR MUST COMPLY WITH THE REGULATIONS OF O.R.S. 757.541 TO 757.571. IN LOCATION AND PROTECTION OF UNDERGROUND UTILITIES, OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OUR 952-001-0010 THROUGH OUR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.



CASEFILE 311-22-000024-PLNG

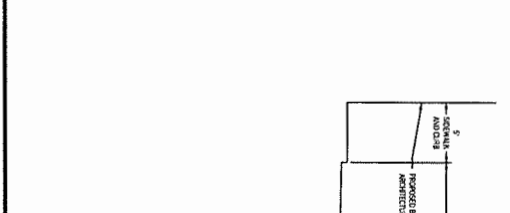
NOTE:
 SURVEY RECEIVED FROM MULTITECH ENGINEERING
 SERVICES, INC. AND WAS COMPLETED PRIOR TO
 2017. CONTRACTOR TO VERIFY SIZE, LOCATION,
 AND ELEVATIONS OF EXISTING UTILITIES AND
 REPORT DISCREPANCIES TO THE CIVIL ENGINEER.



CASEFILE 311-22-000024-PLNG

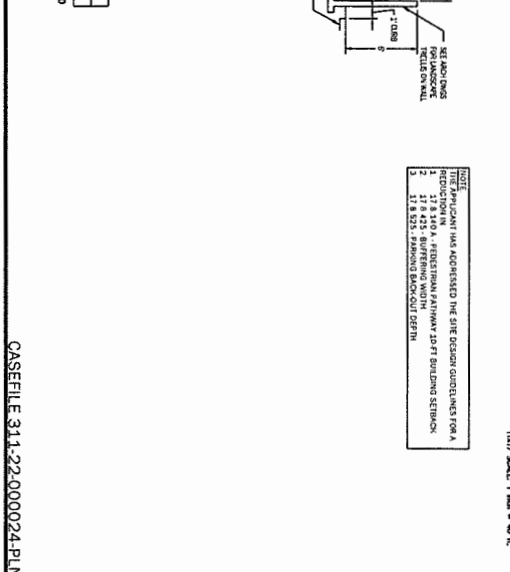
	ENGINEERS Engineering & Planning 3400 NE 2nd Ave, Suite 200 Portland, OR 97232 503.461.4444 503.461.4442 FAX																											
	FOR: STONEWOOD CENTER LLC PO BOX 12807 SALEM, OR 97309 970-443-6108 SITE Tax Map 1530548 Tax Lot 00501 FOREST GROVE, WASHINGTON COUNTY																											
STONEWOOD APARTMENTS NOT83 EXISTING CONDITIONS PLAN		<table border="1"> <thead> <tr> <th>DESIGNED</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td></tr> </tbody> </table>			DESIGNED	BY	DATE	1			2			3			4			5			6			7		
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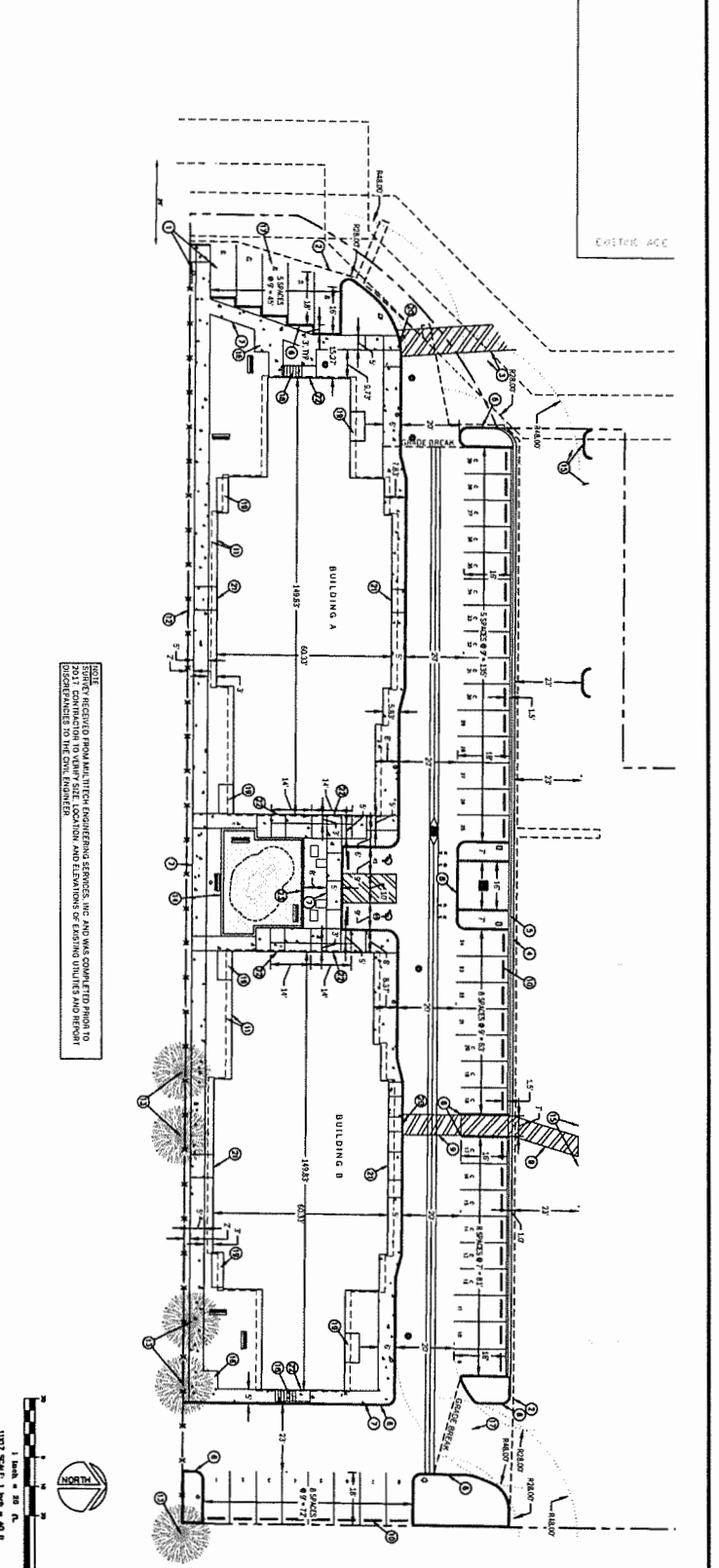
PARKING REQUIREMENTS			
# OF PROPOS	REQUIREMENT # OF UNITS	REQUIREMENT # OF SPACES	
1	1.25/UNIT	10	12.5
2	1.5/UNIT	22	33
TOTAL REQUIRED		44	45.5
TOTAL PROVIDED		46	46

COMPACT UNIT NOT EXCEED 10' x 10' SPACES



PARKING REQUIREMENTS			
# OF PROPOS	REQUIREMENT # OF UNITS	REQUIREMENT # OF SPACES	
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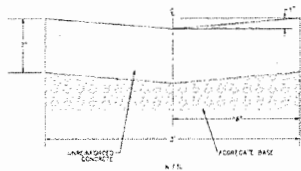
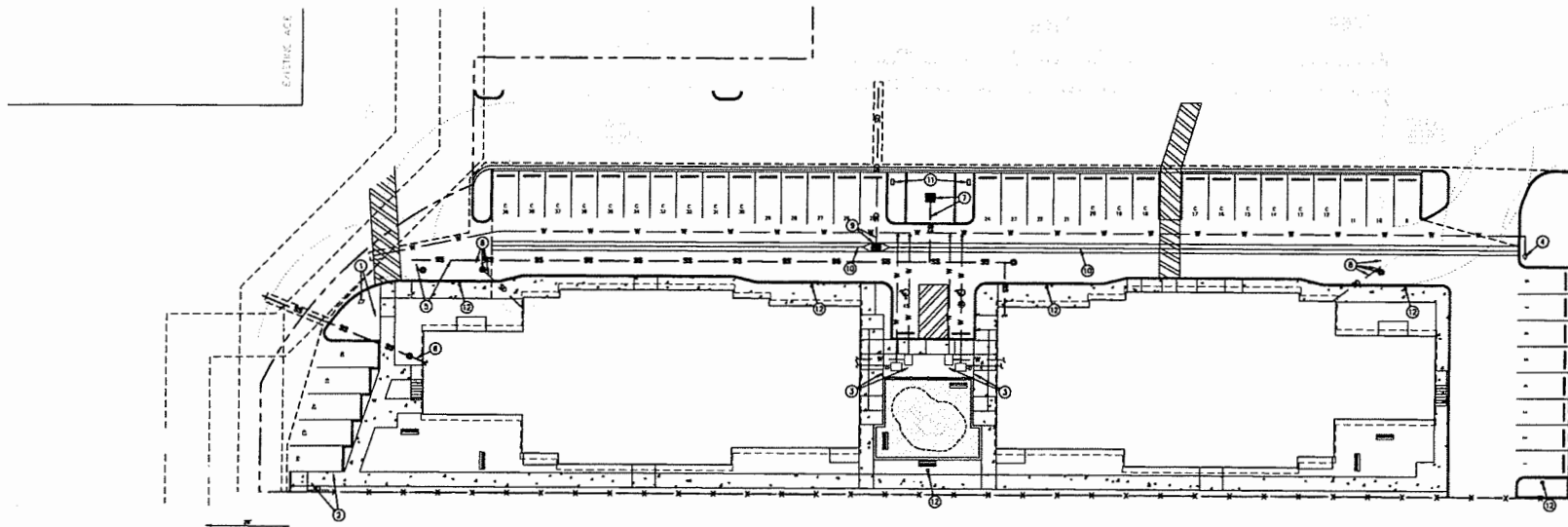
COMPACT UNIT NOT EXCEED 10' x 10' SPACES

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STONEMOOD APARTMENTS
N0783
PRELIMINARY
SITE PLAN

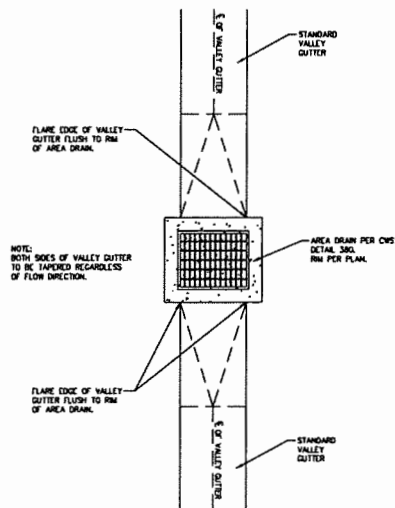
FOR STONEMOOD CENTER LLC
PO BOX 12807
SALEM, OR 97309
970-443-6108
SITE Tax Map: 15305AB
Tax Lot: 00501
FOREST GROVE, WASHINGTON COUNTY

ENGINEERS
Engineering
& Planning
503.505.4402 503.505.4402 - fax



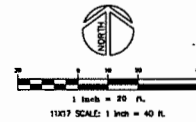
VALLEY GUTTER - DETAIL
N.T.S.

NOTE:
SURVEY RECEIVED FROM MULTITECH ENGINEERING SERVICES, INC. AND WAS COMPLETED PRIOR TO 2017. CONTRACTOR TO VERIFY SIZE, LOCATION, AND ELEVATIONS OF EXISTING UTILITIES AND REPORT DISCREPANCIES TO THE CIVIL ENGINEER.



VALLEY GUTTER TAPER - DETAIL
N.T.S.

- NOTES:**
- COORDINATE WITH FOREST GROVE WATER TO RELOCATE EXISTING FIRE HYDRANT CLOSER TO THE NEW CURB
 - COORDINATE WITH FOREST GROVE WATER TO IDENTIFY EXISTING WATER VALVES AND RELOCATE, REMOVE, OR ADJUST AS NEEDED
 - COORDINATE WITH FOREST GROVE WATER AND OWNER FOR WATER AND FIRE SERVICE TO BUILDINGS
 - PROPOSED FIRE HYDRANT
 - CONTRACTOR TO COORDINATE WITH FOREST CWS ARCHITECT AND OWNER TO REUSE OR REPLACE EXISTING SANITARY LATERAL FOR SERVICE TO BUILDING B
 - PROPOSED SANITARY LINE FOR SERVICE TO BUILDING A
 - REUSE EXISTING CATCH BASIN (IF EXISTING MEETS CWS STANDARDS) FOR TRASH ENCLOSURE TO DISCHARGE TO PROPOSED SANITARY LATERAL FOR BUILDING B
 - RELOCATE EXISTING CATCH BASIN, REUSE LATERAL FOR ROOF AND FOUNDATION DRAIN DISCHARGE, AND ADD A CLEANOUT CONTRACTOR TO VERIFY EXISTING MATERIALS MEET CWS STANDARDS AND REPORT DISCREPANCIES TO CIVIL ENGINEER
 - REUSE EXISTING CATCH BASIN (IF EXISTING MEETS CWS STANDARDS) DISCHARGE TO EXISTING 18" STORM LINE NORTH OF SITE
 - CONSTRUCT CONCRETE VALLEY GUTTER PER DETAILS THIS SHEET
 - PROPOSED ELECTRIC VEHICLE CHARGING STATION
 - PROPOSED LIGHT POST, INSTALL 1 FT FROM FACE OF CURB



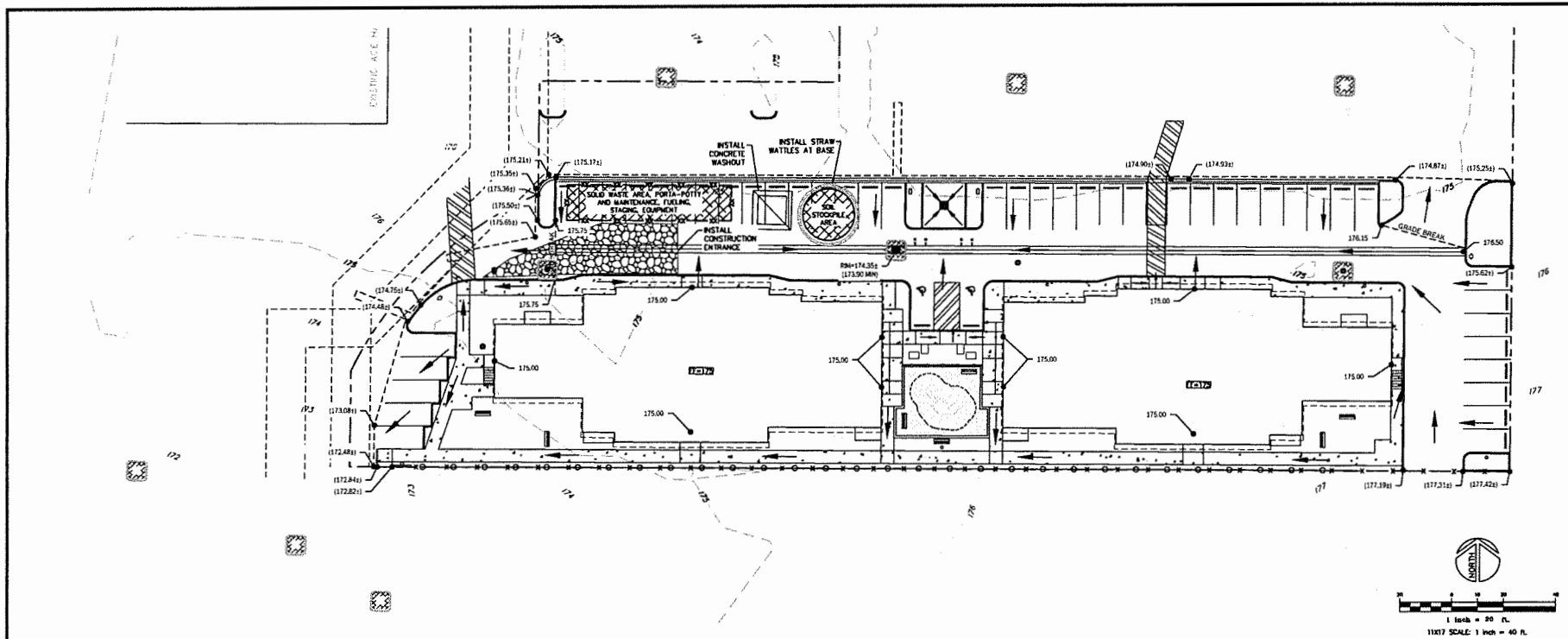
ENGINEERS
Engineering & Planning
1000 1st Ave N
PO Box 1000
Forest Grove, OR 97112
503.661.4455

FOR: STONEWOOD CENTER LLC
PO BOX 1000
SALEM, OR 97209
970.443.6108
SITE: Tr Map 13300AB
TAX LOT: 00601
FOREST GROVE, WASHINGTON COUNTY

STONEWOOD APARTMENTS
N0783
PRELIMINARY SITE AND
UTILITY PLAN

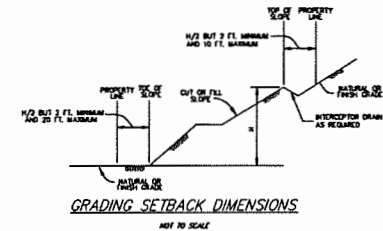
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- GRADING & EROSION CONTROL LEGEND**
- EXISTING CONTOUR
 - PROPOSED CONTOUR
 - EDGE OF GRADING
 - GRADE BREAK
 - PROPOSED SEDIMENT FENCE
 - [Pattern] ROCK CONSTRUCTION ENTRANCE
 - [Pattern] BIOFILTER BAG SEDIMENT BARRIER
 - 167.00 FINISHED GRADE SPOT ELEVATION
 - (167.00) EXISTING GROUND SPOT ELEVATION

NOTE:
 SURVEY RECEIVED FROM MULTITECH ENGINEERING SERVICES, INC. AND WAS COMPLETED PRIOR TO 2017. CONTRACTOR TO VERIFY SIZE, LOCATION, AND ELEVATIONS OF EXISTING UTILITIES AND REPORT DISCREPANCIES TO THE CIVIL ENGINEER.



CASEFILE 311-22-000024-PLNG

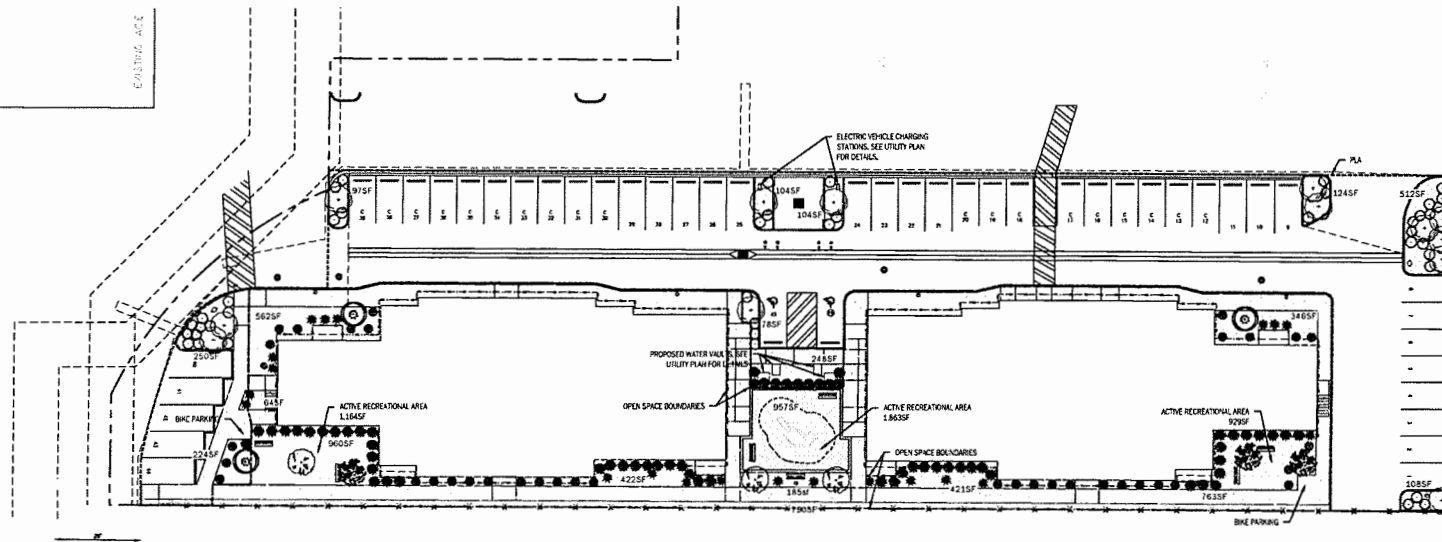
ENGINEERS
 Engineering & Planning
 1400 NE 4th Street, Suite 200
 Portland, OR 97232
 503.581.4402

FOR STONEMOOD CENTER LLC
 PO BOX 12807
 SALEM, OR 97309
 970-443-6108
 SITE Tax Map 13305AB
 Tax Lot 00501
 FOREST GROVE, WASHINGTON COUNTY

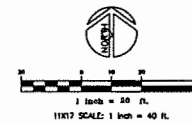
STONEMOOD APARTMENTS
 NO783
 PRELIMINARY GRADING AND
 EROSION CONTROL PLAN

REVISION	BY	DATE

DESIGNED	DRAWN	REVIEWED	SUBMITTED



NOTE: LANDSCAPE AREAS ARE LABELED WITH SQUARE FOOTAGE "SF" WITHIN OR ADJACENT TO THE LANDSCAPED AREAS.



PLANTING SCHEDULE					
TYPE	ABBREVIATION	SYMBOL (DATE REVISED IN NOTE)	BOTANICAL / COMMON NAME	SIZE	TOTAL
TREES	T-1		CORNUS RETICULATA FASTIGIATA / EUROPEAN HORSEAM	8" HT. 2" CAL.	13
	T-2		CORNUS FLORIDA / FLOWERING DOGWOOD	8" HT. 2" CAL.	3
	T-3		PRUNUS SARGENTII / SARGENT CHERRY	8" HT. 2" CAL.	3
	T-4		FRAXINUS PENNSYLVANICA / PATMORE GREEN ASH	8" HT. 2" CAL.	3

PLANTING SCHEDULE					
TYPE	ABBREVIATION	SYMBOL (DATE REVISED IN NOTE)	BOTANICAL / COMMON NAME	SIZE	TOTAL
SHRUBS	SB-1		RHODODENDRON	2 GAL.	21
	SB-2		MAHONIA AQUIFOLIUM / OREGON GRAPE	2 GAL.	19
	SB-3		VIBURNUM DAVIDSON / DAVID VIBURNUM	2 GAL.	63
	SB-4		SPIRAEA NIPPONICA / SNOWMOULD	2 GAL.	37
	SB-5		SPIRAEA SPLENDENS / ROSE MEADOWSWEET	3 GAL.	28
GROUND COVER	GC-1		ARCTOSTAPHYLOS UVA-URS. "MASS." MASSACHUSETTS KINKERINHOX	6"-8" @ 30" O.C.	155
	GC-2		LAWN AREA (REFER TO SEPCS. ON SHEET 16)	N/A	5540 SF

LANDSCAPING REQUIREMENTS				
DESCRIPTION	LOT AREA	PARKING LOT AREA (PLA)	LANDSCAPE AREA (LA) IN PLA	# OF TREES IN PLA
8% OF THE INTERIOR PLA SHALL BE LANDSCAPED AND ONE (1) TREE SHALL BE REQUIRED EVERY 1,600 SF OF INTERIOR PLA	1.09 ACRE 47,551 SF	PROPOSED = 20,715 SF	REQUIRED = 1,857.2 SF PROPOSED = 1,849 SF	REQUIRED = 12.5 PROPOSED = 13
15% OF THE SITE SHALL BE LANDSCAPED	1.09 ACRE 47,551 SF	REQUIRED LA = 7,133 SF PROPOSED LA = 7,319 SF		
20% OF THE SITE SHALL BE OPEN SPACES	1.09 ACRE 47,551 SF	REQUIRED = 9,510 SF PROPOSED = 9,510 SF	COMMON = 8,482 SF PRIVATE = 1,196 SF*	

*NOTE: PRIVATE SPACES = PATIOS. CALCULATED BASED ON ARCHITECTURAL FLOOR PLANS. SEE ARCHITECTURAL PLANS FOR PATIO DETAILS.

CASEFILE 311-22-000024-PLNG



FOR: STONEWOOD CENTER LLC
PO BOX 12867
SALEM, OR 97309
970.443.6108
SITE: TIA Map 1530548
TAX LOT: 00501
FOREST GROVE, WASHINGTON COUNTY, OREGON 97134

STONEWOOD APARTMENTS
N0783
PRELIMINARY
LANDSCAPE PLAN

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LANDSCAPE CONSTRUCTION SPECIFICATIONS

GENERAL

1. All local, municipal, state, and federal laws regarding use, regulations, governing or relating to any portion of the work depicted on these plans, are hereby incorporated into and made part of these specifications, and the provisions shall be carried out by the Contractor. The Contractor shall, at all times protect the public throughout the construction process.
2. The Landscape Contractor shall carefully coordinate construction activities with that of the Civil/Structural and other site development.
3. The Contractor shall verify existing dimensions with actual field conditions and inspect related work and adjacent surfaces. The Contractor shall verify the accuracy of all finish grades within the work area. The Contractor shall report to the Owner all conditions which prevent proper execution of the work.
4. The exact location of all existing utilities, structures and underground utilities, which may not be indicated on the drawings, shall be determined by the Contractor. The Contractor shall protect existing structures and utility services and is responsible for their replacement if damaged.
5. Disturbance and impacts to existing native trees and shrubs shall be minimized to the greatest extent practicable.
6. The Contractor shall keep the premises free from rubbish and debris at all times and shall arrange material storage so as not to interfere with the operation of the project. All unused materials, rubbish and debris shall be removed from the site.
7. All plant material and planting supplies shall be delivered on-site one day prior to final acceptance. During this period the Contractor shall replace any plant material that is not in good condition and producing new growth (except that material damaged by weather conditions, due to Owner's negligence, or due to vandalism). All replacement stock shall be subject to the same warranty requirements as the original stock. Any damage due to replacement operations shall be required by the Landscape Contractor.
- At the end of the warranty period, inspections shall be made jointly by the Owner, Architect and Landscape Contractor. All plant and lawn areas shall be in healthy growing condition and shall be maintained with plants and lawn care of a fine kind and also before the close of the next planting season.
8. Landscape Contractor shall keep on site for inspection by Owner's Representative, all receipts for soil amendment and topsoil deliveries.

TEMPORARY PROTECTION

1. Provide temporary fencing, barricades, and guards as necessary or required to protect trees which are to remain from damage and debris prior to the commencement of construction. Clearly designate tree protection zones to be clear of any personnel or vehicular movement.
2. Trees identified for retention shall be marked with yellow flagging tape and protected by barrier fencing placed no less than 12 horizontal feet from the outside edge of the trunk in all directions or beneath the tree dripline, whichever is greater. Clusters of trees may be protected by continuous fencing following the same guidelines.
3. Required fencing shall be a minimum of six feet tall, supported with metal posts placed no less than 10 feet on center, set 24 inches (min) into grade (avoid damaging roots). Fencing shall be chain-link or red vinyl mesh, and should be installed flush with the inside undisturbed grade. Secure top and bottom of fencing with tension wire secured to posts.
4. No construction activity shall occur within the tree protection zone, including, but not limited to, dumping or storage of materials such as building supplies, soil waste items, equipment, or parked vehicles.
5. Protect root systems of trees to remain from loading, erosion, or excessive wetting resulting from descending operations and construction. Do not store construction materials or permit materials to drive or pass within the drip line area of any tree to remain. Protect all plant growth, including root systems of trees, from the dumping of refuse or chemically injurious materials or liquids, and continued girdling of running water. Protect against unauthorized cutting, breaking, or moving of roots and branches, pruning, and burning of trees. Do not allow fires on site.
6. Maintain protection features throughout the construction process. Immediately report any attention to protection measures by construction process. Alter alterations to protection measures immediately upon direction of Owner's Representative. Monitor maintenance measures daily.
7. Do not prune without explicit approval of the Project Architect. Where pruning of existing trees is necessary, remove conditions with the Project Architect before proceeding and comply with his/her directions. All tree pruning or root cutting is to be performed with sharp pruning instruments; do not break or chop.
8. Do not change the existing grade beneath dripline of trees to remain.

SOIL PREPARATION

1. Prior to soil preparation, all areas (other than water sensitive areas) showing any undesirable weed or grass growth shall be treated with Round-up or strict accordance with the manufacturer's instructions.
2. Water sensitive areas shall be treated only with "Rodeo" - any substitute to "Rodeo" shall receive written approval prior to application from NW Engineers.

TOPSOIL & SOIL PREPARATION

1. Landscape Contractor is to supply and place 12" of topsoil in planting beds and 6" in lawn areas if topsoil on site is not conducive to proper plant growth, unless otherwise notified by General Contractor.
2. Landscape Contractor is to verify that the topsoil is or is not conducive to proper plant growth.
3. Topsoil shall be well-sorted, homogeneous texture and of uniform grade, without the admixture of mineral material and free of debris, rocks, hardpan, clay, stones, soil, or other objectionable foreign material containing not less than 5% or more than 20% organic matter in that portion of a sample which passes a 1/4-inch sieve when determined by the wet combustion method on a sample dried at 105 degrees Fahrenheit.
4. Topsoil shall contain a pH value within the range of 6.5 to 7.5 on that portion of the sample which passes a 1/4-inch sieve.
5. Topsoil shall contain the following guidelines:
Size Distribution: 8 Percent
1 inch 100
1/4 inch 87-100
No. 20 20-85 (at 1/4-inch sieve)

TOPSOIL & SOIL PREPARATION (CONTINUED)

6. Work of lawn areas by retaining to a minimum depth of 8 inches, incorporating organic compost (5 CY/1000 SF) into soil. Remove all clods and stones over 1 1/2" max, sticks, mortar, large clumps of vegetation, roots, debris, or any material which would be detrimental to the Contractor. The Contractor shall, at all times, level, smooth and lightly compact area to plus or minus 10 foot of required grades.
7. For lawn areas use 8-16-8 Commercial Fertilizer with micro-nutrients and SOR slow-releasing nitrogen. For lawn maintenance use Commercial Fertilizer "C" (25-5-10-2).

IRRIGATION

1. For trees and shrubs use Inorganic (5-4-3) Commercial Fertilizer with micro-nutrients and SOR slow-releasing nitrogen.
2. All planting areas to be irrigated with permanent, automatic underground irrigation system.
3. The irrigation system shall be installed by Contractor as design-built.
4. Plantings shall be irrigated sufficiently to thoroughly moisten all planting pits while not promoting anaerobic conditions, run-off and/or erosion.
5. Irrigation shall typically be administered during late evapotranspiration periods (i.e., before 9:00 a.m. or after 6:00 p.m.) and shall account for weather conditions at the time of administration.
6. Irrigation system shall provide 100% coverage and shall apply approximately 1 inch of precipitation per week to all planting and seeded areas during growing season.
7. Owner is responsible for supplying water meter(s) and electrical power.

PLANT MATERIAL

1. Plant sizes and grading shall be first quality stock and shall conform to the code of standard set forth in the latest edition of American Standards for Nursery Stock, as sponsored by the American Association of Nurserymen, Inc. (AAS).
2. Species and variety as specified on the drawings and delivered to the site shall be certified true to their genus, species and variety, as defined within the current edition of *Plant Hardiness Zones of the United States*, as published by the International Union of Biological Sciences.
3. Obtain healthy, vigorous plants nursery-grown under climatic conditions similar to those in the locality of the project for a minimum of two years. Plants shall have been trained out in rows, evenly cultivated, sprayed, planted, and fertilized in accordance with good horticultural practice. All container plants shall have been transplanted or root-pruned at least once in the past three years. Ball-and-burled plants must come from soil which will hold a firm root ball. Heeled in plants and plants from cold storage are not acceptable.
4. Planting stock shall be well-branched and well-formed true to variety and species, full-developed, sound, vigorous, healthy, free from disease, injury, defects, sun-scald, abscission, abrasion, and harmful insects or insect eggs, weeds and weed roots, and shall have healthy, normal, uniform root systems. Deciduous trees and shrubs shall be symmetrically developed, of uniform habit of growth, with an intact, straight single leader, and free from objectionable deformities. Evergreen trees and shrubs shall have well-developed symmetrical limbs with typical spread of branches for each particular species or variety. Only trees and ground cover plants well-established shall be used. Plants heading into leaf or having soil growth shall be sprayed with an anti-insecticide at the nursery before delivery.
5. Contractor shall not make substitutions of plant materials. If required landscape material is not obtainable, submit proof of non-availability and proposed for use of equivalent material. When authorized, adjustments of contract amount (if any) shall be made by change order.
6. Plant sizes and grading shall conform to the latest edition of American Standards for Nursery Stock, as sponsored by the American Association of Nurserymen, Inc. (AAS).
7. All vegetation shown on this plan shall be maintained in a healthy and vigorous growing condition throughout the duration of the proposed use. All vegetation not so maintained shall be replaced with new vegetation at the beginning of the next growing season.

PLANTING

1. Plantings shall be initiated between March 1 and June 1, or between October 1 and November 15.
2. Plant materials shall be transported to the site in a timely manner to minimize on-site storage. Where storage is required, all plants should be kept moist and shaded.
3. Plant stock shall be handled in a manner that will not break, scrape or fail any portion of the plant. Protect plants at all times from conditions that can damage the plant (e.g., sun, wind, freezing conditions).
4. The proposed locations of woody shrubs and trees shall be field staked and identified with an approved coding system or by placement of the actual plant material.
5. No trees shall be planted on existing or proposed utility lines.
6. Modification to the planting plan may occur based upon field conditions and availability of plant material, only with prior approval of NW Engineers.
7. Excessive plant pits for shrubs and trees as follows:
Container stock: depth = 2 x the container diameter
Bare root plants: depth = container depth
Bare root plants: depth = 2 x the widest diameter of roots
Ball-and-burled: depth = 2 x the widest diameter of root depth
Depth = ball depth

8. Scarify sides and bottom of plant pits to roughen surfaces. Dispose of any "subsoil" or debris from excavation. Check drainage of planting holes with water, and adjust any area showing drainage problems.
9. Prepare soil mix in each planting hole by mixing:
1 part matured compost, garden compost, or as approved
Thoroughly mix in planting hole and add fertilizers at the following rates:
Small shrubs: 1/8 lb. per plant
1 part matured loam (see Subpart)
Trees: 1/2 to 1 lb. per plant

10. Place the plant on a layer of compacted planting mix at the center of the planting hole. Plant trees and shrubs upright and face for best appearance. Remove canisters or ties and burlap from the top of ball plants. Check roots and cut clean any twisted or broken roots. Backfill planting hole with soil mix while working each layer to eliminate voids. (See Details)
11. When approximately 2/3 full, water thoroughly, then allow water to soak away. Place remaining backfill and soil surface around plant to hold water. Final grade should keep root ball slightly above surrounding grade, not to exceed 1 inch. Water upon until no more water is observed. Initial watering by irrigation system is not allowed.
12. Stake or guy all trees. Stakes shall be 2" x 2" (nom.) quality tree stakes with points. They shall be of cedar, clear and sturdy. Tree stakes for deciduous trees shall be "Chisel" (or approved equal). For evergreen trees use "Grip-Stake" Tree Ties (or approved equal) with guy wires of a minimum 2 strand-twisted 12 gauge wire. (See Details 1 & 2)
13. All planting beds shall receive a 2" minimum layer of fine forest bark mulch. Mulch shall be weed-free. Mulch must not make contact with the plant stem.

SOIL LAWN

1. In fine lawn areas, apply Commercial Fertilizer Mix "B" at 4.5 lbs. per 1,000 sq. ft. and rake into soil surface. Establish an even, fine textured surface meeting grades and adjacent surfaces.
2. Soil shall be 100% topsoil (see Subpart) and, showing a consistent, fine leaf texture with a rich green coloration, ensuring no signs of infestation or weeds. Soil shall have a minimum of 3/4-inch topsoil. All soil shall be from the same field and of the same type throughout project, and shall not have been pelletized for more than 24 hours prior.
3. Lay out in standard strips, alternating cut ends and staggering all ball plants. Seed and topsoil shall be applied in a 1/2" layer. Seed shall be applied to be seeded shall be lightly watered prior to installation. Avoid overwatering or puddling. After installation, water deeply to a depth of 4-6 inches, and maintain moisture for two weeks. Avoid heavy use of lawn for the first two weeks.
4. Lawn areas shall be maintained by watering, mowing, reseed, and weeding for a minimum of 60 days after installation. After 30 days apply Commercial Fertilizer Mix "C" at 4 lbs. per 1,000 sq. ft. Mow and keep at 1-1/2 inches to 2 inches in height. Remove clippings and dispose of all soil.

SHRUB PLANTING DETAIL

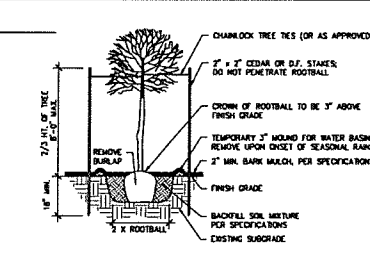
1. In fine lawn areas, apply Commercial Fertilizer Mix "B" at 4.5 lbs. per 1,000 sq. ft. and rake into soil surface. Establish an even, fine textured surface meeting grades and adjacent surfaces.
2. Seed mixture as follows: Pre-Tone 303 Sun Mix lawn seed including Perennial Ryegrass and Turf-Type I Tall Fescue. Apply at manufacturer's recommended rate.
3. Lawn areas shall be maintained by watering, mowing, reseed, and weeding for a minimum of 60 days after installation. After 30 days apply Commercial Fertilizer Mix "C" at 4 lbs. per 1,000 sq. ft. Mow and keep at 1-1/2 inches to 2 inches in height. Remove clippings and dispose of all soil.

CLEAN UP

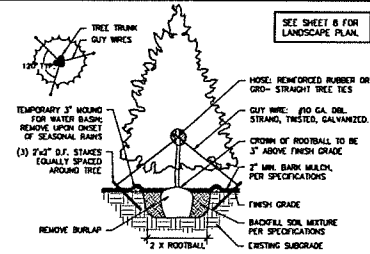
1. Upon completion of work all extra material, supplies, equipment, debris, etc., shall be removed from the site. Rake and clean planting areas neatly to an even fine grade. Remove weeds, brush and clean hard surfaces, including paving and walk forces mowed by work. Remove soil, mulch, etc. from building ledges/terraces, foundation walls etc. where applicable. Brush mulch material all foliage of all plant material. Remove flag labels from trees and shrubs. All areas of the project shall be clean, orderly and complete.

MAINTENANCE

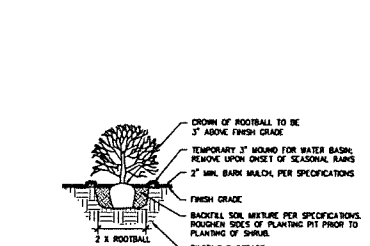
1. Begin maintenance following installation of each tree, shrub, ground cover, or lawn area and continue as follows until final acceptance.
2. Regular maintenance shall include watering, weeding, mowing, spraying, fertilizing, mowing, lightening and repairing of stakes, removal of dead material, erosion repair, reseed, reseed, reseeding plants to proper grades and upright position, and other required operations, as frequently as needed. Water shall include all manual supplemental watering required for trees and shrubs during warm weather. Operation of irrigation system shall not preclude requirement for additional watering.
3. Protect and maintain until acceptance of the project, or agreed (in writing) period-acceptance.
4. Replace any vandalized plant materials until the work is accepted by Owner.
5. As soon as conditions permit while normal planting season, remove from site and replace with new specimens (at Contractor's expense), plants that are either dead or in unsatisfactory condition, as determined by NW Engineers.
6. Identify replacement and take necessary steps to prevent similar damage of plant materials. For repeated damage of particular plants, NW Engineers may approve a substitute plant species.
7. Maintain barriers around lawn areas until established, then remove from site.
8. In addition to the maintenance required until final acceptance, provide landscape maintenance for a period of one year (twelve months) after final acceptance of the entire project for all new and modified plantings.
9. Prepare a schedule of all maintenance operations for Owner review at time of pre-final review. Make adjustments to schedule as directed and as required during the first three month period. Provide a minimum of two site visits per week for the first three-month maintenance period. For the last nine months of the maintenance period, provide at least one site visit per week.



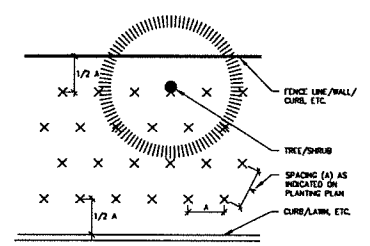
1 DECIDUOUS TREE PLANTING & STAKING
NOT TO SCALE



2 EVERGREEN TREE PLANTING & STAKING
NOT TO SCALE



3 SHRUB PLANTING DETAIL
NOT TO SCALE



4 GROUND COVER PLANTING
NOT TO SCALE

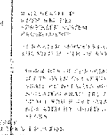
NW ENGINEERS
Engineering & Planning
10000 15th Avenue NE
Seattle, WA 98122-4400
Phone: 206.462.4400

FOR: STONEWOOD CENTER LLC
PO BOX 12807
SALEM, OR 97309
970-443-6108
SITE
Tax Map: 1330548
Tax Lot: 00501
FOREST GROVE, WASHINGTON COUNTY

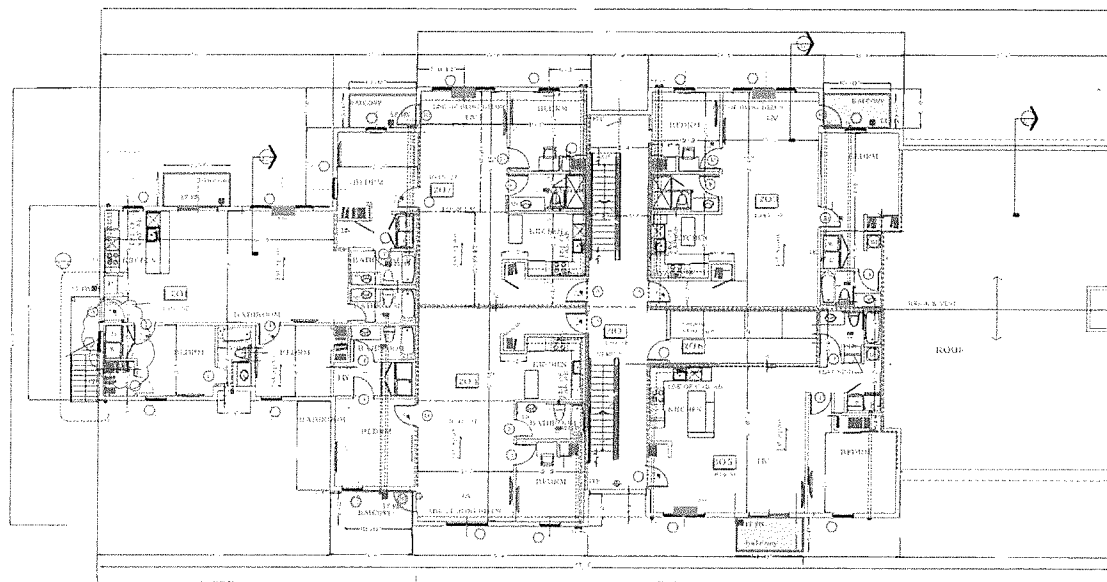
STONEWOOD APARTMENTS
NO783
PRELIMINARY LANDSCAPE SPECIFICATIONS & DETAILS

REVISION	BY	DATE
1		
2		
3		
4		
5		
6		
7		

DESIGNED: []
DRAWN: []
CHECKED: []
REVIEWED: []
SUBMITTAL: []
PLSC2
9
OF 9



ALL DIMENSIONS ARE FINISH TO FINISH U.N.O.



SECOND FLOOR PLAN

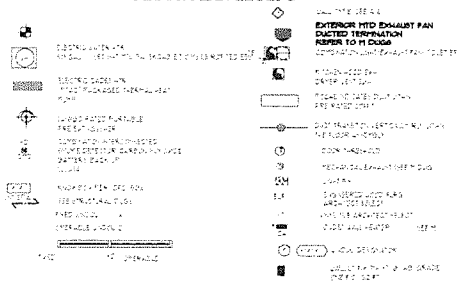


FOR BUILDING A.
BUILDING B IS A MIRROR
OF BUILDING A ALONG A
NORTH-SOUTH AXIS.

EXHAUST NOTES

5.1. ENVESTIMENTOS EM RECURSOS HUMANOS. 5.1.1. AGRICULTURA, SILVICULTURA E PESCA

FLOOR PLAN LEGEND



UNIT MIX
OCCUPANCY LOAD
1.000000
SPRINKLER PER NEPA 13

STANDARD REPORT									
UNIT	DATE	TIME	LOC	NO.	NAME	AGE	SEX	REL.	REMARKS
10	10-11-77	10:00	100	1	JOHN	25	M	1	100
11	10-11-77	10:00	100	2	JANE	23	F	2	100
12	10-11-77	10:00	100	3	JOHN	21	M	3	100
13	10-11-77	10:00	100	4	JANE	19	F	4	100
14	10-11-77	10:00	100	5	JOHN	17	M	5	100
15	10-11-77	10:00	100	6	JANE	15	F	6	100
16	10-11-77	10:00	100	7	JOHN	13	M	7	100
17	10-11-77	10:00	100	8	JANE	11	F	8	100
18	10-11-77	10:00	100	9	JOHN	9	M	9	100
19	10-11-77	10:00	100	10	JANE	7	F	10	100
20	10-11-77	10:00	100	11	JOHN	5	M	11	100
21	10-11-77	10:00	100	12	JANE	3	F	12	100
22	10-11-77	10:00	100	13	JOHN	1	M	13	100
23	10-11-77	10:00	100	14	JANE	0	F	14	100
24	10-11-77	10:00	100	15	JOHN	0	M	15	100
25	10-11-77	10:00	100	16	JANE	0	F	16	100
26	10-11-77	10:00	100	17	JOHN	0	M	17	100
27	10-11-77	10:00	100	18	JANE	0	F	18	100
28	10-11-77	10:00	100	19	JOHN	0	M	19	100
29	10-11-77	10:00	100	20	JANE	0	F	20	100
30	10-11-77	10:00	100	21	JOHN	0	M	21	100
31	10-11-77	10:00	100	22	JANE	0	F	22	100
32	10-11-77	10:00	100	23	JOHN	0	M	23	100
33	10-11-77	10:00	100	24	JANE	0	F	24	100
34	10-11-77	10:00	100	25	JOHN	0	M	25	100
35	10-11-77	10:00	100	26	JANE	0	F	26	100
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43	10-11-77	10:00	100	34	JANE	0	F	34	100
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45	10-11-77	10:00	100	36	JANE	0	F	36	100
46	10-11-77	10:00	100	37	JOHN	0	M	37	100
47	10-11-77	10:00	100	38	JANE	0	F	38	100
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77	10-11-77	10:00	100	68	JANE	0	F	68	100
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80	10-11-77	10:00	100	71	JOHN	0	M	71	100
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93	10-11-77	10:00	100	84	JANE	0	F	84	100
94	10-11-77	10:00	100	85	JOHN	0	M	85	100
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97	10-11-77	10:00	100	88	JANE	0	F	88	100
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105	10-11-77	10:00	100	96	JANE	0	F	96	100
106	10-11-77	10:00	100	97	JOHN	0	M	97	100
107	10-11-77	10:00	100	98	JANE	0	F	98	100
108	10-11-77	10:00	100	99	JOHN	0	M	99	100
109	10-11-77	10:00	100	100	JANE	0	F	100	100

DOI: 10.1002/for

ALL DIMENSIONS ARE FINISH FINISH UNO.

**STONEWOOD
APARTMENTS**

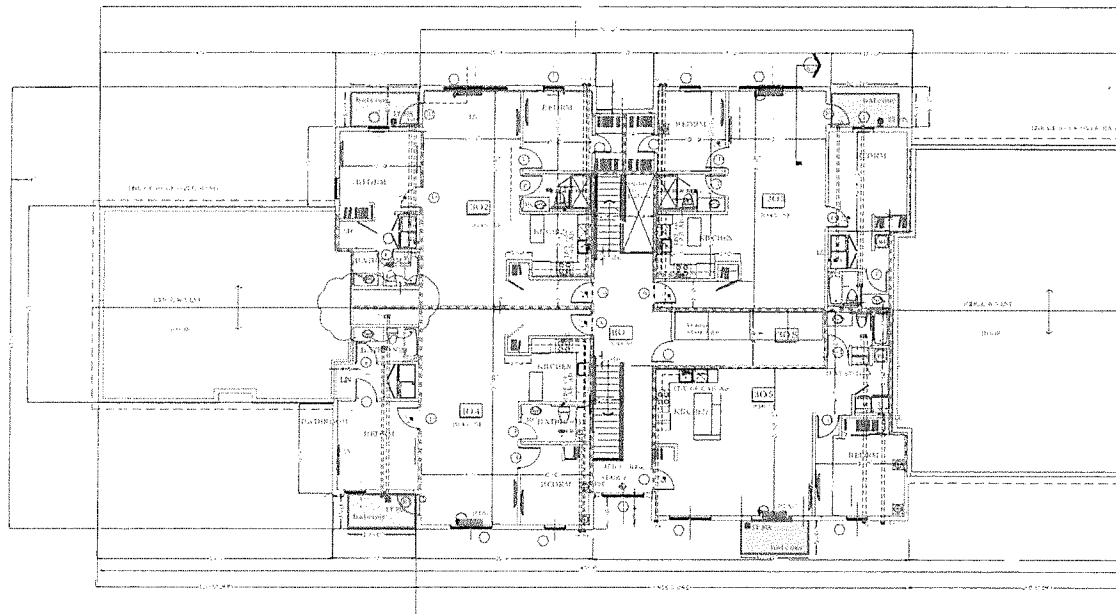
FOREST GROVE, OR

SECOND FLOOR PLAN

201357

04.01.22

A-2.



THIRD FLOOR PLAN



FOR BUILDING A.
BUILDING B IS A MIRROR
OF BUILDING A ALONG A
NORTH-SOUTH AXIS.

EXHAUST NOTES

53) $\text{Pb}(\text{NO}_3)_2 \rightarrow \text{PbO} + 2\text{NO}_2 \uparrow$
 54) $\text{Pb}(\text{NO}_3)_2 \rightarrow \text{PbO} + 2\text{NO}_2 \uparrow$
 55) $\text{Pb}(\text{NO}_3)_2 \rightarrow \text{PbO} + 2\text{NO}_2 \uparrow$
 56) $\text{Pb}(\text{NO}_3)_2 \rightarrow \text{PbO} + 2\text{NO}_2 \uparrow$



Figure 1. The effect of the concentration of the H_2O_2 solution on the amount of the released H_2 gas.


$$\begin{aligned} \frac{d}{dt} \left(\frac{1}{2} \dot{\theta}^2 + \frac{1}{2} \dot{\phi}^2 + \frac{1}{2} \dot{\psi}^2 \right) &= \frac{d}{dt} \left(\frac{1}{2} \dot{\theta}^2 + \frac{1}{2} \dot{\phi}^2 + \frac{1}{2} \dot{\psi}^2 \right) \\ &= \frac{d}{dt} \left(\frac{1}{2} \dot{\theta}^2 + \frac{1}{2} \dot{\phi}^2 + \frac{1}{2} \dot{\psi}^2 \right) \\ &= \frac{d}{dt} \left(\frac{1}{2} \dot{\theta}^2 + \frac{1}{2} \dot{\phi}^2 + \frac{1}{2} \dot{\psi}^2 \right) \end{aligned}$$


1. 2022年12月25日
 2. 2022年12月25日



2010年12月10日



$\Delta \rho_{\text{max}} = 0.7$



$\frac{1}{2} \times 100 = 50\%$
 $\frac{1}{3} \times 100 = 33\frac{1}{3}\%$
 $\frac{1}{4} \times 100 = 25\%$




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FLOOR PLAN LEGEND



EXTENSION HTD EXHAUST PAN



DUCTED TERMINATION
REFER TO M DUGS
CORPORATION, 601 EXETER BLVD, ST. LOUIS, MO 63102


$$\begin{aligned} \mathcal{L}_1 &= \frac{1}{2} \sum_{i=1}^n \left(\frac{1}{\sigma_i^2} \left(y_i - \sum_{j=1}^p \beta_j x_{ij} \right)^2 + \lambda \left(\beta_j^2 + \gamma_j^2 \right) \right) \\ \mathcal{L}_2 &= \frac{1}{2} \sum_{i=1}^n \left(\frac{1}{\sigma_i^2} \left(y_i - \sum_{j=1}^p \beta_j x_{ij} \right)^2 + \lambda \left(\beta_j^2 + \gamma_j^2 \right) \right) \end{aligned}$$
[illegible]
$$S_{\text{max}} = \frac{1}{2} \left(\frac{1}{\alpha} + \frac{1}{\beta} \right) \left(\frac{1}{\alpha} + \frac{1}{\beta} + 1 \right)$$

$$\frac{d}{dt} \left(\int_{\Omega} u^2 dx + \int_{\Gamma} u^2 d\sigma \right) = -2 \int_{\Omega} u \Delta u dx - 2 \int_{\Gamma} u \nabla_n u d\sigma$$

$$\begin{aligned} & \text{b) } \text{a) } \text{b) } \text{c) } \text{d) } \text{e) } \text{f) } \text{g) } \text{h) } \text{i) } \text{j) } \text{k) } \text{l) } \text{m) } \text{n) } \text{o) } \text{p) } \text{q) } \text{r) } \text{s) } \text{t) } \text{u) } \text{v) } \text{w) } \text{x) } \text{y) } \text{z) } \\ & \text{a) } \text{b) } \text{c) } \text{d) } \text{e) } \text{f) } \text{g) } \text{h) } \text{i) } \text{j) } \text{k) } \text{l) } \text{m) } \text{n) } \text{o) } \text{p) } \text{q) } \text{r) } \text{s) } \text{t) } \text{u) } \text{v) } \text{w) } \text{x) } \text{y) } \text{z) } \\ & \text{a) } \text{b) } \text{c) } \text{d) } \text{e) } \text{f) } \text{g) } \text{h) } \text{i) } \text{j) } \text{k) } \text{l) } \text{m) } \text{n) } \text{o) } \text{p) } \text{q) } \text{r) } \text{s) } \text{t) } \text{u) } \text{v) } \text{w) } \text{x) } \text{y) } \text{z) } \end{aligned}$$

$$\frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) = \frac{1}{2}$$


ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-10-2011 BY 60322 UCBAW

UNIT MIX
OCCUPANCY LOAD
SPRINKLER TERMINALS

UNIT		WEEK	DATE	TIME	TOPIC	INSTR.	REMARKS
1	UNIT 1	1	10/10/2019	10:00 AM	UNIT 1	10:00 AM	UNIT 1
2	UNIT 2	2	11/10/2019	10:00 AM	UNIT 2	10:00 AM	UNIT 2
3	UNIT 3	3	12/10/2019	10:00 AM	UNIT 3	10:00 AM	UNIT 3
4	UNIT 4	4	13/10/2019	10:00 AM	UNIT 4	10:00 AM	UNIT 4
5	UNIT 5	5	14/10/2019	10:00 AM	UNIT 5	10:00 AM	UNIT 5
6	UNIT 6	6	15/10/2019	10:00 AM	UNIT 6	10:00 AM	UNIT 6
7	UNIT 7	7	16/10/2019	10:00 AM	UNIT 7	10:00 AM	UNIT 7
8	UNIT 8	8	17/10/2019	10:00 AM	UNIT 8	10:00 AM	UNIT 8
9	UNIT 9	9	18/10/2019	10:00 AM	UNIT 9	10:00 AM	UNIT 9
10	UNIT 10	10	19/10/2019	10:00 AM	UNIT 10	10:00 AM	UNIT 10
11	UNIT 11	11	20/10/2019	10:00 AM	UNIT 11	10:00 AM	UNIT 11
12	UNIT 12	12	21/10/2019	10:00 AM	UNIT 12	10:00 AM	UNIT 12
13	UNIT 13	13	22/10/2019	10:00 AM	UNIT 13	10:00 AM	UNIT 13
14	UNIT 14	14	23/10/2019	10:00 AM	UNIT 14	10:00 AM	UNIT 14
15	UNIT 15	15	24/10/2019	10:00 AM	UNIT 15	10:00 AM	UNIT 15
16	UNIT 16	16	25/10/2019	10:00 AM	UNIT 16	10:00 AM	UNIT 16
17	UNIT 17	17	26/10/2019	10:00 AM	UNIT 17	10:00 AM	UNIT 17
18	UNIT 18	18	27/10/2019	10:00 AM	UNIT 18	10:00 AM	UNIT 18
19	UNIT 19	19	28/10/2019	10:00 AM	UNIT 19	10:00 AM	UNIT 19
20	UNIT 20	20	29/10/2019	10:00 AM	UNIT 20	10:00 AM	UNIT 20
21	UNIT 21	21	30/10/2019	10:00 AM	UNIT 21	10:00 AM	UNIT 21
22	UNIT 22	22	31/10/2019	10:00 AM	UNIT 22	10:00 AM	UNIT 22
23	UNIT 23	23	01/11/2019	10:00 AM	UNIT 23	10:00 AM	UNIT 23
24	UNIT 24	24	02/11/2019	10:00 AM	UNIT 24	10:00 AM	UNIT 24
25	UNIT 25	25	03/11/2019	10:00 AM	UNIT 25	10:00 AM	UNIT 25
26	UNIT 26	26	04/11/2019	10:00 AM	UNIT 26	10:00 AM	UNIT 26
27	UNIT 27	27	05/11/2019	10:00 AM	UNIT 27	10:00 AM	UNIT 27
28	UNIT 28	28	06/11/2019	10:00 AM	UNIT 28	10:00 AM	UNIT 28
29	UNIT 29	29	07/11/2019	10:00 AM	UNIT 29	10:00 AM	UNIT 29
30	UNIT 30	30	08/11/2019	10:00 AM	UNIT 30	10:00 AM	UNIT 30
31	UNIT 31	31	09/11/2019	10:00 AM	UNIT 31	10:00 AM	UNIT 31
32	UNIT 32	32	10/11/2019	10:00 AM	UNIT 32	10:00 AM	UNIT 32
33	UNIT 33	33	11/11/2019	10:00 AM	UNIT 33	10:00 AM	UNIT 33
34	UNIT 34	34	12/11/2019	10:00 AM	UNIT 34	10:00 AM	UNIT 34
35	UNIT 35	35	13/11/2019	10:00 AM	UNIT 35	10:00 AM	UNIT 35
36	UNIT 36	36	14/11/2019	10:00 AM	UNIT 36	10:00 AM	UNIT 36
37	UNIT 37	37	15/11/2019	10:00 AM	UNIT 37	10:00 AM	UNIT 37
38	UNIT 38	38	16/11/2019	10:00 AM	UNIT 38	10:00 AM	UNIT 38
39	UNIT 39	39	17/11/2019	10:00 AM	UNIT 39	10:00 AM	UNIT 39
40	UNIT 40	40	18/11/2019	10:00 AM	UNIT 40	10:00 AM	UNIT 40
41	UNIT 41	41	19/11/2019	10:00 AM	UNIT 41	10:00 AM	UNIT 41
42	UNIT 42	42	20/11/2019	10:00 AM	UNIT 42	10:00 AM	UNIT 42
43	UNIT 43	43	21/11/2019	10:00 AM	UNIT 43	10:00 AM	UNIT 43
44	UNIT 44	44	22/11/2019	10:00 AM	UNIT 4		

FROM SCIENCE TO ARTS
GZETTA PUBLICATIONS, 1974

**STONEWOOD
APARTMENTS**

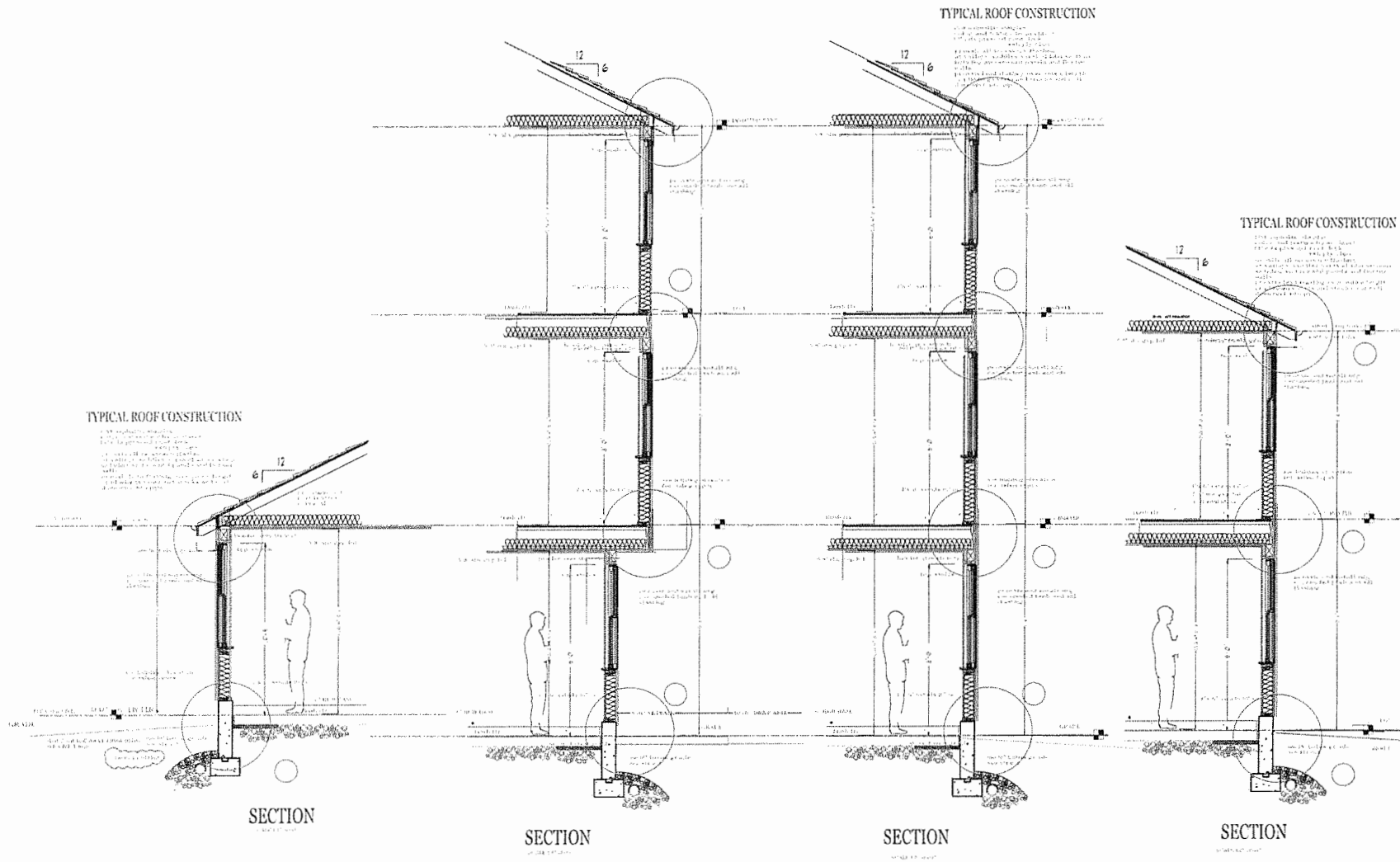
FOREST GROVE, OR

THIRD FLOOR
PLAN

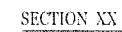
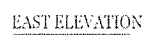
2201359

615.07.22

A-3



STONEWOOD APARTMENTS FOREST GROVE, OR	
WALL SECTIONS	
2200, 130	
03.02.22	
A-5	



2. TOTAL HEIGHT OF BUILDING WITH ROOF FROM FF ELEVATION = 44FT. GROUND ELEVATIONS ADJACENT TO BUILDING TO BE AT FF ELEVATION.

[illegible]

A-10



NW Engineers, LLC
3409 NE John Olsen Avenue
Hillsboro, OR 97124
Phone (503) 601-4401
Fax (503) 601-4402
Website www.nw-eng.com

July 28, 2022

APPLICANT'S STATEMENT

APPLICANT/OWNER: AC "Buzz" Avery – Stonewood Center, LLC
c/o Phillip Crawford
PO Box 12807
Salem, Oregon 97309

ARCHITECT: Barry Newdelman Architects
Portland, Oregon

APPLICANT'S REPRESENTATIVE: Matthew Newman
NW Engineers, LLC
3409 NE John Olsen Avenue
Hillsboro, Oregon 97124

REQUEST: Design Review & Site Development Review for a
Proposed 32-Unit Stonewood Apartments with
Two 3-Story Buildings, 46 Parking Spaces,
landscaping, open space and pedestrian connections
in the CC District

SITE LEGAL DESCRIPTION: Tax Lot 501 Tax Map 1S3 05AB
Forest Grove, Oregon

SIZE: 1.08-acres

LOCATION: Fir Road
Forest Grove, Oregon 97116

LAND- USE DISTRICT: CC (Community Commercial District)

I. APPLICABLE REGULATIONS

A. Forest Grove Comprehensive Plan

B. Forest Grove Development Code:

17.1.200	Application Process and Procedures
17.1.600	Type III Process
17.2.300	Design Review
17.2.400	Site Development Review
17.3.300	Commercial and Mixed use Zones
17.8.100	Access and Circulation
17.8.200	Open Space, Recreational Facilities and Common Areas
17.8.400	Landscaping, Screening and Buffering
17.8.500	Off-Street Parking and Loading
17.8.700	Building Design and Development Standards
17.8.750	Lighting Standards

II. AFFECTED JURISDICTIONS

Domestic Water:	Forest Grove Water
Drainage:	Forest Grove and Clean Water Services
Erosion Control:	Forest Grove and Clean Water Services
Fire Protection:	Forest Grove Fire and Rescue
Parks:	Forest Grove
Police Protection:	Forest Grove Police
Schools:	Forest Grove School District
Sewer:	Forest Grove and Clean Water Services
Streets:	Forest Grove
Water Quality/Quantity:	Forest Grove and Clean Water Services

III. BACKGROUND:

The applicant/owner Stonewood Center LLC/AC "Buzz" Avery, is requesting Design Review & Site Development Review for a Proposed 32-Unit Stonewood Apartments with Two 3-Story Buildings and 46 Parking Spaces with landscaping, open space & pedestrian connections in the CC District. This request is processed through a Type III Procedure. The subject property is identified by the Washington County Assessor as Tax Lot 501 of Tax Map 1S3 05AB and is located at the north terminus of Fir Road (no address has been assigned as of this date). The site is vacant (See Exhibits 1 & 2).

The site is almost completely flat and partially graveled since it was originally planned for additional commercial buildings as part of the Stonewood Retail Center (Building 1 fronting on Pacific Avenue was recently constructed). Although the site is relatively narrow at 112-ft. north-south dimension, the applicant has determined that the highest and best use for the site is residential due to market conditions. All street improvements along the frontage of Pacific Avenue have been improved, and the parking lot serving both Building 1 and adjacent Ace Hardware has been completed. All utilities are available to serve the site and no extension will be necessary as shown on Exhibit 3. Preliminary site, utility, grading/erosion

control, landscape plan and details are provided as Exhibits 3-9. Preliminary floor plans and elevations for the two apartment buildings are attached as Exhibits 10 & 11. Building A is depicted on these plans with Building B as a mirror-image.

Access to the development is from the southwest corner of the site at the north terminus of Fir Road (actual access is from an extension via easement). Based on comments from the Forest Grove Fire Marshal, a minimum 20-ft. wide, one-way access through the site is proposed from west to east to better provide emergency access (the required FDC connections are provided between the buildings). Only a 20-ft. access is necessary since the buildings are less than 29-ft. from average finished grade to the eave, and all portions of the buildings can be access with a firehose.

As part of an agreement with the adjacent property owner, the applicant will provide a concrete block wall between the commercial portion of the site and the proposed residential portion adjacent to the parking lot aisle. There is insufficient area for additional landscaping outside (north of) the wall adjacent to the commercial parking lot. However, the wall will have decorative trellises to soften the view from the commercial parking lot. The wall is needed to limit potential impacts between residential and commercial uses, however, a sidewalk connection through the wall is provided so residents have direct access to the commercial use while protecting the residents from commercial traffic impacts/noise. Additionally, a chain-link fence with slats is proposed on the south side of the site to provide security between the two apartment projects (See Exhibits 3 & 8).

County/City maps, in addition to other sources—e.g., Clean Water Services Service Provider Letter (Exhibit 14)—shows that the site and immediately adjacent properties are not impacted by wetlands, sensitive areas or floodplains (there is an existing wetland adjacent to the water quality facility southwest of the site). Other exhibits provided in the application include: Building Colors and Materials (Exhibit 12), Preliminary Storm Report (Exhibit 13), Tax Map (Exhibit 15), Easement Document (Exhibit 16), and Site Photos (Exhibit 17).

The applicant received a 'completeness' letter dated July 6, 2022, and this resubmitted application addresses the comments. The plans and this narrative have been updated to address the Development Standards and where they have not been met, the applicant has addressed the Track 2 Design Guidelines for design and site development review – particularly with respect to the buffer requirements on the north side of the site, the sidewalk building separation standards on the south side of the site and other portions of the two buildings where the sidewalk is flush against the building, and the parking space 'back-out' distance – all due to the limited 112-ft. north-south depth of the site. Additionally, several units on the ground floor cannot provide the 16 sq. ft./4-ft. architecturally defined entry stoop or area at the exterior doorway.

Compact parking spaces are proposed along portions of the main parking lot along the one-way access road. Standards require compact spaces to be separated but, due to the narrow north-south site dimensions, the applicant is unable to meet all of the standards for compact parking location, back-out depth, south sidewalk/building separation, and north buffer width requirements. Similarly, the Track 2 Design Guidelines are proposed since several ground-level apartment units cannot provide the 16 sq. ft., minimum 4-ft. outdoor stoop due to the location of a public sidewalk tight up to the building in places – again due to the limited north-south site depth.

The following is a summary of the completeness comments and applicant responses:

17.2.340 Design Review Submittal Requirements

- A – No Materials Board...
- C – Landscape Plan...

COMMENT:

A Material Board with color chips was delivered to the city on July 20. The landscape plan has been updated showing required dimensions and areas of private and common recreational open space totaling 9,482 sq. ft. plus the additional 1,196 for porches and terraces, exceeding the minimum 9,510 sq. ft. per code. This includes three active recreational areas: (1) 1,836 sq. ft. children's play area with three benches between the buildings; (2) 1,164 sq. ft. landscaped area with two benches at the site's southwest corner; and (3) 929 sq. ft. landscaped area with two benches at the site's southeast corner. Additional passive areas are located on the northwest and northeast corners of the site – landscape areas.

17.2.440 Site Development Review Submittal Requirements

- Various Code Standards

COMMENT:

The applicant has updated the site plan and building floor plans/elevations with correct and consistent dimensions and scales as required. The civil plans (Exhibits 1-9) are plotted at 22 x 34 engineering scale, and the architectural plans (Exhibits 10 & 11) are plotted at 24 x 36 architectural scales, with half-sized plans provided accordingly. This narrative has been updated accordingly.

17.3.330 Commercial and Mixed Use Zone Development Standards

- B – Building height is not measured as required by code...

COMMENT:

The building height has been shown correctly on the elevation plans. As noted, the heights of the buildings are less than 29-ft. from average finished grade to eave, therefore a minimum 20-ft. access road is permitted in accordance with the Oregon Fire Code. The maximum height of the buildings is approximately 44-ft., below the maximum 50-ft. of the zone. Additionally, as shown on the landscape plan, more than 15% site area is landscaped (7,319 sq. ft.).

17.7.205 Size, Location, Design and Access Standards for Storage Areas

- Narrative does not address section....

COMMENT:

The proposal includes an approximate 280 sq. ft. covered trash and recyclables enclosure at the north side of the site opposite the ADA parking spaces. This exceeds the 160 sq. ft. storage area standard for a 32-unit multifamily housing development. The enclosure will provide a minimum 6-ft. solid wood fence with 10-ft. access gate and roof minimum 8-ft. in height. The narrative has been updated to reflect compliance with this section.

17.8.115 On-Site Pedestrian Walkways

- A.1 – Walkways proposed do not provide connectivity to existing walkways...
- A.4 – Narrative response not consistent with plans...

COMMENT:

The site plan has been updated to indicate connectivity between the two buildings and to the Fir Road public sidewalk, as well as through the wall to the commercial parking lot pedestrian walkway. Sidewalks connect the main entries from each unit to the main sidewalk on the south side of the buildings, then to the public walkways. Additionally, the sidewalks are designed in compliance with ADA standards, and they are not obstructed by bike racks or landscaping.

17.8.120 Minimum Access Requirements for Residential Uses

- D – Provide a 26-foot unobstructed fire lane to serve the site...

COMMENT:

As noted, a minimum 20-ft. unobstructed fire lane is proposed to serve the site in accordance with Oregon Fire Code since the maximum heights of the buildings do not exceed 30-ft. from the average finished grade to the eaves (See Building Elevations - Exhibit 11).

17.8.135.C Joint Access in Commercial Zones

- Provide copy of the reciprocal access agreement referenced.

COMMENT:

Doc #20001028013 is attached at Exhibit 16.

17.8.140.A Specific Site Access and Circulation Standards – Multi-unit Development

- Various Code Sections

COMMENT:

A continuous 5-ft. pedestrian connection is provided between all building entries and the Fir Road public sidewalk. A connection is also provided through the north wall to the existing pedestrian pathway to the commercial building as required. All sidewalks are 5-ft. in width. All main entrance porches or terraces on the outside of the building are near the grade of the sidewalk and have a minimum 40 sq. ft. area (except internal entries which access from the

main hallway). This includes Units 101, 106 & 107 with a minimum 3-ft. horizontal separation between the entry and main sidewalk. No mechanical equipment is proposed in the landscaped area – only underground vaults constructed at grade. No exterior storage areas are proposed except the trash & recyclables enclosure mentioned above.

The applicant is addressing the Guidelines regarding the east-west sidewalk on the south side of the building since there is insufficient room to provide a 10-ft. separation from the building. The applicant proposes a 5-ft. sidewalk with 10-ft. main level setback (3-ft. from the building). Additionally, sidewalks are proposed on other sides of the buildings in area tight against the building – again due to the limited north-south site dimensions.

17.8.205 Open Space, Recreation Facilities, and Common Area Standards

- **C.3 – Proposed private patios and balconies do not meet minimum area of 48 square feet...**

COMMENT:

All private patios and balconies are a minimum 48 sq. ft. There are six patios on the main level – Units 101, 104 & 107. All other terraces are located on the upper floors. As noted, the applicant is addressing the Guidelines since only three of the 7 ground floor units can provide a minimum 16 sq. ft./4-ft. minimum architecturally defined/dimensioned stoop or porch separated from the public sidewalk.

17.8.415 Landscape, Screening, and Buffering General Standards

- **Various Code Sections**

COMMENT:

No landscaping is proposed on the north side of the wall due to insufficient area for the existing commercial driveway aisle described in the shared access easement. Landscaping is provided throughout the development exceeding the minimum 15% standard and 8% parking lot standard. As proposed, 7,319 sq. ft. of landscaping is provided, exceeding the minimum 7,133 sq. ft. Regarding parking lot landscaping, 1,849 sq. ft. is provided, exceeding the minimum 1,657 sq. ft. Additionally, 13 trees are proposed in and adjacent to the parking lot minimum the minimum standard - See Exhibit 8.

17.8.425 Buffering and Screening Standards

- **Various Code Sections**

COMMENT:

There are no above ground service facilities between the buildings. The trash & recyclables enclosure has a roof as required. The applicant is requesting that the project be reviewed through the Site Design Guidelines since the project cannot meet the minimum 10-ft. buffering standards between the residential and commercial portions of the site. There is insufficient area for landscaping. As an alternative, the applicant is proposing a 6-ft. CMU wall with trellis' on the north side providing a safe and effective separation between uses.

17.8.510 Off-Street Parking and Loading Provisions

- F – Walkways proposed do not provide connection...
- G – Compact parking stalls shall not be readily accessible to large cars...

COMMENT:

The site plan has been updated so all units can access a 5-ft. sidewalk connection to the west and north through the wall. Due to the limited 112-ft. north-south site dimension, the applicant is unable to separate the compact parking spaces from the north side of the site. Standard parking spaces are provided in the center of the site, along with the west and east sides of the site. Compact spaces are provided on the east and west sides of the northerly parking lot due to the narrow width of this section of the site. Additionally, the back-out area is only 20-ft., not the required 23-ft. The applicant is applying the site design guidelines to address this section.

17.8.525 Design and Maintenance Standards for Off-Street Parking and Loading

- D – Access aisle width is not measured correctly...

COMMENT:

The aisle measures a minimum 20-ft. width.

17.8.540 Bicycle Parking

- C.2 – Proposed bicycle parking obstructs sidewalk...
- C.6 – Outdoor bicycle parking proposed....

COMMENT:

The site plan has been revised to include the minimum 9 outdoor/short term bike parking spaces in two racks on the southeast and southwest corners of the site. They are not blocking the sidewalk.

17.8.545 Landscape and Screening of Parking and Loading

- Various Code Sections

COMMENT:

The parking lot landscape plan has been updated in accordance with required standards including planters a minimum 6-ft. in width and 48 sq. ft. Total parking lot landscaping exceed the minimum 8% standard. Trees and shrubs are proposed in conformance with the code (13 trees are proposed). As noted, no landscaping is proposed on the north side of the CMU wall and a reduced buffer is requested through the site design guidelines.

17.8.710.A Building Design and Development Standards

- Various Code Sections

COMMENT:

There are six exterior entry porches which are 40 sq. ft. each. These are for Units 101, 106 & 107. The porches are separated horizontally 3-ft. from the adjacent sidewalk and although the entry doors are flush with the adjoining building wall, the porches are covered as shown on the Building Elevations. The narrative has been updated accordingly.

IV. FINDINGS

A. FOREST GROVE COMPREHENSIVE PLAN

COMMENT:

Except where required by the Forest Grove Development Code, this application is not required to address the city's goals and policies related to the development of land, since the Forest Grove Comprehensive Plan is implemented by the Code.

B. FOREST GROVE DEVELOPMENT CODE

APPLICATION PROCESS AND PROCEDURES

§ 17.1.200 PURPOSE.

This subarticle of the Code describes the general procedures that apply to land use permit reviews. It contains the step-by-step land use application processing requirements.
(Ord. 2009-01, passed 3-9-2009)

§ 17.1.205 CONSOLIDATED REVIEW.

Where a proposal involves more than one application for the same property, the applicant may submit concurrent applications. The applications shall be consolidated for review in accordance with the highest numbered procedure. For example, a minor adjustment (Type I) can be consolidated with a conditional use (Type III), but it will be subject to Type III procedures.
(Ord. 2009-01, passed 3-9-2009)

§ 17.1.210 INITIATION AND WITHDRAWAL OF LAND USE APPLICATION.

Land use applications shall be initiated by one of the following:

- A. Application by all the owners or all the contract purchasers of the subject property, or any person authorized in writing to act as agent of the owner or contract purchasers;
- B. The City Council;
- C. The Planning Commission;
- D. The Community Development Director; or
- E. Public agencies or utilities that have statutory rights of eminent domain for projects they have the authority to construct.

The Director may withdraw any application at the written request of the applicant, prior to the final written decision.

Fees for applications withdrawn at the request of the applicant shall be refunded, less the actual costs incurred by the city in processing the application.
(Ord. 2009-01, passed 3-9-2009)

COMMENT:

The proposal is for Design Review & Site Development Review for a proposed 32-Unit Stonewood Apartments with two 3-story buildings with 46 parking spaces, landscaping, open space and pedestrian circulation in the CC District. The land use application is initiated by the property owner.

§ 17.1.215 PRE-APPLICATION CONFERENCE.

The Director shall not accept a Type II, III or IV land use application for processing unless the applicant or the applicant's representative has attended a pre-application conference, or the Director has, in his or her discretion, signed a waiver of the pre-application conference.

The purpose of the pre-application conference is to acquaint the applicant with the requirements of this Code, the Comprehensive Plan and other relevant criteria. It is designed to assist the applicant. The applicant assumes the risk for delays or other problems caused by failure to attend a pre-application conference. It is impossible, however, for the pre-application conference to be an exhaustive review of all potential issues and the conference shall not prevent the city from enforcing all applicable regulations.

To schedule a pre-application conference, the applicant shall submit a completed and signed conference request form and the following information:

- A. A short narrative describing the proposal, including at minimum:
 - 1. Proposed use;
 - 2. Size of buildings and/or number and types of residential units;
 - 3. Approximate building heights; and
 - 4. Other information as applicable, such as:
 - a. Number of employees;
 - b. Use of hazardous materials (including general quantity and type); and
 - c. Any known special conditions applicable to the site or proposed development.
- B. A conceptual site plan; and
- C. The appropriate fee.

The Director shall schedule the pre-application conference within seven working days of the request. The Director shall identify and prepare a summary of topics to be discussed and shall provide the applicant with a written summary of the conference.

If a complete application relating to the proposed development action that was the subject of the pre-application conference has not been submitted within one year of the conference, a new pre-application conference or waiver is required.
(Ord. 2009-01, passed 3-9-2009)

COMMENT:

The applicant attended a pre-application meeting with staff on April 13, 2022.

§ 17.1.220 NEIGHBORHOOD MEETING.

When the Director determines that a proposed project has the potential to raise concerns of neighborhood or community impact, the applicant shall initiate, attend and conduct a neighborhood meeting. The purpose of the neighborhood meeting is to allow the neighbors and other interested parties to become familiar with the proposal and to identify issues that may be associated with an application. The Director shall identify the need for the meeting within seven days after the pre-application conference is held.

The neighborhood meeting is intended to result in an application that is responsive to neighborhood concerns, reducing the likelihood for delays and appeals of the application. The city expects an applicant to take the reasonable concerns and recommendations of the neighborhood into consideration when preparing an application. The city expects the neighbors will work with the applicant to provide such input.

Neighborhood meetings must be conducted before the city will accept an application on any portion of the proposal. The applicant can request a sign-in sheet from the Community Development Department or provide his or her own sign-in sheet, which must be completed on the night of the neighborhood meeting and submitted to the city at the time of application as verification that the meeting was held. The sign-in sheet should indicate the date, time and location of the meeting, a brief heading describing the subject of the proposal, and the signatures of those in attendance at the meeting. The city shall retain the sign-in sheet as part of the record in the land use case file.

Those notified of the neighborhood meeting shall, at minimum, include all surrounding property owners and residents located at the notification distance of the greatest level permit or 300 feet if the permit type is not known, as well as any other interested parties identified by the Director. (Ord. 2009-01, passed 3-9-2009)

COMMENT:

No neighborhood meeting is required.

§ 17.1.225 APPLICATION CONTENTS.

A land use application shall consist of at least the following:

- A. A completed city application form with the following information:
 - 1. Property description and assessor map parcel number(s);
 - 2. Name, address, telephone number of the applicant (s), property owner(s) or contract purchaser(s), and, if applicable, the same information of the authorized agent of the applicant, property owner or contract purchaser; and
 - 3. A complete list of the approvals sought by the applicant.

COMMENT:

The application form has been filled out with the required information and signed by the owner.

B. A narrative description of the proposed development, existing site conditions and pertinent background information;

C. Findings that discuss how the approval criteria of the Code are or can be met;

COMMENT:

Required project description and findings are provided throughout this narrative.

D. A transportation study may be required by the Director when determined at the pre-application conference the proposed project would have potential circulation or safety impacts, need for off-site street improvements or would increase traffic on city streets by at least 50 peak hourly trips, or a Transportation Impact Study is required by the Oregon Department of Transportation. The Director may also require a transportation study for any one project or multiple projects where there may be cumulative traffic impacts from two or more projects affecting one or more transportation facilities;

COMMENT:

Due to the small project size, a transportation report is not required.

E. Duplicates of the above information as required by the Director. (Note: The pre-application conference summary will provide guidance on what specific information is required and how many copies must be submitted.);

COMMENT:

Required copies are provided.

F. All required application fees;

COMMENT:

Required fees have been paid.

G. An eight and one-half by 11-inch copy of the site plan for the public notice; and

**H. Additional applicable information required by other sections of this Code.
(Ord. 2009-01, passed 3-9-2009)**

COMMENT:

Additional application materials will be provided as necessary.

§ 17.1.230 APPLICATION SUBMITTAL AND ACCEPTANCE.

A. Applications shall be submitted on the proper form provided by the city, signed by the owner(s) of all properties involved in the application, and accompanied by the required fee(s).

B. The date the application and fee is received by the city shall be recorded on the application form.

C. The city shall conduct an initial review within 30 days of receipt to determine if the application is complete. The city shall issue a written, dated statement to the applicant indicating whether the application is complete and, if not, what information must be submitted to make the application complete.

D. Rejection by the Director for incompleteness shall be based solely on failure to address the development standards or supply information required by Code and by the Director, in a pre-application conference or otherwise, as the Director determines is necessary to adequately evaluate the proposal. Rejection shall not be based on differences of opinion as to quality or accuracy. Acceptance indicates only that the application is ready for review.

E. Information submitted by the applicant to the city after the date the application is deemed complete that results in a substantial change from the original application shall require review as a new application or waiver of 120 days. The Director shall determine whether a submission constitutes a substantial change from the original

COMMENT:

The city will follow the stated project acceptance procedure.

TYPE III PROCESS – QUASI-JUDICIAL LAND USE DECISIONS

§ 17.1.600 DEFINITION.

A land use decision, as defined in O.R.S. 197.015(10), includes final decisions or determinations concerning the adoption, amendment or application of the goals, a comprehensive plan provision, a land use regulation or a new land use regulation.

In general, land use decisions require the greatest amount of discretion and the evaluation of subjective approval standards. Land use decisions that are site -specific in nature are classified as Type III quasi-judicial decisions and land use decisions that apply to the general population and prescribe policy are classified as Type IV legislative decisions.
(Ord. 2009-01, passed 3-9-2009)

COMMENT:

This application is being reviewed through a Type III Procedure.

§ 17.1.605 TYPE III APPLICATIONS AND APPROVAL CRITERIA.

Applications so designated throughout the Development Code are reviewed under the Type III process based on the requirements and criteria for each application set forth in other sections of this Code. Examples of these applications include:

- Quasi-Judicial Zoning Map Amendments with review by Planning Commission and approval by City Council
- New Conditional Use Permit or Major Modification of Use Permit
- Certain types of Design Review
- Variance
- Elevation by Director of a Type II permit
- Preliminary Plan for Planned Development

- Demolition or relocation of Historic Landmark
- Manufactured Dwelling Parks
- Removal of Registered Tree from the Register
- Certain Types of Wireless Communication Facilities

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type III applications, shall be processed as a Type III application.
(Ord. 2009-01, passed 3-9-2009)

COMMENT:

This Design Review application is being reviewed through a Type III Procedure.

§ 17.1.610 NOTICE.

Notice of the public hearing on Type III applications shall be provided in accordance with the provisions of O.R.S. 197.763 and as follows:

- A. Notice shall be published in a newspaper of general circulation at least seven days before the hearing.
- B. Notice shall be posted in three conspicuous public places in the city at least 20 days before the hearing.
- C. Notice shall be sent by mail at least 20 days before the hearing to:
 - 1. The applicant or representative;
 - 2. All property owners of record within 300 feet of the boundaries of the subject property;
 - 3. Any recognized interested party;
 - 4. Any public agency or utility whose property, services or facilities may be affected by the proposed development. The Director shall determine the extent of notice to public agencies or utilities based on cooperative agreements, perceived interest or impact.
- D. The applicant shall also post the subject property with a Notice of Application in conformance with posting requirements set forth by City Council resolution.

Failure to receive notice shall not invalidate a decision if a good faith attempt was made to notify all persons entitled to notice. A certificate of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the certificate.
(Ord. 2009-01, passed 3-9-2009; Ord. 2020-05, passed 11-9-2020)

§ 17.1.615 NOTICE CONTENT.

The public notice shall contain:

- A. The name of the applicant or representative and city case file number;
- B. A description of the subject property to inform the reader of its location;
- C. A concise description of the proposed development action and a listing of review criteria;

D. A statement that the complete application, standards and other information are available at City Hall for review, and the phone number of a city contact person;

E. Designation of the Review Body (e.g., Planning Commission, Design Review Commission, Historic Landmarks Board and Community Forestry Commission) and the time, date and place of the hearing;

F. A statement that all interested persons may appear and provide testimony and that only those making an appearance of record shall be entitled to appeal; and

G. A statement that a copy of the staff report will be available for inspection at least seven days prior to the hearing.

(Ord. 2009-01, passed 3-9-2009)

COMMENT:

The city will follow the required application notice and review procedures.

§ 17.1.620 DECISION AUTHORITY.

The appropriate commission shall make all Type III decisions. After review of all evidence submitted into the record the designated review authority may, approve with conditions or deny all or part of the application.

(Ord. 2009-01, passed 3-9-2009)

COMMENT:

The Planning Commission is the appropriate review authority for this application.

§ 17.1.625 ANNOUNCEMENT OF DECISION.

No Type III decision is final for the purposes of appeal until it has been reduced to writing and signed by the designated review authority or its designee. The review body may announce a tentative decision at the close of the public hearing.

(Ord. 2009-01, passed 3-9-2009)

§ 17.1.630 BASIS FOR DECISION.

The approval or denial of any Type III land use application shall be based upon substantial evidence in the record that addresses the pertinent standards and criteria set forth within this Code.

(Ord. 2009-01, passed 3-9-2009)

§ 17.1.635 NOTICE OF DECISION.

Written notice of the decision shall be provided within 14 days of the decision to the applicant and all parties who submitted comments orally or in writing.

The notice of the decision shall clearly set forth deadlines, criteria and fees for filing an appeal , and shall contain all of the information set forth in § 17.1.535A. through D.

(Ord. 2009-01, passed 3-9-2009)

§ 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.

COMMENT:

The Planning Commission is the appropriate review authority for this application which can be appealed to City Council.

DESIGN REVIEW

§ 17.2.300 PURPOSE.

The purpose of design review is to:

A. Establish guidelines and standards that will promote good neighborhood design;

B. Encourage development that upholds property values and becomes a long-term asset to the community;

C. Encourage creative and cost-effective building and site design; and

D. Provide flexibility in the administration of development standards.

In addition to the requirements of this section, applications subject to design review are also subject to site development review as provided in § 17.2.400 (a separate application and fee is not required).

(Ord. 2009-01, passed 3-9-2009)

COMMENT:

This application is for design review and site development review.

§ 17.2.310 APPLICABILITY.

Design review is required for the following:

- A. New single-family attached developments;
- B. New multi-unit developments;
- C. New commercial development;
- D. Alterations, remodels or renovations of commercial development in the Town Center and Neighborhood Commercial zones which result in additional floor area of more than 400 square feet;
- E. Alterations, remodels or renovations of commercial development in all other Commercial zones which result in additional floor area of more than 1,000 square feet;
- F. New development in a historic district;
- G. Alterations, remodels, renovations or relocations of a historic landmark; and
- H. Alterations, remodels, renovations or relocations of a historic contributing building.
(Ord. 2009-01, passed 3-9-2009)

COMMENT:

The proposal is for a new multi-unit development, therefore Design Review is applicable to this application.

§ 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 1-Development Standards. Applications are required to meet the clear and objective development standards which are provided in the Development Code. These requirements are intended to be specific and directive. The purpose is to establish a baseline for site plan design which works in conjunction with other requirements of the Development Code.

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.

(Ord. 2009-01, passed 3-9-2009)

§ 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.

A. *Track 1 – Development Standards.* Applications shall be reviewed under a Type II or III procedures as outlined below:

1. *Type II Review.* The Director is the review authority for the following Track 1 – Design Standards applications:

a. Multi-family developments with three to five units; and
b. Commercial alterations, remodels, renovation and new construction of less than 10,000 square feet.

2. *Type III Review.* The Planning Commission is the review authority for the following Track 1 design review applications:

a. Multi-family developments with more than six units;
b. Commercial alterations, remodels, renovation and new construction of more than 10,000 square feet; and
c. Any Type II design review application elevated by the Director to the Type III procedure.

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:

1. *Type II Review.* The Director is the review authority for the following Track 2 design review applications:

a. Multi-family developments with three to five units; and
b. Commercial alterations, remodels, renovation and new construction of less than 3,000 square feet.

2. *Type III Review.* The Planning Commission is the review authority for the following Track 2 design review applications:

a. Multi-family developments with more than six 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.
(Ord. 2009-01, passed 3-9-2009)

COMMENT:

Although most of the Development Standards have been met and shown on the submitted plans, this Type III Design Review proposal is reviewed through the Track 2 Design Guidelines Procedure primarily due to the need for a reduced buffer on the north side of the site, building/sidewalk separation on the south side of the site (and other places adjacent to the buildings), and the reduced back-out distance for the north parking lot. This is all necessary due to the narrow north-south dimension of the site. Additionally, only 3 of the 7 ground floor units are able to provide the required 16 sq. ft./4-ft. stoop outside the units due to the need for the tight public sidewalk.

§ 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 § 17.2.440, 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.

C. An open space plan showing the locations and dimensions of common and private open space, including active and passive recreational areas.
(Ord. 2009-01, passed 3-9-2009)

COMMENT:

Preliminary architectural and civil drawings of the two buildings with site plan and wall design are attached as Exhibits 1-11. This includes private and common recreational open space totaling 9,482 sq. ft. plus the additional 1,196 for porches and terraces, exceeding the minimum 9,510 sq. ft. per code. This includes three active recreational areas: (1) 1,836 sq. ft. children's play area with three benches between the buildings; (2) 1,164 sq. ft. landscaped area with two benches at the site's southwest corner; and (3) 929 sq. ft. landscaped area with two benches at the site's southeast corner. Additional passive areas are located on the northwest and northeast corners of the site – landscape areas. A materials board has also been submitted.

§ 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;

COMMENT:

The development standards of the CC District are addressed in this report.

B. The general development standards of Article 8;

COMMENT:

The general development standards of Article 8 are addressed in this report.

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. (Ord. 2009-01, passed 3-9-2009)

COMMENT:

Although most code requirements have been met, this application is reviewed through the Tract 2 Design Review Process. There are three main departures from the code related to the minimum 10-ft. sidewalk/building separation around the building, the 10-ft. landscape buffer requirement on the north side of the site, and reduced vehicle back-out area on the north side of the site. Additionally, only three of the seven ground floor units in each building provide the 16 sq. ft./4-ft. architecturally defined stoop at the door since the public sidewalk is tight against the buildings. The resulting project demonstrates that the development better meets the design guidelines than a design that simply meets the Code.

SITE DEVELOPMENT REVIEW

§ 17.2.400 PURPOSE.

The purpose of Site Development Review is to promote the general welfare and enhance the appearance and function of the city by careful attention to site planning.

While the underlying zoning district determines whether a particular use is permitted, site development review focuses on *how* a particular use will be developed. Site development review will focus primarily on site planning and design elements of a project. (Ord. 2009-01, passed 3-9-2009)

§ 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).
- (Ord. 2009-01, passed 3-9-2009)

COMMENT:

The proposal is for a new development, therefore Site Development Review is applicable to this application.

§ 17.2.420 EXEMPTIONS.

The following development is exempt from site development review:

- A. Home occupations;
 - B. Family day care; and
 - C. Accessory structures.
- (Ord. 2009-01, passed 3-9-2009)

COMMENT:

This application is not exempt from 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.

(Ord. 2009-01, passed 3-9-2009)

§ 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.
(Ord. 2009-01, passed 3-9-2009)

COMMENT:

All of the applicable criteria have been provided on Exhibits 1-11. The plans have been properly dimensioned as required. The outdoor storage area for trash & recyclables meeting the design standards of this code, has been provided on the site plan. Building height is approximately 44-ft. measured from the average elevation of the grade to the ridge. The building is less than 29-ft. from grade to eave.

§ 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 Article 8.

COMMENT:

This development plan complies with all applicable standards of the CC District and the standards of Article 8 as demonstrated on the submitted plans and findings throughout this report. As noted, the applicant is addressing the Site Design Guidelines where the project cannot meet the 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**
- 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.**

COMMENT:

The development is compatible with surrounding uses based on the scale of the two buildings with 16-units each and 3-stories for only the center section of each building. Additionally, parking is located generally on the north side of the buildings adjacent to the existing parking lot (separated by a wall as an appropriate screen for noise and use impacts). Outdoor areas for active and passive use are provided between the buildings and at both the southwest and southeast sides of the site. These areas, as well as the connecting pedestrian pathways, will be adequately lighted and visible from public areas and multiple apartment units for security and safety.

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.**

COMMENT:

None of the above resources or features are located on site. A wetland is located off-site to the southwest.

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

COMMENT:

No historic resources have been identified on-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.

COMMENT:

Adequate public and private rights-of-way exists off-site to the west and north. Pedestrian circulation will not be impacted, rather it will be enhanced with a north-south & east-west connection between the existing Fir Road public sidewalk and the commercial site.

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.

COMMENT:

On-site accessible pedestrian access is provided between the parking lot and buildings. As noted, a connection is provided between the buildings and the commercial site through the proposed wall. Entrances and walkways to the buildings are provided on all four sides. Additionally, these pathways are well lighted and visible from multiple apartment units for safety and security.

COMMERCIAL AND MIXED USE ZONES

§ 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. (Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

§ 17.3.310 LIST OF COMMERCIAL AND MIXED USE ZONES.

A. *Neighborhood Commercial (NC)*. The NC zone is established to provide for small to medium sized shopping and service facilities adjacent to residential neighborhoods. The district is intended to meet the convenience shopping and service needs of the immediate neighborhood and to have minimal negative impacts on surrounding residential uses. NC zones should be located on arterial or collector streets, preferably at an intersection. NC zones should be spaced at approximately one-half mile intervals and each zoned area should be limited to a total size of approximately two acres.

B. *Community Commercial (CC)*. The CC zone is established to promote a concentration of mixed uses – including retail, service, office and residential uses – along the regional transit corridor. The link between land use and transit is intended to result in an efficient development pattern that supports the regional transit system and makes progress in reducing traffic congestion and air pollution. The location, mix and configuration of land uses are designed to encourage convenient alternatives to the auto, a safe and attractive streetscape, and a more livable community.

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.

(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013; Ord. 2016-3, passed 3-28-2016)

COMMENT:

The site is located in the CC 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.

COMMENT:

Residential uses are permitted in the CC District as shown on Table 3-10.

§ 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:

COMMENT:

The proposed 32-unit residential development with 46 parking spaces, landscaping, open space and pedestrian connections is in compliance with all of the standards shown on Table 3-11. Compliance with these standards is demonstrated on the site plan and landscape plans (Exhibits 3 & 8). Specifically, there are no minimum setbacks and the maximum building height is 50-ft. As proposed, the minimum setback on the south side of the buildings is 10-ft. at the main level and the maximum

height of the buildings are approximately 44-ft. in height as measured from the average finished grade to the ridge (approximately 29-ft. to the eave to meet fire codes). Proposed landscape area of 7,319 sq. ft. exceeds the minimum 15% (7,133 sq. ft.) required in the CC District. Similarly proposed interior parking lot landscaping exceeds the minimum 8% area standard (1,849 sq. ft. provided; 1,657 sq. ft. required).

§ 17.3.340 COMMERCIAL ZONE DESIGN STANDARDS AND GUIDELINES.

Commercial development in the NC and CC zones is subject to the design review process in Article 2 and standards in Article 8.

COMMENT:

The proposed 32-unit residential development is located in the CC Zone

§ 17.7.205 SIZE, LOCATION, DESIGN AND ACCESS STANDARDS FOR STORAGE AREAS.

The applicant shall indicate the size and location of the storage area for solid waste and recycling on the site plan required for site development review or design review.

A. Storage area size. The following guidelines shall be used to determine the appropriate size for the storage area.

1. Multi-family residential building with three to ten units: 50 square feet.
2. More than ten units: 50 square feet plus five square feet for each unit above ten.
3. Office: four square feet/1,000 square feet of gross floor area (GFA).
4. Retail: ten square feet/1,000 square feet of GFA.
5. Wholesale/warehouse/manufacturing: six square feet/1,000 square feet of GFA.
6. Educational/institutional: four square feet/1,000 square feet of GFA.
7. Other: four square feet/1,000 square feet of GFA.

COMMENT:

Subsection 2 is applicable to this development since the proposal is for 32 multifamily dwellings. Therefore, a minimum 160 sq. ft. covered trash & recyclables enclosure is required. As shown on Exhibit 3, the proposal is for a 180 sq. ft. storage area located in the parking lot on the north side of the site, designed in compliance with this standard.

B. Location standards.

1. To encourage its use, the storage area for recycling shall be co-located with the storage area for solid waste.
2. Indoor and outdoor storage areas shall comply with Building and Fire Code requirements.
3. Storage area space requirements can be satisfied with a single location or multiple locations, and combine both interior and exterior locations.
4. Exterior storage areas can be located within interior yard or rear yard areas. Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street.
5. Exterior storage areas shall be located in central and visible locations on a site to enhance security for users.
6. Exterior storage areas can be located in a parking area, if the proposed use provides at least the minimum number of parking spaces required by this Code.

7. The storage area shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site.

COMMENT:

The proposed covered trash & recyclables enclosure is designed in accordance with the above standards. It is located in a manner that the franchise trash collection service can easily access the dumpsters from the 20-ft. driveway aisle. It is not located in a required yard and screened from the commercial development north of the site by a wall.

C. Design standards.

1. The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.
2. Storage containers shall meet Fire Code standards and be made and covered with waterproof materials or situated in a covered area.
3. A sight-obscuring fence, wall or hedge at least six feet in height shall enclose exterior storage areas. Gate openings, which allow access to users and haulers, shall be provided. Gate openings for haulers shall be a minimum of ten feet wide and shall be capable of being secured in a closed and open position.
4. Storage area(s) and containers shall be clearly labeled to indicate the type of material accepted.

COMMENT:

The proposed covered trash & recyclables enclosure is designed with a minimum 6-ft. solid wood sight-obscuring fence and minimum 10-ft. gate openings as required.

D. Access standards.

1. Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.
2. Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. A minimum of ten feet horizontal clearance and eight feet of vertical clearance is required if the storage area is covered.
3. Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

(Ord. 2009-01, passed 3-9-2009)

COMMENT:

The proposed covered trash & recyclables enclosure will be a minimum 8-ft. tall for access by the franchise trash collection service. It is also located in a visible, lighted area for security.

ACCESS AND CIRCULATION

§ 17.8.100 PURPOSE.

The purpose of this subarticle is to establish standards and regulations for safe and efficient vehicle access and egress on a site and for general circulation within the site, including pedestrian circulation.

(Ord. 2009-01, passed 3-9-2009)

§ 17.8.105 APPLICABILITY.

A. *When provisions apply.* The provisions of this article shall apply to all development, including the construction of new structures, and the remodeling or new structures or a change of use which increases the on-site parking or loading requirements or which changes the access requirements.

B. *When site plan /design review is not required.* Where the provisions of site plan review or design review do not apply to the proposed developments, the Director shall approve, approve with conditions, or deny an access plan submitted under the provisions of this article in conjunction with another permit or land use action.

C. *Conflict with land division requirements.* The requirements and standards of this article shall not apply where they conflict with the land division rules and standards of Article 6.

(Ord. 2009-01, passed 3-9-2009)

COMMENT:

This application is subject to Design Review, therefore this section is applicable.

§ 17.8.110 GENERAL PROVISIONS.

A. *Continuing obligation of property owner.* The provision and maintenance of access and egress stipulated in this section are continuing requirements for the use of any structure or parcel of real property in the city.

B. *Access plan requirements.* No building or other permit shall be issued until a scaled site plan is submitted that shows how access, egress and circulation requirements are to be fulfilled. The Director shall provide the applicant with information about the submittal requirements for an access plan.

C. *Joint access.* Owners of two or more uses, structures or parcels of land may agree to jointly use the same access and egress when the combined access and egress of both uses, structures or parcels of land satisfies their requirements as designated in this article, provided:

1. Satisfactory legal evidence shall be presented in the form of deeds, easements, leases or contracts to establish the joint use; and

2. Copies of the deeds, easements, leases or contracts are placed on permanent file with the city.

COMMENT:

Access to the site is provided from the north terminus of Fir Road and via internal access agreements for the Stonewood Retail Center. The easement document is provided as Exhibit 16.

D. Public street access. All vehicular access and egress shall connect directly with a public or private street approved by the city for public use, except where joint access is provided through adjacent or other property which is connected to a street. Vehicular access to a residential use shall be provided within the same lot for single-family and two-family dwellings, and within the same lot or development for multi-family dwellings. Access to multi-family units shall avoid being located through single-family residential areas before being connected to a collector or arterial as designated by the city's Transportation Plan.

COMMENT:

Access to the site is provided from the north terminus of Fir Road, a public street. The actual access is from the extension via easement document #2001028013 (Exhibit 16).

E. Transit agency referral. The city shall submit all development proposals located along the Pacific Avenue/19th Avenue transit corridor to Tri-Met and along existing and proposed collectors and arterials in the Westside Planning Area to Ride Connection/GroveLink for review and comment regarding facilities necessary to support transit. The following facilities may be required as a condition of a permit:

1. Walkways to transit stops;
2. Bus stop shelters or waiting areas; and
3. Turnouts for buses.

COMMENT:

This section is not applicable since it does not have direct access to Pacific Avenue. However, pedestrian access is available from the site, through the wall and along the existing pedestrian access in the Stonewood Retail Center parking lot to Pacific Avenue.

F. Where hard surfaces are stipulated by these requirements, 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.

COMMENT:

No pervious surfaces are proposed on-site except in the landscape areas.

G. Landscaped areas should include water quality features such as bio-swales or wetlands, trees, grass, shrubs and other plant material when possible so as to cover landscape areas. (Ord. 2009-01, passed 3-9-2009; Ord. 2017-07, passed 8-14-2017)

COMMENT:

Due to the small scale of the site and landscape areas, all stormwater is directed to the existing adjacent water quality facility located southwest of the site.

§ 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.

COMMENT:

Connectivity is provided between the site and the Fir Road public sidewalk. Additionally, a sidewalk connection is proposed between the site and the Stonewood Retail Center parking lot (which continues to Pacific Avenue). Internal connection between the two buildings is also provided by sidewalks connecting all entrances to the public sidewalk.

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.

COMMENT:

All parking spaces are within 45-ft. of a sidewalk or the building entrances/walkways.

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.

COMMENT:

Concrete sidewalks designed in accordance with ADA standards are provided within the development. Minimum width of each sidewalk is 5-ft. All sidewalks are adequately lighted.

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.

COMMENT:

A sidewalk crossing between the buildings and through the wall at the north property line is proposed with required pavement markings as shown on Exhibit 3. The traffic crossing is only 20-ft. wide. Width of the crossway is 7-ft. in accordance with ADA standards.

5. Where required for pedestrian access, interior landscape areas in combination with pedestrian walkways between rows of parking shall be at least ten feet in width to accommodate walkways, shrubbery and trees 20 to 30 feet on-center. This ten-foot width may be reduced between tree areas depending on the characteristics of the vegetation. Angled or perpendicular parking spaces shall provide bumper stops or widened curbs to prevent bumper overhang into interior landscaped areas or walkways.

(Ord. 2009-01, passed 3-9-2009)

COMMENT:

No landscaping is provided between the walkway which is located between parking space 17 & 18. However, curbs are provided for pedestrian safety.

§ 17.8.120 MINIMUM ACCESS REQUIREMENTS FOR RESIDENTIAL USES.

A. Direct access to arterial streets from a residential dwelling established after the effective date of this Code is prohibited. The city may permit direct access to an arterial for lots of subdivisions approved prior to the effective date of this Code, and for multi-family residential complexes if the access is designed to local residential street standards.

B. Single-family dwellings and duplexes shall be required to have one driveway , fully improved with hard surface pavement, with a minimum width of ten feet.

C. Service drives for multi-family dwellings shall be fully improved with hard surface pavement with a minimum width of:

1. Twelve feet when accommodating one-way traffic; or
2. Twenty feet when accommodating two-way traffic.

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 .

COMMENT:

The proposal includes a one-way common access driveway 20-ft. in width designed to accommodate emergency vehicles since the building height is less than 30-ft. measured from average finished grade to the eave.

D. Private residential access drives shall be provided and maintained in accordance with the provisions of the Uniform Fire Code.

COMMENT:

Access is provided in accordance with the Uniform Fire Code.

E. Dead-end access drives in excess of 150 feet shall be provided with approved provisions for the turning around of fire apparatus by one of the following:

1. A circular, paved surface having a minimum turn radius measured from center point to outside edge of 35 feet;
2. A hammerhead, paved surface with each leg of the hammerhead having a minimum depth of 40 feet and a minimum width of 20 feet; or
3. The maximum cross slope of a required turnaround is 5%.

COMMENT:

The access drive extends through the site, connecting the Fir Road northern terminus with the existing commercial driveway at the northeast corner of the site.

F. Driveway grades shall not exceed a maximum of 20%.
(Ord. 2009-01, passed 3-9-2009; Ord. 2020-05, passed 11-9-2020)

COMMENT:

Grade of the access drive is approximately 2%

§ 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.

COMMENT:

Driveway with at the Fir Road northern terminus is approximately 24-ft., although technically the interior drive access is slightly north of the public right-of-way.

B. Maximum driveway widths at the street right-of-way line shall be as follows.

1. In residential zones:
 - a. Twenty-four feet for lots with less than 60 feet of streetfrontage ;
 - b. Thirty feet for lots with street frontages of 60 feet or greater; and
 - c. There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same lot .
2. Thirty-six feet in institutional, town center or commercial zones; and
3. Forty feet in industrial zones.

COMMENT:

As noted, the access is approximately 24-ft. in width but is located slightly north of the terminus of Fir Road.

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 .

COMMENT:

No direct access from Fir Road is proposed. Access is located on an extension of the road from private property.

D. Minimum distance between curb cuts. On arterial and collector streets , minimum distances shall be maintained as follows between adjacent curb cuts on the same side of any such street :

1. Eighty-five feet where the speed limit is 20 mph or less;
2. One hundred five feet where the speed limit is 25 mph;
3. One hundred twenty-five feet where the speed limit is 30 mph;
4. One hundred fifty feet where the speed limit is 35 mph;
5. One hundred eighty-five feet where the speed limit is 40 mph;

6. Two hundred thirty feet where the speed limit is 45 mph; and
7. Two hundred seventy-five feet where the speed limit is 50 mph or greater.

E. In measuring the distance between curb cuts on arterial and collector streets , existing curb cuts, or accesses serving single-family and two-family dwellings shall not be considered.

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 .

(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013; Ord. 2017-01, passed 4-10-2017)

COMMENT:

As noted, direct access is not provided from the public portion of Fir Road – rather from an extension on private property.

§ 17.8.135 SPECIAL ACCESS-EGRESS PROVISIONS.

A. *One-way vehicular access points.* Where a proposed parking facility indicates only one-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility; the entrance drive shall be situated closest to oncoming traffic and the exit drive shall be situated farthest from oncoming traffic.

COMMENT:

One-way access is proposed from west to east which meets the requirements for emergency vehicles.

B. *Director 's authority to restrict access.* The Director has the authority to restrict access when the need to do so is required by one or more of the following conditions:

1. To provide for increased traffic movement on congested streets and to eliminate turning movement problems, the Director may restrict the location of driveways on streets and require that the location of driveways be placed on adjacent streets, upon the finding that the proposed access would:

- a. Cause or increase existing hazardous traffic conditions;
- b. Provide inadequate access for emergency vehicles; or
- c. Cause hazardous conditions to exist, which would constitute a clear and present danger to the public health, safety and general welfare.

COMMENT:

Access is not restricted to the subject site.

2. 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 on adjacent properties unless not feasible. The Director shall require access easements between properties where necessary to provide for parking area connections.

3. To facilitate pedestrian and bicycle circulation, access and parking area plans shall provide efficient sidewalk and/or a pathway connection, as feasible, between neighboring developments and land uses.

4. A decision by the Director per subsections B.1. through B.3. above may be appealed by means of a Type II procedure.

COMMENT:

Internal access is provided via easements across the Stonewood Retail Center property (Doc #2001028013 – Exhibit 16).

C. *Joint Access in Commercial Zones.* If feasible, joint access and the provision of reciprocal easements shall be required as a condition of issuing a building permit in all commercial zones.

COMMENT:

Joint access is provided from the north terminus of Fir Road as noted in the provided easement document.

D. In all zones where the spacing of access and egress drives cannot be readily achieved within a particular parcel; joint access with an adjoining property shall be sought. If the Director is satisfied that sufficient attempts to secure joint access have been made and the joint access is not possible, and access separation as specified in § 17.8.130 cannot be maintained, driveway access may be granted with less separation between adjacent driveways. The spacing shall be the minimum required to provide adequate, yet safe and convenient access to the property. The clear vision area requirements of Article 8 are applicable.

(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013; Ord. 2020-05, passed 11-9-2020)

COMMENT:

Joint access is provided from the north terminus of Fir Road.

§ 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.

A. *Multi-unit development.* A functional and safe environment for vehicles and pedestrians is important within residential areas. Multi-unit development should be visually appealing from the adjacent street right-of-way and be functionally and aesthetically tied to adjacent residential neighborhoods.

1. *Circulation.*

a. A continuous pedestrian connection shall be provided from the front door of all residential buildings to the public sidewalk.

b. Separate pathways from dwellings a minimum distance of ten feet. The separation is measured from the pathway edge closest to any dwelling unit.

c. On-site pedestrian walkways are required to be a minimum width of five feet connecting dwelling units to parking/open space/recreation areas.

COMMENT:

A 5-ft. wide pedestrian connection is provided from the front door of all units to the public sidewalk at the north terminus of Fir Road and the striped pathway in the commercial center. The sidewalk also provides access to the on-site open space areas (active and passive recreation areas). The applicant is unable to meet the subsection b standard of 10-ft. between the building and pathways due to the limited north-south depth of the site. The applicant is addressing the Site Design Guidelines for this section. Findings are provided later in this report.

2. *Parking areas.*

a. **Separate physically and visually parking areas greater than 10,000 square feet in area with landscape planter bays at least 18 feet in width. Individual parking areas may be connected by a driveway.**

COMMENT:

The parking area for the development is 20,715 sq. ft. in area which includes an east and west portion of roughly equal areas. The east and west sections of the 46-space parking lot is separated by a landscape planter and storage area of approximately 29-ft. width. This storage/trash enclosure is proposed between two landscape islands with trees and shrubs.

b. **The sidewalk system shall connect the front door of all residential buildings to parking area(s).**

COMMENT:

Sidewalks provide direct connections to the parking areas on the west and east side of the buildings, and on the north side of the access drive via a painted pedestrian crosswalk between spaces 17 & 18. All front doors provide a direct connection to the on-site sidewalk system.

3. *Pedestrian environment.*

a. **Residential doors which face a public right-of-way shall be setback a minimum of three feet plus any additional width needed to meet the minimum sidewalk requirements (where applicable) from a public sidewalk.**

b. **The following types of doors shall not provide the primary entrance into a dwelling unit: sliding glass or solid metal doors without glazing.**

c. **Residential stoops, porches or terraces shall be raised a maximum of three feet above grade at the adjacent right-of-way.**

d. **Residences with entry porches or terraces shall have a minimum area of 40 square feet.**

e. **Residential entries shall be lowered a maximum of four feet below grade measured at adjacent right-of-way.**

COMMENT:

Residential doors are provided close to existing grade as required to meet ADA (they are within 1 foot of the finish grade). They are also a minimum 3-ft. horizontal distance from the public sidewalk. No residential doors face a public right-of-way. Only six residential units have direct, exterior ground-level access: Units 101, 106 & 107. All three have covered entries that are a minimum 40 sq. ft. and do not encroach into the sidewalk area (the doors are flush with the building and a minimum 3-ft. horizontal distance from the public sidewalk).

4. Screening/service areas.

- a. All mechanical equipment shall be screened from view by an opaque fence or solid landscape screen eight feet high.
- b. Service/refuse collection areas shall not be located within 20 feet of public rights-of-way.
- c. All development of two or more stories in height shall be required to provide screening of garbage collection and storage areas from above.
- d. All roof mounted mechanical equipment other than vents shall be screened from ground level view. The screening shall be as high as the height of the equipment and shall be integrated with the exterior building facade.

COMMENT:

There is no above-ground mechanical equipment. Water valves and equipment are provided in underground vaults. The proposed trash & recyclables enclosure is located in the center of the site adjacent to both sections of the parking lot. It will be screened with a minimum 6-ft. solid wood fence and an 8-ft. tall roof, and accessed by the franchise trash & recyclables service from the interior driveway aisle with a minimum 10-ft. gate. No roof-mounted equipment is proposed.

5. Landscaping.

- a. At least 75% of required landscaped area shall be planted with any suitable combination of trees, shrubs or evergreen ground cover.
- b. 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.

COMMENT:

The proposal includes approximately 7,319 sq. ft. of landscape area planted with trees, shrubs and ground cover/lawn. This does not include walkways, therefore almost 100% is planted (the plan includes 7 benches and the children's play equipment). This area exceeds the minimum 15% landscape area and includes active recreational open space and passive open space.

6. Crime Prevention Through Environmental Design (CPTED).

- a. No landscaping, fences, walls or plant materials greater than five feet in height shall be installed which obstruct the visibility of a dwelling entry from a public street.
- b. A minimum of 25 square feet of window area shall be provided within each dwelling unit facing a common open space, pedestrian path or car park to allow visual surveillance.
- c. A clear line of site between all front building entries and the public sidewalk or car park shall be maintained.
- d. Lighting shall be provided at all exterior dwelling unit entrances.
- e. Guard or a keyed variation of gated residential development is prohibited.
- f. Motion activated security lighting is prohibited along public rights-of-way.

COMMENT:

Each building is designed with crime prevention elements as required. The parking area and all building entrances/walkways are lighted for safety. All parking spaces are visible from several apartment units. There are no restricted sight lines in the development. The active recreational open space/children's play area between the buildings is also visible from multiple units, as well as the two other recreational open space areas and walkways behind the two buildings. Chain-link fencing with slats is provided along the entire south property line providing security from adjacent

properties. Finally, a block wall is proposed on the north property line separating the commercial use from the residential use. This will provide added protection for the residents and pedestrians adjacent to the commercial driveway aisle.

CLEAR VISION AREA

§ 17.8.150 PURPOSE.

The purpose of this subarticle is to establish standards that will ensure proper sight distances at intersections to reduce the hazard from vehicular turning movements.
(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

§ 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.

A. On corner lots, no vehicle, fence, wall, hedge or other planting or structure shall be parked, erected, planted, placed, located or maintained, except for occasional tree trunks or poles, so as to impede visibility within the greater of the two clear vision areas defined below (see Figure 8-5):

1. The triangular area formed by the curb lines along such lots and a straight line joining said curb lines at points which are 30 feet distant from the intersection of the curb lines and measured along such lines; or

2. The triangular area formed by the property lines of such lots and a straight line joining said property lines at points which are ten feet distant from the intersection of the property lines and measured along such lines.

COMMENT:

The site entrance (west side of the site) is a corner lot. Visibility at this location is adequate since no vehicles exit the site. Sight distance at the northeast corner of the site also adequate since this is an east-west commercial driveway aisle for exiting only. The concrete block wall does not extend to the end of the landscape planter to ensure adequate sight distance (sight distance triangle is provided at that location).

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.

COMMENT:

Line of sight will be maintained as noted above.

D. The vision clearance area for single-family homes and duplexes shall be determined in the manner set forth in subsection A.2. above.

E. Any obstruction maintained in violation of this section shall be deemed in violation of the Development Code and shall be abated pursuant to § 17.1.400 enforcement procedures.

COMMENT:

Line of sight will be maintained as noted above.

OPEN SPACE, RECREATIONAL FACILITIES AND COMMON AREAS

§ 17.8.200 PURPOSE.

The purpose of this subarticle is to establish standards for the provision of open space and recreational facilities, and where part of development, requirements for common areas. (Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

§ 17.8.205 STANDARDS.

A. Open space areas may be required to avoid placing structures or other improvements either in identified hazard or resource areas as required by §§ 17.5.005 et seq. and 17.8.300 et seq.

B. Areas retained to comply with Clean Water Services (CWS) water quality sensitive area and vegetative corridor requirements of the Design and Construction Standards or surface water quality or quantity facilities requiring over 100 square feet of area shall be considered open space but not be considered a recreational area unless so designed as to be integrated with a development's site design and available for access for residents in the development.

C. Except for developments in TCC or TCT zones, any development not involved in a division of land, open space and recreation areas shall be held in common for residential condominiums or by the primary land owner for apartment complexes or non-residential development. The area shall be placed within an easement unless waived by the Director for minor recreation facilities or recreation facilities that are integrated with the developed portion of the project. Developments within the NMU zone may modify the standards below through an approved MUPD.

COMMENT:

The site is located in the CC District. No partitioning of the land is proposed. Open space area will be held by the property owner for use by apartment residents.

1. Residential projects in the Residential Multi-family Low (RML) and Residential Multi-family High (RMH) districts shall provide the following: All condominium, two-family dwellings, multi-family dwellings, residential care facilities, residential care institutions and nursing or convalescent homes shall provide 20% of the lot area in open space, excluding that area designated in the site plan and improved for off-street parking and driveways. All dwelling units shall be immediately accessible to a minimum of 600 square feet of open space.

COMMENT:

As required, 20% of lot area = 9,510 sq. ft. This proposal exceeds the minimum standard with the common open space and individual private open space of 9,482 sq. ft. and 1,196 sq. ft., respectively. All dwellings have access to a minimum 600 sq. ft. open space area which includes passive and active open space areas around the buildings.

2. All condominium, two-family dwellings and multi-family dwellings of 20 units or more, residential care facilities, residential care institutions and nursing or convalescent homes shall improve one-half of the required open space as recreation space. Recreation space shall be planted in grass and/or improved for recreational use, and have a minimum area of 870 square feet and a minimum dimension of 20 feet. For two-family and multi-family dwellings, the recreational area shall include a children's play area. A fence shall be installed that is a minimum of 30 inches in height to separate a parking lot, street or driveway from any children's play area.

COMMENT:

Three common active recreational space are provided. One between the two buildings with a total area of approximately 1,863 sq. ft. (play area + adjacent landscape and sidewalk). It will be landscaped with trees, shrubs, and ground cover. It will include a children's play area with wood chips, play equipment, and three benches. Two other active recreational spaces are provided on the southeast and southwest corners of the site totaling 929 sq. ft and 1,164 sq. ft., respectively. These areas will be landscaped with trees, shrubs, and ground cover and include sidewalks and 2 benches per space. Additional passive open space is provided on the northwest and northeast side of the site.

3. For the development of condominiums, two-family and multi-family dwellings of 20 units or more, residential care facilities and residential care institutions, individual private open space (patio or balcony) shall be provided for each dwelling unit. All private open space shall be directly accessible from the dwelling unit through a doorway. Patios and balconies shall be at least 48 square feet in size with a minimum width dimension of four feet.

COMMENT:

Balconies or ground-level patios with a minimum of 48 sq. ft. and dimensions of 4-ft. are provided for some ground floor units and all upper floor units.

4. Floor area of ground floor patios and all balconies for individual units can be used to meet no more than one-half of the recreational land area requirement. Private open space shall be separated from common open space through the use of perimeter landscaping, fencing or a change in vertical grade (e.g., second floor balconies).

COMMENT:

The area of the balconies and ground level patios totals approximately 1,000 sq. ft.

5. Where a proposed condominium, multi-family development, residential care facility, residential care institution, or nursing or convalescent home will abut an existing or proposed public park or open space, the development shall integrate into its design the adjoining park or open space to maximize its benefits to development residents.

COMMENT:

This section is not applicable.

6. No less than 75% of all open space areas excluding recreational space shall be landscaped with living ground cover, shrubs or trees.

COMMENT:

Almost all open space area is landscaped as required.

7. State law and administrative codes pertaining to residential care facilities, assisted care and nursing facilities shall supersede the provisions of this section where there is a conflict.

COMMENT:

This section is not applicable.

D. Areas and tracts of land to be held in common, shall meet the following requirements.

1. Common areas shall be held in ownership by either a homeowners association or operator of a multi-family development , residential care facility , residential care institution or nursing or convalescent home.

2. To ensure adequate maintenance of common areas within the land division, the applicant shall provide maintenance provisions in Covenants, Conditions and Requirements (CC & Rs) when to be maintained by a homeowners association or another method an operator of a multi-family development, residential care facility , residential care institution or nursing or convalescent home.

COMMENT:

The property owner will be responsible for maintenance of the common areas.

E. A development shall include proposed dedication of open space or recreational facilities to the city or reserve such areas for acquisition by the city based on the following requirements:

1. The dedication or reservation shall be approved by the Parks and Recreation Commission prior to any acceptance of the reservation or dedication by the city. The Parks and Recreation Commission shall only consider any dedication or reservation if found:

a. Consistent with the Parks, Recreation and Open Space Master Plan in terms of location, size, shape and purpose of the facility or area;

b. Adequate recreational elements for active and/or passive recreational needs (e.g. trails, benches, play equipment, ball fields, etc.) are provided;

c. Open Space areas provide connectivity with other open space or recreational areas as shown on the Parks, Recreation and Open Space Master Plan;

d. Adequate services and facilities are available to maintain the dedication or reservation; and

e. For reservations, that acquisition of the property has been programmed in the most recently adopted capital improvement program or otherwise authorized by the City Council.

2. Where the city will accept a dedication pursuant to paragraph (1) above, no more than 50% of the System Development Charges (SDC) for a project can be waived by the Community Development Director upon consultation with the Parks and Recreation Director. The amount of the waiver shall be based on the completeness of the recreational elements and maintenance facilities provided, and the importance of the property to the completion of the Park, Recreation and Open Space Master Plan. There shall be no waiver of park SDC for any reservation of an open space area or recreational facility.

3. If the developer is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within 18 months following final land use approval including but not limited to final plat, site plan, conditional use or design review approvals. The price shall be agreed upon prior to final approval or such reservation shall be released to the subdivider.

F. Where it is determined by the Director that to achieve a greater sense of open space of an area, open space that is proposed for two adjoining developments shall be located adjacent to each other.

COMMENT:

The common open space area will be owned and maintained by the property owner.

LANDSCAPING, SCREENING AND BUFFERING

§ 17.8.400 PURPOSE.

The purpose of this subarticle is to establish standards for landscaping, buffering and screening of land use within Forest Grove in order to enhance the aesthetic and environmental quality of the city:

- A. By requiring street trees in new developments;
- B. By using plant materials as a unifying design element;
- C. By using plant materials to define spaces and articulate the uses of specific areas; and
- D. By using trees and other landscape materials to mitigate the effects of noise and lack of privacy and provide buffering and screening.
(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

§ 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.
- B. *When site development /design review does not apply.* Where the provisions of Site Development Review or Design Review do not apply, the Director shall approve, approve with conditions or deny a landscape plan submitted under the provisions of this subarticle by means of a Type I procedure.
- C. *Landscape plan.* The applicant shall submit a landscape plan. The Director shall provide the applicant with information on the submittal requirements.
(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

COMMENT:

A preliminary landscape plan has been provided by the applicant (Exhibit 8).

§ 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.

(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

COMMENT:

The property owner will install, irrigate and maintain the landscaping in accordance with the above standards.

§ 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.

B. Installation of bio-swales or preservation of wetlands should be located where possible in landscaped areas.

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.

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-swales or wetlands, trees, grass, shrubs and other plant material so as to cover the landscape area.

COMMENT:

Landscaping will be installed in accordance with the above standards.

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.

3. At least 8% of the Interior Parking Lot Area shall be landscaped. Landscaped areas may include water quality features such as bio-swales or wetlands, trees, grass, shrubs and other plant material so as to cover the landscape area.

COMMENT:

As shown on Exhibit 8, greater than 8% of the parking lot area is landscaped (1,849 sq. ft.). This includes the parking lot islands. They have a minimum width of 6-ft. and area which exceed 48 sq. ft.

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.

COMMENT:

Thirteen trees are required per the above standard since the interior parking area is 20,715 sq. ft. As shown on Exhibit 8, 13 trees are provided in the landscape islands and on either side of the parking lot and driveway aisle.

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.

COMMENT:

Interior parking area landscaping and trees is dispersed throughout the parking area. Required trees are planted within 5-ft. of the parking area as permitted.

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.

(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

COMMENT:

Perimeter landscaping on the site's east side is included in the calculation since it extended more than 4-ft. into the parking area. As noted previously, no landscaping is proposed on the site's northern perimeter.

§ 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.

B. *Landscaping required in the Community Commercial Zones.* 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. *Landscaping required in the Town Center Zones.* All new commercial and residential developments in the Town Center Transition Zone shall landscape no less than 5% of the lot area using appropriate native plant materials and/or architectural features such as benches, planters and water fountains which are suitable and supportive of the downtown commercial environment. Jointly improved landscaped areas are encouraged to facilitate continuity of landscape design within the Town Center. The city may choose to waive this requirement for developments that provide streetscape amenities within the public right-of-way. New development in the Town Center Core zone is exempt from the minimum landscaping requirement.

D. *Landscaping required in the Institutional Zone.* Landscaping shall be in context with the use and surrounding zones. For institutional uses that consist of primarily open space, such as a park or playground, the landscaped area shall be defined by the site plan and include a landscaped strip at least ten feet in width abutting any property line facing a street. For institutional uses in which the site is primarily devoted to non-open space, the landscaping requirements shall match the zone district immediately adjacent to the use. Where there are no landscaping requirements for the adjoining zone, the landscaping requirements shall meet the requirements of subsection B., Community Commercial above.

COMMENT:

The site is located in the CC District (item B above). There is no perimeter facing a street.

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 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.

COMMENT:

Compliance with this standard will be reviewed at building permit issuance, however the preliminary landscape plans demonstrate coverage with trees, shrubs and lawn (ground cover in the parking area landscape islands on both sides of the access drive).

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.

(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

COMMENT:

No decorative architectural features are proposed in lieu of landscaping.

§ 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.

3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the Director's approval as an alternative to the standards, provided it affords the same degree of buffering and screening as required by this Code.

COMMENT:

Screening and buffering is provided on the north and south boundaries by fencing and landscape (on the south side), and a wall on the north side of the site.

B. Buffering and screening requirements.

1. A buffer consists of an area within a required setback adjacent to a property line and having a depth equal to the amount specified in the buffering and screening matrix and containing a length equal to the length of the property line of the abutting use or uses.

2. Utilities, screening, sidewalks and bikeways, and landscaping may only occupy a buffer area. No buildings, accessways or parking areas shall be allowed in a buffer area except where an accessway has been approved by the city.

3. The minimum improvements within a buffer area shall consist of combinations for landscaping and screening as specified in Tables 8-2, 8-3 and 8-4. In addition, improvements shall meet the following specifications:

a. At least one row of trees shall be planted. They shall have a minimum caliper of two inches at four feet in height above grade for deciduous trees and a minimum height of five feet high for evergreen trees at the time of planting. Spacing for trees shall be as follows:

1. Small or narrow-stature trees, less than 25 feet tall or less than 16 feet wide at maturity shall be spaced no further than 20 feet apart;

2. Medium-sized trees between 25 to 40 feet tall and with 16 to 35 feet wide branching at maturity shall be spaced no greater than 30 feet apart; and

3. Large trees, over 40 feet tall and with more than 35 feet wide branching at maturity, shall be spaced no greater than 40 feet apart.

b. In addition, at least ten five-gallon shrubs or 20 one-gallon shrubs shall be planted for each 1,000 square feet of required buffer area; and

c. The remaining area shall be planted in lawn or other living ground cover.

COMMENT:

No screening or buffering along the south property line is required since the adjacent property is developed with an apartment project as well. However, screening is provided with a 6-ft. chain link fence with slats and a 2-ft. landscape strip. Screening is provided on the north side of the site with a 6-ft. CMU block wall with a decorative trellis on the north side facing the commercial property. Due to the narrow north-south property, there is insufficient area for the additional landscape on the north side of the wall. Therefore, the applicant addressing the Site Design Guidelines for this section provided later in this report.

4. Where screening is required the following standards shall apply in addition to those required for buffering:

a. A hedge of narrow or broad leaf evergreen shrubs shall be planted which will form a four-foot continuous screen of the height specified in Table 8-3 within two years of planting;

b. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen of the height specified in Table 8-3 within two years; or

c. A fence or wall of the height specified in Table 8-3 shall be constructed to provide a continuous sight-obscuring screen.

COMMENT:

As noted, the applicant addressing the Site Design Guidelines for this section.

5. Buffering and screening provisions shall be superseded by the clear vision area requirements as set forth in § 17.8.150.

COMMENT:

The block wall on the north side of the site will be set back to meet clear vision area requirements on its east end.

6. When the use to be screened is downhill from the adjoining zone or use, the prescribed heights of required fences, walls or landscape screening shall be measured from the actual grade of the adjoining property. In this case, fences and walls may exceed the permitted six-foot height at the discretion of the Director as a condition of approval. When the grades are so steep so as to make the installation of walls, fences or landscaping to the required height impractical, a detailed landscape/screening plan shall be submitted for approval.

COMMENT:

This section is not applicable.

7. Fences and walls.

- a. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, stone, rock or brick, or otherwise acceptable by the Director;
- b. Such fence or wall construction shall be in compliance with other city regulations;
- c. Walls shall be a minimum of six inches thick; and
- d. Chain link fences with slats shall qualify for screening. However, chain link fences without slats shall require the planting of a continuous evergreen hedge to be considered screening.

COMMENT:

Fencing is provided on the north and south side of the site. This includes a 6-ft. tall, 8-inch-thick CMU block wall on the north side of the site, and a 6-ft. chain-link fence with slats on the south side.

C. Screening: special provisions.

1. *Screening and landscaping of parking and loading areas.* Screening and landscaping of parking and loading areas is required as provided in this article.

2. *Screening of service facilities.* Except for one-family and two-family dwellings, any service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence or masonry wall between five and eight feet in height.

COMMENT:

The apartment parking area will be screened by the wall noted above. No commercial service area is proposed with this development. No mechanical equipment will be visible from the street or parking areas.

3. *Screening of refuse containers.* Except for one- and two-family dwellings, any refuse container or refuse collection area which would be visible from a public street, parking lot, residential or commercial area, or any public facility such as a school or park shall be screened or enclosed from view by placement of a solid wood fence, masonry wall or evergreen hedge. All refuse shall be contained within the screened area.

COMMENT:

The trash and recyclables area will be screening with a minimum 8-ft. solid wood fence on the east, west and south side, and the 6-ft. CMU block wall on the north side.

4. *Screening of swimming pools.* All swimming pools shall be enclosed as required by the City of Forest Grove Building Code.

COMMENT:

This project does not include a swimming pool.

D. Buffer Matrix.

1. The Buffer Matrices contained in Table 8-2 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses and abutting uses or zoning districts.

2. An application for an adjustment or variance to the standards required in Tables 8-2 and 8-3 shall be processed as a Type I, II or III procedure, as regulated by Article 2 provisions for Adjustments and Variances.

COMMENT:

As noted, the applicant addressing the Site Design Guidelines for this section since it is not possible to provide a large landscape buffer on the north side of the site.

OFF-STREET PARKING AND LOADING

§ 17.8.500 PURPOSE.

A. *Ensure adequate vehicle parking.* These parking requirements are intended to provide sufficient vehicle parking in close proximity to the various uses for residents, customers and employees, and to establish standards that will maintain the traffic carrying capacity of nearby streets.

B. *Adequate capacity.* These regulations are also intended to establish vehicle parking areas which have adequate capacity and which are appropriately located and designed to minimize any hazardous conditions on the site and at access points.

(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

§ 17.8.505 APPLICABILITY.

A. *New construction.* At the time of the erection of a new structure within any residential, commercial, institutional and industrial zoning district, off-street vehicle parking shall be provided in

accordance with this section. Except as specified in subsection D. below, uses in the Town Center zones are exempt from the requirement to provide off-street parking.

B. *Expansion of existing use.* At the time of an enlargement of a structure, which increases the on-site vehicle parking requirement, off-street vehicle parking shall be provided in accordance with this section, subject to the following:

1. On the date of adoption of this Code, the number of vehicle parking and loading spaces required shall be based only on floor area or capacity of such enlargement.

C. *Change of use.* When an existing structure is changed from one use to another as listed in this section, the following provisions shall apply.

1. If the parking requirements for each use are the same, no additional vehicle parking shall be required.

2. Except in multi-tenant buildings or complexes with shared parking facilities, where a change results in an intensification of use in terms of the number of vehicle parking spaces required, additional vehicle parking spaces shall be provided in an amount equal to the difference between the number of spaces required for the existing use and the number of spaces required for the more intensive use.

3. Where the change results in a decrease in intensity of use, the applicant may eliminate excess vehicle parking spaces in an amount equal to the difference between the number of spaces required for the existing use and the number of spaces required for the less intensive use.

D. *Parking exemption for the town center zones.* Except for new multi-family dwelling units, all development in the Town Center zones shall be exempt from off-street parking requirements for new construction, expansion of existing use and change of use. New multi-family or mixed-use developments (residential portion only) shall provide the minimum required spaces in accordance with Table 8-4 except that:

1. In order to encourage the preservation and reuse of historic buildings, no parking shall be required for new or existing multi-family units above the ground floor in buildings built before 1950;

2. A 25% reduction in the minimum number of parking spaces required is allowed for age-restricted senior housing; and

3. A reduction of three parking spaces is allowed for every one dedicated carshare space provided.

(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013; Ord. 2020-05, passed 11-9-2020)

COMMENT:

This section is applicable to new developments.

§ 17.8.510 GENERAL PROVISIONS.

A. *When site development /design review is not required.* Where the provisions of Article 2 for Site Development Review and Design Review do not apply, the Director shall approve, approve with conditions, or deny a parking plan submitted under the provisions of this article by means of a Type I review.

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 landscaping (does not apply to single-family dwellings and duplexes);
6. Grading and drainage (does not apply to single-family dwellings and duplexes); and
7. Specifications as to signs and bumper guards (does not apply to single-family dwellings and duplexes).

COMMENT:

A parking plan is provided as Exhibit 3.

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.

COMMENT:

The required parking will be available to residents and guests only.

D. *Joint use of parking.* Owners of two or more uses, structures or parcels of land may agree to jointly use the same parking and loading spaces when the peak hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Director in the form of deeds, leases and/or contracts to establish the joint use.

COMMENT:

No joint parking agreement is necessary for this development.

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.

COMMENT:

Access easements are in place for use in the Stonewood Retail Center (See Exhibit 16).

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.

COMMENT:

An efficient and safe pedestrian access is provided between the Fir Road public sidewalk and the Stonewood Retail Center. The pathway follows a route along on-site sidewalks, across the parking lot along a striped crossway, then through the CMU wall connecting to the existing pedestrian walkway in the parking lot.

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. Head-in or angled parking spaces abutting walkways or landscape areas shall be shortened by one and one-half feet and the walkway or landscape area increased by the same measure. No wheel stops shall be required on these spaces.

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.

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.

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 .
(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013; Ord. 2020-05, passed 11-9-2020)

COMMENT:

All required parking for this development is provided on-site. There are a total of 46 parking spaces – 19 of which are compact.

§ 17.8.515 OFF-STREET PARKING REQUIREMENTS.

A. Multiple uses. In the event several uses occupy a single building or parcel of land, a reduction of 25% of the total required parking is allowed for projects that utilize shared parking on a blended ratio for complementary uses.

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.

COMMENT:

All parking is located within 20-25-ft. of the two buildings.

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.

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.

COMMENT:

Per Table 8.4 and shown on Exhibit 4, 46 parking spaces are required for the 32 units, and 46 spaces are provided.

F. *Exemptions from maximum parking standards.* The following uses shall be exempt from the maximum allowable parking standards of Table 8-4. This exemption does not limit any provision or authority to restrict the size, location or design of such uses. On sites where the following parking is provided, it shall not be included in the parking count used for determining the maximum allowable number of parking spaces:

1. Structured parking;
2. Valet lots;
3. Pay lots;
4. Employee carpool parking, when such areas are dedicated by way of on-site reservation;
5. Fleet parking;
6. Automobile sales lots; and
7. Park-and-ride lots and area-wide public parking facilities.

G. *Unlisted use .* Where a use is not specifically listed in Table 8-4, determination of the applicable parking standards shall be made in accordance with the following procedure:

1. The Director shall determine the minimum and maximum parking spaces for all uses not listed in Table 8-4, unless an application is under review by the Planning Commission or Design Review Commission, in which case the Commission shall make the determination.
2. In all determinations for unlisted uses, the applicant shall be required to submit studies or technical information about the use, parking demand, vehicle trip generation and/or other information as deemed necessary to make a determination. The city may consider testimony and publications of individuals, agencies or institutions experienced in parking and traffic engineering in its determination of parking standards.

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.

COMMENT:

The proposed 46 parking spaces meet the standards of this code. The 19 compact spaces are located on the east and west sides of the northern parking lot. The center 10 spaces are standard 9 x 18-ft. spaces, as well as those on the east and west sides of the site. The ADA spaces are located between the buildings.

§ 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.

COMMENT:

The proposal includes a 20-ft. wide service drive for vehicles including emergency vehicles.

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.

COMMENT:

Traffic through the site flows one-way from west to east for vehicle and pedestrian safety.

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.

COMMENT:

Parking is accessible from the 20-ft. wide interior access road.

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.

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.

COMMENT:

The parking spaces and driveway aisle will be properly sized and striped as shown on Exhibit 3. The back-out area for spaces 9-39 cannot meet the minimum 23-ft. depth due to the narrow north-south dimension of the site. However, this only impacts the private interior parking lot, not the driveway aisle on the north side of the wall where the public through-traffic travels (that aisle will meet the minimum 23-ft. width). The applicant is addressing this in the Site Design Guidelines provided later in this report.

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.

Off-street parking spaces for single-family and duplex residences shall be improved with an asphalt or concrete surface to specifications as approved by the Building Official.

Where possible, pervious surfacing should be used for off-street parking areas.

COMMENT:

The parking lot will be paved with impervious asphalt.

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.

COMMENT:

Wheel stops/curb will be provided as required.

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.

COMMENT:

A preliminary grading and drainage plan is provided as Exhibit 5.

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.

COMMENT:

Lighting is proposed on the north side of the site to light the parking lot and access drive. It will be shielded to shine downward and away from the public.

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.

COMMENT:

The parking lot will be maintained by the property owner or management company as required.

K. Parking lots over three acres in size. Parking lots over three acres in size shall be designed to incorporate curbs and sidewalks along major drive aisles.

COMMENT:

This section is not applicable.

§ 17.8.540 BICYCLE PARKING.

A. When required. Bicycle parking shall be provided on-site in conjunction with the following uses:

1. Multi-family housing;
2. Retail and office development ;
3. Industrial development ;
4. Institutional development ; and
5. Transit stations, park-and-ride lot and automobile parking structures .

COMMENT:

This section is applicable to multi-family housing.

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.

COMMENT:

Forty-six parking spaces are required, therefore a minimum of 9 bicycle spaces are required (20% of 46).

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.
(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

COMMENT:

Two short-term bicycle parking racks for 5-6 bikes each is proposed adjacent to the sidewalk on the southeast and southwest corners of the site. These are adjacent to the parking lots and near the main entrance corridors for each building. Long-term bike parking is provided in a locked room inside the main corridor for each building for the residents.

§ 17.8.545 LANDSCAPING AND SCREENING OF PARKING AND LOADING AREAS.

A. Purpose. The purpose of this section is to improve the appearance of off-street parking and open lot sales and service areas in Forest Grove and to protect and preserve the appearance, character and value of the surrounding neighborhoods. It is also the purpose of this section to allow for increased seepage by providing openings in impervious surface; increased safety by breaking up large expanses of pavement; and increased shading to reduce overheating of car interiors, and reduce glare and radiation from large number of vehicles.

B. Applicability. This section is applicable to all areas used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, hereinafter referred to as "other vehicular uses," including but not limited to activities of a drive-in nature such as, but not limited to, filling stations, grocery and dairy stores, banks, restaurants and the like. Screening and landscaping of parking and loading areas is required, with the exception of parking areas serving single-family dwellings and duplexes, and parking areas that are under or within buildings. The interior landscaping requirements do not apply to parking areas for industrial uses in the industrial zones.

COMMENT:

This section is applicable since there is outdoor parking.

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.

COMMENT:

The parking lot does not directly abut a public right of-way.

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.

COMMENT:

The parking lot is screened from abutting properties by a wall or chain-link fence with slats, therefore additional landscape screening is not required.

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.

COMMENT:

More than 8% of the interior parking lot is landscaped (required 1,657 sq. ft., proposed 1,849 sq. ft.).

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.

COMMENT:

The parking lot landscape plan has been designed in accordance with this standard. All islands have a minimum width of 6-ft. and area of 48 sq. ft.

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.

COMMENT:

The interior parking lot area is 20,715 sq. ft. At 1,600 sq. ft. per tree, 13 trees are required. As shown on Exhibit 8, 13 trees are provided in 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.

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.

COMMENT:

The parking lot landscape plan has been designed in accordance with these standards.

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.

COMMENT:

Landscaping within the clear vision area at the northeast corner of the access drive will be low-growing for adequate sight distance.

BUILDING DESIGN AND DEVELOPMENT STANDARDS

§ 17.8.700 PURPOSE.

This subarticle provides standards for new buildings constructed in the city to help provide compatibility with surrounding neighborhoods and ensure that safe, functional working and living environments are created.
(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013; Ord. 2016-3, passed 3-28-2016)

§ 17.8.705 APPLICABILITY.

The standards in this subarticle apply to all multi-unit residential and commercial projects, and all projects within Town Center zoning districts.
(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013; Ord. 2016-3, passed 3-28-2016)

COMMENT:

This section is applicable since it is a multi-unit residential development.

§ 17.8.710 STANDARDS.

A. Building design standards for multi-unit development except within Town Center zones.

1. Massing and form.

- a. On lots with an average cross slope of 15% or more, no more than 60% of the site shall be re-graded.

COMMENT:

The site is almost level therefore this section is not applicable.

- b. No building shall have a dimension greater than 150 feet without a minimum three feet off-set of the exterior wall.**

COMMENT:

Each building is 149-ft. feet in length.

- c. At a minimum, every two dwelling units shall be offset from the next dwelling unit by at least four feet in depth.**

COMMENT:

As shown on Exhibits 10 & 11, every two units is off-set from the adjacent unit by a minimum 4-ft. Units 102 & 104 are off-set from Units 101, 103 & 105. Units 106 & 107 are also off-set from Units 103 & 105.

- d. All habitable rooms shall incorporate at least one window when facing parking lots and common areas.**

COMMENT:

All habitable rooms have at least one window facing the parking lot or common area.

2. Compatibility.

- a. All buildings shall incorporate a porch or architecturally defined entry space for each ground level dwelling unit with a minimum area of 16 square feet per dwelling unit, with no dimension less than four feet.**

COMMENT:

Units 101, 106 & 107 have exterior entry porches of a minimum 40 sq. ft. off-set from the walkway by a minimum horizontal distance of 3-ft. Units 102, 103, 104 & 105 access from the interior hallway and are unable to provide an architecturally defined entry space. Units 101, 104 & 107 have ground-floor porches of a minimum 48 sq. ft. The other ground floor units have exit doors or sliders that exit onto the existing public sidewalk, but do not have sufficient space for the 16 sq. ft./4 ft. stoop or separated entry due to the location of the public sidewalk. The applicant has addressed this in the Site Design Guidelines.

- b. Shared porches or entry spaces are permitted. All grade level porches shall include hand-railing, half-walls or shrubs to define their outside perimeter.**

COMMENT:

Porches on Units 101, 104 & 107 have short railings to delineate the minimum 48-sq. ft. private space.

3. Privacy.

- a. Front entryways into dwelling units shall be separated vertically or horizontally a minimum of three feet from sidewalks used by more than one dwelling unit.

COMMENT:

Units 101, 104 & 107 provide a minimum 3-ft. horizontal separation between the door and public sidewalk.

- b. Bedroom and bathroom windows shall be offset a minimum of four feet from windows on adjacent buildings (unless window glazing is frosted, diffused or glass block).

COMMENT:

As shown on Exhibits 10 & 11, the bedroom and bathroom windows do not directly face each other across the children's play area.

4. Building relationship with adjacent arterials.

- a. Buildings shall be setback at least ten feet from arterials.
- b. Buildings shall be oriented away from arterials and no front or main entries shall be facing the arterials.
- c. The setback area shall be landscaped consistent with the buffering requirements of § 17.8.425, except that chain link fence shall not be allowed.

COMMENT:

This section is not applicable since the project is not adjacent to an arterial.

LIGHTING STANDARDS

§ 17.8.750 PURPOSE.

Lighting should provide security, help create a lively environment at night and highlight building and landscape features. Lighting should create a pleasant and inviting environment to encourage the use of the town center at night. Utilitarian lighting at excessive height or that creating excessive glare is discouraged.
(Ord. 2009-01, passed 3-9-2009; Ord. 2013-3, passed 5-22-2013)

§ 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.

COMMENT:

This section is applicable to multi-unit developments.

B. *Adjustments.* Adjustments to the provisions in this section may be considered as part of the Adjustment, Design Review, Conditional or Planned Development Process.

C. *Luminous standards.* Light intensity standards shall be as follows:

1. Outdoor lighting shall be provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on surrounding properties. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light.
2. Street lights shall meet the lighting requirements of the Public Works Director upon consultation with the Light and Power Director.
3. Pedestrian lighting standards:
 - a. Lighting for on-site pedestrian circulation system shall be lighted to a minimum level of 0.5 foot-candles, a 1.5 foot-candle average, and a maximum to minimum ratio of seven-to-one to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night.
 - b. Pedestrian walkway lighting through parking lots shall be lighted to a 0.5 foot-candle average and a maximum to minimum ratio of ten-to-one to light the walkway and enhance pedestrian safety. Artificial lighting which may be provided shall enhance security, be appropriate for the use, and avoid adverse impacts on surrounding properties and the night sky through appropriate shielding. The lighting shall not cause a measurement in excess of 0.5 foot-candles of light on other properties.

COMMENT:

Lighting will be designed in accordance with these standards.

D. *Lighting standards for multi-unit development.*

1. All exterior dwelling unit entrances and pedestrian walkways shall be lighted.

COMMENT:

Lighting is provided on the exterior of every building entrance.

2. Poles outside of the public right-of-way shall be a maximum of 14 feet in height if the lot is less than 20,000 square feet and 18 feet for lots larger than 20,000 square feet.

COMMENT:

The development site is greater than 20,000 sq. ft., therefore a maximum 18-ft. light standard is permitted for the parking lot lighting. As shown on Exhibit 3, three light standards are proposed on the north side of the building, and three additional lights on the south side of the site which includes the three recreational open space areas.

3. Concrete light fixture bases taller than eight inches are prohibited.
4. Area lighting shall be directed downward with no splay of light off the site. Any light source over ten feet high shall incorporate cut-off shield.
5. Plastic signs with internal light source are prohibited.

COMMENT:

Lighting design will be in compliance with the above standards. Lighting will be shielded as required.

Section III Multi-Unit Residential Focus Area

SITE DESIGN GUIDELINES

Intent – Provide a functional and safe environment for vehicles and pedestrians. Multi-unit development should be visual appealing from the adjacent street right-of-way and adjacent residential neighborhoods.

The Site Design section features the following guidelines. A page is dedicated to each:

- Circulation
- Parking
- Pedestrian Environment
- Screening/Service Areas
- Landscaping
- Community Policing Through Environmental Design (CPTED)
- Open Space

COMMENT:

Although most code standards for this development have been met and are described throughout this narrative, this application is reviewed through the Tract 2 Design Review Process - Guidelines. The primary purpose and need to address the Guidelines is due to the limited 112-ft. north-south depth of the site. Compliance with all of the applicable code standards would require that the two buildings be narrowed in depth by approximately 25-ft. This would result in the loss of apartment units or the conversion of several units from 2 bedroom to one-bedroom apartments. The site was originally approved for two commercial/retail buildings which typically require less lot depth. However, due to market conditions, the site is now proposed for residential uses to serve a great housing need in Forest Grove.

There are three main departures from the code related to the minimum 10-ft. sidewalk/building separation around the building, the 10-ft. landscape buffer requirement on the north side of the site, and reduced vehicle back-out area on the north side of the site. Additionally, only three of the seven ground floor units in each building provide the 16 sq. ft./4-ft. architecturally defined stoop at the door since the public sidewalk is tight against the buildings.

The resulting project demonstrates that the development better meets the design guidelines than a design that simply meets the Code. The Code sections are provided below followed by the Guidelines.

§ 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.

A. *Multi-unit development.* A functional and safe environment for vehicles and pedestrians is important within residential areas. Multi-unit development should be visually appealing from the adjacent street right-of-way and be functionally and aesthetically tied to adjacent residential neighborhoods.

1. *Circulation.*

b. Separate pathways from dwellings a minimum distance of ten feet. The separation is measured from the pathway edge closest to any dwelling unit.

§ 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.

3. In lieu of these standards, a detailed buffer area landscaping and screening plan may be submitted for the Director's approval as an alternative to the standards, provided it affords the same degree of buffering and screening as required by this Code.

§ 17.8.525 DESIGN AND MAINTENANCE STANDARDS FOR OFF-STREET PARKING AND LOADING.

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.

§ 17.8.710 STANDARDS.

A. *Building design standards for multi-unit development except within Town Center zones.*

1. *Compatibility.*

b. All buildings shall incorporate a porch or architecturally defined entry space for each ground level dwelling unit with a minimum area of 16 square feet per dwelling unit, with no dimension less than four feet.

SITE - CIRCULATION

Guideline - Encourage aesthetically pleasing and functional site design, which minimizes vehicle, bicycle and pedestrian conflicts and creates a safe environment for all users.

Description - A functional vehicle circulation system should be emphasized, as well as pedestrian safety. Vehicle circulation and parking areas should be separated from pedestrian areas where possible.

COMMENT:

The proposed vehicular and pedestrian circulation plan is designed to be convenient, efficient and safe. All vehicles enter the site from the west and exit on the east through a one-way, 20-ft. wide access. Pedestrians can walk around and through the buildings connecting the main east-west 5-ft wide sidewalk on the south side of the site to the public sidewalk on Fir Road, and north across the parking lot in a striping crosswalk then through the wall to the existing commercial site walkway ending at Pacific. The sidewalks also provide a direct connection between the parking lots, recreational open space and front doors. Sidewalks are also grade separated from the driveway access on the north side of the building resulting in limited potential for conflicts. As noted, the sidewalks cannot meet the 10-ft. building separation requirement but still provide a safe and efficient circulation plan.

SITE - PARKING

Guideline - Create parking areas which are efficient and function well for automobiles yet minimize the negative impact on buildings on site or in adjacent neighborhoods.

Description - Parking should be located to provide convenient and safe access to residential units while minimizing views from the street right-of-way and adjacent existing development. Landscaping or other well-designed screening devices should be used to buffer views of parking lots from street right-of-way and adjacent properties.

COMMENT:

The parking lot has been designed to be efficient and safe. It is separated from the commercial parking lot by the 6-ft. CMU wall and is not adjacent to the Fir Road right-of-way (it is adjacent to the existing access easement). Only five parking spaces will be visible from Fir Road. As discussed, the back-out area for Spaces 9-39 is only 20-ft., however, since the parking spaces are all 9-ft. in width, there should be sufficient space for maneuvering. Additionally, since this parking lot is private and not part of the recorded access easement, through traffic in the commercial center is separated from residential traffic.

SITE - PEDESTRIAN ENVIRONMENT

Guideline - Create safe, pleasant and active streets and public spaces.

Description - Pedestrian areas should be functional and inviting, providing the multi-unit residential development with amenities. These areas should enhance the feeling of community and increase the ability for neighbors to meet. Development of public courts, plazas and squares is encouraged.

COMMENT:

There are a number of pedestrian amenities included with this development. As discussed above, the pedestrian circulation plan provides safe connectivity between uses on-site and off-site. With respect to on-site amenities, the main east-west walkway is landscaped on both the north and south sides with a minimum 2-ft. strip on the south side and 3-ft. on the north side. Adjacent recreational

open space areas provide benches adjacent to the sidewalk at both the east and west corners of the site, and in the children's play area between the buildings. These active open spaces provide landscaped areas for residents to gather in a defensible space. Additionally, the sidewalks and active recreational areas are well lighted for security.

SITE – SCREENING/SERVICE AREAS

Guideline – Screen “objectionable views” from residential dwellings, adjacent properties and public rights-of-way.

Description – Residential developments should create a pleasant visual environment. One way to accomplish this is to screen views of loading areas, mechanical/electrical equipment and dumpster and recycling collection areas from both within the site and off-site.

COMMENT:

The storage area for trash and recyclables is screened front view with a 6-ft. solid wood fence. Additionally, it is approximately 30-ft. from the nearest unit to limit impacts. No above-ground mechanical equipment is proposed.

SITE – LANDSCAPING

Guideline – Use landscaping to enhance character and visual quality of residential developments.

Description – Landscaping can help provide a quality environment for residents and help achieve compatibility with surrounding land uses. A mix of landscaping treatments and techniques can provide appropriate separation between adjacent properties, screen objectionable views, provide visual relief, and create weather protection.

COMMENT:

A landscape plan has been prepared which exceeds the minimum 15% coverage standard and 8% parking coverage standard. As noted, there is insufficient lot depth for additional landscape on the south side of the buildings, and any between the buildings and sidewalk on much of the north side of the buildings. However, landscaping with trees, shrubs and ground cover is provided between the buildings and on the corners (in addition to the planters in the parking lot). No landscaping is provided on the north side of the wall due to the lot depth limitations, due to the location of the existing commercial parking lot access easement.

SITE – CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Guideline – Consider crime prevention and the safety of residents in site design and use of landscaping.

Description – Crime prevention through environmental design is a proven concept that has been used to enhance the safety of residents and address the crime problem that afflicts many communities by ensuring that the right type of landscaping is used. The conspicuous presence of people increases surveillance, which discourages criminals. More people outdoors means that threatening behavior is more likely to be observed. At the same time, potential criminals sense that they are being noticed and watched. The green and groomed appearance of an apartment building is itself a cue that residents and owners care about a property, and watch over it and each other.

COMMENT:

The project has been designed to separate conflicting uses with a fence on the south side of the site and a wall on the north side of the site. Additionally, the sidewalks and recreational open space areas are located on highly visible sites can be surveilled from multiple apartments, as well as from the parking lots. The primary recreational space – the children’s play area – is centrally located between the buildings and highly visible. It will also be lighted as will the sidewalk and eastern and western open space areas. There are no ‘dead-end’ areas where people can get cornered. The parking lot and all building entrances are visible and lighted.

SITE – OPEN SPACE

Guideline – Provide accessible and usable open space for all residents of multi-unit developments.

Description – Open space is important in multi-unit developments to provide for active and passive recreational uses. Open space should be both usable and provide visual delight. The protection and integration of natural resources should be fostered.

COMMENT:

As noted throughout the narrative description and provided on the plans, three active recreational open space areas are provided for this development (Children’s active play area with benches, and the two landscaped sitting areas). Additionally, passive areas are located on the northwest and northeast side of the buildings – landscaped areas. There are no natural resources on-site but these recreational areas provide a relaxing and safe space for residents.

BUILDING GUIDELINES

Intent – Promote building elements that unify the residential neighborhoods and reinforce the character of Forest Grove. The following specific guidelines are included:

- Massing and Form
- Compatibility
- Safety
- Privacy

BUILDING – MASSING AND FORM

Guideline – The bulk and character of structures should enhance the public realm and be cohesive with adjacent homes or businesses. Buildings should be designed to relate to human scale.

Description – Multi-unit buildings should be harmonious with existing Forest Grove neighborhoods. In cases where new multi-unit structures will be larger than structures on adjacent properties, the new buildings should be designed so that they do not overwhelm, create discordance or contrast dramatically.

COMMENT:

The two buildings are compatible with other multi-family residential buildings in the area. Although they are each 149-ft. long, the massing is appropriate since only the center portion of each building is 3 stories.

BUILDING – COMPATIBILITY

Guideline - Encourage design which provides visual linkages between proposed development and adjoining existing buildings.

Description - Much of the land zoned for multi-unit development is currently occupied by single-family homes. New multi-unit development should “fit” by relating to surrounding architecture through use of common elements of scale, color, rhythm and proportion in similar ways as existing buildings.

COMMENT:

The proposed buildings are compatible in scale and proportion with the older apartments to the south and the new project to the east. As noted, six ground floor units have direct access from the exterior side of the building, with the remaining eight units accessing the interior open hallway. Six of these ground floor units also have a minimum 48 sq. ft. patio. The others cannot provide that amenity due to the narrow depth of the lot. Similarly, several units are not able to provide the 16 sq. ft./4-ft entry architectural feature for the same sidewalk conflict issue. However, all units have multiple windows on the ground level facing either the active open space areas or landscaping.

BUILDING – SAFETY

Guideline – Create development which provides a safe environment for all users.

Description – Residents and visitors need to feel secure yet welcome throughout multi-unit residential developments. This can be accomplished through building design and lighting that provide security without creating a fortress.

COMMENT:

The proposed buildings have been designed with safety features for the residents. As discussed, the parking lot and sidewalks will be well lighted at night, as well as the interior corridors and stairways. The main corridor is open at both ends for safety.

BUILDING – PRIVACY

Guideline – Ensure that the essential privacy needs of residents is provided for while simultaneously maintaining the sense of communal interaction, contact and relationship that creates or strengthens a neighborhood.

Description – A successful residential development balances and achieves its people's needs for essential privacy with their desires for differing degrees of community interaction. The relationship of a residence to the public realm is often confused: either the dwelling is exposed tentatively to the street, parking lot or neighbor and there is no privacy; or the dwelling turns its back to the street, open space or neighbor and communion with the district is lost. New development should strive to support both needs.

COMMENT:

All units have been designed for a level of privacy to include setbacks between units and window placement. The end-units have the most windows facing the active recreational areas, but their placement provides some level of privacy (one window per unit in the kitchen/dining room area). The interior units face the public sidewalks, but with only one bedroom. The development balances the need for privacy but also community and some level of surveillance of the surrounding recreational open space areas and sidewalks.

LIGHTING GUIDELINES

Intent – Lighting should provide security in residential areas and highlight building and landscape features. Utilitarian lighting creating excessive glare and spilling over onto adjacent properties is discouraged.

SITE LIGHTING

Guideline – Lighting should be attractive, uniform in appearance and help provide a safe environment.

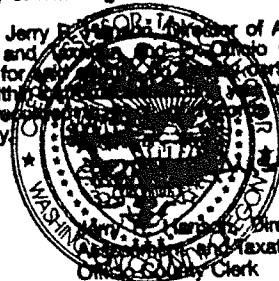
Description – Lighting should be used in parking areas to improve visibility and create a safe environment; along pedestrian routes to ensure visibility and used to highlight building and landscape features.

COMMENT:

Lighting in the development is provided for safety and security. In addition to lighting on the building, at entries and in the two corridors, lighting is provided on light poles on the north and south sides of the buildings. Three lights are proposed on each side of the building to light the parking lot, walkways and open space areas.

STATE OF OREGON }
County of Washington } SS

I, Jerry E. [Signature] Director of Assessment and Taxation, County Clerk for [Signature] County, certify that the within [Signature] has received and registered [Signature] of said county.



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After recording return to:
City of Forest Grove
PO Box 326
Forest Grove, OR 97116
ATT: Steve Wood
Engineering Dept.

RECIPROCAL EASEMENT AGREEMENT

BETWEEN

BRIAR DEVELOPMENT COMPANY -

and

EASTON TRUST

Recorded By
First American Title Insurance Company of Oregon
9/9/25-19
No.

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
ARTICLE 1.	1
1.1 <u>Building Area</u>	1
1.2 <u>Common Area</u>	2
1.3 <u>Floor Area</u>	2
1.4 <u>Occupant</u>	2
1.5 <u>Outside Sales Area</u>	2
1.6 <u>Party</u>	2
1.7 <u>Person</u>	3
1.8 <u>Permittee</u>	3
1.9 <u>Site Plan</u>	4
ARTICLE 2.	4
2.1 <u>Ingress and Egress</u>	4
2.2 <u>Utilities</u>	6
2.3 <u>Public Pedestrian Connectivity Easement</u>	7
2.4 <u>Camelot Access Easement</u>	8
2.5 <u>Restriction</u>	8
ARTICLE 3.	8
3.1 <u>General Requirements</u>	8
3.2 <u>Common Area</u>	10
3.3 <u>Building Improvement</u>	12
ARTICLE 4.	13
4.1 <u>Utilities</u>	13
4.2 <u>Common Area</u>	14
4.3 <u>Building Improvements and Outside Sales Area</u>	16
4.4 <u>Storm Drainage Facilities and Wetland Area.</u>	17
5.1 <u>Uses</u>	18
5.2 <u>Lighting</u>	20
5.3 <u>Signs</u>	21
5.4 <u>Insurance</u>	23
5.5 <u>Taxes and Assessments</u>	25
5.6 <u>Liens</u>	25
ARTICLE 6.	26
6.1 <u>Default</u>	26
6.2 <u>Interest</u>	27
6.3 <u>Notices</u>	27
6.4 <u>Approval Rights</u>	28
6.5 <u>Condemnation</u>	29
6.6 <u>Binding Effect</u>	29
6.7 <u>Singular and Plural</u>	29
6.8 <u>Counterparts and Signature Pages</u>	29

6.9	<u>Negation of Partnership</u>	29
6.10	<u>Not a Public Dedication</u>	30
6.11	<u>Excusable Delays</u>	30
6.12	<u>Severability</u>	30
6.13	<u>Amendments</u>	30
6.14	<u>Captions and Capitalized Terms</u>	30
6.15	<u>Minimization of Damages</u>	31
6.16	<u>REA Shall Continue Notwithstanding Breach</u>	31
6.17	<u>Time</u>	31
6.18	<u>Non Waiver</u>	31
ARTICLE 7.		31
7.1	<u>Term of this REA</u>	31
7.2	<u>Effective Date</u>	31

EXHIBIT A	Legal Description of Briar Tracts and Supermarket Tracts
EXHIBIT B	Legal Description of Easton Tract
EXHIBIT C	Submission Guidelines
EXHIBIT D	Legal Description of the Camelot Lot
EXHIBIT E	Site Plan

RECIPROCAL EASEMENT AGREEMENT

THIS AGREEMENT ("REA") is made and entered into as of the _____ day of _____, 2001, between BRIAR DEVELOPMENT COMPANY, a Washington general partnership ("Briar") and THE EASTON TRUST u/a/d 9/23/93, DAVID W. EASTON and MARY E. EASTON, husband and wife, Trustees ("Easton").

WITNESSETH

WHEREAS, Briar is the owner of certain tracts of land described in Exhibit A attached hereto and identified as the "Briar Tracts" and the "Supermarket Tracts" on Exhibit E (the "Site Plan") attached hereto and made a part hereof; and

WHEREAS, Easton is the owner of a certain tract of land described in Exhibit B attached hereto and identified as the "Easton Tract" on the Site Plan and by this reference made a part hereof; and

WHEREAS, the Supermarket Tracts, the Briar Tracts and the Easton Tract (collectively the "Shopping Center") are contiguous and adjacent as shown on the Site Plan; and

WHEREAS, the signatories hereto intend to develop and operate their respective Tracts in conjunction with each other as integral parts of a retail shopping complex and in order to effectuate the common use and operation thereof they desire to enter into certain covenants and agreements as a part of a general plan, and to grant to each other certain reciprocal easements, in, to, over, and across their respective Tracts;

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth and in furtherance of the parties understanding, it is agreed as follows:

ARTICLE 1.

DEFINITIONS

1.1 Building Area.

"Building Area" shall mean the limited areas of the Shopping Center within which buildings (which for the purpose of this document shall include any appurtenant canopies, supports, loading docks, truck ramps and other outward extensions, as well as attached trash compactors and utility transformers) and Outside Sales Areas (hereinafter defined) may be constructed, placed or located.

1.2 Common Area.

"Common Area" shall mean all areas within the exterior boundaries of the Shopping Center, exclusive of (i) buildings and (ii) any Outside Sales Area.

1.3 Floor Area.

"Floor Area" shall mean the actual number of square feet of space contained on each floor within a building, including any mezzanine or basement space used either for retail sales or services purposes or for the storage of merchandise, as measured from the exterior faces of the exterior walls or store front and/or the center line of any common walls; provided, however, that the following areas shall not be included in such calculations: Outside Sales Areas, supporting mezzanine office space, and any space used for building utilities or mechanical equipment. Each Party shall direct its architect to make a determination of the total Floor Area of any building on such Party's Tract within one hundred twenty (120) days of the date of completion of such building. Within a reasonable time thereafter, such Party shall certify to all other Parties the Floor Area applicable to such building.

During any period of rebuilding, repairing, replacement or reconstruction of a building, the Floor Area of that building shall be deemed to be the same as existed immediately prior to that period. Upon completion of such rebuilding, repairing, replacement or reconstruction, the Party upon whose Tract such building is located, shall cause a new determination of Floor Area for such building to be made in the manner described above, and such determination shall be sent to any Party requesting the same.

1.4 Occupant.

"Occupant" shall mean any Person from time to time entitled to the use and occupancy of any portion of a building in the Shopping Center under an ownership right or any lease, sublease, license, concession, or other similar agreement.

1.5 Outside Sales Area.

"Outside Sales Area" shall mean an area which is used exclusively by an Occupant of such building for sales and/or storage purpose and which is enclosed by a fence or other security barrier. Such area may be within a parking lot so long as it does not obstruct drive lanes and does not cause a Tract to fail to comply with minimum parking requirements contained herein. The number of square feet contained within an Outside Sales Area may not exceed twenty-five percent (25%) of the Floor Area attributable to the Occupant using the Outside Sales Area.

1.6 Party.

"Party" shall mean each signatory hereto and, after compliance with the notice requirements set forth below, their respective successors and assigns who become owners of any portion of the Shopping Center. Until the notice requirement is complied with, the transferring Party shall (for the purpose of this REA only) be the transferee's agent. Each Party shall be liable

for the performance of all covenants, obligations and undertakings herein set forth with respect to the portion of the Shopping Center owned by it which accrue during the period of such ownership, and such liability shall continue with respect to any portion transferred until the notice requirement set forth below is complied with, at which time the transferring Party's personal liability for future obligation shall terminate. The transferee party shall automatically become liable for all obligations, performance requirements and amounts which arise subsequent to compliance with the notice requirement. A Party transferring all or any portion of its interest in the Shopping Center shall give notice to all other parties of such transfer and shall include therein at least the following information:

- (i) the name and address of the transferee; and
- (ii) a copy of the legal description of the portion of the Shopping Center transferred.

Nothing contained herein to the contrary shall affect the existence, priority, validity or enforceability of any lien permitted hereunder which is placed upon the transferred portion of the Shopping Center prior to receipt of the notice.

1.7 Person.

"Person" shall mean any individual, partnership, firm, association, corporation, trust, or any other form of business or government entity.

1.8 Permittee.

"Permittee" shall mean all Occupants and the officers, directors, employees, agents, contractors, customers, vendors, suppliers, visitors, invitees, licensees, subtenants, and concessionaires of Occupants insofar as their activities relate to the intended use of the Shopping Center. Among others, Persons engaging in the following activities on the Common Area will not be considered to be Permittees:

- (i) Exhibiting any placard, signs or notice;
- (ii) Distributing any circular, handbill, placard, or booklet;
- (iii) Soliciting memberships or contributions;
- (iv) Parading, picketing, or demonstrating; and
- (v) Failing to follow regulations relating to the use of the Shopping Center.

1.9 Site Plan.

Attached hereto as Exhibit E is the "Site Plan" which illustrates the agreed locations of Building Areas, access drives parking layout etc. as otherwise provided herein. The Parties acknowledge that the building sizes and footprints and the configuration of all Common Area improvements shown on the site plan for the Briar Tract are preliminary and subject to change. Proposed changes to the Site Plan are not subject to Easton's approval, so long as such changes: (i) do not materially diminish the access and circulation provided to the building and parking areas on the Easton Tract as shown on the Site Plan; and (ii) otherwise conform to the requirements of this REA.

1.10 Tract.

"Tract" shall mean that portion of the Shopping Center owned by a Party.

ARTICLE 2.

EASEMENTS

2.1 Ingress and Egress.

During the term of this REA as set forth in paragraph 7 each Party hereby grants and conveys to each other Party for its use and for the use of its Permittees, in common with others entitled to use the same, a non-exclusive easement for ingress and egress the passage and parking of vehicles over and across the parking and driveway areas of the grantor's Tract as the same may from time to time be constructed and maintained for such use and for the passage and accommodation of pedestrians over and across the parking, driveways and sidewalk areas of the grantor's Tract as the same may from time to time be constructed and maintained for such use. Such easement rights shall be subject to the following reservations as well as other provisions contained in this REA:

(i) Notwithstanding anything to the contrary in this Agreement, no Party hereto shall allow its Permittees to use any portion of another Party's tract for parking purposes. Each Party recognizes and agrees that no Party shall be deemed to have an easement or any other right to use any portion of the other Party's property for parking purposes.

(ii) Except for situations specifically provided for in the following subparagraphs and for permitted Outside Sales Areas, no fence or other barrier which would unreasonably prevent or obstruct the passage of pedestrian or vehicular travel for the purposes herein permitted shall be erected or permitted within or across the aforesaid easement areas; provided, however, that the foregoing provision shall not prohibit the installation of

convenience facilities (such as mailboxes, public telephones, benches or public transportation shelters), of landscaping, berms or planters, nor of limited curbing and other forms of traffic controls.

(iii) In connection with any construction, reconstruction, repair or maintenance on its Tract, each Party reserves the right to create a staging and/or storage area in the Common Area on its Tract at such location as will not unreasonably interfere with access between such Tract and the other areas of the Shopping Center.

(iv) No Party shall make changes to the improved Common Area on its Tract without the approval of Briar, such approval not to be unreasonably withheld, except that each Party hereby reserves the right, from time to time without obtaining the consent or approval of any other Party, to make at its own expense any insignificant change, modification or alteration in its portion of the Common Area, provided that:

(a) the accessibility of such Common Area for pedestrian and vehicular traffic (as it relates to the remainder of the Shopping Center), is not unreasonably restricted or hindered;

(b) there shall be maintained at all times within such Common Area, a sufficient number of vehicular parking spaces to meet the parking requirements set forth in paragraph 3.2(E) (hereinafter), and all parking stalls and rows and vehicular traffic lanes shall remain generally as shown on the Site Plan;

(c) no governmental rule, ordinance or regulation shall be violated as a result of such action, and such action shall not result in any other Party being in violation of any governmental rule, ordinance or regulation;

(d) no change shall be made in the access points between the Common Area and the public streets; provided, however, that additional access points may be created with the approval of Briar, such approval not to be unreasonably withheld;

(e) except for an emergency, at least thirty (30) days prior to making any such change, modification or alteration, the Party desiring to do such work shall deliver to each other Party copies of the plans therefor, and provided further that such work shall not occur between October 1st and the following January 31st.

(v) Each Party further reserves the right to close off its portion of the Common Area for such reasonable period of time as may be legally necessary, in the opinion of such Party's counsel, to prevent the acquisition of prescriptive rights by anyone; provided, however, that prior to closing off any portion of the Common Area, as herein provided, such Party shall give written notice to each other Party of its intention to do so, and shall attempt to coordinate such closing with each other Party so that no unreasonable interference in the passage of pedestrians or vehicles shall occur.

(vi) Each Party reserves the right at any time and from time to time to exclude and restrain any Person who is not a Permittee from using its Common Area.

(vii) Notwithstanding the termination date of this - Agreement, the Parties hereby agree to grant perpetual ingress and egress easements as shown on the Site Plan. Such easements shall be separately recorded upon finalization of the construction of the Shopping Center and each Party agrees to sign the necessary documents to finalize the easements.

2.2 Utilities.

A. Each Party hereby grants and conveys to each other Party non-exclusive perpetual easements in, to, over, under, along and across those portions of the Common Area (exclusive of any portion located within a Building Area) located on the grantor's Tract necessary for the installation, operation, flow, passage, use, maintenance, connection, repair, relocation, and removal of lines or systems for utilities serving the grantee's Tract, including but not limited to, sanitary sewers, storm drains, water (fire and domestic), gas, electrical, telephone and communication lines. Except with respect to ground mounted electrical transformers at the rear of a building or as may be necessary during periods of construction, repair, or temporary service, all utilities shall be underground unless required to be above ground by the utility providing such service. Prior to exercising the right granted herein, the grantee shall first provide the grantor with a written statement describing the need for such easement, a survey and proposed final working drawings and specifications for construction of the proposed utility line, and an architect's or engineer's report that contains all information the grantor may reasonably request in connection with the proposed utility line and all other work to be performed in connection therewith, shall identify the proposed location of the utility, and shall furnish a certificate of insurance showing that its contractor has obtained the minimum insurance coverage required by paragraph 5.4(C) hereof. Any party installing utilities pursuant to the provisions of this subparagraph shall pay all costs and expenses with respect thereto and shall cause all work in connection therewith (including general clean-up and proper surface and/or subsurface restoration) to be completed as quickly as possible and in a manner so as to minimize interference with the use of the Common Area. If any of the Parties elect to install common

utilities, all costs and expenses thereof may be set forth in a separate agreement between those cooperating Parties.

B. The initial location and width of any utility shall be subject to the prior written approval of the Party whose Common Area is to be burdened thereby, such approval not to be unreasonably withheld. The easement area shall be no larger than whatever is necessary to reasonably satisfy the utility company as to a public utility or five feet (5') on each side of the centerline as to a line. Upon request, the grantee shall provide to the grantor a copy of an as-built survey showing the location of such utility. The grantor shall have the right at any time to relocate a utility line upon thirty (30) days' prior written notice, provided that such relocation:

(i) shall not interfere with or diminish the utility services to the grantee;

(ii) shall not reduce or unreasonably impair the usefulness or function of such utility;

(iii) shall be performed without cost or expense to grantee;

(iv) shall be completed using materials and design standards which equal or exceed those originally used; and

(v) shall have been approved by the utility company and the appropriate governmental or quasi-governmental agencies having jurisdiction thereover.

Documentation of the relocated easement area shall be the Grantor's expense and shall be accomplished as soon as possible. Grantee shall have a right to require an as-built survey of such relocated utility be delivered to it at grantor's expense.

2.3 Public Pedestrian Connectivity Easement

Members of the public are hereby granted an easement for pedestrian ingress and egress from the public sidewalks and rights of way adjacent to the Shopping Center over and across the sidewalk areas shown on the Site Plan when constructed, so long as the Shopping Center continues to operate as a retail shopping complex. Such pedestrian sidewalks and the attached easement rights provided by this paragraph may be relocated from time to time if there are Site Plan modifications otherwise made in accordance with the provisions of this REA. The rights to the public granted by this paragraph are limited to pedestrian connectivity only. Such rights do not include any rights of assembly, speech, demonstration, or petition, and does not authorize exhibiting any placard, signs or notice, distributing any circular, handbill, placard, or booklet, soliciting memberships or contributions, parading, picketing or loitering.

2.4 Camelot Access Easement

A. Grant of Easement. An non-exclusive easement for vehicle ingress and egress is hereby granted over and across the parking and drive areas shown on the Site Plan, when constructed, to provide access from the Camelot Care Center property legally described on Exhibit D (the "Camelot Lot") to the easterly driveway shown on the Site Plan and access to Pacific Avenue. The location of the easement (the "Easement Area") is over and cross the parking and drive areas as they are constructed or as they may be reconfigured in the future at Briar's sole discretion, together with the right to cross a strip of land which lies between the parking and drive areas and the Camelot Lot to allow a reasonably sized and configured driveway to connect to the parking and drive areas on the Shopping Center at a location reasonably approved by Briar.

B. No Improvement or Maintenance Obligations. Briar shall have no obligation to connect the parking and drive areas on the Camelot Lot to the Easement Area nor any obligation to reconfigure those connections in the future in the event the Briar reconfigures the parking and drive areas in the Shopping Center. Provided, however, that Briar shall not prevent reasonable use by the Camelot Lot of this easement. Further Briar shall have no obligation to improve, repair or maintain the Easement Area except as otherwise provided in this REA.

2.5 Restriction

Except for the easements granted to the adjoining property owners to the east for shared use of the easterly main access driveway and the easements included herein for public pedestrian connectivity, no Party shall grant any easement for the purpose set forth in this Article for the benefit of any property not within the Shopping Center; provided, however, that the foregoing shall not prohibit the granting or dedicating of utility easements by a Party on its Tract to governmental or quasi-governmental authorities or to public utilities, or to providing pedestrian connections to adjoining properties or public sidewalks as required by governmental authorities.

ARTICLE 3.

CONSTRUCTION

3.1 General Requirements.

A. Each Party agrees that all construction activities performed by it within the Shopping Center shall be performed in compliance with all laws, rules, regulations, orders, and ordinances of the city, county, state, and federal governments, or any department or agency thereof, affecting improvements constructed within the Shopping Center.

B. Each Party further agrees that its construction activities shall not:

(i) cause any unreasonable increase in the cost of constructing improvements upon another Party's Tract;

(ii) result in total or partial failure of any continual lateral and subjacent support for any other party's property;

(iii) unreasonably interfere with construction work being performed on any other part of the Shopping Center;

(iv) unreasonably interfere with the use, occupancy or enjoyment of any part of the remainder of the Shopping center by any other Party or its Permittees;

(v) cause any other Party to be in violation of any law, rule, regulation, order or ordinance applicable to its Tract of the city, county, state, federal government, or any department or agency thereof.

C. Each Party agrees to defend, indemnify and hold harmless each other Party from all claims, actions, proceedings and costs incurred in connection therewith (including reasonable attorneys' fees and costs of suit) resulting from any accident, injury or loss or damage whatsoever occurring to any Person or to the property of any Person arising out of or resulting from the performance of any construction activities performed or authorized by such indemnifying Party.

D. Prior to constructing, reconstructing, remodeling, or enlarging a building or changing the Common Area on its Tract, a Party shall give Briar at least 30 days' prior notice of the proposed location of any staging and storage area. Briar's approval of such proposals shall not be unreasonably withheld. All storage of materials and the parking of construction vehicles, including vehicles of workers, shall occur only on the constructing Party's Tract, and all laborers, suppliers, contractors and others connected with such construction activities shall use only the access points located upon the constructing Party's Tract. If substantial work is to be performed, the constructing Party shall, at the request of Briar, fence off the staging and storage area. Upon completion of such work, the constructing Party shall restore the affected Common Area to a condition at least equal to that existing prior to commencement of such work.

E. Each Party hereby grants and conveys to each other Party and to its respective contractors, materialmen and laborers a temporary license for access and passage over and across the Common Area of the grantor's Tract as shall be reasonably necessary for the grantee to construct and/or maintain improvements upon the grantee's Tract; provided, however, that such license shall be in effect only during periods when actual construction and/or maintenance is being performed and provided further that the use of such license shall not be exercised so as to unreasonably interfere with the use and operation of the Common Area by others. Prior to exercising the rights granted herein, the grantee shall first provide the grantor with a written statement describing the need for such license, and shall furnish a certificate of insurance showing that its contractor has obtained the minimum insurance coverage required by

paragraph 5.4(c) hereof. Any Party availing itself of the temporary license shall promptly pay all costs and expenses associated with such work, shall diligently complete such work as quickly as possible, and shall promptly clean the area and restore the affected portion of the Common Area to a condition which is equal to or better than the condition which existed prior to the commencement of such work. Notwithstanding the foregoing, in the event a dispute exists between the contractors, laborers, suppliers and/or others connected with construction activities, each Party shall have the right to prohibit the contractors, laborers, suppliers and/or others working for another Party from using the Common Area on its Tract.

3.2 Common Area.

Upon its election to construct a building upon its Tract, each Party shall cause the Common Area on its Tract to be improved substantially as shown on the Site Plan with substantial completion of such Common Area to be no later than the date the first business on such Tract opens for business with the public. Such work shall be done in a good and workmanlike manner and in accordance with good engineering standards; provided, however, the following minimum general design standards shall be complied with:

A. The lighting system shall be designed to produce a minimum maintained lighting intensity measured at grade at all points in the Common Area of 1.5 foot candle; provided however, that the extreme edge of the parking or drive areas may have not less than a minimum maintained lighting intensity measured at grade of 0.5 foot candle, and provided further that the drive areas immediately in front of the entrance to any building shall have not less than a minimum maintained lighting intensity measured at grade of 5.0 foot candles. Each Party may elect to control the light standards located on its Tract. The type and design of the light standard shall be approved by Briar.

B. The slope in the parking area shall not exceed a maximum of two percent (2%), nor be less than a minimum of one percent (1%).

C. All sidewalks shall be concrete or other material approved by Briar. The paved portions of the Common Area shall be paved in accordance with a paving recommendation obtained from a reputable engineering firm approved by Briar.

D. Utilities that are placed underground shall be at depths designated by consultants approved by Briar. Design and working drawings may be prepared by the utility company providing the service.

E. The parking area on each Tract shall contain sufficient ground level, standard automobile size, parking spaces in order to comply with the following minimum requirements unless otherwise approved by Briar:

(i) for retail uses, four and one half (4.5) parking spaces for each one thousand (1,000) square feet of Floor Area;

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The foregoing requirements as well as all governmental regulations, ordinances and similar orders relating to parking shall be satisfied throughout the term of this REA and without reliance on the parking spaces that may be available on another Tract. In the event of a condemnation of part of a Tract or sale or transfer in lieu thereof that reduces the number of usable parking spaces below that which is required herein, the Party whose Tract is so affected shall use its best efforts (including using proceeds from the condemnation award or settlement) to restore and/or substitute parking spaces in order to comply with the parking requirements set forth above. If such compliance is not possible, such Party shall not be deemed in default hereunder, but shall not be permitted to expand the amount of Floor Area located upon its Tract. If such Floor Area is thereafter reduced, then it may not subsequently be increased unless the parking requirement is satisfied.

F. The Parties hereby approve the grading and drainage plan to be used in initial construction of the Common Area, as prepared by Northwest Engineering Company and approved by the City of Forest Grove, October 6, 1998. Such grading and drainage plan shall be followed by the Parties during construction. During the term of this REA, no Party shall alter the grade elevations on any portion of its Tract from those established by such plans if such alteration would increase the flow of surface water onto another Party's Tract, affect ingress and egress, or otherwise adversely affect another Party's Tract.

3.3 Building Improvement.

A. The Parties hereby agree that all buildings and any Outside Sales Areas may be located only within the Building Areas designated on the Site Plan. The Parties further agree that no building may be located closer than ten (10) feet from any road or driveway.

B. In order to produce an architecturally compatible Shopping Center, the Parties agree that the initial building construction and any additions, exterior remodeling or reconstruction of existing improvements thereafter shall be performed only in accordance with approved plans for such work as provided herein. The Party proposing such work shall submit to Briar detailed plans ("Plans") as required by Exhibit C attached hereto and made a part hereof. Briar shall either approve, disapprove, or make recommendations for change in the Plans within thirty (30) days of the receipt thereof. Failure to approve, disapprove, or make recommendations for change within said thirty (30) day period shall constitute an approval of the Plans as submitted. Any disapproval or recommendation for change shall specify with particularity the reason therefor. Upon submission of any disapproval or recommendation for change, the submitting Party, Briar shall mutually consult to establish approved Plans for the proposed work. Briar shall not arbitrarily or unreasonably withhold approval of the Plans or recommend changes in the Plans which otherwise conform with the requirements hereof. In addition, Briar shall not withhold approval of exterior remodeling or exterior reconstruction which does not either substantially enlarge an existing structure, or substantially change an existing structure. In no event shall Briar require any other Party to utilize design standards superior to those utilized by the requiring Party in the construction of improvements on its Tract. Approval of Plans by Briar shall not constitute assumption of responsibility for the accuracy, sufficiency, or propriety thereof, nor shall such approval constitute a representation or warranty that the Plans comply with applicable laws. No material deviation shall be made from the approved Plans.

C. The Parties acknowledge that Briar intends to construct on the Supermarket Tract a grocery store of a type which is generally classified under applicable building code regulation as an "unlimited area" building. (By way of explanation, but not limitation, such building classification is designated II-N or V-N under the Uniform Building Code.) So long as Briar plans to construct a building of such classification, or so long as a building of such classification exists on the Supermarket Tract (including any restoration or reconstruction thereof), the Parties agree that no building will be placed or constructed on the Briar Tract that is (i) located within 60 feet of the Building Area on the Supermarket Tract or (ii) located within 60 feet of any building referenced in (i) above. In order to confirm the existence of a sixty foot (60') yard or clear area around the Supermarket building and the buildings, if any, which are included within (i) and (ii) above, it may be necessary to place of record an instrument establishing the same. Each Party agrees to join in the execution of such instrument in a form satisfactory to such Parties. In addition to the requirements set forth above, no building located on the Briar Tract shall be placed or constructed in a manner which will itself preclude the construction of a building of such classification on the Supermarket Tract.

D. If a portion of any Building Area is at one point in time paved and used as Common Area, such portion may be subsequently used for building purposes provided that all parking requirements and other provisions relating to such Tract are also complied with. Likewise, such building may be subsequently razed, and until replaced, the area shall thereafter be deemed part of the Common Area, and shall be improved to the same standards as the other Common Area, either as automobile parking and drive area or as landscaped area.

E. No building or other structure (exclusive of any free standing sign referred to in paragraph 5.3 hereof) shall exceed the following height restrictions:

- (i) On the Supermarket Tract 50 feet
- (ii) On all other Tracts 25 feet

The height of any building shall be measured perpendicular from the finish grade of the Building Area. No penthouse, parapet mechanical equipment or similar appurtenance located on the roof of such building shall extend upward above the top of the building more than ten (10) feet.

ARTICLE 4.

MAINTENANCE AND REPAIR

4.1 Utilities.

A. Each Party shall repair and maintain in first-class condition all utility facilities, lines, and systems located on its Tract that serve only its Tract or its Tract and the Tract of any other Party, unless the same are maintained by a public or quasi-public utility or authority.

B. The grantee of a utility easement referred to in paragraph 2.2(A) (exclusive of an easement in which common utility lines and systems are located, which facilities shall be maintained pursuant to a separately executed common utility agreement as described in paragraph 2.2), shall maintain and repair at its cost any facilities installed pursuant to such grant which exclusively serve such grantee's Tract unless the same are granted or dedicated to and accepted by a utility or a governmental agency acceptable to the grantor which agrees to maintain and replace the same. Any maintenance and repair of non-dedicated utilities located on another Party's Tract shall be performed only after two (2) weeks' notice to the grantor (except in an emergency the work may be initiated with reasonable notice) and shall be done after normal business hours whenever possible and shall otherwise be performed in such a manner as to cause as little disturbance in the use of the grantor's Tract as is practicable under the circumstances. Any Party performing or causing to be performed maintenance or repair work agrees to promptly pay all costs and expenses associated therewith to diligently complete such work as quickly as possible and to promptly clean the area and restore the affected portion of the Common Area to a condition equal to or better than the condition which existed prior to the commencement of such work.

4.2 Common Area.

A. With the exception of the storm drainage facilities and Wetland Area designated on the Site Plan which shall be maintained as provided in Section 4.4 below from and after the date upon which the Common Area of the Shopping Center is substantially completed, each Party shall maintain or cause to be maintained, all Common Area on its Tract in good order, condition and repair.

B. The minimum standard of maintenance for the improved Common Area shall be comparable to the standard of maintenance followed in other first-class retail developments of comparable size in Washington County, Oregon, and in any event in compliance with all applicable governmental laws, rules, regulations orders and ordinances, and the provisions of this REA. All Common Area improvements shall be repaired or replaced with materials at least equal to the quality of the materials being repaired or replaced so as to maintain the architectural and aesthetic harmony and integrity of the Shopping Center as a whole. The maintenance and repair obligation in any event shall include but not be limited to the following:

(i) Drive and parking areas. Maintaining all paved surfaces and curbs in a smooth and evenly covered condition which maintenance work shall include, without limitation, cleaning, sweeping, restriping, repairing and resurfacing. (For the purpose of this section, an overlay of the drive and parking area shall be considered a repair or maintenance item).

(ii) Debris and refuse. Periodic removal of all papers, debris, filth, refuse, ice and snow, including sweeping to the extent necessary to keep the Common Area in a first-class, clean, safe and orderly condition. All sweeping shall be at appropriate intervals during such times as shall not interfere with the conduct of business or use

of the Common Area by persons intending to conduct business with Party of the Shopping Center. Notwithstanding the above, each Party shall be responsible for removal and the cost of such removal of debris and trash resulting from the operation of each Occupant's possession of space within the Shopping Center. In the event that a Party does not initiate any snow plowing of the roadways and traffic lanes on its Tract within two (2) hours after being given oral notice by an Occupant that such snow plowing is needed and diligently pursue completion thereafter, such Occupant may perform such snow plowing itself or cause such snow plowing to be performed on its behalf, and charge non-performing Party for the expenses incurred in doing so.

(iii) Sign and markers. Placing, keeping in repair, replacing and repainting any appropriate directional signs or markers, including any handicapped parking signs.

(iv) Lighting. Operating, keeping in repair, cleaning and replacing when necessary such Common Area lighting facilities as may be reasonably required, including all lighting necessary or appropriate for Common Area security.

(v) Landscaped area. Cleaning and maintaining all landscaped areas, including landscaping and planters adjacent to exterior walls of buildings, repairing automatic sprinkler systems or water lines in the Common Area, weeding, pruning, fertilizing and replacing shrubs and other landscaping as necessary.

(vi) Utilities. Maintaining, cleaning, and repairing any and all common storm drains, utility lines, sewers and other utility systems and services located in the Common Area which are necessary for the operation of the Common Area, and the maintenance and replacement of the trunk line (defined as any line with more than one user) portion of utility lines serving the Building Areas.

(vii) Obstructions. Keeping Common Area free from obstructions not required or permitted hereunder; specifically (but without limitation) keeping Common Area free from any obstructions caused by sale or display of merchandise outside the exterior walls of buildings, except in areas within the Shopping Center specifically designated on the Site Plan for such purposes, or except as permitted under the provisions of this REA.

(viii) Sidewalks. Cleaning (including washing and/or steam cleaning), maintenance and repair of all sidewalks, including those

adjacent and contiguous to buildings located within the Shopping Center. Sidewalks shall be cleaned at appropriate intervals during such time as shall not interfere with the conduct of business or use of the Common Area by persons intending to conduct business with the Occupants of the Shopping Center.

Notwithstanding anything to the contrary, each Party shall maintain at its sole cost in a clean, sightly and sanitary condition the truck loading, dock, and/or ramp areas.

C. In the event any of the Common Area is damaged or destroyed by any cause other than normal wear and tear, whether insured or uninsured, during the term of this REA, the Party upon whose Tract such Common Area is located shall repair or restore such Common Area at its sole cost and expense with all due diligence; provided however, that no Party shall be required to expend more than \$50,000 (which amount shall be increased on the fifth anniversary of this REA and each five year period thereafter by \$10,000) in excess of insurance proceeds which may be available for such repair or restoration. - Except to the extent limited by paragraph 5.4(B), in the event such damage or destruction of Common Area is caused in whole or in part by another Party or third Person, the Party obligated to make such repair or restoration reserves and retains the right to proceed against such other Party or third Person for indemnity, contribution or damages.

4.3 Building Improvements and Outside Sales Area.

A. After completion of construction, each Party covenants and agrees to maintain and keep the building improvements and Outside Sales Area, if any, located on its Tract in first-class condition and state of repair, in compliance with all governmental laws, rules, regulations, orders, and ordinances exercising jurisdiction thereover, and in compliance with the provisions of this REA. Each Party further agrees to store all trash and garbage in adequate containers, to locate such containers so that they are not readily visible from the parking area, and to arrange for regular removal of such trash or garbage.

B. In the event any of the building improvements are damaged by fire or other casualty (whether insured or not), the Party upon whose Tract such building improvements are located immediately shall remove the debris resulting from such event and provide a sightly barrier and within a reasonable time thereafter shall either (i) repair or restore the building improvements so damaged, such repair or restoration to be performed in accordance with all provisions of this REA, or (ii) erect other building improvements in such location, provided all provisions of this REA are complied with, or (iii) demolish the damaged portion of such building improvements and restore the area to an attractive condition in which event the area shall be Common Area until a replacement building is erected. Such Party shall have the option to choose which of the foregoing alternatives to perform, but such Party shall be obligated to perform one of such alternatives. Such Party shall give notice to each other Party within ninety (90) days from the date of such casualty of which alternative it elects.

4.4 Storm Drainage Facilities and Wetland Area.

A. Maintenance Responsibility. It is understood that shown on the Site Plan is representative of the storm drainage system and wetland mitigation area which will be required by governmental authorities as part of the construction of the Shopping Center. This will include storm drain collection, movement, treatment and storage systems (including all grass and other landscaping, fencing and other improvements located in the wetpond and wetland areas shown on the Site Plan), collectively referred to hereafter as the "Storm Drainage Facilities." Briar shall have the responsibility for maintaining, cleaning and repairing the Storm Drainage Facilities to the extent reasonably required for their continued good operation provided, however, that any hazardous materials (as defined under any and all applicable State, Federal or local law or regulation) contained in the Storm Drainage Facilities shall remain the sole responsibility of the owner of the Tract from which such hazardous materials were released. Briar reserves the right to transfer the ownership of and/or maintenance responsibility for the Storm Drainage Facilities to a governmental agency or special purpose district and the Parties agree to cooperate with such effort, upon request, and to execute such reasonable documentation as may be required.

B. Allocation of Maintenance Costs. The Parties agree to reimburse Briar a pro-rata share of Briar's costs incurred in satisfying its maintenance responsibilities defined in paragraph (A) above (the "Maintenance Costs"). Each Party's share shall be the percentage of the land area owned by such Party as compared to the total "Usable Area" of the Shopping Center. The "Usable Area" is the total land area of the Shopping Center less the area occupied by the Storm Drainage Facilities. The Parties here calculated the share for the Easton Tract to be fourteen percent (14%).

C. Payment. Each Party shall pay to Briar within thirty (30) days of being invoiced for its share of Maintenance Costs, which invoice shall include an itemization of the costs incurred. Costs shall only include out of pocket costs of Briar and shall not include any allocation of overhead or salaries or any payment to a party related to Briar. Provided, however that in the event Briar forms a subsidiary business to perform shopping center maintenance at this and other shopping centers, Briar may utilize such business in satisfying its maintenance responsibilities and include amounts paid to such subsidiary as Maintenance Costs so long as such amounts do not exceed market rates for such services commonly charged for comparable shopping centers in Washington County, Oregon. Briar shall keep accurate books and records of the Maintenance Costs for a period of two (2) years. Each Party shall have the right, at its expense and upon at least ten (10) days prior written notice, to audit such books and records. In the event such audit shall disclose any error in the determination of the Maintenance Costs, the adjustment necessary to correct such error or errors and the allocation of such costs shall promptly be made. In the event a Party fails to pay Briar for its share of Maintenance Costs as provided in this Section 4.4, Briar shall have all the rights and remedies provided in Sections 6.1 and 6.2 below, including, without limitation, interest and lien rights.

ARTICLE 5.

OPERATION OF THE SHOPPING CENTER

5.1 Uses.

A. No part of the Shopping Center shall be used for other than retail sales or services, or commercial purposes.

B. No use shall be permitted in the Shopping Center which is inconsistent with the operation of a first-class retail shopping center. Without limiting the generality of the foregoing, the following uses shall not be permitted:

(i) Any use which emits an obnoxious odor, noise, or sound which can be heard or smelled outside of any building in the Shopping Center; provided however, that this prohibition shall not prohibit a paging system within a building;

(ii) Any operation primarily used as a warehouse operation and any assembling, manufacturing, distilling, refining, smelting, agricultural, or mining operation;

(iii) Any "second hand" store or "surplus" store;

(iv) Any mobile home park, trailer court, labor camp, junkyard, or stockyard (except that this provision shall not prohibit the temporary use of construction trailers during periods of construction, reconstruction, or maintenance);

(v) Any dumping, disposing, incineration, or reduction of garbage (exclusive of garbage compactors located in the rear of any building);

(vi) Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation;

(vii) Any central laundry, dry cleaning plant, or laundromat; provided, however, this prohibition shall not be applicable to on-site service oriented to pickup and delivery by the ultimate consumer, including nominal supporting facilities, as the same may be found in first-class retail shopping districts in the metropolitan area where the Shopping Center is located;

(viii) Any automobile, truck, trailer or recreational vehicle sales, leasing, display or repair;

- (ix) Any bowling alley;
- (x) Any skating rink;
- (xi) Any living quarters, sleeping apartments, or lodging rooms;
- (xii) Any veterinary hospital or animal raising facilities (except that this prohibition shall not prohibit pet shops);
- (xiii) Any mortuary;
- (xiv) Any establishment selling or exhibiting pornographic materials;
- (xv) Any bar, tavern, restaurant or other establishment whose reasonably projected annual gross revenues from the sale of alcoholic beverages for on premises consumption exceeds fifty percent (50%) of the gross revenues of such business;
- (xvi) Any health spa;
- (xvii) Any theatre;
- (xviii) Any flea market, amusement arcade, pool or billiard hall, car wash, or any other place of amusement or recreation such as dance hall, game room, exercise facility, massage parlor, bingo parlor, or teen night club;
- (xix) Any health care facilities such as a clinic, medical office, dental office, chiropractic office or optometric office;
- (xx) Any unlawful or illegal purpose;
- (xxi) Any use that is a public or nuisance.

C. The following use and occupancy restrictions shall be applicable to the Briar and Easton Tracts:

- (i) No supermarket, meat market or department, grocery market or department, vegetable produce market or department, fruit produce market or department, bakery or bakery department, dairy store or department, delicatessen or delicatessen department, or any other store or business establishment selling food, whether at retail or wholesale;

(ii) No facility for the sale of health and beauty products, including prescription drugs and medications;

(iii) No more than ten percent (10%) of the Floor Area may be used for office purposes.

D. The following use and occupancy restrictions shall be applicable to the Briar and Supermarket Tracts:

(i) No facility for the sale of hardware, plumbing or electrical supplies (not including consumer electronic products) whether at retail or wholesale; provided however, that this shall not in any way restrict the sale of such products or the inclusion of a department (including leased or subleased departments) devoted to the sale of such products in conjunction with the operation of a supermarket in the building on the Supermarket Tract.

E. No merchandise, equipment or services shall be displayed, offered for sale or lease, or stored within the Common Area without the prior written approval of Briar which approval may be withheld in its sole and absolute discretion; provided, however, that the foregoing prohibition shall not be applicable to the storage of shopping carts.

F. No Permittee shall be charged for the right to use the Common Area.

5.2 Lighting.

A. After completion of the Common Area lighting system on its Tract, each Party hereby covenants and agrees to keep its Tract fully illuminated each day from dusk to at least 10:30 p.m., and further agrees to keep any exterior building security lights and internal access roadway lights on from dusk until dawn.

B. It is recognized that business establishments within the Shopping Center may be open for business at different hours, and that the owner or principal Occupant of one Tract upon which a business establishment is open later may wish to have the Common Area lights on another Tract continue to burn beyond the required period. Accordingly, the owner or principal Occupant of such Tract ("Requesting Owner") shall have the right, at any time to require the owner or principal Occupant of the other Tract ("Requested Owner") to keep its Common Area lights on until a later hour as stipulated by the Requesting Owner; provided that the Requesting Owner notifies the Requested Owner of such request not less than fifteen (15) days in advance. The Requesting Owner shall state the period during which it wishes the lights to be kept on to a later hour and shall pay to the Requested Owner a prepayment deposit as follows:

(i) If the period is less than thirty (30) days, then the deposit shall be one hundred ten percent (110%) of the reasonable cost (as estimated by the Requested Owner) of electrical power for such later hours to be incurred by the Requested Owner.

(ii) If the period is greater than or equal to thirty (30) days, then the deposit shall be one hundred ten percent (110%) of the reasonable cost (as estimated by the Requested Owner), of electrical power during the first thirty (30) days of the period for such later hours to be incurred by the Requested Owner. If the period is greater than thirty (30) days, then the Requesting Owner shall renew such prepayment deposit at the end of each thirty (30) day period.

The Requesting Owner agrees to pay one hundred ten percent (110%) of the cost to the Requested Owner of electrical power to provide such extra-hours illumination. If the Requested Owner is of the opinion that the deposits made by the Requesting Owner do not cover one hundred ten percent (110%) of such costs, the Parties shall attempt to agree to the cost of such electrical power and if they cannot do so, then the amount the Requesting Owner is obligated to pay shall be determined from the power costs as estimated by the electrical utility company furnishing such power, or if the utility fails to do so, by a reputable engineer. Upon the failure of a Requesting Owner to pay the aforesaid amount or renew a deposit as required hereby, the Requested Owner shall have the right to discontinue such additional lighting and to exercise other remedies herein provided. Any such request for additional lighting may be withdrawn or terminated at any time by written notice from the Requesting Owner, and a new request or requests for changed hours may be made from time to time.

C. As an alternative to the process of lighting another's Tract as set forth in B above, a party ("Constructing Party") may install, with the consent of the other Party ("Consenting Party"), a secondary wiring system, from the Constructing Party's Tract to the light standards on the Consenting Party's Tract, which would permit a portion or all of the lighting on the Consenting Party's Tract to be operated contemporaneously with the lighting on the Constructing Party's Tract. All costs and expenses associated with the installation, maintenance, replacement, and operation of such secondary wiring, including the cost of energy to light any portion of the Consenting Party's Tract, shall be assumed and promptly paid by the Constructing Party. The Constructing Party shall submit to the Consenting Party appropriate plans and specifications for the installation of such secondary wiring systems. The Consenting Party shall have thirty (30) days to approve or disapprove of such submission, such approval not to be unreasonably withheld. If the Consenting Party does not disapprove of the submission within the 30-day period, approval shall be deemed given; if disapproval is given, the Constructing Party shall revise the submission to accommodate the reasonable objections of the Consenting Party and then may resubmit such plans and specifications to the Consenting Party for its approval.

5.3 Signs.

No exterior identification signs shall be allowed within the Shopping Center except as set forth hereinafter.

A. No freestanding sign shall be permitted within the Shopping Center unless approved as to its design and location by Briar in its sole and absolute discretion. If a

freestanding sign is constructed, the benefitting Party shall be responsible for the sign's operation and maintenance on a first-class basis.

Notwithstanding anything above to the contrary, each Party shall be permitted to place within the Common Area located on its Tract directional signs or informational signs such as "Handicapped Parking", the temporary display of leasing information and the temporary erection of one sign identifying each contractor working on a construction job.

B. Any Occupant occupying less than twelve thousand (12,000) square feet of Floor Area may not have more than one (1) identification sign placed on the exterior of the building it occupies; provided however, that if any such Occupant is located at the corner of a building, then such Occupant may have an identification sign on each side of such corner. Any Occupant occupying at least twelve thousand (12,000) square feet of Floor Area may have three (3) identification signs placed on the exterior of the building it occupies.

No exterior identification sign attached to a building shall be of the type set forth below:

(i) placed on canopy roofs extending above the building roof, placed on penthouse walls, or placed so as to project above the parapet, canopy, or top of the wall upon which it is mounted;

(ii) placed at any angle to the building; provided, however, the foregoing shall not apply to any sign located under a sidewalk canopy if such sign is at least eight (8) feet above the sidewalk;

(iii) painted on the surface of any building.

No exterior sign shall identify leased departments or concessionaires, or specific brands or products for sale or services provided within a business establishment, except that said restriction shall not apply to the building on the Supermarket Tract.

C. Neither exterior identification signs attached to buildings nor freestanding signs shall be of the type set forth below:

(i) flashing, moving or audible signs;

(ii) signs employing exposed raceways, exposed neon tubes, exposed ballast boxes, or exposed transformers;

(iii) paper or cardboard signs, temporary signs (exclusive of contractor signs), stickers or decals; provided, however, the foregoing shall not prohibit the placement at the entrance of each Occupant's space a small sticker or decal, indicating hours of business, emergency telephone numbers, and other similar bits of information.

5.4 Insurance.

A. Each Party (as to its Tract) shall maintain or cause to be maintained in full force and effect Comprehensive Public Liability Insurance with a combined single limit of liability of not less than Two Million Dollars (\$2,000,000.00) for bodily or personal injury or death, and for property damage, arising out of any one occurrence. Such insurance shall include the following provisions:

(i) shall provide that the policy may not be cancelled or materially reduced in amount or coverage without at least thirty (30) days prior written notice by the insurer to each insured and any additional insureds;

(ii) shall name the other Parties as additional insureds;

(iii) shall provide for severability of interests;

(iv) shall provide that an act or omission of one of the insureds or additional insureds which would void or otherwise reduce coverage, shall not reduce or void the coverage as to the other additional insureds of the insured, respectively; and

(v) shall provide for contractual liability coverage with respect to the indemnity obligation set forth below.

Each Party ("Indemnitor") covenants and agrees to indemnify, defend and hold harmless the other Party ("Indemnitee") from and against all claims, costs, expenses and liability (including reasonable attorney's fees and cost of suit incurred in connection with all claims) including any action or proceedings brought thereon, arising from or as a result of the injury to or death of any Person, or damage to the property of any person which shall occur on the Tract owned by each Indemnitor, except for claims caused by the negligence or willful act or omission of such Indemnitee, its licensees, concessionaires, agents, servants, or employees, or the agents, servants, or employees of any licensee or concessionaire thereof.

B. Prior to commencing any construction activities within the Shopping Center, each Party shall obtain or require its contractor to obtain and thereafter maintain so long as such construction activity is occurring, at least the minimum insurance coverages set forth below:

(i) Workers' Compensation - statutory limits

(ii) Employers Liability - \$100,000

(iii) Comprehensive General and Comprehensive Auto Liability as follows:

- (a) Bodily Injury -
\$1,000,000 per occurrence
- (b) Property Damage - \$1,000,000 per occurrence
- (c) Independent Contractors liability or Owner's Protective Liability; same coverage as set forth in (a) and (b) above;
- (d) Products/Completed Operations Coverage which shall be kept in effect for two (2) years after completion of work;
- (e) "XCU" Hazard Endorsement, if applicable;
- (f) "Broad Form" Property Damage Endorsement;
- (g) "Personal Injury" Endorsements; -
- (h) "Blanket Contractual Liability" Endorsement.

If the construction activity involves the use of another Party's Tract, then the owner of such Tract shall be an additional named insured and such insurance shall provide that the same shall not be canceled without at least thirty (30) days prior written notice to the named insureds. If such insurance is canceled or expires then the constructing Party shall immediately stop all work on or use of another Party's Tract until either the required insurance is reinstated or replacement insurance obtained.

C. Effective upon the commencement of construction of improvements, the constructing Party will carry or cause to be carried, fire insurance with an extended coverage endorsement with a financially responsible insurance company or companies, in an amount at least equal to eight percent (80%) of the replacement cost (exclusive of the cost of excavation, foundations, and footings) of the buildings and improvements, such coverage extending at least to the following perils: Loss or damage by fire, windstorm, cyclone, tornado, hail, explosion, riot, riot attending a strike, civil commotion, malicious mischief, vandalism, aircraft, vehicle, smoke damage, and sprinkler leakage.

Each Party (the "Releasing party") hereby releases and waives for itself and on behalf of its insurer, any other Party (the "Released Party") from any liability for any loss or damage to all property of such Releasing Party located upon any portion of the Shopping Center, which loss or damage is of the type generally covered by fire insurance with an extended coverage endorsement, irrespective either of any negligence on the part of the Released Party which may have contributed to or caused such loss, or of the amount of such insurance required or actually carried. Each Party agrees to use its best efforts to obtain, if needed, appropriate endorsements to its policies of insurance with respect to the foregoing release; provided, however, that failure to obtain such endorsements shall not affect the release hereinabove given. Each Party ("Indemnitor") covenants and agrees to indemnify, defend and hold harmless each other Party ("Indemnitee") from and against all claims asserted by or through any permittees of the

Indemnitor's Tract for any loss or damage to the property of such Permittee located upon the respective Indemnitor's Tract, which loss or damage is of the type generally covered by fire insurance with an extended coverage endorsement irrespective of any negligence on the part of the Indemnitee which may have contributed to or caused such loss.

D. All insurance required by paragraph 5.4 shall be procured from companies licensed in the state where the Shopping Center is located and shall be rated by Best's Insurance Reports not less than A/X; the limits of such policies shall be reviewed by the Parties and approved as to sufficiency at least every five (5) years. The insurance may be carried under (i) an individual policy covering this location, (ii) a blanket policy or policies which includes other liabilities, properties and locations of such party, (iii) a plan of self-insurance, provided that the party so self-insuring has and maintains twenty-five million (\$25,000,000) or more of net current assets as evidenced by such party's annual report that is audited by an independent certified public accountant, or (iv) a combination of any of the foregoing insurance programs. To the extent any deductible is permitted or allowed as a part of any insurance policy carried by a Party in compliance with paragraph 5.4, such Party shall be deemed to be covering the amount thereof under an informal plan of self-insurance; provided however, that in no event shall any deductible exceed one hundred thousand (\$100,000) unless such Party qualifies for self-insurance pursuant to (iii) above. Each Party agrees to furnish to any Party requesting the same, copies of the insurance policies evidencing that the insurance required to be carried by such requested Party is in full force and effect.

5.5 Taxes and Assessments.

Each Party shall pay, or cause to be paid prior to delinquency, all taxes and assessments with respect to its Tract, the buildings, and improvements located thereon and any personal property owned or leased by such Party in the Shopping Center, provided that if the taxes or assessments or any part thereof may be paid in installments, the Party may pay each such installment as and when the same becomes due and payable. Nothing contained in this subsection shall prevent any Party from contesting at its cost and expense any such taxes and assessments with respect to its Tract in any manner such Party elects, so long as such contest is maintained with reasonable diligence and in good faith. At the time as such contest is concluded (allowing for appeal to the highest appellate court), the contesting Party shall promptly pay all such taxes and assessments determined to be owing, together with all interest, penalties and costs thereon.

5.6 Liens.

In the event any mechanic's lien is filed against the Tract of one Party as a result of services performed or materials furnished for the use of another Party, the Party permitting or causing such lien to be so filed agrees to cause such lien to be discharged prior to entry of final judgment (after all appeals) for the foreclosure of such lien and further agrees to indemnify, defend, and hold harmless the other Party and its Tract against liability, loss, damage, costs or expenses (including reasonable attorneys' fees and cost of suit) on account of such claim of lien. Upon request of the Party whose Tract is subject to such lien, the Party permitting or causing such lien to be filed agrees to promptly cause such lien to be released and discharged of record,

either by paying the indebtedness which gave rise to such lien or by posting bond or other security as shall be required by law to obtain such release and discharge. Nothing herein shall prevent a Party permitting or causing such lien from contesting the validity thereof in any manner such Party chooses so long as such contest is pursued with reasonable diligence. In the event such contest is determined adversely (allowing for appeal to the highest appellate court), such Party shall promptly pay in full the required amount, together with any interest, penalties, costs, or other charges necessary to release such lien.

ARTICLE 6.

MISCELLANEOUS

6.1 Default.

A. If any Party fails to comply with any provision herein ("Defaulting Party"), then any other Party ("Non-Defaulting Party") may, upon forty-five (45) days' prior written notice to the Defaulting Party, proceed to cure the default (and shall have a license to do so) by the payment of money or performance of some other action for the account of the Defaulting Party. The foregoing right to cure shall not be exercised if within the forty-five (45) day notice period (i) the Defaulting Party cures the default, or (ii) if the default is curable, but cannot reasonably be cured within that time period, the Defaulting Party begins to cure such default within such time period and diligently pursues such action to completion. The forty-five (45) day notice period shall not be required if, using reasonable judgment, the Non-Defaulting Party deems that an emergency exists which requires immediate attention. In the event of such an emergency, the Non-Defaulting Party shall give whatever notice to the Defaulting Party as is reasonable under the circumstances.

B. Within ten (10) days of written demand (including providing copies of invoices reflecting costs) the Defaulting Party shall reimburse the Non-Defaulting Party for any sum reasonably expended by the Non-Defaulting Party to cure the default, together with interest thereon.

C. The Defaulting Party hereby grants to the Non-Defaulting Party non-exclusive easements over and under any and all parts of the real property owned or leased by the Defaulting Party for all purposes reasonably necessary to enable Non-Defaulting Party (or its agents, contractors or subcontractors) to perform any of the terms, provisions, covenants, or conditions of this Agreement that Defaulting Party is obligated to perform but has failed to perform after notice and time to cure pursuant to this section 6.2.

D. The unpaid amounts together with all accrued interest that Defaulting Party owes Non-Defaulting Party pursuant to this section shall constitute a lien upon Defaulting Party's right, title and interest in and to any portion of the entire parcel to secure repayment of such amounts. Non-Defaulting Party shall have the right, but not the obligation, to record its lien, but at all times its lien pursuant to this section shall be subject and subordinate to (i) the lien of any mortgage or deed of trust held by any institutional lender or any extension, renewal,

modification or refinancing thereof, in any amount now or hereafter placed on Defaulting Party's interest in any portion of the Real Property; (ii) the leasehold estate created by any lease of all or any part of the property owned by Defaulting Party; (iii) any other lien of record against Defaulting Party's property as of the date that Non-Defaulting Party's lien is recorded. Defaulting Party shall execute such instruments as Non-Defaulting Party may reasonably request to permit the recordation of such lien. Defaulting Party hereby irrevocably designates Non-Defaulting Party as Defaulting Party's attorney-in-fact for the purpose of recording its lien pursuant to this section. Non-Defaulting Party shall have the right to foreclose such lien in the manner provided by law.

E. In the event any Party shall institute any action or proceeding against another Party relating to the provisions of this REA, or if any default hereunder, or to collect any amounts owing hereunder, or if an arbitration proceeding is commenced by agreement of the Parties to any dispute, the unsuccessful litigant in such action or proceeding shall reimburse the successful litigant therein for costs and expenses incurred by the successful litigant in connection with such action or proceeding and any appeals therefrom, including attorneys' fees and court costs.

F. All remedies are cumulative and shall be deemed additional to any and all other remedies to which any Party may be entitled in law or in equity. Each Party shall also have the right to restrain by injunction any violation or threatened violation by any other party of any of the terms, covenants, or conditions of this REA, or to obtain a decree to compel performance of any such terms, covenants, or conditions, it being agreed that the remedy at law for a breach of any such term, covenant, or condition (except those, if any, requiring the payment of a liquidated sum) is not adequate.

6.2 Interest.

Wherever and as often as one Party shall not have paid any sum payable hereunder to another Party within five (5) days of the due date, such delinquent Party shall pay interest on such amount from the due date to and including the date such payment is received by the Party entitled thereto, at the lesser of:

A. The highest rate permitted by law to be paid on such type of obligation by the Party obligated to make such payment or the Party to whom such payment is due, whichever is less; or

B. Three percent (3%) per annum in excess of the prime rate from time to time publicly announced by U.S. Bank, or its successor.

6.3 Notices.

All notices, demands, statements, and requests (collectively the "notice") required or permitted to be given under this REA must be in writing and shall be deemed to have been properly given or served as of the date hereinafter specified: (i) on the date of personal service upon the person to whom the notice is addressed or if such person is not available the date such

notice is left at the address of the person to whom it is directed, (ii) on the date the notice is postmarked by the United States Post Office, provided it is sent prepaid, registered or certified mail, return receipt requested, and (iii) on the date the notice is delivered by a courier service (including Federal Express, Express Mail, Emery or similar operation) to the address of the person to whom it is directed, provided it is sent prepaid, return receipt requested. The address of the signatories to this REA is set forth below.

Briar: Dale C. Henley
Briar Development Company
P. O. Box 489
Bellingham, WA 98227

and: Buck & Gordon
Waterfront Place, Suite 902
1011 Western Avenue
Seattle, WA 98104

Easton: David And Mary Easton
P.O. Box 308
Forest Grove, OR 97116

and: Ronald A. Shellan
Miller Nash Wiener Hager & Carlsen
111 S.W. Fifth Avenue
Portland, OR 97204-3699

Each Party shall have the right from time to time and at any time, upon at least ten (10) days' prior written notice thereof in accordance with the provisions hereof, to change its respective address and to specify any other address within the United States of America; provided, however, notwithstanding anything herein contained to the contrary, in order for the notice of address change to be effective it must actually be delivered. Refusal to accept delivery of a notice or the inability to deliver a notice because of an address change which was not properly communicated shall not defeat or delay the giving of a notice.

6.4 Approval Rights.

Unless otherwise herein provided, whenever approval is required, such approval shall not be unreasonably withheld or delayed. Unless provision is made for a specific time period, approval shall be given or withheld within thirty (30) days of the receipt of the request for approval. If a disapproval is not given within the required time period, the requested Party shall be deemed to have given its approval. If a Party shall disapprove, the reasons therefor shall be stated. Except with respect to an approval given by lapse of time, all requests for approvals, approvals and disapprovals shall be in writing. The "right to approve" herein reserved by Briar shall be assignable, but only by Briar in total to a Party who owns the Supermarket Tract; each successor assignee may also assign such "right to approve" on the same condition. If the holder

of the "right to approve" transfers its entire ownership interest prior to assigning such "right to approve", then the transferee Party shall immediately become vested with such "right to approve".

6.5 Condemnation.

In the event any portion of the Shopping Center shall be condemned, the award shall be paid to the Party owning land or the improvement taken, except that (i) if the taking includes improvements belonging to more than one Party, such as utility lines or signs, the portion of the award allocable thereto shall be used to relocate, replace or restore such jointly owned improvements to a useful condition, and (ii) if the taking includes easement rights which are intended to extend beyond the term of the REA, the portion of the award allocable to each such easement right shall be paid to the respective grantee thereof. In addition to the foregoing, if a separate claim can be filed for the taking of any other property interest existing pursuant to this REA which does not reduce or diminish the amount paid to the Party owning the land or the improvement taken, then the owner of such other property interest shall have the right to seek an award for the taking thereof.

6.6 Binding Effect.

The terms of this REA and all easements granted hereunder shall constitute covenants running with the land and shall inure to the benefit of and be binding upon the signatories hereto and their respective successors and assigns who become Parties hereunder. This REA is not intended to supersede, modify, amend, or otherwise change the provisions of any prior instrument affecting the land burdened hereby.

6.7 Singular and Plural.

Whenever required by the context of this REA, the singular shall include the plural, and vice versa, and the masculine shall include the feminine and neuter genders, and vice versa

6.8 Counterparts and Signature Pages.

This REA may be executed in several counterparts, each of which shall be deemed an original. The signatures to this REA may be executed and notarized on separate pages, and when attached to this REA shall constitute one complete document.

6.9 Negation of Partnership.

None of the terms or provisions of this REA shall be deemed to create a partnership between or among the Parties in their respective businesses or otherwise, nor shall it cause them to be considered joint venturers or members of any joint enterprise. Each Party shall be considered a separate owner, and no Party shall have the right to act as an agent for another Party, unless expressly authorized to do so herein or by separate written instrument signed by the Party to be charged.

6.10 Not a Public Dedication.

Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Shopping Center or of any Tract or portion thereof to the general public, or for any public use or purpose whatsoever. Except as herein specifically provided, no right, privileges or immunities of any Party hereto shall inure to the benefit of any third-party Person, nor shall any third-party Person be deemed to be a beneficiary of any of the provisions contained herein.

6.11 Excusable Delays.

Whenever performance is required of any Party hereunder, that Party shall use all due diligence to perform and take all necessary measures in good faith to perform; provided, however, that if completion of performance shall be delayed at any time by reason of acts of God, war, civil commotion, riots, strikes, picketing or other labor disputes, unavailability of labor or materials, damage to work in progress by reason of fire or other casualty, or any cause beyond the reasonable control of a Party, then the time for performance as herein specified shall be appropriately extended by the amount of the delay actually so caused. The provisions of this section shall not operate to excuse any Party from the prompt payment of any monies required by this REA.

6.12 Severability.

Invalidation of any of the provisions contained in this REA, or of the application thereof to any person by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person and the same shall remain in full force and effect.

6.13 Amendments.

This REA may be amended by, and only by, a written agreement signed by all of the then current Parties and shall be effective only when recorded in the county and state where the Shopping Center is located. No consent to the amendment of this REA shall ever be required of any Occupant or Person other than the Parties, nor shall any Occupant or Person other than the Parties have any right to enforce any of the provisions hereof.

6.14 Captions and Capitalized Terms.

The captions preceding the text of each article and section are included only for convenience of reference. Captions shall be disregarded in the construction and interpretation of the REA. Capitalized terms are also selected only for convenience of reference and do not necessarily have any connection to the meaning that might otherwise be attached to such term in a context outside of this REA.

6.15 Minimization of Damages.

In all situations arising out of this REA, all Parties shall attempt to avoid and minimize the damages resulting from the conduct of any other Party. Each Party hereto shall take all reasonable measures to effectuate the provisions of this REA.

6.16 REA Shall Continue Notwithstanding Breach.

It is expressly agreed that no breach of this REA shall (i) entitle any Party to cancel, rescind or, otherwise terminate this REA, or (ii) defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to any part of the Shopping Center. However, such limitation shall not affect in any manner any other rights or remedies which a party may have hereunder by reason of any such breach.

6.17 Time.

Time is of the essence of this REA.

6.18 Non Waiver.

The failure of any Party to insist upon strict performance of any of the terms, covenants or conditions hereof shall not be deemed a waiver of any rights or remedies which that Party may have hereunder or at law or equity and shall not be deemed a waiver of any subsequent breach or default in any of such terms, covenants or conditions.

ARTICLE 7.

TERM

7.1 Term of this REA.

This REA shall be effective as of the date first above written and shall continue in full force and effect until 11:59 p.m. on December 31, 2045 provided, however, that the easements referred to in Article II hereof which are specified as being perpetual or as continuing beyond the term of this REA shall continue in force and effect as provided therein. Upon termination of this REA, all rights and privileges derived from and all duties and obligations created and imposed by the provisions of the REA, except as relates to the easements mentioned above, shall terminate and have no further force or effect; provided, however, that the termination of this REA shall not limit or affect any remedy at law or in equity that a Party may have against any other Party with respect to any liability or obligation arising or to be performed under this REA prior to the date of such termination.

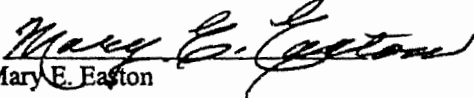
7.2 Effective Date.

Notwithstanding anything contained herein to the contrary, this REA and all terms, conditions and easements contained herein shall be effective upon the closing of the purchase by Briar from Easton of the real property commonly known as tax account number R413788 (Tax Lot No. 00400) (the "Easton Property") as situated in the City of Forest Grove, Washington County, Oregon. If for any reason that purchase does not close within thirty (30) days of the recording of this REA, this REA shall be deemed automatically terminated and be of no further force and effect. Notwithstanding such automatic termination, if Briar's purchase of the Easton Property does not close within thirty (30) days of the recording of this REA, upon Easton's request, Briar shall execute and record a document specifically terminating the REA in the records of Washington County, Oregon.

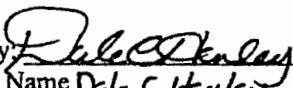
IN WITNESS WHEREOF, the Parties have caused this REA to be executed effective as of the day and year first above written.

THE EASTON TRUST
("Easton")

By: 
David W. Easton

By: 
Mary E. Easton

BRIAR DEVELOPMENT COMPANY
("Briar")

By: 
Name Dale C. Henley
Title President/CEO

STATE OF OREGON)
) ss.
COUNTY OF)

I certify that I know or have satisfactory evidence that David & Mary Easton
signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and
acknowledged it in (his/her) capacity as trustees of THE EASTON TRUST
to be the free and voluntary act of such party for the uses and purposes mentioned in the
instrument.

Dated this 30 day of March, 2001.

Thomas P. Elich
(Signature)



Thomas P. Elich
(Print Name)

Notary Public, in and for the State
of Oregon, residing at 1818 Willamette Ave
My Commission Expires Dec 6, 2004

STATE OF WASHINGTON)
) ss.
COUNTY OF Whatcom)

I certify that I know or have satisfactory evidence that Dale C. Henley
signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and
acknowledged it in (his/her) capacity as President & CEO of BRIAR
DEVELOPMENT COMPANY, a Washington general partnership to be the free and voluntary
act of such party for the uses and purposes mentioned in the instrument.

Dated this 26th day of March, 2001.



Jodi L. Mackey
(Signature)

Jodi L. Mackey
(Print Name)

Notary Public, in and for the State
of Washington, residing at Bellingham
My Commission Expires July 26, 2003

EXHIBIT A

BRIAR TRACTS AND SUPERMARKET TRACTS

Briar Tract - North (.80 Ac.):

A parcel of property situated in Lot 1 and 2, Fruitvale Addition, recorded in Book 1 Plats at Page 111, Washington County Survey Records, in the Northeast quarter of Section 5, Township 1 South, Range 3 West of the Willamette Meridian in Washington County, Oregon, being described as follows:

COMMENCING at the Northwest corner of the Northeast quarter said Section 5;

THENCE South $87^{\circ} 59' 52''$ East along the North line of the Northeast quarter of said Section 5 a distance of 198.00 feet to the TRUE POINT OF BEGINNING;

THENCE South $02^{\circ} 00' 08''$ West a distance of 163.69 feet;

THENCE South $87^{\circ} 43' 23''$ East a distance of 240.20 feet to a point on a 20.00 foot radius curve to the left;

THENCE around said 20.00 foot radius curve to the left through a central angle of $90^{\circ} 16' 55''$ (the long chord of which bears North $47^{\circ} 08' 10''$ East a distance of 28.35 feet) a distance of 31.51 feet;

THENCE North $01^{\circ} 59' 42''$ East a distance of 144.84 feet to a point on the North line of the Northeast quarter of Section 5, said point bears South $87^{\circ} 59' 52''$ East a distance of 458.27 feet from the aforesaid Northwest corner of the Northeast quarter of Section 5;

THENCE North $87^{\circ} 59' 52''$ West along the North line of the Northeast quarter of said Section 5 a distance of 260.27 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom any portion lying within Tualatin Valley Highway.

Briar Tract - South (1.79 Ac.):

A parcel of property situated in Lot 1 and 2, Fruitvale Addition, recorded in Book 1 of Plats at Page 111, Washington County Survey Records, in the Northeast quarter of Section 5,

Township 1 South, Range 3 West of the Willamette Meridian in Washington County, Oregon,
being described as follows:

COMMENCING at the Northwest corner of the Northeast quarter said Section 5;

THENCE South $87^{\circ} 59' 52''$ East along the North line of the Northeast quarter of said
Section 5 a distance of 198.00 feet to the TRUE POINT OF BEGINNING;

THENCE South $02^{\circ} 00' 08''$ West a distance of 207.00 feet;

THENCE North $87^{\circ} 59' 52''$ West a distance of 116.00 feet;

THENCE South $02^{\circ} 00' 08''$ West a distance of 43.82 feet to a 143.00 foot radius
curve to the left having a tangent bearing of South $68^{\circ} 32' 21''$ West into said curve at this
point;

THENCE around said 143.00 foot radius curve to the left through a central angle of
 $40^{\circ} 44' 14''$ (the long chord of which bears South $48^{\circ} 10' 14''$ West a distance of 99.54 feet) a
distance of 101.67 feet to a point on the centerline of Fir Road as vacated by Document No.
86014851, Washington County Deed Records;

THENCE South $02^{\circ} 16' 45''$ West along the centerline of said vacated Fir Road a
distance of 37.62 feet to a point on the Westerly extension of the North line of that tract
conveyed to David E. Mazzocco in Document No. 91030134, Washington County Deed
Records;

THENCE South $87^{\circ} 59' 41''$ East along the North line of said Mazzocco tract a
distance of 508.90 feet to the Northeast corner thereof;

THENCE North $02^{\circ} 09' 34''$ East along the Northerly extension of the East line of said
Mazzocco tract a distance of 51.23 feet to 80.00 foot radius curve to the right having a tangent
bearing of North $66^{\circ} 32' 58''$ West into said curve at this point;

THENCE around said 80.00 foot radius curve to the right through a central angle of
 $41^{\circ} 12' 52''$ (the long chord of which bears North $45^{\circ} 56' 32''$ West a distance of 56.31 feet) a
distance of 57.55 feet to a 25.00 foot radius curve to the left;

THENCE around said 25.00 foot radius curve to the left through a central angle of 55°
 $07' 55''$ (the long chord of which bears North $52^{\circ} 54' 04''$ West a distance of 23.14 feet) a
distance of 24.06 feet to a point which bears South $87^{\circ} 59' 52''$ East a distance of 458.27 feet
along the North line of the Northeast quarter of Section 5 and South $01^{\circ} 59' 42''$ West a
distance of 255.15 feet from the Northwest corner of the Northeast quarter of said Section 5;

THENCE North 01° 59' 42" East a distance of 255.15 feet to a point on the North line of the Northeast quarter of Section 5, said point being South 87° 59' 52" East a distance of 458.27 feet from the Northwest corner of the Northeast quarter of said Section 5;

THENCE North 87° 59' 52" West along the North line of the Northeast quarter of said Section 5 a distance of 260.27 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom any portion lying within Tualatin Valley Highway.

ALSO: Excepting the following described tract:

A parcel of property situated in Lot 1 and 2, Fruitvale Addition, recorded in Book 1 Plats at Page 111, Washington County Survey Records, in the Northeast quarter of Section 5, Township 1 South, Range 3 West of the Willamette Meridian in Washington County, Oregon, being described as follows:

COMMENCING at the Northwest corner of the Northeast quarter said Section 5;

THENCE South 87° 59' 52" East along the North line of the Northeast quarter of said Section 5 a distance of 198.00 feet to the TRUE POINT OF BEGINNING;

THENCE South 02° 00' 08" West a distance of 163.69 feet;

THENCE South 87° 43' 23" East a distance of 240.20 feet to a point on a 20.00 foot radius curve to the left;

THENCE around said 20.00 foot radius curve to the left through a central angle of 90° 16' 55" (the long chord of which bears North 47° 08' 10" East a distance of 28.35 feet) a distance of 31.51 feet;

THENCE North 01° 59' 42" East a distance of 144.84 feet to a point on the North line of the Northeast quarter of Section 5, said point bears South 87° 59' 52" East a distance of 458.27 feet from the aforesaid Northwest corner of the Northeast quarter of Section 5;

THENCE North 87° 59' 52" West along the North line of the Northeast quarter of said Section 5 a distance of 260.27 feet to the TRUE POINT OF BEGINNING.

Briar - Storm Drainage Facility (1.24 Ac.):

A parcel of property situated in Lot 2, Fruitvale Addition, recorded in Book 1 of Plats at Page 111 and in Lot 13, Fir Lane, recorded in Book 28 of Plats at Page 19, Washington County Survey Records, in the Northwest quarter and the Northeast quarter of Section 5, Township 1

South, Range 3 West of the Willamette Meridian in Washington County, Oregon, being described as follows:

COMMENCING at the Northwest corner of the Northeast quarter said Section 5;

THENCE South $87^{\circ} 59' 52''$ East along the North line of the Northeast quarter of said Section 5 a distance of 198.00 feet;

THENCE South $02^{\circ} 00' 08''$ West a distance of 207.00 feet;

THENCE North $87^{\circ} 59' 52''$ West a distance of 116.00 feet;

THENCE South $02^{\circ} 00' 08''$ West a distance of 43.82 feet to a 143.00 foot radius curve to the left having a tangent bearing of South $68^{\circ} 32' 21''$ West into said curve at this point;

THENCE around said 143.00 foot radius curve to the left through a central angle of $40^{\circ} 44' 14''$ (the long chord of which bears South $48^{\circ} 10' 14''$ West a distance of 99.54 feet) a distance of 101.67 feet to a point on the centerline of Fir Road as vacated by Document No. 86014851, Washington County Deed Records;

THENCE South $02^{\circ} 16' 45''$ West along the centerline of said vacated Fir Road a distance of 37.62 feet to a point on the Westerly extension of the North line of that tract conveyed to David E. Mazzocco in Document No. 91030134, Washington County Deed Records;

THENCE North $87^{\circ} 59' 41''$ West along the Westerly extension of the North line of said Mazzocco tract a distance of 30.00 feet to a point on the West right-of-way line of Fir Road, said point being 30.00 feet West of, when measured at right angles to, the centerline of said Fir Road;

THENCE South $02^{\circ} 16' 45''$ West along the West right-of-way line of said Fir Road a distance of 4.54 feet to the TRUE POINT OF BEGINNING;

THENCE North $88^{\circ} 10' 29''$ West a distance of 57.59 feet;

THENCE North $01^{\circ} 58' 48''$ East a distance of 110.58 feet;

THENCE North $85^{\circ} 05' 29''$ West a distance of 15.82 feet;

THENCE North $11^{\circ} 14' 09''$ West a distance of 18.36 feet;

THENCE North 62° 49' 48" West a distance of 21.92 feet to a point on the Easterly right-of-way line of State Highway 47, said point being 70.00 feet Easterly of, when measured at right angles to, the centerline of said State Highway 47;

THENCE South 12° 31' 05" West along the Easterly right-of-way line of said State Highway 47 a distance of 55.39 feet to a point at 70.00 feet left of Engineers Station L229+00.00;

THENCE South 14° 57' 16" West along the Easterly right-of-way line of said State Highway 47 a distance of 235.24 feet to a point at 60.00 feet left of Engineers Station 231+45.95 P.S.;

THENCE along a 400.00 foot spiral curve to the right (the long chord of which bears South 12° 42' 46" West a distance of 153.49 feet) and along the Easterly right-of-way line of said State Highway 47 to a point on the North line of that tract conveyed to the City of Forest Grove in Document No. 7813548, Washington County Deed Records;

THENCE South 88° 01' 25" East along the North line of said City of Forest Grove tract a distance of 187.41 feet to a point on the West right-of-way line of Fir Road, said point being 30.00 feet West of, when measured at right angles to, the centerline of said Fir Road;

THENCE North 02° 16' 45" East along the West right-of-way line of said Fir Road a distance of 296.04 feet to the TRUE POINT OF BEGINNING.

Supermarket Tract - South - (5.75 Ac.):

A parcel of property situated in Lot 1, Fruitvale Addition, recorded in Book 1 of Plats at Page 111, Washington County Survey Records, and in the Northeast quarter of Section 5, Township 1 South, Range 3 West of the Willamette Meridian in Washington County, Oregon, being described as follows:

COMMENCING at the Northwest corner of the Northeast quarter said Section 5;

THENCE South 87° 59' 52" East along the North line of the Northeast quarter of said Section 5 a distance of 458.27 to the TRUE POINT OF BEGINNING;

THENCE South 01° 59' 42" West a distance of 255.15 feet to a point on a 25.00 foot radius curve to the right having a tangent bearing of South 80° 28' 01" East into said curve at this point;

THENCE around said 25.00 foot radius curve to the right through a central angle of 55° 07' 55" (the long chord of which bears South 52° 54' 04" East a distance of 23.14 feet) a distance of 24.06 feet to a 80.00 foot radius curve to the left;

THENCE around said 80.00 foot radius curve to the left through a central angle of 41° 12' 52" (the long chord of which bears South 45° 56' 32" East a distance of 56.31 feet) a distance of 57.55 feet to a point on the Northerly extension of the East line of that tract conveyed to David E. Mazzocco in Document No. 91030134, Washington County Deed Records;

THENCE South 02° 09' 34" West along the Northerly extension of the East line of said Mazzocco tract a distance of 51.23 feet to the Northeast corner thereof;

THENCE Continuing South 02° 09' 34" West along the East line of said Mazzocco tract a distance of 178.68 feet to a point on the North line of that tract conveyed to Kurt T. and Amy E. Benson in Book 348 at Page 291, Washington County Deed Records;

THENCE South 88° 14' 54" East along the North line of said Benson tract a distance of 102.51 feet to a point on the West line of that tract conveyed to Briar Development Company in Document No. 96110609, Washington County Deed Records;

THENCE South 02° 09' 34" West along the West line of said Briar Development tract a distance of 128.94 feet to a point on the North right-of-way line of 19th Avenue, said point being 25.00 North of, when measured at right angles to, the centerline of said 19th Avenue;

THENCE South 88° 10' 31" East along the North right-of-way line of said 19th Avenue a distance of 60.00 feet to a point on the East line of said Briar Development tract;

THENCE North 02° 09' 34" East along the East line of said Briar Development tract a distance of 5.00 feet to a point on the North right-of-way line of 19th Avenue, said point being 30.00 feet North of, when measured at right angles to, the centerline of said 19th Avenue;

THENCE South 87° 45' 08" East along the North right-of-way line of said 19th Avenue a distance of 330.00 feet to a point on the East line of that tract conveyed to the Carlton Nursery Company in Book 287 at Page 507, Washington County Deed Records;

THENCE North 02° 09' 34" East along the East line of said Carlton Nursery tract a distance of 500.80 feet to a point on a 5.18 foot radius curve to the left having a tangent bearing of South 89° 47' 19" East into said curve at this point;

THENCE around said 5.18 foot radius curve to the left through a central angle of 88° 03' 21" (the long chord of which bears North 46° 10' 59" East a distance of 7.20 feet) a distance of 7.96 feet;

THENCE North 02° 09' 20" East a distance of 40.01 feet to a 80.00 foot radius curve to the right;

THENCE around said 80.00 foot radius curve to the right through a central angle of 19° 12' 27" (the long chord of which bears North 11° 45' 33" East a distance of 26.69 feet) a distance of 26.82 feet to a point on a 100.00 foot radius curve to the left;

THENCE around said 100.00 foot radius curve to the left through a central angle of 19° 12' 27" (the long chord of which bears North 11° 45' 33" East a distance of 33.37 feet) a distance of 33.52 feet;

THENCE North 02° 09' 20" East a distance of 11.06 feet to a 20.00 foot radius curve to the right;

THENCE around said 20.00 foot radius curve to the right through a central angle of 46° 51' 06" (the long chord of which bears North 25° 34' 53" East a distance of 15.90 feet) a distance of 16.35 feet to a point on the South right-of-way line of Tualatin Valley Highway, said point being 50.00 feet South of, when measured at right angles to, the centerline of said Tualatin Valley Highway;

THENCE North 02° 00' 08" East a distance of 30.00 feet to the North line of the Northeast quarter of Section 5;

THENCE North 87° 59' 52" West along the North line of the Northeast quarter of said Section 5 a distance of 575.38 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom any portion lying within Tualatin Valley Highway.

ALSO: Excepting the following described tract:

A parcel of property situated in Lot 1, Fruitvale Addition, recorded in Book 1 of Plats at Page 111, Washington County Survey Records, and in the Northeast quarter of Section 5, Township 1 South, Range 3 West of the Willamette Meridian in Washington County, Oregon, being described as follows:

COMMENCING at the Northwest corner of the Northeast quarter said Section 5;

THENCE South 87° 59' 52" East along the North line of the Northeast quarter of said Section 5 a distance of 498.27 feet to the TRUE POINT OF BEGINNING;

THENCE South 01° 59' 42" West a distance of 165.13 feet;

THENCE South $87^{\circ} 43' 23''$ East a distance of 238.96 feet;

THENCE North $02^{\circ} 16' 37''$ East a distance of 166.28 feet to a point on the North line of the Northeast quarter of Section 5, said point being South $87^{\circ} 59' 52''$ East a distance of 738.05 from the Northwest corner of the Northeast quarter of said Section 5;

THENCE North $87^{\circ} 59' 52''$ West along the North line of the Northwest quarter of said Section 5 a distance of 239.78 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom any portion lying within Tualatin Valley Highway.

ALSO: Excepting the following described tract:

A parcel of property situated in the Northeast quarter of Section 5, Township 1 South, Range 3 West of the Willamette Meridian in Washington County, Oregon, being described as follows:

COMMENCING at the Northwest corner of the Northeast quarter said Section 5;

THENCE South $87^{\circ} 59' 52''$ East along the North line of the Northeast quarter of said Section 5 a distance of 738.05 feet to the TRUE POINT OF BEGINNING;

THENCE South $02^{\circ} 16' 37''$ West a distance of 166.28 feet;

THENCE South $87^{\circ} 43' 23''$ East a distance of 204.29 feet to a 25.00 foot radius curve to the left;

THENCE around said 25.00 foot radius curve to the left through a central angle of $89^{\circ} 38' 06''$ (the long chord of which bears North $47^{\circ} 27' 34''$ East a distance of 35.24 feet) a distance of 39.11 feet to a 240.00 foot radius curve to the right;

THENCE around said 240.00 foot radius curve to the right through a central angle of $14^{\circ} 23' 35''$ (the long chord of which bears North $09^{\circ} 50' 18''$ East a distance of 60.13 feet) a distance of 60.29 feet to a 50.00 foot radius curve to the left;

THENCE around said 50.00 foot radius curve to the left through a central angle of $68^{\circ} 09' 48''$ (the long chord of which bears North $17^{\circ} 02' 49''$ West a distance of 56.04 feet) a distance of 59.48 feet to a point on the South right-of-way line of Tualatin Valley Highway, said point being 50.00 feet South of, when measured at right angles to, the centerline of Tualatin Valley Highway;

THENCE North $02^{\circ} 00' 08''$ East a distance of 30.00 feet to a point on the North line of the Northeast quarter of Section 5;

THENCE North $87^{\circ} 59' 52''$ West along the North line of the Northeast quarter of said Section 5 a distance of 218.51 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom any portion lying within Tualatin Valley Highway.

Supermarket Tract - Northwest (.75 Ac.):

A parcel of property situated in Lot 1, Fruitvale Addition, recorded in Book 1 of Plats at Page 111, Washington County Survey Records, and in the Northeast quarter of Section 5, Township 1 South, Range 3 West of the Willamette Meridian in Washington County, Oregon, being described as follows:

COMMENCING at the Northwest corner of the Northeast quarter said Section 5;

THENCE South $87^{\circ} 59' 52''$ East along the North line of the Northeast quarter of said Section 5 a distance of 498.27 feet to the TRUE POINT OF BEGINNING;

THENCE South $01^{\circ} 59' 42''$ West a distance of 165.13 feet;

THENCE South $87^{\circ} 43' 23''$ East a distance of 238.96 feet;

THENCE North $02^{\circ} 16' 37''$ East a distance of 166.28 feet to a point on the North line of the Northeast quarter of Section 5, said point being South $87^{\circ} 59' 52''$ East a distance of 738.05 feet from the Northwest corner of the Northeast quarter of said Section 5;

THENCE North $87^{\circ} 59' 52''$ West along the North line of the Northwest quarter of said Section 5 a distance of 239.78 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom any portion lying within Tualatin Valley Highway.

Supermarket Tract - Northeast (.73 Ac.):

A parcel of property situated in the Northeast quarter of Section 5, Township 1 South, Range 3 West of the Willamette Meridian in Washington County, Oregon, being described as follows:

COMMENCING at the Northwest corner of the Northeast quarter said Section 5;

THENCE South $87^{\circ} 59' 52''$ East along the North line of the Northeast quarter of said Section 5 a distance of 738.05 feet to the TRUE POINT OF BEGINNING;

THENCE South $02^{\circ} 16' 37''$ West a distance of 166.28 feet;

THENCE South $87^{\circ} 43' 23''$ East a distance of 204.29 feet to a 25.00 foot radius curve to the left;

THENCE around said 25.00 foot radius curve to the left through a central angle of $89^{\circ} 38' 06''$ (the long chord of which bears North $47^{\circ} 27' 34''$ East a distance of 35.24 feet) a distance of 39.11 feet to a 240.00 foot radius curve to the right;

THENCE around said 240.00 foot radius curve to the right through a central angle of $14^{\circ} 23' 35''$ (the long chord of which bears North $09^{\circ} 50' 18''$ East a distance of 60.13 feet) a distance of 60.29 feet to a 50.00 foot radius curve to the left;

THENCE around said 50.00 foot radius curve to the left through a central angle of $68^{\circ} 09' 48''$ (the long chord of which bears North $17^{\circ} 02' 49''$ West a distance of 56.04 feet) a distance of 59.48 feet to a point on the South right-of-way line of Tualatin Valley Highway, said point being 50.00 feet South of, when measured at right angles to, the centerline of Tualatin Valley Highway;

THENCE North $02^{\circ} 00' 08''$ East a distance of 30.00 feet to a point on the North line of the Northeast quarter of Section 5;

THENCE North $87^{\circ} 59' 52''$ West along the North line of the Northeast quarter of said Section 5 a distance of 218.51 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom any portion lying within Tualatin Valley Highway.

EXHIBIT B

**EASTON TRACT
(1.59 Ac.)**

A parcel of property situated in Lot 2, Fruitvale Addition, recorded in Book 1 of Plats at Page 111 and in Lot 13, Fir Lane, recorded in Book 28 of Plats at Page 19, Washington County Survey Records, in the Northwest quarter and the Northeast quarter of Section 5, Township 1 South, Range 3 West of the Willamette Meridian in Washington County, Oregon, being described as follows:

BEGINNING at the Northwest corner of the Northeast quarter said Section 5;

THENCE South $87^{\circ} 59' 52''$ East along the North line of the Northeast quarter of said Section 5 a distance of 198.00 feet;

THENCE South $02^{\circ} 00' 08''$ West a distance of 207.00 feet;

THENCE North $87^{\circ} 59' 52''$ West a distance of 116.00 feet;

THENCE South $02^{\circ} 00' 08''$ West a distance of 43.82 feet to a 143.00 foot radius curve to the left having a tangent bearing of South $68^{\circ} 32' 21''$ West into said curve at this point;

THENCE around said 143.00 foot radius curve to the left through a central angle of $40^{\circ} 44' 14''$ (the long chord of which bears South $48^{\circ} 10' 14''$ West a distance of 99.54 feet) a distance of 101.67 feet to a point on the centerline of Fir Road as vacated by Document No. 86014851, Washington County Deed Records;

THENCE South $02^{\circ} 16' 45''$ West along the centerline of said vacated Fir Road a distance of 37.62 feet to a point on the Westerly extension of the North line of that tract conveyed to David E. Mazzocco in Document No. 91030134, Washington County Deed Records;

THENCE North $87^{\circ} 59' 41''$ West along the Westerly extension of the North line of said Mazzocco tract a distance of 30.00 feet to a point on the West right-of-way line of Fir Road, said point being 30.00 feet West of, when measured at right angles to, the centerline of said Fir Road;

THENCE South $02^{\circ} 16' 45''$ West along the West right-of-way line of said Fir Road a distance of 4.54 feet;

THENCE North $88^{\circ} 10' 29''$ West a distance of 57.59 feet;

THENCE North $01^{\circ} 58' 48''$ East a distance of 110.58 feet;

THENCE North $85^{\circ} 05' 29''$ West a distance of 15.82 feet;

THENCE North $11^{\circ} 14' 09''$ West a distance of 18.36 feet;

THENCE North $62^{\circ} 49' 48''$ West a distance of 21.92 feet to a point on the Easterly right-of-way line of State Highway 47, said point being 70.00 feet Easterly of, when measured at right angles to, the centerline of said State Highway 47;

THENCE North $12^{\circ} 31' 05''$ East along the Easterly right-of-way line of said State Highway 47 a distance of 144.61 feet to a point at 70.00 feet left of Engineers Station L227+00.00;

THENCE North $71^{\circ} 13' 46''$ East along the Easterly right-of-way line of said State Highway 47 a distance of 88.33 feet to a point on the West right-of-way line of the aforesaid Fir Road, said point being 20.00 West of, when measured at right angles to, the centerline of said Fir Road;

THENCE North $02^{\circ} 16' 45''$ East along the West right-of-way line of said Fir Road and its Northerly extension a distance of 50.00 feet to a point on the North line of the Northwest quarter of Section 5;

THENCE South $87^{\circ} 58' 27''$ East along the North line of the Northwest quarter of said Section 5 a distance of 8.26 feet to the POINT OF BEGINNING.

Excepting therefrom any portion lying within Tualatin Valley Highway.

EXHIBIT C

SUBMISSION GUIDELINES

1. During the conceptual design phase, the constructing party shall submit to the other parties the following:

A. Site Design Documents to Indicate the Following:

- Parking configurations and car parking count
- Typical bay width and stall dimensions
- Drive widths
- Setbacks
- Curb cuts
- Spot elevations or rough contours
- Rough landscape scope
- Lighting pole locations
- Preliminary utility strategies
- Building footprints

B. Building Design Single Line Plans to Indicate the Following:

- Exterior wall configuration
- Doors and store front extent
- Canopies and overhangs
- Probable column locations at exterior and abutting our building on interior

C. Exterior Elevation Drawings to Indicate the Following:

- Opaque wall areas with doors and store fronts

2. After approval has been granted of conceptual design phase submitted in accordance with the guidelines specified in 1 above, the constructing party shall submit final design phase plans to the other parties as follows:

A. Site Design Documents Delineating Information Outlined in the Concept Phase with the Following Added Detail:

- Refined grading plans
- Selected lighting fixtures and resultant lighting levels in foot candles
- Landscaping showing generic planting materials and locations
- Proposed paving section designs and location
- Utility layouts including hydrants and sizes proposed
- Proposed details for curbs, site structures, manholes, etc.

Proposed site signage designs and locations

B. Building Design Plans Delineating Information Outlined in the Concept Phase with the Following Added Detail:

Exterior wall thicknesses

Structural columns or bearing walls at building exterior and proposed foundation design at adjoining wall between abutting buildings

Where common footings are to be shared provide wall or column load information for design of that footing

Proposed roof plan showing slopes and location of penthouses or other major mechanical equipment

References of key flashing details of roof to adjoining building

C. Exterior Elevation Drawings Delineating Information Outlined in the Concept Phase with the Following Added Detail:

Proposed building sign standards

Paint color chips and samples of other materials such as brick or concrete aggregates (glass or aluminum finishes may be annotated on the elevations)

Proposed large-scale details of key section conditions to show exterior design intent

Major penthouses or rooftop equipment profiles

Features such as special masonry patterns, bands or special materials and textures

Rain leaders or scuppers

Wall sections at various exterior locations including at the demising wall to the adjoining building with key vertical dimensioning

3. If a building is to have a through-the-wall pedestrian access connection to an adjoining building, then the final design phase submission shall also include (to the owner of such adjoining building) the following:

Plans of the pedestrian mall circulation showing any variations in floor elevations

Elevations/sections of the proposed mall space

showing store front sign bulkheads and key dimensions

Proposed ceiling design including special features such as variations in height or skylights

Floor material patterns

Landscaping and mall seating areas

Proposed interior sign guidelines

Paint color chips and samples of other materials such as brick or concrete aggregates (glass or aluminum finishes may be annotated on the plans or elevations)

Proposed large-scale details of key section conditions to show interior design intent

4. The constructing party shall provide the other parties with a complete set of bid documents for the building and/or improvements to be located upon its Tract.

EXHIBIT D

PARCEL I:

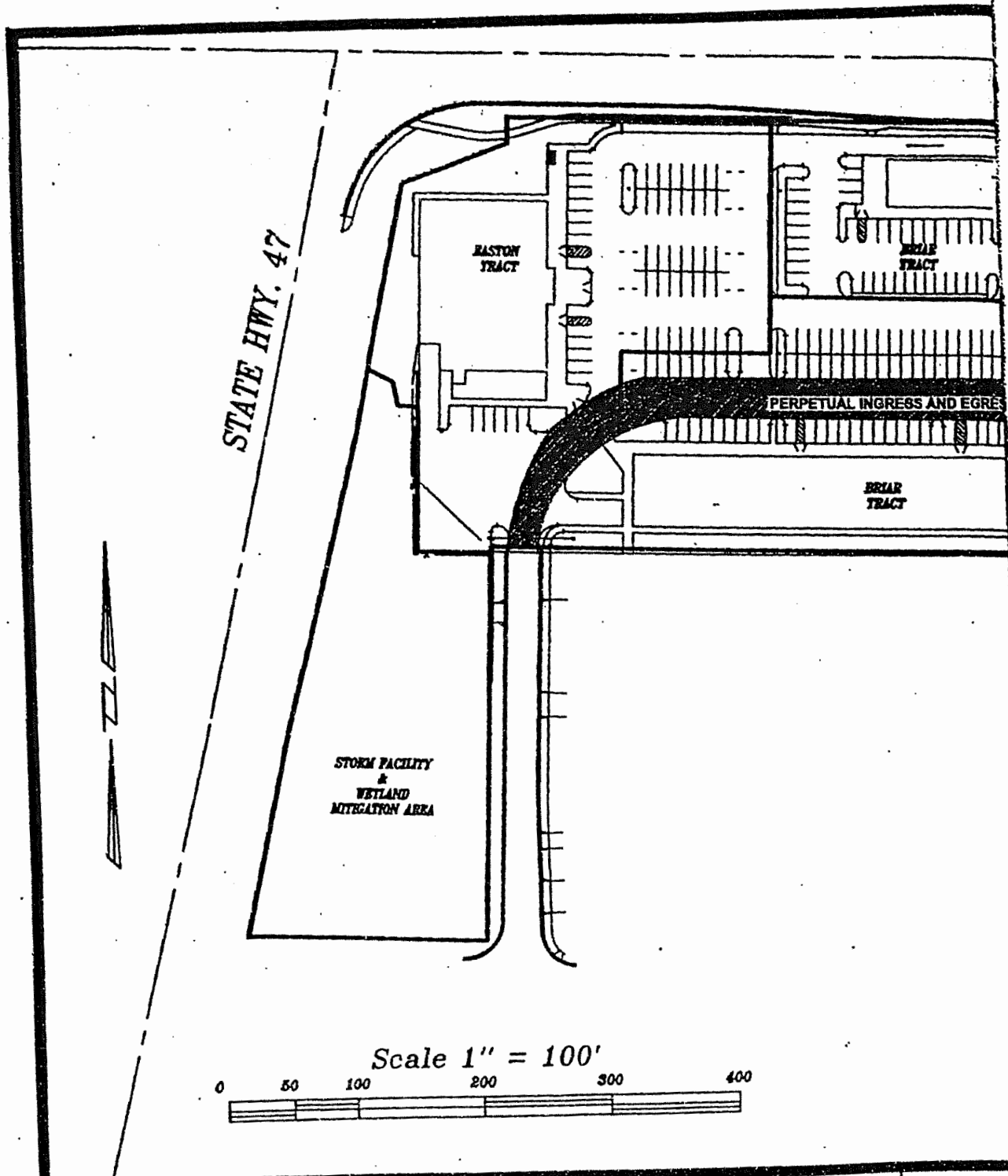
Beginning at a point on the West line of that tract of land recorded in Book 430, page 576, Deed Records of Washington County, Oregon, said point being East 1012.4 feet and South 0° 12' West, 300.0 feet from the North quarter corner of Section 5, Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon; thence South 0° 12' West, 360.85 feet to the North line of an old railroad right-of-way; thence North 89° 46' East, 300.0 feet along the said North line; thence North 0° 12' East, 631.4 feet to a point 30 feet South of the North line of Section 5; thence West 150.0 feet on a line parallel to and 30 feet South of the North line of Section 5; thence South 0° 12' West, 170 feet; thence West 30 feet; thence South 0° 12' West, 100.0 feet; thence West 120.0 feet to the point of beginning.

PARCEL II:

The South seven feet of the following described tract:

Beginning at a point on the West line of that tract of land described and recorded in Book 430, page 576, Deed Records of Washington County, Oregon, said point being East 1012.4 feet and South 0° 12' West, 200 feet from the North quarter corner in Section 5, Township 1 South, Range 3 West, Willamette Meridian, Washington County, Oregon; thence South 0° 12' West, 100.0 feet along the said West line; thence East 120.0 feet; thence North 0° 12' East, 100.0 feet; thence West 120.0 feet to the point of beginning.

EXHIBIT E



OLSON
ENGINEERING INC.

LAND SURVEYORS
ENGINEERS
1111 BROADWAY, VANCOUVER, WA 98660

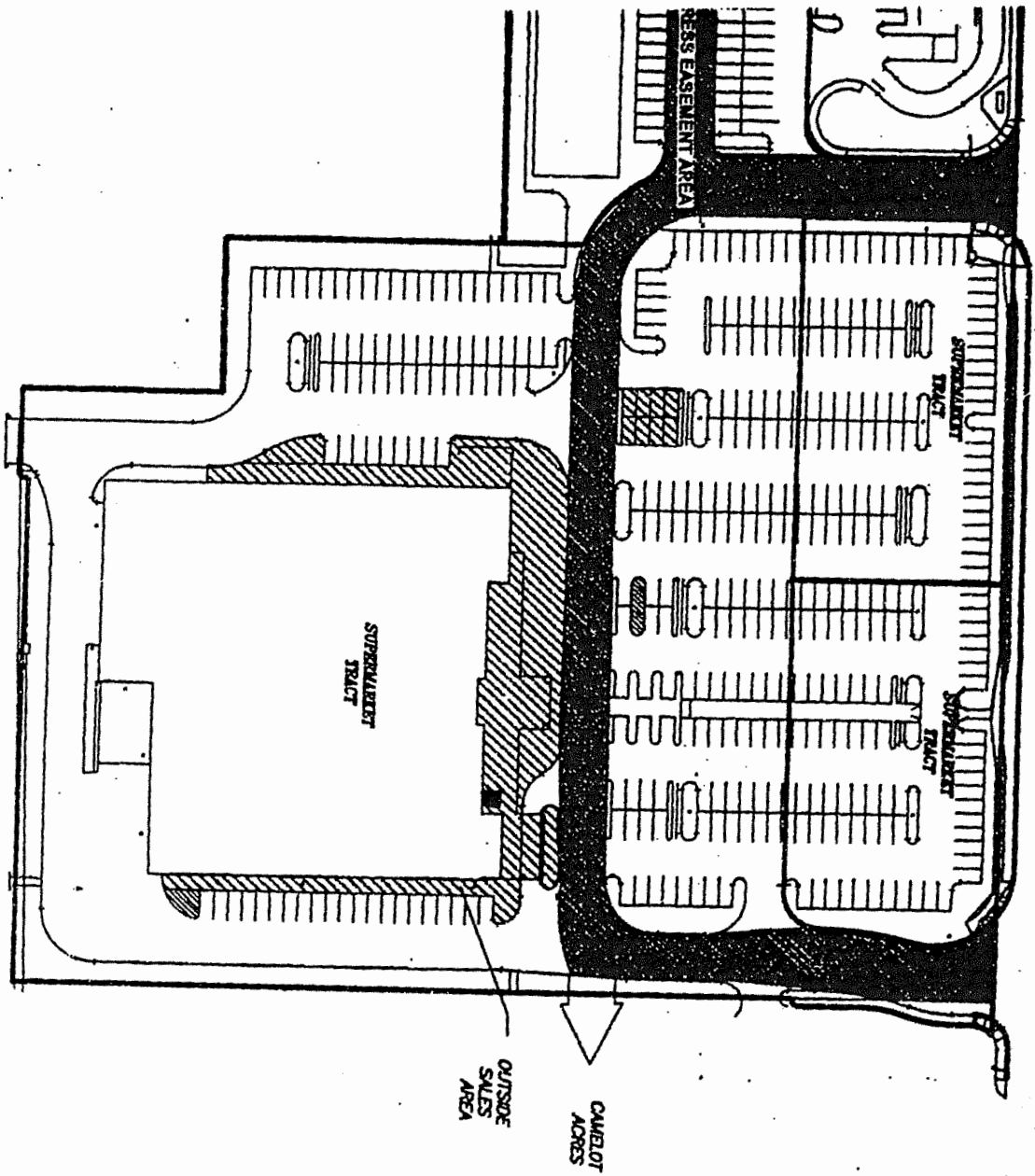
1-360-695-1385
1-503-289-9936

REC

54

E-1

TUALATIN VALLEY HWY. (HWY 8)



MUTUAL EASEMENT AGREEMENT EXHIBIT

DESIGN	SCALE 100	SHEET
DRAWN BY	MARCH 2001	1
CHECKED	JOB NO. 0350	1

55

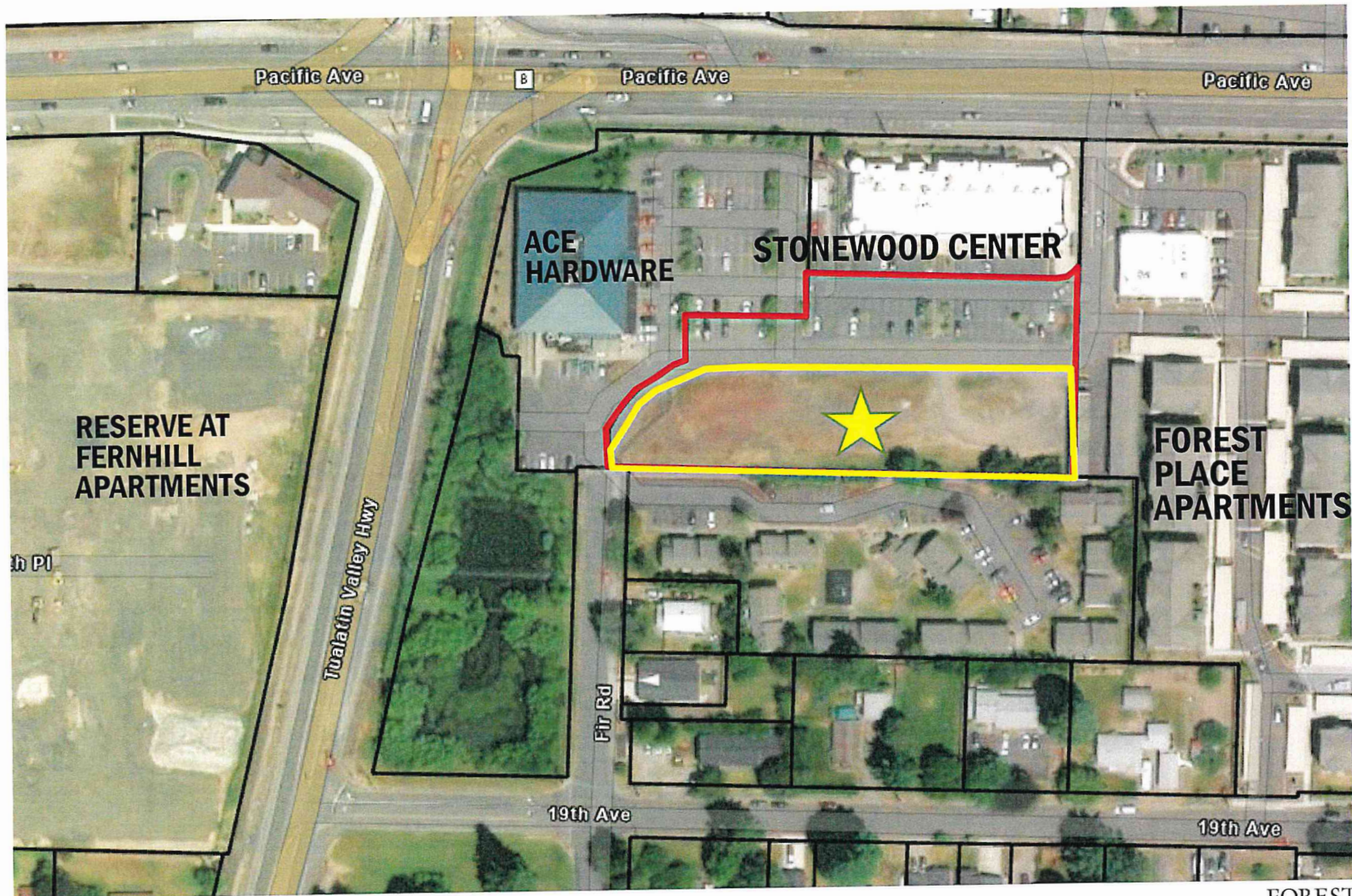


Stonewood Apartments Design & Site Development Review

Amy Kreimeier, AICP
Senior Planner

10/3/22

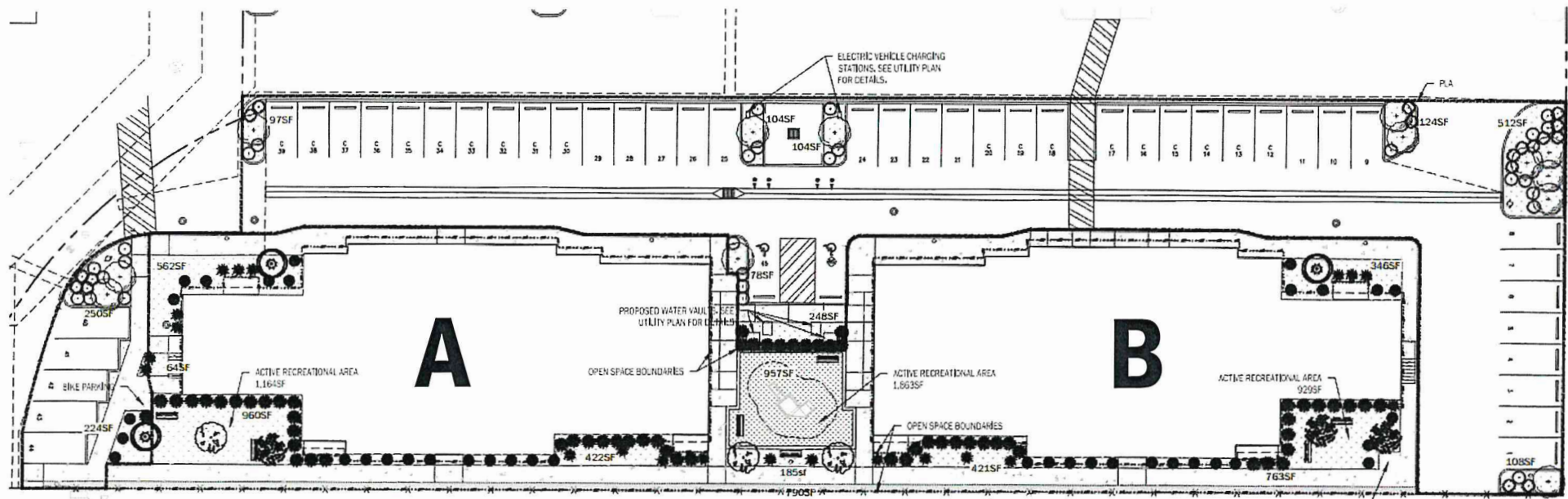
Aerial View – Site & Vicinity



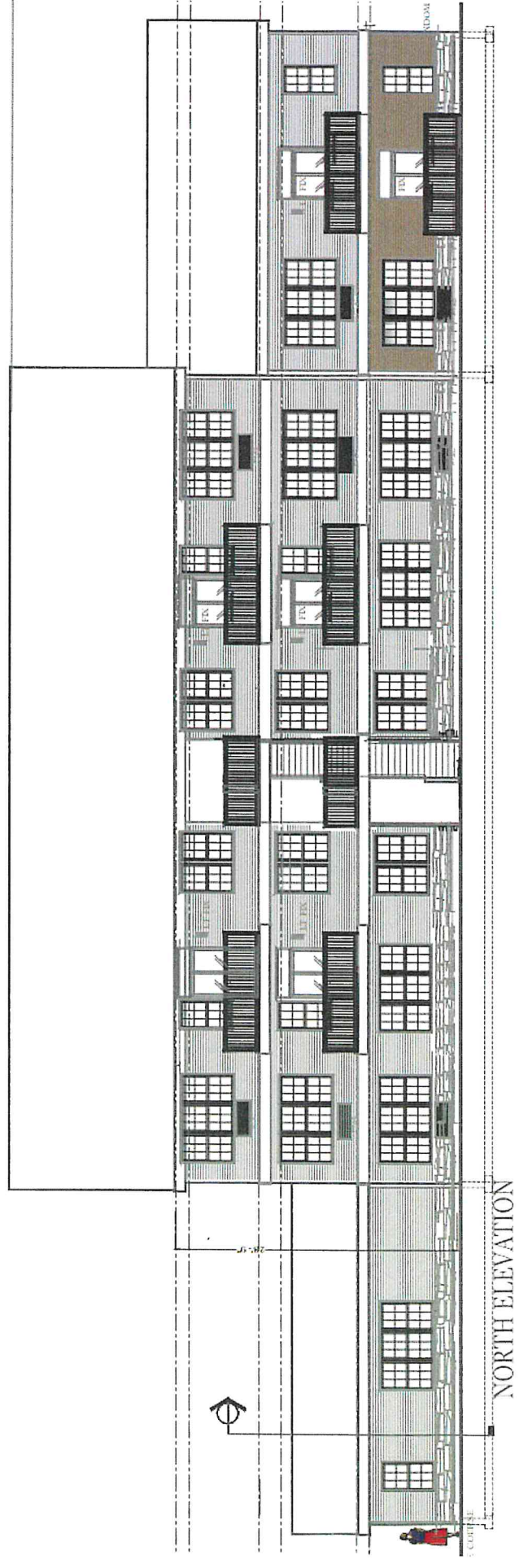
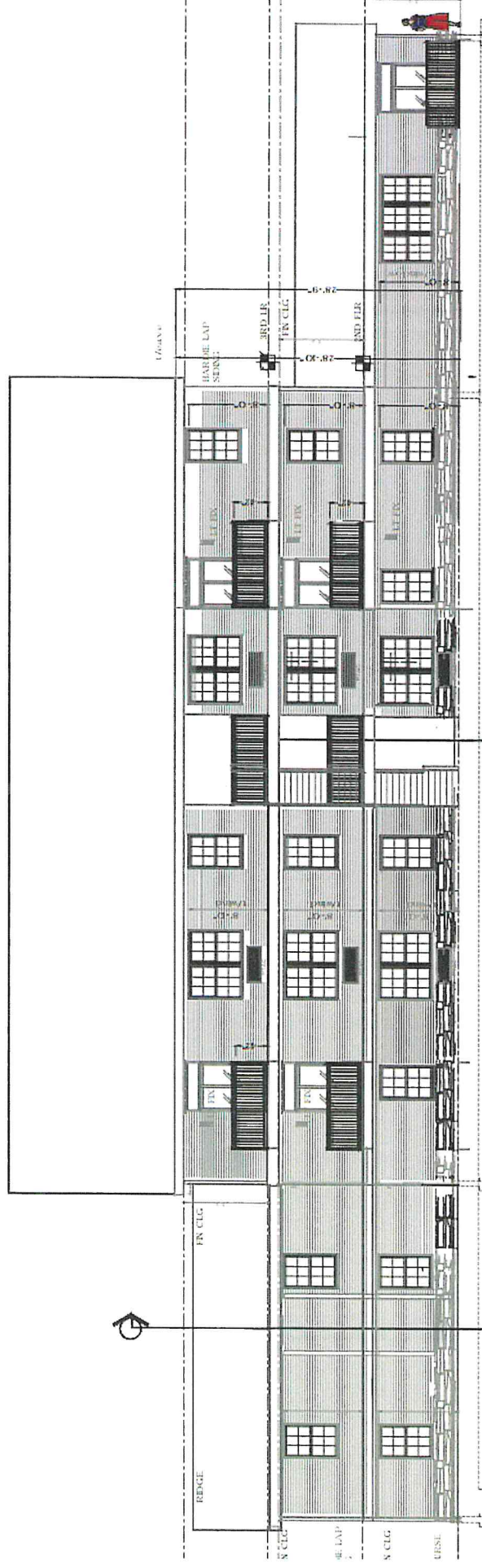
Project Description

- Design Review and Site Development Review request:
 - 32-unit multi-family apartment project
 - 2 three-story buildings
 - 10 one-bedroom and 22 two-bedroom units
 - 46 parking spaces
- Design Review
 - Track 2 – Design Guidelines

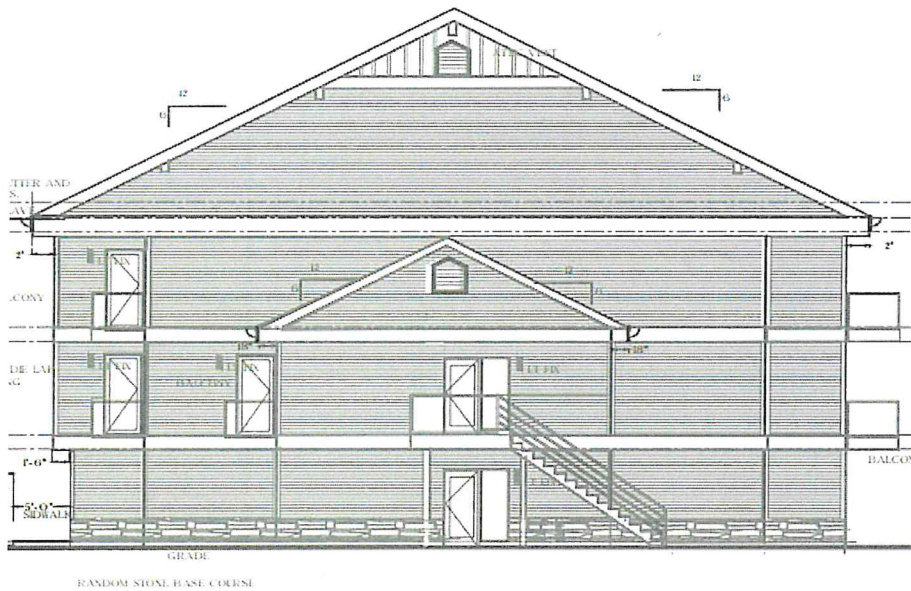
Site Plan



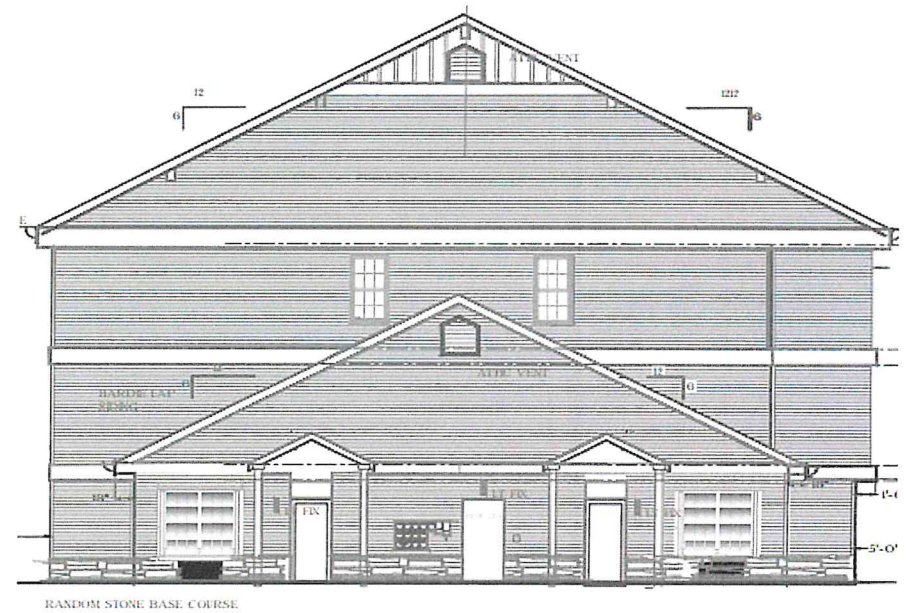
Elevations



Elevations



WEST ELEVATION



EAST ELEVATION

Design Guidelines Review Criteria

- A. The development standards of the applicable zoning district and any overlay district;
- B. The general development standards of Development Code 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:
 - i. The design guidelines contained in the applicable section of the Design Guideline Handbook are adequately addressed.
 - ii. 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.

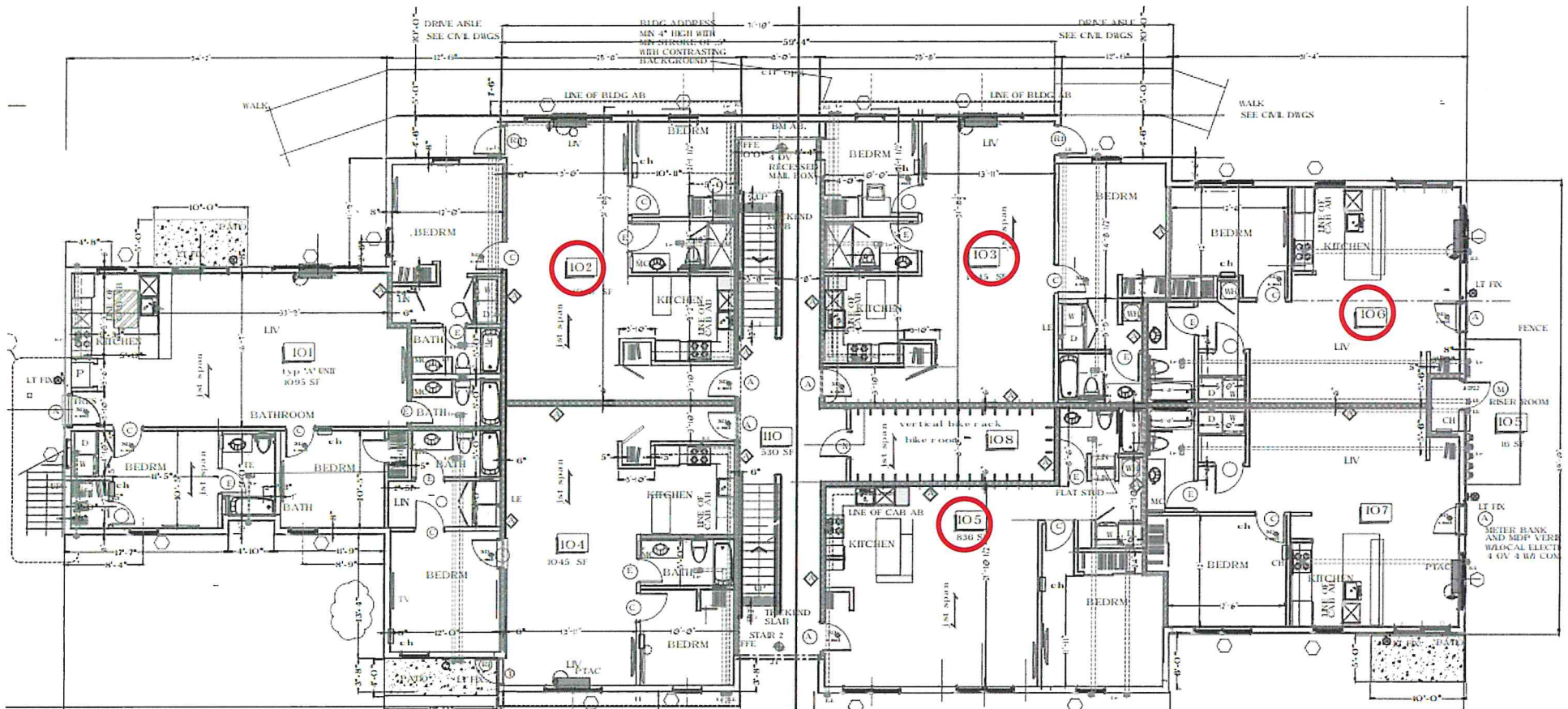
Departures from Development Code

Design Guideline	Code Requirement	Proposal
Site – Circulation	Separate pathways from dwellings by a minimum of 10 feet.	- Separation ranges from 0 – over 10 feet
Site – Pedestrian Environment Building - Privacy	Separate residential entries from public pathways by a minimum of 3 feet.	- 24 units accessed from interior of building - 5 exterior accessed ground floor entries have no separation from pathways
Building - Compatibility	Provide a defined entry space for each ground level dwelling unit with a minimum area of 16 square feet, with no dimension less than 4 feet.	- 8 ground floor units accessed from interior of building - all ground floor units have windows to open space - 5 exterior accessed ground floor entries have no separation from pathways
Site – Open Space	Provide private open space for each dwelling unit with a minimum area of 48 square feet and a minimum dimension of 4 feet.	- Provided for 24 out of 32 units - All units have access to common open space areas spread throughout the site - 6 ground floor units have no private open space
Site - Landscaping	Provide buffering and screening as required between multi-family and commercial uses. Minimum combination required: 10-foot landscape buffer and 6-foot-tall CMU wall	- 6-foot-tall CMU wall

100



Departures from Development Code



Conditions of Approval

- Remove secondary residential access doors proposed on units 102 and 103.
- Separate pedestrian pathways from dwellings by a minimum of 3 feet.
- The 2-foot-wide planting area along the southern property line shall be planted with a mixture of groundcover and shrubs.
- Replace the proposed CMU wall with a 6-foot-tall landscape hedge.

Optional Conditions of Approval

- Provide private open space for all ground floor units.
- Provide an architecturally defined entry space for all exterior accessed ground floor units.

Site Development Review Criteria

- A. The site development plan complies with all applicable standards of the base zoning district, any overlay district and applicable general development standards of Article 8.
- B. The site development plan ensures reasonable compatibility with surrounding uses as it relates to the following factors:
 - i. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and
 - ii. 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.
- C. The site development plan preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:
 - i. Significant on-site vegetation and trees
 - ii. Prominent topographic features, and
 - iii. Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.
- D. The site development plan preserves or adequately mitigates impacts to designated historic resources.
- 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.
- F. The site development 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.

Recommendation

- Staff recommends that the Planning Commission approve the Design Review and Site Development Review application for the Stonewood Apartments, as conditioned.