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CITY COUNCIL MEETING; PUBLIC HEARINGS; WORK SESSIONS

Monday, December 13, 2021
Community Auditorium, 1915 Main Street and
Zoom Meeting (See Instructions Below)

Zoom Webinar Link:

<https://us06web.zoom.us/j/82822876220?pwd=Qms3L1F3Nk1kV0VDNUIwOGFsbHRDQT09>

Zoom Meeting ID: 828 2287 6220 and Passcode: 121321

PETER B. TRUAX, MAYOR

Malynda H. Wenzl, Council President

Donna Gustafson, Councilor

Kristy L. Kottkey, Councilor

Timothy A. Rippe, Councilor

Elena Uhing, Councilor

Mariana Valenzuela, Councilor

EXECUTIVE SESSIONS ARE CLOSED TO THE PUBLIC. Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision. **Separate Unique Zoom Webinar ID Number & Passcode Required.**

5:30 PM [10 mins]: In accordance with **ORS 192.660(2)(f)** to consider information or records that are exempt by law from public inspection.

Presenters: Jesse VanderZanden, City Manager; City Attorney

CITY COUNCIL WORK SESSIONS

No public comment will be taken. The Council will take no formal action.

5:40 PM [35 mins] Work Session: Federal Priorities

Presenter: Paul Downey, Assistant City Manager/Finance Director

6:15 PM [35 mins] Work Session: Parks and Recreational (P&R) Fee Schedule PPT

Presenter: Anne Lane, Parks and Recreation Director

6:50 PM [10 mins] **Council Recess**

CITY COUNCIL MEETING – 7:00 PM

A. Call to Order

1. 7:00 PM [5 mins] Roll Call
- [2.](#) 7:05 PM [10 mins] Recognitions:
 - Joe Smith, Fire Captain, 35 Years of Service
 - Chris Woodford, Fire Captain, 30 Years of ServicePresenter: Jim Geering, Fire Chief

B. 7:15 [5 mins] **Public Comment:** Anyone wishing to speak to the City Council on an item not on the agenda or on the agenda, and not scheduled for a public hearing may be heard. Please limit comments to two (2) minutes. All testimony is electronically recorded. Written comments may be submitted by 3:00 p.m. on the day of the meeting to CityCouncilors@forestgrove-or.gov. **Zoom Attendees:** Please use the "Raise Hand" option. Please introduce yourself and ask your question or provide your comments.

- [1.](#) CC12-13-2021 Written Public Comments

C. 7:20 [5 mins] **Consent Agenda:** Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the remaining Consent Agenda item(s).

- [1.](#) Approve City Council Executive Session (Labor Negotiations) Meeting Minutes of November 22, 2021.
- [2.](#) Approve City Council Regular Meeting Minutes of November 22, 2021.
- [3.](#) Accept Library Commission Meeting Minutes of October 19, 2021.
- [4.](#) Accept Planning Commission Meeting Minutes of May 17, 2021.
- [5.](#) Accept Public Arts Commission Meeting Minutes of October 21, 2021.
- [6.](#) Accept Sustainability Commission Meeting Minutes of October 28, 2021.
- [7.](#) Community Development Department Monthly Building Activity Informational Report for November 2021.
- [8.](#) **RESOLUTION NO. 2021-63 MAKING APPOINTMENTS TO CITY OF FOREST GROVE ADVISORY BOARDS, COMMITTEES AND COMMISSIONS**

D. 7:25 [5 mins] **Additions/Deletions:**

1. City Manager
2. Proposed by Councilors

E. Presentations: Each Presenter is limited to ten (10) minutes to present, followed by five (5) minutes for questions and answers, unless additional time is granted by the presiding officer. The Council has reviewed each presentation, so highlight key points only. The Council will hold questions until the end. A two-minute reminder will be given to conclude remarks.

1. 7:30 PM [15 mins] Severe Rent Burden Annual Report (HB 4006) PPT
Presenter: Dan Riordan, Senior Planner; Bryan Pohl, Community Development Director

F. Public Hearings, Ordinances, and Resolutions

1. 7:45 [10 mins]
ORDINANCE 2021-05 SECOND READING CONTINUE PUBLIC HEARING; ANNEXING 24.5 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY TAX LOT 1N330000100; FILE NO. 311-21-000037-PLNG
Presenter: Dan Riordan, Senior Planner; Bryan Pohl, Community Development Director
2. 7:55 [10 mins] PPT
ORDER NO. 2021-01 PUBLIC HEARING; AMENDING FOREST GROVE COMPREHENSIVE PLAN MAP FOR PROPERTY SUBJECT TO ANNEXATION; WASHINGTON COUNTY TAX LOT 1N330000100; FILE NO. 311-21-000037-PLNG
Presenter: Dan Riordan, Senior Planner; Bryan Pohl, Community Development Director
3. 8:05 [10 mins]
ORDER NO. 2021-02 PUBLIC HEARING; AMENDING FOREST GROVE ZONING MAP FOR PROPERTY SUBJECT TO ANNEXATION; WASHINGTON COUNTY TAX LOT 1N330000100; FILE NO. 311-21-000037-PLNG
Presenter: Dan Riordan, Senior Planner; Bryan Pohl, Community Development Director
4. 8:15 PM [5 mins] **Council Recess**
5. 8:20 [15 mins]
RESOLUTION NO. 2021-59 CONTINUE INFORMATIONAL PUBLIC HEARING; FORMATION OF PROPOSED REIMBURSEMENT DISTRICT PURSUANT TO CITY CODE SECTIONS 151.110 TO 151.124, WAUNA CREDIT UNION PUBLIC IMPROVEMENT REIMBURSEMENT DISTRICT
Presenter: Gregory Robertson, Public Works Director
6. 8:35 [10 mins]
ORDINANCE NO. 2021-06 FIRST READING; RENEWING A FRANCHISE FOR ZIPLY FIBER NORTHWEST, LLC, A DELAWARE LIMITED LIABILITY CORPORATION, TO CONDUCT A GENERAL TELECOMMUNICATIONS BUSINESS AND GRANTING A RIGHT TO USE PUBLIC RIGHTS OF WAY WITHIN THE CITY
Presenter: Paul Downey, Assistant City Manager/Finance Director
7. 8:45 PM [10 mins]
RESOLUTION NO. 2021-64 APPROVING THE USE OF FISCAL YEAR 2021-22

**AMERICAN RESCUE PLAN ACT FUNDS AS RECOMMENDED BY A
SUBCOMMITTEE OF THE CITY OF FOREST GROVE BUDGET COMMITTEE**

Presenter: Paul Downey, Assistant City Manager/Finance Director

8. 8:55 PM [10 mins]

**RESOLUTION NO. 2021-65 AUTHORIZING CITY MANAGER TO PARTICIPATE IN
THE INTRA-STATE OPIOID DISTRIBUTER/MANUFACTURER SETTLEMENT; TO
SIGN A RELEASE WHEREBY THE CITY WOULD WAIVE THE RIGHT TO FILE
FUTURE CLAIMS AGAINST THE NAMED DISTRIBUTERS AND MANUFACTURER;
AND TO SIGN THE INTRA-STATE SETTLEMENT AGREEMENT ON BEHALF OF
THE CITY; BOTH OF WHICH ARE CONTINGENT ON THE CITY ATTORNEY'S
REVIEW AND APPROVAL**

Presenter: Jesse VanderZanden, City Manager; City Attorney

G. 9:05 [25 mins] Council Communications: Please limit remarks to three (3) minutes per person. A brief summary of matters of interest to the Council and to present Boards and Commissions liaison reports. (Council Rules Section 6.3)

1. Councilor Reports

2. Councilor Kottkey's Report 12-13-2021

3. City Manager's Report

4. Mayor's Report

H. 9:30 PM Adjournment

*The public can observe the meetings **LIVE** on **Zoom** Webinar or on Tualatin Valley Community Television (TVCTC) Government Access Programming or **LIVE Channel 30** on their website: <http://201.71.205.11/CablecastPublicSite/?channel=15>. Written comments may be submitted by 3:00 PM the day of the meeting to CityCouncilors@forestgrove-or.gov.*

ADA Notice: *In accordance with the Americans with Disabilities Act (ADA), the City of Forest Grove will make reasonable accommodations for participation in the meeting. Requests for assistance can be made by contacting the City Recorder's Office, aruggles@forestgrove-or.gov, 503-992-3235, at least 48-hours in advance of the meeting.*

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: 12/13/2021

FINAL ACTION: Work Session

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *December 13, 2021*

PROJECT TEAM: *Paul Downey, Assistant City Manager/Finance Director*

SUBJECT TITLE: *Federal Priorities Work Session*

ACTION REQUESTED:

☐	Ordinance	☐	Order	☐	Resolution	☐	Motion	☒	Informational
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X all that apply

The City has contracted with CFM Advocates to represent the City in Washington D.C. to assist the City in obtaining earmarks or grants for City projects, programs or potential staffing for public safety. On December 7, 2021, CFM met with the City Manager, Department Directors, the City's Communications Coordinator, and the City's Program Coordinator to discuss possible funding requests. The purpose of the meeting was to identify top priority projects that are eligible for federal assistance that CFM can advocate for in Congress and the Administration. CFM has found they can be more successful when they prioritize projects in accordance with federal funding programs and advocate for specific and well justified funding requests.

The purpose of tonight's work session is for CFM to present the potential funding requests that came out of the December 7 meeting to the Council for review and consideration. The FY 2022-23 appropriations cycle in Washington D.C. will start early next year. CFM and staff need time to finalize the information for the funding requests so they are ready to be advocated for in the appropriations process in February, 2022.

CFM Federal Affairs

Knowledge
Experience
Results



www.cfmadvocates.com



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CFM Federal Affairs Presentation

- CFM History
- CFM Team
- Scope of services
- 2022 Federal Agenda



CFM History and Practice Areas



- Leading public affairs firm in NW
- Federal lobbying since 1990
- Expertise in municipal gov't
- Represent local governments, transit agencies, nonprofits, water districts, ports, exporters, and national coalitions.





CFM Federal Affairs Team Members



- Capitol Hill experience
- Excellent Hill, agency contacts
- Bipartisan
- Record of success
- Know what to say, who to say it to and when to say it





CFM Federal Affairs Scope of Services

- Grants
- Appropriations (earmarks)
- Legislative initiatives
- Local, state and federal coordination
- Relationship building
- Creative problem solving
- Strategic communications and positioning

2022 Federal Agenda

Forest Grove's Funding Requests (work in progress)

- **Transportation**
 - TV Highway Safety Improvements \$3 million
 - Emerald Necklace Pathway \$1 million
 - Highway 47 Fern Hill/Maple (grant request) \$8 million
- **Economic Development**
 - Festival Street \$2 million
- **Public Safety**
 - Two Police Officers \$400,000
 - Two Firefighters \$300,000
- **Water/Sewer**
 - East Side Emergency Tie-In \$2 million
- **Electric Grid Resiliency** \$3 million

CFM Federal Affairs

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Results



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CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Anne Lane, Parks & Recreation Director
Paul Downey, Finance Director / Assistant City Manager*

MEETING DATE: *Monday, December 13, 2021*

SUBJECT TITLE: *Parks & Recreation Fee Schedule*

ACTION REQUESTED:

☐	☐	☐	☐	☐	☒	☐
	Ordinance	Order	Resolution	Motion	X	Informational

X all that apply

ISSUE STATEMENT:

In an effort to deliver services in a more just fashion, capture lost revenue and establish a methodology the department can use for decision making, staff would like to discuss revisions to the fee schedule. The goal is to build transparency and establish consistency for both the consumer and the staff.

Additionally, the current fee schedules do not allow for autonomy in establishing fees for various services offered by the Parks & Recreation department that is foundational to an effective and responsive recreation program. With greater autonomy Parks & Recreation is better able to embrace the responsibility of balancing availability of services and affordability.

BACKGROUND:

City Council adopts fees annually for various services City departments provide. The Parks & Recreation department is currently administering fees using two fee schedules. Staff would like to discuss with Council combining the existing schedules and the methodology for determining fees and what fees are subject to Council approval and what fees staff has discretion to establish with programmatic guidelines.

STAFF RECOMMENDATION:

Staff is seeking consensus from Council on a proposed fee methodology which may lead to a revised fee schedule and resolution for Council consideration early in 2022.

ATTACHMENT(S):

Current fee schedules

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PARKS & RECREATION FEE SCHEDULE

ANNE LANE, PARKS &
RECREATION DIRECTOR



We had to
think
differently to
do what must
be done.

LAILAH GIFTY AKITA

build transparency
establish consistency

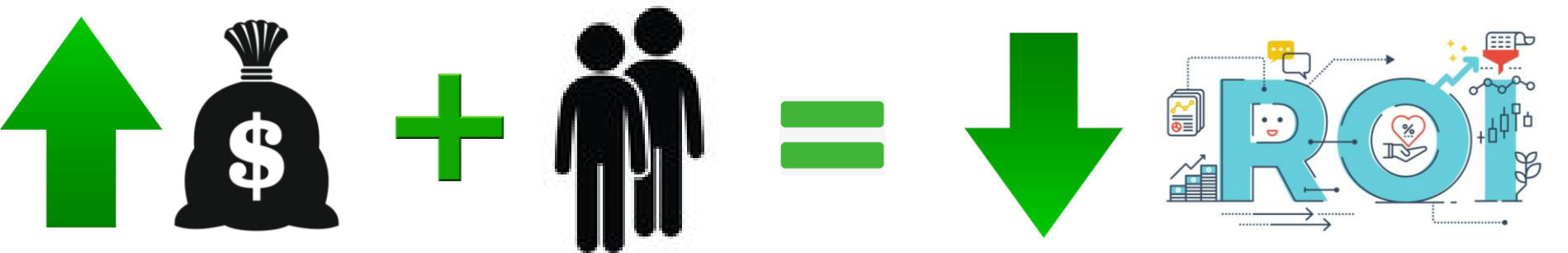
transparency and consistency builds
trust and accountability

deliver services justly
capture lost revenue
methodology for decision making

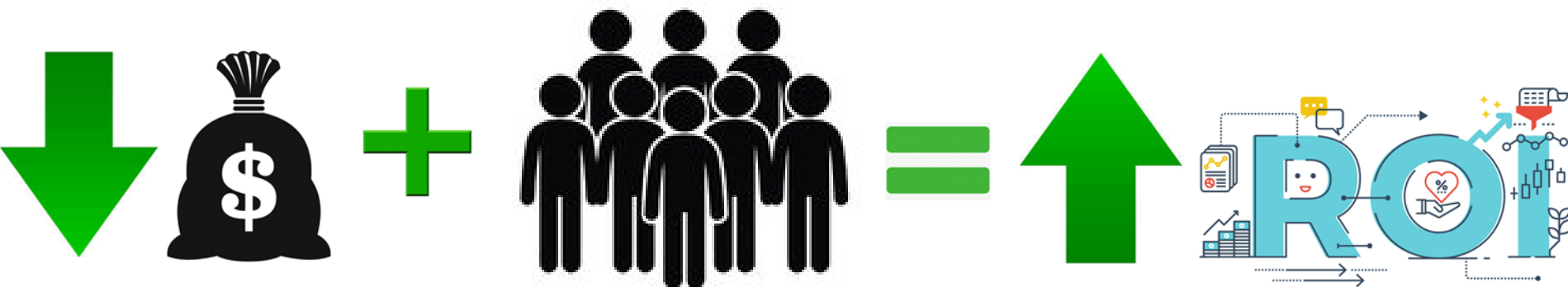


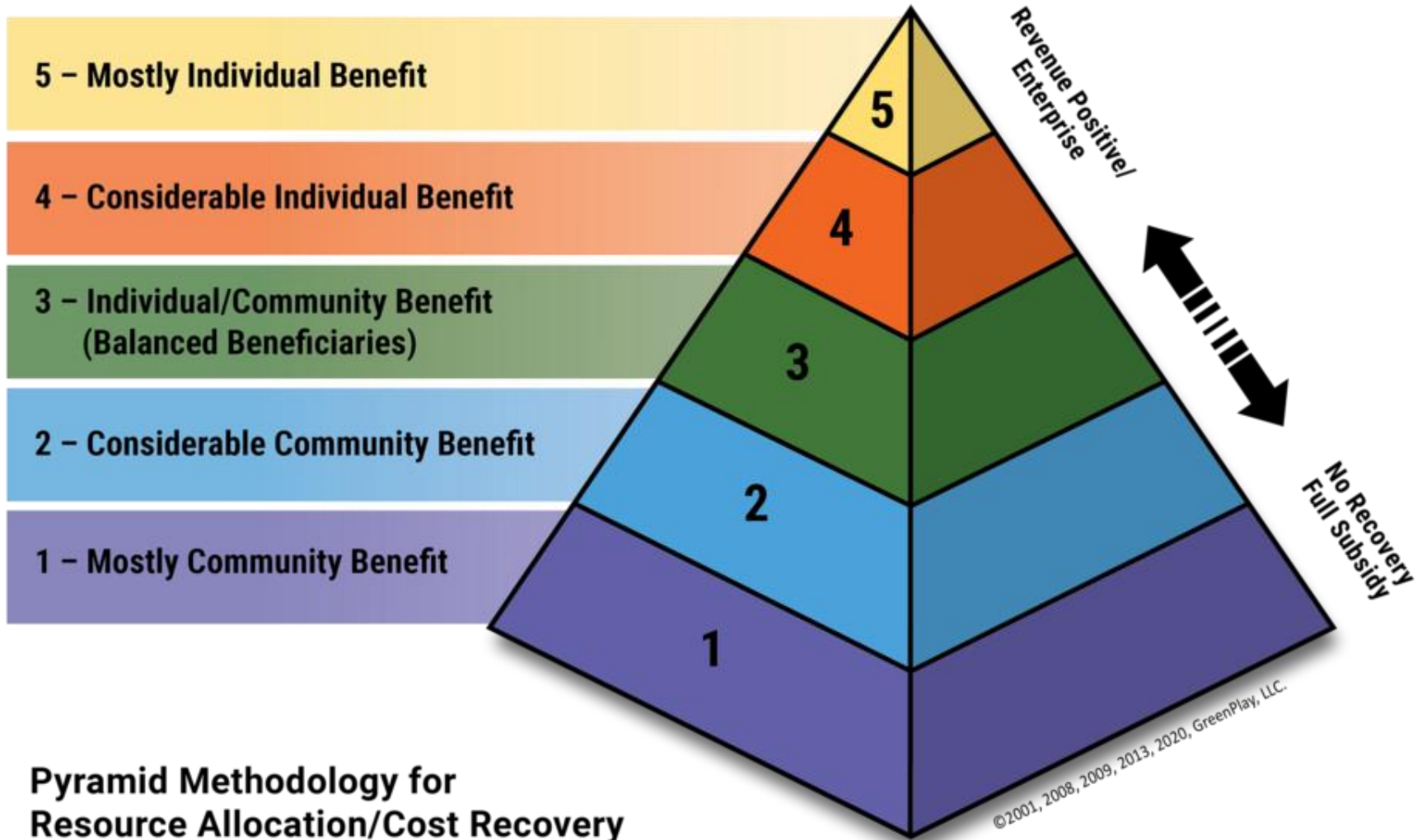
**PORTLAND PARKS
& RECREATION**
Healthy Parks, Healthy Portland



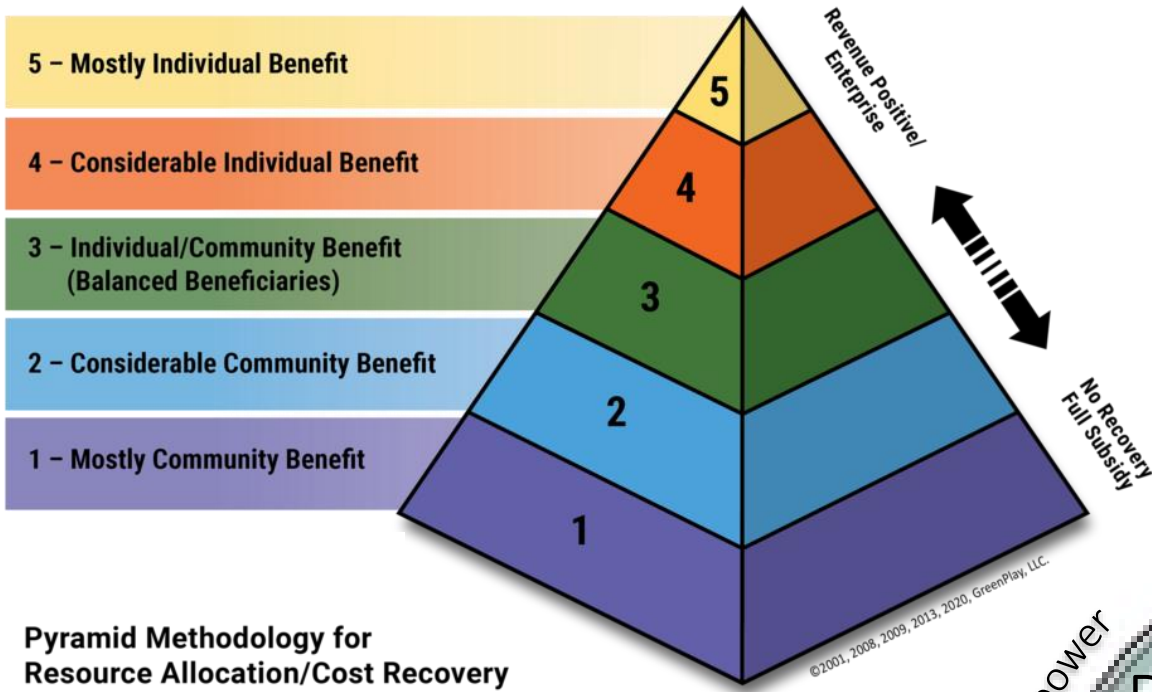


VS









revised fee schedule resolution implementation

Forest Grove Fee Schedule

Aquatic Center

Exhibit 1

Adopted Fees - 7/1/19

Adopted Fees - 7/1/21

Public and Fitness Swim

In-City under 2 years	0.00	0.00
In-City 2-17 years; Senior or Disabled Veteran	4.20	4.50
In-City 18-64 years	6.00	6.25
In-City Family	14.00	14.50
Outside-City under 2 years	0.00	0.00
Outside-City 2-17 years; Senior or Disabled Veteran	5.40	5.75
Outside-City 18-64 years	8.75	9.00
Outside-City Family	19.60	20.25
Drop-in Aerobic Fee	8.35	8.75

Membership

In-City Family	158.25	163.00
In-City Individual	79.75	82.25
In-City Senior/ Disabled Veteran	48.50	50.00
Outside-City Family	214.25	220.75
Outside-City Individual	107.75	111.00
Outside-City Senior/ Disabled Veteran	64.00	66.00

Punch Pass (10 visits)

In-City 2-17 years; Senior or Disabled Veteran	33.00	34.00
In-City 18-64 years	48.50	50.00
Outside-City 2-17 years; Senior or Disabled Veteran	44.75	46.00
Outside-City 18-64 years	71.00	73.25

Pacific University

Monthly Fee	1,463.00	1,510.00
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Laminating Service

Small Card	0.75	0.75
Large	2.25	2.25

Instruction

In-City Member (per session)	41.30	42.50
In-City Non-Member (per session)	61.30	63.25
Non-Member Senior and Disabled Veteran (per session)	48.50	50.00

Instruction

Outside-City Member (per session)	41.30	42.50
Outside-City Non-Member (per session)	81.50	84.00

Lifeguard Training

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Member	174.35	179.50
In-City Non-Member	214.25	220.75
Out-of City	253.50	261.25
Lifeguard Challenge	103.00	106.00
Pool Rental		
1-60 People (per hour)	149.50	154.00
61-100 People (per hour)	175.00	180.25
101-200 People (per hour)	206.00	212.25
Youth Education Classes		
ARC Babysitting In-City	87.50	90.00
ARC Babysitting Outside-City	103.00	106.00
When I'm In Charge Class	31.00	32.00
Staff/Classroom (per hour)	27.30	28.25
Spray Park Rental (per hour)	73.75	76.00
School District 15		
Fee per Employee per Hour	21.75	22.50

* Senior is defined as a person 65 years or older.

Forest Grove Fee Schedule

Exhibit 2

Adopted Fees - 7/1/19

Adopted Fees - 7/1/21

PARKS AND RECREATION

Facility Reservation (not including Light Charge)

Lincoln Park Stadium & Turf Field (in-City)	\$57.90 per hour: \$463.00 max	\$59.75 per hour: \$478.00 max
Lincoln Park Stadium & Turf Field (Out of City)	\$115.80 per hour: \$926.00 max	\$119.50 per hour: \$956.00 max
Bond Field (every 2 hour rental)	\$43.25 (in-city); \$86.5 (out)	\$44.50 (in-city); \$89.00 (out)
Sherman Field (every 2 hour rental)	\$35.85 (in-city); \$71.70 (out)	\$36.00 (in-city); \$72.00 (out)
Thatcher Park Soccer Field (every 2 hour rental)	\$29.00 (in-city); \$58.00 (out)	\$30.00 (in-city); \$60.00 (out)
Lincoln Park Practice Soccer Field (every 2 hour rental)	\$29.00 (in-city); \$58.00 (out)	\$30.00 (in-city); \$60.00 (out)
Thatcher Park Softball Field (every 2 hour rental)	\$14.75 (in-city); \$29.5 (out)	\$15.00 (in-city); \$30.00 (out)
Shelter (4 Hour Period)	\$54.00 (in-city); \$108.00 (out)	\$55.50 (in-city); \$111.00 (out)

Light Charge

Soccer Field - Lincoln Park or Thatcher	\$51.50 per hour	\$53.00 per hour
Bond Field	\$51.50 per hour	\$53.00 per hour
Sherman Field & Thatcher Park Softball (per field)	\$25.75 per hour	\$26.50 per hour
Lincoln Park Practice Field	\$25.75 per hour	\$26.50 per hour

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CERTIFICATE OF RETIREMENT

Presented to

Joe Smith

Forest Grove Fire and Rescue Captain

**In Recognition of 35 Years of Dedicated Service to the
City of Forest Grove and Citizens of Forest Grove**

*The Forest Grove City Council sincerely thanks you for your exceptional employment and commitment
and is so honored to have had you as an employee of the City of Forest Grove Fire & Rescue since 1986.*



Peter B. Truax, Mayor
Forest Grove City Council
December 13, 2021



Joe Smith, Fire Captain

Joe Smith has served Forest Grove since 1986, starting as a volunteer firefighter in 1986, and ten years later Joe was hired as a full time paid firefighter. Over the past 25 years, Joe has ascended the ranks of the fire department promoting from Firefighter, to Lieutenant, and eventually to Fire Captain. Joe has handled countless emergencies, led numerous station projects, and been responsible for the day-to-day operations of his shift. Captain Smith has acted with dutiful professionalism and has earned the utmost respect from his peers.

Captain Smith's retirement is well deserved, though we will be left with a significant void to fill. Joe has been a phenomenal leader and mentor to the generation of firefighters who now follow in his footsteps. We thank Joe and congratulate him on 35 years of dedication to the City of Forest Grove.

CERTIFICATE OF RETIREMENT

Presented to

Chris Woodford

Forest Grove Fire and Rescue Captain

**In Recognition of 30 Years of Dedicated Service to the
City of Forest Grove and Citizens of Forest Grove**

*The Forest Grove City Council sincerely thanks you for your exceptional employment and commitment
and is so honored to have had you as an employee of the City of Forest Grove Fire & Rescue since 1991.*



A place where families and businesses thrive.

Peter B. Truax, Mayor
Forest Grove City Council
December 13, 2021



CHRIS WOODFORD, FIRE CAPTAIN

Chris Woodford has served Forest Grove since 1991, starting as a volunteer firefighter, and joining the city as a full time firefighter paramedic in 1996. Chris was one of the first full time paramedics in the history of the Fire Department, and helped bring more consistent advanced life support coverage at a time when the department had only two other paramedics on shift.

Chris brought with him a wealth of knowledge from his previous careers. His time and experience diving and welding on oil rigs in the Gulf of Mexico was instrumental in the development of the department's water rescue program. Chris' decades of experience in the construction industry provided the ability to train firefighters with a higher level knowledge and understanding of building construction. Chris also used his mastery of both carpentry and welding to create many improvements at the fire station, from training props, to new lockers, and numerous necessary repairs.

Chris promoted to Lieutenant, and eventually to Captain, his most recent assignment coming as the Fire Inspector and Deputy Fire Marshal for our community in 2013. Chris' work as a fire inspector helped ensure that Forest Grove has not suffered a large loss commercial fire since he took on this new area of work.

Captain Woodford's retirement is well deserved, though we will be left with a significant void to fill. Chris is known for his high work ethic and has earned the respect of his fellow firefighters. We thank Chris and congratulate him on 30 years of dedication to the City of Forest Grove.



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CITY RECORDER USE ONLY:

AGENDA ITEM #: B.

MEETING DATE: 12/13/2021

FINAL ACTION: Public Comment
ADDENDUM

CITY COUNCIL MEMORANDUM

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Anna D. Ruggles, CMC, City Recorder*

DATE: *December 13, 2021*

SUBJECT: *Item 2. Written Public Comments - Addendum*

CITIZEN COMMUNICATIONS:

The following attached written correspondence was received via e-mail to:

citycouncilors@forestgrove-or.gov or e-mail to: aruggles@forestgrove-or.gov.

	Name:	Subject:	Date:
1.	Stephanie Rose	DEI?	11/23/2021
2.	Brian Schimmel	Homeless Ad-hoc committee	11/23/2021
3.	Chris Billman	Bike lanes	11/29/2021
4.	Chris Billman	Statutory/PreemptionGuideOct2020Upddate.pdf	11/29/2021
5.	Chris Billman	Equity_Lens_Framework.pdf	11/29/2021
6.	Haley Walz	Addressing Homelessness in Forest Grove	11/29/2021
7.	Anthony Cameron	Major speeding problems in this town	12/05/2021
8.	Steve Pettengill	Fluoridation ordinance	12/07/2021
	ADDENDUM:		
9.	Chris Billman	Do we have any planning completed? Or DEI forget about us again PDF	12/09/2021
10.	Tracy Rainey, Clean Water Services (CWS)	Scoggins Fact Sheet v2.pdf	12/10/2021

Attachments:

Correspondence Attached

Anna Ruggles

From: Stephanie Rose [REDACTED]
Sent: Tuesday, November 23, 2021 9:42 AM
To: Peter Truax; Donna Gustafson; Timothy Rippe; Elena Uhing; Malynda Wenzl; Kristy Kottkey; Mariana Valenzuela
Cc: Jesse VanderZanden; Elizabeth Stover; Anna Ruggles
Subject: DEI?

Can someone please help me understand why the city keeps choosing to host events that include a fee? This is promoting an event to one specific group people/children only. When is the city going to stop catering only to the privileged folk? The city's social media is full of white faces and nothing but pats on the back for things it's proud of about itself. There's never any interaction from the community, pay attention to that, it says something.

City webpage mentions how the city is culturally diverse, and that community/city communications are the norm. They're not. Stop promoting that, it's a lie and simply not true.

Also, this 2017 census is in the council packet. Those numbers have gone up since then, and it's also not accurate due to residents not submitting them. Let's stop with the ignorance, and accept the fact that at least a quarter of this town is Latinx. City claims and promotes DEI, but it's all talk, no show. No one is fooled, actions speak louder than words.

Also, where are you with Goal #1: Support DEI in the delivery of City services and operations? It's been just about a year, and we've seen nothing. I attended a DEI focus group meeting last December hosted by the city. Why did I waste my time and participate? What did you do with that information? Collect it just to show that you are "making" an effort? Please stop wasting valuable community volunteer time. We can use them in areas that are actually impactful, not for your wasted conversations.

Last thought, about the last 2 minutes of last night's council meeting(replay if need be). Rules/laws apply to all of us, including you all. Never forget that, Mr. Mayor.

I'm tired of your broken promises, your lack of leadership on the County level, and tired of trying to work with you all to make this town a better place, for all. It's exhausting fighting a broken system, but I'll keep doing what you all should be doing, focusing on our local neighbors, especially those with desperate needs. Learn by example and watch us community volunteers show you how leadership is done right. Then be a leader, because that's what you were voted in to do.

Stephanie Rose

	Forest Grove	Cornelius
Population 2010	21,083	11,869
Population 2017	23,554	12,423
Under Age 18 Population	25.9%	30.2%
Median HH Income (2017)	\$54,503	\$60,766
Poverty Status (2017)	14.0%	10.5%
Hispanic Origin (2017)	23.3%	28.2%
Speak Spanish at Home (2017)	17.2%	49.0%
Speak Only English at Home (2017)	76.5%	49.2%

Sources: US Census Bureau, American Community Survey (2013-2017), 20

9:07 5G

< **Forest Grove City Hall** 🔔 🔍

Posts About Photos ▾ Menti

 **Forest Grove City Hall** ...
6d · 🌐

Our Parks & Rec is hosting a Thanksgiving pool party! Call 503-992-3238 to register. We'll see you there!

 **Forest Grove Parks & Recreation Dept** 👍
6d · 🌐

Back by popular demand . . . our Halloween kids event was so popular that Cassy, Amelia & Ashley will be doing another craft/swim event next Wednesday for 5-9 yr olds. Registration required and limited to 20 participants. Please call 503-992-3238 to register.

News Feed Marketplace Profile Groups Notifications Menu

Anna Ruggles

From: Brian Schimmel <[REDACTED]>
Sent: Tuesday, November 23, 2021 11:08 AM
To: Peter Truax; Timothy Rippe; Kristy Kottkey
Cc: Shawn Cardwell
Subject: Homeless Ad-hoc committee

Greetings Councilors. Thanks for taking an important step as a council toward the city’s role in addressing homelessness. The local nonprofit community is poised to assist your effort.

I invite you to consider the Western Washington County Emergency Taskforce ([charter](#)) as a venue for engaging nonprofit leaders, as well as the Chamber director, to plan tours and receive input on possible solutions. Participating service providers include: Forest Grove Foundation, Centro Cultural, Second Home, Open Door, Bienestar and Adelante Mujeres. You may also benefit from the participation of our State Representative, City of Cornelius, WA County SHS, Pacific University, and FG School District, as well as community and housing advocates.

Consider the taskforce an extension of your ad-hoc committee. The next taskforce meeting is **December 2, 8:30-9:30**. We could consider an in-person meeting with the invitation by the Forest Grove Foundation (Shawn), on either that date or future date.

In service together.

Brian

Anna Ruggles

From: Chris Billman [REDACTED] >
Sent: Monday, November 29, 2021 12:53 PM
To: City Councilors; Gregory Robertson; Henry Reimann; Elizabeth Stover
Subject: Bike lanes

Hey guys Gales Creek road has two houses violating the law. When will the police enforcement do the job of protecting those people without a drivers license that depends on a a Clean lanes open for access to the rightful users.

Sent from my iPhone

Anna Ruggles

From: Chris B. Billman [REDACTED] >
Sent: Monday, November 29, 2021 2:10 PM
To: City Councilors
Subject: Home town rules
Attachments: StatutoryPreemptionGuideOct2020Update.pdf

I have been looking for the rules that give the city the opportunity to remove my rights under the law!

Home town rules do not give you the ability to remove right under the ORS's. Please outline the guidelines you believe give you the legal status to do so?

People with disabilities and people who use bicycles for transportation had and still have their rights violated and endorsed by people who know better!

Any time you place bollards barriers that affect the ability for people to access the community is a biased infrastructure. The law requires safe accessibility and the bollards blocking access will never pass anybody's mind as safe.

The beginning of the discrimination was when the city removed bicycles from the vehicle definition. All planning was done with that biased mentality. Years of planning without inclusion of people with don't have access to a drivers license.

I have never received any response as to why the city's code enforcement and police department , city council removed bicycles from the city code?

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.orcities.org%2fapplication%2ffiles%2f3116%2f0374%2f8436%2fStatutoryPreemptionGuideOct2020Update.pdf&c=E,1,G_1zK4FNi8x6FQpT-klZ5UscfFS0OQA8E2fymxTUT9bGLrutyCJted1-OGqwbO9tiSKDdyTXv6Slu_bvyPVbZFUuSLFOLV8nq0qB-LjWEFCpxugfQKBRINA8AAM.&typo=1

Chris Billman
 [REDACTED] NW Cox Road
 Forest Grove, Oregon
 97116-9128
 [REDACTED]

Anna Ruggles

From: Chris B. Billman [REDACTED] >
Sent: Monday, November 29, 2021 2:37 PM
To: City Councilors
Subject: DEI
Attachments: Equity_Lens_Framework.pdf

Our Mayor is Involved and our city has membership in this organization, so why does our DEI program exclude people with disabilities.
Our infrastructure is the evidence that the needs of people living with disabilities were never considered because they don't drive and own a vehicle. This is a problem.
Part of the membership is the requirements to follow the law.
So why does this look different and why are people with disabilities not being included?

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.orcities.org%2fapplication%2ffiles%2f4916%2f2991%2f9714%2fEquity_Lens_Framework.pdf&c=E,1,42oVmDBx3ZgwIfs94npIhBNtRxVplxKONhFUm3lrASDBWLZoB61VSg4UkUhth-KyUvU58d-qpr4vvXKvFLpU1b9piuKK1ZR219OVkNII-O8,&typo=1

Chris Billman
[REDACTED] 4 NW Cox Road
Forest Grove, Oregon
97116-9128
[REDACTED]
[REDACTED]

Anna Ruggles

From: Walz, Haley <w[REDACTED]>
Sent: Monday, November 29, 2021 5:38 PM
To: City Councilors
Subject: Addressing Homelessness in Forest Grove

Dear Mayor and City Council,

My name is Haley Walz. I am currently a senior at Pacific University and am making efforts to help improve the way of life within the Forest Grove community. The city has given me a lot, not just in memories but in support throughout my time as a student. In the last year, I have been trying my best to engage in the community.

After attending multiple city work sessions, it has come to my attention that one of the issues facing Forest Grove is concern for the homeless population; especially in the coming cold months. These concerns are expressed in finding affordable housing, warm and dry attire, and access to food needs.

Over the past couple months, I have been volunteering with the Oregon Food Bank doing food repacking and sorting as well as helping out at Free Food markets. Upon signing up for these, I noticed that the westward region of the greater Portland area lacks access to these beneficial resources. The free food markets in particular helps community by assisting families that lack access or income to foods at regular shopping markets.

I believe that the Forest Grove area would be benefit from partnering up with the Oregon Food Bank and providing a free food market to the city residents. This small step not only creates a connection with one of Oregon's greatest non-profits, but also takes a step in the direction of resolving homelessness.

I do not have a proposal to connect with the Oregon Food Bank but wanted to present the idea to the council. I hope you all take this idea into consideration or are able to find other alternatives that will immediately assist the homeless populations within Forest Grove.

Thank you for taking the time to read my letter.

Best,
Haley Walz

Anna Ruggles

From: Anthony Cameron <[REDACTED]>
Sent: Sunday, December 5, 2021 6:04 PM
To: City Councilors
Subject: Major speeding problem in this town

To whom it may concern, I have grown up in this town moved away briefly and I've moved back and I have never seen such a speeding problem in my entire life.

I witness excessive speeds of 10 to 20 miles an hour over everywhere I drive the street I live on I witnessed accidents, emergency vehicles, police no present, somebody needs to start making his presence known oh isn't that a ironic problem I can't even speak because I just heard a vehicle takeoff so fast.

I have spoken with the police department twice one response was I don't know if you knew if you know the difference between 25 and 35 mi./ an hour if you saw it.

This email is being done in speak to text as I'm walking down Gales Creek Highway please forgive the spelling and grammar errors.

There are many cities in the neighboring area that have a reputation for pulling over speeders and prosecuting them. Those cities are safe and slow abide by the speed limit driving conditions. It is way beyond time the city of Forest Grove creates that reputation!

--

Tony Cameron

Anna Ruggles

From: Steve Pettengill <[REDACTED]>
Sent: Tuesday, December 7, 2021 5:00 PM
To: City Councilors
Subject: fluoridation ordinance

Hello,

The fluoridation of our water began in the 50's,
I think, but is it still a good idea?

Not only are there health related issues, but most of
the money spent on fluoride goes down the drain, literally.

Is there any chance of this being put on the ballot for
citizens to vote on?

I can make a more formal presentation, if it helps.

Thanks for your time on this matter.

Sincerely,
Stephen Pettengill

Aging in Place Specialist
[REDACTED] NW Soda Springs Rd.
Gales Creek, OR 97117
[REDACTED] [REDACTED]

Anna Ruggles

From: Chris B. Billman [REDACTED] >
Sent: Thursday, December 9, 2021 8:57 AM
To: City Councilors
Subject: Do we have any planning completed? Or DEI forget about us again?
Attachments: 00003721800730-0644.pdf

Just be information and inclusive

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fpamplinmedia.com%2fdocuments%2fdocs%2f00003721800730-0644.pdf&c=E,I,QuOF3PiVDHkC0uINWPm72VoGaQTB3yiUr_uUd2gqwG8Erq9y2nEydyYlplwRi6yDQJYTvdsmlJX0sBNVXpsSzwrT0XSqNEAlcqPzZRoEXic-Hlta3eQ.,&typo=1

Chris Billman
[REDACTED] NW Cox Road
Forest Grove, Oregon
97116-9128
[REDACTED]

Anna Ruggles

From: Jesse VanderZanden
Sent: Friday, December 10, 2021 8:41 AM
To: Peter Truax
Subject: FW: Follow-up from yesterday's Scoggins Briefing - 2-pager
Attachments: Scoggins Fact Sheet v2.pdf

Good morning Pete,

I talked with Joe Gall last night and he reiterated that he and Mark would be happy to present this in front of Council and answer any questions. Perhaps after your report, ask the Council if they would like CWS to come out and present...that may allay and/or help resolve any questions that may arise.

Cheers, Jesse

From: Tracy Rainey [mailto:RaineyT@CleanWaterServices.org]
Sent: Thursday, December 9, 2021 8:29 AM
To: Peter Truax <ptruax@forestgrove-or.gov>
Cc: Jesse VanderZanden <jvanderzanden@forestgrove-or.gov>; Mark Jockers <JockersM@CleanWaterServices.org>
Subject: Follow-up from yesterday's Scoggins Briefing - 2-pager

Good morning, Mayor.

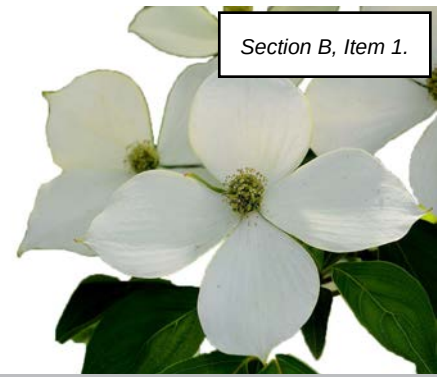
Per your request, I have attached the 2-pager document that was distributed at yesterday's meeting so that it can be shared with any councilors or staff that may find it useful. It was also noted during that meeting that a future briefing for councilors and staff may be helpful in the near future. We would be more than happy to coordinate with you on that if you think an additional briefing would be helpful.

Again, it was really great to see you in person yesterday. It has been too long!

Thank you.

Tracy Rainey | Senior Policy Analyst
 Clean Water Services | Government & Public Affairs
 2550 SW Hillsboro Hwy | Hillsboro OR 97123
 o 503.681.3649 | m 503.830.9772
RaineyT@CleanWaterServices.org
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SCOGGINS DAM/HAGG LAKE: PROTECTING PUBLIC SAFETY AND SECURING OUR WATER SUPPLY



Background

Scoggins Dam/Hagg Lake is a federal facility completed by the Bureau of Reclamation in 1977 and is the primary water source for Washington County. Hagg Lake provides drinking water for more than 400,000 residents; irrigation for 17,000 acres of the state's most productive farmland; and summertime flow to the Tualatin river to protect water quality and fish habitat.



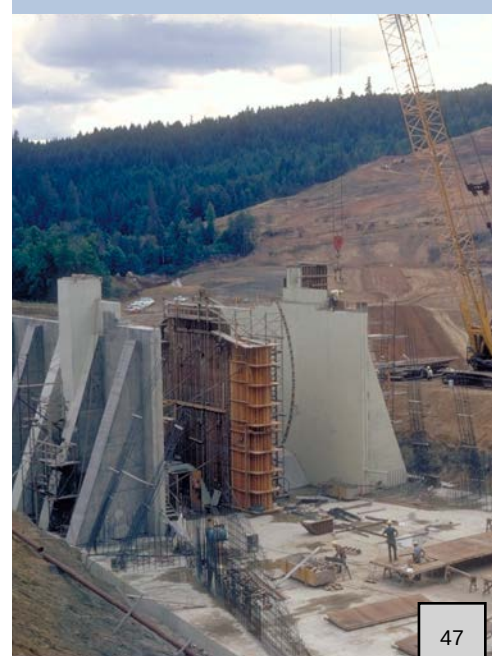
Protecting public safety and meeting the region's water needs are central to the Tualatin Basin Dam Safety and Water Supply Joint Project (TJP). The Tualatin Project repayment contractors (Clean Water Services, Tualatin Valley Irrigation District and the cities of Beaverton, Hillsboro and Forest Grove) have been working with the U.S. Bureau of Reclamation (Reclamation) for more than 16 years to make the necessary Scoggins Dam safety modifications to protect public safety and the basin's primary water supply against a major earthquake and also meet the long-term municipal, agricultural and environmental water needs of our region. Reclamation and CWS have been working together under Reclamation's Joint Project authority since 2016 to consider design concepts to combine dam safety modifications with expansion of the facility. The dam safety modifications are an 85 percent federal/15 percent local cost share. Additional benefits secured under a Joint Project, such as additional stored water, would be the responsibility of CWS as the local beneficiary.

Over the past five years, the Project Partners have been working on three options:

Modify the existing dam: This option would secure the existing water supply and is known as the Safety of Dams only or SOD-only project.

Modify and raise the existing dam: This option includes dam safety modification and the expansion of the existing reservoir.

Construct a new downstream dam: This option would construct a new concrete dam downstream to meet dam safety modification needs and include additional storage.



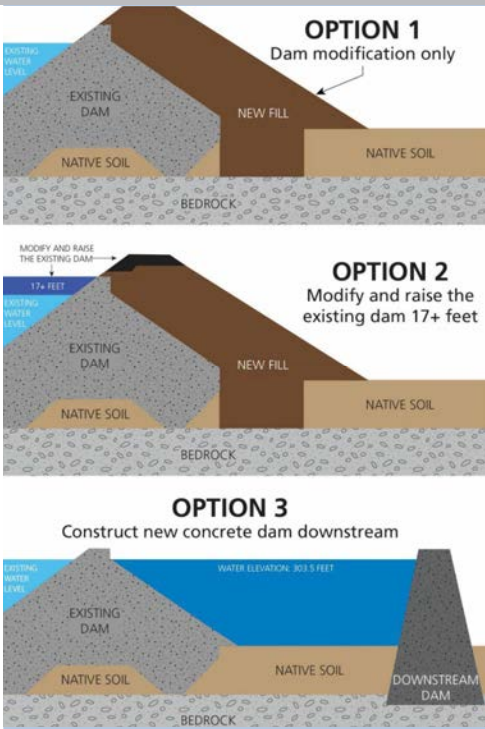
Design options not financially feasible; Infrastructure bill accelerates dam safety

In 2020, feasibility design studies indicated all three options were technically feasible but the estimated costs, ranging from \$750 million for the dam safety modifications alone to \$1.2 billion for the downstream option, were not financially affordable for Reclamation or CWS’ ratepayers at that time. The Project Partners agreed to do more analysis before making a decision on which option to move forward. Meanwhile, CWS determined that it could meet its long-term permit compliance obligations more efficiently and affordably by expanding water reuse, increasing the riparian shade program (Tree for All) and optimizing water releases and other mechanical technologies.

Given the high expense, combined with reasonable alternatives for future permit compliance, CWS and the other repayment partners are supportive of Reclamation’s Safety of Dams option. The Infrastructure Investment and Jobs Act (IIJA), signed in November, includes an unprecedented infusion of funding for Reclamation’s Safety of Dams and aging infrastructure programs, including the authorization of \$690 million for the federal share of the Scoggins Dam Safety modifications. The infusion of federal funding to Reclamation and the SOD program is a unique opportunity for our region, to protect public safety and secure our primary water supply.

Scoggins Dam seismic modifications — the time is now

The safety, security and reliability of Scoggins Dam is central to ensuring the drinking water, agricultural irrigation and instream flow needs of our region are met. The SOD-only project provides the most cost-effective and timely strategy to work with the federal government to protect public safety and secure the region’s primary water supply.



Everything we do at Clean Water Services aims to protect public health while enhancing the natural environment of the Tualatin River Watershed.

Clean Water Services

2550 SW Hillsboro Highway
Hillsboro, Oregon 97123
503.681.3600
cleanwaterservices.org



A place where families and businesses thrive.

**City Council Executive Session
Labor Negotiations**

**Monday, November 22, 2021
Zoom Community Auditorium**

Minutes are unofficial until approved by City Council.

A. Call to Order:

Mayor Truax called the Executive Session to order at 5:45 p.m. via Zoom Webinar Video Conference.

1. **ROLL CALL: COUNCIL PRESENT ATTENDED BY ZOOM WEBINAR:** Donna Gustafson; Kristy Kottkey; Timothy Rippe; Elena Uhing; Mariana Valenzuela; Malynda Wenzl; and Mayor Peter Truax.
2. **STAFF PRESENT ATTENDED BY ZOOM WEBINAR:** Jesse VanderZanden, City Manager; Chris Crean, City Attorney; Brenda Camilli, Human Resources Manager; Paul Downey, Assistant City Manager/Finance Director; Jim Geering, Fire Chief; Patrick Wineman, Fire Captain; and Anna Ruggles, City Recorder.

Mayor Truax introduced and welcomed Jim Geering, new Fire Chief of the City of Forest Grove Fire and Rescue, and by Intergovernmental Agreements, City of Cornelius and Rural Fire Districts of Gaston, Cornelius, and Forest Grove, noting Chief Geering's hire date was November 17, 2021.

B. Executive Session:

The City Council met in Executive Session in accordance with:

ORS 192.660(2)(D) to conduct deliberations with person designated by the governing body to carry on labor negotiations.

C. Adjournment:

Mayor Truax adjourned the Executive Session at 5:40 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder



A place where families and businesses thrive.

City Council Regular Meeting Minutes

Monday, November 22, 2021
Zoom Community Auditorium

Minutes are unofficial until approved by City Council.

A. Call to Order:

Mayor Truax called the regular City Council meeting to order at 7:00 p.m. via Zoom Webinar Video Conference. The meeting was held in a “hybrid” format allowing the public to attend both virtual and in-person in the Community Auditorium. Members of the public could observe the meeting **LIVE** on **Zoom Webinar** or on television on Tualatin Valley Community Television (TVCTV) Government Access Programming.

1. **ROLL CALL: COUNCIL PRESENT ATTENDED BY ZOOM WEBINAR:** Donna Gustafson; Kristy Kottkey; Timothy Rippe; Elena Uhing; Mariana Valenzuela; Malynda Wenzl; and Mayor Peter Truax.
2. **STAFF PRESENT ATTENDED BY ZOOM WEBINAR:** Jesse VanderZanden, City Manager; Chris Crean, City Attorney; Brenda Camilli, Human Resources Manager; Paul Downey, Assistant City Manager/Finance Director; Jim Geering, Fire Chief; Bryan Pohl, Community Development Director; Gregory Robertson, Public Works Director; Dan Riordan, Senior Planner; Patrick Wineman, Fire Captain; and Anna Ruggles, City Recorder.

Mayor Truax introduced and welcomed Jim Geering, newly-hired Forest Grove Fire Chief, and by Intergovernmental Agreements, City of Cornelius and Rural Fire Districts of Cornelius, Gaston and Forest Grove.

3. **Administer Oath of Office:**

Fire Chief Geering administered the Oath of Office to Gregory Cates, Forest Grove Firefighter.

B. Public Comment:

1. CC11-22-2021 Written Public Comments received by 3:00 p.m. on the day of the meeting were published in the Council Packet.

No testimony was heard via Zoom.

C. Consent Agenda:

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1. Approve City Council Work Sessions (Homelessness Legislation and Community Policing Advisory Commission (CPAC) Purpose and Bylaws) Meeting Minutes of November 8, 2021.
2. Approve City Council Regular Meeting Minutes of November 8, 2021.
3. Accept Community Forestry Commission (CFC) Meeting Minutes of October 13, 2021.
4. Accept Community Policing Advisory Commission (CPAC) Meeting Minutes of August 19, 2021.
5. Accept Parks and Recreation Commission (P&R) Meeting Minutes of June 17, July 21, August 18, and September 15, 2021.
6. Accept Public Arts Commission (PAC) Meeting Minutes of September 16, 2021.
7. Accept Sustainability Commission (SC) Meeting Minutes of September 23, 2021.

MOTION: Council President Wenzl moved, seconded by Councilor Kottkey, to approve the Consent Agenda as presented. **VOICE VOTE:** AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. **MOTION CARRIED 7-0.**

D. Additions/Deletions:

1. City Manager – none.
2. Proposed by Councilors – none.

E. Presentations:

1. Washington County Department of Housing Services, Supportive Housing Services Program Quarterly Report Q1 FY2021/22, Jes Larson, Supportive Housing Services Program Manager

Presented a PowerPoint presentation overview of Washington County's Supportive Housing Services (SHS) Program, Fall 2021 Implementation Update, noting Washington County currently operates 102 new year-round bridge shelter rooms (20 at Forest Grove Inn) and Winter Shelter Program provides 187 shelter beds and motel rooms and operates between November and March to provide life-saving emergency shelter. The County is looking for additional real property, buildings and/or sites that are located within Washington County's jurisdiction to expand the shelter programs.

F. Public Hearings, Ordinances, and Resolutions:

1. **CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2021-04 VACATING RIGHT-OF-WAY PROJECTING NORTH FROM PACIFIC AVENUE AT MOUNTAIN VIEW LANE INTERSECTION; APPLICANT: DOHERTY FORD (MICHAEL DOHERTY); FILE NO. 311-21-000036-PLNG**

The first reading of Ordinance No. 2021-04 by title and motion to adopt occurred at the meeting of November 8, 2021.

Staff Report:

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Pohl presented the above-proposed ordinance for second reading, noting staff received written public comment as noted below. Pohl had nothing further to report.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of November 8, 2021, and explained hearing procedures.

Written Objections/Written Testimony Received:

Charlotte Lumae, Forest Grove, submitted an e-mail dated November 8, 2021, asking to require the applicant to build sidewalks along their property as a condition of approval for vacating the right-of-way.

No other written objections or written testimony was received.

Proponents:

No one else testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

No one testified and no written comments were received.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Council Discussion:

In response to Valenzuela's concern, Pohl advised the vacation criteria has been met pursuant to ORS, noting the areas where sidewalks are lacking will be addressed in the Forest Grove Safety Improvement Plan.

Hearing no further concerns from the Council, Mayor Truax asked for a roll call vote on the motion made at the meeting of November 8, 2021.

VanderZanden read Ordinance No. 2021-04 by title for second reading.

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Valenzuela, Uhing, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

2. **PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2021-05 ANNEXING 24.5 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY**

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TAX LOT 1N330000100; APPLICANT: RYAN O'BRIEN, REPRESENTING PROPERTY OWNER, DAVIS FAMILY TRUST; FILE NO. 311-21-000037-PLNG

Staff Report:

Riordan presented the above-proposed ordinance for first reading, noting the proposed ordinance is annexing 24.5 +/- acres of land into the City limits and Clean Water Services District and withdrawing the tract from the Forest Grove Rural Fire Protection District; Washington County Tax Lot 1N330000100; Applicant: Ryan O'Brien, representing property owner, Davis Family Trust; File No. 311-21-000037-PLNG. The annexation is concurrent with Orders, which will be presented at the next Council meeting of December 13, 2021, proposing to amend the Comprehensive Plan Map for property subject to annexation to re-designate approximately 1.5 acres from Public to Medium Density Residential and amending Zoning Map to assign the Neighborhood Mixed Use and Residential Multifamily Low zoning designations to property subject to annexation; Washington County Tax Lot 1N330000100. In conclusion of the above-noted staff report, Riordan advised staff is recommending Council approve the proposed ordinance, as outlined in Exhibit A, and Exhibit B, and as outlined in Exhibit C, Findings of Fact for Approval of Annexation; and Planning Commission Findings and Decision No. 2021-04, dated November 1, 2021.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2021-05 for first reading.

VanderZanden read Ordinance No. 2021-05 by title for first reading.

MOTION: Councilor Rippe moved, seconded by Councilor Gustafson, to adopt Ordinance No. 2021-05 Annexing 24.5 +/- acres of land into the City Limits of Forest Grove and Clean Water Services District and Withdrawing the tract from the Forest Grove Rural Fire Protection District; Washington County Tax Lot 1N330000100; Applicant: Ryan O'Brien, Representing Property Owner, Davis Family Trust; File No. 311-21-000037-PLNG.

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained hearing procedures.

Written Testimony Received:

No written testimony was received addressed to Council.

Proponents:

Ryan O'Brien, representing property owner, testified in support of the proposed annexation, noting the site has been sold and will be redeveloped. O'Brien referenced two letters in support, which were submitted at the Planning Commission hearing and included in the Council packet.

No one else testified.

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Opponents:

No one testified.

Others:

No one testified.

Public Hearing Continued:

Hearing no further concerns from the Council, Mayor Truax continued the Public Hearing to December 13, 2021.

3. **INFORMATIONAL PUBLIC HEARING AND RESOLUTION NO. 2021-59 FORMATION OF PROPOSED REIMBURSEMENT DISTRICT PURSUANT TO CITY CODE SECTIONS 151.110 TO 151.124, WAUNA CREDIT UNION PUBLIC IMPROVEMENT REIMBURSEMENT DISTRICT**

Staff Report:

Robertson and Crean presented the above-proposed resolution for Council consideration, noting as required in Code Section 151.113, the proposed resolution contains the finalized Engineer's Report (Exhibit A) on the proposed formation of Wauna Credit Union (WCU) Public Improvement Reimbursement District, located at 3532 Pacific Avenue, Applicant. Robertson reported the Engineers Draft Report was pulled from the Council meeting agenda on August 10, 2020, Resolution No. 2020-85, to address issues concerning the allocation of costs among benefiting parcels within the proposed Reimbursement District. Subsequently, on January 25, 2021, Resolution 2021-06 was TABLED to a date uncertain to allow city attorney, staff and all parties time to address issues of mutual concern. The applicant is entitled to recoup a portion of the cost of the storm service improvement (Poplar Street Storm Pipe Extension Reimbursement District). Upon further examination and reconciliation, the total equivalent costs was \$191,652.00. The reimbursement on a per acre basis is \$20,089.31 and is consisting of 9.54 acres and five tax lots that would potentially benefit and be subject to reimbursement. The right to reimburse exists for 10 years from the district formation date and cannot exceed 20 years. In conclusion of the above-noted staff report, Robertson and Crean advised staff is recommending Council consider continuing the hearing to the next Council meeting of December 13, 2021, to allow a major property owner, who was unable to attend, an opportunity to attend the continuation hearing and provide testimony.

Informational Public Hearing Opened:

Mayor Truax opened the Informational Public Hearing and explained the hearing procedures.

Written Testimony Received:

Debi Smiley, Chief Marketing Officer, Wauna Credit Union, representing applicant, submitted written testimony dated October 28 and November 15, 2021.

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Michael Robinson, Schwabe Williamson & Wyatt, representing Jesse Nemec, J. T. Smith Companies, submitted written testimony dated October 29, 2021.

No other written testimony was received.

Proponents:

Debi Smiley, Chief Marketing Officer, Wauna Credit Union, Forest Grove, applicant, testified in support and asked for resolution from the Council on the proposed Reimbursement District.

No one else testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

Michael Robinson, Schwabe Williamson & Wyatt, representing Jesse Nemec, J. T. Smith Companies, asked to continue the hearing to December 13, 2021, to allow the above-noted client, who is currently out of the country, to attend the hearing and provide testimony.

No one testified and no written comments were received.

Informational Public Hearing Continued:

Hearing no further concerns from the Council, Mayor Truax continued the Informational Public Hearing to December 13, 2021.

4. **RESOLUTION NO. 2021-60 AUTHORIZING CITY MANAGER TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN CITY OF FOREST GROVE AND WASHINGTON COUNTY FOR DESIGN OF GALES CREEK ROAD AT THATCHER ROAD INTERSECTION IMPROVEMENTS**

Staff Report:

Robertson presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing the City Manager to endorse an Intergovernmental Agreement (IGA) between the City and Washington County for design of Gales Creek Road at Thatcher Road Intersection Improvements. Robertson reported the improvements include the reconfiguration of the intersection geometry to improve safety, a new pedestrian crossing with island harborage, sidewalks, curb and gutter and stormwater facilities. In conclusion of the above-noted staff report, Robertson advised staff is recommending Council approve the proposed resolution, as outlined in Exhibit A, noting the estimated project is approximately \$1,385,000 and City's share is \$605,000, which has been budgeted.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-60.

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VanderZanden read Resolution No. 2021-60 by title.

MOTION: Councilor Kottkey moved, seconded by Councilor Rippe, to adopt Resolution No. 2021-60 Authorizing City Manager to Endorse an Intergovernmental Agreement (IGA) between City of Forest Grove and Washington County for Design of Gales Creek Road at Thatcher Road Intersection Improvements.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

5. **RESOLUTION NO. 2021-61 ESTABLISHING AN AD-HOC SUBCOMMITTEE OF CITY COUNCIL WITH THE PURPOSE OF MAKING RECOMMENDATIONS TO CITY COUNCIL ON POTENTIAL SHELTER OPTIONS**

Staff Report:

VanderZanden presented the above-proposed resolution for Council consideration, noting at the November 8, 2021, work session, Council voiced consensus to form a Council subcommittee for the purpose of making recommendations to Council on potential shelter options. VanderZanden reported staff envisions this effort will be comprised of 3-4 meetings, including a tour, meetings with City and County staff, non-profits, and community members, and comprising recommendations. In conclusion of the above-noted staff report, VanderZanden advised staff is recommending Council approve the proposed resolution, as outlined in Exhibit A, noting if approved, the Ad-Hoc Subcommittee would be subjected to the public meetings law.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-61.

Mayor Truax reported Kottkey, Rippe and himself submitted interest in serving on the Ad-Hoc Subcommittee, to which the motion to amend was added as noted below.

MOTION: Councilor Uhing moved, seconded by Councilor Valenzuela, to adopt Resolution No. 2021-61 establishing an Ad-Hoc Subcommittee of City Council with the purpose of making recommendations to City Council on Potential Shelter Options; and Amending Section 3 to name members of the Ad-hoc Subcommittee: Councilor Kottkey, Councilor Rippe and Mayor Truax.

VanderZanden read Resolution No. 2021-61 by title as amended.

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November 22, 2021
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Council Discussion:

In response to Uhing's inquiry pertaining to the Council Subcommittee's date of completion, Mayor Truax advised the subcommittee will need approximately two months to complete the scope. In response to Uhing's inquiry pertaining to community input, VanderZanden advised public comment can be part of the subcommittee's scope.

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

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

6. RESOLUTION NO. 2021-62 AUTHORIZING EXECUTION OF A LABOR AGREEMENT BETWEEN CITY OF FOREST GROVE AND FOREST GROVE PAID FIREFIGHTER'S ASSOCIATION (FGPFA), EFFECTIVE JULY 1, 2021 AND EXPIRING JUNE 30, 2024

Staff Report:

Camilli presented the above-proposed resolution for Council consideration, noting the resolution is authorizing execution of a labor agreement between the City and Forest Grove Paid Firefighters Association (FGPFA), effective July 1, 2021 through June 30, 2024. Camilli reported staff met with FGPFA and negotiated the labor agreement, noting language modifications to the agreement include the following:

- Implementation of "Kelly Days" at the rate of one every 16 shifts and the creation of two (2) additional shift schedules, allowing maximum deployment flexibility for a variety of shifts which will allow dynamic adaptability in responding to the increased demand for fire/EMS services.
- No COLA increase for the first year due to implementation of Kelly Days, which increases the hourly rate of pay for firefighters by 6.38% effective upon approval of the contract; wage increases were bargained for all classifications covered by the agreement of three percent (3.00%) each year effective on July 1, 2022 and July 1, 2023.
- Affected articles of the contract were revised due to addition of Kelly Days changing the scheduled work week of 24/48 shift employees from 56 to 52.64 hours.

Term: Extends the term of the labor agreement for three years, effective July 1, 2021, to June 30, 2023.

In addition, Camilli reported the costs to implement the monetary terms of the agreement are within the parameters set by Council. In conclusion of the above-noted staff report, Camilli advised staff is recommending Council consider approving the proposed FGPFA labor agreement as outlined in Exhibit A.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2021-62.

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VanderZanden read Resolution No. 2021-62 by title.

MOTION: Council President Wenzl moved, seconded by Councilor Rippe, to adopt Resolution No. 2021-62 Authorizing Execution of a Labor Agreement between City of Forest Grove and Forest Grove Paid Firefighter's Association (FGPFA), Effective July 1, 2021 and Expiring June 30, 2024.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

G. Council Communications:

1. Councilor Reports

Gustafson briefed attending the Red Door Project, noting she was very impressed with the training. Gustafson encouraged the boards and commissions to attend the training. In addition, Gustafson briefed attending Washington County Public Safety Coordinating Council meeting.

Kottkey's written report was distributed in the Council Packet. Kottkey briefed attending the Red Door Project. In addition, Kottkey presented Community Policing Advisory Commission's (CPAC) video highlighting CPAC's updates, which was presented by Carlos Covarrubias, Vice Chair.

Rippe briefed attending Washington County Coordinating Committee meeting. Rippe briefed on matters pertaining to National League of Cities (NLC) Transportation and Infrastructure Services (TIS) federal advocacy committee meeting. Rippe briefed attending Red Door Project. In addition, Rippe was highly commended on achieving a RAISE grant for the Council Creek Regional Trail Corridor.

Valenzuela briefed on matters pertaining to Washington County Community Development Block Policy Advisory meeting, noting she is advocating for implementation of codes to allow for manufactured homes on individual lots within residential zones and added protection for mobile home communities, similar to Cornelius's codes.

Uhing briefed on Senate Bill 582, pertaining to Recycling Moderation, which is effective January 1, 2022, noting Sustainability Commission will be reviewing the new bill and determine if any action is needed. In addition, Uhing highlighted on Sustainability Commission and Historic Landmarks Board-related activities. Uhing asked that a joint work session with CPAC be

City Council Regular Meeting Minutes
November 22, 2021
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scheduled on a Council agenda to allow further discussion with CPAC. Additionally, Uhing asked that work session be scheduled on a Council agenda to review sections of the Council Rules pertaining to Mayor and Council President.

Council President Wenzl briefed attending Parks and Recreation Commission (P&R) meeting, noting she highly commends the Aquatic Center staff for implementing new improvements and recreational online registration.

2. City Manager's Report

VanderZanden briefed on the various department-related projects and activities and Council calendar updates. VanderZanden outlined the process for the two Council Subcommittee work sessions to conduct boards/commissions interviews, which will be held simultaneously on Monday, November 29, 2021, starting at 5:15 p.m., via Zoom. In addition, VanderZanden briefed on the League of Oregon Cities' (LOC) draft legislative concept to pilot city/cities/county homelessness response coordination, noting the draft pilot framework would fund five pilot coordinated programs with \$1 million each for two years. Interested communities are required to submit a formal letter of interest from the regional jurisdictions to LOC no later than December 10, 2021. Priority will be given to jurisdictions who can successfully meet all framework requirements. In conclusion of the discussion, VanderZanden asked for Council consensus to allow staff to work with Washington County to express interest in the program by submitting a letter of interest to the LOC, to which Council had no concerns.

3. Mayor's Report

Mayor Truax briefed on House Bill 2560, which is effective January 1, 2022 (ORS 192.670(3)), pertaining to Electronic Participation in Public Meetings, noting the bill requires, to the extent reasonable, the governing body of a public body to allow for virtual or electronic participation in public meetings. In addition, Mayor Truax briefed on various meetings he attended, community-related events and Washington County-related matters of interest.

H. Adjournment:

Mayor Truax adjourned the regular Council meeting at 9:38 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder

Approved

Forest Grove Library Commission
Meeting Date – 6:30PM Tuesday, October 19, 2021
ZOOM Teleconference
Page 1

*Minutes are unofficial until approved by the Library Commission.
 Library Commission approved minutes as amended November
 15, 2021.*

- 1) **CALL TO ORDER AND ROLL CALL:** Pamela Bailey, Chair, called the meeting of the Library Commission to order at 6:30PM on Wednesday, October 19, 2021

Members Present: Pamela Bailey, Chair; Hattie Krebsbach, Elizabeth Beechwood, Morgan Knapp, Kirsten Beier

Members Absent: Valyrie Ingram (excused), Kathleen Poulsen (unexcused), Sam Ruder (student representative) (excused)

Staff: Colleen Winters, Library Director

Council Liaison: Mayor Truax

Others: None

- 2) **PUBLIC COMMENT:** None

- 3) **CONSENT AGENDA:** Morgan Knapp moved, seconded by Hattie Krebsbach, to approve the September 8, 2021 minutes as amended. **MOTION CARRIED** by all.

- 4) **ADDITIONS/DELETIONS:** None

- 5) **DISCUSSION/DECISION ITEMS:**

a) **Patron Access:**

Pamela Bailey presented the topic of patron access and how it's become very important /changing since the beginning of the pandemic. Colleen Winters continued the topic by stating that some patrons are back in the library, some still use the curbside pickup, some use a hybrid of the two, and some patrons have not returned. It's difficult for library staff to do any strategic planning based on patron usage right now. Staff considered asking patrons but feel like staff wouldn't be able to get good information because patrons themselves don't know what they'll want in the future. Because of that, staff recommends making small changes as time goes by to address patron access. Next month, Colleen will be participating in the WCCLS SME regarding what the libraries can do to address this issue and will report back to us.

In the meantime, Colleen asks the Commissioners to assist with some fact-finding. Each Commissioner will gather information about other

Forest Grove Library Commission
Meeting Date – 6:30PM Tuesday, October 19, 2021
ZOOM Teleconference
Page 2

public libraries approximately the same size as the Forest Grove Library and what kind of Outreach programs those libraries are offering. She also asks Commissioners to come to the next meeting prepared with this information and what we, as patrons, feel is important about patron access.

6) B/C COMMUNICATIONS:

Morgan Knapp shared that a friend of hers has gotten a lot of her books on Kindle since the pandemic. Colleen Winters noted that WCCLS buys electronic media and tries to buy more and more but can't keep up with patron demand at this time.

7) STAFF COMMUNICATIONS:

Colleen Winters reported these items:

- a) Director's Report – Colleen commended the staff on carrying on in her absence. The Library of Things will start soon. Lily Hawley, Teen Librarian, is making the teen area more inviting by adding signage to alert adult patrons that this is a teen area. Virtual programming continues – Jim and Bob will discuss the change in how many people view the programs live and how many watch the recorded program later and how to best serve patrons.
- b) Friends of the Library – The Friends cancelled their October meeting but plan to hand out bookmarkers at the downtown Trick Or Treating event.
- c) The Library Foundation of Forest Grove – The next meeting will be in about ten days and Colleen will report on it at the next Library Commission meeting.

8) COUNCIL LIAISON REPORT:

Mayor Peter Truax shared comments about the recent activities of the Forest Grove City Council:

- a) Negotiations with grocery store owners continues. There will not be housing above the store, if it happens, so that will alleviate parking issues.
- b) Two road projects are in the works: A roundabout at Martin and Hwy 47 will begin in a year or so. A roundabout at Hwy 47/Fernhill/Maple is in discussion due to the issue of the railroad crossing and the many school busses that use that road.
- c) The levy that brings in revenue for the library will expire in June 2023. The City Council is looking into options that would keep the library at status quo or add money to the library budget. There are work sessions coming up will discuss this and polling will be done in November/December to see how voters feel about them.

9) ANNOUNCEMENT OF NEXT MEETING:

Commissioners decided that the next meeting will be November 15th at 6:30PM.

Forest Grove Library Commission
Meeting Date – 6:30PM Tuesday, October 19, 2021
ZOOM Teleconference
Page 3

10) ADJOURNMENT

Hearing no further business, Chair Bailey adjourned the meeting at 8:00PM.

Minutes respectfully submitted by:

Colleen Winters, Library Director
Elizabeth Beechwood, Secretary

Approved



A place where families and businesses thrive.

**Planning Commission
Community Auditorium and Zoom
1915 Main Street, Forest Grove, OR
Monday, May 17th, 2021, 7:00 pm**

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

Chair Phil Ruder called the Planning Commission public hearing to order at 7:01 p.m. via Zoom Video Conference.

COVID-19: Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the Planning Commission limited in-person contact and social distancing. **The Planning Commission conducted the meeting remotely by video conferencing.** The meeting was remotely video conferenced by Planning Commission Coordinator Cassi Bergstrom as well as televised live from the projector screen at the Community Auditorium by Tualatin Valley Community Television (TVCTV) Government Access Programming LIVE Channel 30 on their website. To view the recorded meeting, please visit <http://tvctv.org/>. The public was allowed to attend via Zoom or observe in the Community Auditorium as space allowed (no more than 10 persons total at one time). Written comments on items not on the agenda and written testimony regarding the public hearing were accepted if submitted by May 17th, 2021, 3 p.m. to Senior Planner James Reitz.

Roll Call:

Planning Commission Present via Zoom Remotely: Phil Ruder, Chair; Commissioners Lisa Nakajima, Ginny Sanderson, Dale Smith, Joel Redwine, and Julie Danko.

Planning Commission Excused: Vice Chair Hugo Rojas.

Staff Present: Bryan Pohl, Community Development Director (remotely via Zoom); James Reitz, Senior Planner (in the Community Auditorium); Dan Riordan, Senior Planner (remotely via Zoom); Shannon Reynolds, Planning Commission Coordinator (in the Community Auditorium).

2. **PUBLIC MEETING:**

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

None.

B. **PUBLIC MEETING:**

(1.) File No. 311-21-000012-PLNG – Conditional use permit for a marijuana retailer at the location of 2420 Pacific Avenue.

Chair Phil Ruder opened the quasi-judicial public hearing at 7:03 p.m., reading the hearing procedures, criteria, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. There were no conflicts of interest and no challenges from the audience.

Senior Planner James Reitz gave a Power Point presentation, showing the location and aerial view of the site. Mr. Reitz summarized the application, explaining that this is a conditional use application to allow a recreational cannabis dispensary within an existing building located within the Town Center Transition (TCT) zoning district, and staff found nothing out of the ordinary for this application. Architectural renderings were shown to the Commissioners, including elevations, landscaping, parking lot arrangement, and exterior finishes. The garage to the rear of the property is not part of the application, as the property owner still utilizes the storage space. There is a dead street tree that will need replaced.

Staff recommends approval of the conditional use permit for a marijuana retailer at 2420 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 process; 2. The applicant shall comply with all applicable City building and development standards and public works specifications, including the replacement of the dead street tree.

Chair Ruder wondered how the property owner will access the garage when the facility is utilizing the parking behind the front structure. Mr. Reitz responded that since the property owner has moved to a larger building they have not been parking in that area at all.

CORRESPONDENCE:

Two emails from the same party were sent late in the afternoon, and the senders are in the audience to testify in person.

APPLICANT:

Danny Radditz, Realtor for Applicant, 34058 SE Sturgeon St, Scappoose, OR 97056:

Mr. Danny Radditz stated he did not have anything further to present, but would like to respond to any objections in the rebuttal period.

Chair Ruder inquired why Forest Grove was selected as a location for a cannabis shop, and Mr. Radditz stated that the Oregon market is heavily populated with dispensaries. Forest Grove is close to Hillsboro, and Hillsboro has very specific guidelines on where dispensaries can be placed whereas Forest Grove does not. The current applicant has a dispensary located in Corvallis and it has had no negative impacts to the community.

Sona Akopyan, Applicant, 7806 Cherry Stone Avenue, Panorama City, CA 91402:

Ms. Sona Akopyan introduced herself as the wife of the applicant and is available to answer any questions as well.

PROPONENTS:

None.

OPPONENTS:**Tammy & Bruce Clark, 2405 Pacific Avenue, Forest Grove, OR 97116:**

Ms. Tammy Clark came to the front of the auditorium and voiced concerns about having another dispensary in Forest Grove. Ms. Clark stated there are going to be five dispensaries in Forest Grove, and that is not a good impression for people who visit or locate to the town. Hillsboro, which is much larger in population, has five dispensaries.

Ms. Clark voiced concerns regarding the parking for the dispensary, as there are only seven parking spots total for their employees and customers. If another dispensary is going to be allowed, it should be located on the west side. Ms. Clark presented two articles that were part of her original correspondence in regards to crime and graduation rates in relation to marijuana shops.

Mr. Bruce Clark stated that Hillsboro is four times the size of Forest Grove, and we are saturated with dispensaries. Mr. Clark went on to say that Forest Grove needs more code like Hillsboro to limit where dispensaries can be located.

Eric Canon, 1923 Elm St, Forest Grove, OR 97116:

Mr. Eric Canon testified via Zoom, and explained that he owns the duplex east of the building. There is a shared driveway and easement between the subject property and Mr. Canon's duplex. The parking spaces for his duplex, in the past, have been used by the previous business, and he voiced concerns regarding parking when it turns into a dispensary. His renters will have issues with the inadequate parking.

OTHER:

None.

REBUTTAL:

The applicant rebutted, stating she is respectful of everyone's opinion. They will ensure parking remains open to the renters, and regardless of whatever business was in there the parking issues would remain. Currently, at their location in Corvallis, they have had no complaints from the current neighbors. The articles submitted are outdated when there were not many established legal dispensaries, and they are willing to do whatever it takes to work with the neighbors.

Commissioner Nakajima inquired how the building signage would be displayed, and Ms. Akopyan stated a logo on the building window would be put up but multiple signs are not proposed.

Commissioner Nakajima inquired how the parking would work for the two employees and customers. Mr. Radditz stated that the employees will park in the existing garage to the rear of the property to leave spaces open.

Chair Ruder closed the public hearing at 7:40 p.m.

COMMISSIONER DISCUSSION:

Chair Ruder asked for any questions or discussion regarding the conditional use application.

Commissioner Nakajima mentioned the preschool at Pacific University and wondered if it was taken into consideration for the buffer requirement of 1,000-feet. Mr. Reitz responded that it was not, but it will be investigated. Commissioner Redwine commented that the preschool now serves up to fourth grade. Mr. Reitz stated that if the state determines the school is within 1,000-feet the application will be denied regardless of the approval of the conditional use permit request.

Chair Ruder reminded Commissioners on how determinations are made when it comes to conditional use applications and the applicable standards and criteria, as the Planning Commission cannot pick and choose which businesses they want in town.

Commissioner Nakajima asked Mr. Canon what kind of sufficient signage would be needed to keep his rental parking spaces open, and Mr. Canon did not have a good solution as he thinks signage is ignored. The problem is not ever going to go away.

Commissioner Sanderson moved a motion to approve file number 311-21-000012-PLNG – Conditional use permit for a marijuana retailer at the location of 2420 Pacific Avenue subject to conditions set forth by staff. Commissioner Redwine seconded the motion.

Roll Call Vote on Motion: AYES: Chair Ruder; Commissioners Sanderson, Smith, Nakajima, and Danko. NOES: None. ABSTAIN: None. ABSENT: Vice Chair Rojas. MOTION CARRIED 6-0.

C. ACTION ITEMS:

None.

D. WORK SESSION ITEMS:

(1.) Westside Urban Growth Area Infrastructure Based Time Extension Request (IBTER) Application

Senior Planner Dan Riordan gave a presentation regarding the IBTER application along with House Bill 2001 (HB 2001) and the work the City has to begin implementing the code. The Council will be presented with the Infrastructure Based Time Extension Request (IBTER) on June 14th for a resolution.

Mr. Riordan went on to explain that the David Hill urban growth area is an example of an area that has significant infrastructure deficiencies and an IBTER will be applied specifically for that area. The area lacks transportation infrastructure, storm drainage, sewer services and water pressure, which is why an IBTER would apply.

The City received a grant from the Oregon Department of Land Conservation and Development (DLCD) to prepare a complete IBTER application and the requirements to apply. The total infrastructure costs are very costly, and the system development charges are not adequate to fund the projects. The application is due to the DLCD by June 30th.

Mr. Riordan explained to Commissioners the implementation of House Bill 2001 and the Development Code changes that will need to take place: Duplexes on any lot zoned residential and tri-plexes, quad-plexes, cottage clusters, and townhomes in areas that are zoned residential. A clear and objective approval process must be made available to applicants.

The DLCD prepared a model code for HB 2001 for cities to adopt, and the city can choose to: Adopt the model code in its entirety; modify the model code standards to be less restrictive; or prepare a code distinct from the model code. The City also needs to demonstrate a method of affordability for middle housing. Currently the City has adopted methods to make housing more affordable by deferring or waiving certain system development charges but lacks a construction tax.

Mr. Riordan explained the implementation measures in order to adopt the HB 2001, and staff recommends that the Planning Commission form a subcommittee to address policy questions with stakeholder involvement.

Chair Ruder inquired how many Commissioners would make up the subcommittee, and Mr. Riordan responded that two or three would be appropriate.

Commissioners Nakajima, Sanderson, and Danko volunteered to form the subcommittee with an anticipation of two or three meetings. The consensus from Commissioners would be to adopt the state model code with local modifications. An initial kick off meeting would occur in July, and the public hearing process should start after the first of the year to meet the State's timeline for adoption.

Commissioner Nakajima moved a motion for the Planning Commission form a subcommittee of implementation of House Bill 2001 with Commissioners Danko, Nakajima, and Sanderson. Commissioner Danko seconded. All in favor.

3. BUSINESS MEETING:

A. APPROVAL OF MINUTES:

Commissioner Redwine moved to approve the minutes of the April 5th, 2021 meeting. Commissioner Smith seconded. Motion passed 6-0.

B. REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:

Chair Ruder wondered where the Commission stood regarding the Development Code for the cannabis facility location. Commissioners Sanderson, Nakajima, and Danko would be in favor of the Development Code being re-examined regarding the distance from schools and parks. Mr. Reitz explained the process in order to change the current Development Code.

C. DIRECTOR'S REPORT:

Mr. Reitz informed Commissioners of a pre-application meeting for a 150-lot planned unit development off Watercrest and Thatcher Road. The Popeye's Restaurant on the corner of Poplar Street and Pacific Avenue was approved through land use. Mod Pizza is considering the tenant space available in the Pacific Grove commercial building.

Mr. Riordan updated Commissioners on Site B Urban Renewal project at the Jesse Quinn has shown some development interest in the form of a boutique grocery store with residential units above.

D. ANNOUNCEMENT OF NEXT MEETING:

The next meeting is to be determined.

E. ADJOURNMENT:

The meeting was adjourned at 8:45 p.m.

Respectfully submitted by:

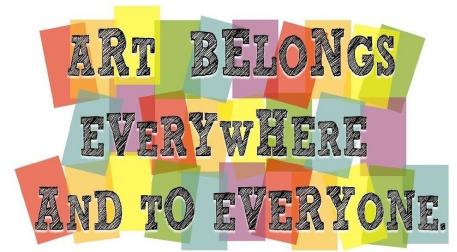
Cassi Bergstrom

Digitally signed by Cassi Bergstrom
DN: O=City of Forest Grove, CN=Cassi Bergstrom,
E=cbergstrom@forestgrove-or.gov
Reason: I am the author of this document
Location: your signing location here
Date: 2021.11.19 10:49:45
Foxit Reader/PDF Version: 9.7.5

Cassi Bergstrom
Planning Commission Coordinator



A place where families and businesses thrive.



**PUBLIC ARTS COMMISSION
MEETING MINUTES**

**Thursday, October 21, 2021
Library Rogers Room, ZOOM**

Minutes Approved by the PAC on November 18, 2021

1. CALLED TO ORDER:

Dana Eytzen, Chair, called the meeting to order at 5:05 p.m.

ROLL CALL: Dana Eytzen, Pat Truax, Linda Taylor, Amy Tracewell, Brenna Cooper

STAFF PRESENT: Colleen Winters, Anne Lane

COUNCILOR PRESENT: Councilor Marianna Valenzuela

ABSENT: Emily Lux, Leslie Crandell Dawes, Kathleen Leatham

GUEST: Cherie Savoie Tintary

2. PUBLIC COMMENT: None.

3. CONSENT AGENDA:

A. *Approve B/C Meeting Minutes of September 16th, 2021.*

MOTION: Motion to approve minutes as written made by Pat. Linda seconded.
MOTION CARRIED, UNANIMOUSLY.

4. ADDITIONS/DELETIONS:

Deletion: Sponsorship application from Valley Art.

5. DISCUSSION/DECISION/PRESENTATION ITEMS:

A. Open Aire Gallery Call for Art. We need to set the time to pick another piece. Dana will send an email with a day for those interested. Dana let the artist know that she was chosen and she has some concerns about the visibility on that location. Dana will continue the discussion with the artist. Dana talked to the artist about making it higher and she could do that no problem. It does say in the call that we would be choosing the location for

each piece. But we should definitely work with the artist in the location. The site was chosen for that selection was that art should engage people in discussion and not just be a visual drive by. There was thinking that this piece of art would be present for a great many different events and having this sculpture where people congregate for public discourse gives it potentially more opportunity to promote more conversation. The title of the piece is “Seven Generations” and building upon each other’s strengths to give strength to the next generation. There are three or four city gatherings there each year. We will wait to see what the artist says. Dana presented this to the city council and they had no questions.

- B. Raziah from Tualatin Valley Creates wants to be present at our next meeting. Also, Linda wants to talk about what to do with children’s art supplies.

6. **INFORMATION / UPDATE ITEMS:**

- A. **Finance Report:** Reviewed. No action since August.
- B. **Artwork Donation Update:** Colleen spoke with Susan, the donor who contributed her mother’s artwork to the library. The donor is fine with putting these in another public setting. She is going to drop off the donation to the library shortly as she has moved out of the area. She thought the senior center would be a good location for these donated pieces.
- C. **Mural Festival Update:** The call is out. The deadline is November 12th. The jury is meeting on the 16th and our next meeting is two days after that. We will discuss things at our next regular meeting. If you know anyone, please help get the word out. We have not received any submissions to date.
- D. **City Sesquicentennial Committee Update:** The committee met again and Dana is still confused as to the actual plan. At first it seemed like we were going to be supportive of all the other events in the community. Toward the end, it seems like the committee was going to plan some kind of event. One thing we did talk about was the fact that the chamber did a logo that Dana shared. They are still trying to figure out what everyone is doing.

7. **B/C COMMUNICATIONS:**

Leslie submitted a coupon code for their new production.

8. STAFF COMMUNICATIONS:

Colleen talked about the transition of Bev to Jamie. Jamie wants to get boxes of our coloring book boxes out of the library. At one point there was a conversation about putting a sticker over the date and trying to sell them again. We need to clean up the library public arts area above the library and then put the bookcase upstairs.

9. COUNCIL LIAISON REPORT:

Mariana noted that she is going to be a grandma!

10. ANNOUNCEMENT OF NEXT MEETING: The next meeting will be held on November 18th, 2021.

11. ADJOURNMENT: The meeting adjourned at 5:36 p.m.

Respectfully submitted by Emily Lux, as written by Amy Tracewell.



A place where families and businesses thrive.

**CITY OF FOREST GROVE
SUSTAINABILITY COMMISSION
ZOOM WEBINAR & COMMUNITY AUDITORIUM
THURSDAY, OCTOBER 28, 2021 – 6:00 P.M.**

MEETING MINUTES Approved by Commission on November 18, 2021.

CALL TO ORDER: Chair Nieves called the meeting to order at 6:04 PM.

Sustainability Commission Present:

Elena Uhing

Tonya Johnson

Amber Nieves

Johanna Peeters Weem

Greg Arrigotti

Steven Barnard

Robin Lindsley

Absent, Unexcused: None

Absent, Excused: Ed Uecker, Fallon Harris

Staff: Paul Downey, Elizabeth Stover

Guests: Ellen Hastay

1. **Community Communications:** None.
2. **Commissioner Communications:** Chair Nieves read the Sustainability Commission mission statement: Using all resources (societal, economic, and natural) in an efficient and equitable manner. Sustainability in Forest Grove means considering long-term environmental, economic, and social impacts of our actions. Sustainability prioritizes long-term needs over short-term gains to ensure that resources necessary to sustain life are available now and in the future. Lindsley stated that a few Councilors had a tour of the Dairy Creek Community Food pantry garden. Peeters Weem updated on the high school's clothing pantry, and that the Council will meet on November 22 to discuss youth involvement in the community. Nieves announced she will not be renewing her term on the commission.
3. **Consent Agenda & Review Minutes:** Nieves moved to approve September minutes. Lindsley seconded. Unanimously approved.
4. **Agenda Additions/Deletions:** None.
5. **Mini-Grant Application, Ellen Hastay:** Hastay presented the Dairy Creek Cookbook project to the commission. Members had a discussion around the sustainability of producing the cookbooks, equity in the distribution and accessibility, where the mini-grant funds would be directed and how it would be tracked, and measured against the mini-grant rubric. Nieves moved to vote no, Peeters Weem seconded, and Lindsley recused herself. The commission voted no; however, the members were open to reviewing a revised mini-grant application from Hastay. Nieves to provide comments to staff, and staff to forward information to Hastay.
6. **Mini-Grant Community Education Opportunities:** Commission discussed avenues to communicate to the community about the availability of mini-grant funds. Johnson to work with staff to create messaging that can be used across various communication channels.
7. **Burn Plan Discussion:** Peeters Weem updated the Commission on the Burn Plan subcommittee progress. Councilor Uhing and Downey discussed expectations for a commission recommendation to Council. Staff to provide a research/report outline to the commission as a template.

- 8. Council Liaison Report:** Uhing updated the commission regarding: community events, Support Housing Services, Homeless Plan Advisory Committee efforts, Communication Plan, Site B, aquatics center changes, board and commission interviews, American Rescue Plan Act funds, and Smart Cities. Arrigotti asked to what extent the Council would like to see the City of Forest Grove become a Smart City. Uhing requested the commission review and provide recommendations as to its feasibility.
- 9. Staff Report:** Downey updated the commission regarding: Fresh Foods, American Rescue Plan Act, Economic Development Coordinator and Program Coordinator positions, Metro's solid waste changes, Development Services Annex and City Hall renovation, Community Garden relocation, and the replacement levy. Stover updated regarding the Diversity, Equity, and Inclusion Plan.
- 10. Future Agenda Topics:** For the November meeting:
 - Burn Plan
 - Messaging: mini-grant funds outreach
 - Smart Cities
 - Recycling Modernization Act guest speaker
- 11. Adjournment:** Nieves adjourned the meeting at 7:57 pm.

Respectfully Submitted,

Elizabeth Stover, Program Coordinator

City of Forest Grove

Approved by the Forest Grove Sustainability Commission: Date: 18 November 2021



Monthly Building Activity Report

November-21

2020-2021

Category	Period: November-20		Period: November-21	
	# of Permits	Value	# of Permits	Value
Man. Home Setup				
Res 1 & 2 Family New	9	2,604,340.00	20	5,314,007.64
SFR Addition & Alt/Repair	6	271,356.60	2	42,660.50
MultiFamily New			1	2,520,394.13
Multi Family Alterations/Repair/Additions			31	964,031.00
Group Care Facility				
Commercial New				
Commerical Addition				
Commercial Alt/Repair	1	2,450.00	7	230,314.00
Industrial New			2	1,178,359.00
Industrial Addition				
Industrial Alt/Repair	2	5,000.00	2	1,611,718.00
Gov/Pub/Inst (new/add)	2	22,477.00		
Signs	1	1,740.00	1	18,000.00
Grading				
Demolitions				
Total	21	\$2,907,364	66	\$ 11,879,484.27

24 Units

Fiscal Year-to-Date

2020-2021		2021-2022	
Permits	Value	Permits	Value
104	\$12,703,443	190	\$67,275,218

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: 12/13/2021FINAL ACTION: RESO 2021-63**CITY COUNCIL STAFF REPORT****TO:** *City Council***FROM:** *Jesse VanderZanden, City Manager***PROJECT TEAM:** *Anna Ruggles, CMC, City Recorder***MEETING DATE:** *December 13, 2021***SUBJECT TITLE:** *Accept B/C Resignations and Approve Resolution Making Various B/C Appointments & Reappointments***ACTION REQUESTED:**

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

Pursuant to City Council Rules, §14, the City shall solicit boards and commissions (B/C) applications. The B/C recruitment period was open to new applicants as well as applicants seeking reappointment. The B/C recruitment announcement was published on social media, utility insert and website from August through mid-October. The application was available online in multiple languages. Applications are accepted year around and remain active for one year from the date of submittal. Interviews are conducted annually after the open recruitment period. Applicants must attend an interview in order to be eligible for reappointment and appointment.

The Council assign two Council Subcommittee Interview Panels:

- Subcommittee 1: Councilors Gustafson (URAC); Kottkey (CFC; CPAC); Rippe (EDC); and Council President Wenzl (CCI; P&R) (Facilitator)
- Subcommittee 2: Councilors Uhing (HLB; SC); Valenzuela (PAC); and Mayor Truax (LC) (Facilitator)

The Council held simultaneous interview panels on Monday, November 29, 2021. The Council jointly interviewed Budget Committee and Planning Commission applicants. Once the interviews were concluded, Council arrived at a consensus to make appointments and reappointments and requested staff prepare a resolution for Council approval on the consent agenda.

Council also arrived at a consensus to continue recruiting for remaining vacancies. The Council asked staff to conduct an additional B/C recruitment and encourage individuals with diverse backgrounds to apply. The B/C recruitment announcement was published on social media, utility insert and website starting December 1 and ends January 15, 2022. Interviews for these vacancies will be conducted at a subsequent work session.

The new applicants have confirmed their willingness to serve. All new appointments and reappointments are embodied in the attached Resolution on the Consent Agenda for Council consideration. The newly-appointed terms begin January 1, 2022, with the exception of CCI, which is February 1, 2022. In accordance with Section 14 of the Council Rules, staff will orient and train the newly-appointed B/C members prior to their first meeting on the duties of being a member. In addition, staff is recommending to cancel or postpone the Annual B/C Recognition Reception, which is typically held in January, due to the COVID-19 pandemic.

CURRENT STATUS:

If a Councilmember desires to change any appointments, they may do so by requesting to remove the resolution from the consent agenda. Once the resolution is removed, it must be considered immediately following the approval of the remaining items on the consent agenda. A change in the appointments may be made by amendment to the resolution once the resolution has been moved and seconded for approval.

STAFF RECOMMENDATION:

Staff recommends City Council consider accepting the resignations and approving the attached resolution making the various B/C appointments and reappointments. If Councilmembers have any questions, they are encouraged to contact staff ahead of time.

ATTACHMENTS:

Attachment A: Resignations Letters Terms Ending

Attachment B: Resolution Making B/C Appointments; Exhibit A: List of Applicants/B/C Positions/Terms/Vacancies

*B/C Resignations
2021*

	Appointed Date	Resignations		Position	BC	CCI	CFC	CPAC	EDC	HLB	LC	P&R	PC	PAC	SC	URAC
1	A01/21	Rose	Stephanie			CCI										
2	A12/18	Lynch	Declan	Student Advisor			CFC									
3	A01/21	Rodriguez	Narce	FG Sch Dist				CPAC								
4	A03/15	Urenda	Javier	Latino Community					EDC							
5	A12/16; A09/19	Trostle	Kelsey	At Large						HLB						URAC
6	A05/14	Rojas	Hugo										PC			
7	A01/12	Smith	Dale										PC			
8	A03/18	Harris	Fallon												SC	
9	A09/17	Nieves	Amber												SC	

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Anna Ruggles

From: Stephanie Rose [REDACTED] >
Sent: Monday, September 20, 2021 7:23 PM
To: Anna Ruggles
Subject: RE: CCI Term Ending 12/31/21 Reapply Now!

Resignation
 CCI A0161
 Term 1/31/22

Hello Anna,

Thanks so much for sending this. I'm going to sit this next round out and not re-apply. I've decided that I'm going to start shooting for county community involvement committees. The CCI has a solid team right now, and I know they'll do great things. Of course, I'll always be around to volunteer with them, and to help get info out when needed. I can't *not* be involved, so I'll still be around and never too far away... 😊

As always, the opportunity has been great. It's just time for me to start working my way thru county, and hopefully I can find some more connections for us here in FG.

Thanks so much for all you do, take care.
 Steph Rose

Anna Ruggles

From: Declan Lynch <[REDACTED]>
Sent: Friday, October 8, 2021 3:10 PM
To: Anna Ruggles
Subject: Re: CFC Term Ending 12/31/21 Reapply Now!

CFC
Student
Appt 12/18
Term 12/31/21

Hello Anna,

I will not be applying for a new term. Thank you very much.

Declan Lynch

Anna Ruggles

From: Rodriguez, Narce [REDACTED] u>
Sent: Wednesday, October 13, 2021 1:20 PM
To: Anna Ruggles
Cc: nrodriguez@fgsd.k12.or.us; dparker@fgsd.k12.or.us
Subject: Re: CPAC Term Ending 12/31/21 Reapply Now!

Ann: I will not be re/applying and understand my term is expired at the end of December of this year.
 I have cc'd Dave Parker as my role in CPAC was a FGSD rep.

Thank you

Anna Ruggles

From: Elizabeth Stover
Sent: Tuesday, October 5, 2021 10:00 AM
To: Anna Ruggles
Subject: FW: Resignation from Forest Grove City Boards

HUB
 Appt: 11/15
 Term: 12/31/24
 Luke - ATLG
 Appt: 9/15
 Term: 12/31/23

FYI

From: Kelsey Trostle [mailto:]
Sent: Tuesday, October 5, 2021 9:57 AM
To: James Reitz <jreitz@forestgrove-or.gov>; Bryan Pohl <BPohl@forestgrove-or.gov>; Daniel Riordan <driordan@forestgrove-or.gov>; Elena Uhing <euhing@forestgrove-or.gov>; Elizabeth Stover <estover@forestgrove-or.gov>
Subject: Resignation from Forest Grove City Boards

Hello, all my favorite people,

As you can surmise from the email title, I am unfortunately resigning from the City Boards, Commissions, and Committees that I love so much. My husband's job is moving to Washington, and we decided to cross the water.

We have chosen a home and will be closing in November. I am sorry that we will no longer be in the area, though we promise to visit as much as possible. Forest Grove will always have a place in my heart.

Many hugs!
 Kelsey

--

Kelsey Michael Trostle, MRED

Resignation
PLC A 05/14
Term 12/31/21

Anna Ruggles

From: Hugo Rojas <[REDACTED]>
Sent: Tuesday, October 26, 2021 8:15 PM
To: Anna Ruggles
Cc: huroras@yahoo.com
Subject: Re: PC Term Ending 12/31/21 Last Opportunity to Reapply!
Attachments: image002.gif

Hi there,

Thanks for the email. After thinking about this, I have decided to not seek reappointment. I appreciate all the support from both the City Council and the Planning Commission over the years I was part of the Commission.

I'll look forward to continue contributing with our City in other ways.

Thanks,

Hugo Rojas

From: Dale Smith [REDACTED]

Sent: Thursday, August 12, 2021 2:30 PM

To: Anna Ruggles <aruggles@forestgrove-or.gov>

Cc: Bryan Pohl <BPohl@forestgrove-or.gov>

Subject: RE: Upcoming Joint Work Sessions with City Council - 8/9/21 and 1/10/22

Respectfully would like my term to end on December 31, 2021. Thank you
Dale Smith

PK
Resignation
10/1/22
Term 12/31/23
Section C, Item 8.

Resignation
SK A 05108
Term 12/31/21

Anna Ruggles

From: Fallon Harris <[REDACTED]>
Sent: Saturday, September 18, 2021 9:02 AM
To: Anna Ruggles
Subject: Re: SC Term Ending 12/31/21 Reapply Now!
Attachments: image001.gif

Hi Anna,

I've appreciated the opportunity to serve on the Sustainability Commission and to participate in our local government. I've decided to focus on my growing family (new baby will arrive any day now) and will not be reapplying for the position.

Anna Ruggles

From: Amber Nieves <[REDACTED]>
Sent: Friday, October 15, 2021 2:15 PM
To: Anna Ruggles
Subject: SC Reappointment - declined

Anna,

Thank you for your email, I will not be seeking reappointment to the Sustainability Commission at this time.

Amber Nieves

--

Amber L. Nieves
COO, Author, Farmer

RESOLUTION NO. 2021-63**RESOLUTION MAKING APPOINTMENTS TO
CITY OF FOREST GROVE ADVISORY BOARDS,
COMMITTEES AND COMMISSIONS**

WHEREAS, Council Rules of Procedure §14 states the policy relating to Advisory Boards, Committees, and Commissions (B/C); and

WHEREAS, pursuant to §14.3, to be eligible for appointment, a person must be 18 years of age or older and a Forest Grove resident for the duration of the appointed term unless expressly provided for by the adopted bylaws for the Board or Commission and Student appointees must be high school grade level and residing or attending school, including home-schooled, in Forest Grove; and

WHEREAS, pursuant to §14.6, unless required by state law, all members shall be voting members and shall serve four (4) year terms. Student members shall be voting members and shall serve two (2) year terms. Terms shall be staggered beginning January 1 and ending December 31; and

WHEREAS, pursuant to §14.10, Council interviewed applicants in work sessions held on November 29, 2021, and arrived at a general consensus to make the B/C appointments and reappointments.

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

Section 1. The City Council is hereby approving the B/C applicant appointments and reappointments as outlined in Exhibit A.

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

PRESENTED AND PASSED this 13th day of December, 2021.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of December, 2021.

Peter B. Truax, Mayor

	First & Last Name	B/C Position	Appointed	Term Expiring	Other B/C Appt / Notes	
Budget Committee, 3-Year Term				Members must be electors of FG		
	David Maisel		A01/04	31-Dec-24	Reappointed (4-Year Term)	
	Woland Groombridge		A01/19	31-Dec-24	Reappointed (4-Year Term)	
	Debby Roth		A02/13	31-Dec-24	Reappointed (4-Year Term)	
Committee for Community Involvement				Members must reside in city limits or within UGB		
	Heather Finnigan		A02/22	31-Jan-26	New Appointee (4-Year Term)	Resigned Stephanie Rose
Community Forestry Commission, 4-Year Term				3 Members may reside outside city limits (currently 2)		
	Vacancy			31-Dec-25		No Reapplied Lance Schamberger
	Vacancy	Student Advisor		31-Dec-23	(2-Year Term)	

Community Policing Advisory Commission				Members must reside in city limits		
	Lucie Carriker	Student Advisor	A01/22	31-Dec-23	New Appointee (2-Year Term)	
	Glenda Carter	LGBTQ	A01/22	31-Dec-23	New Appointee (fill partial term)	
	Enrique Pinon	FG School District	A01/22	31-Dec-25	New Appointee (4-Year Term)	Resigned Narce Rodriguez
	Dan Blue	Community At-Large	A01/21	31-Dec-25	Reappointed (4-Year Term)	
	Vacancy	Business		31-Dec-23		
	Vacancy (Pending)	Stand Up for Racial Justice (SURJ)		31-Dec-25		No Reapplied Marissa Salgado
Economic Development Commission				5 Members may outside city limits (currently 4)		
	Kevin Emerick	Wood/Ag (Woodfold Mfg)	A10/17	31-Dec-25	Reappointed (4-Year Term)	
	Mark Nakijima	Small Commercial/Retail (Ace Hardware)	A11/12	31-Dec-25	Reappointed (4-Year Term)	
	Vacancy	Large Commercial/Retail		31-Dec-25		No Reapplied Jennifer Prickett
	Vacancy	Latinx		31-Dec-25		Resigned Javier Camacho Urenda
	Vacancy	Student Advisor		31-Dec-23	(2-Year Term)	

Historic Landmarks Board				2 Members may reside outside city limits (currently none)		
	George Cushing		A02/14	31-Dec-25	Reappointed (4-Year Term)	
	Holly Tsur		A09/09	31-Dec-25	Reappointed (4-Year Term)	
	Vacancy			31-Dec-22		
	Vacancy			31-Dec-24		Resigned Kelsey Trostle
	Vacancy	Student Advisor		31-Dec-23		
Library Commission				3 Members may reside outside city limits (currently 1)		
	No Vacancies/No Reappointed					
Parks and Recreation Commission				2 Members may reside outside city limits (currently 1)		
	Brad Bafaro	FG School District	A09/15	31-Dec-25	Reappointed (4-Year Term)	
	Aaron Johnson	SW (Rogers)	A01/21	31-Dec-25	Reappointed (4-Year Term)	
	Vacancy	At-Large		31-Dec-25		No Reapplied Ralph Brown
	Vacancy	Student Advisor		31-Dec-23		

Planning Commission				2 Members may reside outside city limits (currently 2)		
	Joel Redwine		A01/20	31-Dec-25	Reappointed (4-Year Term)	
	Virginia "Ginny" Sanderson		A01/18	31-Dec-25	Reappointed (4-Year Term)	
	Vacancy			31-Dec-23		Resigned Dale Smith
	Vacancy			31-Dec-25		Resigned Hugo Rojas
Public Arts Commission				2 Members may reside outside city limits (currently 2)		
	Kathleen Leatham	outside city limits	A02/06	31-Dec-25	Reappointed (4-Year Term)	
	Pat Truax		A02/06	31-Dec-25	Reappointed (4-Year Term)	
	Cherie Savoie Tintary		A01/2022	31-Dec-25	New Appointee (4-Year Term)	
	Vacancy	Student Advisor		31-Dec-23	(2-Year Term)	

Sustainability Commission				4 Members may reside outside city limits (currently 1)		
Johanna Weem Peeters		Student Advisor	A10/18	31-Dec-23	Reappointed (2-Year Term)	
	Holly Sackett		A01/22	31-Dec-25	New Appointee (4-Year Term)	Resigned Amber Nieves
	Vacancy			31-Dec-25		Resigned Fallon Harris
	Vacancy			31-Dec-24		
	Vacancy			31-Dec-23		
Urban Renewal Advisory Committee				1 member may reside within 1 mile radius of Plan Area (currently 1)		
	Vacancy	Resident adjacent to or within one mile from Plan Area		31-Dec-25		Resigned Kelsey Trostle
	Vacancy	Commercial Property or Business Owner within Plan Area		31-Dec-25		Robert Moats
	Vacancy	Non-Profit Organization located in Plan Area		31-Dec-25		



ANNUAL SEVERE RENT BURDEN MEETING

Dan Riordan, Senior Planner
Community Development Dept.

INTRODUCTION

- ❑ The Oregon legislature adopted a law in 2017 (HB 4006) related to cities experiencing severe rent burden.
- ❑ Under HB 4006, a city has a severe rent burden if more than 25% of renter households pay more than 50% of income on housing costs.
- ❑ Based on information provided by the State, using the US Census, American Community Survey data, 32.4% of renter households in Forest Grove are experiencing severe rent burden.

INTRODUCTION

- ❑ Severe rent burden in Forest Grove has remained above 30% since HB 4006 was adopted.

Severe Rent Burden Trends

Year	Number of Severe Rent Burdened Households	Percentage of Severely Rent Burdened Households
2018	1,044	33.0%
2019	954	31.4%
2020	1,126	34.6%
2021	1,077	32.4%

PRESENTATION PURPOSE

Section E, Item 1.

- ❑ HB 4006 requires that a City with severe rent burden discuss the situation during a public meeting.
- ❑ Under HB 4006, a city must discuss three aspects of severe rent burden:
 - ❑ The causes and consequences of severe rent burden;
 - ❑ Barriers to reducing severe rent burden; and
 - ❑ Possible solutions for resolving severe rent burden.
- ❑ This Council agenda item fulfills the City's responsibility under HB 4006.

CAUSES AND CONSEQUENCES

Section E, Item 1.

- ❑ Factors currently contributing to high level of severe rent burden include, but are not limited to:
 - ❑ Western Oregon is a desirable place to live and housing production is not meeting demand.
 - ❑ Land is expensive and construction costs area high.
 - ❑ The private sector builds the vast majority of homes that are priced at whatever the market will bear.
 - ❑ Real estate is considered an investment with the expectation that real estate values will continue to rise. Without this expectation private new investment is lessened.

CAUSES AND CONSEQUENCES

Section E, Item 1.

- ❑ Some consequences of severe rent burden include:
 - ❑ Individuals and families facing severe rent burden must reduce spending on other needs such as food, medical care or education.
 - ❑ Some individuals and families may be displaced. Some may not find adequate shelter.
 - ❑ Displacement negatively affects individuals, families and the broader community in different but important ways.

BARRIERS

- ❑ Noted barriers to resolving severe rent burden include:
 - ❑ Household incomes are not keeping pace with the increasing cost of housing.
 - ❑ There's limited capacity to build and manage enough regulated affordable housing units.
 - ❑ There are long timelines for securing needed funding for affordable housing projects.
 - ❑ The City doesn't build or manage housing.
 - ❑ The City doesn't receive federal housing funds directly and must compete with other cities and agencies for limited resources.

SOLUTIONS

- ❑ Some solutions that could help include:
 - ❑ Continue partnerships with agencies that build and manage affordable housing to expand, and retain, the affordable housing supply in the City. This could include Washington County, Metro and non-profit organizations.
 - ❑ Actively engage in state policy initiatives to assist renters facing eviction and property owners not receiving rent.
 - ❑ Implement the middle housing law (HB 2001) to increase opportunities for a variety of housing types meeting diverse housing needs.
 - ❑ Right size impact fees for smaller homes especially accessory dwellings.

Council

Discussion / Questions

Community comments should be directed to the
Community Development Department by email to
driordan@forestgrove-or.gov or by calling (503) 992-3227



A place where families and businesses thrive.

CITY RECORDER USE ONLY:

AGENDA ITEM #: F. 2.

MEETING DATE: 11/22/2021

FINAL ACTION: FIRST READING
ORD 2021-05

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *November 22, 2021*

PROJECT TEAM: *Dan Riordan, Senior Planner; and Bryan Pohl, Community Development Director*

SUBJECT TITLE: *Public Hearing and First Reading of an Ordinance Annexing 24.5 +/- acres of land into the City of Forest Grove and Clean Water Services District and withdrawing the tract from the Forest Grove Rural Fire Protection District; Washington County Tax Lot 1N330000100; File Number 311-20-000037-PLNG*

ACTION REQUESTED:

☒	Ordinance	☐	Order	☐	Resolution	☐	Motion	☐	Informational
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X all that apply

ISSUE STATEMENT: On August 13, 2021, the owner of 2627 NW Highway 47, submitted a petition requesting City Council add/annex 24.5 +/- acres of land into the city limits. The property is located north of David Hill Road north of the Silverstone development. The City Charter and state law provide authority to the City Council to approve annexation petitions. Typically, property owners outside the city limits seek annexation so utilities may be extended to serve future development. A development application is not required for annexation approval and may be submitted separately which is the case here.

To approve an annexation City Council must adopt an ordinance (Attachment A). Under the City Charter, the enactment of an ordinance requires approval by a majority of the Council at two meetings. In addition to approving the annexation, City Council must also assign zoning to the property that will apply once the area is brought into the City. Since only one property is involved in this annexation the assignment of zoning designations requires adoption by an order. Unlike ordinances, adoption of an order requires action at only one City Council meeting. Tonight's public hearing is the first step in Council's annexation decision and focuses only on first reading of the annexation ordinance. Second reading of the ordinance and presentation of orders assigning zoning is expected to occur during the December 13th City Council meeting.

BACKGROUND: The property involved with this annexation is adjacent to the city limits and was added to the urban growth boundary by the State of Oregon in 2014. Since the property is adjacent

to the city limits and within the urban growth boundary it is eligible for addition to the city limits. Parcels entirely outside the urban growth boundary are not eligible for annexation.

In addition to adding the land into the city limits the annexation will add the area into the Clean Water Services District. Approval will also withdraw the property from the Forest Grove Rural Fire Protection District since the City will assume responsibility for emergency services.

FISCAL IMPACT: The property includes a home and several out buildings. Historically the property has been farmed and is currently subject to farm tax deferral. The property has real market value of \$4.8 million and a taxable assessed value of \$422,700. The property currently generates approximately \$5,456.00 in property taxes. Property tax revenue will increase when the property is developed. The amount of property tax revenue is uncertain until the county assessor places a taxable value on the property. The value is based on the zoning and how the property is used.

PLANNING COMMISSION REVIEW: The Planning Commission held a public hearing on this request on November 1, 2021. The Planning Commission staff report and decision are available for viewing at:

<https://www.forestgrove-or.gov/planning/project/davis-annexation-and-map-amendments>.

During the public hearing one person testified as a neutral participant and commented on potential future development and possible traffic impacts at the David Hill Road and Main Street intersection. A homeowner from the Silverstone neighborhood submitted an email in advance of the public hearing. Future development impacts will be addressed as part of the development review process that will occur after the property is annexed.

After Planning Commission consideration of the annexation petition and subsequent deliberations, the Planning Commission approved a motion recommending City Council approve the annexation. The motion carried on a 6-0 vote.

STAFF RECOMMENDATION: Staff recommends City Council:
Conduct the Public Hearing on the annexation petition and proceed with first reading of the annexation ordinance on November 22, 2021; and proceed with second reading and adoption of the ordinance on December 13, 2021.

ATTACHMENTS:

- A. Annexation Ordinance and Exhibits
- B. PowerPoint Presentation
- C. Correspondence received for Planning Commission Public Hearing:
 - a. Michael Turay (3526 Ardith Ct.)
 - b. Fair Housing Council

**2617 NW HWY 47
TAX LOT 1N330 1100**

**FILE NO.
311-21-000037-PLNG**

**ANNEXATION
ORDINANCE
FIRST READING**

DAN RIORDAN, Senior Planner

11/22/2021



PURPOSE

- ❑ Tonight - Annexation Step 1:
- ❑ Public hearing and first reading of ordinance annexing approximately 24.5 acres of land, north of David Hill Road and west of Highway 47 into the Forest Grove city limits and Clean Water Services district.
- ❑ The annexation will also remove the annexation area from the Forest Grove Rural Fire Protection District since the City will be taking over fire protection.

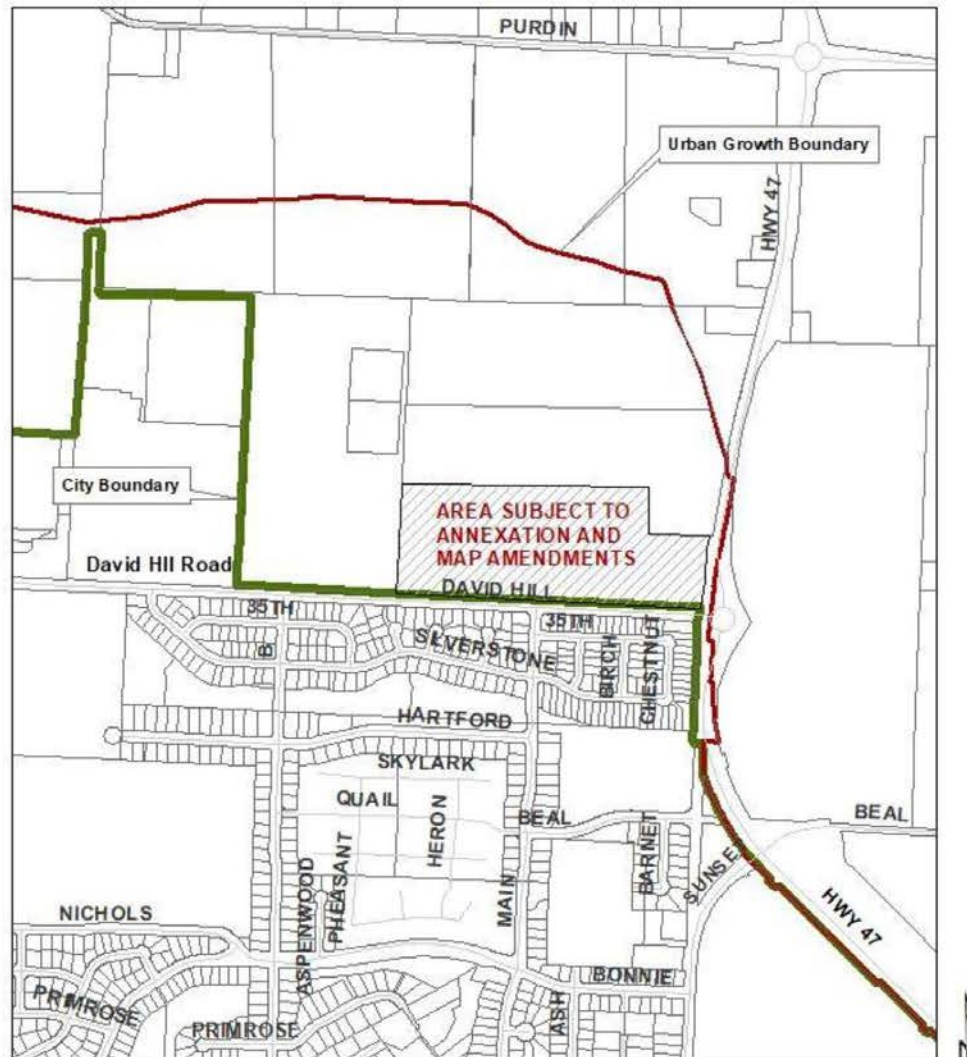
PURPOSE

- ❑ December 13th - Annexation Step 2:
 - ❑ Continue public hearing and second reading of annexation ordinance.
 - ❑ Council consideration of Comprehensive Plan Map and Zoning Map amendments assigning City zoning designation to the annexation area.

SUBJECT PROPERTY

Section F, Item 1.

Annexation and Map Amendments
311-21-000037-PLNG



SUBJECT PROPERTY

Section F, Item 1.



OVERVIEW

Why Annexation

- ❑ The area subject to annexation is within the urban growth boundary (UGB).
- ❑ Under an agreement with Washington County the City has planning authority and is the primary service provider for the area within the UGB adjacent to the City.
- ❑ Annexation is necessary to extend public utilities to serve future development. However, a development proposal is not required for annexation and one has not been submitted with the annexation petition.
- ❑ Annexation is also necessary for development at urban densities and any subdivision or development approval.

REVIEW CRITERIA

Section F, Item 1.

- ❑ Laws and rules governing annexation include:
 - ❑ Oregon Revised Statutes Chapter 222 (Boundary Changes)
 - ❑ Metro Code Chapter 3.09 (Local Government Boundary Changes)
 - ❑ Forest Grove Development Code Section 17.2.150 (Annexation Procedure)

RECORD

Section F, Item 1.

- ☐ Annexation petition showing property owner support.
- ☐ Written staff report for tonight's meeting.
- ☐ Annexation and Ordinance and Ordinance Exhibit A: Findings for Annexation Approval.
- ☐ Public comment received to date.
- ☐ Planning Commission Decision 2021-04.

PLANNING COMMISSION REVIEW

Section F, Item 1.

- ❑ The Planning Commission reviewed the annexation proposal on November 1st.
- ❑ The Planning Commission approved a motion on a 6-0 vote recommending City Council approve the annexation.

STAFF RECOMMENDATION

Section F, Item 1.

- ❑ Staff recommends tonight City Council accept public testimony regarding the annexation petition, keep the public hearing open and advance the annexation ordinance to second reading on December 13th.

From: [Bryan Pohl](#)
To: [Cassandra Bergstrom](#); [Shannon Reynolds](#)
Cc: [Daniel Riordan](#)
Subject: FW: Proposed Annexation
Date: Monday, November 1, 2021 1:52:49 PM

For tonight's PC hearing.

Bryan W. Pohl, CFM
Community Development Director
1924 Council Street
PO Box 326
Forest Grove, OR 97116-0326
(503)992-3227



From: Anna Ruggles
Sent: Monday, November 01, 2021 1:49 PM
To: Bryan Pohl <BPohl@forestgrove-or.gov>
Subject: Fwd: Proposed Annexation

Anna Ruggles
Sent from my iPhone

Begin forwarded message:

From: MICHAEL TURAY [REDACTED]
Date: November 1, 2021 at 9:38:25 AM PDT
To: Anna Ruggles <aruggles@forestgrove-or.gov>
Subject: Proposed Annexation

Anna Ruggles
City Recorder
Forest Grove

Good morning.

We just wanted to share some thoughts we have on the proposed annexation of the area north of David Hill Rd.

Our house is in the Silverstone Development and we overlook David Hill Rd. Obviously, we would prefer that the area north of us never be developed, but we know that this just isn't possible. This is what we would like to see. We hope that an entrance into this development will be at Main and David Hill. This just might encourage a four way stop. And this might slow down traffic because we are somewhat tired of living next to a street many consider to be the Indy 500 speedway. If traffic must stop at Main St. they won't be doing 55 mph when they go by our house.

Without question Forest Grove is growing. And we believe this growth is well planned. We raised our sons in SW Portland and downsized to here just over two years ago.

Good luck with the meeting Monday evening. We have watched on Zoom a couple of our HOA meetings. Maybe we will be able to figure out how to watch the meeting.

Thanks.

Michael and Candy Turay
3526 Ardith Ct.

October 30, 2021

City of Forest Grove Planning Commission
1924 Council Street,
P.O. Box 326
Forest Grove, Oregon 97116-0326

RE: 311-21-000037-PLNG

Annexation of approximately 24.5 acres into the Forest Grove city limits and Clean Water Services District and concurrent Comprehensive Plan Map and Zoning Map amendment for property located at 2627 NW Highway 47.

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO support 311-21-000037-PLNG, and commend the staff for the thoughtful report containing detailed Goal 10 findings. This staff report will be used as a positive example to assist other cities and jurisdictions. Good luck with the continuation of this project!

Thank you for your consideration of our comments.

Sincerely,



Allan Lazo
Executive Director
Fair Housing Council of Oregon

Cc: Gordon Howard, DLCD

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FIRST READING**ORDINANCE NO. 2021-05****ORDINANCE ANNEXING 37.7 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY TAX LOT 1N330000100; FILE NO. 311-21-000037-PLNG**

WHEREAS, Ryan O'Brien., representing the property owner, Davis Family Trust, and the applicant, Chad E. Davis Construction, submitted an annexation petition on August 13, 2021; and

WHEREAS, the annexation petition includes all affected property owners and all electors; and

WHEREAS, since the annexation petition includes all owners of property affected by the annexation, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

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

WHEREAS, the subject property is located within the urban growth boundary; and

WHEREAS, the City of Forest Grove desires to adopt an ordinance annexing the subject property into the city limits; and

WHEREAS, the tract subject to annexation is within the boundaries of the Forest Grove Rural Fire Protection District (District) and will be withdrawn from the District upon the effective date of the annexation; and

WHEREAS, the tract subject to annexation will be added to the Clean Water Services district boundary upon annexation under the authority of Oregon Revised Statutes Chapter 199.510(2)(C); and

WHEREAS, the Planning Commission held a duly noticed public hearing on the annexation on November 1, 2021; and recommended City Council approval of the annexation; and

WHEREAS, the City Council held a duly-noticed Public Hearing to consider the annexation petition on November 22, 2021, and December 13, 2021; and

WHEREAS, a report was prepared as required by law, and the City Council having considered the report and testimony during the public hearing; does hereby favor the annexation of the subject territory to the city limits; adding the subject territory to the Clean

Water Services district boundary and withdrawing the subject territory for the Forest Grove Rural Fire Protection District; and

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

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

Section 1. The subject territory, described as Exhibit A and depicted on the attached map (Exhibit B), is declared to be annexed to the City of Forest Grove, Oregon.

Section 2. The subject territory annexed by this ordinance and described in Section 1 will be added to the Clean Water Services district under the authority granted by Oregon Revised Statutes Chapter 199.510(2) (c).

Section 3. The subject territory annexed by this ordinance and described by Section 1 is withdrawn from the Forest Grove Rural Fire Protection District.

Section 4. The findings in conclusions contained in the staff report dated November 22, 2021, and Planning Commission Decision 2021-04, are hereby incorporated by reference and hereby adopted.

Section 5. Annexation of the subject territory is supported by the findings of fact and conclusions described in Exhibit C.

Section 6. The annexations and withdrawal shall become effective upon filing of the annexation of the annexation by Metro with the Oregon Secretary of State's Office as provided by the Metro Code Chapter 3.09.060 and ORS 222.180.

Section 7. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 22nd day of November 2021.

PASSED the second reading the 13th day of December 2021.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of December 2021.

Peter B. Truax, Mayor



EXHIBIT A

CMT SURVEYING AND CONSULTING INC.

LEGAL DESCRIPTION

SEPTEMBER 21, 2021

PROJECT NO. 500-1115

A TRACT OF LAND UNDER APPLICATION FOR ANNEXATION
INTO CITY LIMITS OF FOREST GROVE, OREGON

A TRACT OF LAND BEING A PORTION OF THE ORUS BROWN DONATION LAND CLAIM (DLC) NO. 71, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, AS DESCRIBED IN DOCUMENT NO. 2008-076131, WASHINGTON COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY, BEING A POINT AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF N.W. DAVID HILL ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 47, WHICH POINT OF BEGINNING BEARS NORTH 11°21'05" EAST 40.46 FEET AND NORTH 87°17'54" WEST 30.35 FEET FROM THE SOUTHEAST CORNER OF SAID D.L.C.; THENCE ALONG THE SOUTH LINE OF THE SUBJECT PROPERTY AND SAID NORTH RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 40.00 FEET NORTHERLY OF, RIGHT ANGLE MEASURE, THE SOUTH LINE OF SAID D.L.C., NORTH 87°17'54" WEST, 1735.29 FEET TO THE SOUTHWEST CORNER OF THE SUBJECT PROPERTY; THENCE ALONG THE WEST LINE OF THE SUBJECT PROPERTY, ALSO BEING ALONG THE EAST LINE OF PARCEL 1 OF PARTITION PLAT NO. 2012-029 AND ITS SOUTHERLY EXTENSION, NORTH 02°47'03" EAST, 642.47 FEET TO THE NORTHWEST CORNER OF THE SUBJECT PROPERTY, ALSO BEING THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT NO. 2008-075877, WASHINGTON COUNTY DEED RECORDS; THENCE LEAVING SAID EAST LINE OF PARCEL 1 OF SAID PARTITION PLAT, ALONG THE MOST NORTHERLY NORTH LINE OF THE SUBJECT PROPERTY, ALSO BEING ALONG THE MOST NORTHERLY SOUTH LINE OF SAID DOCUMENT NO. 2008-075877 PROPERTY, BEING PARALLEL WITH THE SOUTH LINE OF SAID D.L.C., SOUTH 87°17'54" EAST, 1457.88 FEET TO AN ANGLE POINT IN SAID COMMON PROPERTY LINE; THENCE ALONG SAID COMMON PROPERTY LINE, SOUTH 02°42'06" WEST, 218.72 FEET TO AN ANGLE POINT IN SAID COMMON PROPERTY LINE; THENCE ALONG SAID COMMON PROPERTY LINE, BEING PARALLEL WITH THE SOUTH LINE OF SAID D.L.C., SOUTH 87°17'54" EAST, 310.42 FEET TO THE MOST SOUTHERLY NORTHEAST CORNER OF THE SUBJECT PROPERTY, BEING A POINT ON THE WEST LINE OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 47 PER RIGHT-OF-WAY DEDICATION DOCUMENT NO. 2015-103171, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG THE EASTERLY LINE OF THE SUBJECT PROPERTY, ALSO BEING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 47 PER RIGHT-OF-WAY DEDICATION DOCUMENT NO. 2015-103171, THE FOLLOWING TWO (2) COURSES:

SOUTH 10°29'00" WEST, 78.65 FEET TO AN ANGLE POINT;
SOUTH 02°13'39" WEST, 182.88 FEET TO AN ANGLE POINT AND THE END OF SAID RIGHT-OF-WAY DEDICATION;

THENCE CONTINUING ALONG SAID EASTERLY PROPERTY LINE, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, BEING PARALLEL WITH AND 30.00 FEET WESTERLY OF, RIGHT ANGLE MEASURE, THE CENTERLINE OF SAID STATE HIGHWAY NO. 47 AND THE EAST LINE OF SAID D.L.C., SOUTH 11°21'05" WEST, 164.82 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael R. Gates

OREGON
JULY 25, 1990
MICHAEL R. GATES
2449

EXPIRES: 6-30-23

20330 SE Highway 212 * Damascus, OR 97089

[T] 503.850.4672 * [F] 503.850.4590

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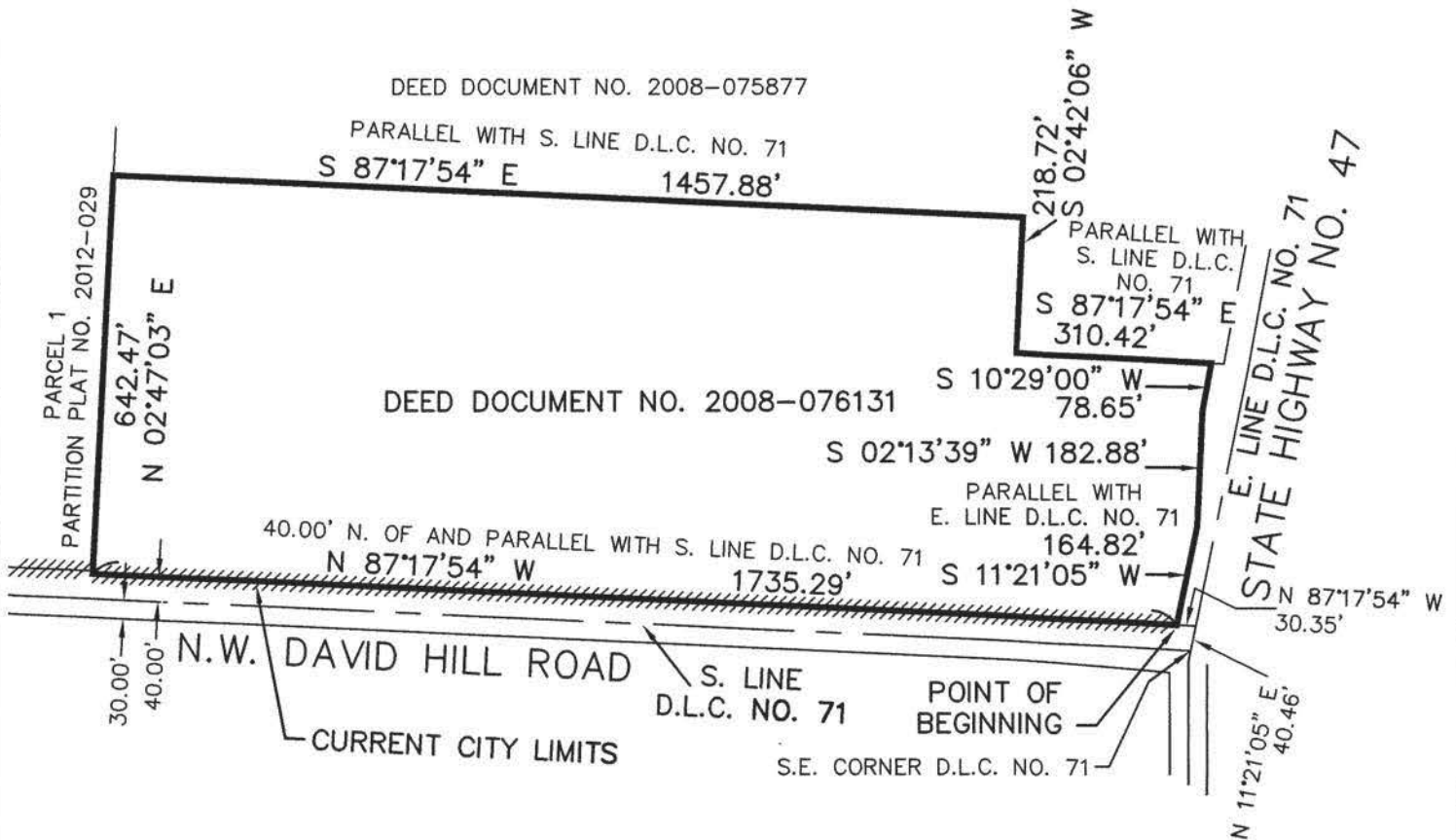
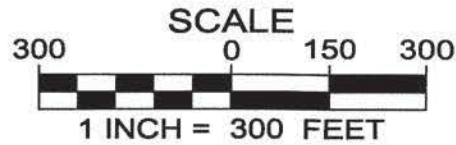


EXHIBIT B

CMT SURVEYING AND CONSULTING

20330 SE HIGHWAY 212 ** DAMASCUS, OR 97015 ** PHONE 503-850-4672 FAX 503-850-4590

CLIENT: CHAD DAVIS CONST
ADDRESS: 2627 NW HWY 47
LEGAL: IN SW 1/4 SEC 30
DRAWN: RLMc 9/21/2021
JOB NO: 500-1115 1"=300'



SKETCH FOR SUBDIVISION ANNEXATION

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30,
TOWNSHIP 1 NORTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN,
CITY OF FOREST GROVE, WASHINGTON COUNTY, OREGON

EXHIBIT C

FINDINGS OF FACT FOR APPROVAL OF ANNEXATION

The following decision criteria apply to local government boundary decisions:

1. Oregon Revised Statutes Chapter 222 (Boundary Changes)
2. Metro Code Chapter 3.09 (Local Government Boundary Decisions)

Oregon Revised Statutes Chapter 222 (Boundary Changes; Mergers & Consolidation)

ORS 222 (Authority and Procedure for Annexation)

ORS 222.111(1): “When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

Finding for ORS 222.111(1): The City Charter in Section 3, states “The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record and accurate and current description of its boundary.” The City Charter does not describe the manner for annexation approval. Therefore, the City follows the process described by ORS 222.111 to 222.180 or 222.840. ORS 222.111(1) stipulates the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or water feature. The property subject to annexation is separated from the current City boundary by David Hill Road to the south. Therefore, annexation of the subject property complies with ORS 222.111(1).

ORS 222.111(2): “A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by petition to the legislative body of the city by owners of real property in the territory to be annexed.” Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder (ORS 222.120(7)).

Finding for ORS 222.111(2): The annexation petition was filed by Ryan O’Brien, Planning & Land Design, on behalf of Chad E. Davis Construction and Davis Family Trust, on August 13, 2021. Troy Davis and TimiSue Abbott are listed as property owners and registered voters. The Washington Office of Assessment and Taxation lists the property owner as JSTT Inc., by Davis, John and Susan Trustees. Based on this information the annexation application complies with ORS 222.111(2).

ORS 222.111(4)(a): When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation.

Finding for ORS 222.111(4)(a): The territory subject to annexation is within the Forest Grove Rural Fire Protection District. This territory will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject territory will also be added to the

Clean Water Services District upon the effective date of the annexation. No other districts will be affected by this annexation.

ORS 222.120(1): Except when expressly required to do so by the City Charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

Finding for ORS 222.120(1): The City Charter does not require the City's legislative body (City Council) to submit a proposal for annexation of territory to the electors of the city for approval.

ORS 222.120(2): When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Finding for ORS 222.123(2): The City Council is expected to hold public hearings on the annexation proposal on December 14, 2020 and January 11, 2021.

ORS 222.120(3): The City legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

Finding for ORS 222.120(3): Notice of public hearings on this matter have been or will be published in the Forest Grove News Times on October 28, November 4, and November 18, 2021 in advance of the Planning Commission and City Council public hearings.

ORS 222.120(4): After the hearing, the city legislative body may, by ordinance containing a legal description of the territory in question: (b) Declare the territory is annexed to the city where electors or landowners in the contiguous consented in writing to such annexation, as provided in ORS 222.125 or ORS 222.170, prior to the public hearing held under subsection (2) of this section.

Finding for ORS 222.120(4): The annexation application and petition shows the property owner consented in writing to the annexation on August 11, 2021, prior to public hearings on the proposal. The City Council is expected to consider the annexation ordinance on November 22, 2021 and December 13, 2021. The annexation ordinance will include the legal description for the territory subject to annexation. The legal description comprised of a map and narrative description was preliminarily approved by the Oregon Department of Revenue on September 30, 2021.

Metro Code Chapter 3.09 (Local Government Boundary Changes)

§3.09.045(C)(1): The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service.

§3.09.045(C)(2): Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party defined as a county, city, service district and Metro.

§3.09.045(C)(3): The proposed effective date of the boundary change.

§3.090.045(D)(1): Find that the change is consistent with the expressly applicable provisions in:

- a. Any applicable urban services agreement adopted pursuant to ORS 195.065.
- b. Any applicable annexation plan adopted pursuant to ORS 195.205.
- c. Any applicable cooperative planning agreement adopted to ORS 195.020(2) between the affected entity and a necessary party.
- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services.
- e. Any applicable comprehensive plan.
- f. Any applicable concept plan.

§3.090.045(D)(2): Consider whether the boundary change would:

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

Finding (§3.09.045(C)(1)): The subject property is adjacent to David Hill Road. The image below shows the present location of sanitary sewer and storm drainage utilities near the subject property. Subsequent to annexation public utilities may be extended north to serve the subject property. The applicant does not propose extraterritorial extension of utilities.

To support future development, after annexation, the developer will be required to design public utilities needed for the development consistent with City and Clean Water Services construction and design standards. Compliance with adopted construction and design standards will be evaluated as part of any future development application for the subject property as not required for annexation approval. A determination that utilities are available to serve the subject property and may extended is required for annexation approval. Based on the image below it appears utilities are available adjacent to the subject property.



Finding (§3.09.045(C)(2)): The subject property will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject property is not within the Washington County Urban Roads Maintenance District or Washington County

Enhanced Sheriff Patrol District and these districts are unaffected by the annexation. The subject property will be annexed to the Clean Water Services District concurrently with annexation into the City.

Finding (§3.09.045(C)(3)): The proposed effective date of the annexation is 30-days after adoption of the City's ordinance approving the annexation and Metro's filing of the City's final local decision with Oregon Secretary of State's office. This is expected to occur no later than February 28, 2021.

Finding (§3.090.045(D)(1)(a)): The City of Forest Grove adopted an urban area planning agreement (UPAA) with Washington County on September 10, 2018 (Resolution 2018-75). The UPAA establishes planning responsibilities and coordination of public services within the unincorporated area adjacent to Forest Grove in the urban growth boundary. The UPAA §3F states in part "As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer, and transportation facilities within the Urban Planning Area." "The CITY shall provide urban services consistent with annexation and fiscal policies." The applicant seeks annexation to received municipal services needed for urban development." The proposed annexation and change to the City boundary are consistent with UPAA §3F adopted pursuant to ORS 196.065 since the City will provide water, sanitary sewer and storm sewer and transportation as applicable after annexation of the subject property. Therefore, the application complies with §3.090.045(D)(1).

Finding (§3.090.045(D)(1)(b)): The City has not adopted an annexation plan adopted pursuant to ORS 195.205. Therefore, §3.090.045(D)(1)(b) does not apply to this proposal.

Finding (§3.090.045(D) (1) (c)): ORS 195.020(2) states "A county assigned coordinative functions under ORS 195.025 (1), or the metropolitan service district, which is assigned coordinative functions for Multnomah, Washington and Clackamas counties by ORS 195.025 (1), shall enter into a cooperative agreement with each special district that provides an urban service within the boundaries of the county or the metropolitan district. A county or the metropolitan service district may enter into a cooperative agreement with any other special district operating within the boundaries of the county or the metropolitan district." This provision applies to counties, Metro and special service district and does not apply to cities.

Finding (§3.090.045(D) (1)(d)): The subject territory was added to the urban growth boundary by the Oregon legislature in 2014. Subsequently, the Westside Refinement Plan was adopted by the City in 2017. The Westside Refinement Plan established and land use concept and infrastructure facility plan for the area including the subject property. The City's public facility plans including plans for water, sanitary sewer, and storm drainage are being updated to include the area added to urban growth boundary. The City's Transportation System Plan was amended in 2017 to include the collector street system for the area added to the urban growth boundary. The Transportation System Plan shows a future extension of Main Street to serve the subject property and property to the north. Future development in this area, including the subject property, must substantially comply with amended Transportation System Plan. Compliance will be considered at time of application for development and land use approval.

Finding (§3.090.045(D)(1)(e)): The Forest Grove Comprehensive Plan was amended in 2017 to incorporate the land use concept identified in the Westside Refinement Plan including the subject property. The Comprehensive Plan identifies the property subject to annexation for residential development, mixed use development and site for a future fire station. The applicant proposes a modification to the Comprehensive Plan Map to change the "placeholder" fire station location from

Public to Medium Density Residential. This reconfiguration does not substantially change the overall use of the subject property since the Residential Multifamily Low zoning map designation implementing the Medium Density Residential use Comprehensive Plan Map category allows certain public uses such as fire stations (Emergency Services) as conditional uses. Since the proposed land use change is minor (1.5 +/- acres) and emergency services area not precluded by the proposed zoning designation, the application, as proposed, substantially complies with the Comprehensive Plan, and meets the intent of Metro Code §3.090.045(D)(1)(e)).

Finding (§3.090.045(D)(1)(f)): Since the Oregon legislature added the subject territory to the urban growth boundary through legislative action, a Metro Urban Growth Management Functional Plan Title III concept plan approved by Metro was not required. However, the City prepared and adopted the Westside Refinement Plan and amended the Forest Grove Comprehensive to include the Westside land use concept. The land use concept identified the subject property for residential development, mixed use development and potential future fire station. The applicant proposes these uses although in locations that differ from what is identified on the Comprehensive Plan map. This reconfiguration does not change the overall use of the subject property. Therefore, the application, as proposed, substantially complies with adopted land use concept, and meets the intent of §3.090.045(D)(1)(f)).

Finding (§3.090.045(D)(2)(a)): The subject property is located within the urban growth boundary adjacent to existing development served with public utilities. The proposed boundary change promotes the timely, orderly, and economic provision of public facilities and services by adding land to the City that is adjacent to lands already served with public utilities and services. Therefore, the boundary change complies with §3.090.045(2)(a).

Finding (§3.090.045(D)(2)(b)): No evidence has been presented indicating the proposed boundary change will affect the quality and quantity of urban services. This conclusion is supported by the fact the subject property is within the urban growth boundary and the City's Urban Planning Area Agreement and Comprehensive Plan map anticipate urban development at the subject property. Furthermore, utilities needed to serve any future development of the subject property must meet City and Clean Water Services design and construction standards including compliance with adopted service standards.

Finding (§3.090.045(D)(2)(c)): The Urban Planning Area Agreement establishes roles and responsibilities for provision of public facilities and services within the unincorporated area adjacent to Forest Grove within the urban growth boundary. This helps to promote coordination of services to avoid unnecessary duplication by multiple service districts.

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NOTICE OF PUBLIC HEARINGS
FOREST GROVE PLANNING COMMISSION
FOREST GROVE CITY COUNCIL
FILE NUMBER 311-21-000037-PLNG
WASHINGTON COUNTY TAX LOT 1N330000100

NOTICE IS HEREBY GIVEN that the Forest Grove Planning Commission will hold a Public Hearing on Monday, November 1, 2021, at 7:00 p.m. or thereafter, at the Community Auditorium, 1915 Main Street and via Zoom video conferencing, and the Forest Grove City Council will hold Public Hearings on Monday, November 22, 2021 and Monday, December 13, 2021, at 7:00 p.m. or thereafter, at the Community Auditorium, 1915 Main Street and via Zoom video conferencing, to review the following proposal:

- Ordinance annexing approximately 24.5 acres of land into the City limits of Forest Grove and Clean Water Services District and withdrawing the tract from the Forest Grove Rural Fire Protection District;
- Order adopting an amendment to the Forest Grove Comprehensive Plan Map to redesignate property subject to annexation from Public to Medium Density Residential at David Hill Road and Main Street;
- Order adopting an amendment to the Forest Grove Zoning Map to designate property subject to annexation from Washington County Future Development to Forest Grove Neighborhood Mixed Use and Residential Multifamily Low (RML); Washington County Tax Lot 1N330000100.

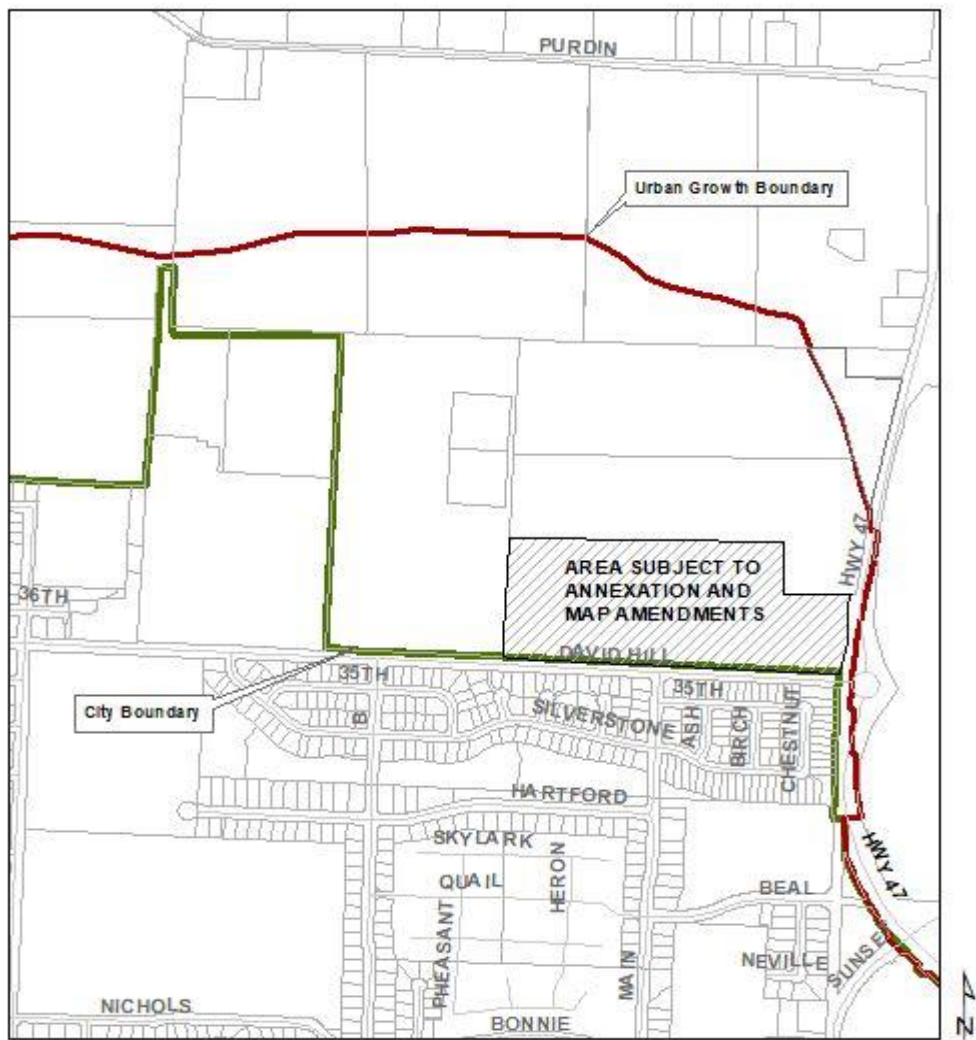
The Planning Commission and City Council will consider these proposals and base their decisions on the following review criteria. Comments in response to this proposal must address the criteria:

- Oregon Revised Statutes Chapter 222.111 & .112 (Boundary Changes)
- Oregon Statewide Land Use Planning Goals 2 (Land Use), 10 (Housing), Goal 11 (Public Facilities), Goal 12 (Transportation) and Goal 14 (Urbanization)
- Forest Grove Comprehensive Plan Community Sustainability, Land Housing, Public Facilities and Urbanization chapters
- Metro Code Chapter 3.09 (Local Government Boundary Changes)
- Metro Urban Growth Management Functional Plan
- Forest Grove Development Code Sections 17.2.770 (Zone Change Criteria)

All persons will be given reasonable opportunity to give testimony about this proposal responding to the review criteria above. If an issue is not raised in the hearing (by person or by letter) or if the issue is not explained in sufficient detail to allow the Planning Commission or City Council to respond to the issue, then that issue cannot be used for an appeal to the Land Use Board of Appeals. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. A copy of the staff report is available seven days prior to the hearing and is published on the City's website at <https://www.forestgrove-or.gov/meetings>. For further information pertaining to this proposal, please contact Senior Planner Dan Riordan, driordan@forestgrove-or.gov, Community Development Department, 1924 Council Street, (503) 992-3226, between 9 a.m. and 5 p.m.

The hearings will be held in a “hybrid” format allowing the public to attend the meetings virtual via Zoom and in-person. The Community Auditorium, 1915 Main Street, is open and has limited availability and social distancing measures. A copy of the meeting agendas with Zoom instructions and staff reports are available and published on the City's website at <https://www.forestgrove-or.gov/meetings>. To provide testimony via Zoom, please email aruggles@forestgrove-or.gov at least 24 hours prior to the hearing. Written comments or testimony be submitted at the hearings or sent prior to the hearings to the attention of the City Recorder's Office, P.O. Box 326, 1924 Council Street, 2nd Floor, Forest Grove, OR 97116, aruggles@forestgrove-or.gov. For assistance, please call the City Recorder's Office at 503.992.3235.

**Annexation and Map Amendments
311-21-000037-PLNG**



#

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

Publish FG NewsTimes: October 28, November 4, and November 18, 2021

Planning Commission Findings and Decision Number 2021-04
Annexation of 24.5 +/- acres and Concurrent Comprehensive Plan Map
Amendment and Zoning Map Amendment
File Number 311-21-000037-PLNG

WHEREAS, on August 13, 2021, the Davis Family Trust submitted an annexation petition and land use application for concurrent Comprehensive Plan Map and Zoning Map amendments for property adjacent to the Forest Grove city limits north of David Hill Road and west of Highway 47; and

WHEREAS, the application was deemed complete on September 15, 2021; and

WHEREAS, as required by Oregon Administrative Rules Chapter 660-018-0022, notice of this application was provided to the Oregon Department of Land Conservation and Development on September 14, 2021, being at least 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Metro Code §3.07.820, notice of the application was provided to the Metro on September 14, 2021, being at least 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(A), notice of the Planning Commission's public hearing to consider this application was published in the Forest Grove News Times on October 28, 2021, being at least five days prior to the public hearing; and

WHEREAS, notice of the Planning Commission's public hearing was posted in locations accessible to the public as required by Development Code §17.1.610(B); and

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of this application was mailed to all property owners of record and other interested parties within 300 feet of the boundaries of the subject properties; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of said notice was mailed on October 12, 2021, being at least 20 days before the Planning Commission's public hearing on this matter; and

WHEREAS, the Planning Commission held the duly noticed public hearing on this matter on November 1, 2021; and

WHEREAS, the Planning Commission approved a motion on a 6 to 0 vote to recommend City Council approve the annexation, Comprehensive Plan Map amendment, and Zoning Map amendment as proposed by the applicant.

NOW THEREFORE, the City of Forest Grove Planning Commission does hereby recommend that City Council adopt an ordinance annexing the subject property, and orders to approve the proposed Comprehensive Plan Map amendment, and Zoning Map amendment as shown in the staff report dated November 1, 2021, making the following specific findings in support of the decision.

1. The Planning Commission finds there is substantial evidence in the record to support a Planning Commission recommendation to City Council that the City Council to approve the annexation and concurrent map amendments. The evidence relied upon includes:
 - a. The land use application dated August 13, 2021, and received by the City on August 13, 2021;
 - b. The written staff report and attachments dated November 1, 2021 provided to the Planning Commission including:
 - Attachment A: Findings for Annexation Approval
 - Attachment B: Findings for Comprehensive Plan Map and State Land Use Planning Goal and Metro Compliance
 - Attachment C: Findings for Zoning Map Amendment Approval
 - Attachment D: Land Use Application
 - c. Testimony provided to the Planning Commission during the public hearing on November 1, 2021, to support a Planning Commission recommendation to City Council to approve the proposals subject to certain conditions.
2. The Planning Commission finds the evidence relied upon including the land use application and written staff report dated November 1, 2021 demonstrates the land use application meets the applicable review criteria and considerations including:
 - a. Oregon Revises Statutes Chapter 222 (Boundary Changes, Mergers and Consolidation).
 - b. Metro Code Chapter 3.09 (Local Government Boundary Changes)
 - c. Oregon Statewide Land Use Planning Goal 2 (Land Use), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation)
 - d. Metro Urban Growth Management Plan
 - e. Forest Grove Comprehensive Plan Policies
 - f. Oregon Transportation Planning Rule (OAR 660-12)
 - g. Development Code §17.2.150 (Annexation)
 - h. Development Code §17.2.770 (Zoning Change)
3. The Planning Commission finds the annexation of the subject property meets the applicable review criteria described in the written staff report dated November 1, 2021.
4. The Planning Commission finds the proposal to amend the Forest Grove Comprehensive Plan Map to redesignate property designated Public to Medium Density Residential as proposed in the land use application meets the applicable review criteria and considerations as described in the written staff report dated November 1, 2021.
5. The Planning Commission finds the proposal to amend the Forest Grove Zoning Map to redesignate property zoned Washington County Future Development to Forest Grove Neighborhood Mixed Use and Residential Multifamily Low consistent with the Comprehensive Plan Map as Comprehensive Plan Map amendment meets the applicable review criteria and considerations as described in the written staff report dated November 1, 2021.

 Phil Ruder, Chair

 Date

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: 12/13/2021

FINAL ACTION: ORDER 2021-01
ORDER 2021-02**CITY COUNCIL STAFF REPORT****TO:** City Council**FROM:** Jesse VanderZanden, City Manager**MEETING DATE:** December 13, 2021**PROJECT TEAM:** Dan Riordan, Senior Planner; and Bryan Pohl, Community Development Director**SUBJECT TITLE:** Public Hearing and First Reading of two Orders Amending the Forest Grove Comprehensive Plan Map and City Zoning Map for property subject to annexation; Washington County Tax Lot 1N330000100; File Number 311-20-000037-PLNG

ACTION REQUESTED:

	Ordinance	X	Order		Resolution	X	Motion		Informational
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X all that apply

ISSUE STATEMENT: On August 13, 2021, the owner of 2627 NW Highway 47, submitted a petition requesting City Council add/annex 24.5 +/- acres of land into the city limits. The property is located north of David Hill Road north of the Silverstone development. In addition to the annexation petition the applicant concurrent applications to amend the Forest Grove Comprehensive Plan map and City zoning map. The Forest Grove Development requires that the City assign zoning designations that will apply to property upon the effective date of the annexation.

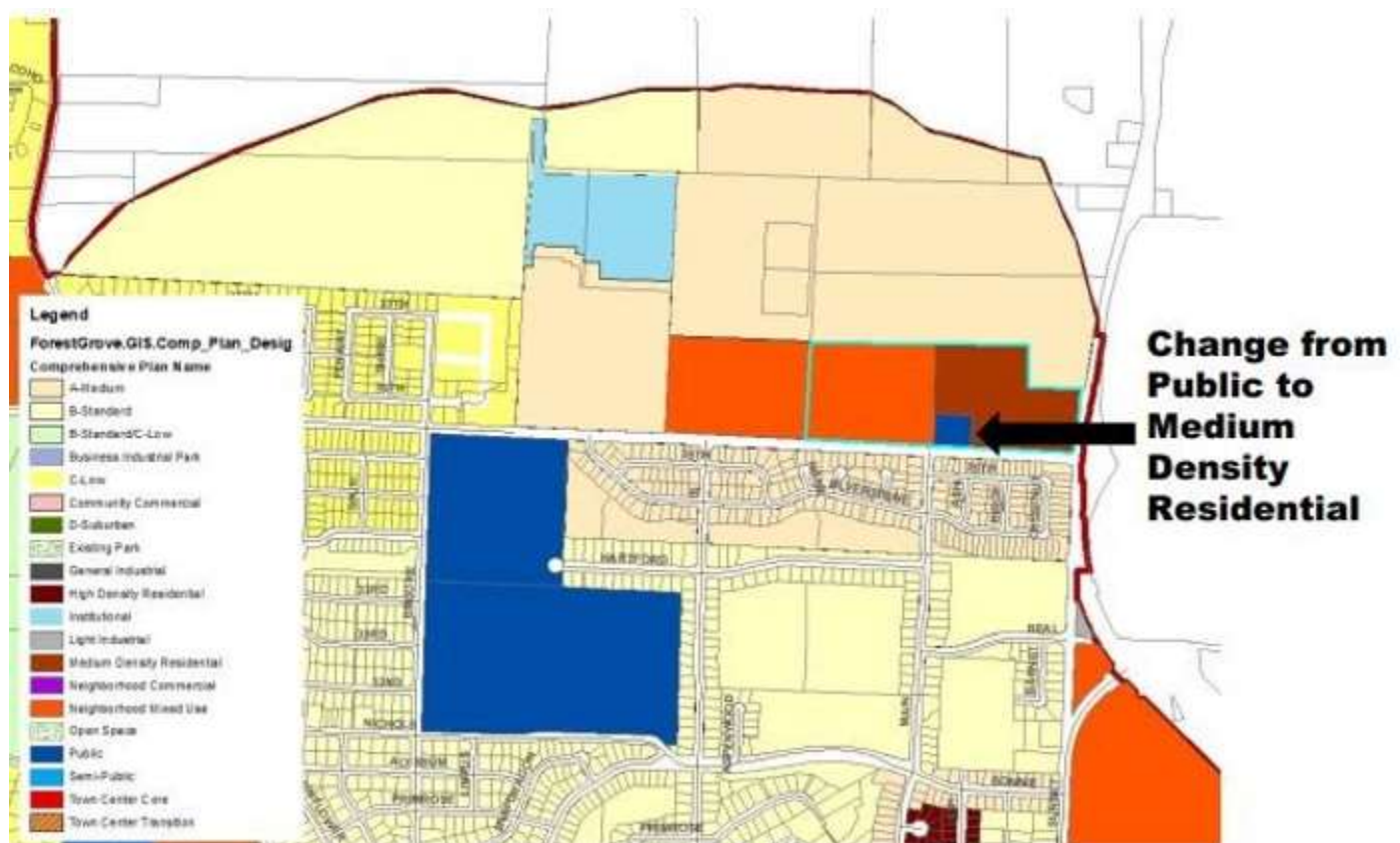
The requested Comprehensive Plan map amendments affects about 1.5 acres. The entire site subject to the annexation is about 24.5 acres. The Comprehensive Plan map provides guidance as to how property is zoned when annexed. Typically, the zoning designations that apply are those that most closely correspond the Comprehensive Plan designations.

The area subject to the map amendment request is a placeholder site for a possible future fire station. The applicant requests changing the designation to allow for residential development consistent with the remainder of the property owned by the applicant. More discussion about the fire station site and map amendment follows below.

BACKGROUND: The property involved with this annexation is adjacent to the city limits and was added to the urban growth boundary by the State of Oregon in 2014. Since the property is adjacent to the city limits and within the urban growth boundary it is eligible for addition to the city limits.

Comprehensive Plan Map Amendment

The area subject to the map amendments is shown in blue below. The site is at the corner of Main Street and David Hill Road and is adjacent to areas designated for mixed use (orange area) and medium density residential (brown area).



During the Westside planning process, completed in 2014, identified the site for a future fire station. Another site was previously identified for a fire station next to Thatcher Park. The Thatcher Park site is now the dog park area.

The Westside planning process provided an opportunity to identify another possible location for a fire station. At the time the Westside plan was done not much detail was known about the scope of the fire station including whether or not the site should include training facilities and how much land area will be needed. Although the Fire Department desires a fire station to serve the developing areas of Forest Grove, higher elevation areas west of Thatcher Road and Highway 47, funding has not been allocated property acquisition.

The applicant's annexation petition, and expected development application, raised the question of whether the fire station location shown on the Comprehensive Plan map is the best location, now, considering emergency service delivery needs and property owner interests. Based on preliminary discussions with the applicant, the property owner desires to development the property for residential uses (single unit detached and attached homes) and associated required open space.

Emergency services, such as a fire station, are allowed as conditional uses in areas designated Public as well as areas zoned for residential development. Any future application to build a fire station would be reviewed considering compatibility with adjacent development and livability concerns such as noise, light and late night operations.

Zoning Map Amendment

The City's zoning map implements the Comprehensive Plan Map designations. Unlike the Comprehensive Plan map which shows broad policy direction, zoning establishes rules for development. The City's zoning map implements the Comprehensive Plan Map designations. A zoning map amendment is required by the Development Code for annexation.

The zoning map designations assigned by City Council could be based on the current Comprehensive Plan map designations or the Comprehensive Plan Map as amended if Council approves the applicant's requested.

The image below shows the zoning map designations proposed by the applicant. Except for the 1.5 acre area identified for the fire station the remainder of the property would be zoned consistent with the Comprehensive Plan map.



Comprehensive Plan Map Amendment Decision Criteria

The applicable review criteria for the requested Comprehensive Plan map amendment include:

- Consistency with the Oregon Statewide Land Use Planning Goals;
- Consistency with other applicable Comprehensive Plan goals and policies; and
- Consistency with applicable Metro planning policies

The applicant's statements and staff findings addressing the applicable criteria area attached.

Zoning Map Amendment Decision Criteria

The applicable review criteria for zoning map amendments are included in Development Code §17.2.770 and summarized below:

- The zone change is consistent with the Comprehensive Plan map;
- The zone change is consistent with the relevant goals and policies contained in the Comprehensive Plan;
- The site is suitable for the proposed use and there is a lack of appropriately designated alternative sites within the vicinity;
- The zone change is consistent with the Transportation System Plan;
- Public services are capable of supporting uses in the proposed zone; and
- The establishment of the zone is not subject to conditions.

The applicant's statements and staff findings addressing the applicable criteria area attached.

Based on the evidence submitted into the record by the applicant, staff finds the applicant provides a basis supporting the map amendments. A summary of the applicant's statement is provided below.

- The Comprehensive Plan's Housing Location Factors for site suitability indicating the site is suitable for residential development.
- Adding land to the housing inventory will address housing needs. The site could accommodate about 20 homes.
- The site is near areas identified for mixed use and homes near mixed use supports planning policies for creating complete communities.
- The map amendment supports Metro policies that land use regulations allow a diverse range of housing types including small lot detached and attached homes.

Additional information provided by the applicant is included in the record. Staff's analysis and findings and Planning Commission decision are also in the record for the public hearing.

To approve the applicant's request Council must determine the applicant provided sufficient justification for the map amendment considering the applicable decision criteria.

REQUIRED PUBLIC NOTICE

Notice of the Planning Commission public hearing was mailed to property owners within 300 feet of the subject property 20-days in advance of the November 1st hearing date. The notice also included the scheduled City Council hearing dates. Notice was also published in the Forest Grove News-Times on October 28th, November 4th, and November 18th.

FISCAL IMPACT: Without further refinement to the scope of the fire station project including facility design the fiscal impacts related to alternative locations are uncertain. If the Council desires to retain the 1.5 acre placeholder fire station location the City must acquire the property within 18 months following final approval of a development application or the reservation must be released to the developer. In addition, the purchase price must be agreed upon prior to final land use approval or the placeholder site must be released to the developer.

PLANNING COMMISSION REVIEW: The Planning Commission held a public hearing on this request on November 1, 2021. The Planning Commission staff report and decision are available for viewing at <https://www.forestgrove-or.gov/planning/project/davis-annexation-and-map-amendments>.

During the public hearing one person testified as a neutral participant and commented on potential future development and possible traffic impacts at the David Hill Road and Main Street intersection. A homeowner from the Silverstone neighborhood submitted an email in advance of the public hearing. Future development impacts will be addressed as part of the development review process that will occur after the property is annexed.

After Planning Commission consideration of the annexation petition and subsequent deliberations, the Planning Commission approved a motion recommending City Council approve the annexation. The motion carried on a 6-0 vote.

ALTERNATIVES: The following alternatives are available to City Council:

- Accept the Planning Commission recommendation and adopt separate orders approving the Comprehensive Plan map amendment as Zoning map amendment as requested by the applicant. This action would designate the property Neighborhood Mixed Use and Medium Density Residential; or
- Request additional information from the applicant and keep the public hearing open to a date certain; or
- Adopt a motion denying the applicant's requested Comprehensive Plan map amendment stating the reasons why. This action results in retaining the current Comprehensive plan map designations (Neighborhood Mixed Use, Public and Medium Density Residential). This action also requires amending the Zoning map order to assign zoning districts to the property subject to annexation based on the Comprehensive Plan map as it is now without the amendment.

If the Comprehensive Plan map designations are retained, adopt a motion assigning the corresponding Zoning Map designations (Neighborhood Mixed Use, Institutional, and Residential

Multifamily Low. If the Council approves the requested Comprehensive Plan map amendment about an order to assign the Neighborhood Mixed Use and Residential Multifamily Low zoning designations to the subject property as requested by the applicant.

STAFF RECOMMENDATION: Based on the evidence submitted into the record, staff finds the applicant addressed the applicable review criteria supporting the map amendments. Therefore, staff recommends City Council:

Accept the Planning Commission's recommendation and approve the orders amending the Comprehensive Plan map and zoning map as requested by the applicant.

Staff also recommend Council consider initiating a process at a later date to refine the scope of the fire station project, identify alternative locations with the Rural Fire Protection District, and prepare a strategy for funding property acquisition.

ATTACHMENTS:

- A. Applicant's Narrative
- B. Map amendment orders and exhibits
- C. PowerPoint Presentation

**Application and Findings
for
Annexation into the City of Forest Grove
And
Comprehensive Plan Amendment
And
Zone Change 8-13-21**

Applicant:	Matt Weatherdon Chad E. Davis Construction 12700 NW Cornell Road Portland, OR 97229 503-250-3055 mattweatherdon@gmail.com
Owner:	Davis Family Trust 2627 NW Highway 47 Forest Grove, OR 97116
Applicant's Representative:	Ryan O'Brien Planning & Land Design 1862 NE Estate Drive Hillsboro, OR 97124 503-780-4061 ryanobrien1@frontier.com
Location:	2627 NW Highway 47 1N330 TL 1100 24.50 Acres Northwest corner of David Hill Road and Highway 47, adjacent to City Limits
Current Zoning:	FD-20 (Washington County)
City Comprehensive Plan Designations:	Neighborhood Mixed Use; Medium Density Residential; Public
Request:	Annexation into the City of Forest Grove; Comprehensive Plan Amendment from Public to Medium Density Residential for a small portion of the site, with corresponding zone change from FD-20 to RML (Residential Multifamily Low) for the eastern 12.24 acres, and NMU (Neighborhood Mixed Use) for the wester 12.26 acres.

Proposal

The application requests approval to annex approximately 24.50 acres of land into the incorporated boundary of the City of Forest Grove, with a zone change from the County FD-20 zone to the City designations of Neighborhood Mixed Use and Residential Multifamily Low. Also, a Comprehensive Plan Amendment for a small 1.57-acre portion of the site designated as Public is proposed to be changed to Medium Density Residential. This 1.57-acre site was originally intended to be a location for a new fire station. According to Fire Department staff, this site is no longer considered for a new fire station. Therefore, it can be rezoned to RML to be compatible with adjacent property.

Site and Vicinity

The subject property is inside the Urban Growth Boundary with County FD-20 zoning. The site contains a single family dwelling with outbuildings and farmland, and is located on the northwest corner of the intersection of Highway 47 and David Hill Road, at the roundabout. Across David Hill Road to the south is urban density residential development inside the City, with R-5 zoning. To the north and west are farmed properties containing dwellings, also zoned FD-20, inside the UGB.

Applicable Regulations

- City of Forest Grove Development Code
 - Annexation
 - Zone Change
- Forest Grove Comprehensive Plan
 - Comprehensive Plan Amendments
 - Goals/Policies
- Metro Code
 - Chapter 3
 - Metro Urban Growth Management Functional Plan
 - Metro Regional Framework Plan
- Statewide Land Use Planning Goals

Exhibits

1. Map of entire site with existing and proposed zoning and comprehensive plan designations
2. Potential development of 1.57 acres currently designated Public on the Comp. Plan
3. Traffic engineer memo addressing the Oregon Transportation Planning Rule (TPR)

Annexation

17.2.150 Procedure

Annexation shall be reviewed according to procedures in Chapter 3.09 of the Metro Code, Local Government Boundary Changes and applicable State of Oregon annexation regulations.

Response: Metro Chapter 3.09.050.D states that in order to approve a boundary change, the review entity shall apply the criteria in 3.09.045.D and .E.

3.09.045.D:

1. *Find that the change is consistent with expressly applicable provisions in:*
 - a. *Any applicable urban service agreement adopted pursuant to ORS 195.205;*

Response: The site is within Forest Grove's Urban Growth Boundary, and adjacent to the City limits. Urban service agreements expect that upon annexation, the City will take over responsibility for planning and provision of public services and facilities.

- b. *Any applicable annexation plan adopted pursuant to ORS 195.205;*

Response: There is no known adopted annexation plan pertaining to the subject site.

- c. *Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*

Response: ORS 195.020(2) pertains to cooperative agreements between Metro and Counties or special service districts. A planning agreement exists between Washington County and Forest Grove which requires urban development to occur only within the city limits. The site is rural property within the City of Forest Grove Urban Growth Boundary, it is expected that upon annexation, the City will take over responsibility for planning and provision of public services and facilities, consistent with the applicable planning agreement.

- d. *Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and*

Response: Annexation and subsequent development of the site will allow for implementation of the City's Westside Enhancement Plan, which includes transportation and utility plans for the area.

- e. *Any applicable comprehensive plan; and*

Response: Specific Comprehensive Plan goals that are met by annexing the site include:

Housing

- Goal 1: *Ensure an adequate supply of developable land to support needed housing types and a complete community*
- Goal 6: *Promote neighborhoods complete with residences, open space, schools, parks, and shopping opportunities within close proximity to each other. Avoid stand-alone residential developments lacking support activities.*

Urbanization

- Goal 2: *Land shall be made available within the urban growth boundary to meet local urban land use needs.*
- Goal 12: *Promote the efficient delivery of public services through annexation of land into the City of Forest Grove.*
- Goal 13: *The City will avoid approving annexations that create unincorporated islands within the Forest Grove planning area.*

The proposed annexation is consistent with the Forest Grove Comprehensive Plan. The site has been through the process to be annexed into the City's Urban Growth Boundary, which included applying Comprehensive Plan land use designations appropriate for the site. Both zones add to the City's available residential lands, which, according to the Westside Area Refinement Plan, have been depleted in recent years. The NMU zone allows mixed use, contributing to a 'complete neighborhood'. The site is inside the UGB, is adjacent to the City limits, and all urban services are available to serve the site, in full compliance with the stated CP goals.

Except for a small portion of the site designated Public, for which a Comprehensive Plan Amendment is requested, all areas of the site will be rezoned with the corresponding City zone, consistent with the Comprehensive Plan.

f. Any applicable concept plan; and

Response: The City has adopted the Westside Area Refinement Plan, which includes the subject site. The Plan includes future transportation and utility expansion in the area, annexation and subsequent development of the site to City standards will allow for implementation of the Plan.

2. *Consider where the boundary change would:*
- Promote the timely, orderly and economic provision of public facilities and services;*
 - Affect the quality and quantity of urban services; and*
 - Eliminate or avoid unnecessary duplication of services.*

Response: All public facilities and services are available to serve the site. Annexation itself does not increase the need for services. Future development on the site will upgrade or construct facilities as necessary to adequately serve any proposed use. Upon annexation, the City will be the primary service provider and will replace other providers to avoid duplication of services.

3.09.045.E:

A City may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB.

Response: The subject site is fully within the Forest Grove Urban Growth Boundary.

17.2.160 Assignment of Zoning Designations

Before an annexation application is deemed complete, the applicant shall initiate a zone change pursuant to 17.2.750. Zoning of the property shall meet the review criteria in 17.2.770.

Response: The Zone Change criteria are addressed in this document.

Zone Change

17.2.770 Review Criteria

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

Response: The zone change is consistent with the CP map. The western portion of the site has a CP designation of Neighborhood Mixed Use, the requested zone is Neighborhood Mixed Use. The eastern portion of the site is designated Medium Density Residential, the requested zone is Residential Multi-Family Low. Both requested zones are consistent with the Classification Table in Article 3. A Comprehensive Plan Amendment is concurrently requested for the small portion of the site designated Public to MDR, with RML zoning, as addressed later in this document.

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

Response: For the majority of the site, the requested zone is the corresponding City zone for the Comprehensive Plan designation, which has already been deemed consistent through the process of annexing into the City's UGB and applying that Plan designation. Except for a small portion of the site designated Public, for which a Comprehensive Plan Amendment is requested, all areas of the site will be rezoned with the corresponding City zone consistent with the Comprehensive Plan.

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

Response: The current zoning is County FD-20, which is a 'holding zone' for lands outside a city limit but inside the UGB. Upon annexation into the City, a City zone must be applied. The requested zone change is from FD-20 to NMU and RML, which are the corresponding City zones for the plan designations that were applied to the site through the Comprehensive Planning process. The small portion of the site designated Public is proposed to change to MDR, for which the RML zone will be the appropriate City zone.

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

Response: The requested zones are the corresponding City zones for the Comprehensive Plan designations that have been applied to the site by the City. It is expected that future development proposals will include a traffic impact study to determine the impacts from a specific use. The City has included these lands and applied particular plan designations to them based on suitability of transportation facilities and opportunity for upgrades to serve future uses. A traffic study memo was prepared by a traffic engineer (See Exhibit 3). Since the 1.57-acre Public Designated site is very small. Traffic generation would be limited with RML zoning. Only about 13 residential units can be developed as shown by Exhibit 2. This

exhibit is a portion of the proposed development plan for the Davis 24.50 acres. Institutional Zoning, the site could be developed with a government building with significantly higher traffic generation compared to 13 residential units. Therefore, this rezone and comprehensive plan amendment produces less traffic which complies with the Oregon TPR (Transportation Planning Rule). This is explained further in the traffic memo.

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

Response: All services are available or can be made available to serve the site. By themselves, annexation and zone change do not increase the current need for services. Once annexed, any development proposal will be required to extend/upgrade services as needed to provide services that meet City standards for a specific use.

Comprehensive Plan Amendments

Amendments to Comprehensive Plan Map are processed through either a legislative (Type IV) or quasi-judicial process (Type III) depending on whether the map amendment affects a small group of properties or large area. The Type III process is also described in Forest Grove Development Code Article 1. A Type III process requires notice to surrounding property owners, publication of the notice in the local newspaper and public hearings with the Planning Commission and City Council. Amendments to the Comprehensive Plan map will be adopted by City Council ordinance.

Decision Considerations

Amendments to the comprehensive plan will be considered by the Planning Commission and City Council based on:

- *Consistency with applicable Comprehensive Plan policies;*

Response: Specific Comprehensive Plan goals that applicable to the proposed change include:

Housing Location Factors

Response: The housing location factors specified in the CP for Medium Density Residential lands include:

- Hazard free location suitable for home sites
- 10% or less slope
- Location bounded but not penetrated by major arterials or railroads
- Convenient driving distance to schools and neighborhood commercial
- Availability of full urban services

The area proposed for the CPA meets all of the specified criteria – the site is fairly level, hazard free, fronts onto David Hill Road, an arterial, in an area developing to provide schools and commercial, and full urban services are available to serve the site.

Housing

Goal 1:

Ensure an adequate supply of developable land to support needed housing types and a complete community

Goal 6: *Promote neighborhoods complete with residences, open space, parks, and shopping opportunities within close proximity to each other. Avoid stand-alone residential developments lacking support activities.*

Response: The proposal includes amending the Comprehensive Plan map from Public to Medium Density Residential for approximately 1.57 acres along the southern boundary of the site. According to the City documents, including the Westside Area Refinement Plan and the Housing Needs Analysis, development in Forest Grove has been robust, depleting the City's supply of residential lands, at the same time of significant housing demand that is outstripping supply in the entire Portland area, and driving up home and rent prices. Adding the 1.57 acres to the residential inventory will help alleviate the shortage. The area was originally designated as Public to accommodate a fire station, but a plan to staff and equip a new station has not been completed. Therefore, the City and Fire District have determined that the need can be met elsewhere. The area to be re-designated is adjacent to the portion of the site that is designated Neighborhood Mixed Use, therefore the amended map area will be part of a 'complete' neighborhood in close proximity to other uses that are complimentary to residential uses.

Urbanization

Goal 2: *Land shall be made available within the urban growth boundary to meet all local urban land use needs.*

Goal 12: *Promote the efficient delivery of public services through annexation of land into the City of Forest Grove.*

Goal 13: *The City will avoid approving annexations that create unincorporated islands within the Forest Grove planning area.*

Response: As previously stated, Forest Grove's residential lands are being depleted by robust development, additional residential land meets a land use need. All public services are available to serve the site, and the site is within the City's Urban Growth Boundary, adjacent to the City limits – no 'islands' are created.

- *Consistency with the Metro Regional Framework Plan;*

Response: Among other elements, the MRFP calls for local governments to ensure that land use regulations allow a diverse range of housing types and make housing available to households of all income levels. The proposed change from Public to Medium Density Residential, and the corresponding zone change to Residential Multifamily Low, will allow a target density of 12 dwelling units per acre, with a variety of housing types, including small-lot single family detached housing, duplexes, attached dwelling and small multi-dwelling residences, permitted in the zone.

- *Consistency with the Metro Urban Growth Management Functional Plan (Metro Code Chapter 3.07) or Regional Transportation Functional Plan as applicable; and*

Response: The MUGMFP implements the policies of the Metro Regional Framework Plan. The Forest Grove Comprehensive plan is required to be consistent with both Metro plans. The proposed comprehensive plan amendment is consistent with both Metro plans, because it is consistent with the City's adopted Comprehensive Plan, as addressed in this document.

- *Consistency with the Oregon Statewide Land Use Planning Goals*

Response: The applicable Statewide Goals include:

Goal 1 Citizen Involvement:

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

Response: The comprehensive plan amendment process includes public hearings before the Planning Commission and the City Council, both of which offer opportunities for citizen involvement.

Goal 2 Land Use Planning:

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: The City's Comprehensive Plan includes the subject site based on availability of services and logical development patterns. The Comprehensive Plan incorporates the Statewide Planning Goals, and the Comp Plan is implemented by the City's Development Code.

Goal 10 Housing

To provide for the housing needs of citizens of the state.

Response: The proposed CPA is to re-designate approximately 1.5 acres of land from Public to Medium Density Residential. The City has a process for accommodating needed revisions to the Comprehensive Plan to meet housing needs. The City has determined that the public need for the 1.5 acres can be met elsewhere, and re-designating the area as residential increases the inventory of available residential lands in the City. According the Housing Needs Analysis, there is more demand than supply for both affordable housing units as well as market-rate rental housing in Forest Grove. The proposed amendment will allow the City to provide for of housing needs of the citizens, consistent with Goal 10.

Goal 11 Public Facilities and Services:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: All public facilities are available to serve the site. Conceptual transportation, water, sewer and storm system plans for the area are included in the Westside Area Refinement Plan. The area for which the CPA is requested is approximately 1.5 acres that will be included in the development plan for the entire 25 acre piece, thereby implementing the WARP.

Application Contents

A non-City initiated application for a Comprehensive Plan Map or Text amendment shall be made on forms provided by the City. The plan amendment application shall be accompanied with a deposit to cover processing costs as prescribed by City Council resolution. The application form shall also be accompanied by a narrative with text and supporting maps describing how the proposed amendment complies with the Comprehensive Plan Amendment Decision Considerations identified above. A public hearing on the proposed amendment with the Planning Commission and City Council will be set once the application is deemed complete by the Community Development Director or designee. The Community Development Director shall render a decision on application completeness within 30- days of submittal to the City. Rejection by the Director for incompleteness

shall be based solely on failure to address the development standards or supply information for the application. Rejection shall not be based on differences of opinion as to quality or accuracy. Acceptance indicates only that the application is ready for review.

Application Submittal Checklist

____ City of Forest Grove Land Use Application

____ Comprehensive Plan Amendment Filing Deposit

____ Supporting Narrative including Text and Supporting Maps

Response: The specified items are included with the application materials.

CONCLUSION

Based on the findings contained above, the applicant has addressed the applicable criteria for granting approval to annex 24.50 acres of land into the City of Forest Grove, change the zoning to the corresponding City zones, and amend the Comprehensive Plan map for a small portion of the site.

- 1.57 AC - NEW RML SITE
 - 0.20 AC - PUBLIC ROADWAY
 - 0.10 AC - PRIVATE ROADWAY
 - 0.15 AC - WATER QUALITY
-
- 1.12 AC x 12 UN/AC = 13 UNITS

Section F, Item 2.

DAVID HILL
SUBDIVISION PLAN

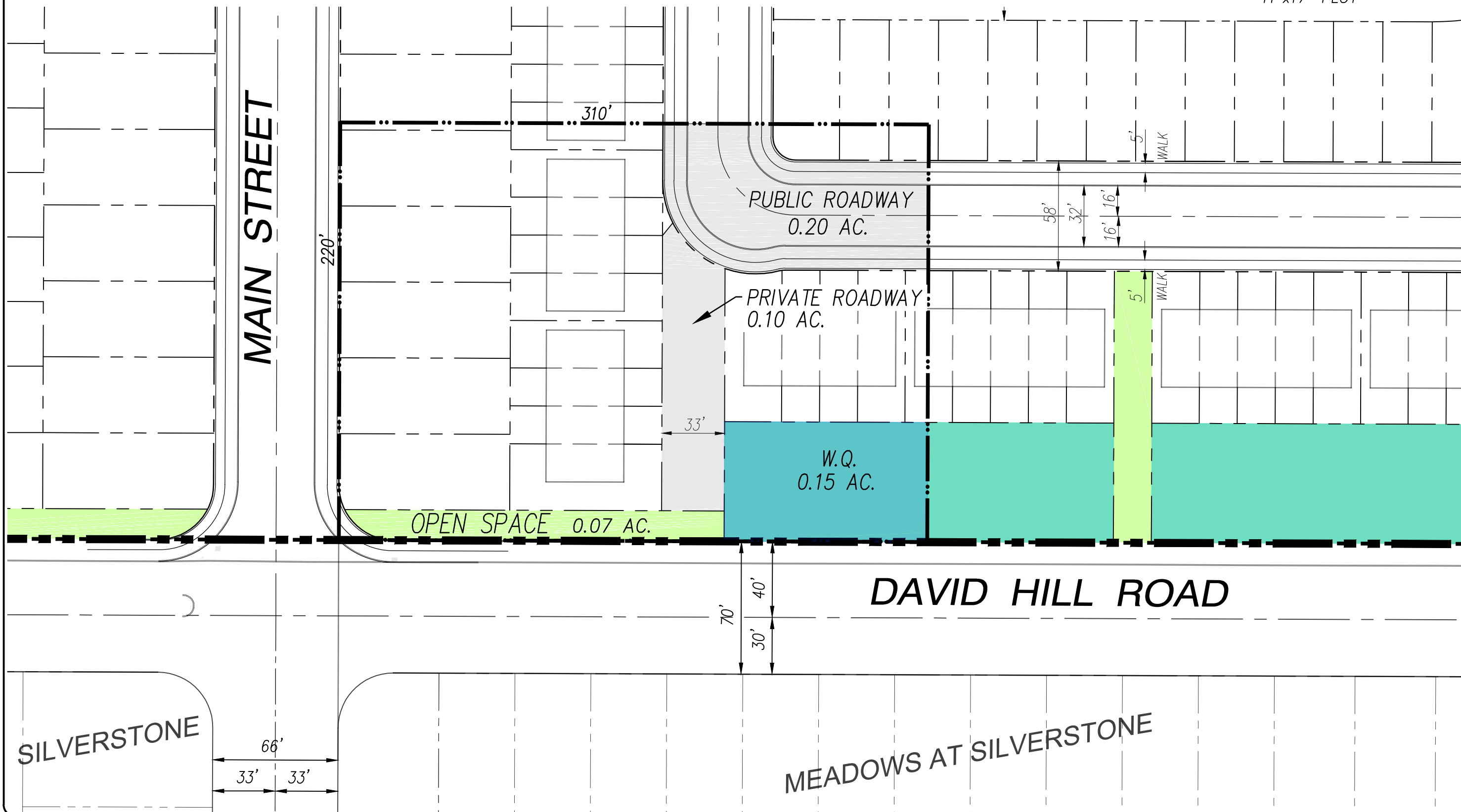
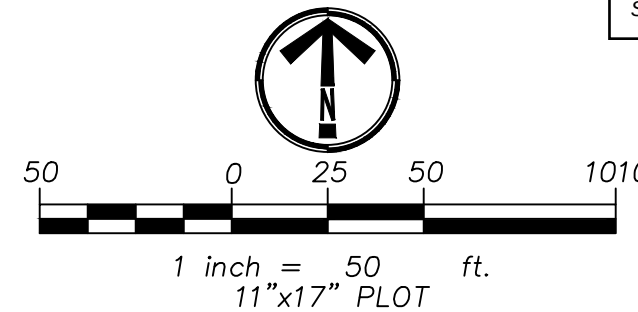
TAX MAP T1S, R3W, SEC. 30, TAX LOT 110
FOREST GROVE, OREGON 97116

ZONE CHANGE
DENSITY CALCULATION

REVISIONS	
NO.	DESCRIPTION

PLANNING & LAND DESIGN, LLC
1862 NE ESTATE DRIVE
HILLSBORO, OREGON 97124
RYAN O'BRIEN
(503) 780-4061

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AUGUST



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**2617 NW HWY 47
TAX LOT 1N330 1100**

**FILE NO.
311-21-000037-PLNG**

DAVIS ANNEXATION

**COMPREHENSIVE PLAN &
ZONING MAP
AMENDMENTS**

Dan Riordan, Senior Planner
Community Development Dept.

12/13/2021



PURPOSE OF AGENDA ITEM

Section F, Item 2.

- ❑ Staff is asking that City Council take actions on two related matters:
- ❑ Hold a public hearing and take action on the property owner's request to amend the City's Comprehensive Plan map for property subject to annexation, and
- ❑ Hold a separate public hearing on amending the City's zoning map to assign zoning designations that will apply to the property after the annexation is effective. The zoning that will apply to property will be based on the outcome of the first public hearing depending on whether or not Council approves the applicant's request to amend the Comprehensive Plan map.

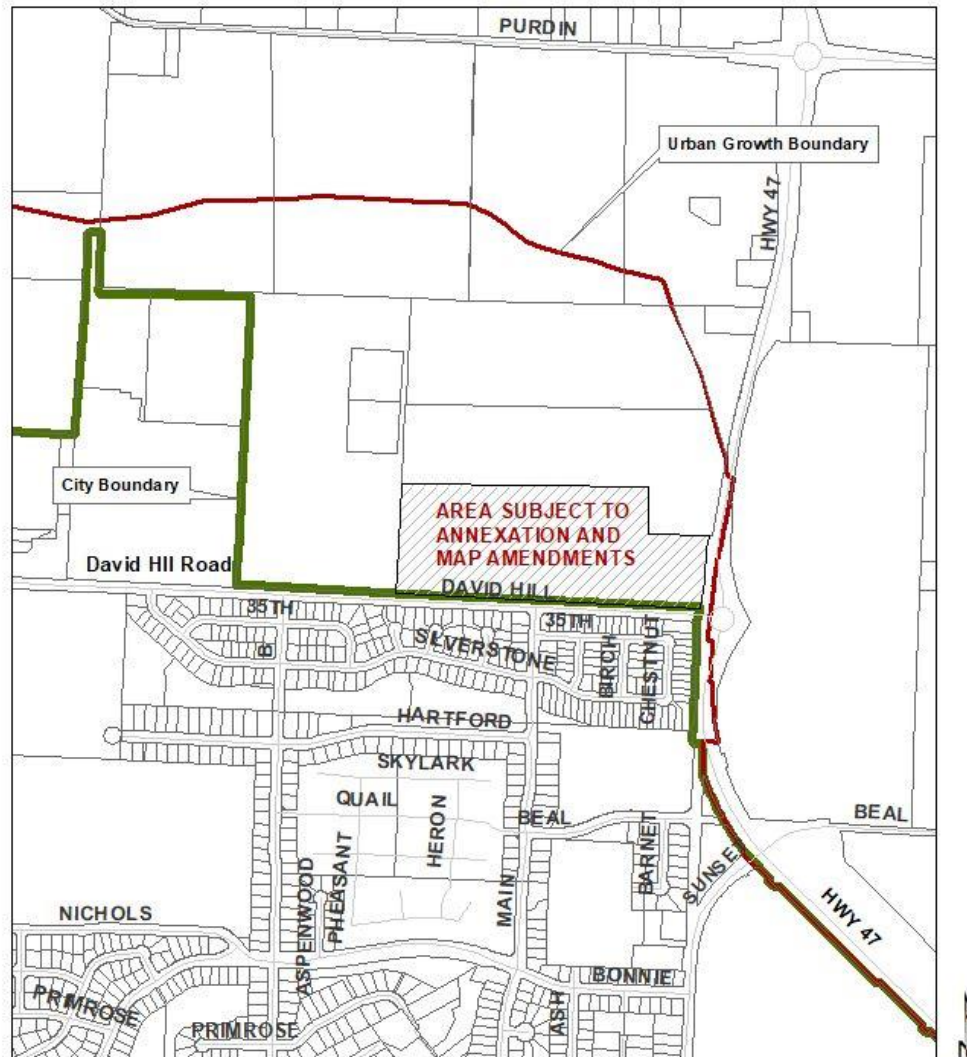
OVERVIEW

- ❑ As related to annexation, the Comprehensive Plan Map shows how property within the urban growth boundary could be used in the future when added to the City.
- ❑ The property retains Washington County zoning until annexation after which time City zoning applies. The Comprehensive Plan Map provides guidance as to which City zoning designations to apply.
- ❑ Unlike the Comprehensive Plan which establishes broad policy direction about land use, zoning includes specific rules that apply to development proposals.

SUBJECT PROPERTY

Section F, Item 2.

Annexation and Map Amendments
311-21-000037-PLNG



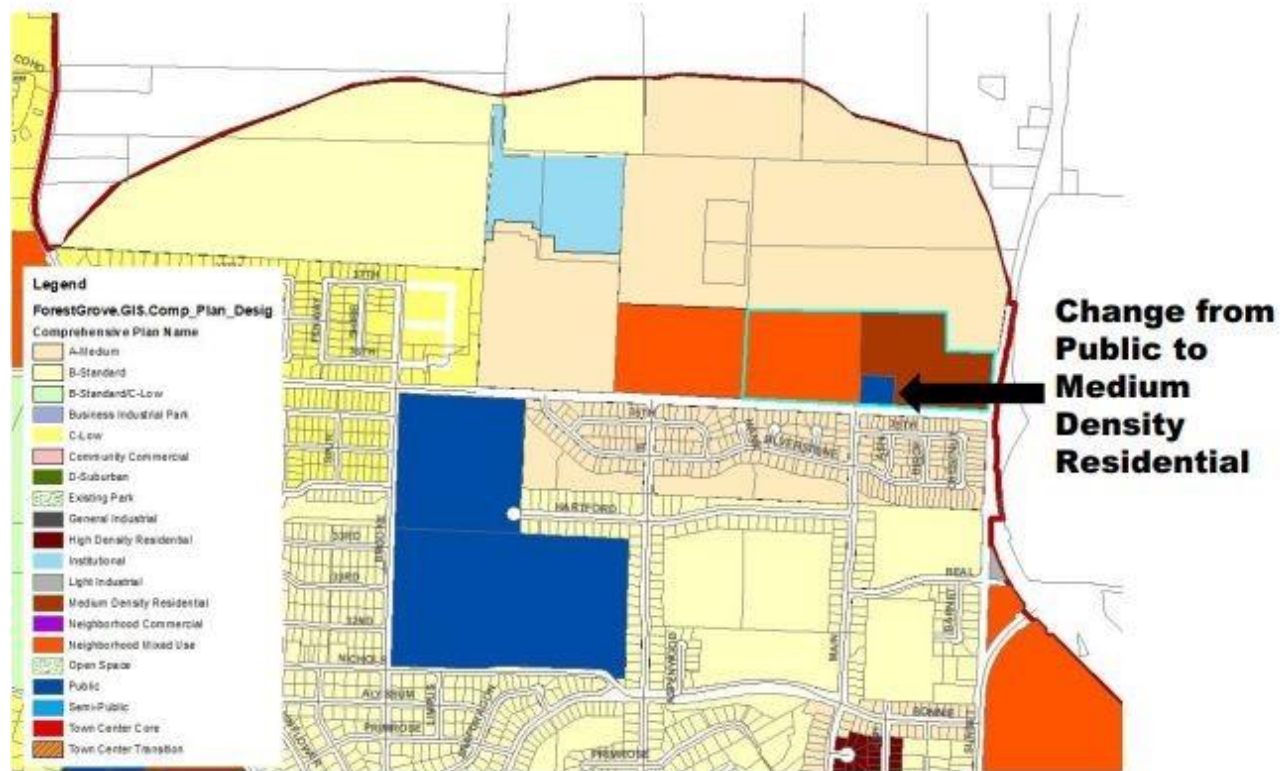
OVERVIEW

- ❑ The Comprehensive Plan Map request, if approved, would affect just over 1.5 acres of land subject to annexation.
- ❑ The entire area annexation area is about 24.5 acres and the majority of the area is not affected by the requested Comprehensive Plan Map amendment.

COMP. PLAN AMENDMENT

Section F, Item 2.

- The area subject to the 1.5 acre Comp. Plan map amendment is show in blue on the map below and is designated Public/Institutional as a placeholder location for a possible future fire station.
- The site is at corner of Main Street and David Hill Road and is adjacent to areas designated for mixed use (orange area) and medium density residential (brown area).



COMP. PLAN AMENDMENT

Section F, Item 2.

- ❑ Another site was previously identified for a future fire station next to Thatcher Park. That site is now the dog park area.
- ❑ The Westside refinement planning process completed in 2014 provided an opportunity to identify another possible location for a fire station.
- ❑ At the time the Westside plan was done not much detail was known about the scope of the fire station including whether or not the site should include training facilities and how much land area will be needed.

COMP. PLAN AMENDMENT

Section F, Item 2.

- ❑ The applicant's annexation petition, and expected land development application, raised the question of whether the fire station location shown on the Comprehensive Plan Map is the best location, now, considering emergency service delivery needs and property owner interests.
- ❑ The Fire Department desires a fire station to serve the developing areas of Forest Grove, higher elevations west of Thatcher Road and Highway 47.
- ❑ Based on preliminary discussions with the applicant the applicant desires to develop the property for residential uses (single unit detached and attached homes) and associated required open space areas.

COMP. PLAN AMENDMENT

Section F, Item 2.

- ❑ Emergency services, such as a fire station, are allowed as conditional uses in areas zoned Institutional as well as areas zoned for residential development.
- ❑ Any future application to build a fire station would be reviewed considering compatibility with adjacent developments and livability concerns such as noise, lights and late night operations.

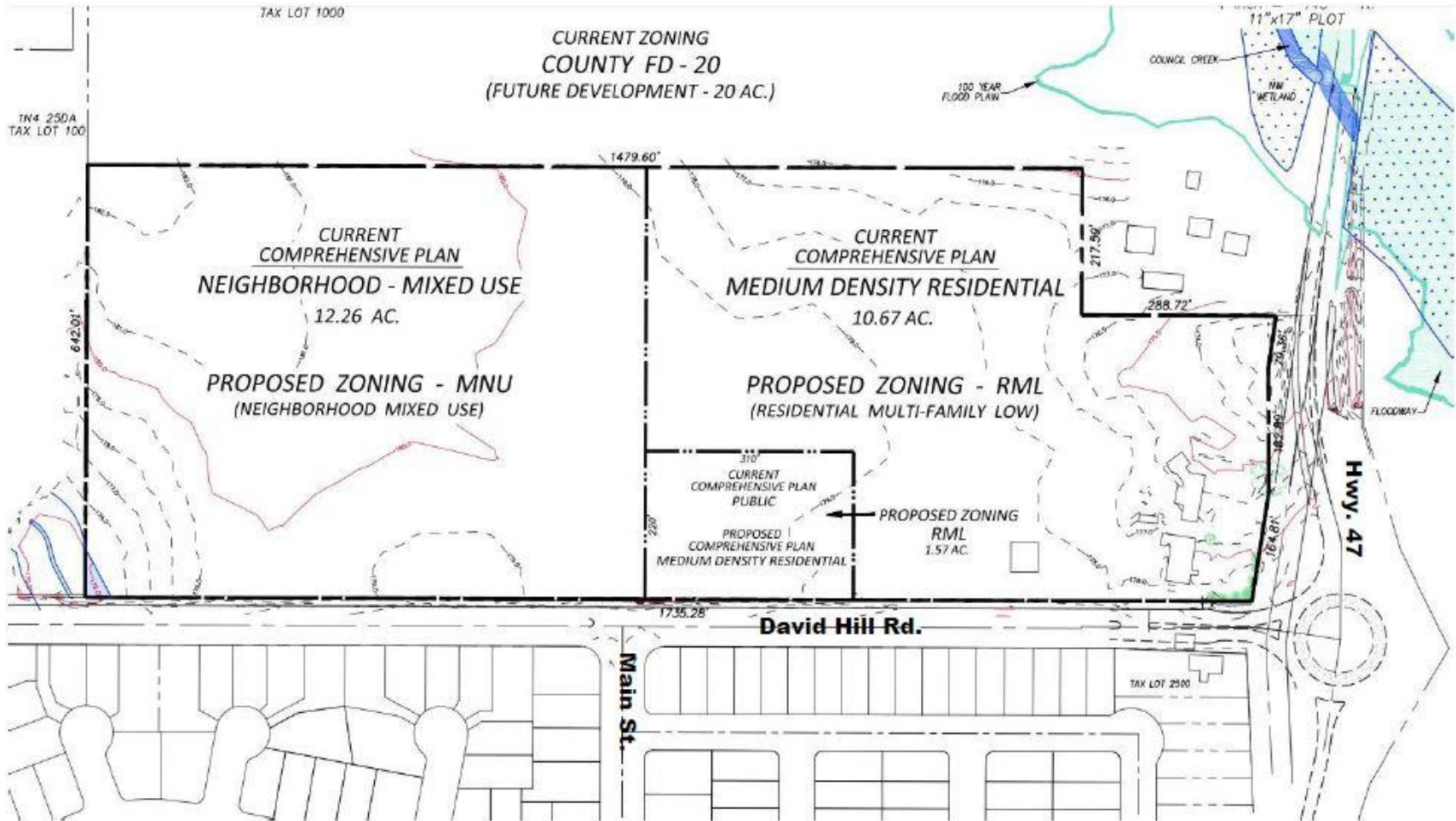
ZONING MAP AMENDMENT

Section F, Item 2.

- ❑ Transitioning to the requested zoning map amendment, the City must assign zoning to property within the City.
- ❑ The zoning map implements the Comprehensive Plan Map designations.
- ❑ A zoning map amendment is required by the Development Code for annexation.
- ❑ The zoning map designations assigned by City Council could be based on the current Comprehensive Plan Map or the Comprehensive Plan Map as amended provided Council approves the applicant's request.

ZONING MAP AMENDMENT

Section F, Item 2.



DECISION CRITERIA

- ☐ The applicable review criteria for this application are:
 - ☐ Comprehensive Plan Policies (Map Amendments)
 - ☐ Consistency with Oregon Statewide Land Use Planning Goals.
 - ☐ Consistency with other applicable Comprehensive Plan goals and policies.
 - ☐ Consistency with applicable Metro planning policies.
 - ☐ Zoning Map Amendments (DC 17.2.770)
 - ☐ The zone change is consistent with the Comprehensive Plan map.
 - ☐ The zone change is consistent with the relevant goals and policies contained in the Comprehensive Plan.
 - ☐ The site is suitable for the proposed zone and there is a lack of appropriately zoned alternative sites.
 - ☐ The zone change is consistent with the Transportation System Plan.
 - ☐ Public services are capable of supporting uses in the zone.
 - ☐ The establishment of the zone is not subject to conditions.

DECISION CRITERIA

- ❑ Based on the evidence submitted into the record by the applicant, staff finds the applicant provides a basis supporting the map amendments.
- ❑ A summary of the applicant's statement is below:
 - ❑ The Comprehensive Plan's Housing Location Factors for site suitability indicating the site is suitable for residential development.
 - ❑ Adding land to the housing inventory will address housing needs. The site could accommodate about 20 homes.
 - ❑ The site is near areas identified for mixed use and homes near mixed use supports planning policies for creating complete communities.
 - ❑ The map amendment supports Metro policies that land use regulations allow a diverse range of housing types including small lot detached and attached homes.

DECISION CRITERIA

Section F, Item 2.

- ❑ Additional information provided by the applicant is included in the application and has been provided to City Council for tonight's meeting.
- ❑ To approve the applicant's request Council must determine the applicant provided sufficient justification for the change considering the applicable decision criteria.
- ❑ During the public hearing, the applicant will be provided an opportunity to expand further on the application and map request.

PLANNING COMMISSION REVIEW

Section F, Item 2.

- ❑ The Planning Commission considered the applicant's request on November 1, 2021.
- ❑ The Planning Commission adopted a motion on a 6-0 vote to recommend that City Council approve the requested map amendments.
- ❑ The Planning Commission's decision is included for review in the materials for the City Council meeting.

COUNCIL ALTERNATIVES

Section F, Item 2.

- ❑ Accept the Planning Commission recommendation and adopt orders approving the Comprehensive Plan Map 1.5 acre Com. Plan map amendment and Zoning Map amendment as requested by the applicant.
- ❑ Request additional information from the applicant and keep the public hearing open to a date certain.
- ❑ Adopt a motion denying the applicant's map amendment requests stating the reasons why. This action results in retaining the current Comprehensive Plan Map designations (Neighborhood Mixed Use, Public and Medium Density Residential).
- ❑ If the Council desires to retain the 1.5 acre placeholder fire station location, the City must agree to a price and take possession within 18 months following development approval or the reservation must be released to the developer.

COUNCIL ALTERNATIVES

Section F, Item 2.

- ❑ If the Council approves the applicant's requested Comprehensive Plan amendment Council should adopt the Zoning map order in the Council's packet to assign the Neighborhood Mixed Use and Residential Multifamily Low zoning designations to the subject property as requested by the applicant.

- ❑ If Council does not approve the applicant's requested Comprehensive Plan Map amendment, and therefore retains the current Comp. Plan map designations. Council should approve an amendment to the Zoning map order to assign Zoning designations that correspond to the current Comp. Plan map (Neighborhood Mixed Use, Institutional, and Residential Multifamily Low).

STAFF RECOMMENDATION

Section F, Item 2.

- ❑ Based on the evidence submitted into the record, staff finds the applicant addressed the applicable review criteria supporting the map amendments.
- ❑ Therefore, staff recommends City Council accept the Planning Commission's recommendation and approve the orders amending the Comprehensive Plan Map and Zoning Map as requested by the applicant.
- ❑ Staff also recommends Council consider initiating a process, at a later date, to refine the scope of the fire station project, identify alternative locations with the Rural Fire Protection District, and prepare a strategy for funding property acquisition.

ORDER NO. 2021-01**ORDER AMENDING FOREST GROVE COMPREHENSIVE PLAN MAP
FOR PROPERTY SUBJECT TO ANNEXATION; WASHINGTON COUNTY
TAX LOT 1N330000100; FILE NO. 311-21-000037-PLNG**

WHEREAS, Ryan O'Brien., representing the property owner, Davis Family Trust, and the applicant, Chad E. Davis Construction, submitted an annexation petition on August 13, 2021; and

WHEREAS, as authorized by Forest Grove Development Code §17.1.210(D), the applicant initiated a consolidated land use application for property subject to annexation; and

WHEREAS, the consolidated application includes a request for approval of amendments to the Forest Grove Comprehensive Plan Map as shown on Exhibit A and Exhibit B; and

WHEREAS, as required by Oregon Administrative Rules Chapter 660-018-0022, notice of this application was provided to the Oregon Department of Land Conservation and Development more than 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of this application was mailed to all property owners of record and other interested parties within 300 feet of the boundaries of the subject properties; and

WHEREAS, as required by Forest Grove Development §17.1.610(A) notice of the Planning Commission and City Council public hearing to consider this application was published in the Forest Grove News Times on October 28, November 4 and November 18, 2021; and

WHEREAS, the Planning Commission held the duly-noticed public hearing on this matter on November 1, 2021; and

WHEREAS, the Planning Commission closed the public hearing and voted unanimously to recommend City Council approval of the amendments to the Forest Grove Comprehensive Plan Map as described by Planning Commission Decision No. 2021-04, Exhibit C; and

WHEREAS, Planning Commission Decision No. 2021-04 was forwarded to City Council for public hearing on December 13, 2021; and

WHEREAS, notice of the City Council public hearing was published on December

WHEREAS, the City Council conducted the duly-noticed public hearing on September 14, 2020.

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

Section 1. The City Council hereby orders approval of the amendments to the Forest Grove Comprehensive Plan Map.

Section 2. Annexation of the subject territory is support by the findings of fact and conclusions described in Exhibit C and Exhibit D.

Section 3. This order is effective immediately upon adoption by the City Council.

PRESENTED AND PASSED, this 13th day of December, 2021.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of December, 2021.

Peter B. Truax, Mayor

EHIBIT A

PROPOSED COMPREHENSIVE PLAN MAP AMENDMENTS	
From	To
Public	Medium Density Residential

EXHIBIT B
EXISTING COMPREHENSIVE PLAN MAP

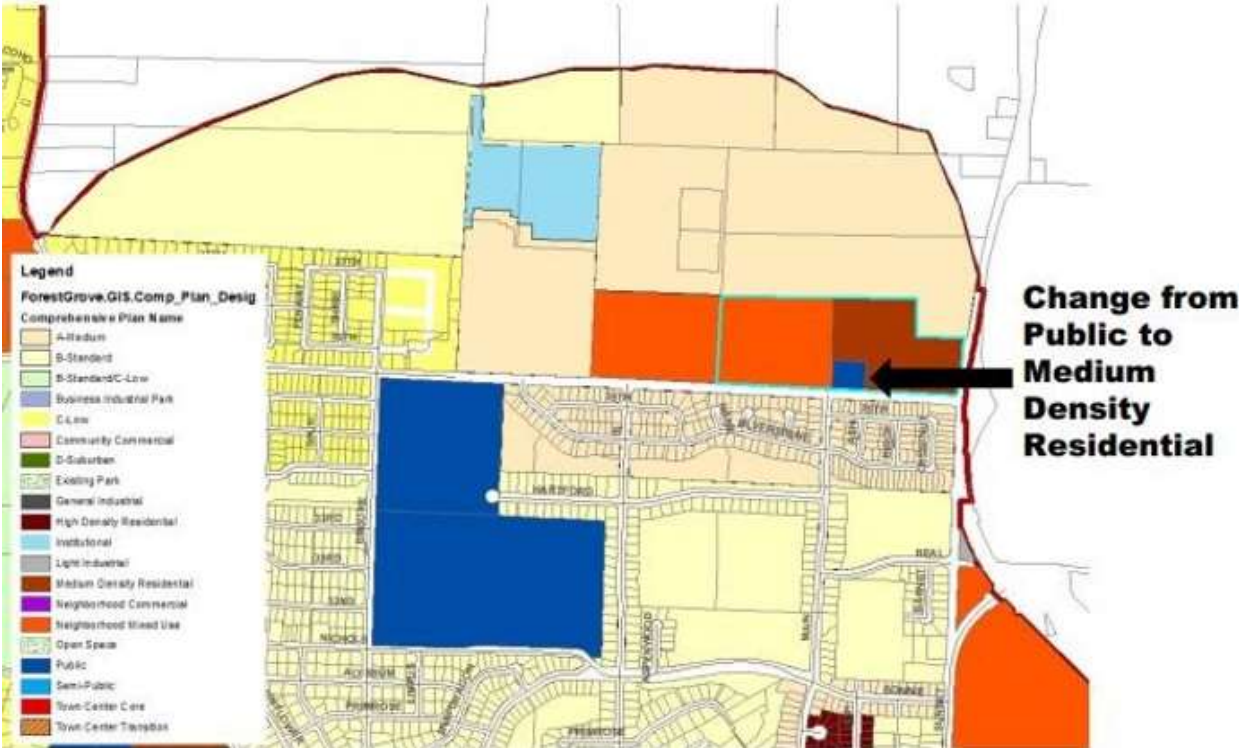


EXHIBIT C

**Planning Commission Findings and Decision Number 2021-04
Annexation of 24.5 +/- acres and Concurrent Comprehensive Plan Map
Amendment and Zoning Map Amendment
File Number 311-21-000037-PLNG**

WHEREAS, on August 13, 2021, the Davis Family Trust submitted an annexation petition and land use application for concurrent Comprehensive Plan Map and Zoning Map amendments for property adjacent to the Forest Grove city limits north of David Hill Road and west of Highway 47; and

WHEREAS, the application was deemed complete on September 15, 2021; and

WHEREAS, as required by Oregon Administrative Rules Chapter 660-018-0022, notice of this application was provided to the Oregon Department of Land Conservation and Development on September 14, 2021, being at least 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Metro Code §3.07.820, notice of the application was provided to the Metro on September 14, 2021, being at least 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(A), notice of the Planning Commission's public hearing to consider this application was published in the Forest Grove News Times on October 28, 2021, being at least five days prior to the public hearing; and

WHEREAS, notice of the Planning Commission's public hearing was posted in locations accessible to the public as required by Development Code §17.1.610(B); and

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of this application was mailed to all property owners of record and other interested parties within 300 feet of the boundaries of the subject properties; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of said notice was mailed on October 12, 2021, being at least 20 days before the Planning Commission's public hearing on this matter; and

WHEREAS, the Planning Commission held the duly noticed public hearing on this matter on November 1, 2021; and

WHEREAS, the Planning Commission approved a motion on a 6 to 0 vote to recommend City Council approve the annexation, Comprehensive Plan Map amendment, and Zoning Map amendment as proposed by the applicant.

NOW THEREFORE, the City of Forest Grove Planning Commission does hereby recommend that City Council adopt an ordinance annexing the subject property, and orders to approve the proposed Comprehensive Plan Map amendment, and Zoning Map amendment as

shown in the staff report dated November 1, 2021, making the following specific findings in support of the decision.

1. The Planning Commission finds there is substantial evidence in the record to support a Planning Commission recommendation to City Council that the City Council to approve the annexation and concurrent map amendments. The evidence relied upon includes:
 - a. The land use application dated August 13, 2021, and received by the City on August 13, 2021;
 - b. The written staff report and attachments dated November 1, 2021 provided to the Planning Commission including:
 - Attachment A: Findings for Annexation Approval
 - Attachment B: Findings for Comprehensive Plan Map and State Land Use Planning Goal and Metro Compliance
 - Attachment C: Findings for Zoning Map Amendment Approval
 - Attachment D: Land Use Application
 - c. Testimony provided to the Planning Commission during the public hearing on November 1, 2021, to support a Planning Commission recommendation to City Council to approve the proposals subject to certain conditions.
2. The Planning Commission finds the evidence relied upon including the land use application and written staff report dated November 1, 2021 demonstrates the land use application meets the applicable review criteria and considerations including:
 - a. Oregon Revises Statutes Chapter 222 (Boundary Changes, Mergers and Consolidation).
 - b. Metro Code Chapter 3.09 (Local Government Boundary Changes)
 - c. Oregon Statewide Land Use Planning Goal 2 (Land Use), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation)
 - d. Metro Urban Growth Management Plan
 - e. Forest Grove Comprehensive Plan Policies
 - f. Oregon Transportation Planning Rule (OAR 660-12)
 - g. Development Code §17.2.150 (Annexation)
 - h. Development Code §17.2.770 (Zoning Change)
3. The Planning Commission finds the annexation of the subject property meets the applicable review criteria described in the written staff report dated November 1, 2021.
4. The Planning Commission finds the proposal to amend the Forest Grove Comprehensive Plan Map to redesignate property designated Public to Medium Density Residential as proposed in the land use application meets the applicable review criteria and considerations as described in the written staff report dated November 1, 2021.
5. The Planning Commission finds the proposal to amend the Forest Grove Zoning Map to redesignate property zoned Washington County Future Development to Forest Grove Neighborhood Mixed Use and Residential Multifamily Low consistent with the Comprehensive Plan Map as Comprehensive Plan Map amendment meets the applicable review criteria and considerations as described in the written staff report dated November 1, 2021.

EXHIBIT D

REQUIRED APPROVALS AND FINDINGS FOR COMPREHENSIVE PLAN MAP AMENDMENTS

The following decision considerations apply to the proposed Comprehensive Plan Map amendment:

- Applicable Oregon Statewide Land Use Planning Goals.
- Applicable Comprehensive Plan policies.
- Metro Regional Framework Plan.
- Metro Urban Growth Management Functional Plan.

Oregon Statewide Land Use Planning Goals

Goal 1 – Citizen Involvement: Goal 1 requires local governments develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding for Goal 1: The Oregon legislature added the subject property into the urban growth boundary in 2014. Subsequent to this legislative action, the City prepared the Westside Refinement Plan. Preparation of the Refinement Plan included meetings with potentially affected property owners. In addition, opportunities for public comment were provided during the formal public hearing process conducted during plan adoption. This process provided opportunity to review and recommend changes to the proposed land use concept plan prior to adoption. Given, opportunities for public participation in the planning process compliance with Goal 1 is met.

Goal 2 - Land Use: Goal 2 establishes guidelines for major revisions and minor changes to the Comprehensive Plan.

- Major revisions include land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.
- Minor changes are those which do not have significant effect beyond the immediate area of the change.

Finding for Goal 2: The proposed amendment to the Comprehensive Plan map to re-designate 1.5 acres +/- from Public to Medium Density Residential is deemed a minor change for the following reasons. First, the area affected involves only 8.2% of the land area of the parcel. This change will not change the overall character or overall use of the subject property. Second, the land is owned by one entity and the change does not affect many different ownerships. Third, the proposed map amendment does not preclude a future fire station which was the intended use of the area identified for public use through the Westside planning process. Emergency services are allowed as conditional uses in the proposed Medium Density Residential Comprehensive Plan Map designation.

Goal 10 - Housing: Goal 10 specifies that each city must plan for and accommodate needed housing types and to plan and zone enough buildable land to meet those needs.

Finding for Goal 10: The Westside Refinement Plan adopted in 2017 identifies the subject territory for mixed use and residential development at a target density of 12 units per net acre. Anticipated residential development will help the City meet identified housing needs in the City's Housing Needs Analysis adopted in 2019. The Housing Needs Analysis shows a twenty year housing need consisting of 2,052 owner-occupied dwellings and 1,374 renter-occupied dwellings. The needed mix consists of 1,988 single unit detached homes, 638 single unit attached units including townhomes and duplexes, 702 apartments and 97 manufactured housing units. The Neighborhood Mixed Use and Median Density Residential zone allow residential development at a target density of 12 units per net acre. Both zones allow a variety of housing types including single unit detached, duplexes, townhomes and apartments.

The subject territory is identified as buildable land. If the 1.5 +/- acre area identified for public use is changed to Medium Density Residential this area would be available for residential development and contribute to meeting the City's housing need.

The subject property could accommodate about 235 dwellings assuming 24.5 gross acres of land area and approximately 19.6 net acres available for development. Net acres does not include rights-of-way through and on the edge of the site, environmentally constrained areas, or land intended for public ownership such as parks and open space. A development including 235 dwellings would meet approximately 7% of the City's total twenty-year housing need.

The City of Forest Grove is subject to the Oregon Metropolitan Housing Rule (OAR 660, Division 7). Under OAR 660-007-0035, Forest Grove must provide for an overall density of eight or more dwellings per net acre. The subject property is designated for residential development at a target density of 12 units per net acre and minimum density of 9.6 units per net acre both of which exceed the minimum requirement of eight units per net acre.

Under OAR 660-007-0035, most jurisdictions in the state must provide the opportunity for construction of at least 50 percent of new residential units as attached single unit housing or multiple unit housing or justify an alternative percentage based on changing circumstances. Except for the 1.5 +/- acre area identified for public use, the subject property is designated on the Comprehensive Plan map for Neighborhood Mixed Use and Medium Density Residential. Both designations require a minimum residential density of 9.6 units per net acre and both designations allow single unit detached dwellings, single unit attached dwellings, and multiple unit structures. In addition, if future development is reviewed as a planned development, the Development Code stipulates that the development include a mixture of single-unit, duplex, or multifamily units. Both the minimum density and planned development requirements support the opportunity that at least 50 percent of new residential units be attached single unit homes or multiple unit dwellings.

Goal 11 – Public Facilities and Services: Goal 11 requires planning to support a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. A timely, orderly, and efficient arrangement refers to a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports the existing and proposed land uses. Urban facilities and services refers to key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision

control; health services; recreation facilities and services; and community government services.

Finding for Goal 11: The Comprehensive Plan Map identifies a 1.5 +/- acre site north of David Hill Road at Main Street as a placeholder for a possible future fire station. While the Fire Department has expressed interest in a future fire station serving the north side of the City the Fire Department is not ready to move forward with acquiring land at this time. In addition, acquiring land and building a new fire station are not identified in the City's five-year capital improvement program. Re-designating the 1.5 +/- acre site for medium density residential development does not preclude constructing a fire station on the site or elsewhere on property subject to annexation designated as Medium Density Residential on the Comprehensive Plan Map. This is because emergency services is a listed conditional use in all residential zones as shown on Table 3-2 in Development Code §17.3.120. This is no different than the Institutional zone which implements the Public Comprehensive Plan Map designation. Emergency Services are allowed as conditional uses in the Institutional zone as shown on Table 3-8 in Development Code §17.3.210. Therefore, re-designating the area designated Public to Medium Density Residential does not result in a less efficient arrangement in public facilities.

Goal 12- Transportation: Goal 12 promotes and encourages a safe, convenient, and economic transportation system for the community including future development. The Oregon Transportation Plan Rule (TPR) (Oregon Administrative Rules Chapter 660-012-0000) implements Goal 12 and requires analysis of transportation impacts as a result of changes to approved comprehensive plans. In part, the TPR promotes coordinated land use and transportation planning including the construction and implementation of transportation facilities, improvements, and services necessary to support approved comprehensive plans. The TPR also ensures that changes to comprehensive plans are supported by adequate planned transportation facilities.

Finding for Goal 12: The Westside Refinement Plan and Forest Grove Transportation System Plan establish a collector road network in the urban growth area north of David Hill Road and south of Council Creek. The purpose of the collector road network is to provide a safe, convenient, and economic transportation as required by Goal 12. This is achieved by identifying conceptual roadway alignments ahead of development. Annexation of the subject property will allow for the extension of Main Street north of David Hill road through the subject property. The proposed Comprehensive Plan Map amendment to re-designate the 1.5 +/- acre area identified as Public to Medium Density Residential does not affect the future extension of Main Street.

Finding for Oregon Transportation Planning Rule (OAR 660-012-060): The Oregon Transportation Planning Rule implements Statewide Planning Goal 12, Transportation. The Transportation Rule identifies transportation issues to be addressed in review of proposed amendments to comprehensive plans and zoning maps. Under the Transportation Planning Rule, if a proposed zone change is not consistent with the Comprehensive Plan then a determination must be made if the amendment would result in a significant effect on the transportation system.

The applicant submitted a transportation analysis prepared by ARD Engineering. The analysis include a reasonable worst case scenario, as required by the Transportation Planning Rule, for the proposed re-designation of the area designated as Public on the Comprehensive

Plan Map. The analysis shows the proposed map amendment would result in a decrease in peak-hour and daily site trips under the worst case development scenario.

2627 NW Highway 47 Plan Revision - Trip Generation Summary							
	Morning Peak Hour			Evening Peak Hour			Daily
	In	Out	Total	In	Out	Total	Total
Proposed RML Zoning (19 homes)	4	10	14	12	7	19	180
-Institutional Zoning (17,000sf gov't office)	-43	-14	-57	-7	-22	-29	-384
Net Increase in Site Trips	-39	-4	-43	5	-15	-10	-204

Based on the transportation analysis the Comprehensive Plan Map amendment and subsequent zoning of the 1.5 +/- acre site currently designated as Public to Medium Density Residential/Residential Multifamily Low WILL NOT result in a significant effect on the existing and planned transportation system.

Metro Urban Growth Management Functional Plan: The purpose of the Metro Urban Growth Management Functional (UGMFP) plan is to implement regional goals and objectives adopted by the Metro Council including the Regional Urban Growth Goals and Objectives (RUGGO) and the Metro 2040 Growth Concept and Regional Framework Plan (§3.07.010). The local comprehensive plan changes and related actions, including implementing regulations, required by the functional plan must be comply with the UGMFP as required by Section 5(e)(2) of the Metro Charter.

Finding Urban Growth Management Functional Plan: The proposed Comprehensive Plan amendment complies with Metro Urban Growth Management Functional Plan Title 1 (Housing Capacity). Section 3.07.110 (Purpose and Intent) states: “The Regional Framework Plan calls for a compact urban form and a “fair share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in Section 3.07.120.”

The proposed Comprehensive Plan Map amendment, if adopted, would allow for residential development at a target density of 12 units per net acre and minimum density of 9.6 units per net acre. The map amendment will result in a small increase in housing capacity within the urban growth boundary and City. Therefore, the proposed Comprehensive Plan Map amendment complies with the Metro Urban Growth Management Functional Plan §3.07.110 by increasing housing capacity.

Finding Urban Growth Management Functional Plan: Title 11 of the Metro Urban Growth Management Functional Plan requires planning for new urban areas. Section 3.07.1105 (Purpose and Intent) states the Regional Framework Plan calls for long-range planning to ensure that areas brought into the urban growth boundary are urbanized efficiently and become or contribute to walkable, transit-friendly communities. The City completed long-range planning for the territory subject to this application in 2017 and the concept was adopted as part of the Westside Refinement Plan and is reflected on the Comprehensive Plan map.

The subject property is planned for mixed use, residential and public use. The public use area is approximately 1.5 +/- acres. Re-designating the public use area to Medium Density

Residential will not result in less efficient urbanization since the affected area could be developed with homes at a target density of 12 units per net acre.

Forest Grove Comprehensive Plan Policies

Housing Goals and Policies

The following section address the housing goals and policies contained in the Housing Chapter of the Comprehensive Plan.

Policy 1.1: Establish the location and density of residential development based on the following factors:

- A. The type and distribution of housing units required to meet projected population needs.
- B. The capacity of land resources given the slope, elevation, wetlands, floodplains, geological hazards, soil characteristics and urban/rural interface.
- C. Capacity of public services and facilities including but not limited to water, sanitary sewer, fire and police protection and transportation facilities.
- D. Proximity to services including but not limited to, shopping, employment areas, parks, schools and municipal services. Proximity shall be determined by distance access, and ability to provide public and private infrastructure service to the site.
- E. Density standards for minimum residential development for new construction established by the Metropolitan Housing Rule (OAR 660-007-0035)

Policy 1.2: Evaluate request for rezoning from non-residential to residential development zones based on the following factors:

- A. Identified housing needs identified in an adopted Goal 10 analysis.
- B. Ability to provide public facilities to the site in a cost-effective and efficient manner.
- C. Potential of the site to support higher density development.
- D. Site characteristics including topography.
- E. Land Use Location policies of the Comprehensive Plan.

Policy 1.3: Evaluate requests for rezoning from lower density zones to higher density zones based on the following factors:

- A. Identified housing needs identified in an adopted Goal 10 analysis.
- B. Ability to provide public facilities to the site in a cost-effective and efficient manner.
- C. Potential of the site to support higher density development.
- D. Site characteristics including topography.
- E. Land Use Location policies of the Comprehensive Plan.

Finding for Comprehensive Plan Housing Policy

The property will be zoned for residential development at a target density of 12 units per acre and minimum density of 9.6 units per acre. The Metropolitan Housing Rule (OAR 660-007-0035) as it applies to Forest Grove requires the City zone land to provide for an overall density of eight or more dwelling units per acre net acre. Upon annexation the subject territory will be zoned for residential development at a minimum density of 9.6 units per net acre and a target density of 12 units per net acre both of which are above the minimum required for the Metropolitan Housing Rule. Zoning for density above the Metropolitan Housing Rule requirement helps ensure development averages out to at least 8 units per acre in the City.

Public Facilities and Community Services Goals and Policies

The following section addresses the public facilities and community services goals and policies contained in the Public Facilities Chapter of the Comprehensive Plan.

Local Public Services Policy 1: It is the policy of the City of Forest Grove to require new development within the city limits to connect to public services for access [to], sewer, water and storm water unless private access is approved through issuance of a land use permit.

Finding for Local Public Services Policy 1: Under the City's Urban Planning Area Agreement with Washington County, annexation of the subject property is necessary to receive public sewer, water, and storm water utilities. Furthermore, the Comprehensive Plan prohibits extra-territorial extension of public utilities. Approval of the annexation request ensures compliance with Local Public Services Policy 1.

Urbanization Goals and Policies

The following section addresses the urbanization goals and policies contained in the Urbanization Chapter of the Comprehensive Plan.

Urbanization Goal 2: Land shall be made available within the urban growth boundary to meet all local urban land use needs.

Finding for Urbanization Goal 2: Annexation of the subject property and subsequent zoning for residential development will make the land available for needed housing as indicated in the Forest Grove Housing Needs Analysis updated in 2019. The Housing Needs Analysis shows a need for 1,988 single unit detached homes, 638 townhouse/duplex units, and 702 multi-unit apartments/condominiums. The Medium Density Residential land use designation allows each of the housing types identified above.



December 2, 2021

Davis Estates
Planned Unit Development
T1S,R3W,Sec. 30 Tax Lot 1100

I wish to add to the discussion concerning the pending annexation and planned development of the Davis Estates on David Hill Road.

I have no concerns with the Annexation or planned development but my concern is the amount of increased traffic that will be forced to enter and exit on to David Hill Road from Main Street with 90% either wanting to turn east onto David Hill or 90% wanting to turn east from Main Street from both directions.

Adding to the traffic from the subdivision on the west end of David Hill Road that is under construction will be the new Davis Estates development with four phases (221 homes) and 3 other future developments to the north that will be soon be brought before the city for annexation and will all exit from Main Street onto David Hill Road. When all are annexed and developed there will be an additional 600 to 800 units with twice the number of cars and three to four times the number of adults and children using one main intersection.

All these developments will be funneled onto Main Street and then onto David Hill Road that has not been designed for this capacity of cars and pedestrians. Turning in any direction needs to be addressed.

The speeding on this road has been noted by the police and those who are adjacent to this road for many years. With the increase traffic and the existing speed, it will only get worse and with it getting worse there will be accidents to come.

This new intersection will need either traffic lights with pedestrian lights and cross walks, lower speed limits with active speed indicators and or warning lights, speed bumps, a defined turning lane from the West or something else to solve the existing and new traffic problems that will occur.

I believe further discussions should take place with the planning staff, the engineering staff, the police and the owners and certainly by the City Council and Planning Commission before any development is approved by the city.

Thank You.

Kerry W. VanderZanden
2603 NW Hwy 47
Forest Grove, Oregon

ORDER NO. 2021-02**ORDER AMENDING FOREST GROVE ZONING MAP
FOR PROPERTY SUBJECT TO ANNEXATION; WASHINGTON COUNTY
TAX LOT 1N330000100; FILE NO. 311-21-000037-PLNG**

WHEREAS, Ryan O'Brien., representing the property owner, Davis Family Trust, and the applicant, Chad E. Davis Construction, submitted an annexation petition on August 13, 2021; and

WHEREAS, as authorized by Forest Grove Development Code §17.1.210(D), the applicant initiated a consolidated land use application for property subject to annexation; and

WHEREAS, the consolidated application includes a request for approval of amendments to the Forest Grove Comprehensive Plan Map as shown on Exhibit A and Exhibit B; and

WHEREAS, as required by Oregon Administrative Rules Chapter 660-018-0022, notice of this application was provided to the Oregon Department of Land Conservation and Development more than 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of this application was mailed to all property owners of record and other interested parties within 300 feet of the boundaries of the subject properties; and

WHEREAS, as required by Forest Grove Development §17.1.610(A) notice of the Planning Commission and City Council public hearing to consider this application was published in the Forest Grove News Times on October 28, November 4 and November 18, 2021; and

WHEREAS, the Planning Commission held the duly-noticed public hearing on this matter on November 1, 2021; and

WHEREAS, the Planning Commission closed the public hearing and voted unanimously to recommend City Council approval of the amendments to the Forest Grove Comprehensive Plan Map as described by Planning Commission Decision No. 2021-04, Exhibit C; and

WHEREAS, Planning Commission Decision No. 2021-04 was forwarded to City Council for public hearing on December 13, 2021; and

WHEREAS, notice of the City Council public hearing was published on December

WHEREAS, the City Council conducted the duly-noticed public hearing on September 14, 2020.

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

Section 1. The City Council hereby orders approval of the amendments to the Forest Grove Zoning Map.

Section 2. The map amendment is supported by the findings of fact and conclusions described in Exhibit C and Exhibit D.

Section 3. This order is effective immediately upon the effective date of the annexation of the subject territory.

PRESENTED AND PASSED, this 13th day of December, 2021.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of December, 2021.

Peter B. Truax, Mayor

EHIBIT A

PROPOSED ZONING MAP AMENDMENTS	
From	To
Washington County Future Development	City of Forest Grove Neighborhood Mixed Use Residential Multifamily Low

EXHIBIT B

PROPOSED ZONING MAP

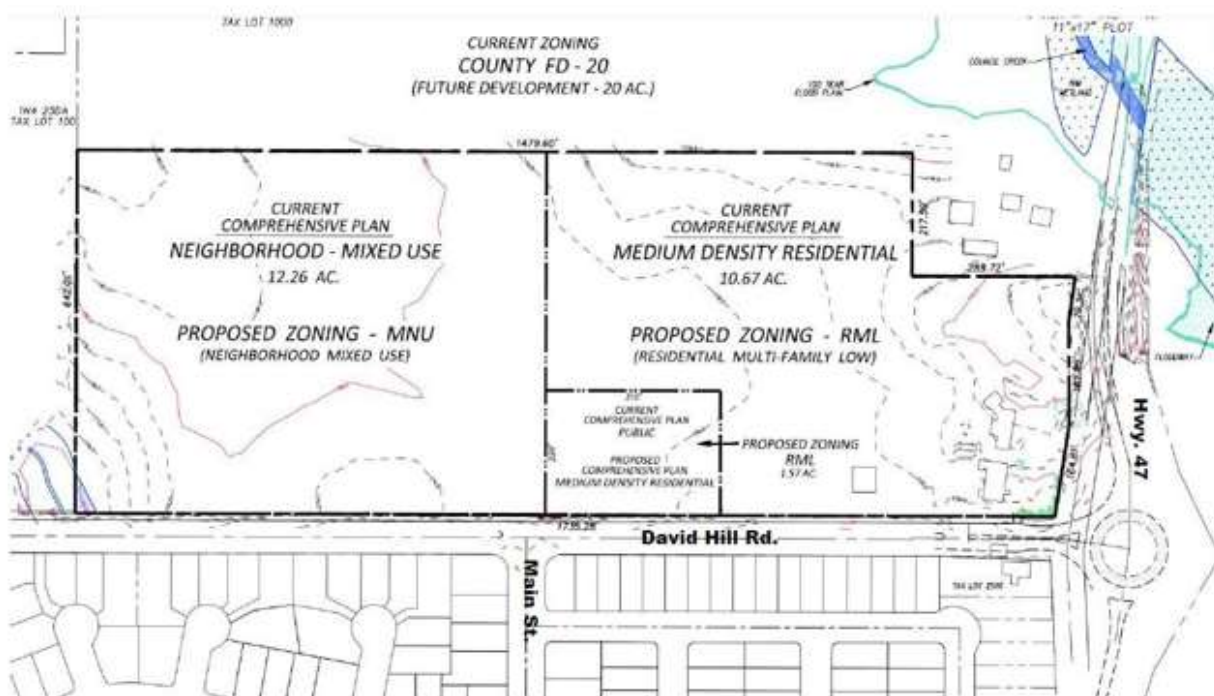


EXHIBIT C

**Planning Commission Findings and Decision Number 2021-04
Annexation of 24.5 +/- acres and Concurrent Comprehensive Plan Map
Amendment and Zoning Map Amendment
File Number 311-21-000037-PLNG**

WHEREAS, on August 13, 2021, the Davis Family Trust submitted an annexation petition and land use application for concurrent Comprehensive Plan Map and Zoning Map amendments for property adjacent to the Forest Grove city limits north of David Hill Road and west of Highway 47; and

WHEREAS, the application was deemed complete on September 15, 2021; and

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WHEREAS, the Planning Commission held the duly noticed public hearing on this matter on November 1, 2021; and

WHEREAS, the Planning Commission approved a motion on a 6 to 0 vote to recommend City Council approve the annexation, Comprehensive Plan Map amendment, and Zoning Map amendment as proposed by the applicant.

NOW THEREFORE, the City of Forest Grove Planning Commission does hereby recommend that City Council adopt an ordinance annexing the subject property, and orders to approve the proposed Comprehensive Plan Map amendment, and Zoning Map amendment as

shown in the staff report dated November 1, 2021, making the following specific findings in support of the decision.

1. The Planning Commission finds there is substantial evidence in the record to support a Planning Commission recommendation to City Council that the City Council to approve the annexation and concurrent map amendments. The evidence relied upon includes:
 - a. The land use application dated August 13, 2021, and received by the City on August 13, 2021;
 - b. The written staff report and attachments dated November 1, 2021 provided to the Planning Commission including:
 - Attachment A: Findings for Annexation Approval
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 - c. Testimony provided to the Planning Commission during the public hearing on November 1, 2021, to support a Planning Commission recommendation to City Council to approve the proposals subject to certain conditions.
2. The Planning Commission finds the evidence relied upon including the land use application and written staff report dated November 1, 2021 demonstrates the land use application meets the applicable review criteria and considerations including:
 - a. Oregon Revises Statutes Chapter 222 (Boundary Changes, Mergers and Consolidation).
 - b. Metro Code Chapter 3.09 (Local Government Boundary Changes)
 - c. Oregon Statewide Land Use Planning Goal 2 (Land Use), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation)
 - d. Metro Urban Growth Management Plan
 - e. Forest Grove Comprehensive Plan Policies
 - f. Oregon Transportation Planning Rule (OAR 660-12)
 - g. Development Code §17.2.150 (Annexation)
 - h. Development Code §17.2.770 (Zoning Change)
3. The Planning Commission finds the annexation of the subject property meets the applicable review criteria described in the written staff report dated November 1, 2021.
4. The Planning Commission finds the proposal to amend the Forest Grove Comprehensive Plan Map to redesignate property designated Public to Medium Density Residential as proposed in the land use application meets the applicable review criteria and considerations as described in the written staff report dated November 1, 2021.
5. The Planning Commission finds the proposal to amend the Forest Grove Zoning Map to redesignate property zoned Washington County Future Development to Forest Grove Neighborhood Mixed Use and Residential Multifamily Low consistent with the Comprehensive Plan Map as Comprehensive Plan Map amendment meets the applicable review criteria and considerations as described in the written staff report dated November 1, 2021.

EXHIBIT D

REQUIRED APPROVALS AND FINDINGS FOR ZONING MAP AMENDMENTS

The following criteria apply to the proposed Zoning Map amendment (DC §17.2.770):

- A. The zone change is consistent with the Comprehensive Plan Map. When the Comprehensive Plan has more than one implementing zone as shown on the Classification Table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.
- B. The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.
- C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary. The factors to be considered in determining suitability are parcel size and location.
- D. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed zone change if it may impact transportation facilities.
- E. Public facilities and services for water supply, sanitary waste disposal, storm water disposal, and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands.
- F. The establishment of a zone district is not subject to the meeting of conditions.

Finding for (§17.2.770(A)): This applications includes a request for a Comprehensive Plan Map amendment to redesignate approximately 1.5 acres +/- of land from Public to Medium Density Residential. The proposed zoning for the remaining portion of the subject property is consistent with the Comprehensive Plan Map. Approximately 12.26 acres is proposed for Neighborhood Mixed Use zoning and approximately 10.67 acres is proposed for Residential Multiple Low consistent with the Neighborhood Mixed Use and Medium Density Residential Comprehensive Plan Map designations. If the requested Comprehensive Plan Map amendment is approved the entire property will be zoned consistent with the Comprehensive Plan Map.

Finding for (§17.2.770(B)): As explained in Attachment B, the zone change is consistent with the applicable Comprehensive Plan policies.

Finding for (§17.2.770(C)): The subject property is approximately 24.5 acres in area. The site is suitable for mixed use or residential development. The property is subject to annexation and under Development Code §17.2.160, property subject to annexation requires an

assignment of City zoning designations. Section 17.2.160 stipulates zoning of the property must meet the review criteria in §17.2.770.

Finding for (§17.2.770(D)): The assignment of City zoning designations to property subject to annexation is consistent with the adopted Transportation System Plan. The transportation analysis submitted by the applicant indicates the proposed zone change from Public/Institutional to Medium Density Residential/Residential Multifamily Low will not substantially impact the functional classification or operation of transportation facilities or reduce the level of service below the minimum acceptable level identified in the Transportation System Plan. This is because the transportation analysis indicates the proposed zone change will result in a decrease in trips as shown below:

2627 NW Highway 47 Plan Revision - Trip Generation Summary							
	Morning Peak Hour			Evening Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
Proposed RML Zoning (19 homes)	4	10	14	12	7	19	180
-Institutional Zoning (17,000sf gov't office)	-43	-14	-57	-7	-22	-29	-384
Net Increase in Site Trips	-39	-4	-43	5	-15	-10	-204

The proposed zoning for the remainder of the property is consistent with the City of Forest Grove Comprehensive Plan Map acknowledged by the Oregon Department of Land Conservation and Development. Therefore, it is deemed to not have a significant impact on the transportation system.

Finding for (§17.2.770(E)): The property subject to annexation is within the urban growth boundary and is subject to Urban Planning Area Agreement (UPAA) between the City of Forest Grove and Washington County. The UPAA stipulates the City is the primary provider of public facilities within the urban growth boundary. As such, the City has committed to ensuring public facilities and services for water supply, sanitary waste disposal, storm water disposal, and police and fire protection are capable of supporting the uses allowed by zoning within the City. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands. Any future development application for the subject property will be reviewed to ensure adequacy of service based on projected service demands.

Finding for (§17.2.770(F)): The assignment of City zoning to the property subject to annexation is not subject to any conditions.

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____
 MEETING DATE: 12/13/2021
 FINAL ACTION: RESO 2021-59

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Greg Robertson, Director of Public Works*

MEETING DATE: *November 22, 2021; December 13, 2021*

SUBJECT TITLE: *Wauna Credit Union Proposed Public Improvement Reimbursement District*

ACTION REQUESTED:

☐	☐	☐	☒	☐	☐	☐	☐
	Ordinance	Order	X	Resolution		Motion	Informational

X all that apply

ISSUE STATEMENT:

Wauna Credit Union (WCU) has constructed public improvements and would like an opportunity to recover some of its costs pursuant to City Ordinance No. 2011-02 and City Code sections 151.110 to 151.124 (see attached). The purpose of this informational hearing is to consider WCU's request, the Engineer's Report, and hear public testimony. The City Council continued the hearing until the December 13, 2021, Council meeting to allow a property owner who could not be at the November 22 Council meeting an opportunity to provide public testimony.

BACKGROUND:

Originally, this agenda item was considered at the August 10, 2020, however was removed from the agenda at staff's request. This agenda item was considered on January 25, 2021 as Resolution 2021-06 and was tabled from the agenda to a date uncertain allowing staff and the property owners to address issues of mutual concern. During this time, staff has been working with the City Attorney and stakeholders to address the issues raised during public testimony. The result is a revised Engineers Report that seeks to address the concerns raised during public testimony and be fair to all parties.

In 2011, City Council adopted Ordinance No. 2011-02, which allows the City to create a process for development of reimbursement districts as a means to finance public improvements. The process is described in Sections 151.110 to 151.124 of the Forest Grove Municipal Code (see attached).

The City can form a reimbursement district when one party constructs and pays for certain infrastructure (sewer, water, storm, or street) that will benefit another property. If during the life of the reimbursement district (typically 10 years), the benefitted property owner makes use of the improvements, then reimbursement is due to the party that paid for and constructed the improvements. The benefitted property owner makes use of an improvement by connecting to sewer, water or storm pipelines included in the reimbursement district.

The process of establishing a reimbursement district includes preparation of an Engineers Report by the City Engineer. The Engineers Report outlines the costs of the improvement, the method of distributing the costs to the benefitting properties, the properties involved, and the details of the reimbursement agreement. The Engineer's Report is presented to the City Council at a public hearing and owners of property in the district are given the opportunity to provide input.

If the Engineer's Report is approved by City Council, a resolution is recorded against the properties in the reimbursement district. Reimbursements are collected by the City and turned over to the developer that constructed the improvements when property in the district develops or makes use of the improvements. See attached City Code section 151.110.



WCU was the first to construct in the proposed district. As a result, Clean Water Services required them to construct the storm sewer improvement "through and to" the nearest hook up point, in this case 19th Avenue. See the dashed green line in the drawing.

WCU constructed the storm service extensions through a Public Improvement Agreement with the City. WCU applied for a reimbursement district to potentially recoup some of its improvement costs from properties who would benefit by hooking up to the improvement and therefore not having to construct the

improvement themselves.

As mentioned earlier, the Engineer's Report contains the methodology to allocate the costs of the storm sewer improvements to benefitting property owners. The Engineer's Report submitted in January was met with concerns by an affected landowner about the costs of the improvements and the method to allocate those costs.

In response, the City met numerous times with affected property owners in an effort to find a fair and impartial method to allocate costs. These meetings yielded new information that was very helpful in narrowing the focus and scope of the proposed district. The City has also closely examined the costs and construction of the improvements to determine if they are within industry standard. The attached Engineer's Report, revised from the Engineer's Report submitted in January, reflects these discussions and analysis by containing a new method to allocate costs and updated costs.

The prior method to allocate costs was based on the costs of what was actually constructed by WCU, in this case an 18" storm sewer line. Because WCU was the first to construct in the area, the size of storm sewer line was based on an assumption that all adjacent property owners would utilize and benefit from it. The developer of Fernhill Apartments (Tax Lot Nos. 1S305BA02000; 00200 and 03100) raised concerns about the proposed district in January, revised their design to minimize their usage of the WCU storm sewer line, however, they have connected to the storm sewer line in multiple locations and are therefore benefitting from it. Further, the developer was advised of the proposed

reimbursement district prior to seeking City approval and their development was conditioned to participate in the reimbursement district once it is formed.

The revised methodology attempts to resolve this difference by recognizing that if the developer was the first one to develop instead of WCU, based on the developer's design, they would have had to extend storm water facilities along the same route as WCU but with a smaller sized pipe. The minimum accepted size that would have had to be constructed was 12 inches in diameter. In searching through the pay estimates provided by WCU, a bid item of this diameter and similar depth was found and used as the basis for calculating the costs in the Engineers Report. Using this methodology yielded a significantly reduced cost to be distributed among all the benefited properties, however, it also recognized that WCU installed improvements benefitting other properties. This reconciliation seeks to acknowledge fairness and impartiality to all parties involved in the proposed district.

STAFF RECOMMENDATION:

Per City ordinance, at the conclusion of the hearing, the City Council shall approve, reject, or modify the recommendations contained in the City Engineer's report and manifest its action in a resolution. If a Reimbursement District is established, the resolution shall include a copy of the City Engineer's report as approved or modified and specify that payment of the appropriate fee as determined by the Council for each parcel is a precondition to receipt of any city permit necessary for development of that parcel. The Reimbursement District is formed the date the Council adopts the resolution.

ATTACHMENT(S):

Attachment 1 – Engineer's Report.

Attachment 2 – Resolution forming the proposed reimbursement district.

Attachment 3 – Supporting Pay Requests provided by Wauna Credit Union

Attachment 4 – Letter from Schwabe Williamson & Wyatt, representing JT Smith Companies, dated October 29, 2021

Attachment 5 – City Code excerpt concerning Reimbursement Districts

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October 29, 2021

Michael C. Robinson

Admitted in Oregon

T: 503-796-3756

C: 503-407-2578

mrobinson@schwabe.com

VIA E-MAIL

Mr. Jesse VanderZanden, City Manager
City of Forest Grove
Forest Grove City Hall
1924 Council Street
PO Box 326
Forest Grove, OR 97116-0326

RE: Forest Grove City Council Hearing on Proposed Wauna Reimbursement District

Dear Mr. VanderZanden:

This office represents J.T. Smith Companies ("J.T. Smith"), the property owner most affected by the proposed reimbursement district. First, I want to say "thanks" to the City staff with whom we have worked over the last year on this matter; their professionalism is most appreciated.

I just learned on Wednesday of this week that the City Council informational hearing on the proposed reimbursement district has been scheduled for November 22, 2021.

I am writing to request that you reschedule the hearing to the next available City Council meeting. Jesse Nemec, J.T. Smith's Project Manager, had informed the City shortly after the City Council Work Session on October 11, 2021 that he was not available on November 22, 2021 because he would be out of the country. J.T. Smith will be severely disadvantaged if Mr. Nemec cannot be available at the hearing and he cannot attend virtually while out of the country. No one from the City contacted either me or Mr. Nemec to ask us about our availability for the hearing date.

While we would all like to have this matter resolved as soon as possible, the hearing should be held only when both the parties' principles can be present. This matter has been before the City since 2020 and a delay to accommodate Mr. Nemec's schedule is a reasonable request and will not damage Wauna.

Thank you for your consideration of this request.

Mr. Jesse VanderZanden, City Manager
October 29, 2021
Page 2

Very truly yours,

A handwritten signature in blue ink that reads "Michael C. Robinson". The signature is fluid and cursive, with the first name "Michael" and last name "Robinson" clearly legible.

Michael C. Robinson

MCR:jmhi

cc: Mr. Jesse Nemec (*via email*)
Mr. Greg Robertson (*via email*)
Mr. Chris Crean (*via email*)

PDX\133294\251057\MCR32124149.1

RESOLUTION NO. 2021-59**RESOLUTION ON FORMATION OF A PROPOSED REIMBURSEMENT DISTRICT,
PURSUANT TO CITY CODE SECTIONS 151.110 THROUGH 151.124,
“WAUNA CREDIT UNION PUBLIC IMPROVEMENT REIMBURSEMENT DISTRICT”**

WHEREAS, Wauna Credit Union constructed public improvements and desires an opportunity to recover some of its costs pursuant to Reimbursement Districts, Ordinance No. 2011-02, and Forest Grove Municipal Code (FGMC) sections 151.110 to 151.124; and

WHEREAS, the City gave notice of an informational public hearing to the applicant and all owners of property within the proposed District in which persons impacted by the creation of the Reimbursement District shall be given the opportunity to comment thereon; and

WHEREAS, the City Engineer, prepared a written report (Engineer’s Report) addressing formation of the proposed improvement reimbursement district and presented the Report to the City Council at the November 22, 2021 meeting; and

WHEREAS, the Engineer’s Report identified the specific properties that would be included in the reimbursement district, that will benefit from the improvement, as well as method of establishing a cost allocation for the benefiting properties; and

WHEREAS, because formation of a District does not result in an assessment or lien against a property, the hearing therefore is informational only and the District is not subject to termination as a result of remonstrances to the formation thereof; and

WHEREAS, after the public hearing, the City Council has the sole discretion to decide whether the District is to be formed or not. If a District is to be formed, a resolution approving and forming the Reimbursement District shall be adopted; and

WHEREAS, the City Council has considered the Engineers Report, the evidence in the record and public testimony in making a decision;

WHEREAS, the City Council opened the Public Hearing on November 22, 2021, and the hearing was continued to December 13, 2021.

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

Section 1. The Wauna Credit Union Public Improvement Reimbursement District as described in the Engineers Report is hereby approved and formed; and

Section 2. The cost of the reimbursement district, the specific parcels that are included in the reimbursement district and benefit from the improvement, as well the

method for allocating the cost to the benefiting properties, is described in Attachment 1, Engineers Report; and

Section 3. The City shall notify all property owners within the District and the applicant of the adoption of this resolution. The notice shall include a copy of the resolution, date it was adopted and short explanation of when the property owner is obligated to pay the reimbursement fee and the amount thereof; and

Section 4. The City Recorder shall cause notice of the formation and nature of the Reimbursement District to be filed in the office of the County Recorder in order to provide notice to potential purchasers of properties within the District of its existence.

Section 5. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 13th day of December, 2021.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of December, 2021.

Peter B. Truax, Mayor



A place where families and businesses thrive.

**ENGINEERS REPORT
WAUNA CREDIT UNION
PROPOSED PUBLIC IMPROVEMENT REIMBURSEMENT DISTRICT
By: Gregory H. Robertson, P.E., AICP, CFM
Director of Public Works
November 22, 2021**

The Forest Grove Wauna Credit Union (WCU) at 3532 Pacific Avenue, has made application to enter into an agreement with the City for the establishment of a Reimbursement District associated with the construction of a new public storm service extension (improvement) to the site. Upon future development or redevelopment of properties within the District, the Applicant desires to recoup a portion of the cost of the storm service improvement. Pursuant to Ordinance No. 2011-02 and City Code sections 151.110 to 151.124, the objective of this report is to make a recommendation to Council as to the merit of establishing this Reimbursement District.

Engineering has evaluated an application from WCU and has determined that the storm water improvements proposed will benefit properties that are adjacent to the improvements when they develop. Therefore, the Applicant (WCU) may be entitled to recoup a portion of the improvement costs. City Code sections 151.110 to 151.124 requires the following specific information:

1. Whether the Public Improvement for which reimbursement is sought has capacity sufficient to allow use thereof by property other than property owned by the applicant;

The Applicant has constructed improvements that have sufficient capacity to serve properties other than that owned by the Applicant (see Section 4).

2. The area proposed to be included in the reimbursement district;

The Reimbursement District includes properties south of WCU on either side of Poplar Street (see Section 4). Owner names and tax lot details are on file and based on latest Washington County Assessor information (See Section 4).

3. The actual cost of the improvements within the area of the proposed Reimbursement District and the portion thereof for which the applicant should be reimbursed;

Table 1: Actual Project Cost (submitted by WCU)

	Description	Amount
	Storm (918 Lineal Feet)	
	Design	\$2,670
	Construction	\$260,196
	TOTAL	\$262,866

4. A methodology for allocating the cost among the parcels within the proposed district and, where appropriate, defining a "unit" for applying the Reimbursement Fee to property which may be partitioned, subdivided or otherwise modified at some future date;

Improvements have the potential to benefit 6 tax lots (including Wauna Credit Union for accounting purposes); costs for extension were allocated to the tax lots based on what is shown below. The costs were distributed based on the lands current tax lot information. Property owner names and tax lot details are on file and based on latest Washington County Assessor information. This assessment is tied to, or runs with the land. The ownership details may change by the time of actual reimbursement collection.

The cost allocation method proposed for the reimbursement district will utilize the area method which is prorated to the improvement. Wauna Credit Union out of pocket expenditure \$262,866 consisting of a 12 inch, 15 inch and 18 inch stormwater main to accommodate the entire drainage basin (including the Reserve properties). The plans originally approved for the Reserve at Fern Hill Apartments, showed numerous connections to the stormwater main constructed by Wauna Credit Union, requiring the progressively larger main. However, the developer subsequently made design revisions to their internal stormwater management system, significantly reducing the need to utilize the Wauna Credit Union constructed stormwater main. JT Smith Co. argued that their benefit was significantly reduced and, therefore, their reimbursement district cost should be reduced, as well. In order to reconcile the differences and to be fair to all parties, an assumption was made that, because of the developer's design revisions, if the Reserve developer were to be the first to build, they would only be required to build the minimum 12 inch to serve the upstream properties. Progress billings provided by Wauna were examined. Relevant bid item unit rates were applied to match a similar alignment that the Reserve developer would have had to build. As a result, the total equivalent cost is \$191,652. Because of a lot consolidation recorded earlier this year, the proposed district of 9.54 acres now consists of five parcels that would potentially benefit and be subject to reimbursing Wauna Credit Union.

Fern Hill Apartments (two parcels):	6.78 acres
Wauna Credit Union:	0.64 acres
Fern Hill Apartments (Popeyes)	0.71 acres
Diego et al.:	0.12 acres
<u>Pacific Development Holdings</u>	<u>1.29 acres</u>
Total	9.54 acres

Reimbursement on a per acre basis is \$20,089.31. When applied on a per parcel basis as outlined above, the reimbursable amounts are listed below:



Poplar Street Storm Pipe Extension Reimbursement District			
Property Total Amount To be Paid:			
1S305BA00100	WAUNA FEDERAL CREDIT UNION	3532 PACIFIC AVE	\$12,857.16
1S305BA00401	DIEGO, JAIME & JUAN, CATARINA AN	1948 POPLAR ST	\$2,410.72
1S305BA01700	PACIFIC DEVELOPMENT HOLDINGS LLC	3424 PACIFIC AVE STE A	\$25,915.21
1S305BA02000	FERNHILL APARTMENTS LLC	1913 POPLAR ST	\$90,401.88
1S305BA00200	FERNHILL APARTMENTS LLC	3510 PACIFIC AVE	\$14,263.41
1S305BA03100	FERNHILL APARTMENTS LLC	1934 POPLAR ST	\$45,803.62
TOTAL			\$191,652.00

5. The period of time that the right to reimbursement exists;

Pursuant to City Code, the right to reimbursement exists for 10 years from the district formation date. Upon application for an extension, the City Council, at its sole discretion may authorize up to 10 more years, for total reimbursement period not to exceed 20 years.

6. Whether the improvements will meet or have met City standards;

The constructed improvements have been reviewed, inspected, and accepted by the City in accordance with City standards.

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35064 Hwy 101 Business
Astoria OR 97103
503-338-3878

License: OR 147632 / WA BIGRIE*955DW

Section F, Item 5.

Unit Billing

Application: 5

Period: 10/31/2019

Owner: Rickenbach Construction
37734 Eagle Lane
Astoria OR 97103

Job Location: Wauna FCU - Forest Grove
3532 Pacific Avenue
Forest Grove OR 97116

Application For Payment On Contract

Contract Sum to Date 771,588.54

Total Complete to Date 754,255.29

Total Retained 37,712.78

Total Earned Less Retained 716,542.51

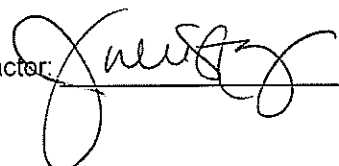
Less Previous Billings 677,321.40

Current Payment Due 39,221.11

Balance on Contract 17,333.25

Contractor's Certification of Work

The undersigned contractor certifies that, to the best of the contractor's knowledge, the work on the above named job has been completed in accordance with the plans and specifications to the level of completion indicated on the attached schedule of completion.

Contractor:  Date: 11-13-19

Terms: Invoices are due and payable 30DY from the date of invoice. All overdue amounts will be charged a service charge of 18.00 % per anum. Please make checks payable to: Big River Construction, Inc.

Thank you for your prompt payment.

Unit Billing

Application: 5

Schedule of Work Completed

Period: 10/31/2019

Item Code	Description	Price/Unit	Contract Plus Changes	Previous Units Billed	Current Units Complete	Total Units Complete	Previous Value	Current Value	Total Value	Retained
1	Mobilization,Flagging EROSION CONTROL	67,000.00	67,000.00	1.00		1.00	67,000.00		67,000.00	3,350.00
2	Construction Entrance	2,200.00	2,200.00	1.00		1.00	2,200.00		2,200.00	110.00
3	Concrete Washout	2,000.00	2,000.00	1.00		1.00	2,000.00		2,000.00	100.00
4	Silt Fence	2.25	2,137.50	950.00		950.00	2,137.50		2,137.50	106.88
5	Inlet Protection	60.00	360.00	6.00		6.00	360.00		360.00	18.00
6	Temp Seed & Hay OFF SITE GRADING	1,800.00	1,800.00	1.00		1.00	1,800.00		1,800.00	90.00
7	Sawcut & Demo A	0.85	3,825.00	3,250.00		3,250.00	2,762.50		2,762.50	138.13
8	Demo Existing Gau	725.00	725.00	1.00		1.00	725.00		725.00	36.25
9	Remove Existing Si	725.00	725.00							
10	Demo Existing Stor	670.00	670.00	1.00		1.00	670.00		670.00	33.50
11	Grubbing	17.00	14,365.00	845.00		845.00	14,365.00		14,365.00	718.25
12	Rock Placement Un	2.00	10,900.00	4,000.00	1,450.00	5,450.00	8,000.00	2,900.00	10,900.00	545.00
13	Prep For Driveway	2.00	250.00	125.00		125.00	250.00		250.00	12.50
14	Prep For Patch on P	3.50	367.50	105.00		105.00	367.50		367.50	18.38
15	Prep for Sidewalks	1.75	5,748.75							
16	Prep for Curb & Gut	5.00	1,910.00							
17	Prep For AC Patch	3.25	7,624.50							
18	Prep For Landscap ONSITE GRADING	0.17	1,343.00	3,950.00	3,950.00	7,900.00	671.50	671.50	1,343.00	67.15
19	Remove Existing Tr	5,000.00	5,000.00	1.00		1.00	5,000.00		5,000.00	250.00
20	Grubbing	17.00	23,222.00	1,366.00		1,366.00	23,222.00		23,222.00	1,161.10
21	Excavation to Subgr	28.00	12,124.00	433.00		433.00	12,124.00		12,124.00	606.20
22	Rock Placement to	29.00	43,181.00	1,489.00		1,489.00	43,181.00		43,181.00	2,159.05
23	Rock Placement Un	2.00	25,440.00	11,000.00	1,720.00	12,720.00	22,000.00	3,440.00	25,440.00	1,272.00
24	Prep For Curbs	5.00	4,880.00	976.00		976.00	4,880.00		4,880.00	244.00
25	Prep For Sidewalks	1.75	3,850.00	1,100.00	1,100.00	2,200.00	1,925.00	1,925.00	3,850.00	192.50
26	Backfill Planters & I	0.95	1,045.00		1,100.00	1,100.00		1,045.00	1,045.00	52.25
27	Prep For Landscap	0.50	3,675.00	4,350.00	3,000.00	7,350.00	2,175.00	1,500.00	3,675.00	183.75
28	Prep for Sign Footin	1,500.00	1,500.00		1.00	1.00		1,500.00	1,500.00	75.00
29	Foot Ex & Prep Rat OFFSITE STORM	3.75	15,416.25	4,111.00		4,111.00	15,416.25		15,416.25	770.81
30*	12" Storm 8'-9' Dept	159.00	43,407.00	273.00		273.00	43,407.00		43,407.00	2,170.35
30.1	15" Storm	166.00	71,712.00	432.00		432.00	71,712.00		71,712.00	3,585.60
30.2	18" Storm	187.00	39,831.00	213.00		213.00	39,831.00		39,831.00	1,991.55

Unit Billing

Application: 5

Schedule of Work Completed

Period: 10/31/2019

Item Code	Description	Price/Unit	Contract Plus Changes	Previous Units Billed	Current Units Complete	Total Units Complete	Previous Value	Current Value	Total Value	Retained
31	Manholes	5,200.00	15,600.00	3.00		3.00	15,600.00		15,600.00	780.00
32	Prep for AC Patchin	0.40	2,200.00	5,500.00		5,500.00	2,200.00		2,200.00	110.00
33	Storm Testing & TV ONSITE STORM SY	6,650.00	6,650.00	1.00		1.00	6,650.00		6,650.00	332.50
34	Detention System	177.00	42,480.00	240.00		240.00	42,480.00		42,480.00	2,124.00
35	WQCB	10,350.00	20,700.00	2.00		2.00	20,700.00		20,700.00	1,035.00
36	Flow Control Manh	7,250.00	7,250.00	1.00		1.00	7,250.00		7,250.00	362.50
37	Pretreatment Manh	6,600.00	6,600.00	1.00		1.00	6,600.00		6,600.00	330.00
38	10" 3034	107.00	13,589.00	127.00		127.00	13,589.00		13,589.00	679.45
39	8" 3034	90.00	6,210.00	69.00		69.00	6,210.00		6,210.00	310.50
40	6" 3034	88.00	32,560.00	370.00		370.00	32,560.00		32,560.00	1,628.00
41	Clean Outs	540.00	1,620.00	3.00		3.00	1,620.00		1,620.00	81.00
42	Rain Drains Fittings	200.00	1,600.00	8.00		8.00	1,600.00		1,600.00	80.00
43	Foundation Drain & OFFSITE SEWER	52.00	20,800.00	400.00		400.00	20,800.00		20,800.00	1,040.00
44	Connect to Existing	1,750.00	1,750.00	1.00		1.00	1,750.00		1,750.00	87.50
45	6" 3034 8'-11' Deep	138.00	35,328.00	256.00		256.00	35,328.00		35,328.00	1,766.40
45.1	10" 3034	150.00	1,950.00	13.00		13.00	1,950.00		1,950.00	97.50
46*	Manhole	5,200.00	10,400.00	2.00		2.00	10,400.00		10,400.00	520.00
47	Prep For AC Patchi	1.75	262.50							
48	Testing & TV Inspec ONSITE SEWER	2,750.00	2,750.00	1.00		1.00	2,750.00		2,750.00	137.50
49	4" 3034 8' Depth 10 OFFSITE WATER	132.00	12,540.00	95.00		95.00	12,540.00		12,540.00	627.00
50	Connect to Existing	5,800.00	5,800.00	1.00		1.00	5,800.00		5,800.00	290.00
50.1	Relocate Existing Fi	6,000.00	6,000.00	1.00		1.00	6,000.00		6,000.00	300.00
51	Fire Hydrant & Pipin ONSITE WATER	6,000.00	6,000.00	1.00		1.00	6,000.00		6,000.00	300.00
52	Connect to Exisitng	2,200.00	2,200.00	1.00		1.00	2,200.00		2,200.00	110.00
53*	2" Water Service (5'	60.00	3,660.00	61.00		61.00	3,660.00		3,660.00	183.00
54	Testing DRY UTILITIES	900.00	900.00	1.00		1.00	900.00		900.00	45.00
55*	Power Vault & Con	12,550.00	12,550.00	1.00		1.00	12,550.00		12,550.00	627.50
	CO#3 Waterline rea	39,923.14	39,923.14	1.00		1.00	39,923.14		39,923.14	1,996.16
	CO#5 Storm Manho	5,177.53	5,177.53	1.00		1.00	5,177.53		5,177.53	258.88
	CO#7 Light Pole Co	24.00	10,800.00		450.00	450.00		10,800.00	10,800.00	540.00

Unit Billing

Application: 5

Schedule of Work Completed

Period: 10/31/2019

Item Code	Description	Price/Unit	Contract Plus Changes	Previous Units Billed	Current Units Complete	Total Units Complete	Previous Value	Current Value	Total Value	Retained
	CO#8 Gas Line Rel	17,503.87	17,503.87		1.00	1.00		17,503.87	17,503.87	875.19
	Totals:		771,588.54	46,143.00	12,772.00	58,915.00	712,969.92	41,285.37	754,255.29	37,712.78

Unit Billing

Application: 5

Schedule of Work Completed

Period: 10/31/2019

Item Code	Description	Price/Unit	Contract Plus Changes	Previous Units Billed	Current Units Complete	Total Units Complete	Previous Value	Current Value	Total Value	Retained
1	Mobilization,Flagging EROSION CONTROL	67,000.00	67,000.00	1.00		1.00	67,000.00		67,000.00	3,350.00
2	Construction Entrance	2,200.00	2,200.00	1.00		1.00	2,200.00		2,200.00	110.00
3	Concrete Washout	2,000.00	2,000.00	1.00		1.00	2,000.00		2,000.00	100.00
4	Silt Fence	2.25	2,137.50	950.00		950.00	2,137.50		2,137.50	106.88
5	Inlet Protection	60.00	360.00	6.00		6.00	360.00		360.00	18.00
6	Temp Seed & Hay OFF SITE GRADING	1,800.00	1,800.00	1.00		1.00	1,800.00		1,800.00	90.00
		0.85		3,250.00		3,250.00	2,762.50			138.13
		725.00	725.00	1.00		1.00	725.00			36.25
9	Remove Existing Soil	725.00	725.00							
		670.00		1.00		1.00	670.00			33.50
11	Grubbing	17.00	14,365.00	845.00		845.00	14,365.00		14,365.00	718.25
12	Rock Placement Un	2.00	10,900.00	4,000.00	1,450.00	5,450.00	8,000.00	2,900.00	10,900.00	545.00
13	Prep For Driveway	2.00	250.00	125.00		125.00	250.00		250.00	12.50
		3.50	367.50	105.00		105.00	367.50			18.38
15	Prep for Sidewalks	1.75	5,748.75							
16	Prep for Curb & Gut	5.00	1,910.00							
17	Prep For AC Patch	3.25	7,624.50							
18	Prep For Landscap ONSITE GRADING	0.17	1,343.00	3,950.00	3,950.00	7,900.00	671.50	671.50	1,343.00	67.15
19	Remove Existing Tr	5,000.00	5,000.00	1.00		1.00	5,000.00		5,000.00	250.00
20	Grubbing	17.00	23,222.00	1,366.00		1,366.00	23,222.00		23,222.00	1,161.10
21	Excavation to Subgr	28.00	12,124.00	433.00		433.00	12,124.00		12,124.00	606.20
22	Rock Placement to	29.00	43,181.00	1,489.00		1,489.00	43,181.00		43,181.00	2,159.05
23	Rock Placement Un	2.00	25,440.00	11,000.00	1,720.00	12,720.00	22,000.00	3,440.00	25,440.00	1,272.00
24	Prep For Curbs	5.00	4,880.00	976.00		976.00	4,880.00		4,880.00	244.00
25	Prep For Sidewalks	1.75	3,850.00	1,100.00	1,100.00	2,200.00	1,925.00	1,925.00	3,850.00	192.50
26	Backfill Planters & I	0.95	1,045.00		1,100.00	1,100.00	1,045.00	1,045.00	1,045.00	52.25
27	Prep For Landscap	0.50	3,675.00	4,350.00	3,000.00	7,350.00	2,175.00	1,500.00	3,675.00	183.75
28	Prep for Sign Footin	1,500.00	1,500.00		1.00	1.00	1,500.00	1,500.00	1,500.00	75.00
29	Foot Ex & Prep Rat OFFSITE STORM	3.75	15,416.25	4,111.00		4,111.00	15,416.25		15,416.25	770.81
		159.00		273.00		273.00	43,407.00			2,170.35
		166.00		432.00		432.00	71,712.00			3,585.60
		187.00		213.00		213.00	39,831.00			1,991.55

Unit Billing

Application: 5

Schedule of Work Completed

Period: 10/31/2019

Item Code	Description	Price/Unit	Contract Plus Changes	Previous Units Billed	Current Units Complete	Total Units Complete	Previous Value	Current Value	Total Value	Retained
		5,200.00		3.00		3.00	15,600.00			780.00
		0.40		5,500.00		5,500.00	2,200.00			110.00
		6,650.00		1.00		1.00	6,650.00			332.50
	ONSITE STORM SY									
34	Detention System	177.00	42,480.00	240.00		240.00	42,480.00		42,480.00	2,124.00
35	WQCB	10,350.00	20,700.00	2.00		2.00	20,700.00		20,700.00	1,035.00
36	Flow Control Manh	7,250.00	7,250.00	1.00		1.00	7,250.00		7,250.00	362.50
37	Pretreatment Manh	6,600.00	6,600.00	1.00		1.00	6,600.00		6,600.00	330.00
38	10" 3034	107.00	13,589.00	127.00		127.00	13,589.00		13,589.00	679.45
39	8" 3034	90.00	6,210.00	69.00		69.00	6,210.00		6,210.00	310.50
40	6" 3034	88.00	32,560.00	370.00		370.00	32,560.00		32,560.00	1,628.00
41	Clean Outs	540.00	1,620.00	3.00		3.00	1,620.00		1,620.00	81.00
42	Rain Drains Fittings	200.00	1,600.00	8.00		8.00	1,600.00		1,600.00	80.00
43	Foundation Drain &	52.00	20,800.00	400.00		400.00	20,800.00		20,800.00	1,040.00
	OFFSITE SEWER									
		1,750.00		1.00		1.00	1,750.00			87.50
		138.00		256.00		256.00	35,328.00			1,766.40
45.1		150.00		13.00		13.00	1,950.00			97.50
46		5,200.00		2.00		2.00	10,400.00			520.00
47	Prep For AC Patchi	1.75	262.50							
		2,750.00		1.00		1.00	2,750.00			137.50
	ONSITE SEWER									
49	4" 3034 8' Depth 10	132.00	12,540.00	95.00		95.00	12,540.00		12,540.00	627.00
	OFFSITE WATER									
50	Connect to Existing	5,800.00	5,800.00	1.00		1.00	5,800.00		5,800.00	290.00
50.1	Relocate Existing Fi	6,000.00	6,000.00	1.00		1.00	6,000.00		6,000.00	300.00
51	Fire Hydrant & Pipin	6,000.00	6,000.00	1.00		1.00	6,000.00		6,000.00	300.00
	ONSITE WATER									
52	Connect to Exisitng	2,200.00	2,200.00	1.00		1.00	2,200.00		2,200.00	110.00
53*	2" Water Service (5'	60.00	3,660.00	61.00		61.00	3,660.00		3,660.00	183.00
54	Testing	900.00	900.00	1.00		1.00	900.00		900.00	45.00
	DRY UTILITIES									
55*	Power Vault & Con	12,550.00	12,550.00	1.00		1.00	12,550.00		12,550.00	627.50
		39,923.14	39,923.14	1.00		1.00	39,923.14			1,996.16
		5,177.53		1.00		1.00	5,177.53			258.88
	CO#7 Light Pole Co	24.00	10,800.00		450.00	450.00		10,800.00	10,800.00	540.00

Unit Billing

Application: 5

Schedule of Work Completed

Period: 10/31/2019

Item Code	Description	Price/Unit	Contract Plus Changes	Previous Units Billed	Current Units Complete	Total Units Complete	Previous Value	Current Value	Total Value	Retained
		17,503.87			1.00	1.00		17,503.87		875.19
Totals:			771,588.54	46,143.00	12,772.00	58,915.00	712,969.92	41,285.37	754,255.29	37,712.78



35064 Hwy 101 Business
Astoria OR 97103
503-338-3878

License: OR 147632 / WA BIGRIE*955DW

Change Order Request

Order#: 7

Order Date: 10/31/2019

To: Rickenbach Construction
37734 Eagle Lane
Astoria OR 97103

Project: 19027

Wauna FCU - Forest Grove
3532 Pacific Avenue
Forest Grove OR 97116

The contractor agrees to perform and the owner agrees to pay for the following changes to this contract.

Plans Attached ☐

Submitted By:

Customer Order:

Specifications Attached ☐

Description of Work	Hours/Units	Cost	Mark-up %	Requested
Work to be done as itemized below: Light Pole Conduit Trenching		Reason for Work:		
Light Pole Conduit Trenching Per Alt 8 provided with original contract. 450 LF @ \$24.00 per LF = \$10,800.00				10,800.00

Notes:

Negative changes will lower the overall contract price requiring no additional payment by owner.

Requested Amount of Change

10,800.00

The original Contract Sum was	698,184.00
Net change by previous Change Orders	62,604.54
The Contract Sum prior to this Change Order	760,788.54
The Contract Sum will be changed by this Change Order	10,800.00
The new Contract Sum including this Change Order will be	771,588.54
The Contract Time will be changed by	0 Days

Owner: _____ Date: _____

Contractor: _____ Date: _____



35064 Hwy 101 Business
Astoria OR 97103
503-338-3878

License: OR 147632 / WA BIGRIE*955DW

Change Order Request

Order#: 8

Order Date: 10/31/2019

To: Rickenbach Construction
37734 Eagle Lane
Astoria OR 97103

Project: 19027

Wauna FCU - Forest Grove
3532 Pacific Avenue
Forest Grove OR 97116

The contractor agrees to perform and the owner agrees to pay for the following changes to this contract.

Plans Attached ☐

Submitted By:

Customer Order:

Specifications Attached ☐

Description of Work	Hours/Units	Cost	Mark-up %	Requested
Work to be done as itemized below: Gas Line Relocate/Storm Conflict		Reason for Work:		
Gas Line Relocate/Storm Conflict See attached		15,220.76	15.00	17,503.87

Notes:

Negative changes will lower the overall contract price requiring no additional payment by owner.

Requested Amount of Change

17,503.87

The original Contract Sum was	698,184.00
Net change by previous Change Orders	45,100.67
The Contract Sum prior to this Change Order	743,284.67
The Contract Sum will be changed by this Change Order	17,503.87
The new Contract Sum including this Change Order will be	760,788.54
The Contract Time will be changed by	0 Days

Owner: _____ Date: _____

Contractor: _____ Date: _____

CM 8**Storm Conflict with Gas & Existing Utilities****1****Is****Material:**

	Quant	Unit		Unit Price	Total
3/4"-0 Rock 7/15	31.1	tn	*	\$ 10.00	\$ 311.00
Dump Fee Dirt Spoils 7/15	20	cy	*	\$ 6.00	\$ 120.00
3/4"-0 Rock 7/16	20.74	tn	*	\$ 10.00	\$ 207.40
Dump Fee Dirt Spoils 7/16	13.5	cy	*	\$ 6.00	\$ 81.00
Level 3 1/2" Asphalt 7/18/19	1	ls	*	\$ 1,218.17	\$ 1,218.17
EZ Street	3.98	tn	*	\$ 125.00	\$ 497.50
sub total					\$ 2,435.07

Equipment:

	Quant	Unit		Unit Price	Total
Excavator Cat 312	15.25	hrs	*	\$ 67.00	\$ 1,021.75
Excavator JD 245	21	hrs	*	\$ 84.70	\$ 1,778.70
sub total					\$ 2,800.45

Labor:

	Quant	Unit		Unit Price	Total
Operator	21.75	hrs	*	\$ 48.00	\$ 1,044.00
Laborer	51.25	hrs	*	\$ 40.00	\$ 2,050.00
Supervisor	6.5	hrs	*	\$ 50.00	\$ 325.00
Laborer OT	34	hrs	*	\$ 63.00	\$ 2,142.00
Supervisor OT	14	hrs	*	\$ 105.00	\$ 1,470.00
sub total					\$ 7,031.00

Sub & Misc.:

	Quant	Unit		Unit Price	Total
Solo Dump Truck 7/15	7.5	hrs	*	\$ 90.00	\$ 675.00
rental roller peterson	1	ls	*	\$ 453.20	\$ 453.20
Shoring Rental (Cascade)	1	ls	*	\$ 1,226.04	\$ 1,226.04
Vac Truck	4	hrs	*	\$ 150.00	\$ 600.00
sub total					\$ 2,954.24

NOTES: 7/15 Trucking for manhole pick up and delivery.

Cost	\$ 15,220.76
percent	15.0%
profit	\$ 2,283.11
Total	\$ 17,503.87

Unit Price Per**Is****\$ 17,503.87**



REVIEWED

By Ashley Erickson at 3:24 pm, Aug 26, 2020

INVOICE

37734 Eagle Lane Astoria, OR 97103 CCB#59660

Date	Invoice #
8/25/2020	3095

Bill To

Wauna Federal Credit Union
PO BOX 67
Clatskanie, Or 97016

RECEIVED

By mike.chapman at 10:32 am, Aug 26, 2020

Terms	Due Date
Due within 14 days of receipt	8/25/2020

Date	Item	Description	Amount
7/31/2020	Labor & Supervision	Pay Application #10 for work performed in July and change orders #1-4	8,550.91
7/31/2020	Retention Withholding	Retention	-427.55
APPROVED By Debi Smiley at 1:26 pm, Aug 26, 2020 APPROVED By Robert Blumberg at 1:59 pm, Aug 26, 2020		GL 130010 Forest Grove ODOT work	

		Total	
		Balance Due	\$8,123.36

Phone	Fax	E-mail
503-325-3749	503-325-6305	debbie@rcibuilds.com

APPLICATION AND CERTIFICATE FOR PAYMENT

APPLICATION #9

PAGE 1 OF 1 PAGES

 TO (OWNER)
WAUNA FEDERAL CREDIT UNION
 PO Box 67, Clatskanie, OR 97016

 PROJECT:
WFCU FOREST GROVE BRANCH
FOREST GROVE OR

 APPLICATION TEN
 NUMBER:
 PERIOD: **JULY 1-31, '20**

 Distribution to:
☐ OWNER
☐ ARCHITECT
☐ CONTRACTOR

 FROM (CONTRACTOR)
 Rickenbach Construction Inc.
 37734 Eagle Lane, Astoria OR 97103

 ARCHITECT/ENGINEER:
 Doug Circosta, Partin & Hill Architects, LLC
 209 NE Lincoln, Hillsboro OR 97124

ARCH. PROJECT # 1711

Notice to Proceed Date:

CONTRACT DATE:

CONTRACT FOR: Construction Management of New Construction

CONTRACTOR'S APPLICATION FOR PAYMENT

CHANGE ORDER SUMMARY		
APPROVED IN PREVIOUS MONTHS	ADDITIONS	DEDUCTIONS
	49,960.16	
APPROVED THIS MONTH		
CO #2: Gas Line Reloc	18,562.85	
CO #3: Interior Work	11,066.49	
COLUMN TOTALS	79,589.50	-
Net Change by Change Orders		79,589.50

The undersigned Contractor certifies that to the best of the Contractor's knowledge information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payments shown herein is now due.

 CONTRACTOR:
 Rickenbach Construction Inc.
 37734 Eagle Lane, Astoria, OR 97103
 By: Diane A. Rickenbach

Date: AUG 22, 2020

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

Application is made for Payment, as shown below, in connection with the Contract
Continuation Sheet, Documents G702A, is attached.

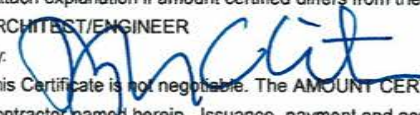
1. ORIGINAL CONTRACT SUM	\$	2,322,964.76
2. Net Change by Change Orders	\$	79,589.50
3. CONTRACT SUM TO DATE (Line 1+2)	\$	2,402,554.26
4. TOTAL COMPLETED & STORED TO DATE (Column G on Continuation Sheet)	\$	2,390,359.22
5. RETAINAGE:		
a. 5% OF Completed Work	119,517.96	
(Column D+E on cont. sheet)		
b. RETAINAGE PAID	111,888.16	
(Column F on the cont. sheet)		
Total Retainage (Line 5a-5b)	\$	7,629.80
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$	2,270,841.26
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (TOTAL line 7 and line 8 on G702#9)	\$	2,374,606.06
8. CURRENT PAYMENT DUE (Line 4 less Line 5 less Line 7)	\$	8,123.36
9. BALANCE OF GMP, INCLUDING RETAINAGE ON APP. 9 (Line 3 less Line 7 less Line 8)	\$	19,824.84

 State of: OREGON County of: CLATSOP
 Subscribed and sworn to before me this day of , 2020
 NOTARY PUBLIC:
 My Commission Expires:

AMOUNT CERTIFIED:

(Attach explanation if amount certified differs from the amount applied for.)

ARCHITECT/ENGINEER

 By: 
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Date: 8/26/20

WAUNA FEDERAL CREDIT UNION, NEW FOREST GROVE BRANCH				ATTACH TO PAY REQUEST COVER SHEET G702						
CONTINUATION SHEET		G703	APPLICATION #10				DATE: AUG 22, 2020			
A	B	C	D	E	F	G	H	I	J	
DESCRIPTION OF WORK			SCHEDULED VALUE	WORK PREVIOUS APPLICATIONS	WORK COMPLETED THIS PERIOD	MATERIALS STORED	TOTAL COMPLETED & STORED TO DATE	%	BALANCE TO FINISH (C-G)	
			SUPERVISION	128,278.08	108,065.43	2,338.40	-	110,403.83		17,874.25
			PROJECT LOGISTICS	46,334.09	37,162.77	1,081.71	-	38,244.48		8,089.62
1			GENERAL CONDITIONS	174,612.17	145,228.19	3,420.11	-	148,648.31	85	25,963.87
			Dirtwork and Piped Utilites , & AC	864,687.80	853,929.53	-	-	853,929.53		10,758.27
			Landscaping: water feature	111,285.69	111,343.74	-	-	111,343.74		(58.05)
2			SITE CONSTRUCTION	975,973.48	965,273.27	-	-	965,273.27	99	10,700.22
3			CONCRETE	121,230.79	124,258.53	-	-	124,258.53	102	(3,027.74)
4			MASONRY	17,773.98	22,890.82	-	-	22,890.82	129	(5,116.84)
5			METALS	60,441.71	60,087.46	-	-	60,087.46	99	354.25
			ROUGH CARPENTRY	117,715.50	120,533.92	-	-	120,533.92		(2,818.42)
			FINISH CARPENTRY	30,132.92	18,022.56	-	-	18,022.56		12,110.37
			CASEWORK	116,750.45	120,429.85	-	-	120,429.85		(3,679.40)
6			WOOD AND PLASTICS	264,598.87	258,986.32	-	-	258,986.32	98	5,612.54
			INSULATION	20,404.02	19,195.05	-	-	19,195.05		1,208.97
			ROOFING	54,001.72	56,732.53	-	-	56,732.53		(2,730.81)
			SIDING	89,217.74	89,454.88	-	-	89,454.88		(237.14)
7			THERMAL AND MOISTURE PROTECTION	163,623.48	165,382.46	-	-	165,382.46	101	(1,758.98)
			WOOD DOORS & HARDWARE	38,852.62	34,921.50	-	-	34,921.50		3,931.12
			STOREFRONTS & Glass Barn style doors	179,587.19	181,667.89	-	-	181,667.89		(2,080.70)
8			DOORS AND WINDOWS	218,439.81	216,589.39	-	-	216,589.39	99	1,850.42
			SHEETROCK	48,433.25	49,653.11	-	-	49,653.11		(1,219.86)
			T-BAR	10,918.91	9,973.79	-	-	9,973.79		945.12
			FLOORING	32,361.16	33,400.45	-	-	33,400.45		(1,039.29)
			PAINT	27,632.39	29,155.63	-	-	29,155.63		(1,523.24)
9			FINISHES	119,345.70	122,182.97	-	-	122,182.97	102	(2,837.27)
10			SPECIALTIES TRA owner performed	-	-	-	-	-	-	-
			PLUMBING	18,975.53	18,916.86	-	-	18,916.86		58.67
			HVAC	102,048.73	102,101.76	-	-	102,101.76		(53.02)
15			MECHANICAL	121,024.26	121,018.62	-	-	121,018.62	100	5.64
16			ELECTRICAL	85,900.50	86,852.08	-	-	86,852.08	101	(951.58)
			TOTAL BASE CONTRACT	2,322,964.76	2,288,750.12	3,420.11	-	2,292,170.23	99	30,794.53
			CO #1: Site Work Changes 7/26/19	49,960.16	49,960.16	-	-	49,960.16	100	-
			CO #2: Gas Line Relocation for Sewer	18,562.85	18,562.85	-	-	18,562.85	100	-
			CO #3: Interior Work	11,066.49	12,734.78	-	-	12,734.78	115	(1,668.29)
17			CHANGE ORDERS 1,2, 3	79,589.50	81,257.79	-	-	81,257.79		(1,668.29)
			CHANGES FOR TRAFFIC CONTROL		11,800.41	5,130.79	-	16,931.20		(16,931.20)
			TOTAL	2,402,554.26	2,381,808.31	8,550.91	-	2,390,359.22	99.49	12,195.04



WAUNA FEDERAL CREDIT UNION				DATE: AUG. 22, 2020	
PROJECT WFCU NEW FOREST GROVE BRANCH				PAY REQUEST #10	
DATE	INVOICE	VENDOR	DESCRIPTION	AMOUNT	PLUS MKUP
7/1-31/20	RCI	Project Management & ODOT & City permitting close outs		2,205.00	
SUPERVISION				2,205.00	2,338.40
7/16/20	5574	TerraCalc Land	restake curb offsite to backside of curb, stake walks par.	1,020.00	
PROJECT LOGISTICS (SURVEY)				1,020.00	1,081.71
GENERAL CONDITIONS					3,420.11
AC pavement, striping, , signals, curbs					-
Landscaping: water feature				-	-
SITE CONSTRUCTION					-
CONCRETE				-	-
MASONRY					-
METALS					-
ROUGH CARPENTRY				-	-
FINISH CARPENTRY				-	-
CASEWORK					-
WOOD AND PLASTICS					-
INSULATION				-	-
ROOFING				-	-
SIDING				-	-
THERMAL AND MOISTURE PROTECTION					-
WOOD DOORS & HARDWARE				-	-
STOREFRONTS & Glass Barn style doors				-	-
DOORS AND WINDOWS					-
SHEETROCK				-	-
T-BAR				-	-
FLOORING				-	-
PAINT				-	-
FINISHES					-
SPECIALTIES TRA owner performed					-
PLUMBING				-	-
HVAC				-	-
MECHANICAL					-
ELECTRICAL					-
TOTAL BASE CONTRACT					3,420.11
CHANGE ORDERS					
Change Order #1: Site Work Changes 7/26/19				-	-
Change Order #2: Gas Line Relocation for Sewer				-	-
Change Order #3: Interior Work				-	-
7/16/20	9185 WFCU FG	Hogan Fab, Inc	odot signage	2,750.00	
7/17/20	ccJR	Ace HardwareF	concrete patch	6.49	
7/17/20	48815540	Builders FirstSc	ODOT work: 6) cdx for installing signs	192.00	
7/17/20	JRcc- Ace FG	JARED RICKEI	ODOT sign erection hardwre on personl cc	19.10	
7/1-31/20	RCI labor		erect signs, ground work cleanup after erections	1,870.50	
Change Order Request #4: Additional Traffic Control at ROW				4,838.09	5,130.79
TOTAL CHANGE ORDERS					5,130.79
TOTAL INVOICE					8,550.91
LESS RETENTION					8,123.36

REQUEST FOR PAYMENT

From: Brix Paving Northwest Inc.
PO Box 2388
Tualatin, OR 97062

To: Rickenbach Construction Inc
37734 Eagle Lane
Astoria, OR 97103

Invoice: 1993473
Draw: 3
Invoice date: 6/15/2020
Period ending date: 6/15/2020

Contract For: Wauna Credit Union

Request for payment:

Original contract amount	\$72,618.00	
Approved changes	\$20,070.66	
Revised contract amount		\$92,688.66
Contract completed to date		\$79,129.50
Add-ons to date	\$0.00	
Taxes to date	\$0.00	
Less retainage	\$1,093.57	
Total completed less retainage		\$78,035.93
Less previous requests	\$57,258.00	
Current request for payment		\$20,777.93
Current billing		\$21,871.50
Current additional charges	\$0.00	
Current tax	\$0.00	
Less current retainage	\$1,093.57	
Current amount due		\$20,777.93
Remaining contract to bill	\$14,652.73	

Project: 199347
Wauna Credit Union

Contract date:

Architect:

Scope:

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Changes approved in previous months by Owner	20,070.66	
Total approved this Month		
TOTALS	20,070.66	
NET CHANGES by Change Order	20,070.66	

I hereby certify that the work performed and the materials supplied to date, as shown on the above represent the actual value of the accomplishment under the terms of the Contract (and all authorized changes thereof) between the undersigned and the Rickenbach Construction Inc relating to the above referenced project I also certify that the contractor has paid all amounts previously billed and paid by the owner.

CONTRACTOR: Brix Paving Northwest Inc.

State Of Oregon

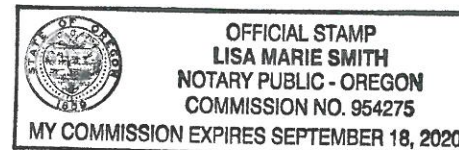
County Of Washington

By: [Signature]

Subscribed and sworn to before me this 23 day of June, 2020

Date: 6-23-20

Notary Public Lisa Marie Smith
My commission expires: 9-18-20



REQUEST FOR PAYMENT DETAIL

Section F, Item 5.

Project: 199347 / Wauna Credit Union Invoice: 1993473 Draw: 3 Period Ending Date: 6/15/2020 Detail Page 2 of 2 Pages

Item ID	Description	Unit of Measure	CONTRACTED			CURRENT		TOTAL TO DATE		Units to Finish
			Bid Quantity	Unit Price	Amount	Quantity	Amount	Quantity	Amount	
10	Mob	EA				1.00	1,125.00	3.00	3,375.00	-1.00
20	3" AC Paving - One Lift	SF	18,144.00	2.00	36,288.00			18,144.00	36,288.00	
										2,868.00

Totals					92,688.66		21,871.50		79,129.50	
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ATTACHMENT 5

EXCERPT FROM CITY CODE CONCERNING REIMBURSEMENT DISTRICTS

The following are the necessary steps for creating this reimbursement district.

§ 151.110 PURPOSE.

The purpose of this subchapter is to provide the process and means by which a person who is required to make certain public improvements to serve his or her property may recover a portion of the cost of such improvements when the improvements benefit, within a specified time period, other properties.

(Prior Code, § 3.10.005) (Ord. 2011-02, passed 1-24-2011)

§ 151.111 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. A person who is required or chooses to finance some or all of the cost of a street, water or sanitary sewer, or storm water improvement, which improvement is also available to serve or benefit property other than that of the applicant, and who in turn applies to the city for reimbursement of the expense of the improvement.

CITY. The City of Forest Grove.

CITY ENGINEER or ENGINEER. The person holding the position of Director of Public Works or such other officer, employee, or agent designated by the Council or City Manager to perform the duties set out for the City Engineer in this chapter.

PERSON. A natural person, firm, partnership, corporation, association, or any other legal entity, be it public or private and/or any agent, employee, or representative thereof.

PUBLIC IMPROVEMENT. All capital facilities (including plant facilities) associated with water, sanitary sewer, storm water, street (including bicycle lanes), and/or sidewalk facilities or the undergrounding of public utilities.

REIMBURSEMENT AGREEMENT. The agreement between an applicant and the city (as authorized by the City Council and executed by the City Manager) providing for the installation of and payment for public improvements within a Reimbursement District.

REIMBURSEMENT DISTRICT. The area determined by the City Council to derive a benefit from the construction of public improvements financed in whole or in part by an applicant.

REIMBURSEMENT FEE. The fee established by resolution of the City Council and required to be paid by persons within a Reimbursement District once they utilize the public improvement.

STREET IMPROVEMENT, WATER IMPROVEMENT, SEWER IMPROVEMENT, and STORM WATER IMPROVEMENT. Respectively:

(1) A street or street improvement, including but not limited to streets, storm drains, curbs, gutters, sidewalks, bike paths, traffic-control devices, street trees, lights and signs, and public rights-of-way;

(2) A water facility or water line improvement, including, but not limited to, extending a water line to property (other than property owned by the applicant) so that

water service can be provided for such other property without further extension of the line;

(3) A sanitary sewer, sewer line, or other facility improvement, including, but not limited to, extending a sewer line to property (other than property owned by the applicant) so that sewer service can be provided for such other property without further extension of the line; and

(4) A storm water improvement, including, but not limited to, extending a storm water line to property (other than property owned by the applicant) so that stormwater disposal for such other property can be provided without further extension of the line; conforming with standards and specifications set by the city.

UTILIZE. To use or benefit from a public improvement, to apply for a building or other permit which will allow for the use or increase in the use of a public improvement or to connect to a public improvement.

(Prior Code, § 3.10.010) (Ord. 2011-02, passed 1-24-2011)

§ 151.112 APPLICATION FOR A REIMBURSEMENT DISTRICT.

(A) Any applicant who finances some or all of the cost of a public improvement available to provide service or benefit to property other than property owned by that person may, by written application filed with the City Engineer, request the city establish a Reimbursement District. The improvement(s) must be in a size greater than that which would otherwise ordinarily be required and must be available to provide service to property other than that owned by the applicant. Examples include (but are not limited to):

- (1) Full street improvements instead of half street improvements;
- (2) Off-site sidewalks;
- (3) Connection of street sections for continuity;
- (4) Extension of water lines; and
- (5) Extension of sewer lines.

(B) All applications shall include the following:

- (1) A description of the location, type, size, and cost of the public improvement eligible for reimbursement;
- (2) A map showing the properties to be included in a proposed Reimbursement District;
- (3) The zoning for the properties;
- (4) The front or square footage of said properties (or similar data appropriate for calculating the apportionment of the cost of the improvement among the properties); and

(5) A listing of the property(ies) owned by applicant. All applications shall be accompanied by a fee in an amount sufficient to cover the cost of administrative review and notice required by this chapter as established by City Council resolution.

(C) In the event an application is submitted after the construction of the public improvement, the application shall also include information as to when the city accepted the public improvement as well as the actual cost of the improvements, evidenced by receipts, invoices, or other similar documents. Until receipt of said information, the affected application will be deemed incomplete.

(D) In the event an application is submitted prior to the construction of the improvements, the application shall be accompanied by an estimate of the cost of the

improvements as evidenced by bids, projections, or similar data. The application shall also include the estimated date of completion of the public improvement(s). Until the receipt of said information, the affected application will be deemed incomplete.

(E) An application may be submitted at any time prior to the installation of the public improvement, but in no event later than 180 days after acceptance of the improvement for which reimbursement is sought, unless the City Engineer, in his or her sole discretion, waives this requirement.

(Prior Code, § 3.10.015) (Ord. 2011-02, passed 1-24-2011)

§ 151.113 CITY ENGINEER'S REPORT.

The City Engineer shall review the application and other material submitted therewith and prepare a written report for the Council which will address, to the extent relevant, the following factors:

(A) Whether the public improvement for which reimbursement is sought has capacity sufficient to allow use thereof by property other than property owned by the applicant;

(B) The area proposed to be included in the Reimbursement District;

(C) The actual or estimated cost of the improvements within the area of the proposed Reimbursement District and the portion thereof for which the applicant should be reimbursed;

(D) A methodology for allocating the cost among the parcels within the proposed district and, where appropriate, defining a "unit" for applying the reimbursement fee to property which may be partitioned, subdivided, or otherwise modified at some future date. The methodology should include consideration of the cost of the improvement(s), prior contributions by property owners, the value of the unused capacity, rate-making principles associated with the financing of public improvements, and such other factors as deemed relevant by the City Engineer;

(E) The amount to be charged by the city for administering the agreement, to be fixed by City Council and included in the resolution approving and forming the Reimbursement District. The fee is due and payable to the city at the time the reimbursement agreement is signed;

(F) The period of time that the right to reimbursement exists if that period is less than ten years; and

(G) Whether the street, water, and sewer improvements will meet or have met city standards.

(Prior Code, § 3.10.020) (Ord. 2011-02, passed 1-24-2011)

§ 151.114 AMOUNT TO BE REIMBURSED.

(A) The potential amount of the reimbursement is limited to the following:

(1) The costs of construction;

(2) Engineering (including surveying and inspection) costs in an amount not to exceed 15% of the construction costs;

(3) Off-site right-of-way purchase costs, limited to the reasonable market value of land or easements purchased by the applicant from third parties to complete off-site improvements;

(4) Financing costs associated with the improvement to the extent the financing costs are not attributable to the applicant's property or project; and

(5) Legal and other expenses incurred by the applicant to the extent said expenses relate to the preparation and filing of the application, the preparation of the report required by § [151.113](#), and the hearing process set out in §§ [151.115](#) and [151.116](#).

(B) Regardless of amount or category, costs reimbursable or eligible for traffic impact fee credits or systems development charge credits which cannot be clearly documented or which are attributable to the applicant's property or project are not reimbursable.

(C) By submitting an application that seeks reimbursement of legal expenses, the applicant thereby waives any attorney/client or attorney work product privilege that may exist in attorney billing statements or records in support thereof.

(D) A reimbursement fee shall be determined for all properties which fall within the proposed Reimbursement District, including applicant's; however, the applicant shall not be reimbursed for that portion of the fee representing the benefit to the applicant's property.

(E) The applicant shall not be reimbursed for the portion of the reimbursement fee computed for property owned by the city or other governmental body.

(Prior Code, § 3.10.025) (Ord. 2011-02, passed 1-24-2011)

§ 151.115 PUBLIC HEARING.

(A) Within a reasonable time after the City Engineer has completed the report required in § [151.113](#), the City Council shall hold an informational public hearing in which persons impacted by the creation of the Reimbursement District shall be given the opportunity to comment thereon.

(B) Notice of the hearing shall be given not less than ten nor more than 30 days prior to the public hearing date. Notice shall be given to the applicant and all owners of property within the proposed District with notification by certified mail, return receipt requested, or by personal service. Notice shall be deemed complete as of the date notice is mailed or served. Failure to receive actual notice of the hearing shall not invalidate or otherwise affect any action of the city relative to the creation of the Reimbursement District and/or the costs associated therewith.

(C) Formation of a District does not result in an assessment or lien against property. As a result, the hearing is informational only and the District is not subject to termination as a result of remonstrances to the formation thereof. The City Council has the sole discretion, after the public hearing, to decide whether the District is to be formed or not. If a District is to be formed, a resolution approving and forming the Reimbursement District shall be adopted.

(D) If a Reimbursement District is formed prior to construction of the improvement(s), a second public hearing shall be held after the improvement has been accepted by the city when the Council may modify the resolution to reflect the cost of the improvement(s).

(Prior Code, § 3.10.030) (Ord. 2011-02, passed 1-24-2011)

§ 151.116 CITY COUNCIL ACTION.

At the conclusion of the hearing, the City Council shall approve, reject, or modify the recommendations contained in the City Engineer's report and manifest its action in a resolution. If a Reimbursement District is established, the resolution shall include a copy of the City Engineer's report as approved or modified and specify that payment of the appropriate fee as determined by the Council for each parcel is a precondition to receipt of any city permit necessary for development of that parcel. If a Reimbursement District

is established, it shall be deemed formed as of the date the Council adopts the resolution referred to in § [151.115](#).

(Prior Code, § 3.10.035) (Ord. 2011-02, passed 1-24-2011)

§ 151.117 REIMBURSEMENT AGREEMENT.

(A) If the Council approves the City Engineer's Report and thereafter creates a District, the City Manager shall cause the creation of an agreement between the applicant and city containing (at a minimum) provisions relating to the following:

- (1) The public improvement(s) will or do meet all applicable city standards;
- (2) The amount of the potential reimbursement the applicant can expect along with a caveat that the total amount of any reimbursement will not exceed the actual cost of the public improvement(s);
- (3) The annual fee adjustment, if any;
- (4) The applicant will guarantee the quality of the public improvement(s) for a period of not less than 12 months after the date of their installation;
- (5) The applicant will defend, indemnify, and hold the city harmless from any and all losses, claims, damage, judgments, or other costs or expense arising as a result of or related to the city's establishment of the District; and
- (6) The applicant acknowledges the city is not obligated to collect the reimbursement fee from affected property owners.

(B) The city may include other provisions as the City Council determines necessary to ensure compliance with this subchapter.

(Prior Code, § 3.10.040) (Ord. 2011-02, passed 1-24-2011)

§ 151.118 ANNUAL FEE ADJUSTMENT.

The City Council may, in its discretion, grant an annual adjustment to the amounts established as the reimbursement fee at the time of the hearing on the Engineer's report. In the event such an adjustment is deemed appropriate, it shall be applicable to the fee beginning on the first anniversary of the date of the Council's approval of the application, be fixed and computed against the reimbursement fee as simple interest, and remain the same for each year the District exists.

(Prior Code, § 3.10.045) (Ord. 2011-02, passed 1-24-2011)

§ 151.119 NOTICE OF ADOPTION OF RESOLUTION.

The city shall notify all property owners within the District and the applicant of the adoption of a reimbursement district resolution. The notice shall include a copy of the resolution, date it was adopted and short explanation of when the property owner is obligated to pay the reimbursement fee and the amount thereof.

(Prior Code, § 3.10.050) (Ord. 2011-02, passed 1-24-2011)

§ 151.120 RECORDING THE RESOLUTION.

The City Recorder shall cause notice of the formation and nature of the Reimbursement District to be filed in the office of the County Recorder in order to provide notice to potential purchasers of property within the District of its existence. Failure to make such recording shall affect neither the legality of the resolution nor the obligation to pay any fee.

(Prior Code, § 3.10.055) (Ord. 2011-02, passed 1-24-2011)

§ 151.121 CONTESTING THE REIMBURSEMENT DISTRICT.

Any legal action intended to contest the formation of the Reimbursement District or fee must be filed, within 60 days of the Council's hearing on the application consistent with the terms of O.R.S. 34.010 through 34.100 (writ of review).

(Prior Code, § 3.10.060) (Ord. 2011-02, passed 1-24-2011)

§ 151.122 OBLIGATION TO PAY REIMBURSEMENT DISTRICT.

(A) A person applying for a permit related to property within a Reimbursement District shall pay to the city, in addition to all other applicable fees and charges, the reimbursement fee established by the City Council under the terms of this subchapter if, within the time specified in the resolution establishing the District, the person applies for and receives approval from the city for any of the following activities:

(1) A building permit for a new building or a permit for an addition, modification, repair, or alteration to an existing building exceeding 25% of the value thereof within any 12-month period (not due to damage or destruction of the building by fire or natural disaster). **VALUE** as used above means the amount shown on the County's Department of Assessment and Taxation for the building's real market value;

(2) Any alteration, modification, or change in the use of real property, which increases the number of parking spaces required under the city code in effect at the time of permit application; or

(3) Connection to or use of a water, sanitary sewer, storm water, or street improvement, if the District is based on that improvement.

(B) The obligation to pay the reimbursement fee arises and accrues as of the time property within the District utilizes the affected public improvement regardless of whether a person applies for and/or receives a permit connected with that utilization.

(C) The City Council's determination of which properties shall be liable for payment of the fee is final. Neither the city nor any officer or employee of the city shall be liable for payment of any reimbursement fee or portion thereof as a result of this determination.

(D) A permit applicant whose property is subject to payment of a reimbursement fee receives a benefit from the construction of street improvements, regardless of whether access is taken or provided directly onto such street at any time. Nothing in this subchapter is intended to modify or limit the authority of the city to provide or require access management.

(E) No person shall be required to pay the reimbursement fee on an application or upon property for which the reimbursement fee has been previously paid, unless such payment was for a different type of improvement.

(F) The right to reimbursement shall not extend beyond ten years from the District's formation date, subject to renewal at the option of the Council for one additional ten-year period.

(Prior Code, § 3.10.065) (Ord. 2011-02, passed 1-24-2011)

§ 151.123 PUBLIC IMPROVEMENTS BECOME PROPERTY OF THE CITY.

Public improvements installed pursuant to Reimbursement District agreements shall become and remain the sole property of the city. More than one public improvement may be the subject of a Reimbursement District.

(Prior Code, § 3.10.070) (Ord. 2011-02, passed 1-24-2011)

§ 151.124 COLLECTION AND PAYMENT; OTHER FEES AND CHARGES.

(A) Applicants shall receive all reimbursement monies collected by the city for the public improvements they install. Such reimbursement shall be delivered to the developer for as long as the Reimbursement District agreement is in effect. Such payments shall be made by the city within 90 days of receipt of the reimbursements monies.

(B) The reimbursement fee is not intended to replace or limit any other existing fees or charges collected by the city.

(Prior Code, § 3.10.075) (Ord. 2011-02, passed 1-24-2011)

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A place where families and businesses thrive.

NOTICE OF DECISION

TO: Affected Parties

FROM: James Reitz, AICP
Senior Planner 

DATE: July 8, 2020

RE: The Reserve at Fernhill Apartments - Site Plan and Design Review

City File Number: 311-20-000042-PLNG

This is your notice that on July 6, 2020, the Forest Grove Planning Commission voted 7-0 to approve the application cited above. A copy of the Planning Commission's *Findings and Decision 2020-05* is attached.

This decision constitutes the final local action on this matter. Should you or any other affected party wish to appeal this decision, the appeal must be filed with the Community Development Department within fourteen (14) days of the date of this notice (by July 22, 2020 @ 4:30 pm). Appeals must be filed in writing, must state specifically how the decision conflicts with the purposes, intents, and provisions of the Development Code or other applicable ordinances, and be accompanied by a \$443 fee.

Also enclosed is a copy of the applicable Development Code standards and specifications to be met for this project, as well as the comments and conditions required by other City departments.

Please contact me at jreitz@forestgrove-or.gov or (503) 992-3233 if you have any questions.

**Planning Commission Findings and Decision Number 2020-05 to
Approve the Site Plan and Design of the Reserve at Fernhill Apartments,
A 196-Unit Apartment Complex in the 1900 Block of Poplar Street
File Number: 311-20-000042-PLNG**

WHEREAS, 3J Consulting, representing J. T. Smith Companies, filed for site and design review for Forestplace Apartments, a proposed 196-unit apartment complex, on April 16, 2020; and

WHEREAS, the application was deemed complete on May 18, 2020; and

WHEREAS, notice of this request was mailed to property owners and residents within 300 feet of the subject site on June 15, 2020 as required by Development Code §17.1.610. Notice was also published in the *News Times* on July 2, 2020. No written comments were received in response to these notices; and

WHEREAS, the Planning Commission held the duly-noticed public hearing on the proposal on July 6, 2020.

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

- 1) The Planning Commission adopts by reference the staff report including findings and recommendations dated July 6, 2020.
- 2) The project complies with Development Code §17.2.450 *Site Development Review Criteria* as follows:

The Planning Commission shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:

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

Finding: The site will be comprised of three parcels, two of which would be developed with apartments. The applicant will be required to submit a copy of the recorded survey and legal description prior to filing for permits for any building within 10 feet of an existing property line.

Finding: The site plan consists of 8 apartment buildings, along with a pool and spa, sport court, children's play area, and dog park.

Finding: Parking would be provided throughout the site, and all the buildings connected with pedestrian walkways. Walkways would also connect with the sidewalks on Poplar Street, 19th Avenue and the Highway 47 Bypass.

Finding: The site is mostly located in the Community Commercial (CC) zone district. No front, side, or rear setbacks apply. Buildings would be set back at least 11 feet from the Poplar Street right-of-way line, and 10 feet from the 19th Avenue r.o.w. line. Building 7 would be set back 10 feet from the Highway 47 r.o.w. line, while Building 5 would be 14 ½ feet from it. The north and south yard building setbacks would be at least 10 feet. Building 3 would be set back 5 feet from the west property line. As no building setbacks are required in the CC zone district, no conditions of approval appear necessary.

Finding: Car park set backs are at least 5 feet abutting any property line. The site plan indicates compliance with this standard.

Finding: Once the consolidation process is complete and additional right-of-way is dedicated along Poplar Street, the site area will be 7.26 acres. Of that, 6.58 acres are located in the CC zone district, where the minimum and maximum residential density is 16.22 to 30.00 DUA respectively. The allowable density would therefore be between 97 and 180 units.

The southern-most part of the site (1845 Poplar Street) is located in the RML zoning district, where the minimum and maximum density is 9.60 to 12.00 DUA respectively. This area totals 0.59 acres. The allowable density would therefore be between 6 and 7 units.

In total, the allowable density for Lots 1 and 2 would be between 103 and 187 units. The application proposes 196 units. Because it fronts Pacific Avenue, the applicant proposes to reserve and market Lot 3 for commercial purposes. At 0.68 acres, it could be developed with between 16 and 20 units. The applicant proposes to transfer 9 of those units to elsewhere within the project site.

To ensure that Lot 3 is not subsequently over-developed with residential units at a later date, the applicant proposes to record a deed restriction to limit future density to not more than 11 units. This deed restriction has been included as a condition of approval.

Finding: The height limit in the CC zone district is 45 feet. The height of the three-story apartment buildings would be about 44 feet at the roof peak. As the height of the proposed buildings would all be less than the maximum, this criterion is satisfied.

Finding: The project would have 300 off-street spaces, 25 more than the Development Code minimum. There are no maximum limits on parking for residential projects.

Finding: Submitted with the application was a Traffic Impact Analysis (TIA). The TIA concluded that the project would not unduly impact the capacity or safety of the existing roadway and pedestrian network in the area. The TIA recommended one approval condition, to wit:

- *Landscaping, above-ground utilities, and signing should be located and maintained along the site frontage and throughout the site in a manner that preserves adequate intersection sight distance.*

The above recommendation has been incorporated into the project's approval conditions.

Finding: ODOT's Development Review staff was provided a copy of the Traffic Impact Analysis (TIA). In an e-mail received on May 20, 2020, ODOT staff submitted these comments:

- *ODOT has reviewed the TIA submitted for the Reserve at Fernhill Development and the draft Washington County Study for the OR 47/Maple Street intersection. Since the development will be adding trips to this already failing intersection, ODOT recommends that the City require a proportionate share contribution towards the planned project.*
- *Also, ODOT recommends that frontage improvements be required along the property's OR 47 frontage consistent with the Wauna Credit Union plans that have been approved by ODOT.*

The City will be collecting approximately \$1.2 million in Transportation Development Tax (TDT) revenues from this project, a portion of which could be dedicated to the Hwy 47/Maple Street intersection improvement.

In regards to the Highway 47 frontage improvements, the proposed site plan already incorporates the replacement of the deteriorating asphalt path with a new, 8-foot-wide concrete pathway. While already noted on the site plan, this improvement has also been included as a condition of approval.

Summary and Conclusion: With the conditions noted above, the proposed density, setbacks, building heights, access and parking would meet or exceed Development Code standards.

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

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

Finding: All apartment buildings would be 3 stories tall. Building 3 on Lot 1 would, at its closest point, be setback about 5 feet from the west property line, and that area landscaped with shrubs and small trees. Most of the building would be setback several additional feet.

The parcel at 3411-3435 19th Avenue is developed with a 5-unit single-family detached condominium complex and the home located at 3435 19th Avenue is a 2-story structure. Because there are no building setbacks required in the CC zoning district; and the abutting properties are all located in the same district; and the apartment building would be only 1 story greater in height than the home located next door; and the uses are the same (residential), building mass and scale of the proposed apartment building would not result in a substantial visual and privacy impact to nearby residential properties.

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

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

Finding: On-building, pathway and car park lighting is proposed. Lighting will be required to comply with the provisions of DC §§17.8.755(C) and (D).

Finding: Trash and recycling enclosures would be centrally located on Lots 1 and 2, well away from any property lines. They would be roofed structures constructed of concrete block, so potential odor transmission to nearby residential uses should be minimized.

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

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

Finding: The site does not have any prominent topographic features, wetlands, creek corridors or riparian areas. Existing on-site trees have been examined by a certified arborist. Due to their condition, all are proposed for removal.

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

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

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

Finding: Poplar Street is of inadequate right-of-way width and improvement. The applicant will be dedicating r.o.w. to provide a width of 58 feet. The applicant will be improving the street to a 32-

foot width, with curbs, gutters, sidewalks and street trees. The applicant will also install new underground electrical service.

Finding: The 19th Avenue r.o.w. is of adequate width, but is not improved adjacent to the site. In cooperation with the City, the applicant will construct a full-width improvement, a portion of which will be eligible for City TIF/TDT funds. When it is constructed, the street network in this area will be complete.

Finding: The project may affect the operations of the Hwy 47/Maple Street intersection. The City will be collecting approximately \$1.2 million in Transportation Development Tax (TDT) revenues from this project, a portion of which could be dedicated to the Hwy 47/Maple Street intersection improvement.

Finding: The Highway 47 frontage adjacent to the site will be improved by replacing the deteriorating asphalt path with a new, 8-foot-wide concrete pathway.

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

Finding: DC §17.8.115(4) requires a minimum walkway width of four feet. Concrete pedestrian walkways are proposed to connect each unit to the car park and public sidewalk. Additional walkways would connect to the play area, trash enclosure, and garages. All walkways would be at least five feet wide. This criterion is met.

Finding: As a condition of approval, the deteriorating Highway 47 asphalt path will be replaced with a new, 8-foot-wide concrete pathway.

Finding: A walkway would extend from Oak Street all the way through both Lots 1 and 2 to the office located in Building 7. It would cross Poplar Street at about the mid-point of the block. Residents of buildings 1-3 on Lot 1 could be expected to routinely cross over Poplar Street to visit the office or use the recreational facilities located on Lot 2. To provide a safer crossing of Poplar Street, a bulb-out and possibly a crosswalk will be constructed at this location. A bulb-out would also have the added benefit of slowing vehicular traffic. To ensure safe traffic operations, the bulb-out will be required to be constructed in compliance with Engineering and Fire department standards and specifications.

- G. Design Review Criteria: Projects subject to design review shall be evaluated based on the following:

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

The Design Guideline Handbook Section III *Multi-Unit Residential Design Guidelines* has two options for design review: Track 1 *Development Standards* and Track 2 *Design Guidelines*. The following analyzes the application compared to Track 1 standards unless otherwise noted.

Site – Circulation

- *Continuous pedestrian connections required* – Pathways are proposed that would connect the buildings, car parks, play area, and the public sidewalks.
- *Pathways at least 10 feet from dwellings* – The distance between pathways and buildings varies. Some buildings meet this guideline, while for others the pathways would be located closer. However, the pathways would comply with this recommended Design Guideline: “Provide comprehensive, pleasant and direct pedestrian pathways linking buildings, open space and parking areas.” Shifting the buildings away from pathways would crowd the buildings closer together, thus reducing useable yard areas for the residents, and/or would shift the buildings closer to perimeter property lines, thus increasing the potential adverse impacts on neighboring properties. Maintaining greater useable yard areas and setbacks from the perimeter would be preferable to strict adherence to this standard.
- *The minimum pathway width of 5 feet* – All proposed pathways would be at least five in width.

Site – Parking

- *Include 18-foot-wide landscape planter bays in parking areas > 10,000 square feet* – The proposed car park and aisles would exceed 10,000 square feet in area, therefore, this provision applies. Planter bays of 9 x 32 feet are scattered throughout the complex; this standard is met.
- *Sidewalk system shall connect all front doors to the car park* – Walkways are provided throughout the site with multiple connections to the car park.

Site – Pedestrian Environment

- *Residential front doors shall be setback at least 2 feet from the public sidewalk* - All residential front doors would be located more than 10 feet from the public sidewalk.
- *Primary entrance doors shall not be sliding glass, or solid metal without glazing* - Entry doors will be standard doors.
- *Residential porch height < 4 feet* – No porches are proposed.
- *Residences with entry porches: porches shall be not be less than 40 square feet* - No porches are proposed.
- *Residences shall not be < 4 feet below grade* – The new buildings will be erected at grade.

Site – Screening / Service Areas

- *All mechanical equipment shall be screened* – The apartment units will have standard residential-sized appliances located inside. Additional mechanical equipment will be located in the building attics.
- *Service / refuse collection areas shall be not < 20 feet from the right-of-way* – The refuse collection areas would be located more than 50 feet from the Poplar Street right-of-way.
- *Refuse collection area to be screened from above* – The refuse collection areas would be walled and roofed structures.
- *All rooftop mechanical equipment shall be screened* – None proposed; not applicable.

Site – Landscaping

At least 75% of required landscaped areas shall be planted; at most 25% of required landscaped areas shall be hardscaped – Landscaping would include deciduous trees, shrubs, groundcover, and turf. Less than 25% of the required landscape areas would be hardscaped.

- *Buffering and Screening* – The development site abuts two residential properties on the south border. To provide buffering and screening, an expanded 15-foot-wide area will be created and landscaped with a variety of large and small trees, shrubs and groundcover.

Site – Crime Prevention Through Environmental Design

- *Plant materials by entries shall be < 5 feet in height by the entry* - Complies. Various shrub varieties are proposed near the entries, all of which can be kept pruned to a height of five feet and less.

- *Window areas facing common spaces, paths, and parking areas shall be at least 25 square feet each* – Dimensions of the individual window units vary; multiple windows will be present in all elevations. Given the multiplicity of windows facing the common spaces, the intent of this criterion is satisfied.
- *Entries shall be lighted* – All entries would be illuminated.
- *Gated residential areas are prohibited* – None are proposed.
- *Motion-activated lighting by the street is prohibited* – None are proposed.

Site – Open Space

- *At least 25% of the lot (excluding parking areas) shall be landscaped* – The site totals 7.26 acres. Open space and landscaped areas would comprise 2.13 acres or about 29% of the gross site area, including parking areas. This standard is met.
- *Apartment complexes with six units or more shall provide 100 square feet of recreation space per unit* – No specific Development Code section includes this provision. With 196 units, 19,600 square feet of recreation space would be necessary. Each unit would have a deck or patio of 60 square feet more or less (totaling 11,760 square feet). All units would have access to the 11,495-square-foot recreation area (children's play area, sport court, pool, spa and dog park). The combined recreation space would therefore be 23,255 square feet, which would comply with this guideline.
- *Apartment complexes with 21 or more units shall have a children's play area* – The project would have 196 units. One play area is proposed.
- *At least 50 square feet of private open space shall be provided per unit* – Each unit would have a patio or deck of at least 60 square feet.
- *Private open space shall be separated from common open space with landscaping, fencing, or grade changes (including balconies)* – The patios and decks would be separated from the common areas with landscaping (ground floor) or deck railings.

Building – Massing and Form

- *Building dimensions > 150 feet shall have a minimum 3-foot off-set* – The buildings all have off-sets of at least 3 feet.
- *Every two dwelling units shall be off-set from the next by at least 4 feet* – Complies.
- *All habitable rooms shall have a window facing the car park and common areas* – Windows would face both the car park and the common areas.

Building – Compatibility

- *All buildings shall have a defined entry space of at least 16 square feet* – Complies.

Building – Safety

- *Line-of-sight shall be maintained between the building entries and the sidewalk or car park* – Complies.

Building – Privacy

- *Building entries shall be at least 3 feet from sidewalks and walkways* – Complies. The distance from all entries to any sidewalk or walkway would be at least 5 feet.
- *Bedroom and bathroom windows shall be off-set at least 4 feet from windows on adjacent buildings (unless privacy glazing is used)* – None of the bathrooms would be situated to align with adjacent unit windows.

Site – Lighting

- *All unit entries and walkways shall be lighted* – All entry areas will be lit.
- *Light poles shall not exceed 18 feet in height* – This standard is required by DC §17.8.750(D) *Lighting Standards for Multi-Unit Development*.
- *Concrete bases shall not exceed 8 inches in height* – This standard is required by DC §17.8.750(D).
- *Cut-off shields shall be installed* – These are required by DC §17.8.750(D).
- *Plastic interior-lighted signs are prohibited* – None are proposed.

Signs –

- *Residential nameplates allowed* – None proposed. Site identification signs will be required at each driveway.

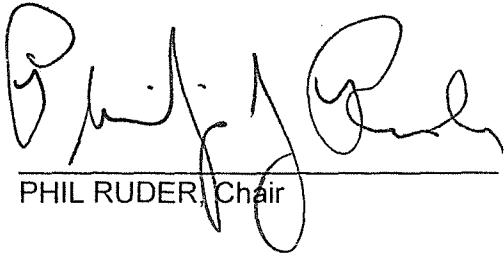
Summary and Conclusions: The design guidelines have been addressed by the application as follows:

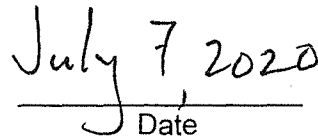
- 1) The facades of the new buildings include building overhangs, balconies and gables, all of which will serve to provide relief and shadow patterns.
- 2) The buildings would be three stories in height. Building projections and recesses are incorporated.
- 3) Exterior building materials would include vertical and lap siding, along with trim boards.
- 4) Proposed window designs would be coordinated with the building's architecture and would be sufficient in number to ensure ample visibility of the common areas.

The facades of the new buildings will include architectural detailing which will serve to provide relief and shadow patterns, including varied roof lines, sheltered entries, decks, and bay window bump-outs. The buildings would use a variety of quality durable materials including Hardie-Plank and Hardie-Panel siding. The proposed architecture complies with the design guidelines and standards.

Based on the information provided in the application and the findings above, the Planning Commission approves the application for the Reserve at Fernhill Apartments, 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. A deed restriction shall be recorded over Lot 3 to limit its future residential density to a maximum of 11 units. This limit shall not be exceeded unless the maximum residential density permitted in the CC zoning district is increased.
3. Landscaping, above-ground utilities, and signing shall be located and maintained along the site frontage and throughout the site in a manner that preserves adequate intersection sight distance.
4. Replace the deteriorating asphalt path along the Hwy 47 frontage with a new, 8-foot-wide concrete pathway.
5. Install a 4-to-6-foot-tall wire fence or decorative metal panel fence along the east property line.
6. Extend a full-width 19th Avenue from its existing terminus through to Poplar Street. The additional improvement shall be eligible for City TIF / TDT credits.


 PHIL RUDER, Chair


 Date

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) Submit a copy of the recorded survey and legal description for the lot consolidation prior to requesting building permits (DC §17.6.040 *Recording Requirements*).
- 3) Public improvement, site grading and erosion control plans shall incorporate tree preservation and protection measures as per DC §17.5.130(3) *Trees on Developable Land*. Fencing shall be installed around all protected trees and signs erected indicating that the area within is to remain undisturbed during construction. No compaction equipment or material storage shall be permitted within tree protection areas. This plan shall be approved by the Community Development Director prior to the site grading permit.
- 4) 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 street light poles wherever possible (DC §17.8.525 *Design Standards*).
- 5) Dedicate right-of-way to provide a 29-foot wide half-street width along Poplar Street adjacent to the project site (DC §17.8.610(E) *Minimum Rights-of-Way and Street Widths*).
- 6) A 10-foot-wide public utility and sidewalk easement shall be denoted along the front lines of all lots, parcels and tracts (DC §17.8.615 *Easements*). No easement is required abutting the Highway 47 Bypass right-of-way.
- 7) Additional easements as necessary shall be granted for the installation of electrical distribution facilities e.g. transformers, junction boxes, etc. (DC §17.8.615 *Easements*).
- 8) All utility connections shall be underground (DC §17.8.645(A) *Underground Utilities*).
- 9) 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*.

ENGINEERING DEPARTMENT SPECIAL CONDITIONS

- 10) All required permits shall be secured by the developer prior to start of construction (i. e., both on-site and off-site construction permits).
- 11) 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.
- 12) Replace the existing asphalt pathway in ODOT right-of-way along Highway 47 bypass adjacent to the site with an eight (8) foot wide concrete sidewalk.
- 13) The City is interested in exploring the possibility of the developer constructing a full-width improvement to 19th Avenue from its current terminus west of Poplar Street to the intersection of Poplar Street, with reimbursement coming from TIF/TDT credits for the southerly half-street section.
- 14) Applicant shall participate in the Poplar Street storm water drainage system reimbursement district.

FIRE DEPARTMENT CONDITIONS

- 15) Fire hydrants shall be installed as per City requirements and shall be equipped with two, 2 ½-inch ports and on 4-inch Storz fitting with a cap on the steamer port. Locations shall be identified with blue reflective pavement markers at the street centerline (Forest Grove Code (FGC) §153.07).
- 16) Install address and identification signs at the Poplar Street driveways (DC §17.8.830 *Commercial Signs* and FGC §150.098 *House Numbers*).
- 17) Install site maps near the Poplar Street driveways indicating the location of each building and the units within. The location and design of the site map shall be reviewed and approved by the Fire Marshal prior to installation (FGC §150.098 *House Numbers*).
- 18) Each building shall be identified with digits at least 8 inches tall that contrasts with the background. Individual unit numbers shall be at least 4 inches in height and contrast with the background (FGC §150.098 *House Numbers*).
- 19) Maintain a 28-foot inside and 48-foot outside vehicle turning radius throughout the complex.
- 20) Fire Department Connection (FDC) locations shall be approved by the Fire Marshal prior to construction.

LIGHT & POWER DEPARTMENT CONDITIONS

- 21) Provide a CAD file of the site plan (including wet utilities).
- 22) Electrical loading and demand will need to be provided by the developer.
- 23) All lighting within the complex shall be customer-owned and will need to be designed by the developer.
- 24) The developer will be responsible for labor and material costs minus a credit allowance (TBD).
- 25) The developer will be responsible for all costs associated with undergrounding the primary feeder along Poplar Street.
- 26) The developer will be responsible for providing and installing all vaults and conduits.
- 27) 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.

ADDENDUM:
WRITTEN TESTIMONY

December 10, 2021

Michael C. Robinson

Admitted in Oregon
T: 503-796-3756
C: 503-407-2578
mrobinson@schwabe.com

VIA E-MAIL

Mr. Peter Truax, Mayor
Forest Grove City Council
Forest Grove City Hall
1924 Council Street
PO Box 326
Forest Grove, OR 97116-0326

RE: Letter on Behalf of J.T. Smith Companies Opposing the Petition by Wauna Credit Union to Establish a Reimbursement District for Storm Sewer Improvements that do not Benefit the J.T. Smith Companies; Resolution No. 2021-59

Dear Mayor Truax and City Council Members:

This office represents the J.T. Smith Companies (“Smith”), the builder of a multi-family housing project south of Wauna Credit Union’s (“Wauna”) building and the property owner most affected by Wauna’s petition (the “Petition”) to establish a reimbursement district (the “District”). Smith opposes the creation of the District for the reasons explained in this letter, its August 10, 2020 letter (attached as **Exhibit 1**) and its oral testimony to the City Council at the City Council’s first public hearing on the District on January 20, 2021 because Wauna’s Improvements do not benefit Smith’s residential development and burden a residential project with higher costs. The City Council is not required to establish the District.

I. Introduction.

Smith thanks City staff and the City Council for continuing the November 22, 2021 public hearing to December 13, 2021 in order to allow Mr. Nemec to attend the hearing. Smith also appreciates the professional courtesy by the City Engineer and the City Attorney in meeting with its representatives more than several times. Finally, Smith appreciates the Mayor not meeting with Wauna’s representative at her request in this quasi-judicial proceeding because all of the arguments should be made in a public hearing where everyone can hear and address them.

The City Council first considered the District in a public hearing on January 20, 2021 but took no action on the Petition. The City Council instead indefinitely continued the matter so that the City Engineer could revise the Engineer’s Report (the “Report”) to address numerous issues raised by Smith. Since then, Smith, the City Engineer and the City Attorney met several times to discuss the Petition. While the parties weren’t able to come to an agreement whereby Smith could

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support the Petition, the meetings did result in a significantly revised Report reflecting much lower costs to be assessed against Smith in order to pay back Wauna for some of its Improvements cost. This reflects the fact that neither the Petition nor the Report met the benefit test in Forest Grove Code (the “FGC”) 151.111, definition of “Reimbursement Agreement.”

The City Council held a Work Session on October 11, 2021. Several City Council members asked questions about the Report, including the fact that Wauna and Smith had no agreement for Smith to participate in the District, that Wauna used above-standard materials in its Improvements and expects Smith to pay for those higher costs, and that a third party has not verified that Wauna’s costs are reasonable.

The City Council opened its second public hearing on the District on November 22, 2021, heard a short Staff Report and public testimony and continued the public hearing to December 13, 2021.

II. The City Council Cannot Approve the District nor is it Required to do so for the Following Reasons.

A. The July 8, 2020 Smith Land Use Decision Condition of Approval does not require that the City Council Impose the District on Smith.

The Staff argued that Condition of Approval 14 (the “Condition”) in Smith’s land use decision settles the question as to Smith but this is incorrect.

First, the Condition merely required Smith to participate in the Poplar Street storm sewer District, which it is entitled to do under FGC 151.115(A). “Participate” does not mean that Smith was required to agree with the Petition. The Condition did not mandate an outcome nor could it since the City Council must make the required findings in FGC 151.116, nor did it compel Smith to agree to the District. Any other interpretation would have deprived Smith of its rights under FGC 151.115(A). In any event, the District did not then exist nor did Smith have notice that it had been proposed, so there was no need to appeal the Condition.

Second, Smith was not required to have appealed the Condition because the Condition could not mandate an outcome on the District.

Third, interpreting the Condition as requiring Smith to accept the Petition and District would violate FGC 151.116 requirement that the City Council decide if Smith should be assessed as proposed in the Report.

Fourth, the District involves two Improvements but the Condition applies only to one Improvement, the storm sewer, and thus may not be a basis for the sanitary sewer Improvement.

Finally, the Condition compels a result violating ORS 197.307(4)(b):

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“(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

If the City Council is going to rely on the Condition, the Condition must fail as a basis for Smith to be assessed because Smith has testified that the costs imposed by the District are unreasonable.

B. The “To and Through” Clean Water Services (“CWS”) Rule (the “Rule”) Cannot be a Basis for the Decision.

The Staff relied on the Rule in the Work Session to justify the District. However, the Rule is not in FGC 151.110-151.124 and simply because it requires the Improvements to be extended “to and through” cannot substitute for demonstrating that the requirements to establish the District are met. Were that the case, the City Council would always be required to approve a petition, which would ignore the requirements of FGC 151.110-151.124.

C. The District Needlessly Subsidizes a Commercial Project by Raising the Cost of a Residential Project and Thus Raising the Cost of Housing.

The November 22, 2021 City Council meeting also included a presentation by the Washington County Department of Housing Services, Supportive Housing Services Program, Jes Larson, Supportive Housing Services Program Manager, who told the City Council that the County needs apartments and asked the City Council to support all types of housing. She noted during her presentation the high cost of housing in the County.

The District is contrary to the goal of providing housing and increases its costs simply to benefit an overly expensive set of Improvements by a commercial use. Not establishing the District will support housing and Wauna knows that it took the risk of constructing the Improvements without the approval of Smith or the establishment of the District.

D. The Requirements to Approve the Report and Establish the District are not Satisfied by the Evidence in the Record.

FGC requires the following that are not satisfied.

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1. FGC 151.110 sets forth the purpose of a District as reimbursing owners for the cost of improvements that benefit other properties. A District cannot be established without demonstrating such benefit nor are all costs required to be reimbursed. *See* FGC 151.111, definition of “Reimbursement District” requiring benefit.
2. The City Council is not required to approve the Report. FGC 151.116.
3. The District must prove that the Improvements are of a size larger than required and that the Improvements provide a benefit. The best evidence in this matter is that Smith neither needed nor benefits from the Improvements since Wauna chose to make the improvements without the consent of Smith while knowing that Smith did not need the improvements and could have made its own improvements at a lower cost. Wauna took a risk in order to enrich itself and should not be rewarded for that decision.
4. FGC 151.113(D) requires the City Engineer to consider the cost of the Improvements. The Report fails to consider the excessive costs imposed on Smith and there is no objective, third party evaluation of the costs. This is a Cadillac project where a Chevrolet project would have done just as well, especially where the excessive costs will increase the cost of housing.

E. Additional issues not Addressed by the Engineer’s Report.

1. The Purchase and Sale Agreement that Wauna entered into when it purchased its property (**Exhibit 2**), binding upon successors and assigns, required Wauna to provide its own utility extensions to its property and specifically provided for an easement across Smith’s property for Wauna to do so. While this is a private agreement that does not bind the City, it is a breach of contract for Wauna to apply for the District. The Agreement has been provided to City staff.
2. The City Engineer removed the sanitary sewer portion of the District because Wauna was the only party that benefited from it. Similarly, the portion of the stormwater system that Wauna installed in Pacific Avenue benefits only Wauna. This portion of the system was some of the most expensive per linear foot of system installed due to the additional traffic control, saw-cutting and pavement restoration located within the highway right-of-way. The Improvement installed by Wauna within Pacific Avenue does not benefit the City or ODOT because it does not collect any public street runoff since there was already a stormwater system located within Pacific Avenue prior to Wauna purchasing the property, and a stormwater

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inlet is located at the intersection of Pacific Avenue and Poplar Street. Wauna’s site should have had a private stormwater lateral extended to it from Poplar Street through the location where they were building their driveway, similar to the lateral that was extended to the Popeye's lot.

Because CWS requires stormwater detention anyway, the City Council should ask why this elaborate, off-site Improvement was created in the first place when another stormwater system was available so close, as shown below:



3. The City Council has not been provided with evidence to demonstrate that less expensive alternative solutions were investigated by Wauna. In addition, due to CWS’ detention requirement, another point of poor engineering judgment was utilized by oversizing the pipe network that was installed within Poplar Street. Smith was informed by the City Engineer that the unit price of the smaller pipe size would be utilized for the purposes of the District.

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4. None of the apartment buildings benefit from the Improvements because only the public street along Smith's frontage drains to Wauna's improvements.
5. Smith objects to the pavement restoration being included within the District because it essentially makes Smith pay for the pavement twice, since Smith was conditioned to completely rebuild and widen Poplar Street and 19th Avenue, including sidewalks and expensive stormwater quality filtering planters per CWS' new standards.
6. Smith is trying to build quality housing that is affordable to the work-force population in the midst of all-time record material and labor costs and being conditioned to participate in the District that did not yet exist, and of where Smith had no notice of the District, is contrary to that purpose.

III. Conclusion.

The City Council is under no obligation to approve the Report and create the District where Wauna ignored its contract obligations with Smith, where Smith does not benefit from the District because it did not need the Cadillac Improvements and could have easily served its own project, where the Improvement costs are excessive and affect housing costs, where Wauna chose to proceed without Smith's consent and took the risk of establishment of the District and where Smith is not bound to accept the District by the land use condition.

For all of these reasons, Smith respectfully requests that the City Council reject the Report and not create the District.

Very truly yours,



Michael C. Robinson

MCR/jmhi
 Enclosures

cc: Mr. Jesse Nemec (*via email*) (*w/enclosures*)
 Mr. Greg Robertson (*via email*) (*w/enclosures*)
 Mr. Chris Crean (*via email*) (*w/enclosures*)
 Ms. Erin Forbes (*via email*) (*w/enclosures*)

PDX\133294\251057\MCR\32435637.1

August 10, 2020

Michael C. Robinson

Admitted in Oregon
T: 503-796-3756
C: 503-407-2578
mrobinson@schwabe.com

VIA E-MAIL

Mr. Peter Truax, Mayor
Forest Grove City Council
Forest Grove City Hall
1924 Council Street
PO Box 326
Forest Grove, OR 97116-0326

RE: My Client, J.T. Smith Companies; Comments on Proposed Acceptance of City Engineer's Report for Formation of Proposed Reimbursement District Initiated by Wauna Credit Union

Dear Mayor Truax and Members of the Forest Grove City Council:

This office represents the J.T. Smith Companies ("Smith"). Smith is developing the former Albertson's property, consisting of ten tax lots, adjacent to and near Wauna Credit Union ("Wauna"). Wauna's proposed Reimbursement District (the "RID") includes all of Smith's property and will add significant and unanticipated costs to Smith's development of its apartment project. Smith asks the City Council to consider this letter as it reviews the Engineer's Report for the RID. Before providing substantive comments on the RID's compliance with the requirements of Forest Grove Code ("FGC") 151.110 to 151.124, Smith has three preliminary comments.

First, Smith is pleased that it will become part of Forest Grove when it builds its new apartment project. Smith has no desire not to be a good neighbor with Wauna, or not to participate in a RID that is proportionate to the benefits to Smith's development. However, because the Engineer's Report was not available to Smith until recently, it is only now able to review the financial impacts on its project from the RID.

Second, Smith asks that the City Council open and take testimony at the August 10 City Council meeting but continue the matter until September 14, 2020 and that it also continue the City Council hearing on adoption of the RID Resolution now scheduled for September 14 to the next City Council meeting available date. A continuance will not prejudice Wauna. This request is made in order to give Smith and its engineer an opportunity to discuss the RID with the City Engineer and with Wauna. Despite Wauna being Smith's neighbor and being aware of Smith's development, Wauna has not talked to Smith about the RID. It is appropriate to allow Wauna and the most-affected property owner, Smith, discuss the proposed charges against Smith's property and to allow Smith to discuss the RID with the City Engineer.

Mr. Peter Truax, Mayor
 August 10, 2020
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Third, the Forest Grove Planning Commission approved Smith's limited land use application. Exhibit E to the Staff Report for that decision is the "Engineering Department Special Conditions." Special Condition 14 provides in its entirety that "Applicant shall participate in the Poplar Street stormwater drainage system reimbursement district." To the extent someone may suggest that Smith cannot comment on the Engineer's Report or challenge the adoption of the Resolution establishing the RID, Smith thinks it is appropriate to discuss this issue now.

The condition does not prohibit Smith from commenting on the Engineer's Report or challenging the Resolution; the condition says only that Smith must participate in the stormwater RID. Smith will participate in a RID that is eventually adopted, subject to any review by the courts. Second, the condition refers only to a stormwater RID but Wauna has proposed a stormwater and a sanitary sewer RID. At most, the condition concerns only the stormwater portion of the RID. Finally, the condition cannot prevent Smith from participating in the review of the Engineer's Report or the Resolution allowed under the FGC. For these reasons, Smith is providing comments on the Engineer's Report and will participate in the City Council hearing on the Resolution creating the RID as allowed by the FGC.

1. Comments on the Engineer's Report and Compliance with the FGC.

The Engineer's Report at page 171 notes that the RID can be approved when one party constructs public improvements that benefit another party. FGC 151.110, "Purpose." FGC 151.113.D, "City Engineer's Report," requires that the City Engineer consider a methodology for allocating the cost of the public improvements among the properties in the RID and consider rate-making principles associated with the financing of public improvements and other relevant factors. As explained below, the RID fails to satisfy these requirements because Wauna seeks to recoup improvement costs that would be unnecessary for Smith if it were to construct its own improvements. Because these required considerations should result in a RID that fairly and proportionately allocates costs to other properties but have not been considered, the RID is unfair and not proportionate to the benefits derived by Smith from Wauna's construction of the public improvements. Wauna should be responsible for all of its costs not related to the proportionate benefit to Smith.

The RID includes and allocates costs to 13 lots. One of these lots is Wauna's but 10 of the lots in the RID are Smith's lots. Wauna clearly seeks to take advantage of its neighbor's apartment project to subsidize its own development costs, contrary to the FGC, as explained below.

Additionally, the disparity of benefit does not end with the number of lots in the RID. The RID proposes to split the sewer line costs of \$108,340 equally with Smith, resulting in an allocation of \$57,170.00 to Smith. The RID proposes that Smith be allocated 82.52% of the storm sewer improvements costs as compared to Wauna's 11.5% of the costs, despite Smith benefitting from and needing far less than this percentage for its development. This results in Wauna paying only \$29,299.74 compared to Smith paying \$210,963.32. In other words, even though Smith needs just a small part of the public improvements to be constructed by Wauna, Wauna proposes that Smith pay over \$250,000 as opposed to Wauna's payment of about \$86,000. The City Council

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should ask if Wauna would have constructed this project but for its intention to compel Smith to pay for most of its costs. The RID does not meet the definition of “utilize” in FGC 151.111 because Smith will not benefit from and does not need to use the full extent of Wauna’s public improvements.

A. Does the RID Benefit Smith’s Property?

The Engineer’s report assigns proportionate shares of responsibility based on contributing area to the entire run of the utility lines. However, all of Smith’s properties have a common ownership, are in the process of a lot-consolidation process and have submitted and obtained approval of a limited land use application showing a proposed stormwater piping system that utilizes connections to the existing stormwater system at two different locations. The City Council vacated 19th Place because all of Smith’s lots will be developed together and utilities routed internally, as has been planned since Albertson’s purchased the properties over a decade ago. As explained below, Wauna’s improvements do not benefit Smith except for a small part of the two new lines, in one case just over 10%, and in another case, about a third but Wauna asks Smith to pay over 80% of the costs in one case and 50% of the costs in the other. The RID does not benefit Smith to the extent requested by Wauna.

a. Stormwater Improvement Allocation of Costs Proposed by Wauna.

The stormwater connection for Smith Tax Lots 1910, 1916, 1924, 1934, 1942, 1907 and 1913 only utilizes 95 linear feet of the overall 900 linear feet (11%) constructed by Wauna. These Tax Lots should only be subject to a proportionate share of no more than 11% of the overall cost of the project, because that is the amount of pipe that would be required to be installed to develop those lots. In other words, if those lots were being developed before Wauna, they would only have been required to construct 95 feet of this pipe.

The stormwater connection for Tax Lots 1925, 1931 and 3510 only utilizes 295 linear feet of the 900 feet total that was installed by Wauna. These Tax Lots should only be subject to a proportionate share of no more than 32% of the improvement costs.

b. Sewer Improvements Allocation of Improvement Costs Proposed by Wauna.

Smith does not need to connect at all to Wauna’s sewer line. Because Smith does not benefit from this line, the RID should not impose these costs on Smith.

B. The RID Methodology is Flawed and Unexplained.

The RID map at Page 177 targets Smith and two other properties but excludes other tax lots with no explanation of why that is rationale or fair as required by FGC 151.113.B and D. Further, the

Mr. Peter Truax, Mayor
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50%/50% split of the sewer line costs excludes the two other lots without evidence that other lots will not benefit.

C. The Engineer's Report Does Not Examine the Costs of the Public Improvements Submitted by Wauna.

FGC 151.112.C and 151.113.D require that Wauna submit evidence as to the actual costs of the public improvements shown through receipts, invoices and similar documents and that the City Engineer analyze the costs. The Engineer's report at Page 176 states the purported actual costs but includes no evidence or analysis as to the costs' accuracy. Did Wauna spend the money it seeks to be reimbursed for? Were the costs reasonable? How do these costs compare to other recent similar projects? This evidence and analysis is needed before the City Council can approve the Engineer's Report.

D. Costs Recouped by Wauna in Other Ways Must be Deducted from the Costs that Wauna Seeks to Obtain Through the RID.

The Engineer's Report at Page 171 notes that Wauna and the City have entered into a Public Improvement Agreement (the "Agreement") for the construction of the two new public improvements. The Agreement is not in the record nor otherwise analyzed in the Engineer's Report. If the Agreement provides for City payments to Wauna, including System Development Charge ("SDC") credits, the City Council must deduct those costs from the costs sought from Smith by Wauna.

E. The RID is Not Proportional to the Benefits Derived by Smith.

The City Council's decision on the Engineer's Report and the RID Resolution is subject to the analysis under *Hill v. City of Portland*, ____ Or App ____ (2018), *Nollan v. California Coastal Comm'n*, 483 US 825 (1987) and *Dolan v. City of Tigard*, 512 US 374 (1994) holding that City actions must be "roughly proportional" to the impacts of a proposal. In this case, the City Council must apply these decisions by finding that what Wauna seeks and what the City Council may impose is disproportionate to the benefits that Smith would receive from the RID.

2. Conclusion.

The City Council should not accept the Engineer's Report until these issues have been resolved. A delay of the action on the Engineer's Report will allow Smith to work with the City Engineer to answer these questions and with Wauna to arrive at a fair and proportional RID that Smith can agree to.

Mr. Peter Truax, Mayor
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Thank you for your consideration of this letter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael C. Robinson".

Michael C. Robinson

MCR/jmhi

cc: Mr. Jesse Vanderzanden (*via email*)
Mr. Derek Robbins (*via email*)
Mr. Jesse Nemec (*via email*)
Mr. Aaron Murphy (*via email*)
Mr. Chad Jacobs (*via email*)

PDX\133294\251057\MCR\28730694.1

February 5, 2021

Greg Robertson, Director of Public Works
City of Forest Grove, Oregon

via: grobertson@forestgrove-or.gov

RE: Proposed City Council Resolution 2021-06 "Wauna Credit Union Public Improvement Reimbursement District"

Mr Robertson,

It has been an enjoyable experience working with you and your staff on an important project that we are extremely proud of that will increase the needed housing supply and construction jobs in Forest Grove. Thank you for taking the time to discuss some of our concerns regarding the proposed utility Reimbursement District (RID). As we discussed, we have a number of concerns regarding this. From the moment that we learned of the magnitude of cost associated with the proposed RID, I was shocked at the values as they seemed an order of magnitude more than it should have been.

While it may not pertain exactly to the City of Forest Grove, I believe a little context to the history of these parcels is in order to better understand our position, if you will allow me the courtesy.

As you may or may not know, the collection of properties included in the proposed RID, specifically those owned by Fernhill Apartments, LLC and Wauna Federal Credit Union have had somewhat of a interesting past since 1997 when Albertson's started assembling properties to develop a new store. When the feasibility of this new store was failing to meet their requirements, Albertson's entered an agreement with Sterling Development in 2000 with the premise that Sterling would purchase Albertson's entire assemblage. A stipulation was added to that agreement that in the event that Sterling's due diligence failed, Albertsons would still sell an outparcel on the corner of the property with high visibility for commercial use. JCR Resources, LLC, another development company subsequently assumed Sterling's contract with Albertson's and notified Albertsons that they have concluded their due diligence and that the entire assemblage of properties was not feasible for them and demanded the aforementioned outparcel.

JCR and Albertson's negotiated the particulars of this outparcel for several years, and in 2005 a lot line adjustment was recorded that created the configuration of the parcel that Wauna eventually purchased. Perhaps utilities should have been extended then. Albertson's had owned the property for 8 years at this point, had completed their own due diligence of the properties and were well aware the outparcel wasn't served by utilities but at JCR's demand, they contractually followed through under the premise that all construction costs be borne by JCR because Albertson's intent was to get out from under their failing real estate position and had not budgeted for any construction. If JCR demanded the parcel, they would pay for the associated costs.



Subsequent negotiation occurred by the parties, each trying protect their and their successor's respective development opportunities. Neither party had a final plan yet, but in 2008 a final Restrictions and Easement Agreement was finalized and recorded that outlined the terms for development, binding upon "successors and assigns" in 7.2. Section 3.5 of this agreement was titled "Utility Lines and Facilities" and started out with section:

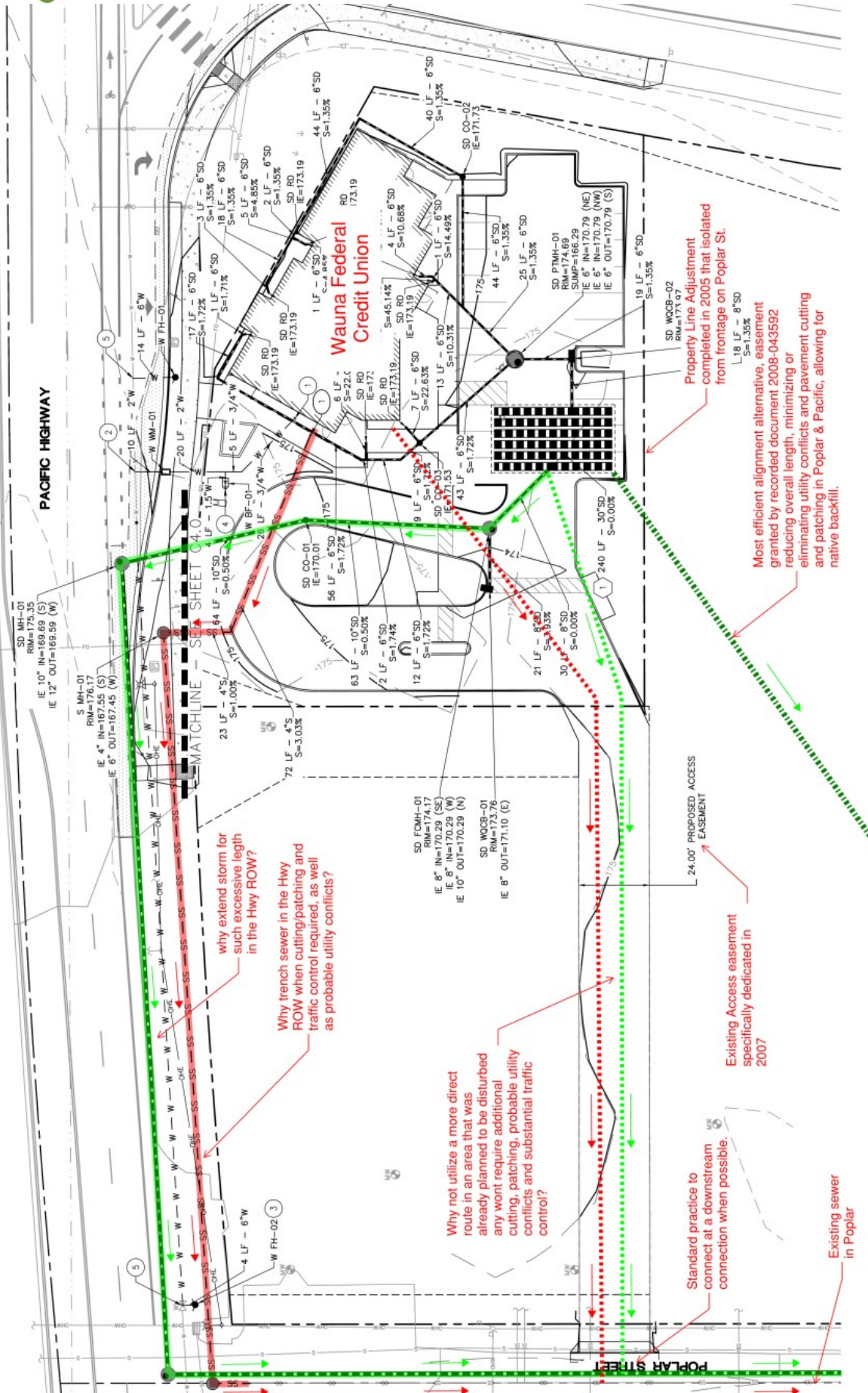
- (a) *Each Owner, as grantor, hereby grants to the other Owners, for the benefit of each Parcel belonging to the other Owners, as grantees, an nonexclusive easement under, through, and across the Common Area of such grantor's Parcel for the installation, operation, maintenance, repair and replacement of water drainage systems or structures, water mains, sewers, water sprinkler system lines, telephones, communication lines, pneumatic tube systems, electrical conduits or systems, gas mains and other public or private utilities or underground systems facilitating communication and/or coordination of business operations between two or more Parcels. Each Owner agrees to grant such additional easements as are reasonably required by any public or private utility for the purpose of providing the utility lines and facilities described herein, provided such easements are not inconsistent with the provisions of this agreement, and are located subject to the Owner's prior written consent, not to be unreasonably withheld, conditioned or delayed, in locations that will not interfere with, adversely affect or create additional costs for such Owner's development, operation or use of it's Parcel by Owner or tenants of Owner as developed or planned to be developed by the Owner requesting such easement(s)*
- (b) *All such systems, structures, mains, sewers, conduits, lines and other utilities shall be installed and maintained below the ground level or surface of such easements except for ground mounted electrical transformers and such other facilities as are required to be above ground by the utility providing such service (including, without limitation, temporary service required during the construction, maintenance, repair, replacement, alteration or expansion of any buildings, signs or Common Area improvements located on Parcel 1(JCR) and Parcel 2 (Albertsons)). Any such above ground facilities shall be located on the Parcel of the Owner installing such utility or service to the extent possible, and if there is no other commercially reasonable option and it must be located on the other Owner's Parcel, in a location on such Owner's Parcel consented to in writing by such Owner, which consent shall not be unreasonably withheld, conditioned or delayed. The installation, operation, maintenance, repair and replacement of such easement facilities shall not unreasonably interfere with the use of the improved Common Area or with the normal operation of any business located on such other Parcel. The grantee shall bear all costs related to the installation, operation, maintenance, repair and replacement of such easement facilities, shall repair to the original specifications any damage to the Common Area resulting from such use and shall provide as-built plans for all such facilities to the Owner of the Parcel upon which such utility lines and facilities are located within thirty (30) days after the date of completion of construction of same. The construction or installation of such facilities must be conducted so as not to unreasonably interfere with the conduct Of the business of such other Owner or such Owner's*



tenants and to the extent that such construction or installation unreasonably interferes with the conduct of business on such Owner or Owner's tenants the grantee Owner shall use reasonable efforts to have such work performed other than at the Owner or Owner's tenant's peak business times. The Owner using the other Owner's Parcel for the operation, construction or maintenance of such utility lines and facilities shall: (i) use reasonable efforts to minimize material impacts upon the business located on such Parcel; (ii) store equipment and materials at the end of the day in such a way as not to block drive isles or parking spaces on the other Owner's Parcel; (iii) fence or cover any open trenches in accordance with reasonable safety practices under such circumstances; (iv) complete such work or maintenance in a diligent manner and in a reasonable time period; and (v) not disturb, destroy, harm or otherwise damage any portion of the Parcel, except in connection with the construction, operation or maintenance of the utility lines and facilities; (vi) not permit any vehicles to block any portion of the drive isles on the Parcel; (vii) upon termination of the Owner's use of the Parcel, remove from the Parcel all of the Owner's personnel, property and materials, except those materials and equipment pertaining to the installation of the utilities of facility; and (viii) comply with in all respects with all applicable laws and ordinances.

Clearly, the agreement presumed that the development would proceed efficiently and economically, and would not require circuitous routing of utilities since JCR's parcel was located at the high-point of the site and not fronting public right of way with direct access to public storm or sewer (Poplar), thereby necessitating easements. Clean Water Services design standards specifically allow for public utilities to be located in easements outside of public right of way, and a substantial portion of CWS' Chapter 5 "Conveyance Design" is devoted to proper installation of sewer and storm conveyance in easements outside of right of way. This is commonly employed as a more economical approach for the installation of utilities, especially when asphalt cutting and patching is concerned, as well as the higher probability of conflicts with other utilities.

In light of this, why then was the decision made for Wauna Federal Credit Union, successor to JCR, to route their sanitary sewer service by extending the highest point of a nearby 10" line, trench into the highway, install a manhole, trench further into the highway, install another manhole before routing the pipe into their property? Or more substantially, why all of the additional length of trenching, pipe, pavement cutting, pavement patching and high-risk traffic control in the highway when a much more direct and substantially less expensive routes were legally and physically available? At face value, the only logical explanation that I can come to is that per the exact definition of the Restrictions and Easement Agreement, utilities that are installed in the easement area would be paid for solely by the party needing and installing them. However, if the utilities are installed in the public right of way, no matter how circuitous, hazardous, inefficient and expensive, might be eligible for a public Reimbursement District and were intentionally routed this way.



Perhaps the reasoning is simply due to poor Engineering judgement or direction. However, I believe that that rationale is also why the methodology for determining SDC credit values for sewer or stormwater systems, the value calculated is simply the difference in value from what would originally have been needed for the development and what was up-sized to support other development, but ancillary items like pavement cutting or patching, utility relocations, etc are not included in the valuation partially because it is very difficult to determine if these were actually needed or if a better design would be needed. I firmly believe that substantially less risky and more efficient engineering solutions could have been employed in Wauna's utility extension project, and therefore costs associated with pavement restoration and water or gas line relocations at a minimum should be excluded from the RID valuation calculation.

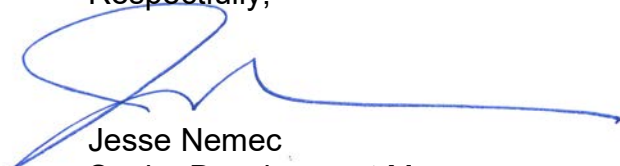
Speaking of System Development Charge credits, I believe that Wauna should have been eligible for SDC credits for up-sizing the storm line in Poplar Street for the 15" and 18" pipe sections. However, I'm somewhat surprised that the City would have required the upsizing of these pipes given that Clean Water Services requires stormwater detention systems for new development. We have requested a copy of Wauna's drainage report to further review the basin analysis and conveyance calculations, but are awaiting a copy from our public records request.

I am still concerned about the methodology for attributing cost contained in the Engineer's report. First, it is not well described, and the calculations can't be extrapolated without the corresponding spreadsheet, confusing calculations in future. You have assured both me and Pacific Development Holdings that if you don't connect to the system, then you don't pay into the RID when you develop. Therefore in order to be fair, the calculation for the methodology needs to utilize actual contributing stormwater basin area, not necessarily just property area.

All of these concerns should have been addressed ahead of time before assessing liabilities against the Reserve at Fernhill project. If we would have known that we had a liability of this magnitude we could have negotiated a price reduction with Albertsons. I was assured multiple times by City staff that you pay any RID allocations that might be due when the permit is purchased. Since our connection permits are already issued and paid for, and there were no viable RID allocations at the time, we have participated in all valid RIDs. I don't see how it would be appropriate for the City to retroactively apply a pending RID considering all of the above.

Please feel free to let me know if you should have any additional questions or comments, but I am confident that you will see the complications with proceeding with the RID as proposed.

Respectfully,


Jesse Nemec
Senior Development Manager

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: 12/13/2021

FINAL ACTION: First Reading
ORD 2021-06

CITY COUNCIL STAFF REPORT**TO:** City Council**FROM:** Jesse VanderZanden, City Manager**MEETING DATE:** December 13, 2021**PROJECT TEAM:** Paul Downey, Administrative Services Director**SUBJECT TITLE:** Ziplly Franchise Renewal Ordinance**ACTION REQUESTED:** ☒ Ordinance ☐ Order ☐ Resolution ☒ Motion ☐ Informational*X all that apply*

ISSUE STATEMENT: Ziplly's telecommunication franchise with the City expires December 27, 2021. City staff and Ziplly staff have been working on the language to renew the franchise ordinance. The ordinance to renew the franchise is being presented to the Council tonight for first reading with the second reading scheduled to occur on January 10, 2022.

BACKGROUND: Verizon Northwest was originally granted a fifteen year franchise effective December 21, 2006. The franchise was originally transferred to Frontier and more recently to Ziplly Northwest LLC. This franchise is for the telecommunications services (land lines) that Ziplly provides. It does not address cable services which are managed by a separate franchise agreement through the Metropolitan Area Communications Commission (MACC) on behalf of the City. It does not address internet services to residences or businesses. It is a non-exclusive franchise which means another entity could ask to provide land-line telephone service in the City.

The terms of the proposed franchise renewal ordinance are largely unchanged from the original ordinance. The main changes are:

- Changing the name on the ordinance to Ziplly Fiber Northwest, LLC
- Reducing the term of the franchise to five years or until the date a City Right-of-Way (ROW) ordinance becomes effective, whichever comes first
- Changing the payment date of the franchise fee to once a year based on the calendar year

FISCAL IMPACT: There is no fiscal impact as franchise revenue is currently being collected.

STAFF RECOMMENDATION: Staff recommends Council approve the ordinance.

ATTACHMENT(s): Franchise Renewal Ordinance

FIRST READING:**ORDINANCE NO. 2021-06****ORDINANCE RENEWING A FRANCHISE FOR ZIPLY FIBER
NORTHWEST, LLC, A DELAWARE LIMITED LIABILITY CORPORATION,
TO CONDUCT A GENERAL TELECOMMUNICATIONS BUSINESS
AND GRANTING A RIGHT TO USE PUBLIC RIGHTS OF WAY
WITHIN THE CITY****THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:**

Section 1: The City of Forest Grove (City) hereby renews the franchise for Ziplly Fiber Northwest, LLC dba Ziplly Fiber, a Delaware Limited Liability Corporation (Ziplly), its successors and assigns, the right and privilege to conduct a general telecommunications business within the City and to place, erect, lay, maintain and operate in, upon, under and over public rights of way within the City poles, wires, cables, fiber optics, conduit and other appliances and conductors for the transmission of electricity for telecommunication purposes. Such wires, cables, fiber optics, conduit and other appliances and conductors may be strung upon poles and other fixtures (facilities) above ground or may be laid underground in pipes and conduits or otherwise protected. Whenever possible for new development, underground telephone facilities will use a common trench located by the Forest Grove Light & Power Department. This Ordinance does not grant Ziplly authority to use its facilities to provide cable services.

Section 2: Ziplly is granted authority to make all needed and necessary excavations in any public right of way. All excavation and construction work must comply with City Ordinances, resolutions, rules and orders now in effect or that take effect during the term of this franchise. City will enter discussions with Ziplly to achieve acceptable solutions to issues identified by Ziplly regarding proposed changes to City Ordinances, resolutions, rules or orders whenever such discussions are practicable. Ziplly does not waive its right to challenge the legality, validity or enforceability of any changes to City Ordinances, resolutions, rules or orders adopted after this Ordinance takes effect. This Ordinance does not require Ziplly to comply with future Ordinances, resolutions, rules or orders that conflict with any specific provision of this Ordinance or that apply only to Ziplly. Ziplly is not required to use any City-owned conduit or appurtenances for which the city imposes any fee, tax or other charges for its use. City will require developers to allow Ziplly to place its facilities within residential, industrial or business developments.

Section 3: Whenever Ziplly disturbs any public right of way for the purpose of excavation or construction, it must restore as soon as practicable the public right of way to at least as good a condition as existed prior to excavation or construction. If Ziplly fails to restore the public right of way within a reasonable time after receipt of written notice from City, then City will make such restoration and Ziplly must reimburse City for the costs of such restoration. Restoration to the condition that existed before excavation or construction does not require Ziplly to restore areas larger than the areas

of excavation and construction, except to the extent that such disturbance by Ziply causes any damage to the right of way beyond the area of excavation and construction.

Section 4: This Ordinance does not limit the authority of the City to sewer, grade, pave, repair, alter or improve any public right of way in or upon which Ziply may place poles, wires, conductors, pipes or other apparatus. To the extent possible all such City work or improvements will be done in a manner that does not obstruct or prevent the free use of Ziply poles, wires, conductors, conduits, pipes or other apparatus.

Section 5: Whenever it becomes necessary to temporarily rearrange, remove, lower or raise Ziply wires, cables or other plant for the passage of buildings, machinery or other objects, Ziply will temporarily rearrange, remove, lower or raise its wires, cables or other plant as required. The person moving any such buildings, machinery or other objects must pay the entire actual cost to Ziply of changing, altering, moving, removing or replacing its wires, cables or other plant so as to permit such passage. The person must deposit in advance with Ziply a sum equal to the cost as estimated by Ziply and must pay all damages and claims of any kind, direct or consequential, caused directly or indirectly by the changing, altering, moving, removing or replacing of wires, cables or other plant, except damages or claims resulting from the sole negligence of Ziply. Ziply will be given not less than 96 hours written notice by the person desiring to move a building or other object. This notice must state the route of movement of such building or other objects over and along the public rights of way and must be approved by the City. Such moving must be done as quickly as possible without unnecessary delay to limit expense and inconvenience to Ziply. In cases where it becomes necessary to temporarily rearrange, remove, lower or raise Ziply wires, cables or other plant for the passage of buildings, machinery or other objects because of a City project or undertaking, Ziply will temporarily rearrange, remove, lower or raise its wires, cables or other plant as required at its own expense. If Ziply fails to temporarily rearrange, remove, lower or raise Ziply wires, cables or other plant for the passage of buildings, machinery or other objects within a reasonable time after receipt of written notice from City, then City will undertake such temporarily rearrangement, removal, lowering or raising of Ziply wires, cables or other plant to allow for the passage of buildings, machinery or other objects and Ziply must reimburse City for all its costs related to undertaking such work.

Section 6: Ziply must pay to the City a privilege tax in the amount of seven percent (7%) of the gross revenues as defined in ORS 221.515 for local exchange service provided subscribers within the City, such revenue to be determined in accordance with the lawful rates and rate groupings applicable to the exchange, exclusive of extended area service. The privilege tax shall be payable annually on or before March 15 for the twelve month period ending December 31, and the first and last payments must be for that fractional part of the calendar year during which this franchise is in effect. The City may change the compensation rate by Ordinance consistent with applicable state and federal law, but no more frequently than annually.

Section 7: The rights, privileges and franchise granted will continue and be in full force for a period of 5 years from the date of enactment of this Ordinance or until the

date a City Ordinance establishing regulation of the right-of-way (ROW) becomes effective, whichever comes first. If there is a change in applicable law that materially effects or alters the provisions of this franchise, the City and Zply will enter good faith negotiations to agree to new provisions that implement the change in law in accordance with Federal and State law, Oregon Public Utility Commission Rules and Regulations and Zply’s tariff. This Ordinance does not grant a franchise unless it is accepted in writing by the Zply within 60 days after its enactment.

Section 8: This Ordinance repeals, and renders null and void Ordinance No. 2006-02 and all previous franchises granted by City to Zply or its predecessors in interest.

PRESENTED AND PASSED the first reading this 13th day of December, 2021.

PASSED the second reading this 10th day of January, 2022.

Anna Ruggles, City Recorder

APPROVED by the Mayor this 10th day of January, 2021.

Peter B. Truax, Mayor

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: 12/13/2021FINAL ACTION: RESO 2021-64**CITY COUNCIL STAFF REPORT****TO:** *City Council***FROM:** *Jesse VanderZanden, City Manager***MEETING DATE:** *December 13, 2021***PROJECT TEAM:** *Paul Downey, Administrative Services Director***SUBJECT TITLE:** *Budget Subcommittee ARPA Funding Recommendations***ACTION REQUESTED:**

☐	Ordinance	☐	Order	☒	X	Resolution	☐	Motion	☐	Informational
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X all that apply

ISSUE STATEMENT: The Budget Subcommittee assigned with the task of making recommendations on how to spend the 20% of the City's American Rescue Plan Act's (ARPA) funds allocated to: 1) support public health expenditures; 2) address negative impacts caused by the public health emergency; and 3) provide premium pay for essential workers. \$567,000 in FY 2021-22 ARPA funds was allocated for these funding areas. The subcommittee has recommended funding three specific programs that address the negative impacts caused by the public health emergency. Most of the ARPA funds for this purpose have been budgeted. The City will need to budget additional ARPA funds that were received after the original FY 2021-22 Budget had been adopted. Staff has prepared a resolution for Council consideration approving the programs recommended by the Budget Subcommittee. If approved, staff will work on negotiating contracts so the funds can start being used in the community.

BACKGROUND: Originally, the City was to receive \$2,604,284 in ARPA funds in FY 2021-22 but that amount was increased to \$2,836,256 after the FY 2021-22 Budget was adopted. The City will receive another \$2,836,256 in FY 2022-23. Tonight's decision only considers ARPA funding received in FY 2021-22.

The subcommittee met several times over last six months. After reviewing what other programs were going to be funded by other government agencies using ARPA funds, the subcommittee is recommending that the City funds be used to address negative impacts caused by the public health emergency. Premium pay for essential workers was discussed but in the end the subcommittee decided that funds to be recommended for small business assistance could be used to help businesses retain workers which is currently a key issue. As potential funding was being considered, staff recommended to the subcommittee that any program recommended for funding would not take a lot of staff time to administer. The subcommittee recommended the following funding by a 4-0 consensus with one member being absent:

- \$300,000 for a Small Business Assistance Grant program similar to the Cornelius program. The subcommittee would like to help businesses with employee retention with the grant program and recommended that the City have an organization such as Micro Enterprise Services of Oregon (MESO) manage the program.
- Up to \$5,000 per month (total of up to \$120,000) for the Forest Grove Foundation to lease a facility for an Essential Services Hub for up to two years. If they find a building to purchase during those two years, the Foundation can use the balance of the lease funds not spent to help purchase the building (i.e. down payment) if it permitted to do this with ARPA funding.
- \$147,000 to Habitat for Humanity for critical home repairs and home repair services for low-income, elderly, disabled and veteran families in Forest Grove affected by COVID.

Staff has spoken with each of these agencies.

Staff met with Carmen Madrid of Micro Enterprise Services of Oregon (MESO) about potentially assisting the City with the Small Business Assistance Grant program. MESO is administering Cornelius' program which is attached to this staff report and is similar to the program that Forest Grove is considering implementing. MESO is interested in administering a program for Forest Grove. MESO asked about using some of the funds for technical assistance training for small businesses. Staff told MESO at this time the funds were allocated for direct business assistance. MESO would charge an administrative fee to administer the program. MESO is charging Cornelius 7.5% of the total funding available as a comparison. One question to discuss with MESO is who will do the advertising for the program. For the Cornelius program, Cornelius did the advertising and MESO administered the program.

I met with Shawn Cardwell, Executive Director for the Forest Grove Foundation which has been looking for a site in or close to Forest Grove for the essential services hub and is getting assistance from a commercial broker. Have looked at a few sites and the rental assistance will certainly help with the process. One question Shawn asked if the lease is less than the up to \$5,000 per month allocated for the 24 months, can the difference be used to help with utility bills or possibly purchase furnishings or equipment. I told him I would ask that the question of the Council.

Staff met with Virginia Ohler, Executive Director for Habitat for Humanity (HFH), and Val Valfre, Board Member for HFH, about the \$147,000 awarded to HFH. They indicated they have \$94,000 of repair requests currently in their queue. Use a sliding scale for repairs for low income, elderly, and disabled at or below 80% of the County's Area Median Income (AMI). Currently 80% of repairs done by HFH are for people who at or below 30% AMI and housing expense is about 50% of their income. A major repair for HFH is \$5,000 or more and may be items like wheelchair ramps. HFH does not do repairs on rental properties.

HFH has brought on skilled repair staff as contractors are getting difficult to find. They asked if using hired HFH staff to do repairs would be acceptable and I indicated that it would be acceptable. They have an in-house Program Manager certified by Aging in Place and have developed a comprehensive intake process. Other questions HFH asked were: 1) would the City require repayment for housing repairs if the house is sold within a certain period of time; and 2)

what would the City require for determination of if a household was affected by COVID. Staff's initial response of repayment for repairs is that since the repairs are intended to emergency repairs or smaller regular repairs, the City would not probably not require repayment. As for being affected by COVID, the City would accept self-certification of being affected by COVID particularly if somebody is already at 30% AMI.

FISCAL IMPACT: There is no impact to the City's regular operating budget as these funds will come from ARPA funds received in the current fiscal year.

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

ATTACHMENT(s):
Resolution

RESOLUTION NO. 2021-64

RESOLUTION APPROVING THE USE OF FISCAL YEAR 2021-22 AMERICAN RESCUE PLAN ACT FUNDS AS RECOMMENDED BY A SUBCOMMITTEE OF THE CITY OF FOREST GROVE BUDGET COMMITTEE

WHEREAS, the Budget Committee appointed a subcommittee to make recommendations of the twenty percent of Fiscal Year 2020-21 American Rescue Plan Act (ARPA) funds for: 1) support public health expenditures; 2) address negative impacts caused by the public health emergency; and 3) provide premium pay for essential workers; and

WHEREAS, the subcommittee has reviewed various options and is recommending three programs to the City Council for the expenditure of these ARPA funds; and

WHEREAS, these ARPA funds are available for immediate expenditure.

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

Section 1: The following funding is approved:

- A. \$300,000 for a Small Business Assistance Grant program. Staff is authorized the final details of the program and contract for the administration of the program.
- B. Up to \$5,000 per month (total of up to \$120,000) for the Forest Grove Foundation to a lease a facility for an essential services hub. If they find a building to purchase during those two years, the Foundation can use the balance of the lease funds not spent to help purchase the building (i.e. down payment) if it permitted to do this with ARPA funding.
- C. \$147,000 to Habitat for Humanity for critical home repairs and home repair services for low-income, elderly, disabled and veteran families in Forest Grove affected by COVID.

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

PRESENTED AND PASSED this 13th day of December, 2021.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of December, 2021.

Peter B. Truax, Mayor

CITY RECORDER USE ONLY:

AGENDA ITEM #: _____

MEETING DATE: 12/31/2021FINAL ACTION: RESO 2021-65**CITY COUNCIL STAFF MEMORANDUM****TO:** *City Council***FROM:** *Jesse VanderZanden, City Manager*
*Ashley Driscoll, City Attorney***MEETING DATE:** *December 13, 2021***SUBJECT TITLE:** *Resolution authorizing the City Manager to participate in the intra-state opioid distributor/manufacturer settlement; to sign a release whereby the City would waive the right to file future claims against the named distributors and manufacturer; and to sign the intra-state settlement agreement on behalf of the City; both of which are contingent on the City Attorney's review and approval.***ACTION REQUESTED:**

☐	☐	☐	☒	☐	☒	☐	☐
	Ordinance	Order	X	Resolution	X	Motion	Informational

*X all that apply***BACKGROUND:**

Local governments throughout the country have filed lawsuits against various opioid manufacturers and distributors due to their actions that resulted in an uncontrolled and misleading distribution of millions of addicting opioid pills.

The lawsuits allege that these actions have directly resulted in and caused an epidemic level crisis in cities and counties. In Oregon, ten counties and one city (Clackamas County, Clatsop County, Columbia County, Curry County, Jackson County, Josephine County, Lane County, Multnomah County, Washington County, Yamhill County and the City of Portland) filed suit and are part of the national MultiDistrict Litigation (MDL), which includes the combination of over 3,000 federal court cases.

The litigating entities, both from Oregon and across the country, have reached a proposed settlement agreement with opioid distributors as well as one manufacturer, Janssen (Johnson & Johnson). Other potential settlements (such as with Purdue Pharma, which is currently in Chapter 11 bankruptcy) may be forthcoming.

The terms of the proposed settlement agreements reached to date include direct monetary payments to states and local governments. The proposed settlements provide an incentive based model to get as many local governments to participate in the terms of the settlement as possible. In

short, the more local governments that participate in the agreement from a particular state, the greater amount of the overall settlement pool that the state and those local governments receive.

The incentive model provides various means for achieving 100% funding, including receiving a release from jurisdictions with populations in excess of 30,000 as well as a different process when releases are received from all jurisdictions with a population in excess of 10,000. Currently, Oregon is seeking to receive participation and releases from all cities with a population in excess of 10,000 based on July 2019 population estimates. Non-litigating entities that wish to participate must agree to do so no later than January 2, 2022 which is why this is being brought to Council tonight.

CURRENT STATUS:

Since Forest Grove has a population in excess of 10,000, we have been invited to participate in the settlement process even though we were not originally a part of the underlying litigation. To participate in the settlement program, the city will need to sign two sets of documents for each settlement agreement: (1) a release waiving our right to file future claims related to these issues; and (2) an intra-state agreement that will govern how the funds are distributed in Oregon.

If the city accepts this invitation, it has to sign a release, which would preclude us from later filing suit against the distributors and/or Janssen on claims related to the opioid epidemic. In exchange for participation, local governments will receive a monetary payment based on the intra-state agreement. Under the proposed intra-state agreement, the state will retain 45% of the settlement money and the remaining 55% will go to local governments.

The money set aside for local governments will be distributed based upon population levels. As of now, If Oregon receives 100% of the funding based on the incentives described above, then it is currently estimated that Forest Grove will receive around \$444,776 to spend on opioid abatement. As with almost every funding program, the city will need to maintain detailed records of expenditures and participate in a yet to be determined reporting program. The payments will be made over an 18 year period.

The purposes for which the settlement money can be used is set forth in Exhibit E of the settlement agreement(s) and is attached here for your review. Such uses include treatment and prevention programs, education and training for first responders and other staff members, and research. If a city does not have the ability to expend the funds on these authorized purposes, the city can direct their payments to Washington County to ensure that the money is spent locally.

SUMMARY:

The city is being presented with the option to participate in a settlement agreement with the entities that distributed opioids as well as one opioid manufacturer. If the city decides to participate, it will receive a monetary payment that must be used for opioid abatement purposes. But the city will have to sign a release waiving its rights to file future claims against the one manufacturer and the distributors.

RECOMMENDATION:

Staff recommends the Council approve the resolution authorizing the City Manager to participate in the intra-state opioid distributor/manufacturer settlement, specifically: to sign a release whereby the City would waive the right to file future claims against the named distributors and manufacturer and to sign the intra-state settlement agreement on behalf of the City both of which would be contingent on the City Attorney's review and approval.

ATTACHMENTS:

1. Exhibit E to the Settlement Agreement (Allowed Uses of Opioid Remediation Uses)

EXHIBIT E

List of Opioid Remediation Uses

Schedule A Core Strategies

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“Core Strategies”).¹⁴

- A. **NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES**
 - 1. Expand training for first responders, schools, community support groups and families; and
 - 2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.

- B. **MEDICATION-ASSISTED TREATMENT (“MAT”) DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT**
 - 1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
 - 2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
 - 3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
 - 4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

¹⁴ As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

C. PREGNANT & POSTPARTUM WOMEN

1. Expand Screening, Brief Intervention, and Referral to Treatment (“SBIRT”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“OUD”) and other Substance Use Disorder (“SUD”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME (“NAS”)

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;
4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. **TREATMENT FOR INCARCERATED POPULATION**

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. **PREVENTION PROGRAMS**

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. **EXPANDING SYRINGE SERVICE PROGRAMS**

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. **EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE**

Schedule B Approved Uses

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (“OUD”) and any co-occurring Substance Use Disorder or Mental Health (“SUD/MH”) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:¹⁵

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (“MAT”) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (“ASAM”) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (“OTPs”) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

¹⁵ As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (“DATA 2000”) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Disseminate of web-based training curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.
14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service for Medication–Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
 1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“*PAARI*”);
 2. Active outreach strategies such as the Drug Abuse Response Team (“*DART*”) model;
 3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“*LEAD*”) model;
 5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
 6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (“CTP”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (“NAS”), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.
6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.
10. Provide support for Children's Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs ("PDMPs"), including, but not limited to, improvements that:

1. Increase the number of prescribers using PDMPs;
2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increasing electronic prescribing to prevent diversion or forgery.
8. Educating dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Funding community anti-drug coalitions that engage in drug prevention efforts.
6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”).
7. Engaging non-profits and faith-based communities as systems to support prevention.

8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.
8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment

intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (*e.g.*, health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (“ADAM”) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

RESOLUTION NO. 2021-65**RESOLUTION AUTHORIZING CITY MANAGER TO PARTICIPATE IN THE INTRA-STATE OPIOID DISTRIBUTER/MANUFACTURER SETTLEMENT; TO SIGN A RELEASE WHEREBY THE CITY WOULD WAIVE THE RIGHT TO FILE FUTURE CLAIMS AGAINST THE NAMED DISTRIBUTERS AND MANUFACTURER; AND TO SIGN THE INTRA-STATE SETTLEMENT AGREEMENT ON BEHALF OF THE CITY; BOTH OF WHICH ARE CONTINGENT ON THE CITY ATTORNEY'S REVIEW AND APPROVAL**

WHEREAS, Local governments throughout the country have filed lawsuits against various opioid manufacturers and distributors due to their actions that resulted in an uncontrolled and misleading distribution of millions of addicting opioid pills; and

WHEREAS, In Oregon, ten counties and one city (Clackamas County, Clatsop County, Columbia County, Curry County, Jackson County, Josephine County, Lane County, Multnomah County, Washington County, Yamhill County and the City of Portland) filed suit and are part of the national MultiDistrict Litigation (MDL), which includes the combination of over 3,000 federal court cases; and

WHEREAS, The litigating entities have reached a proposed settlement agreement with opioid distributors as well as one manufacturer, and the terms of proposed settlement agreements to date include direct monetary payments to states and local governments; and

WHEREAS, Forest Grove, because it has a population in excess of 10,000, has been invited to participate in the settlement process even though we were not originally a part of the underlying litigation; and

WHEREAS, To participate in the settlement program, the city will need to sign two sets of documents for each settlement agreement: (1) a release waiving our right to file future claims related to these issues; and (2) an intra-state agreement that will govern how the funds are distributed in Oregon; and

WHEREAS, If the city accepts this invitation, it has to sign a release, which would preclude us from later filing suit against the distributors and/or Janssen on claims related to the opioid epidemic and in exchange for participation, local governments will receive a monetary payment based on the intra-state agreement; and

WHEREAS, It is currently estimated that Forest Grove will receive a maximum of \$444,776, paid over 18 years, to spend on opioid abatement and will need to maintain detailed records of expenditures and participate in a yet to be determined reporting program; and

WHEREAS, the settlement money can be used for treatment and prevention programs, education and training for first responders and other staff members, and research.

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

Section 1. To authorize the City Manager to participate in the intra-state opioid distributor/manufacturer settlement; to sign a release whereby the City would waive the right to file future claims against the named distributors and manufacturer; and to sign the intra-state settlement agreement on behalf of the City; both of which are contingent on the City Attorney’s review and approval

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

PRESENTED AND PASSED this 13th day of December, 2021.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of December, 2021.

Peter B. Truax, Mayor

Council Goal	Actions	Links
DEI	• CPAC Video and Highlights • Next meeting December 16th 6:30 pm on Zoom - Invite to one councilor per meeting • Community Policing Presentation mentioned by Vice Chair Covarrubias • CPAC Summary to Council and CPAC	*CPAC Meeting 11/16 CPAC Vice Chair Update Community Policing.pdf Letter to Council/CPAC
HOUSING/Wa County News	• LOC Pilot Program Draft • Housing Alliance meeting notes 12/8	* Legislation DRAFT * Housing Alliance Summary Notes 12/8
COMMUNICATIONS & ENGAGEMENT	• Dairy Creek Cooking Class held on 12/8 - thank you to Chef Daniel, Robin Lindsley, Dairy Creek Food Web, and FG UCC church!	

GOAL 1: SUPPORT DIVERSITY, EQUITY, AND INCLUSION IN THE DELIVERY OF CITY SERVICES AND OPERATIONS

GOAL 2: SUPPORT HOUSING STABILITY AND MITIGATION OF HOMELESSNESS

GOAL 3: SUPPORT COMMUNITY RECOVERY FROM THE PANDEMIC

GOAL 4: MAINTAIN FINANCIAL AND ORGANIZATIONAL SUSTAINABILITY

GOAL 5: IMPROVE COMMUNICATIONS AND ENGAGEMENT

GOAL 6: PROMOTE SUSTAINABLE TRANSPORTATION ALTERNATIVES AND ENHANCE MOBILITY

GOAL 7: EXPAND RECREATION OPPORTUNITIES