FOREST GROVE OREGON

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FOREST GROVE PLANNING COMMISSION MEETING

COMMUNITY AUDITORIUM, 1915 MAIN STREET

MONDAY APRIL 3, 2017-- 7:00 P.M.

PLANNING COMMISSION

Tom Beck, Chair

Lisa Nakajima	**Hugo Rojas**
Carolyn Hymes	**Phil Ruder, Vice Chair**
Dale Smith	**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 respectively 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:**

   Site Plan and Design Review of proposed 20,200 sq. ft. three-story commercial building, a 3, 149 sq. ft. day care facility, a coffee kiosk drive-through, and parking at 3424 Pacific Avenue, 1943 Oak Street, and 1954 Poplar Street. (File # 311-16-000200-PLNG and Tax Lots # 1S305BA-300, 500, 501 and 1700.) – ITEM CONTINUED FROM MARCH 27TH MEETING – Please bring materials distributed from the March 27th packet.

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

Site Plan and Design Review
Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE:	March 17, 2017
HEARING DATE:	March 27, 2017
LAND USE REQUEST:	Site Plan and Design Review of a proposed 20,220-square-foot three-story commercial building; a 3,149 square-foot day care facility; a coffee kiosk drive-through; and parking
FILE NUMBER:	311-16-000200-PLNG
PROPERTY LOCATION:	3424 Pacific Avenue; 1943 Oak Street; and 1954 Poplar Street
LEGAL DESCRIPTION:	Washington County Tax Lots 1S3 5BA-300, 500, 501 and 1700
OWNER/APPLICANT(S):	Applicant/Property Owner: PacOak Development LLC (Jared Thompson), 1951 Oak Street - Suite A, Forest Grove, Oregon 97116 Applicant's Representative: DOWL (Serah Breakstone). 720 SW Washington Street - Suite 750, Portland, Oregon 97205
COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS:	Community Commercial (CC) Community Commercial (CC)
APPLICABLE STANDARDS AND CRITERIA:	City of Forest Grove Development Code ▫ §10.3.300 - .340 *Commercial and Mixed Use Zones* ▫ §10.7.200 et. seq. *Solid Waste and Recycling* ▫ §10.8.000 et. seq. *General Development Standards* City of Forest Grove Design Guideline Handbook ▫ Focus Area II *Commercial Corridor Focus Area*
REVIEWING STAFF:	James Reitz (AICP) Senior Planner
RECOMMENDATION:	Staff recommends approval with conditions

I. LAND USE HISTORY

The project site consists of four tax lots. It has been improved with at least six buildings of indeterminate age. They have been occupied by a variety of residential and commercial uses, including car sales and second-hand stores. A billboard is also located near the west property line of the project site. The balance of the property is used for outdoor storage or vehicular access.

Development Code (DC) §10.2.300 et. seq. *Design Review* requires review of new commercial development. The Commission can act on a request for design review after holding a public hearing pursuant to DC §10.1.600 et. seq. Type III Process.

The application was submitted on December 20, 2016. It was deemed complete on February 21, 2017.

Public notice for this application was mailed to property owners and residents within 300 feet of the site on March 6, 2017 as required by DC §10.1.610. Notice of this request was also provided to the Plans Review Board, and published in the *News Times.*

Comments received from the Plans Review Board pertain to complying with various standard building and fire code requirements that will be addressed through the building permit review process. Additional comments regarding traffic generation, parking, and street improvements will be discussed later in this report, along with staff's recommendations for conditions of approval.

As of the writing of this report, no comments have been received from the public.

II. PROJECT DESCRIPTION AND ANALYSIS

1. Description of Proposal: The proposal would result in the construction of three new commercial buildings and associated parking and landscaping.

   - Building One would be a three-story structure fronting Pacific Avenue. It would have 20,220 square feet of floor area. Ground-floor commercial/retail is proposed, while floors two and three would be offices.
   - Building Two would a one-story building of 3,149 square feet fronting Oak Street. It would be developed as a day care center.
   - Building Three would be a coffee kiosk, accessed from Poplar Street. It would be a drive-through only; no on-site seating is proposed.
   - The balance of the site would be improved with 42 parking spaces, landscaping, and a trash/recycling storage area.
   - The applicant also owns the parcel at 1951 Oak Street, which has been developed with a building housing a dental office and an insurance office. Access would be provided through that site to connect Oak Street and Poplar Street, and all existing Pacific Avenue driveways would be abandoned.

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

2. Site Examination: The project site has an area of 1.28 acres. It abuts Pacific Avenue, Oak Street and Poplar Street. It is flat and virtually devoid of landscaping. It has been

improved with numerous structures of indeterminate age. All existing structures, including the billboard, would be removed with this project.

The site is comprised of four parcels, which the applicant proposes to consolidate into one. The City has no lot consolidation review criteria. Lot consolidation is achieved by filing and recording a new legal description with Washington County. Due to building code requirements, the lot consolidation process would need to be completed prior to the issuance of any building permits for any buildings on or near the existing lot lines. Staff has proposed a **condition** to require that the applicant submit a copy of the recorded legal description to consolidate the properties prior to filing for permits for any building so situated.

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

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Site	Community Commercial (CC)	Community Commercial (CC)	Commercial / Retail
North	Community Commercial (CC)	Community Commercial (CC)	McMenamins Grand Lodge
South	Community Commercial (CC)	Community Commercial (CC)	Single-Family Residential Vacant Land
East	Community Commercial (CC)	Community Commercial (CC)	Single-Family Residential Vacant Land
West	Community Commercial (CC)	Community Commercial (CC)	Commercial / Retail Vacant Land

4. Site Design: All existing improvements would be removed, including the billboard. Staff has included a **condition** to require that the billboard be removed within 60 days of the current lease's termination, pursuant to DC §10.8.855 *Nonconforming Signs.*

The site plan consists of three buildings in an east-west orientation. Building One (a three-story mixed-use building) would front Pacific Avenue, while Building Two (a one-story day care facility) would front Oak Street. A drive aisle would be located between the two buildings that would provide access to both Oak and Poplar streets. A new car park would be located south of Building One and east of Building Two. Building Three would be a drive-through coffee kiosk near Poplar Street.

The drive aisle would connect with the existing drive aisle serving the car park at 1951 Oak Street. This would provide through access between Oak and Poplar streets, and would also provide access to both car parks. No vehicular access is proposed to Pacific Avenue.

The kiosk would be located along Pacific Avenue east of Building One. It could be accessed from both Oak and Poplar streets via the access described above. It appears from the application that there would be only one service window, on the north elevation. The application indicates that there is queueing space for four vehicles. Further discussion follows in the Traffic and Circulation section below.

Parking would be provided south of Building One and east of Building Two. Further discussion follows in the Parking section below. Walkways would connect the car park with the buildings and the buildings with the public sidewalk.

5. Building Design Standards for Commercial Development: The standards of DC §10.8.710(B) applies to commercial development in the Community Commercial zone district, as follows:

   - Building Orientation. This section requires that buildings be designed and constructed so that at least one façade is within 60 feet of a public street; and that a minimum of one primary building entrance for each building either faces the street or an internal roadway. Both Building One and Building Two are located within 60 feet of a street, and both would have entrances facing the street.

   - Massing and Form. This section requires building articulation including changes in depth of façade, maximum building length, varied rooflines, and vertical elements. Both buildings exhibit these characteristics, with changes in façade depth, varied roof heights, and vertical elements. Neither building exceeds 200 feet in length.

   - Design Elements. This section requires buildings near the street to have an entrance every 100 feet; weather protection if adjacent to the sidewalk; transparent windows; and no synthetic materials on the ground floor. Both buildings will have a ground floor entrance facing the street; both would provide sheltered areas at building entrances; windows will be transparent; and no synthetic materials are proposed.

   - Compatibility. This section requires a "step-down" in building height near adjacent residential uses; and a gabled roof. Only Building Two would be less than 50 feet from an adjacent residential use; as it is proposed to be only one story in height, it would comply with this section. Both buildings are proposed to have gable roofs.

   - Safety. This section prohibits security bars and motion activated lighting, none of which is proposed. This section further requires public access to all plazas, etc., but none are proposed in this project. Lastly, this section requires that car parks not be gated or secured; no gates are proposed.

6. Setbacks and Height Requirements:

   - The site is located in the Community Commercial (CC) zone district. No front, side, or rear setbacks apply. The buildings would be set back from Pacific Avenue by about 2 ½ feet (the west end of Building One) to 23 feet (kiosk); and 12 ½ feet from Oak Street (Building Two). Along the south property line, both Building Two and the trash/recycling enclosure would be set back 10 feet. As no setbacks are required in the CC zone district, staff finds the proposed setbacks acceptable, and no conditions of approval appear necessary.

   - The trash and recycling enclosure would be located 10 feet from the south property line. The enclosure would be constructed of concrete block and covered with lap siding to match the other buildings. To minimize weather and wildlife intrusions as well as to provide more visual screening, it would also be roofed.

- The height limit in the CC zone district is 45 feet. The height of the Building One would be 42 feet at the roof peak. The height of Building Two would be 17 feet. As the height of the proposed buildings would all be less than the maximum, staff concludes that the heights are acceptable and no conditions of approval appear to be necessary.

As there are no setbacks required in the CC zone district, and the building heights would be less than the maximum allowed, staff concludes that these provisions have been met.

7. Compatibility: A day care facility is proposed for Building Two, and a coffee kiosk. The specific tenants for Building One have not been identified. The Community Commercial zone district allows a range of permitted uses, including day care, restaurants, personal services such as banks and beauty shops, and offices. The applicant's building at 1951 Oak Street is occupied by a dental office and an insurance agency. If the tenants of this project are similar, they would be compatible with the purpose statement of the CC zone district, to wit: a concentration of mixed uses, including retail, service, offices and residential uses along the regional transit corridor.

   The site abuts properties in a variety of uses, including -

   - Single-family homes to the south and east. Both homes are also located in the Community Commercial zoning district. Building Two would be located ten feet from the property line shared with 1935 Oak Street, while the car park improvements adjacent to 1948 Poplar Street would be between five and ten feet from the property line. The remaining area adjacent to both properties would be landscaped (further discussion follows in the Landscaping section below). No fencing is proposed. Because the new buildings would be located in the same zone district as the existing single-family homes, would be set back from the property line in excess of Development Code standards, and would be separated from the adjoining properties by landscaping, no additional conditions pertaining to compatibility appear necessary.
   - Redevelopment of this site could result in greater demand to redevelop other nearby properties, including the existing single-family home sites all the way to 19th Avenue. Seven single-family homes are extant along either side of Oak Street between Pacific and 19th avenues, while only one home remains along Poplar Street, the others having been removed in anticipation of a shopping center project that never came to fruition.
   - Redevelopment of the site might result in off-site noise impacts. However, if any noise issues did arise, Municipal Code §5.250 et. seq. *Noise Regulations* would regulate the intensity of allowable noise in both daytime and evening hours. Because the City has an existing ordinance in place to respond to potential noise complaints, staff concludes that there should be no significant neighborhood noise compatibility issues.
   - On-building, pathway and car park lighting is proposed. Car park lighting would be on 18-foot-tall poles, in compliance with DC §10.8.755(D)(2). To ensure compliance with the remaining provisions of DC §10.8.755(D) i.e., fixture base height and cut-off shields, staff has proposed a **condition** that lighting complies with all the provisions of DC Section 10.8.750(D) *Lighting Standards for Multi-Unit Development,* and DC §10.8.755(C) *Pedestrian Lighting Standards.*

   Summary and conclusion: With the condition noted above, the project would be compatible with the surrounding development.

8. Traffic and Circulation:

The applicant intends to lease the ground floor of Building One for commercial purposes. Based on the ITE *Trip Generation Report 7th Edition*, that could result in the following Average Daily Trips (ADT): 63 for a general office; 207 for a medical or dental office; 255 for specialty retail; and 730 for a high-turnover (sit-down) restaurant. At this time it is not known what the tenant mix might be.

The other two floors would not likely be developed with retail or a restaurant, but could be developed with offices or medical offices. Those uses would generate from 126 to 414 ADT.

Traffic generation for Building Two (the day care facility) would be about 250 ADT.

Traffic generation rates for coffee drive-through kiosks are not well documented. Because there are so few studies, the data is more anecdotal than statistically reliable. However, those studies do seem to indicate that up to 95% of the traffic at a coffee drive-through is pass-by traffic, i.e., it consists almost exclusively of vehicles that are already traveling on the adjacent street.

The site fronts Pacific Avenue, a designated Arterial street. It has two travel lanes in each direction and a central left-turn lane. The site would have vehicular access to both Oak and Poplar streets, both of which are designated Local streets. Because the site fronts an arterial street and would have access to the two other streets, staff is not proposing any conditions to address traffic capacity.

The Pacific Avenue frontage is not fully improved, lacking curbs, gutters, sidewalks, and street trees. Staff is proposing a **condition** to require full City-standard frontage improvements.

The Oak Street frontage is not fully improved as it lacks street trees. Staff is proposing a **condition** to require full City-standard frontage improvements. The existing drive approaches serving 1943 Oak Street – site of the new day care facility - will be abandoned with this project; staff has proposed a **condition** to require restoration of the curb and parkway.

The Poplar Street right-of-way between Pacific and 19th avenues is only 40 feet wide. To construct a Local street with no on-street parking restrictions, a 58-foot-wide right-of-way is required. This would allow for the eventual construction of a 32-foot-wide street. Staff is proposing a **condition** to require a half-street width dedication of 9 feet.

The Poplar Street frontage is not fully improved, lacking curbs, gutters, sidewalks, and street trees. Staff is proposing a **condition** to require full City-standard frontage improvements.

Where missing, sidewalks are proposed to be installed in compliance with DC §10.8.620(A). While §10.8.620(C) requires a sidewalk width of 10 feet in the Town Center, no minimum dimension width is stipulated by code in any other zone district. Instead, FGC §3.110 *Sidewalk Specifications* only requires that sidewalks comply with City Engineering standards for grades, locations, widths, materials and construction. A five-foot sidewalk is proposed on all street frontages.

On-site access would be provided by a central 24-foot-wide drive aisle located south of Building One. It would connect with the existing 23-foot-wide drive aisle that takes access from Oak Street, and would extend through to Poplar Street. The new car park would be located south of the central drive aisle.

DC §10.8.135(B)(2) stipulates that "parking areas shall be designed to connect with parking areas on adjacent properties unless not feasible." As noted above, the application includes a connection to the 1951 Oak Street car park. While both sites are now owned by the applicant, there is no guarantee that would continue in perpetuity. Therefore, staff is recommending a **condition** to record access cross-easements over both parcels, to ensure this access remains available to subsequent property owners. Staff is also recommending a **condition** to require the recordation of an agreement to ensure the shared responsibility to maintain the access aisle and car park in good condition, as stipulated by §10.8.525(J).

Staff is concerned about the access to and queueing for the coffee kiosk. The kiosk would be located along Pacific Avenue east of Building One. It could be accessed from both Oak and Poplar streets. It appears from the application that there would be only one service window, on the north elevation, which means that vehicles would most likely enter the drive aisle from Poplar Street (i.e., traveling east-to-west). The application indicates that there is queueing space for four vehicles.

DC §10.8.530 Table 8-6 requires a minimum of 10 spaces per service window for drive-in restaurants. Staff's online research of the queueing requirements from other jurisdictions found very few examples specific to coffee kiosk drive-throughs. The requirements for restaurant drive-throughs range from 3 to 10 spaces, with most requiring a number in the upper end of the range. Some examples include:

Jurisdiction	Queueing Requirement	Additional Regulations / Notes
San Diego, CA	Five cars	40 feet of additional stacking space is required on the premises
Louisville, KY	Three cars	
Eugene, OR	80 feet / 4 cars	For buildings < 200 square feet
Henrico County, VA	250 feet queue length	About equal to 12 cars
Markham, Canada	Ten cars	
Forest Grove, OR	Ten cars	

Eugene's code is the most directly comparable to this request, as the kiosk in this proposal would have a floor area of approximately 200 square feet. However, while the proposed queueing would comply with Eugene's minimum standard, the proposed design would not provide sufficient queueing for peak hour demand. Any more than four queued vehicles would be backed up into Poplar Street, and possibly into the Pacific Avenue intersection, thus potentially endangering other traffic.

To address the stacking issue, staff is recommending a **condition** to reconfigure the drive-through so that vehicles would travel west-to-east. That would provide on-site stacking space for more than ten vehicles along the central drive aisle, all the way to Oak Street. Vehicles could still access the drive-through via Poplar Street, but they would have to travel about 80 feet into the site before turning into the drive-through lane.

Summary and conclusion: With the conditions noted above, traffic access and circulation requirements would be met.

9. Sidewalks and Pedestrian Walkways:

   - No sidewalks exist on either the Pacific Avenue or Poplar Street frontages. A five-foot sidewalk is proposed on all street frontages. Staff has proposed **conditions** to require their installation.
   - Concrete pedestrian walkways are proposed to connect the parking stalls to the buildings. DC §10.8.115(4) requires a minimum walkway width of four feet. The proposed walkways would be five feet wide.
   - The walkways do not extend to all spaces. Staff is proposing a **condition** so that the walkway along the east car park would be extended south to abut all of those adjacent spaces and to the spaces next to the trash enclosure.
   - While the walkway widths exceed the minimum required, staff has included a **condition** to require a minimum 6 ½-foot-width for walkways adjacent to the parking stalls. The additional width would allow for vehicle overhang, and would eliminate the need for wheel stops, which can be a tripping hazard and a barrier to mechanized parking area cleaning equipment. As the proposed standard parking stalls would be 18 feet long, shortening them by 1-½ feet would not compromise their functionality since the curb/wheel stop would be at the 16-½-foot mark, and still function as a full-sized space.

   Summary and conclusion: With the conditions noted above, pedestrian access requirements would be met.

10. Parking: DC §10.8.515 Table 8-5 *Parking Requirements* regulates the minimum number of parking stalls required.

Use	Spaces/1,000 S.F.	Proposed S.F.	Spaces Required
General Retail	3.7	5,740	21
General Office	2.7	11,480	31
Medical/Dental Office	3.9	11,480	45
Coffee Kiosk	9.9	180	2
Daycare	2.0/classroom	2 classrooms	4

Because the tenants and uses are unknown at this point, it is difficult to determine what the ultimate parking demand might be. For instance, if the tenants are retail, general office, day care and coffee kiosk, then 58 spaces would be required (21 + 31 + 4 + 2). If the general office floor area was instead occupied by medical or dental offices, then 72 spaces would be required (21 + 45 + 4 +2).

The car park at 1951 Oak Street has been developed with 14 spaces; additional spaces would be available on-street. While the proposed project would share a drive aisle to Oak Street, no shared parking is proposed.

Parking Reductions Allowed by Code - The applicant proposes to reduce the minimum number of required spaces predicated on two Development Code provisions:

> **§10.8.515(A) *Multiple Uses.*** *In the event several uses occupy a single-building or parcel of land, a reduction of 25% of the total required parking is allowed for projects that utilize shared parking on a blended ratio for complementary uses.*

Key to any reduction predicated on multiple uses is whether or not they could be considered complementary. "Complementary" is not defined in the Development

Code, but DC §10.8.510(D) Joint Use of Parking does provide some guidance: *Owners of two (2) or more uses, structures, or parcels of land may agree to jointly use the same parking and loading spaces when the peak hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Director in the form of deeds, leases, and/or contracts to establish the joint use.*

Hours of operation for retail uses can vary widely. While many stores might be open only between 10:00 a.m. and 6:00 p.m., these tenants could be open earlier and/or later, or could even be open 24 hours. An office or medical/dental office would most likely be open between 8:00 a.m. and 5:00 p.m. but an urgent care might be open earlier and later. A day care would likely be open before 8:00 a.m. and after 5:00 p.m. to allow for child drop-off and pick-up before and after the parents' workday. Actual tenants are not known at this time and could vary over time. Because the parking demands for all the proposed uses could and likely would significantly overlap, staff concludes that the 25% reduction is not applicable.

> **§10.8.520(A)(1)** ***Parking Reductions Allowed By Right.*** *The following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. The reductions allowed by this section may not be used in conjunction with the reductions allowed by subsection (B) below. In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways, or streets, where side-walks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.*
>
> 1. *Parking for commercial and industrial uses may be reduced by 10% providing the development is within 500 feet walking distance to a transit stop.*

A transit stop is located on Pacific Avenue on the west side of Oak Street, adjacent to 3300 Pacific Avenue. It is less than 200 feet walking distance from Building One. Since a transit stop is located within 500 feet walking distance of the site, a 10% parking reduction may be taken by right. If 58 spaces are required overall, a 10% reduction would allow 52 spaces. If 72 spaces are required overall, the reduction would allow 65 spaces.

DC §10.8.510(H) ***Eligible Parking*** provides a third option to reduce the amount of on-site parking.

> *Parking spaces available along the public street frontage or alleys are eligible in fulfilling the parking requirements, except for single-family dwellings and duplexes.*

On-street parking is permitted on all the abutting streets. Up to 11 on-street spaces would be available immediately adjacent to the site on Pacific Avenue; one additional space would be available on Poplar Street between the intersection and the driveway; and three more spaces would be available on Oak Street in front of the day care, for a total of 15 spaces.

Parking Provided - Depending on the tenant mix, between 58 and 72 spaces would be required overall. As designed, 42 spaces would be constructed on-site; and up to 15 on-street spaces would be available, for a total of 57 spaces.

Of the 42 spaces, 32 (or 76%) would be standard-sized (including 4 ADA-accessible spaces), while 10 (24%) would be compact spaces. DC §10.8.510(G) allows for up to 50% compact spaces.

With the 10% reduction for transit noted above, the minimum number of spaces required would be 52 to 65 spaces. With 57 spaces available, the lower range of expected demand would be satisfied. If demand is nearer the upper end of the range, then the site plan would be deficient by up to 8 spaces.

Car Park Design Options – To provide more on-site parking, at least three revisions to the site plan are possible:

a. The proposal includes 4 ADA-accessible spaces; only 2 are required for car parks with 26 to 50 spaces. While this would not change the overall supply of parking, 2 of those spaces could remain available for general use versus being specifically designated as ADA-spaces only.
b. The 10 spaces along the east property line would be standard (9 by 18-foot) spaces. Those could be designated as compact (8 by 16-foot) spaces, thus increasing the number by one. As up to 50% of the spaces can be compact, and only 10 of the 42 (or 24%) are proposed as such, designating an additional space as compact would still be below the 50% threshold.
c. The drive aisles through the car park are all proposed to allow for two-way traffic, with a width of 23 feet each. If the east and west drive aisles were designated as southbound one-way only, then the southerly east/west drive aisle could also be reduced in width from 23 feet to 15 feet. This would allow for the creation of up to 5 more spaces.

A combination of (b) and (c) above could increase the number of on-site spaces from 42 to 48 on-site. Combined with the 15 available on-street spaces, 63 would be available overall. That would still be 2 spaces shy of the 65 spaces needed at the top end of the range.

There does not appear to be an opportunity to provide additional on-site parking beyond that described above. The only remaining option would be to place a use restriction on the type of tenants that would be allowed to occupy the buildings, which staff has included as a possible **condition** of approval.

Staff has included all four options above as possible **conditions** of approval.

11. Environmental Quality: There is no City record of any prominent environmental conditions. Runoff from new impervious surfaces would be routed to a new on-site water quality facility located under the car park. The water quality facility would consist of storm filter catch basins. Due to constricted downstream capacity, a storm water detention system would also be constructed to regulate runoff into the public system (see Exhibit A Sheet C4.0). Additional landscaping is proposed to be installed (see below) that may improve air quality and reduce glare and heat.

12. Landscaping: DC §10.8.545 requires landscaping and screening of car parks. Proposed landscaping would include Bowhall red maple street trees, with zelkova, gingko and hornbeam trees scattered throughout the site. The plans also include various shrubs, groundcover and ornamental grasses including Oregon grape, cotoneaster, kinnickinnick and juniper. The landscape plan appears to comply with the provisions of this code section.

13. Public Services: The application has been reviewed by the Engineering, Fire, Light and Power, Police, and Public Works departments. Several standard building and fire code conditions of approval will be applied through the building permit review process. Specific comments included:

    - Engineering Department Review:

        - Public infrastructure shall comply with City-standard design and construction standards including CWS requirements.
        - The existing storm system is at the end of the line and very shallow. Engineering will be working with the applicant on a detailed design for the new pipe, and will look into possibility shifting the alignment out of the parkway, provided there is enough pipe cover.

    The preliminary Utility Plan (Exhibit A Sheet C4.0) notes that "Existing street trees to be replaced for storm line". If in fact the Pacific Avenue street trees adjacent to 1951 Oak Street need to be removed to allow for the installation of a new storm pipe, and if the new pipe is to be located within the parkway as indicated, staff is recommending two **conditions** of approval:

    1. Existing street trees shall be removed, stored and re-installed; or replaced in-kind with trees of not less than a 2 ½-inch caliper.
    2. To minimize pipe and tree root conflicts, all street trees in the Pacific Avenue parkway shall be installed with a tree root barrier.

    - Fire Department Review:
        - Upgrade the fire hydrant at the intersection of Pacific Avenue and Poplar Street to current City standards.
        - Each building shall be identified with digits at least 8 inches tall that contrasts with the background. Individual unit (suite) numbers shall be at least 6 inches in height and contrast with the background.

    The above **conditions** are included in staff's recommendations.

14. Site Development Approval Criteria: DC §10.2.450 *Site Development Review Criteria* are as follows:

    The Planning Commission shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:

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

    Finding: All existing improvements would be removed, including the billboard. Staff has included a condition to require that the billboard be removed within 60 days of the current lease's termination, pursuant to DC §10.8.855 *Nonconforming Signs.*

    Finding: The site is located in the Community Commercial (CC) zone district. No front, side, or rear setbacks apply. The buildings would be setback from Pacific Avenue by about 2 ½ feet (west end of Building One) to 23 feet (kiosk); and 12 ½ feet from Oak Street (Building Two). Along the south property line, both Building Two and the trash/recycling enclosure would be setback 10 feet. As no setbacks

are required in the CC zone district, staff finds the proposed setbacks acceptable, and no conditions of approval are necessary.

Finding: The trash and recycling enclosure would be located 10 feet from the south property line. The enclosure would be constructed of concrete block and covered with lap siding to match the other buildings. To minimize weather and wildlife intrusions as well as to provide more visual screening, it would also be roofed.

Finding: The height limit in the CC zone district is 45 feet. The height of the Building One would be 42 feet at the roof peak. The height of Building Two would be 17 feet. As the height of the proposed buildings would all be less than the maximum, staff concludes that the heights are acceptable and no conditions of approval appear to be necessary.

Finding: The coffee kiosk would be located along Pacific Avenue east of Building One. It could be accessed from both Oak and Poplar streets. It would have only one service window, on the north elevation, which means that vehicles would most likely enter the drive aisle from Poplar Street (i.e., traveling east-to-west). The application indicates that there is queueing space for four vehicles. The proposed design would not provide sufficient queueing for peak hour demand. Any more than four queued vehicles would be backed up into Poplar Street, and possibly into the Pacific Avenue intersection, thus potentially endangering other traffic. To address the stacking issue, staff is recommending a condition to reconfigure the drive-through so that vehicles would travel west-to-east. That would provide on-site stacking space for more than ten vehicles along the central drive aisle, all the way to Oak Street. Vehicles could still access the drive-through via Poplar Street, but they would have to travel about 80 feet into the site before turning into the drive-through lane.

Finding: The walkways do not extend to all spaces. Staff is proposing a condition so that the walkway along the east car park would be extended south to abut all of the adjacent spaces and east along the south drive aisle to connect to the spaces located by the trash enclosure.

Finding: While the walkway widths exceed the minimum required, staff has included a condition to require a minimum 6 ½-foot-width for walkways adjacent to the parking stalls. The additional width would allow for vehicle overhang, and would eliminate the need for wheel stops, which can be a tripping hazard and a barrier to mechanized parking area cleaning equipment. As the proposed standard parking stalls would be 18 feet long, shortening them by 1-½ feet would not compromise their functionality since the curb/wheel stop would be at the 16-½-foot mark, and still function as a full-sized space.

Finding: Because the tenants and uses are unknown, it is difficult to determine what the ultimate parking demand might be. For instance, if the tenants are retail, general office, daycare and coffee kiosk, then 58 spaces would be required (21 + 31 + 2 + 4). If the general office floor area was instead occupied by medical or dental offices, then 72 spaces would be required (21 + 45 + 2 +4). As designed, 42 spaces would be constructed on-site; and up to 15 on-street spaces would be available, for a total of 57 spaces.

Finding: The applicant proposes to reduce the minimum number of required spaces predicated on two Development Code provisions:

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

Based on staff's analysis above, this project does not qualify for this reduction.

§10.8.520(A)(1) *Parking Reductions Allowed By Right.* *The following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. The reductions allowed by this section may not be used in conjunction with the reductions allowed by subsection (B) below. In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways, or streets, where side-walks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.*

1. *Parking for commercial and industrial uses may be reduced by 10% providing the development is within 500 feet walking distance of a transit stop.*

A transit stop is located on Pacific Avenue on the west side of Oak Street, adjacent to 3300 Pacific Avenue. It is less than 200 feet walking distance from Building One. Since a transit stop is located within 500 feet walking distance of the site, a 10% parking reduction may be taken by right.

Finding: Including the 15 on-street spaces immediately adjacent to the site, 57 parking stalls would be available overall (42 on-site and 15 on-street). With the 10% reduction noted above, the minimum number of spaces required would be 52 spaces.

With the 10% reduction for transit noted above, the minimum number of spaces required would be 52 to 65 spaces. With 57 spaces available, the lower range of demand would be satisfied. If demand is nearer the upper end of the range, then the site plan is deficient by 8 spaces.

Finding: To provide more on-site parking, at least three revisions to the site plan are possible:

a. The proposal includes 4 ADA-accessible spaces; only 2 are required for car parks with 26 to 50 spaces. While this would not change the overall supply of parking, 2 of those spaces could remain available for general use versus being specifically designated as ADA-spaces only.
b. The 10 spaces along the east property line would be standard (9 by 18-foot) spaces. Those could be designated as compact (8 by 16-foot) spaces, thus increasing the number by one. As up to 50% of the spaces can be compact, and only 10 of the 42 are proposed as such, designating an additional space as compact would still be below the 50% threshold.
c. The drive aisles through the car park are all proposed to allow for two-way traffic, with a width of 23 feet each. If the east and west drive aisles were designated as southbound one-way only, then the southerly east/west drive aisle could also be reduced in width from 23 feet to 15 feet. This would allow for the creation of up to 5 more spaces.

A combination of (b) and (c) above could increase the number of on-site spaces from 42 to 48 on-site. Combined with the 15 available on-street spaces, 63 would be available overall, which would still be 2 spaces shy of the 65 spaces needed at the top end of the range.

There does not appear to be an opportunity to provide additional on-site parking beyond that described above. The only remaining option would be to place a use restriction on the type of tenants that would be allowed to occupy the buildings, which staff has included as a possible condition of approval.

Finding: DC §10.8.545 requires landscaping and screening of car parks. Proposed landscaping would include Bowhall red maple street trees, with zelkova, gingko and hornbeam trees scattered throughout the site. The plans also include various shrubs, groundcover and ornamental grasses including Oregon grape, cotoneaster, kinnickinnick and juniper. The landscape plan appears to comply with the provisions of this code section.

Summary and Conclusion: With the conditions noted above, the project 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: Building One would be three stories, and would be erected abutting Pacific Avenue at the maximum distance possible from nearby residences. Two single-family residences abut the project site on the south. Both are also located in the Community Commercial zone district. The single-story daycare facility and parking would be located abutting 1937 Oak Street, while a drive aisle and parking would abut 1948 Poplar Street. The daycare facility would be setback 10 feet from the property line and the entire south property line of the project site would be landscaped. Additional landscaping – including canopy trees – would be installed in the car park, thus obscuring views from Building One.

   Summary and Conclusion: Because the new buildings would be located in the same zone district as the abutting single-family homes, would be setback from the property line in compliance with Development Code standards, and would be visually screened from the adjoining properties by new landscaping, no conditions pertaining to visual and privacy impacts appear necessary.

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: Single-family homes are located to the south and east of the project site. Both homes are also located in the Community Commercial zoning district. Building Two would be located ten feet from the property line shared with 1937 Oak Street, while the car park improvements adjacent to 1948 Poplar Street would be between five and ten feet from the property line. No fencing is proposed.

Finding: As a retail and office 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 §§10.8.755(C) and (D).

Finding: The trash and recycling enclosure would be located 10 feet from the south property line, and would be constructed of concrete block with a roof. Potential odor transmission to nearby residential uses should be minimal.

Finding: DC §10.8.545 requires landscaping and screening of car parks. Proposed landscaping would include zelkova, gingko and hornbeam trees scattered throughout the site. The plans also include various shrubs, including Oregon grape, cotoneaster, and spirea along the south property line, which would provide a visual separation from the abutting residential uses. The landscape plan appears to comply with the provisions of this code section.

Summary and Conclusion: Because the new buildings would be located in the same zone district as the existing single-family homes, would be setback from the property line in excess of Development Code standards, and would be separated from the adjoining properties by landscaping, no noise, glare or odor impacts are anticipated and no additional conditions pertaining to compatibility appear necessary.

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

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

Finding: No sensitive natural resource areas, prominent topographic features, or sensitive natural resource areas exist on or adjacent to the site. This criterion does not apply.

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

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

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

Finding: The Pacific Avenue frontage is not fully improved, lacking curbs, gutters, sidewalks, and street trees. Staff is proposing a condition to require full City-standard frontage improvements.

Finding: The Oak Street frontage is not fully improved as it lacks street trees. Staff is proposing a condition to require that the abandoned drive approaches be replaced with City-standard curbs, the parkway restored, and the installation of street trees.

Finding: The Poplar Street frontage is not fully improved, lacking curbs, gutters, sidewalks, and street trees. In addition, it is of substandard right-of-way width for a Local street. Staff is proposing a condition to require full City-standard frontage improvements, and a condition to require the dedication of 9 feet of right-of-way, resulting in an ultimate width of 60 feet. While that is greater than the current code requirement of 58 feet, it would be consistent with the right-of-way previously dedicated on other segments of this street. A uniform right-of-way width would facilitate the installation of public utilities, sidewalks and street trees since no adjustments would need to be made in response to a variable right-of-way width.

Summary and Conclusion: With the conditions noted above, the site development plan would comply with City street standards.

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

Finding: DC §10.8.115(4) requires a minimum walkway width of four feet. Concrete pedestrian walkways are proposed to connect each building to the car park and public sidewalk. All walkways would be at least five feet wide. This criterion is met.

G. Design Review Criteria: Projects subject to design review by the Director (Type II) or the Design Review Commission (Type III) shall be evaluated based on the following:

A. The development standards of the applicable zoning district and any overlay district;
B. The general development standards of Article 8.
C. Departures from code requirements may be permitted as part of a Track 2 Design Review Process, when the following criteria are met:

1. The design guidelines contained in the applicable section of the "Design Guideline Handbook" are adequately addressed.
2. The applicant demonstrates that the overall development would result in a development that better meets the intent of the design guidelines than a design that simply meets the Code.

The Design Guideline Handbook Section II *Commercial Corridor Design Guidelines* establishes specific design review criteria intended to respond to typical commercial development common to Forest Grove, as follows. With minor exceptions, the project complies with the clear and objective criteria established in the Development Code.

Site – Circulation

- *Access to parking shall be from a local or collector street, an adjacent development, alley, or existing driveways along arterial roadways.* Complies. Access would be from both Oak and Poplar streets. Both are designated Local streets.
- *The site plan shall provide connection to vehicular and pedestrian system into adjacent developments.* Complies. Both pedestrian and vehicular connections are proposed with those located on the property at 1951 Oak Street.
- *Where buildings are setback from right-of-ways, a continuous and direct sidewalk with a 12-foot minimum width shall be provided between the public sidewalk and the front door to all buildings on site.* Complies. Connections are provided to the public sidewalk along both Pacific Avenue and Oak Street.
- *All walkways shall include canopy trees spaced at maximum of 30 feet on center. Trees shall be placed in ornamental cast iron tree grates or planting beds.* Complies. Canopy trees are proposed throughout the car park.
- *All roadways or drives shall include sidewalks on both sides of travel lanes with the exception of vehicle facilities that provide access to loading and service areas.* Partially complies. Walkways are provided along the travel lanes connecting the buildings. No walkway is proposed along the south side of the Poplar Street driveway. Due to the shallow lot depth along Poplar Street (about 100 feet) which would limit the need for out-of-direction travel, additional walkways do not appear to be warranted.

Site – Parking

- *Construct off-street surface parking that does not occupy more than 50% of the street frontage. Where a site has frontage along a side street a surface parking lot may occupy more than 50% of the side street frontage.* Complies. The parking area is located completely behind Building One.
- *A minimum 5' landscaped strip abutting property lines and at least 8% of the interior parking lot area shall be landscaped.* Complies. The proposed landscape strips would be 10 feet wide. Interior car park landscaping will total 3,700 square feet, in excess of the 8% (1,974 square feet) required.
- *Screen parking with solid perimeter wall, earthen berm or evergreen hedge (or a combination thereof) at a minimum spacing of 3 feet and a maximum of 5 feet in height.* Complies. The parking area would be largely screened because it would be located behind Building One. Landscaping located throughout the car park and along the perimeter would provide additional screening.
- *Provide a minimum of 15% of parking lot as water pervious surface – either paving or landscaped retention areas.* Complies. Landscape areas totaling nearly 25% of the site (13,408 square feet) would provide water pervious surfaces.
- *Development sites shall not consist of paved parking areas of more than 50% of the entire site area.* Complies. Total site area equals 1.28 acres; the car park equals 0.58 acres, or 45% of the site area.

Site – Building Orientation

- *Design and construct buildings no greater than sixty (60) feet from a dedicated public right-of-way.* Complies. Both Building One and Building Two would be located within 10 feet of a right-of-way.
- *Design and construct a minimum of one primary building entrance for each building ground floor use or tenant along a public right-of-way or internal roadway built to City public street engineering standards.* Complies. Both buildings have their primary building entrances along a public street.

Site – Pedestrian Environment

- *The sidewalk system shall connect all customer entrances to the public sidewalk.* Complies. Walkways extend from the customer entrances to the public sidewalk.
- *Minimum sidewalk width of ten (10) feet. Sidewalks shall meet American with Disabilities Act (ADA) requirements and may include landscaped areas, benches and other pedestrian amenities.* Does not comply. Sidewalk width is proposed to be 5 feet, consistent with the sidewalks constructed outside the town center.
- *Plazas, squares or courts shall be fronted by commercial building facades with 75% or more transparency/window openings of first 15 feet of building.* Not applicable, as no plazas, etc. is proposed.
- *All development shall provide a sheltered entry area at the entrance to each commercial establishment with a minimum area of fifty (50) square feet and a minimum dimension of six (6) feet.* Complies. Both buildings have entrances that meet or exceed these dimensions.

Site – Screening/Service Areas

- *All loading areas shall be physically separated from customer pedestrian and residential areas with a solid fence, evergreen hedge, arbor, berm or a combination of these elements.* Not applicable, as there are no loading areas proposed.
- *See landscape requirements in §10.8.545 Landscaping and Screening of Parking and Loading Areas.* Complies. Perimeter car park landscaping and interior parking lot landscaping complies with this standard, as indicated on Sheet L1.0 of the submittal.
- *All ground level and roof-top mechanical equipment shall be screened from view with landscaping, fencing and or walls. The height of the screen shall equal or exceed the height of the equipment, and include screening from views from above when visible from adjacent inhabited buildings.* No mechanical equipment is described in the application. Screening of such equipment is included in the conditions of approval.

Site – Landscaping

- *A landscaped strip at least five (5) feet in width shall be provided between a parking area and any property line facing a street, except in the Community Commercial zone, the minimum width shall be ten (10) feet. The landscaped strip shall be appropriately landscaped with ground cover, planted berm, shrubbery and/or trees.* Complies. The landscape strip located along both the Pacific Avenue and Poplar Street frontages would be at least 10 feet wide. No parking area abuts Oak Street.
- *At least 75% of required landscaped area shall be planted with any suitable combination of trees, shrubs, or evergreen ground cover.*

Complies. All landscaped areas are proposed to be planted with trees, shrubs and evergreen ground cover.

- *A maximum of 25% of required landscaped area may include architectural features or artificial ground covers such as sculptures, benches, masonry or stone walls, rock groupings, decorative hard paving and gravel areas interspersed with planting areas.* Not applicable, as no such materials are proposed.
- *Buffering and screening is required as specified in §10.8.400 et. seq.* Complies; a continues evergreen hedge is proposed.
- *All development projects fronting on a public or private street more than 100 feet in length approved after the adoption of this title shall be required to plant street trees (spacing, and tree type varies according to §10.5.120(A)(1)).* Complies. Bowhall red maple trees are proposed for installation in all adjacent parkways.

Building – Massing and Form

- *Provide changes in the depth of the façade plane in excess of two (2) feet for all building walls more than 75 feet in length.* Complies. Building length of Building One is about 140 feet. Three plane changes are proposed along the Pacific Avenue façade.
- *Maximum length of building facades shall be 200 feet.* Complies. Building length of Building One is about 140 feet; Building Two is less.
- *Roofline heights must be varied a minimum of 2 feet for building facades greater than 75 feet in length.* Complies. In addition to the Building One's primary east-west ridge line, several north-south facing gables are proposed.
- *Provide vertical partitioning of facades by using columns, pilasters and other vertical elements a minimum of every twenty-five (25) feet.* Complies. Three vertical rock elements are proposed on Building One that would extend to the third floor gables. The day care facility (Building Two) would have two projecting bays extending upward into west-facing gables.
- *Articulation of building fronts through changes in depth or building relief (e.g., windows, doors, cornices, columns, and a change in materials) shall occur a minimum of every fifteen (15) feet in the horizontal or vertical dimensions.* Complies. Both buildings have changes in both depth and materials.

Building – Design Elements

- *Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet shall have a building entrance.* Building One complies as its entrance faces Pacific Avenue. Building Two does not have a horizontal dimension of more than 100 feet; this standard does not apply.
- *Building facades adjacent to sidewalks or pedestrian connections must include weather protection canopies or awnings along at least 75% of the length of the ground floor façade.* Complies. The pedestrian connections would be sheltered with an awning or a pergola.
- *Incorporate a minimum of 50% transparency or window openings on the ground floor facades of buildings facing the public right-of-way.* Complies. Multiple window openings are proposed on the ground floor facades facing public streets.

- *Windows shall not be reflective, tinted or treated in such a way as to block views into or out of windows.* Complies, as no such window treatments are proposed.
- *Windows must be recessed a minimum of 4 inches from building facades.* Complies, based on the submitted architectural renderings.

The following applies for facades with primary building entries within 60 feet of public streets:

- *Materials such as synthetic stucco (EIFS, Dryvit, etc.) are prohibited at ground floor.* Complies, as no such materials are proposed.
- *Jumbo bricks with dimensions larger than 4x8x2 inches are prohibited at ground floor.* Complies, as no such bricks are proposed.
- *Walls constructed of spandrel glazing/curtain wall (i.e. smooth glass concealing structural elements) are prohibited at ground floor.* Complies, as no curtain walls are proposed.
- *Vinyl cladding of building façade is prohibited at ground floor.* Complies. Ground floor siding is proposed to be fiber cement and ledger stone veneer.

Building – Compatibility

- *Any building or portion of a building that is less than 50 feet from existing residential dwellings must not be higher than 15 feet above the top of the roofline of the nearest existing dwelling.* Complies. The day care facility building (Building Two) would be a single story with a roof peak height of 17 feet. Building One would be located farther than 50 feet from the nearest residential building.
- *When adjacent to existing residential development, all commercial structures with floor areas less than 20,000 square feet of total building area must have sloped roofs.* Complies. Building One exceeds 20,000 square feet in area. The day care facility building (Building Two) would have an area of 3,150 square feet. Both buildings will have sloped roofs.

Building – Safety

- *Security gates or bars on windows or doors are prohibited along ground floors of commercial buildings, excluding loading and storage areas.* Complies, as no security gates, bars or doors are proposed.
- *Motion activated security lighting is prohibited along building facades that front onto public rights-of-way.* Complies, as no motion-activated lighting along the public way is proposed.
- *Public access shall be provided to all commercial uses that provide plazas, squares, or courts intended for food, beverage or entertainment uses.* Not applicable, as no such features are proposed.
- *Parking lots or roadways shall not be gated or secured excluding loading and storage areas or residential parking areas.* Complies, as no gates are proposed.

Lighting – Exterior Building

- *Building lighting shall be directed downward with no splay of light off the site.* Complies; the lights are to be shielded.
- *Any light source over ten (10) feet high shall incorporate cut-off shield.* Complies, as the lights are to be shielded.

Lighting – Parking Lot

- *Lights shall not obstruct vehicular or pedestrian traffic.* Complies; the lights will not be installed in travel lanes or within walkways.

- *Poles outside of the public right-of-way shall be a maximum of 14 feet in height.* Light poles in the car park are proposed to be 18 feet tall, in compliance with DC §10.8.755(E)(2)(b).
- *Concrete light fixture bases taller than 8" are prohibited.* Complies; the fixture bases will not exceed 8 inches in height.
- *Lights shall be equipped with cut-off fixture to ensure that light does not spill onto adjacent residential property.* Complies; the lights will be shielded.

Lighting – Sidewalk and Landscape

- *All bollard, wall or stairway lighting shall be directed exclusively downward.* Complies, as all lighting shall be directed downward.
- *All uplighting fixtures shall be screened by landscaping or concealed within structures or located below or flush with grade.* None proposed; not applicable.
- *No walkway lighting shall exceed 18 feet in height.* Complies; light poles are proposed to be 18 feet in height.

Lighting – Signs

- *Interior lighted plastic signs are prohibited.* None proposed.
- *Moving or flashing signs are prohibited.* None proposed.

Pole and Monument Signs

- *No more than one (1) pole or free-standing sign shall be allowed per individual business or frontage (whichever is less).* No signs have been proposed.
- *All pole signs shall have a minimum clearance of ten (10) feet below the sign and shall have a maximum height of twenty (20) feet. No pole sign shall have a total area of more than forty (40) square feet per face.* No signs have been proposed.
- *The maximum height for a free-standing sign is eight feet.* No signs have been proposed.

Summary and Conclusions: With the conditions described in the Project Description and Analysis section above, the design guidelines have been adequately addressed by the application.

III. ALTERNATIVES

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

IV. RECOMMENDATION

Based on the information provided in the application and the findings above, staff recommends approval of the application for site design and design review for the proposed PacOak Project, with the following conditions:

GENERAL

1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.
2. The applicant must comply with all applicable City and CWS building and development standards, including all dimensional standards and public works specifications.
3. All utility connections shall be underground (DC §10.8.645(A) *Underground Utilities).*
4. The applicant shall submit a copy of the recorded legal description to consolidate all four lots into one, prior to requesting building permits for any structure located within 10 feet of an existing lot line.
5. The applicant shall record access cross-easements over the project site and Washington County Tax Lot 1S305BA00600, also known as 1951 Oak Street, to ensure through access remains available to subsequent property owners.
6. The applicant shall record a maintenance agreement that includes the project site and Washington County Tax Lot 1S305BA00600, also known as 1951 Oak Street, to ensure the joint use access aisle and car park are maintained in good condition.
7. Dedicate right-of-way along Poplar Street to provide a 29-foot half-width.

STREET IMPROVEMENTS

8. Improve the Pacific Avenue street frontage to City standards including curbs, gutters, sidewalks, and street trees.
9. Improve the Poplar Street frontage to City standards including curbs, gutters, sidewalks, and street trees.
10. Improve the Oak Street frontage with a City-standard curb in place of the abandoned drive approaches, restore the parkway and install street trees.
11. If the existing Pacific Avenue street trees adjacent to 1951 Oak Street have to be removed to allow for construction of a new storm line, the trees shall be stored and re-installed.

ACCESS AND CIRCULATION

12. Walkways adjacent to the car park shall be at least 6 ½ feet wide, to allow for vehicle overhang. No additional curb stops shall be required.
13. Extend the walkway along the east car park to abut all of the adjacent spaces; and extend the walkway along the south drive aisle to the five spaces located by the trash enclosure.
14. Reconfigure the drive-through aisle so that vehicles would travel west-to-east.

LIGHTING

15. All lighting shall comply with the provisions of DC §10.8.755(C) *Pedestrian Lighting Standards* and §10.8.755(E) *Lighting Standards for Commercial Development.*

FIRE DEPARTMENT CONDITIONS

16. Each building shall be identified with digits at least 8 inches tall that contrasts with the background. Individual unit (suite) numbers shall be at least 6 inches in height and contrast with the background.
17. Upgrade the fire hydrant at the intersection of Pacific Avenue and Poplar Street to current City standards.

OTHER

18. All ground level and roof-top mechanical equipment shall be screened from view with landscaping, fencing and or walls. The height of the screen shall equal or exceed the height of the equipment, and include screening from views from above when visible from adjacent inhabited buildings.
19. The billboard located at 3424 Pacific Avenue shall be removed, pursuant to DC §10.8.855(A)(3) *Nonconforming Signs*. The billboard structure shall be removed in its entirety within sixty days of the current lease's termination date.
20. If the Pacific Avenue street trees are removed to allow for the installation of a new storm pipe, and if the new pipe is located within the parkway, then:

    a. Existing street trees shall be removed, stored and re-installed; or replaced in-kind with trees of not less than 2 ½-inch caliper; and
    b. To minimize pipe and tree root conflicts, all street trees in the Pacific Avenue and Poplar Street parkways shall be installed with a tree root barrier.

PARKING (Optional Conditions)

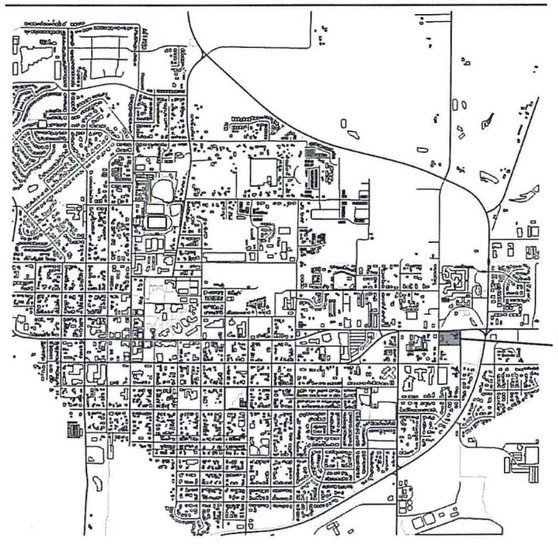
21. Reduce the number of ADA-accessible spaces to two.
22. Designate the 10 spaces along the east property line as compact (8-foot-wide) spaces, thereby creating 1 additional space.
23. Designate the east, west and south drive aisles as one-way and reduce their widths to 15 feet each. Reconfigure the car park to create 5 additional parking spaces.
24. Tenancy shall be restricted so that overall parking demand does not exceed 63 spaces.

V. LIST OF EXHIBITS

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

Exhibit A Site Plan and Design Review application materials, submitted by the applicant

Vincity Map:



Project Information:

Site Data:

Consulidated Lot Size:	54,737 SF
Building Footprints:	8,889 SF
Hardscape Area:	25,315 SF
Landscape Area:	20,533 SF

Parking Data:

Required Stalls:	51
ADA:	2
Bicycle:	10
Provided Stalls:	54
Standard:	38
Compact:	10
ADA:	6
Bicycle:	10

Building Data:

Building One Area

1st Level:	5,740 SF
2nd Level:	5,740 SF
3rd Level:	5,740 SF
Total:	20,220 SF

Building Two Area

1st Level:	3,149 SF
Total:	3,149 SF

Index:

A100	Cover
A110	Existing Site Photos
A120	Site Plan
A300	Exterior Elevations - Buiding One
A310	Exterior Elevations - Building Two
A320	Exterior Elevations - Details
A400	Persepctives
A500	References

ELEVEN ENGINEERING & DESIGN, LLC
www.11-ED.com

Application for Design Review
City of Forest Grove
30 - September - 2016

PROJECT TITLE:
PacOak Development
Pacific Avenue & Oak Street, Forest Grove, Oregon

SHEET TITLE:
Cover

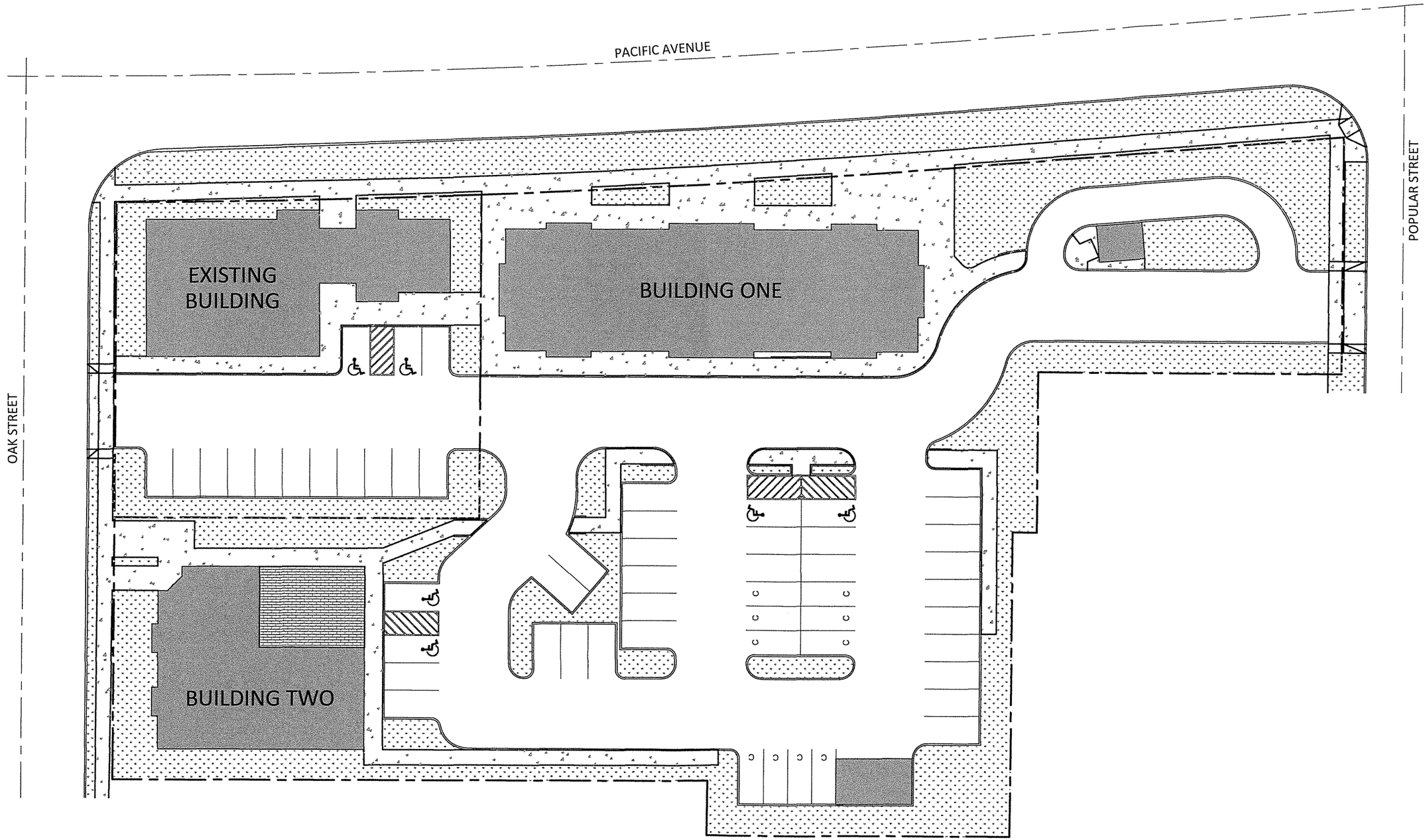
A
100

Looking Southwest (Corner of Pacific & Popular)

Looking Southeast (Corner of Pacific & Oak)

Existing Buildings to be Removed

Existing Building to Remian (Pacific Oak Dental & Allstate Insurance)



Application for Design Review
City of Forest Grove
30 - September - 2016

ELEVEN ENGINEERING & DESIGN, LLC
www.11-ED.com

PROJECT TITLE:
PacOak Development
Pacific Avenue & Oak Street, Forest Grove, Oregon

SHEET TITLE:
Site Plan

A
120

North Elevation (Street Facing Facade)

East Elevation (Parking Lot Facing Facade)

South Elevation (Parking Lot Facing Facade)

West Elevation (Dental Building Facing Facade)

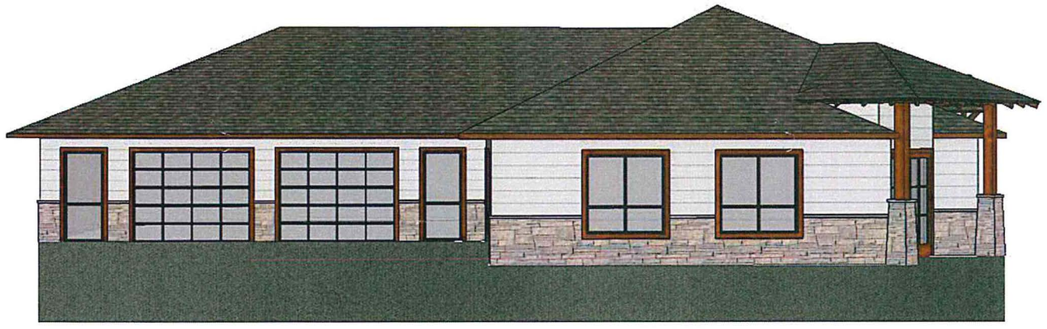
ELEVEN ENGINEERING & DESIGN, LLC
www.11-ED.com

Application for Design Review
City of Forest Grove
30 - September - 2016

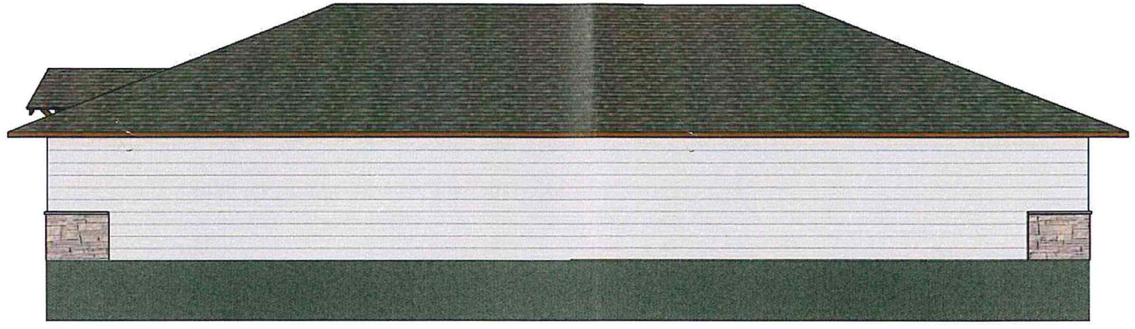
PROJECT TITLE:
PacOak Development
Pacific Avenue & Oak Street, Forest Grove, Oregon

SHEET TITLE:
Exterior Elevations - Building One

A
300

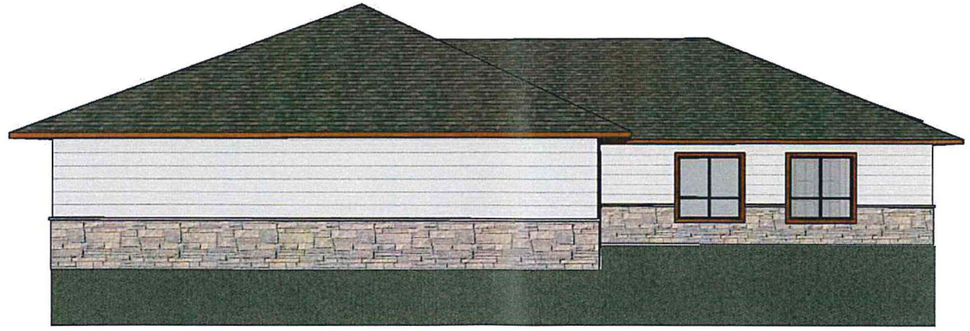


North Elevation (Dental Building Facing Facade)



South Elevation (Property Facing Facade)

West Elevation (Oak Street Facing Facade)



East Elevation (Parking Lot Facing Facade)

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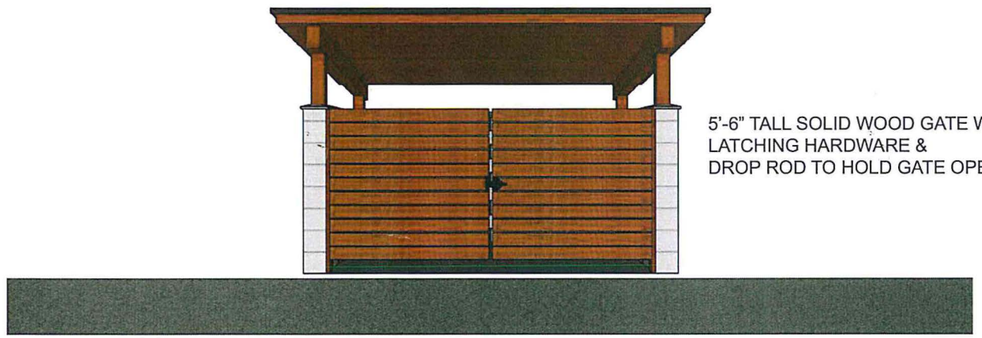
Application for Design Review
City of Forest Grove
30 - September - 2016

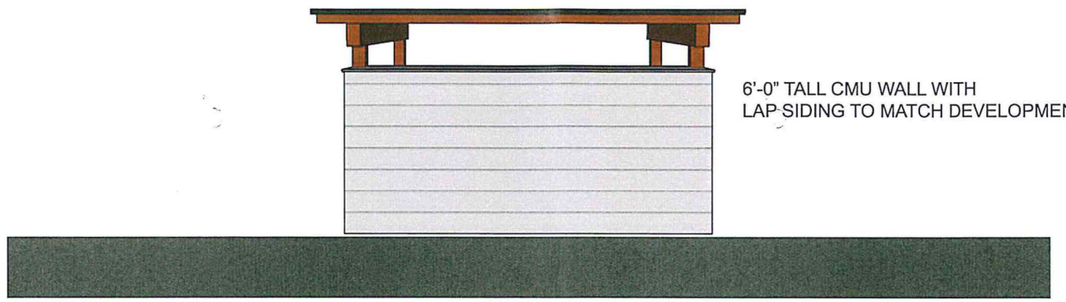
PROJECT TITLE:
PacOak Development
Pacific Avenue & Oak Street, Forest Grove, Oregon

SHEET TITLE:
Exterior Elevations - Building Two

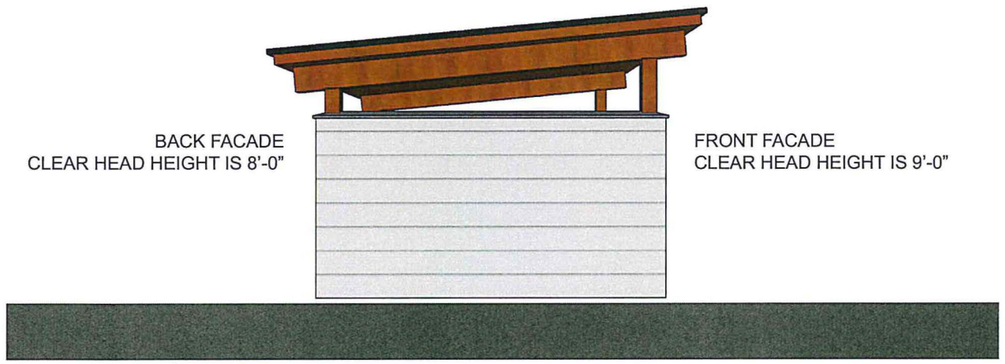
A
310



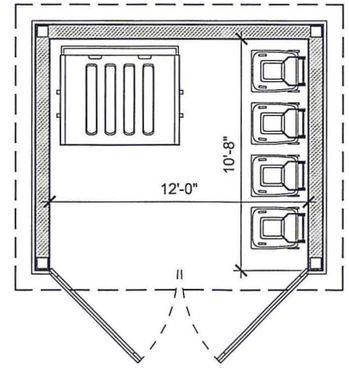
North Elevation (Front Facade)



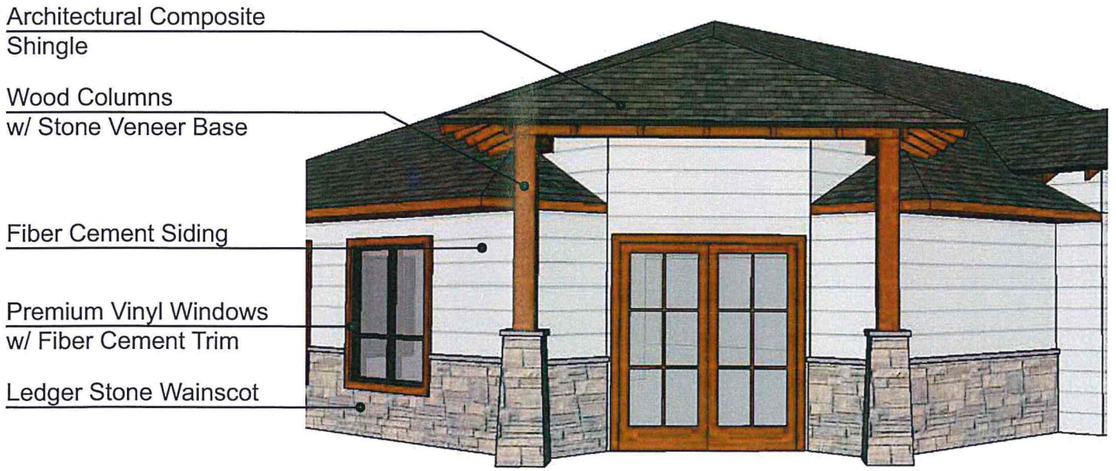
South Elevation (Back Facade)



East Elevation (Side Facade)



Schematic Floor Plan



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Application for Design Review
City of Forest Grove
30 - September - 2016

PROJECT TITLE:
PacOak Development
Pacific Avenue & Oak Street, Forest Grove, Oregon

SHEET TITLE:
Exterior Elevations - Details

A
320

Building One - Southeast Corner - Parking Lot Side

Building One - Northwest Corner - Pacific Street Side

Building Two - Northeast Corner - Plaza

Building Two - Northeast Corner - Entry

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Application for Design Review
City of Forest Grove
30 - September - 2016

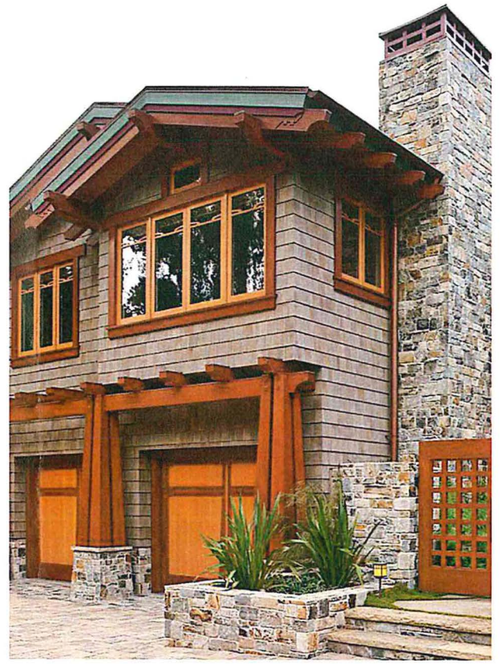
PROJECT TITLE:
PacOak Development
Pacific Avenue & Oak Street, Forest Grove, Oregon

SHEET TITLE:
Renderings

A
400

Pedestrain Experience

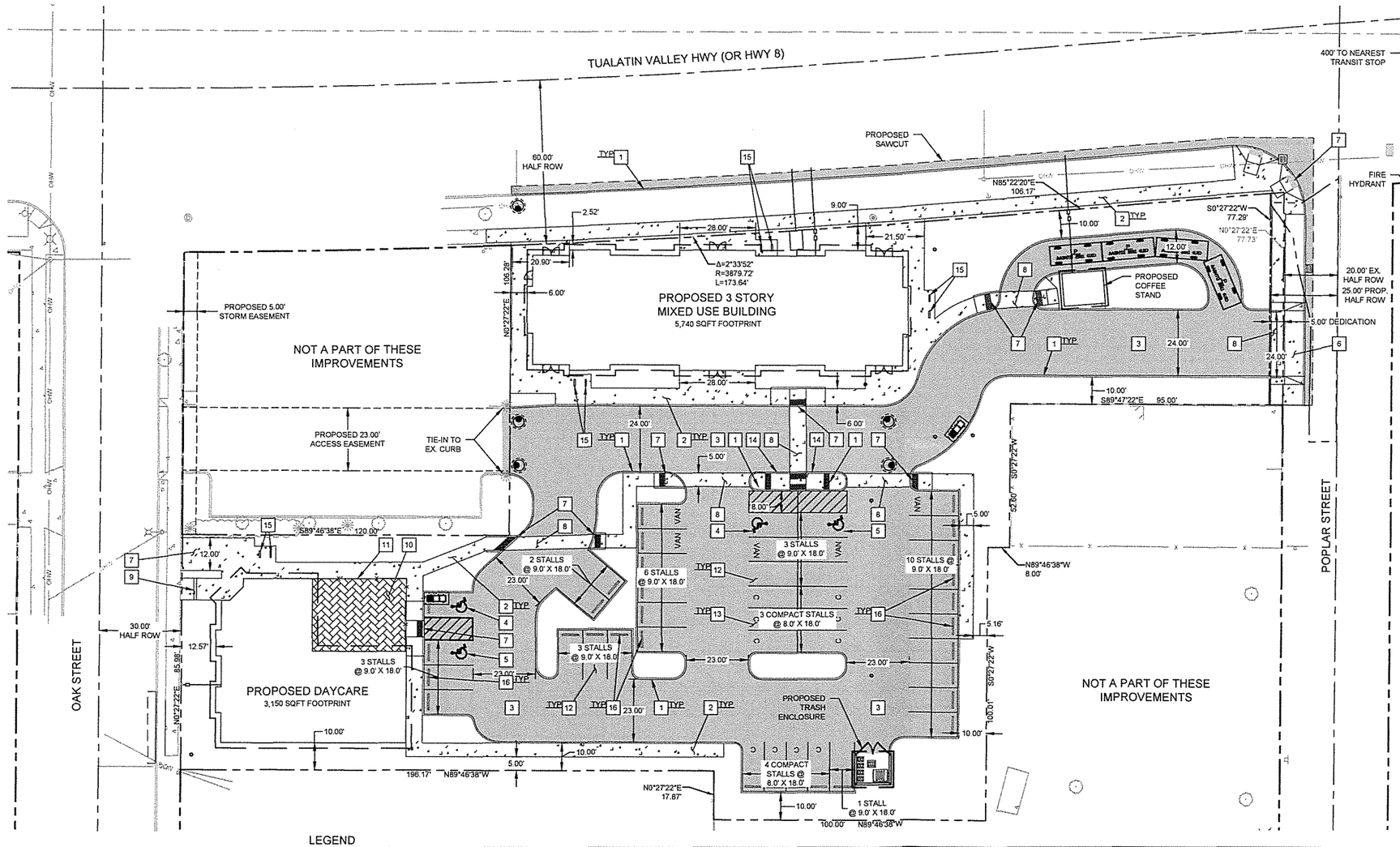
Building Two Entry



Building One Gable Treatment

Building Material Composition

Existing Building to Incorporate into Development



SITE INFORMATION

SITE AREA: 54,737 SF

BUILDING INFO:
GROUND RETAIL: 5,740 SF
2 STORIES OFFICE: 5,740 SF X 2
COFFEE STAND: 180 SF
DAY CARE: 3,150 SF
BUILDING FOOTPRINT TO LOT COVERAGE: 16.2%

PARKING REQUIRED:
GROUND RETAIL 3.7 PER 1000 SF = 22 STALLS
OFFICE 2.7 PER 1000 SF = 31 STALLS
COFFEE STAND 9.9 PER 1000 SF = 2 STALLS
DAY CARE 2 PER CLASSROOM = 4 (ASSUME 2 ROOMS)
REQUIRED PARKING: 59 STALLS

PARKING REDUCTIONS:
25% FOR MULTIPLE USES: 14 STALLS
10% FOR TRANSIT: 4 STALLS
REQUIRED PARKING AFTER REDUCTION: 41 STALLS

PARKING PROVIDED:
PARKING: 38 (10 COMPACT & 5 VAN)
ADA PARKING: 4 STALLS
PUBLIC PARKING: 17 STALLS
PARKING PROVIDED: 59 STALLS

BIKE PARKING REQUIRED:
20% OF REQUIRED OFFICE/RETAIL PARKING : 7 STALLS

BIKE PARKING PROVIDED
BIKE PARKING: 8 STALLS

PARKING LOT REQUIREMENTS:
PARKING LOT COVERAGE TO SITE < 50% = 27,368 SF

PARKING LOT PROVIDED:
PARKING LOT AREA: 24,672 SF (45.1%)

LANDSCAPE REQUIREMENTS:
INTERIOR LANDSCAPING 8% OF PARKING LOT AREA:1,974 SF
LANDSCAPING AREA 15% OF PARKING LOT AREA: 3,700 SF
TOTAL LANDSCAPE > 15% OF SITE AREA = 8,210 SF

LANDSCAPE PROVIDED:
INTERIOR LANDSCAPING: 1,980 SF
LANDSCAPING AREA: 3,798 SF
TOTAL LANDSCAPE: 13,408 SF (24.5%)

PROPOSED SITE NOTES

1. PROPOSED STANDARD CONCRETE CURB
2. PROPOSED CONCRETE SIDEWALK
3. PROPOSED ASPHALT SURFACE
4. PROPOSED STANDARD ADA STALL
5. PROPOSED VAN ACCESSIBLE ADA STALL
6. PROPOSED CONCRETE DRIVEWAY
7. PROPOSED ADA RAMP
8. PROPOSED CONCRETE CROSSWALK
9. PROPOSED STAIRS
10. PROPOSED OUTDOOR PLAZA SPACE
11. PROPOSED FENCE
12. PROPOSED STANDARD PARKING STALL
13. PROPOSED COMPACT PARKING STALL
14. PROPOSED FLUSH CONCRETE CURB
15. PROPOSED BIKE PARKING
16. PROPOSED WHEEL STOP

LEGEND

- EXISTING PROPERTY LINE
- EXISTING CENTERLINE
- EXISTING RIGHT-OF-WAY LINE
- EXISTING FENCE LINE
- EXISTING OVERHEAD WIRE
- EXISTING BUILDING FACE
- EXISTING CURB
- EXISTING TREE/VEGETATION LINE
- EXISTING CONCRETE SURFACE
- EXISTING CONIFEROUS TREE
- EXISTING DECIDUOUS TREE
- EXISTING STREET LIGHT (COBRA ARM)
- EXISTING UTILITY POLE
- EXISTING MAILBOX
- EXISTING SIGN POST
- EXISTING UNKNOWN CLEANOUT
- EXISTING CATCH BASIN
- EXISTING WATER METER BOX
- EXISTING SANITARY SEWER MANHOLE
- PROPOSED SAWCUT
- PROPOSED CURB
- PROPOSED BUILDING OVERHANG
- PROPOSED CONCRETE SURFACE
- PROPOSED ASPHALT SURFACE
- PROPOSED CONCRETE PAVERS
- PROPOSED MANHOLE
- PROPOSED 2 CARTRIDGE STORMFILTER CATCH BASIN
- PROPOSED CLEANOUT
- PROPOSED CATCH BASIN

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SCALE IN FEET: 20 0 20

REVISIONS

REV	DATE	DESCRIPTION	BY

REGISTERED PROFESSIONAL ENGINEER
OREGON
JANUARY 09, 2001
JEFFREY R. SHOEMAKER
EXPIRES: 06/30/2018

DOWL
WWW.DOWL.COM
720 SW Washington Street, #750
Portland, Oregon 97205
971-280-8641

FOREST GROVE RETAIL
PAC OAK DEVELOPMENT

SITE PLAN

DESIGN REVIEW
FOREST GROVE, OREGON

PROJECT	14297-01
DATE	2016-12-16
DESIGNED BY	KDD
DRAWN BY	KDD/BCF

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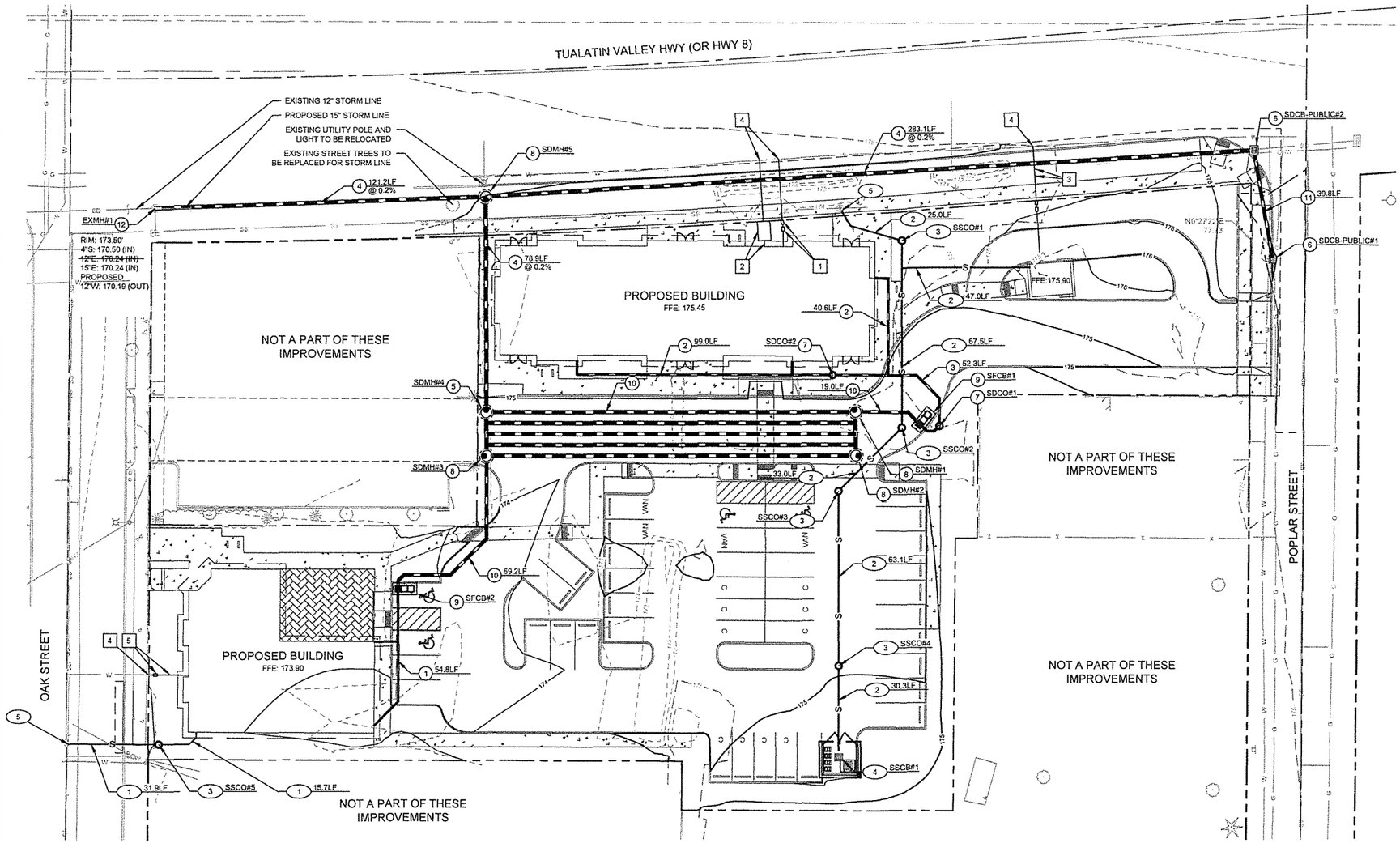

STORM NOTES

1. PROPOSED 6" STORM LINE
2. PROPOSED 8" STORM LINE
3. PROPOSED 8" C-900 STORM LINE
4. PROPOSED 15" STORM LINE
5. PROPOSED 48" CONTROL STRUCTURE
6. PROPOSED PUBLIC CATCH BASIN
7. PROPOSED STORM CLEANOUT
8. PROPOSED 48" STORM MANHOLE
9. PROPOSED 2 CARTRIDGE STORMFILTER CATCH BASIN
10. PROPOSED STORMWATER DETENTION SYSTEM 679LF 15" CONCRETE PIPE @ 0.0%
11. PROPOSED 12" STORM LINE
12. REMOVE EXISTING STORM LINE AND CORE MANHOLE FOR 15" STORM LINE CONNECTION

SANITARY NOTES

1. PROPOSED 4" SANITARY LINE
2. PROPOSED 6" SANITARY LINE
3. PROPOSED SANITARY CLEANOUT
4. PROPOSED SANITARY AREA DRAIN
5. PROPOSED SANITARY SEWER CONNECTION LOCATION

WATER NOTES

1. PROPOSED 1.5" DOMESTIC WATER SERVICE, METER, AND BACKFLOW PREVENTION DEVICE
2. PROPOSED 4" FIRE WATER SERVICE AND BACKFLOW PREVENTION DEVICE
3. PROPOSED 5/8" DOMESTIC WATER SERVICE AND BACKFLOW PREVENTION DEVICE
4. PROPOSED WATER SERVICE CONNECTION LOCATION
5. PROPOSED CONNECTION TO EXISTING DOMESTIC WATER SERVICE AND PROPOSED BACKFLOW PREVENTION DEVICE

STORM STRUCTURE TABLE

SDCB-PUBLIC#1
RIM: 174.96
IE OUT (12"N) = 171.70

SDCB-PUBLIC#2
RIM: 175.13
IE IN (12"S) = 171.30
IE OUT (15"W) = 171.07

SDCO#1
RIM: 174.59
IE IN (8"N) = 171.95
IE OUT (8"SW) = 171.95

SDCO#2
RIM: 175.38
IE IN (8"W) = 172.21
IE OUT (8"E) = 172.21

SDMH#1
RIM: 174.61
IE IN (12"E) = 170.97
IE IN (15"S) = 170.64
IE OUT (15"W) = 170.64

SDMH#2
RIM: 174.23
IE IN (15"W) = 170.64
IE OUT (15"N) = 170.64

SDMH#3
RIM: 174.37
IE IN (12"S) = 170.81
IE OUT (15"E) = 170.64
IE OUT (15"N) = 170.64

SDMH#4
RIM: 174.50
IE IN (15"E) = 170.64
IE IN (15"S) = 170.64
IE OUT (15"N) = 170.64

SDMH#5
RIM: 175.01
IE IN (15"S) = 170.50
IE IN (15"E) = 170.56
IE OUT (15"W) = 170.46

SFCB#1
RIM: 174.07
IE IN (8"SE) = 171.91
IE OUT (12"NW) = 171.70

SFCB#2
RIM: 173.28
IE IN (6"S) = 171.15
IE OUT (12"N) = 170.98

SANITARY STRUCTURE TABLE

SSCB#1
RIM: 175.25
IE OUT (6"N) = 170.15

SSCO#1
RIM: 175.50
IE IN (6"S) = 168.25
IE OUT (6"W) = 168.25

SSCO#2
RIM: 174.13
IE IN (6"SW) = 168.93
IE OUT (6"N) = 168.93

SSCO#3
RIM: 174.40
IE IN (6"S) = 169.26
IE OUT (6"NE) = 169.26

SSCO#4
RIM: 174.96
IE IN (6"S) = 169.85
IE OUT (6"N) = 169.89

SSCO#5
RIM: 173.12
IE IN (4"W) = 166.49
IE OUT (4"E) = 167.33

LEGEND

- EXISTING PROPERTY LINE
- EXISTING CENTERLINE
- EXISTING RIGHT-OF-WAY LINE
- EXISTING FENCE LINE
- EXISTING OVERHEAD WIRE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING BUILDING FACE
- EXISTING CURB
- EXISTING TREE/VEGETATION LINE
- EXISTING CONCRETE SURFACE
- EXISTING CONIFEROUS TREE
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- EXISTING WATER METER BOX
- EXISTING SANITARY SEWER MANHOLE
- PROPOSED SAWCUT
- PROPOSED CURB
- PROPOSED BUILDING OVERHANG
- PROPOSED CONCRETE SURFACE
- PROPOSED ASPHALT SURFACE
- PROPOSED CONCRETE PAVERS
- PROPOSED STORM MANHOLE
- PROPOSED 2 CARTRIDGE STORMFILTER CATCH BASIN
- PROPOSED STORM CLEANOUT
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR

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REVISIONS

REV	DATE	DESCRIPTION	BY

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 13, 2004
JEFFREY B. SHOEMAKER
EXPIRES: 06/30/2018

DOWL
720 SW Washington Street, #750
Portland, Oregon 97205
971-280-8641
WWW.DOWL.COM

FOREST GROVE RETAIL
PAC OAK DEVELOPMENT

UTILITY PLAN

DESIGN REVIEW
FOREST GROVE, OREGON

PROJECT	14297-01
DATE	2016-12-16
DESIGNED BY	KDD
DRAWN BY	KDD/BCF

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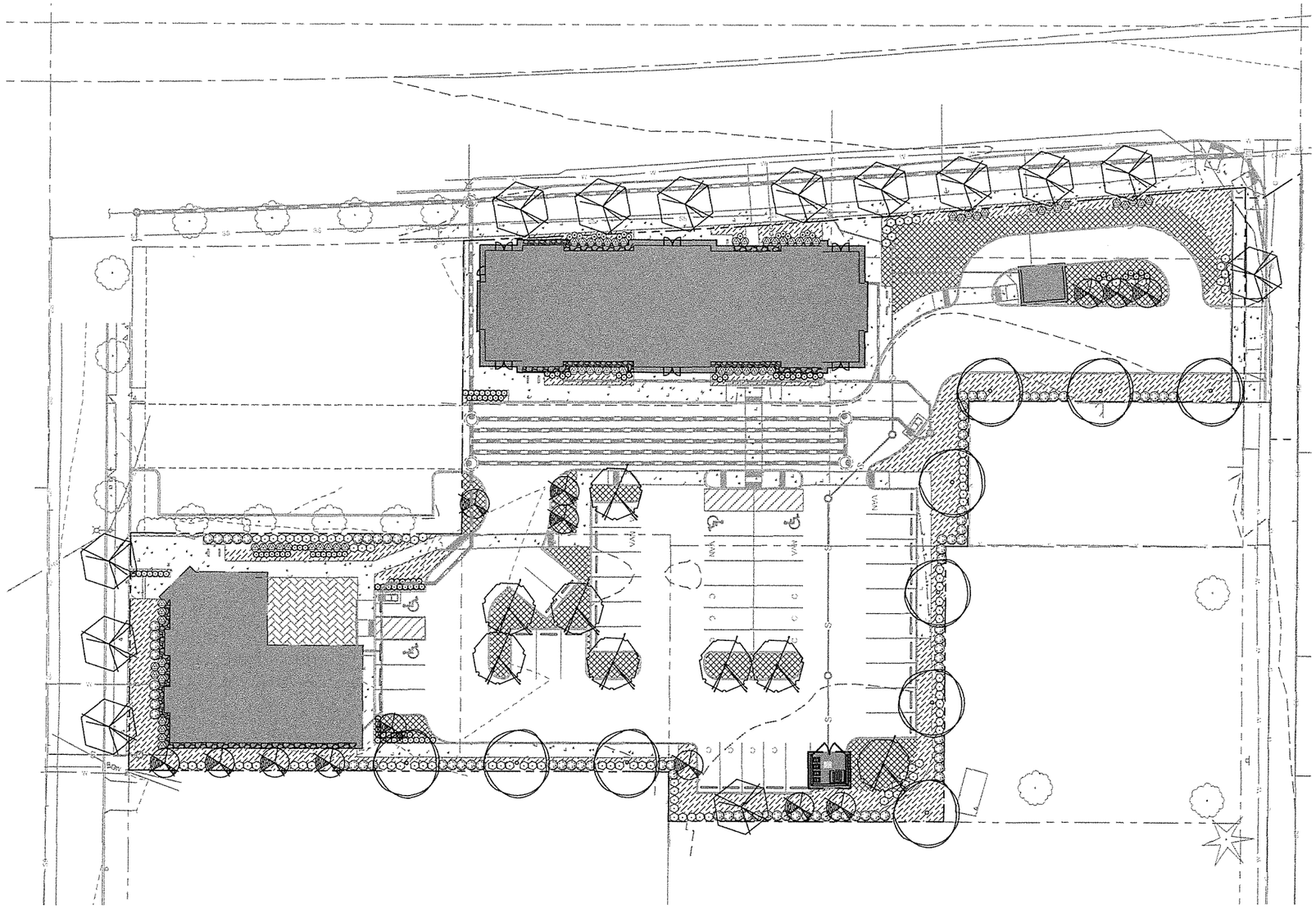
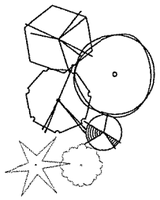


LANDSCAPE PLANT AND MATERIALS LEGEND



TREES

ITEM	SIZE	QTY.
ACER RUBRUM 'BOWHALL' BOWHALL RED MAPLE	2" CAL. / B&B 40'-0" O.C.	13
ZELKOVA SERRATA 'VILLAGE GREEN' VILLAGE GREEN ZELKOVA	2" CAL. / B&B 40'-0" O.C.	10
GINKGO BILOBA 'PRINCETON SENTRY' PRINCETON SENTRY GINKGO	2" CAL. / B&B AS SHOWN	8
CARPINUS BETULUS 'FRANS FONTAINE' FRANS FONTAINE HORNBEAM	2" CAL. / B&B AS SHOWN	14
EXISTING TREES TO REMAIN	SPECIES AND DBHVARIES	

SHRUBS & FRASSES

ITEM	SIZE	QTY.
MAHONIA AQUIFOLIUM OREGON GRAPE	5 GAL. - PERIMETER 2 GAL. - INTERNAL	68 32
ROSMARINUS OFFICINALIS 'ARP' ARP ROSEMARY	1 GAL. 3'-0" O.C.	67
COTONEASTER LACTEUS PARNEY COTONEASTER	5 GAL. - PERIMETER 2 GAL. - INTERNAL	71 10
SPIRAEA JAPONICA 'GOLDMOUND' GOLDMOUND SPIRAEA	1 GAL. 3'-0" O.C.	77
CALAMAGROSTIS A. 'KARL FOERSTER' KARL FOERSTER REED GRASS	1 GAL. 2'-0" O.C.	26
DESCHAMPSIA CESPITOSA TUFTED HAIR GRASS	1 GAL. 2'-0" O.C.	16

GROUNDCOVERS & ROCK

ITEM	SIZE	QTY.
ARCTOSTAPHYLOS UVA-URSI KINNICKINNICK	1 GAL. 2'-6" O.C.	
JUNIPERUS HORIZONTALIS 'BAR HARBOR' BAR HARBOR JUNIPER	1 GAL. 3'-0" O.C.	
NATIVE EROSION CONTROL GRASS MIX SUNMARK SEEDS - FAIRVIEW, OR	SEED @ 1 LBS. / 1,000 SF	
1-1/2" ROUND RIVER ROCK BANDING FROM A LOCAL SUPPLIER	6" DEPTH 24" WIDTH	

GENERAL NOTES: LANDSCAPE PLAN

1. LANDSCAPE PLANTING SHALL CONFORM TO THE STANDARDS ESTABLISHED UNDER CITY OF FOREST GROVE PLANNING DEPARTMENT.
2. ALL PLANT BEDS SHALL HAVE A 3" DEPTH OF BARK MULCH NUGGETS.
3. ALL LANDSCAPE AREAS SHALL BE SERIVCED BY AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM, CAPABLE OF PROVIDING COMPLETE PLANTING COVERAGE AT THE TIME OF INSTALLATION.
4. ALL PLANT MATERIAL DELIVERED TO THIS SITE SHALL MEET THE AMERICAN NURSERYMAN'S ASSOCIATION STANDARDS, CURRENT VERSION.
5. CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL FOR ALL PLANT MATERIAL SUBSTITUTIONS FROM THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. PLANT SUBSTITUTIONS WITHOUT PRIOR WRITTEN APPROVAL THAT DO NOT COMPLY WITH THE DRAWINGS AND SPECIFICATIONS MAY BE REJECTED BY THE LANDSCAPE ARCHITECT AT NO COST TO THE OWNER. THESE ITEMS MAY BE REQUIRED TO BE REPLACED WITH PLANT MATERIALS THAT ARE IN COMPLIANCE WITH THE DRAWINGS.

LANDSCAPE CODE SUMMARY

SECTION 10.8.415 (E)

REQUIRED: 1 TREE / 1,600 SF OF INTERIOR PARKING LOT = 16
PROPOSED: 16 TREES

SECTION 10.8.425 (B)(3)

REQUIRED: 1 ROW OF 2" CALIPER TREES (SPACING CAN VARY BY SPECIES)
(10) 5 GALLON SHRUBS / 1,000 SF REQUIRED BUFFER
LIVING GROUNDCOVER TO FILL AREA

PROPOSED: 1 ROW OF 2" CALIPER TREES (SPACING VARIES, REFER TO PLAN)
(10) 5 GALLON SHRUBS / 1,000 SF REQUIRED BUFFER
LIVING GROUNDCOVER TO FILL AREA

SECTION 10.8.425 (B)(3)

REQUIRED: 4' HT. CONTINUOUS EVERGREEN HEDGE IN 2 YEARS
PROPOSED: CONTINUOUS EVERGREEN HEDGE CAPABLE OF 4' HT IN 2 YEARS.

N

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SCALE IN FEET

REVISIONS

REV	DATE	DESCRIPTION	BY

REGISTERED LANDSCAPE ARCHITECT
PATRICK E. GREEN
OREGON
05/13/11
EXPIRES: 06/31/17

DOWL
720 SW Washington Street, #750
Portland, Oregon 97205
971-280-8641
WWW.DOWL.COM

FOREST GROVE RETAIL
PAC OAK DEVELOPMENT
LANDSCAPE PLANTING PLAN
DESIGN REVIEW
FOREST GROVE, OREGON

PROJECT	14297-01
DATE	2016-12-16
DESIGNED BY	PEG
DRAWN BY	PEG

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DRAFT

1. CALL TO ORDER:

Vice-Chair Ruder called the meeting to order at 7:00 p.m.
Planning Commission Present: Sebastian B. Lawler, Dale Smith, Phil Ruder and Hugo Rojas.
Planning Commission Excused: Tom Beck, Carolyn Hymes, Lisa Nakajima
Staff Present: Jon Holan, Community Development Director; James Reitz, Senior Planner; Marcia Phillips, Planning Commission Coordinator

2. PUBLIC MEETING:

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

2.2 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.

Vice Chair Ruder opened the public hearing at 7:01, and called for the staff report.

Mr. Reitz explained that Forest Grove's regulations pertaining to driveway width have changed several times over the past few decades. He said the current standards were put in place in 2009 with the adoption of the Development Code. Reitz said the Zoning Ordinance was in effect from 1980 to 2009 and allowed residential driveway widths of up to 30 feet. He said the Zoning Ordinance in effect from 1971-1980 apparently did not specify a maximum width, but instead the curb cut width was determined by the City Engineer. However, this code did have an additional provision that driveways on the same lot had to be separated by at least 30 feet. Reitz gave a PowerPoint presentation showing examples of 30 foot driveways. One slide showed a "field decision" to have two drive approaches to the same house each in compliance to circumnavigate a catch basin that was not noted on the building plans.

Mr. Reitz explained that the applicant is currently building homes in both the Pacific Crossing and Silverstone subdivisions Since Pacific Crossing was approved when 30 foot driveways were permitted before the 2009 Development Code took effect, the City has continued to allow wider driveways in that project. Reitz explained that Silverstone was approved in 2014, and driveway widths are subject to current Development Code requirements (24 feet).

Mr. Reitz said the applicant has stated there is a demand for homes with 3-car garages, and has requested an amendment to the Development Code to allow 30 foot driveways. He said the applicant is suggesting 24 foot driveway widths for lots with less than 60 foot street frontage, and 30 foot driveway widths on lots with greater that 60 foot street frontage. Reitz said staff is proposing an additional condition to give the City Engineer the authority to restrict the width and location of any driveway to ensure that driveways do not conflict with public infrastructure.

APPLICANT:

Mimi Doukos, AKS Engineering, 12965 SW Herman #100, Tualatin, OR 97062.
Ms. Doukos explained that the Silverstone subdivision offers four different housing types, with some larger lots and bigger garages (3 bay). She explained that the 30 foot driveways would only be applicable to lots with over 60 feet of street frontage. Doukos said staff is making sure this does not take up too much on-street parking, and this amendment does 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. Ms. Doukos said the applicant is in agreement with the staff report.

PROPONENTS: None.

OPPONENTS: None.

OTHER: None.

Vice Chair Ruder closed the public hearing at 7:21 p.m.

COMMISSION DISCUSSION:

Vice Chair Ruder stated that the amendment seems reasonable.

Commissioner Lawler agreed with the amendment, and stated that right now there is a market for homes with 3-car garages. He asked if there is any regulation on the driveway "wings".

Mr. Reitz stated that the "wings" have never been an issue, and the Engineering Department has a standard. He explained that the "wings" serve a purpose as cars can park too close to the driveway entrance to allow the homeowner ample room to maneuver into the driveway.

Commissioner Rojas made a motion to approve the legislative amendment to the Forest Grove Development Code §10.8.130 Widths and Locations of Driveways and Curb Cuts to provide flexibility for driveway widths in residential zones and allow some driveways to have a maximum width of 30 feet. Commissioner Lawler seconded. Motion passed 4-0.

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

Vice-chair Ruder opened the public hearing at 7:30 pm, read the hearing procedures, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. There were none, and no challenges from the audience. Ruder called for the staff report.

Mr. Holan stated that the appellant is interested in leasing a tenant space at 1714 Pacific Avenue in the Community Commercial (CC) zone for the purpose of opening "a small scale Marijuana Product Manufacturing Company." Holan said the facility would process marijuana into cannabinoid products, and he said the appellant described the business as a "Marijuana Product Manufacturing Company", which would fall within the common definition of processing or compounding. He said staff learned that the product line would include three types of edible bars,

a CBD-infused soap bar, and a CBD-infused lotion. The appellant proposed to use the site at 1714 Pacific Avenue based on the theory that the use described above would comply with the definition of Light Industrial as described in Section §10.12.140(B) Manufacturing and Production. Holan explained that because the Development Code specifically lists marijuana processing as an allowed use only in the General Industrial zone district and not the Community Commercial zone district it is not allowed in the Community Commercial district.

APPELLANT:

Jason Parkinson, 1944 NW Johnson St. #104, Portland, OR 97209. Mr. Parkinson gave Handout # 1 to staff and to the Commission. He said under Article # 12 *Specific Words and Terms* the definition for a Marijuana Processor is 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. Parkinson said classifying Marijuana Processors as industrial is not exclusively General Industrial, and that is where he is building his case under Article # 12 Section B that industrial is inclusive of both Light Industrial and General Industrial. Parkinson said from that definition his case is built that industrial includes Light Industrial. He said a Marijuana Processor may only process and sell cannabinoid products, concentrates or extracts if the processor has received an endorsement from the Commission for that type of processing activity.

Mr. Parkinson said a cannabinoid product means a cannabinoid edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair that contains cannabinoids or dried marijuana leaves or flowers. He said a cannabinoid product does not include usable marijuana itself, a cannabinoid extract by itself, or a cannabinoid concentrate by itself. He explained that a cannabinoid edible means food or potable liquid into which a cannabinoid concentrate, cannabinoid extract or dried marijuana leaves or flowers have been incorporated, so in this sense the concentrate, extract or dried leaves would be previously processed materials. He said a cannabinoid extract means a substance obtained by separating cannabinoids from marijuana by a chemical extraction process, or any other process identified by the Commission in consultation with the authority by rule. Parkinson said these definitions were taken directly from Division 25 of the State's statutes on marijuana.

General Industrial is defined as manufacturing, processing and assembling of "semi-finished" or finished products from raw materials. He explained that in this case "extracts and concentrates" are considered semi-finished goods produced from raw materials (marijuana). Parkinson said Light Industrial is defined as production, processing, assembling, packaging or treatment of finished products from previously prepared materials or components. He explained that in this case edibles or topicals are finished goods prepared from previously prepared materials (concentrates or extracts), so concentrates and extracts are classified as semi-finished goods due to the additional processing required to produce a cannabinoid product. This distinction of goods between concentrate and extract endorsements, and topical and edible endorsements clearly shows the need to reclassify topical and edible endorsements to Light Industrial use.

Mr. Parkinson stated that this processing is very compatible with the Light Industrial zone. He said the issues seem to be with safety and odor, and the State statutes have rules in place for that.

Parkinson said the greatest concern, given the industry, is private security. He said measures will be taken to ensure a maximum level of security. He said the small amount of odor that is produced can be easily maintained with a carbon filter and proper ventilation system.

In response to a question from Vice Chair Ruder, Mr. Parkinson stated that he would not necessarily have a retail storefront if that prevents him from doing this. He suggested the processing area may not necessarily be closed off to view but the doors and windows could be closed off.

In response to a question from Vice Chair Ruden, Mr. Holan stated that the location is within 1,000 feet of Tom McCall School, so retail is not allowed.

In response to a question from Commissioner Lawler, Parkinson said there would be roughly five employees in the beginning with more added later as the business grows.

Commissioner Lawler asked if as a processing business it would generate lots of traffic and deliveries as far as bringing in materials.

Mr. Parkinson said not necessarily because the ingredients are in the form of concentrates (so smaller amounts), and are easy to store.

In response to a question from Commissioner Rojas, Mr. Parkinson said the description of a Marijuana Processor classifies it as industrial production and manufacturing which is in a section of Article # 12 Section B, and it is inclusive of both light industrial and general industrial rather than being exclusively general industrial. Parkinson said if this section stated it was exclusively general industrial, then he would have no case, but because it just says industrial in Section B, it is inclusive of light industrial and general industrial. He said for his case, to obtain the endorsements he needs, it is necessary to make those distinctions, because of the fact this is dealing with concentrates and extracts. He said if this were using heat and gases it should be kept in the general industrial zone, but for a topical or edible company using concentrates and extracts that have already been processed, there would be no safety concerns. He said it was more a regulatory concern, and if anything it comes down to what the actual process involves. Parkinson stated that he did not feel this is anything outside the normal for that use for that zone – it is just more regulated.

PROPONENTS: None.

OPPONENTS:

Carole Thalman, 3310 Hillside Way, Forest Grove, OR 97116. Ms. Thalman said this was very emotional for her. She explained that she was a retired therapist that started out as a school teacher, school counselor and has worked with addiction for many years. Thalman said she had to speak for the children. She explained that with the proximity of the school, she has seen children walk to Scottie's Drive-In, a favorite place for all children in town to get their treats. She said she finds it incongruent to have a marijuana manufacturer near there. Thalman said the reason she finds it incongruent is normalizing something the under developed brain cannot process yet and putting this place next to where they get their treats. Thalman said children cannot make those decisions until much later in life – whether or not they will use. She is concerned for the adjacent

businesses (Scottie's Drive-In and the Puppy Parlor). She said the appellant talked about boarding it up so people will not know it is there – people will know it is there. Thalman said there is a very large recovery program less than a block away. She said it is very difficult for these people to recover and become productive citizens, and it is a slap in the face to have a Marijuana Processor so close to where people are trying to heal.

Judy Lohrer, Scottie's Drive-In Owner, 1702 Pacific Avenue, Forest Grove, OR.
Ms. Lohrer said she has been an owner of Scottie's for 37 years, and it is a family owned business. She said security is their main concern, and there has been an influx of severe crime involving drugs in the neighborhood due to the hotel behind them. Lohrer said she understands there will not be an open storefront, but she is still concerned for the kids that constantly pass by going to Scottie's. She said marijuana processing is not going to add to the area, which is a residential area with a few scattered businesses. Lohrer said what people do in their homes has nothing to do with this – it is totally having to do with the surrounding area and what it is going to do to it. She said she is concerned about traffic and where the employees of this proposed business will park as there were problems with traffic/parking when Sugar Mama's was there. She said the security of her business is her main concern. She said she is concerned about odor, and does not want her restaurant filled with smells other than her food.

Jeanie & Steve Wright, Jeanie's Puppy Parlor, 1714 Pacific Avenue, Forest Grove, OR.
Mr. Wright stated their concern about the children nearby, and a storefront should not be allowed. He shared his concerns for the safety of their customers and their pets. He said their business is located at 1714 Pacific Avenue in Suite D at the end of the building, and they share a filtration system with Suite C, so fumes would come into their area where the animals are groomed. Wright said he is concerned about the loss of business due to the perception of a dangerous drug business in the same building with them. He said customers may feel uncomfortable entering a business under the same roof as a drug business. Wright said it does not matter if the danger is real or not – if a customer perceives it as dangerous they may not want to do business with them.

Jeff Dolan, 1908 "C" Street, Forest Grove, OR. Mr. Dolan said he lives half a block from Scottie's Drive-In where the neighborhood is filled with children that go around the neighborhood and play with each other and generally have a good time especially right after school. He said the bus stops right there and drops off high schoolers, grade schoolers, all ages. He stated that he has worked at a warehouse that was next door to a dispensary, the odor could be smelled quite clearly in front of the warehouse even with the filtration system they had there. Dolan said he does not want to live in an environment that has that smell especially with all the kids running around. Dolan said this would not be a good addition to the neighborhood.

Mr. Holan said staff has a response to the applicant's presentation. Holan said Parkinson's testimony only stems from definitions – he ignores Development Code Article 3 that deals with use requirements. Holan said while the definition is industrial, and could be interpreted either light or general industrial, the use tables have specifically addressed marijuana processing. He said in Table 3-14 under *Industrial Zones* there can be found under general industrial medical and recreational marijuana processing which is only conditionally permitted in the general industrial zone – no such use is applicable or included in the Community Commercial zone. He explained that is the point staff is making. It is not about the definitions, it is about the use classification as it applies to the specific zones. Holan said since there was a specific identification of marijuana processors as part of the most recent marijuana related text amendments, it is staff's position the

City has to be guided by the most specific meaning in the code. In this instance there is the specific reference to processors that are allowed in the General Industrial zone. He said the issue of whether it is Light Industrial or General Industrial from a definition standpoint is immaterial because of what Article 3 provides for direction as to what is allowed.

REBUTTAL:

Mr. Parkinson said he would not advertise at the location, so the children would not know the business was there. He said the filtration system works very well. He said working with concentrates does not produce the smells that come from the actual raw marijuana, so odor would not be a problem. Parkinson said he does not want to take business away from others – he wants to enhance the area. He said he does not see his business as a turn off, because people will not know it is a marijuana processor. He suggested that the building could be subdivided and have the marketing company he plans to have there in the front where the windows are located, and the processing in the back, so anybody in the area would only see the marketing company. He said the odors will be maintained – that is the point of the filtration system. Parkinson said he will also be renting out Suite C, and it will remain open so Suite D will not have to worry because the processing will only take place in Suite A. He said some of the codes may need to be amended. Parkinson said this is an industry that, like it or not is coming, and it will do more good than bad. He said he appreciated everyone's testimony.

Vice Chair Ruder closed the public hearing at 8:02 p.m.

COMMISSION DISCUSSION:

Vice Chair Ruder said the Planning Commissioners debated for hours the amendments to the Development Code to include marijuana processing, etc. and to establish zones where it would and would not be allowed. Ruder said he saw no grounds to rule in favor of the appeal.

Commissioner Lawler said he actually found a glass container of marijuana on the ground near Scottie's Drive-In, called the police, and an officer came out and got it. Lawler said when the Commission put parameters in place; it looked at seven different processes. He said there is room for an amendment to the Development Code. He said he agreed with the appeal.

In response to a question from Commissioner Rojas, Mr. Holan said if the bakery being proposed sold goods without marijuana in them, it would be allowed in the CC zone.

Vice Chair Ruder said he could not see a case here to uphold the appeal with the central issue being what the Development Code allows and there is no issue beyond that.

Commissioner Rojas asked if this could be approved as a Conditional Use in this zone.

Mr. Holan explained that the Commission would have to ignore the specific land use listed.

Vice Chair Ruder called for a vote. He explained that a "yes" vote would be in favor of the appeal, and a "no" vote would be in agreement with staff's interpretation. He explained that there must be a majority to uphold the appeal.

Commissioner Lawler voted yes.
Commissioner Rojas voted yes.
Commissioner Ruder voted no.
Commissioner Smith voted no.

Vice Chair stated that the appeal was denied.

2.3 ACTION ITEMS: None.

2.4 WORK SESSION ITEMS: None.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES: Commissioner Smith made a motion to approve the minutes of the February 6, 2017 meeting. Commissioner Rojas seconded. Motion passed 4-0.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES: None.

3.3 DIRECTOR'S REPORT:

Mr. Holan said there would be no meeting on March 6th. Since the City Council preempted the second Commission meeting in March, Holan polled the Commissioners and it was decided to hold March 27th open instead. He added that an open house will be held around March 3rd on the Westside Planning Project.

3.4 ANNOUNCEMENT OF NEXT MEETING: Next meeting will be held on March 27, 2017.

3.5 ADJOURNMENT: The meeting was adjourned at 8:24 p.m.

Respectfully submitted by:
Marcia Phillips
Planning Commission Coordinator