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FOREST GROVE PLANNING COMMISSION MEETING
COMMUNITY AUDITORIUM, 1915 MAIN STREET
MONDAY FEBRUARY 20, 2017-- 7:00 P.M.

PLANNING COMMISSION

Tom Beck, Chair

Lisa Nakajima
Carolyn Hymes
Dale Smith

Hugo Rojas
Phil Ruder, Vice Chair
Sebastian B. Lawler

The Planning Commission welcomes your attendance and participation. If you wish to speak on an agenda item, please feel free to do so. However, in fairness to others, we respectfully ask that you observe the following:

- * Please follow sign-in procedures on the table by the entrance to the auditorium.
- * Please state your name and address clearly for the record.
- * Groups or organizations are asked to designate one speaker in the interest of time and to avoid repetition.
- * When more than one citizen is heard on any matter, please keep your comments to five minutes and avoid repetition in your remarks. Careful attention to the previous speaker's points will help in this regard.
- * The Planning Commission carefully considers all the facts before a decision is made. Brief statements are most helpful in reaching a decision based on sound judgment.

Planning Commission meetings are electronically recorded and are handicap accessible. Assistive Listening Devices (ALD) or qualified sign language interpreters are available for persons with impaired hearing or speech. For any special accommodations, please contact the City Recorder at 503.992.3235, at least 48 hours prior to the meeting.

AGENDA

(1.) Roll Call

(2.) Public Meeting

1. Public Comment Period for Non-Agenda Items

2. **Public Hearing:**

A legislative amendment to Forest Grove Development Code §10.8.130 *Widths and Locations of Driveways and Curb Cuts*. The purpose of the amendment would be to provide flexibility for driveway widths in residential zones. The current maximum driveway width is 24 feet; the amendment, if approved, would allow some driveways to have a maximum width of 30 feet.

B. Appeal of Community development Director's interpretation of DC§10.12.210(M8) Marijuana Processor at 1714 Pacific Avenue (Tax Lot 1S401AA00300).

3. Action Item: None Scheduled

4. Work Session Items: None Scheduled

(3) Business Meeting

1. Approval of Minutes

2. Reports from Commissioners/Subcommittees

3. Director's Report
4. Announce next meeting
5. Adjourn



Forest Grove Code Text Amendment Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE: January 9, 2017

HEARING DATE: January 17, 2017

REQUEST: A legislative amendment to Forest Grove Development Code §10.8.130 *Widths and Locations of Driveways and Curb Cuts*. The purpose of the amendment would be to provide flexibility for driveway widths in residential zones. The current maximum driveway width is 24 feet; the amendment, if approved, would allow some driveways to have a maximum width of 30 feet.

FILE NUMBER: 311-16-000189-PLNG

PROPERTY LOCATION: Not applicable

LEGAL DESCRIPTION: Not applicable

APPLICANT: Venture Properties, Inc., 4230 Galewood Street #100, Lake Oswego, Oregon 97035

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

REVIEWING STAFF: James Reitz, AICP, Senior Planner

RECOMMENDATION: Staff recommends approval of the amendment

I. BACKGROUND

Forest Grove's regulations pertaining to driveway width have changed several times over the past few decades. The current driveway width standards date from 2009 with the adoption of the Development Code (DC). Driveways for residential properties can be up to 24 feet wide (DC §10.8.130(B)).

The Zoning Ordinance (ZO) in effect from 1980 to 2009 allowed residential driveway widths of up to 30 feet (ZO §9.833), while the ZO in effect from 1971-1980 apparently did not specify a maximum width. Instead "Maximum curb cut width shall be as determined by the City Engineer." This code did however, have an additional provision: that driveways on the same lot had to be separated by at least 30 feet. See Exhibit C for the text of both ZO sections.

The applicant is currently building homes in both the Pacific Crossing and Silverstone subdivisions. Pacific Crossing is a planned development approved in 2005; at that time 30-foot-wide driveways were permitted. Because the project was a phased subdivision approved prior to the 2009 DC taking effect, the City has continued to allow wider driveways in that project.

Silverstone is also a planned development. It was approved in 2014. Driveway widths in this project are subject to current DC requirements.

The applicant notes that there is demand for homes with three-car garages, and has requested an amendment to the DC to allow a commensurate driveway width.

Public notice of this proposal was provided to the Plans Review Board, the Department of Land Conservation and Development (DLCD), and published in the *News Times* on January 11, 2017. As of the date of this report, no comments have been received from the public. City department comments are noted below.

II. DESCRIPTION OF PROPOSAL

The applicant has submitted the following proposal description:

*Venture Properties, Inc. proposes to expand the maximum driveway widths for residential lots that have a street frontage of 60 feet or greater. This increase will allow property owners to have sufficient access to their homes on larger lots that have three-car garages. This increase will also allow for at least one (likely more) additional off-street parking spaces, which would balance or make up for any loss to on-street parking created by the wider driveway approach. Therefore, we propose the following change in language (**in bold**) to the Forest Grove Development Code Section 10.8.130(B):*

10.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS

- A. Minimum Driveway Widths at the street right-of-way line shall be fifteen (15) feet for institutional, commercial, industrial, and multi-family residential uses, and ten (10) feet for single-family and two-family residential uses. *No amendments proposed.*
- B. Maximum Driveway Widths at the street right-of-way line shall be as follows:
 - 1. 24 feet in residential zones **for lots with less than 60 feet of street frontage**
 - 2. **30 feet in residential zones for lots with street frontages of 60 feet or greater**
 - 2.3. 36 feet in institutional, town center or commercial zones
 - 3.4. 40 feet in industrial zones
- C. Location of Curb Cut. No portion of a curb cut shall be located closer to an intersecting street right-of-way line than:
 - 1. 100 feet on an arterial street with four or more travel lanes
 - 2. 50 feet on an arterial street with two or three travel lanes
 - 3. 50 feet on a collector street
 - 4. 20 feet on a local street
- D. Minimum Distance between Curb Cuts. On arterial and collector streets, minimum distances shall be maintained as follows between adjacent curb cuts on the same side of any such street:
 - 1. 85 feet where the speed limit is 20 mph or less
 - 2. 105 feet where the speed limit is 25 mph

3. 125 feet where the speed limit is 30 mph
4. 150 feet where the speed limit is 35 mph
5. 185 feet where the speed limit is 40 mph
6. 230 feet where the speed limit is 45 mph
7. 275 feet where the speed limit is 50 mph or greater

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

Because homes do take access from Collector streets, Subsection (E) permits those driveways to be closer than Subsection (D) would normally permit, based on the speed limit.

It should be noted that any amendment to the Development Code would apply to all residentially-zoned property, not just those sites in new subdivisions. Under this proposal, all residential lots with greater than 60 feet of street frontage could have wider driveways.

III. REVIEW AND ANALYSIS

This proposal was routed to the Plans Review Board, a staff-level group consisting of members of the Building, Engineering, Fire, Light and Power, Planning, Police and Public Works departments. This group reviews all development proposals and code amendments. Three departments had comments.

The Engineering Department does not object to the proposed amendment, but notes that each request would be unique because each lot is unique. While lots in a new subdivision may exhibit a certain dimensional uniformity, they are unique because of the variable locations of catch basins, fire hydrants, intersections, water meters, etc., all of which must be taken into account to ensure that their functionality is not compromised. Put another way, while the Development Code may be amended to allow wider driveways, there may be circumstances whereby wider driveways still could not be permitted. The Engineering Department has also observed that since there is no code restricting the number of driveways serving a single lot, nor a requirement that driveways are separated by a certain minimum distance, it is not uncommon for homebuilders to place two driveway approaches side-by-side, effectively doubling the driveway width. Several recent examples of side-by-side driveways can be found in The Parks subdivision and Pacific Crossing, among others (see example photo in Exhibit B).

The Light and Power Department has noted similar concerns about expanding driveway widths. Wider driveways would limit the area available to site electrical facilities such as transformers and junction boxes.

The Planning Division further notes that wider driveways would also reduce the area available for street trees, and further limit the availability of on-street parking.

Staff researched how some other local jurisdictions regulate the width of residential driveways. While all stipulate minimum widths, not all stipulate maximum widths. Of those that do, there is no consistency. With the exception of Cornelius, the other jurisdictions allow driveway widths ranging from between 30 and 40 feet. Some also regulate how many are allowed or how close driveways may be located to one another.

Jurisdiction	Maximum Width	% of 60 Feet	Minimum Separation / Comments
Canby	40 feet	66%	30 feet required between driveways
Cornelius	25 feet	42%	None
Forest Grove	24 feet	40%	None
Lake Oswego	30 feet	50%	Only 1 driveway permitted on lots with less than 75 feet of frontage
McMinnville	24 feet	40%	Lots 75 to 100 feet wide are allowed a 30-foot-wide driveway; lots with more than 100 feet of frontage are allowed a 34-foot wide driveway
Oregon City	30 feet	50%	None
Tualatin	37 feet	62%	None
Washington County	35 feet	58%	For lots with greater than 60 feet of frontage

With the exception of Cornelius and McMinnville, all other jurisdictions allow at least 50% of the street frontage of a 60-foot-wide lot to be used as driveway.

As noted in the *Background* section above, Forest Grove also used to regulate how close residential driveways could be located to one another. Not having such a regulation has resulted in multiple examples of two approaches being installed serving the same driveway, separated by a small hump (see photos in Exhibit B). The result is an even greater driveway expanse. If the Planning Commission recommends amending the Development Code to allow wider residential driveways, it should also consider restricting how closely residential driveways may be spaced.

IV. APPROVAL CRITERIA AND FINDINGS

Development Code §10.2.630 *Review Criteria* lists two standards to be satisfied to adopt a text amendment:

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

Applicant's Response: As described in the parking section of the Comprehensive Plan's Chapter 11 (Transportation), "parking standards shall be updated to reflect evolving needs and best management practices." Venture Properties, Inc. has witnessed a stronger demand for three-car garages that can accommodate large recreational vehicles. These large vehicles require a wider driveway approach in order to navigate into a driveway. This increase in demand for RV parking demonstrates an evolving need, which is justification for a text amendment to allow for wider driveways.

Additionally, numerous goals and policies within the Comprehensive Plan support creating recreational opportunities. The proposed text amendment would indirectly promote greater recreational opportunities by providing homeowners the ability to park their recreational vehicles on their own property. Specifically, Community Sustainability Goal 8 states: "Create complete neighborhoods, through land use regulations, with [...] recreational opportunities." Policy 6.1 states: "Support local efforts designed to capitalize on Forest Grove's location near agricultural and recreational amenities." Health Services Goal 3 also promotes good health through land development policies that encourage recreational opportunities.

Therefore, the proposed text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan. This criterion is met.

Finding: There are no specific Comprehensive Plan goals and policies pertaining to driveway widths. The Transportation System Plan (a component of the Comprehensive Plan) does however, identify some *Access Management* strategies. Those strategies include:

- *Work with land use development applications to consolidate driveways where possible.*
- *Limit new single-family residential access on arterials and collectors.*

Finding: The intent of both of the above provisions is to limit the number of access points on all streets, but in particular on collector and arterial streets. The text amendment to allow wider driveways would not conflict with these provisions. A text amendment to limit the number of driveways serving a single lot would serve to limit the number of access points. A text amendment to require minimum spacing requirements between driveways serving a single lot could also limit the number of access points, if a lot didn't have sufficient width to meet the minimum spacing standard.

Finding: The TSP also lists several *Neighborhood Traffic Management* strategies that may pertain to this request. They include *"the following examples of neighborhood traffic management strategies:*

- *Curb extensions*
- *Narrow streets*
- *On-street parking"*

Finding: One purpose of implementing the above strategies is that traffic speeds are often reduced. Streets with curb extensions could limit where driveways may be located, as well as their widths, because curb extensions consume greater street frontage.

Finding: Streets widths can be as narrow as 24 feet, which can limit the maneuvering space for vehicles. Increasing driveway width could permit easier access since additional vehicular maneuvering space would be available.

Finding: On-street parking is generally allowed on all local and collector streets, which also can limit maneuvering space. Increasing driveway width would permit easier access since additional maneuvering space would be available. However, while wider driveways would increase the amount of on-site parking available for that resident, it would also reduce the amount of on-street parking available to the neighboring properties and the general public.

Finding: Other public infrastructure improvements must also be taken into consideration to ensure that their functionality is not compromised. To ensure that driveways maintain a safe minimum distance from fire hydrants, utility poles, electrical transformers and other public infrastructure, the City Engineer should review and approve the location of all driveways.

Finding: Increasing the allowable widths for residential driveways would reduce the area available for the installation of street trees.

Finding: The Development Code does not at present restrict the number or spacing of driveways serving a single residential lot. As a result, multiple lots have been developed with two side-by-side driveways whose total width exceeds not only a 24-foot-width, but a 30-foot

width as well. Absent an additional text amendment to either limit the number of driveways per residential lot or the spacing required between driveways, this practice would continue. If 30-foot-wide driveways are permitted, two such driveways could entirely occupy a 60-foot-wide lot.

Summary and Conclusion: Adoption of the proposed amendment to allow residential driveway widths of up to 30 feet would still be less than the maximum widths allowed in other jurisdictions, and would not conflict with the goals and policies of the Comprehensive Plan. However, it would reduce the availability of on-street parking, decrease the area available for street tree installation, could conflict with public infrastructure, and could result in a lot's frontage being entirely developed as a driveway. Staff is therefore proposing **two revisions** to the proposed amendment: to require a minimum separation between driveways on the same residential lot of at least 30 feet; and requiring that all driveways be reviewed and approved by the City Engineer to ensure that all driveways do not conflict with public infrastructure.

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

Applicant's Response: *The proposed text amendment supports the Statewide Planning Goals. For instance, Statewide Planning Goal 12 (Transportation) specifies: "To provide and encourage a safe, convenient and economic transportation system. Wider driveways allows for a safer transportation system and provides a greater convenience to Forest Grove's homeowners. RV owners who are unable to park their vehicle on their own property will have to pay to store it at a storage facility. This inconvenience generates additional vehicle trips and places a greater impact to the local transportation system. The proposed text amendment also supports the Goals of Metro's Regional Framework Plan Goal 1 of Chapter 2 (Transportation). This goal specifies that land use and transportation decisions are linked to optimize and support a variety of community needs, including recreational opportunities. Allowing for certain transportation facilities, such as wider driveways, does indirectly create an opportunity for Forest Grove residents to enjoy Oregon's recreational offerings, through the convenience of storing a recreational vehicle at one's own home.*

Therefore, the proposed text amendment is consistent with relevant goals of the region and state. This criterion is met.

Finding: No Statewide Planning Goal pertains to the width of driveways, nor do any regional planning goals, program or rules.

IV. ALTERNATIVES

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

V. RECOMMENDATION

Based on the findings above, staff recommends approval of the proposal with the revisions below (proposed new text in **bold**), as well as with any revisions found appropriate by the Planning Commission.

10.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS

- A. Minimum Driveway Widths at the street right-of-way line shall be fifteen (15) feet for institutional, commercial, industrial, and multi-family residential uses, and ten (10) feet for single-family and two-family residential uses.
- B. Maximum Driveway Widths at the street right-of-way line shall be as follows:
 - 1. In residential zones –
 - a. ~~24 feet in residential zones for lots with less than 60 feet of street frontage~~
 - b. **30 feet in residential zones for lots with street frontages of 60 feet or greater**
 - c. **There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same lot**
 - 2. 36 feet in institutional, town center or commercial zones
 - 3. 40 feet in industrial zones
- C. Location of Curb Cut. *No amendments proposed.*
- D. Minimum Distance between Curb Cuts (on arterial and collector streets). *No amendments proposed.*
- E. In measuring the distance between curb cuts on arterial and collector streets, existing curb cuts, or accesses serving single-family and two-family dwellings shall not be considered. *No amendments proposed.*
- F. **City Engineer's Authority to Restrict Driveway Widths and Locations.** To ensure that driveways do not conflict with public infrastructure, the City Engineer has the authority to restrict the width and location of any driveway.

VI. LIST OF EXHIBITS

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

Exhibit A	Proposed Development Code Text Amendments
Exhibit B	Photo Examples of Wide Residential Driveways
Exhibit C	FG Driveway Code From 1980-2009 and 1971-1980 Zoning Ordinances

EXHIBIT A

Application Narrative

September 14, 2016

Jon R. Holan
Community Development Director
City of Forest Grove
1924 Council Street
Forest Grove, Oregon 97116-0326

RE: Proposed Development Code Text Amendment to 10.8.130.B

Mr. Holan:

On behalf of Venture Properties, Inc., AKS Engineering & Forestry submits this request for an amendment to the Forest Grove Development Code. Per Forest Grove Development Code Section 10.2.610, amendments to the Development Code text may be initiated by the Director, the Planning Commission, or by the City Council. Any person may request that the Director or Planning Commission initiate a text amendment. Therefore, we submit this letter to you, requesting initiation of an amendment to Section 10.8.130.B—Widths and Locations of Driveways and Curb Cuts.

The Forest Grove Development Code requires that if initiated, this request will be considered through a Type IV legislative procedure. This written statement includes findings of fact demonstrating that the request complies with all applicable approval criteria. This information provides the necessary basis for the text amendment to be initiated and approved by the City of Forest Grove.

Proposal

Venture Properties, Inc. proposes to expand the maximum driveway widths for residential lots that have a street frontage of 60-feet or greater. This increase will allow property owners to have sufficient access to their homes on larger lots that have three-car garages. This increase will also allow for at least one (likely more) additional off-street parking spaces, which would balance or make up for any loss to on-street parking created by the wider driveway approach. Therefore, we propose the following change in language to the Forest Grove Development Code, Section 10.8.130.B:

10.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS

- A. Minimum Driveway Widths at the street right-of-way line shall be fifteen (15) feet for institutional, commercial, industrial, and multi-family residential uses, and ten (10) feet for single-family and two-family residential uses.
- B. Maximum Driveway Widths at the street right-of-way line shall be as follows:
 - 1. 24 feet in residential zones for lots with less than 60-foot street frontages
 - 2. 30 feet in residential zones for lots with street frontages of 60-feet or greater
 - 23. 36 feet in institutional, town center or commercial zones
 - 34. 40 feet in industrial zones

Review Criteria

The following responses have been prepared to address the applicable review criteria listed below:

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

Response: As described in the parking section of the Comprehensive Plan's Chapter 11 (Transportation), "parking standards shall be updated to reflect evolving needs and best management practices." Venture Properties, Inc. has witnessed a stronger demand for three-car garages that can accommodate large recreational vehicles. These large vehicles require a wider driveway approach in order to navigate into a driveway. This increase in demand for RV parking demonstrates an evolving need, which is justification for a text amendment to allow for wider driveways.

Additionally, numerous goals and policies within the Comprehensive Plan support creating recreational opportunities. The proposed text amendment would indirectly promote greater recreational opportunities by providing homeowners the ability to park their recreational vehicles on their own property. Specifically, Community Sustainability Goal 8 states: "Create complete neighborhoods, through land use regulations, with [...] recreational opportunities." Policy 6.1 states: "Support local efforts designed to capitalize on Forest Grove's location near agricultural and recreational amenities." Health Services Goal 3 also promotes good health through land development policies that encourage recreational opportunities.

Therefore, the proposed text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan. This criterion is met.

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

Response: The proposed text amendment supports the Statewide Planning Goals. For instance, Statewide Planning Goal 12 (Transportation) specifies: "To provide and encourage a safe, convenient and economic transportation system." Wider driveways allows for greater maneuverability of larger vehicles like RVs. Additional maneuverability allows for a safer transportation system and provides a greater convenience to Forest Grove's homeowners. RV owners who are unable to park their vehicle on their own property will have to pay to store it at a storage facility. This inconvenience generates additional vehicle trips and places a greater impact to the local transportation system. The proposed text amendment also supports the Goals of Metro's Regional Framework Plan Goal 1 of Chapter 2 (Transportation). This goal specifies that land use and transportation decisions are linked to optimize and support a variety of community needs, including recreational opportunities. Allowing for certain transportation facilities, such as wider driveways, does indirectly create an opportunity for Forest Grove residents to enjoy Oregon's recreational offerings, through the convenience of storing a recreational vehicle at one's own home.

Therefore, the proposed text amendment is consistent with relevant goals of the region and state. This criterion is met.

Conclusion

The required findings have been made and this letter demonstrates that the application is consistent with the applicable provisions of the Forest Grove Development Code. Therefore, the Applicant respectfully requests that you initiate the proposed amendment to Section 10.8.130.B.

AKS ENGINEERING & FORESTRY, LLC



Mimi Doukas, AICP, RLA—Associate

EXHIBIT B

Examples of Wide Driveways In Forest Grove

“Standard” 3-Car Garage & Driveway

Pacific Crossing Subdivision
30-Foot-Wide Driveway & Drive Approach



A place where businesses and families thrive.

RV Garage and Driveway

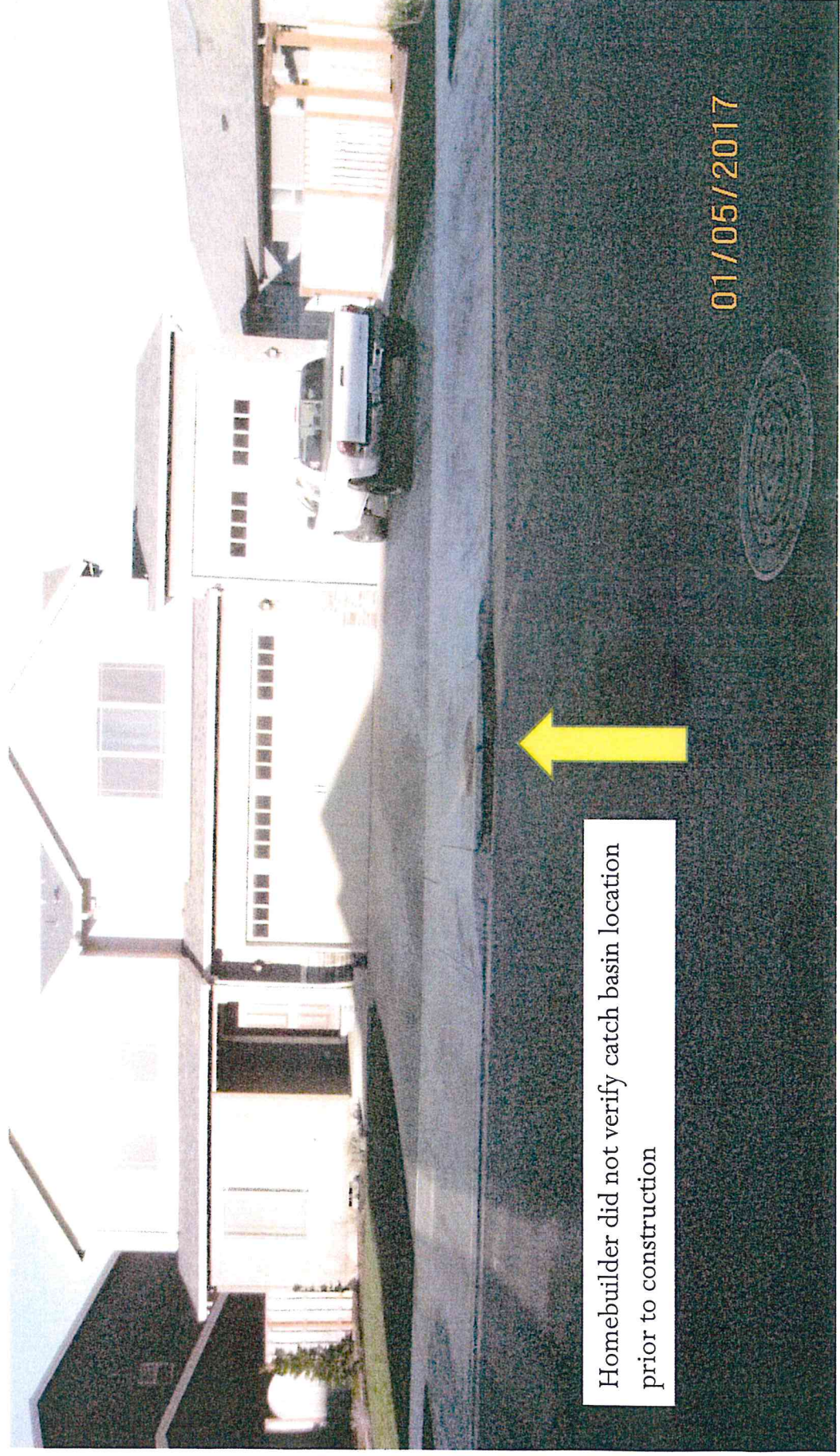
Pacific Crossing Subdivision
30-Foot-Wide Drive Approach



A place where businesses and families thrive.

RV Garage & Double Drive Approach

Pacific Crossing Subdivision



Homebuilder did not verify catch basin location prior to construction

A place where businesses and families thrive.

RV Garage & Double Drive Approach

The Parks @ Forest Grove Subdivision



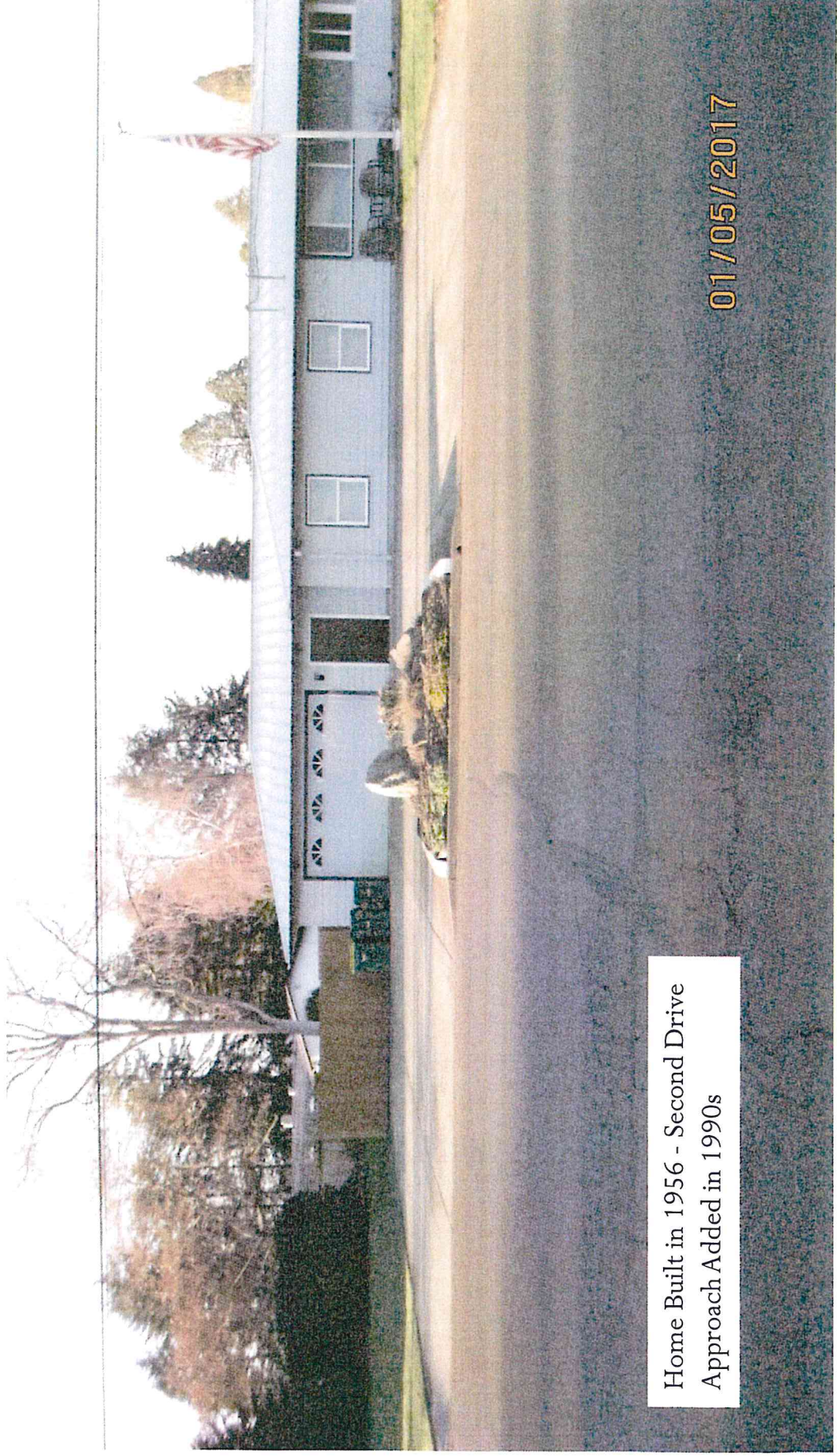
Two Drive Approaches Serving
One On-Site Driveway

01/05/2017

A place where businesses and families thrive.

Double Drive Approach

Sills Addition Subdivision



Home Built in 1956 - Second Drive
Approach Added in 1990s

A place where businesses and families thrive.

EXHIBIT C

1980-2009 Zoning Ordinance §9.833 Widths and Locations of Driveways and Curb Cuts

- (1) Minimum driveway width at the street right-of-way line shall be 15 feet for commercial, industrial, and multi-family residential uses, and 10 feet for single-family and two-family residential uses.
- (2) Maximum driveway widths at the street right-of-way line shall be as follows:
 - (a) 30 feet in an R-5, R-7, R-10, SR, A-1, or A-2 zone.
 - (b) 35 feet in a CBD, CC, CH, or CN zone.
 - (c) 40 feet in a LI or GI zone.

1971-1980 Zoning Ordinance §10-753 Width and Location of Curb Cuts

- (1) Minimum curb cut width shall be 15 feet.
- (2) Maximum curb cut width shall be as determined by the City Engineer.
- (3) No curb cuts shall be allowed within five feet of an adjacent property line except when two adjacent property owners elect to provide joint access to their respective properties, as provided in Section 10-750(2).
- (4) No curb cuts shall be allowed within 30 feet of an intersecting right-of-way.
- (5) There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same lot.



Appeal of Director's Interpretation Staff Report and Recommendation

Community Development Department, Planning Division

Report Date: February 13, 2017

Hearing Date: February 20, 2017

Land Use Request: Appeal of Community Development Director's Interpretation of DC §10.12.210(M8) *Marijuana Processor*

File Number: 311-17-000002-PLNG

Property Location: 1714 Pacific Avenue

Legal Description: Washington County Tax Lot 1S401AA00300

Appellant: Appellant: Jason Parkinson, 1944 NW Johnson Street #104, Portland, Oregon 97209

Property Owner: Property Owner: Gene Whittaker, PO Box 603, Cornelius, Oregon 97113

Comprehensive Plan Map and Zoning Map Designations: CC Community Commercial
CC Community Commercial

APPLICABLE STANDARDS AND CRITERIA: City of Forest Grove Development Code:

- ☐ §10.2.500 et. seq. *Director's Interpretation*
- ☐ §10.3.320 *Commercial and Mixed Use Zones – Use Regulations*
- ☐ §10.12.210 *Meaning of Specific Words and Terms*

Reviewing Staff: Jon Holan, Community Development Director
James Reitz (AICP), Senior Planner

I. LAND USE HISTORY

The appellant is interested in leasing a tenant space at 1714 Pacific Avenue for the purpose of opening "a small scale Marijuana Product Manufacturing Company." This site is located in the Community Commercial zoning district. The tenant space was most recently occupied by Sugar Momma's Bakery.

Planning Division staff met with the appellant to discuss the proposal in a pre-application meeting on January 3, 2017. At that time staff learned that the product line would

include a CBD-infused soap bar consisting of olive oil, distilled water, lye, and CBD oil; and a CBD-infused lotion consisting of a hypoallergenic lotion and CBD oil.

The product line would also include three types of edible bars. Each would have the same base but would offer different toppings and THC and/or CBD content. The base recipe would include various dried berries and nuts, various seeds and grains, and honey. Toppings would include coconut flakes, white chocolate, dark chocolate, and sea salt. CBD and THC concentrates for both product lines would be purchased from locally-licensed processors.

The appellant describes the production process as follows:

1. *CBD Lotion*

- *Using the dedicated 20-quart mixing vat we will combine a high-quality hypoallergenic lotion with concentrated CBD oil. In order to fully infuse the two we will mix them for a total of ten (10) minutes.*
- *We will then transfer the mix to our packaging area. Here we will use commercial syringes to measure the correct amount and then transfer into the respective container.*
- *Each batch will consist of 32 units, which are then packed into a box and moved to the designated storage area.*
- *Both the mixing instrument that attaches to and is removable from the 20-quart mixer, and the mixing vat, will be cleaned between each batch.*

2. *CBD Soap*

- *Using the dedicated 20-quart mixing vat we will combine distilled water and lye.*
- *Once the mixture is consistent we will add the proportionate olive and CBD oil.*
- *We will mix for 12 minutes at which point all constituents should be infused.*
- *Next we will transfer the mixture into the custom silicon trays.*
- *After we fill the silicon trays we transfer the trays to the designated soap setting area, where they will remain for 24 hours.*
- *We then remove the soap bars and proceed to package and store the soap bars in their designated soap storage area.*

3. *Infused Bars*

- *Using the dedicated mixing vats we combine all nuts and dried fruit.*
- *Slowly, and evenly, we mix in the honey and almond butter.*
- *Once the mixture is of an even consistency we slowly add the proportional THC/CBD concentrate, and mix for an additional 8 minutes.*
- *We then transfer this mixture into custom silicon trays.*
- *We cook our bars using a low-heat (170 degree) dehydration process, with a duration of 45 minutes.*
- *After we remove the bars we add each topping. The temperature of the bars heats the toppings just enough to bind.*
- *We let transfer the bars into sheet racks to cool for 2 hours.*
- *Once cooled we package and store the bars in the designated edible storage area.*

The appellant proposed to site the activity at 1714 Pacific Avenue, which is located in the Community Commercial zone district, based on the theory that the use described above would comply with the definition of Light Industrial, as follows:

§10.12.140(B) Manufacturing and Production

1. Light Industrial: Production, processing, assembling, packaging or treatment of finished products from previously prepared materials or components. All activities and storage is contained within buildings. Examples include the manufacturing and assembly of small-scale machinery, appliances, computer and other electronic equipment; pharmaceuticals; scientific and musical instruments; art work, toys and other precision goods; sign making; and catering facilities.

If the proposed use was found to comply with the above definition, then it could be conditionally permitted in the CC zone district, pursuant to DC §10.3.320 Table 3-10 *Commercial and Mixed Use Zones Use Table* Footnote #11.

At the pre-application meeting, staff recommended that the applicant request a Director's Interpretation as to whether the proposed activity would fall under the definition of Marijuana Processor, as defined by DC §10.12.210(M8): *A facility licensed by the Oregon Liquor Control Commission or registered by the Oregon Health Authority to process, compound or convert marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extract. Marijuana processors are classified as Industrial: Manufacturing and Production.* If so, then the activity could not be permitted in the Community Commercial zone district, as Medical and Recreational Marijuana Processors are permitted only in the GI General Industrial zone district.

On January 18, 2017, the appellant filed this request:

I know our situation is not as straight forward as most so I wanted to be certain you had all relevant information to help make your interpretation. I can appreciate any reservation you may have given the general definition of a Marijuana Processor, but I would like to highlight some key points of our operation:

- *We will not be manufacturing any extracts or concentrates*
- *All storage of materials will be contained within our facility*
- *We will use previously processes materials to produce our products, rather than raw materials*
- *We will use concentrates for our THC; purchased from other licensed processors*
- *The nature of our process; being labor intensive and requiring low heat; thus we emit very little odor, which will be contained within our facility*

Multiple neighboring municipalities within Washington County have approved this use in a commercial zone. Periodic Edibles, located at 13963 N. Main Street, runs a small-scale infused caramel company in the commercial zone off of Main Street in Banks. Furthermore, our plan was approved in Tigard.

II. DIRECTOR'S INTERPRETATION

DC §10.2.500 *Director's Interpretation* notes that "It is expected that some terms or phrases within the Code may be ambiguous and may therefore have two or more reasonable meanings. Because it is not possible to identify or remove all ambiguities in the Code, the following process has been established for resolving these ambiguities. This process may be requested as a separate and individual action, or in advance of or concurrent with applying for a land use permit or other action."

On January 19, 2017, the Director responded to the appellant with this interpretation:

Thank you for your emails and information about your proposed operation. As I understand it, you are requesting to place an operation to manufacture marijuana infused products from previously prepared materials as a light industrial use in the Community Commercial (CC) zone district. While it may have characteristics of a light industrial use, the issue is that the Development Code has been amended to specifically address marijuana processors. Because that use (marijuana processor) is specifically addressed by the Code and is not included in the Community Commercial zone district, it is not eligible to be considered as a different use (light industrial) in the CC district.

DC §10.2.510(E) *Appeal to Planning Commission* allows an applicant to appeal a Director's Interpretation, and the appellant has done so. DC §10.2.510(F) authorizes the Planning Commission to consider the appeal at a public hearing.

Notice of the appeal hearing was mailed to property owners and residents within 300 feet of the prospective site, and published in the *News Times* on February 15, 2017. As of the writing of this report, no additional comments have been received from the appellant, property owner or other party.

III. APPELLANT ARGUMENTS

The appellant has submitted the following rationale for the Planning Commission's consideration:

There are several factors that led to the Director's Interpretation, and under the current Development Codes I believe it was a reasonable decision. However, I believe the current Development Codes neglect to acknowledge the critical distinctions between each endorsement offered under the Processor License. I feel it is necessary to separate endorsements under the Processor License into different use categories; Extracts and Concentrates will remain General Industrial and Edibles and Topicals will change to Light Industrial. The distinction made between Indoor and Outdoor Endorsements, and the business practices relating too, under the Growers License sets precedence for this case (Revise Development Code Section 10.3.520).

The Processor License offers 4 separate endorsements; Extracts, Concentrates, Edibles, and Topicals, each of which can be applied for individually, or concurrently, with any other endorsements. During my Pre-Application Conference both Richard Mead, Building

Official, and Chris Woodford, Fire Inspector, expressed their concerns with Extracts and Concentrates in the Community Commercial Zone, which I agree are valid concerns given the potential dangers of each process.

The extraction process can require large quantities of noxious gases and heat to create a concentrate. I agree that this kind of business should be disallowed from commercial zones and kept solely in the industrial zones. However, Edible and Topical Processors run no more risk for the community than any other commercial kitchen. The critical difference between preparing products infused with cannabis, or without, is the concentrated cannabis used in the process. Cannabis oil, although more regulated, is no more dangerous to use than any other oil. Cannabis oil is not flammable or combustible, however, there are still necessary safety precautions for our employees when handling cannabis oil to maintain its purity and efficacy, which will be addressed in training. With regard to being a public nuisance, cooking with concentrates mitigates the odors produced, and the small amount that is produced can be easily maintained with a carbon filter and proper ventilation system.

The aforementioned statements show the compatibility of both Edible and Topical Marijuana Processors under Light Industrial Use. In my opinion the greatest concern is not of public safety, but of private security. Given the industry there is a higher level security risk. These risks have been addressed in detail by the Oregon Revised Statutes and measures will be taken to insure a maximum level of security.

The intention of this Appeal is to recategorize Edible and Topical Processors from General Industrial to Light Industrial.

IV. ANALYSIS AND FINDINGS

The essential question for the Commission to consider is whether the proposal does or does not fall within the definition of Marijuana Processor, as defined by DC §10.12.210(M8):

A facility licensed by the Oregon Liquor Control Commission or registered by the Oregon Health Authority to process, compound or convert marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extract. Marijuana processors are classified as Industrial: Manufacturing and Production.

Finding: The facility would be licensed by OLCC. The appellant notes that "We will display signage as required by the OLCC and the local governing body" and that "All employees will be required to hold OLCC workers permits and food handler's permits." Staff concludes that the facility would be licensed by OLCC.

Finding: The facility would "process, compound or convert marijuana into cannabinoid products". The appellant describes the business as a "Marijuana Product Manufacturing Company" which would fall within the common definition of processing or compounding. Furthermore, products would be created by mixing and baking, which would also fall within the common definition of processing or compounding.

Finding: The purpose of the proposal would be to “convert marijuana into cannabinoid products” including CBD-infused soap bars consisting of olive oil, distilled water, lye, and CBD oil; and CBD-infused lotion consisting of a hypoallergenic lotion and CBD oil.

Finding: The distinction on marijuana processors presented by the appellant is not addressed by the Development Code. To consider such a distinction would require a text amendment to the Development Code.

Conclusion: Staff concludes that the proposed activity falls within the definition of Marijuana Processor as defined by DC §10.12.210(M8) and as such, cannot be permitted to be sited in the Community Commercial zone district.

V. LIST OF ATTACHMENTS

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

- Exhibit 1** Applicant’s Proposal (January 3, 2017 pre-application submittal)
- Exhibit 2** Applicant’s Interpretation Request (received January 18, 2017)
- Exhibit 3** Director’s Interpretation (issued January 19, 2017)
- Exhibit 4** Applicant’s Appeal Dated January 26, 2017 (received February 2, 2017)

EXHIBIT 1

Applicant's Proposal (Pre-Application Submittal)

Jason Parkinson
1944 NW Johnson St. #104
Portland, OR 97209
775.772.1989

RE: Land Use Compatibility Statement

Proposed Address:

1714 Pacific Ave
Forest Grove, OR 97116

I am proposing the operation of a small scale Marijuana Product Manufacturing Company. The proposed premises address is as follows:

Marijuana Product Company

Endorsements:

Topicals

Edibles

Mission:

Our mission is to create the greatest positive social and economical impact, while leaving the lightest environmental footprint.

We have carefully chosen our products so that by their very nature we are able to accomplish our mission. Our products require minimal processing, and those involved are relatively simple.

Products:

Our product offering will consist of three distinct lines.

Topicals:

1. CBD infused Soap Bar
 - Olive oil, distilled water, lye, CBD oil
2. CBD infused lotion
 - Hypoallergenic Lotion and CBD Oil

Edibles: We offer three different bar options. Each product consists of the same base. Each bar differs by toppings and THC and/or CBD content. The base recipe is as follows:

Dried blueberry, dried cranberry, crushed cashews, crushed almonds, sunflower seeds, flax seeds, hemp seeds, rice cereal, quick oats, almond butter, and honey. We will be using concentrates purchased from local licensed processors for our THC and CBD.

Toppings and THC and/or CBD Content per product, respectively;

1. Coconut Flakes - 50mg THC Sativa
2. White Chocolate – 50mg THC Hybrid
3. Dark Chocolate w/ Sea Salt – 50mg CBD

Procedures:

- All of our operations will be contained within our facility without any outside storage
- Our process use little to no heat producing little to no odor or noise
- Our process is labor intensive

Sourcing: All materials will be purchases from accredited companies, with the aim of purchasing local whenever possible. All marijuana concentrates will be purchased from a local licensed processing company.

Equipment:

- Two Duke Double Convection ovens (electric)
- Three Hobart 20qt mixers
- One 3-compartment sink
- Twelve custom silicon trays for bars
- Six custom silicon trays for soap
- Six 20qt mixing vats
- Three Sheet racks
- Ten tables
- Twelve 6-shelve metal storage racks
- One refrigerator
- Miscellaneous Kitchen items
- Alarm/Video Surveillance System

Production Process:

1. CBD Lotion

- Using the dedicated 20qt mixing vat we will combine a high quality hypoallergenic lotion with concentrated CBD oil. In order to fully infuse the two we will mix them for a total of ten (10) minutes.
- We will then transfer the mix to our packaging area. Here we will use commercial syringes to measure the correct amount and then transfer into the respective container.

- Each batch consists of 32 units, which are then packed into a box and moved to the designated storage area.
- Both the mixing instrument, that attaches to and is removable from the 20 qt mixer, and the mixing vat will be cleaned between each batch.

2. CBD Soap

- Using the dedicated 20qt mixing vat we will combine distilled water and lye.
- Once the mixture is consistent we will add the proportionate olive and CBD oil.
- We will mix for 12 minutes at which point all constituents should be infused.
- Next we will transfer the mixture into the custom silicon trays.
- After we fill the silicon trays we transfer the trays to the designated soap setting area, where they will remain for 24 hours.
- We then remove the soap bars and proceed to package and store the soap bars in their designated soap storage area.

3. Infused Bars

- Using the dedicated mixing vats we combine all nuts and dried fruit.
- Slowly, and evenly, we mix in the honey and almond butter.
- Once the mixture is of an even consistency we slowly add the proportional THC/CBD concentrate, and mix for an additional 8 minutes.
- We then transfer this mixture into custom silicon trays
- We cook our bars using a low heat (170 degrees) dehydrating process, with a duration of 45 minutes.
- After we remove the bars we add each topping. The temperature of the bars heats the toppings just enough to bind.
- We let transfer the bars into sheet racks to cool for 2 hours.
- Once cooled we package and store the bars in the designated edible storage area.

Facility:

Restrooms: Toilet and hand washing facilities are currently plumbed to the state plumbing code, in good repair, and conveniently located. Restrooms do not open directly into a room where foods are exposed for sale. The public does not pass through food preparation, storage, or utensil washing areas.

Dishwashing facilities: We will use a 3-compartment sink large enough to immerse equipment and utensils. We will make use of adequate drain boards, racks, or utensil tables for storage and handling of soiled utensils, and adequate racks/tables for air drying of sanitized utensils and equipment.

Hand washing facilities: Facilities consist of hand soap and single-serve towel dispensers and garbage can.

Garbage: Garbage containers are on a smooth surface of nonabsorbent material that is kept clean and in good repair. Wastewater from these units flows into a sanitary sewer, not into storm drains.

Floors: Our flooring will be sealed concrete; which is nonabsorbent, easily cleanable, smooth, and of tight construction.

Walls and ceilings: Surface of walls and ceilings in all storage and processing/preparation rooms are in good repair, white light color, and smooth and easily cleanable.

Food storage: Separated from chemicals. All packages and ingredients will be stored at least 6 inches off of the floor.

Signage:

We will display signage as required by the OLCC and the local governing body.

Employees:

All employees will be required to hold OLCC workers permits and food handlers permits.

Build-out:

Given the satisfactory schematics of the plumbing and electrical the build out will be minimal; consisting of cleaning and finishing work. After the finishing work we will install both freestanding structures and equipment secured in place; relative to their respective usage.

Contractor Info:

Scott Spencer Construction
Scott Spencer
12855 SW Hawks Beard St.
Tigard, OR 97223

EXHIBIT 2

Applicant's Interpretation Request

-----Original Message-----

From: Jason Parkinson [<mailto:jason.edibology503@gmail.com>]

Sent: Wednesday, January 18, 2017 2:53 PM

To: Jon Holan

Cc: Daniel Riordan

Subject: Processor Interpretation

Jon,

I hope the transition back from holiday has been smooth. I know our situation is not as straight forward as most so I wanted to be certain you had all relevant information to help make your interpretation. I can appreciate any reservation you may have given the general definition of a Marijuana Processor, but I would like to highlight some key points of our operation:

- We will not be manufacturing any extracts or concentrates
- All storage of materials will be contained within our facility
- We will use previously processes materials to produce our products, rather than raw materials
- We will use concentrates for our THC; purchased from other licensed processors
- The nature of our process; being labor intensive and requiring low heat; thus we emit very little odor, which will be contained within our facility

Multiple neighboring municipalities within Washington County have approved this use in a commercial zone. Periodic Edibles, located at 13963 N Main St., runs a small scale infused caramel company in the commercial zone off of Main St. in Banks. Furthermore, our plan was approved in Tigard. My point of contact on the matter was Assistant Director, Tom McGuire. Unfortunately our potential landlord found another tenant in the interim.

I can assure you than my company will bring nothing less than economic growth and positive energy to your community. I understand that we will be the first processor in your community so you must be diligent with your decision, and for that reason I hope that any of this information was helpful. If you need any more information please contact me. I look forward to working with you.

Sincerely,

Jason Parkinson
EDIBOLOGY
President
775.772.1989

EXHIBIT 3

Director's Interpretation

Mr. Parkinson,

Thank you for your emails and information about your proposed operation. As I understand it, you are requesting to place an operation to manufacture marijuana infused products from previously prepared materials as a light industrial use in the Community Commercial (CC) zone district. While it may have characteristics of a light industrial use, the issue is that the Development Code has been amended to specifically address marijuana processors. Because that use (marijuana processor) is specifically addressed by the Code and is not included in the Community Commercial zone district, it is not eligible to be considered as a different use (light industrial) in the CC district.

This determination is made as a Director's Interpretation pursuant to Section 10.2.500 et. seq. of the Development Code. Section 10.2.510 E authorizes the appeal of this determination to the Planning Commission. If so, an appeal must be made within 14 calendar days of the date of this determination ((January 19, 2017 which means an appeal needs to be filed to Community Development Department by 5:00 pm on Thursday, February 2, 2017). The fee for an appeal to the Commission is \$250. The appeal form can be found at the following link:

<http://www.forestgrove-or.gov/planning/page/planning-application-information-forms>

Please contact James Reitz at jreitz@forestgrove-or.gov if you wish to proceed with an appeal.

Jon Holan
Community Development Director
P.O. Box 326
1924 Council Street

EXHIBIT 4

Applicant's Appeal Dated 01/26/17 (received 02/02/17)

Jason Parkinson
EDIBOLOGY LLC
President
775.772.1989

January 26, 2017

Forest Grove Planning Commission
1924 Council Street
Forest Grove, OR 97116
RE: Appeal of Planning Director's Interpretation

Dear Planning Commission,

There are several factors that led to the Director's Interpretation, and under the current Development Codes I believe it was a reasonable decision. However, I believe the current Development Codes neglect to acknowledge the critical distinctions between each endorsement offered under the Processor License. I feel it is necessary to separate endorsements under the Processor License into different use categories; Extracts and Concentrates will remain General Industrial and Edibles and Topicals will change to Light Industrial. The distinction made between Indoor and Outdoor Endorsements, and the business practices relating too, under the Growers License sets precedence for this case (Revise Development Code Section 10.3.520).

The Processor License offers 4 separate endorsements; Extracts, Concentrates, Edibles, and Topicals, each of which can be applied for individually, or concurrently, with any other endorsements. During my Pre-Application Conference both Richard Mead, Building Official, and Chris Woodford, Fire Inspector, expressed their concerns with Extracts and Concentrates in the Community Commercial Zone, which I agree are valid concerns given the potential dangers of each process.

The extraction process can require large quantities of noxious gases and heat to create a concentrate. I agree that this kind of business should be disallowed from commercial zones and kept solely in the industrial zones. However, Edible and Topical Processors run no more risk for the community than any other commercial kitchen. The critical difference between preparing products infused with cannabis, or without, is the concentrated cannabis used in the process. Cannabis oil, although more regulated, is no more dangerous to use than any other oil. Cannabis oil is not flammable or combustible, however, there are still necessary safety precautions for our employees when handling cannabis oil to maintain its purity and efficacy, which will be addressed in training. With regard to being a public nuisance, cooking with concentrates mitigates the odors produced, and the small amount that is produced can be easily maintained with a carbon filter and proper ventilation system.

The aforementioned statements show the compatibility of both Edible and Topical Marijuana Processors under Light Industrial Use. In my opinion the greatest concern is not of public safety, but of private security. Given the industry there is a higher level security risk. These risks have been addressed in detail by the Oregon Revised Statutes and measures will be taken to insure a maximum level of security.

The intention of this Appeal is to recategorize Edible and Topical Processors from General Industrial to Light Industrial. I have stated my case above, however, if you require me to substantiate the codes I have referred to let me know and I will be happy to do so. Thank you for your time. I look forward to seeing everyone on the 20th of February.

Sincerely,

Jason Parkinson

**PLANNING COMMISSION MEETING MINUTES
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DRAFT

1. CALL TO ORDER:

Chairman Beck called the meeting to order at 7:01 p.m.

Planning Commission Present: Tom Beck, Carolyn Hymes, Sebastian B. Lawler, Lisa Nakajima, Dale Smith, Phil Ruder and Hugo Rojas.

Planning Commission Excused: None.

Staff Present: Jon Holan, Community Development Director; Dan Riordan, Senior Planner; Rick Blackmun, City Engineer; Marcia Phillips, Planning Commission Coordinator
There were approximately twenty people in the audience.

2. PUBLIC MEETING:

2.1 PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS: None.

2.2 PUBLIC HEARING: None.

2.3 ACTION ITEMS: None.

2.4 WORK SESSION ITEMS:

Westside Planning Project – Infrastructure & Funding Approach.

Mr. Holan said the purpose of this project is to determine what type of infrastructure is needed in the Westside Planning area, and how to pay for them. He said the infrastructure and financial analysis has been done for some time, and it has been posted on the website for everyone to review. He said staff asked the consultant to help figure out how to pay for this infrastructure, and this information will be presented tonight. Holan said staff wants to hear from citizens about whether or not we are headed in the right direction.

For the benefit of people in the audience, Chairman Beck explained that the work session tonight was to inform the Planning Commission. He said in April there will be a public hearing and public testimony will be taken at that time.

Mr. Holan stated that staff wants people's comments between now and the hearing.

Mr. Riordan introduced Anne Sylvester, Consultant with SCJ Alliance, and Rick Blackmun, City Engineer. Riordan said the last formal work session on the Westside Planning Project was a year ago. He said the goal was to develop a refinement plan for the area, and the City obtained a Metro Community Planning and Development grant of \$133,000 in 2014 to fund consultant technical assistance. The consultants include: SCJ Alliance (lead consultant in transportation, infrastructure, natural resources), Urbswork (public input, focus groups and charrettes), PBS Engineering and Environmental (geotech), and FCS Group (financing). Riordan said staff will prepare the plan and necessary amendments to existing documents such as the Comprehensive Plan and Transportation System Plan, and all the information will be consolidated into a refinement plan for the area.

Mr. Riordan said the process to date has included stakeholder interviews, two planning charrettes, and a Planning Commission Work Session on July 6, 2015. On the technical side, he said the

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background analysis was put on the City's website along with the infrastructure and traffic analysis. Riordan said Technical Advisory Committee meetings were held, and the City is to the point of determining the financial strategy for the infrastructure.

Mr. Riordan showed a PowerPoint slide of the Westside Planning area which showed development issues discussed at the July 6, 2015, Planning Commission work session. He explained that in the SR Zone (Suburban Residential) there is inadequate water pressure, and was planned for the possibility of wells.

Mr. Holan explained that the SR constraint would go away when the water pressure constraint is resolved.

Mr. Riordan showed a slide of the Planning Commission's direction to staff, and pointed out that an elementary school is part of the School District's long term plan for this area, and a park site is part of the City's Park and Recreational Master Plan. He said the Fire Department has plans for a future fire station in the area.

In response to a request from Chairman Beck, Mr. Riordan talked about the steep slope issues and riparian areas. He said the historic landslide areas are factored in. He showed a table and explained the Dwelling Unit Yield Estimate for the Westside Planning area per the Planning Commission recommendation. He said the consultant did some traffic analysis because the City wanted a sense of the number of daily peak hour trips, and the real difference is in the R-5 zone. Mr. Riordan said the traffic circles have a significant impact on traffic, but at some point traffic will surpass the traffic circle's capacity. He said the bottom line is there will be a lot more daily trips in the area than we see now, and this will need to be addressed. Riordan said staff is talking with ODOT regarding alternatives and will have it worked out before the public hearing.

In response to a question from Commissioner Lawler, Ms. Sylvester said peak hours are generally from 4 p.m. to 6 p.m. She said the issue is the Purdin Road area was not considered in the 2014 TSP update. Sylvester said there are potentially significant impacts on Highway 47 round-a-bouts at David Hill Road and Purdin/Verboort Road.

Mr. Riordan showed a slide of the major street system. Ms. Sylvester explained that collector streets must be ¼ to ½ mile apart and arterial streets need to be about one mile apart. She said this is flexible depending upon development density, etc. Sylvester said another issue is that with slopes steeper than 15% concrete must be used rather than the asphalt, which makes the roads more expensive to build.

Mr. Riordan explained that the roads indicated on the map are conceptual only, and could change with development. He said topography is a major factor in the placement of roads.

Chairman Beck said the Commission has put some zoning on the area, but can we have an R-10 zone and actually be able to build roads?

Mr. Riordan explained that it may require innovative design, with perhaps clustering of units to avoid slopes.

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Chairman Beck responded by saying that several residential developments were built in the 26th Avenue area, and we still have access problems. He said this needs to be avoided in this new area by planning the streets ahead of time.

Mr. Riordan explained that having lines for potential streets in the policy documents gives the City more pull to require developers to put in streets.

Chairman Beck said we need something with more teeth for staff to require streets, and informed staff that he will be bringing this up throughout this process. He said if the street plan is too flexible it could get “dealt away” during development.

Mr. Riordan showed a slide of the major sewer system, and explained that the topography dictates how the system runs.

Mr. Holan said the issue was how to collect the sewerage on the north area of David Hill Road and pipe it over to Highway 47. He said the sewer line could follow Thatcher Road, but this is only possible if the City can get across the water course (Council Creek), and explained that Thatcher Road would have to be elevated for 800-feet to make the connection. Holan showed a slide of the stormwater system, and explained that this was all conceptual. He explained that this was not based on current Clean Water Services (CWS) requirements, but anticipating future CWS requirements with more detention facilities for better water quality.

Mr. Riordan showed a slide of the water system with a future reservoir indicated to deliver water to areas above 440-feet.

Chairman Beck stated that serious consideration needs to be given about a road between Road # 2 and Road # 10.

Mr. Riordan explained that this land is owned by the School District, and if they decide to sell the land, there may be an opportunity for a road.

Mr. Blackmun discussed placement of the future reservoir, and how it was determined.

Mr. Riordan showed a slide of the total costs, and pointed out that roads are the most expensive. He showed slides of the cost by area, and use of SDCs (System Development Charges) collected as the land develops. He said these charges include City Parks SDC, Clean Water Services SDC, and Washington County Transportation Development Tax. Riordan explained that the City does not have direct control of most of the SDCs collected for other jurisdictions. He said the SDCs are incremental, so it is difficult to fund improvements needing up front funding, and he showed a slide of the consultant’s recommendations for use of the SDCs. Riordan stated that the bottom line is there are several policy issues to be discussed with the Planning Commission during this process.

Chairman Beck said he found it curious that smaller developments are very high priced, and was not sure it is an effective way to determine fees in Forest Grove - selling houses for \$500,000 in other jurisdictions versus \$350,000 in Forest Grove.

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Commissioner Nakajima reminded the Commission that this is twenty years from now, and these prices for houses could be possible.

Chairman Beck stated that a reason Forest Grove is a great place to live is because we are not on a transit spoke, but he said this also affects business because of how long it takes to get to Portland.

Mr. Holan discussed short term improvements that could be done in the David Hill area.

Chairman Beck said if the City did \$6 million in improvements, the SDCs might be lowered – this would be one way of doing it.

Mr. Riordan showed a slide that listed the Westside Plan decisions that require Planning Commission recommendation and City Council adoption by ordinance. These included: adoption of Westside Area Refinement Plan, Comprehensive Plan map and text amendment, Transportation System Plan amendment of the circulation system, cross sections and project list, Zoning Map amendment, and Development Code amendment for geo-tech requirements and road slope standards. He showed a slide of the Westside Plan next steps, and commented that there is a lot of work that must take place after the Westside Plan is adopted.

Mr. Holan explained that Staff wants allow the Commission sufficient time to really look at the proposal, and may require more than one meeting.

Commissioner Nakajima commented that it is important that citizens have time to absorb it too.

Commissioner Lawler said the City wants to hear from citizens on such a big project, but besides hearings how can citizens give input?

Mr. Holan said open houses where citizen comments can be taken would be a good idea.

Commissioner Nakajima asked how soon the City can get a project on the Washington County project list?

Mr. Holan explained that the City needs a policy document first. He explained that Washington County had MSTIP tax funds for road improvements, but it got absorbed into their general fund. He said they just went through one iteration of their project list, which included an extension of David Hill Road. He said Staff has requested the next round to include Thatcher Road.

Chairman Beck encouraged the people in the audience to contact Staff with comments and questions. He closed the work session at 8:31 p.m.

BUSINESS MEETING:

- 3.1 **APPROVAL OF MINUTES:** Commissioner Nakajima moved to approve the minutes from the January 3, 2017 meeting. Commissioner Lawler seconded. Motion passed 7-0.
- 3.2 **REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:** None.

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3.3 DIRECTOR'S REPORT:

Mr. Holan said at the next meeting the Commission will hear an appeal of an administrative decision on the location of a marijuana facility. He said Staff determined that a marijuana product manufacturing company is not a use permitted in the Community Commercial zone, and the appellant is appealing this determination. Holan said the driveway amendment will be heard at that same meeting, and a third item which is a letter from an applicant's architect regarding ways to increase the density on the Cain Petroleum site.

Mr. Holan said other projects will come before the Commission depending upon how soon the completeness reviews are done. He commented that it is surprising how many multi-family projects the City is getting.

3.4 ANNOUNCEMENT OF NEXT MEETING: The next meeting will be held on February 20, 2017 at 7 p.m.

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

Respectfully submitted by:

Marcia Phillips

Planning Commission Coordinator