

November-09

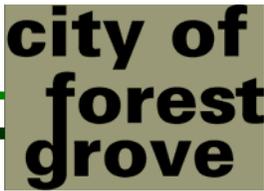
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Daylight Savings	2 CCI 4:30pm Planning Comm 7pm	3 Fire Bd 7pm	4	5 EDC Noon	6	7
8	9 CITY COUNCIL 6:00 PM - WORK SESSION (Water) 6:45 PM - TVCTV Holiday Greeting 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	10 CCI (moved to 11/2) Library 6:30pm	11 HOLIDAY CITY OFFICES CLOSED Distinguished Citizen Award (Former Mayor Kidd) Pacific University - 6:00 pm	12 PAC 5pm	13	14
15	16 Planning Comm 7pm	17 Senior Ctr Bd 11:30am COUNCIL WORK SESSION w/FG Sch Dist & Cornelius 6:00 PM - Comm Aud	18 P&R 7am CFC 5:15pm	19 Fernhill Wetlands 6pm	20	21
22	23 CITY COUNCIL 6:00 PM - WORK SESSION (Timber) 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	24 HLB 7pm	25 PSAC 7:30am	26 HOLIDAY CITY OFFICES CLOSED	27 HOLIDAY CITY OFFICES CLOSED	28
29	30					

December-09

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Fire Bd 7pm	2 Water Providers EC 5:30 pm	3 COUNCIL WORK SESSION Library, Friends & Fnd 5pm-7pm Library EDC Noon	4	5
6 Planning Comm 7pm	7 CCI 4:30pm Library 6:30pm	8	9 P&R 7am CFC 5:15pm	10 PAC 5pm	11	12
13	14 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	15 Senior Ctr Bd 11:30am	16 P&R 7am CFC 5:15pm	17 Fernhill Wetlands 6pm	18	19
20 Planning Comm 7pm	21 HLB 7pm	22	23 PSAC 7:30am	24	25 HOLIDAY CITY OFFICES CLOSED	26
27 NO CITY COUNCIL MEETING	28	29	30	31		

January-10

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 HOLIDAY CITY OFFICES CLOSED	2
3 Planning Comm 7pm	4 Fire Bd 7pm	5	6	7 EDC Noon B&C Recognition Reception Comm Aud - 6:00 PM	8	9
10	11 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	12 CCI 4:30pm Library 6:30pm	13 P&R 7am CFC 5:15pm	14 PAC 5pm	15	16
17	18 HOLIDAY CITY OFFICES CLOSED	19 Senior Ctr Bd 11:30am Planning Comm 7pm	20 BUDGET COMMITTEE MTG 7:00 PM - COMM AUD PSAC 7:30am	21 Fernhill Wetlands 6pm	22	23
24	25 CITY COUNCIL 7:00 PM - REGULAR MEETING COMMUNITY AUDITORIUM	26 HLB 7pm	27	28	29	30
31						



FOREST GROVE CITY COUNCIL

Monday, November 23, 2009

6:00 PM – Work Session (Timber Harvest Update)
7:00 PM – Regular Meeting

Community Auditorium
1915 Main Street
Forest Grove, OR 97116

Thomas BeLusko, Jr.
Thomas L. Johnston
Victoria J. Lowe

Peter B. Truax, Mayor

Camille Miller
Ronald C. Thompson
Elena Uhing

All meetings of the City Council are open to the public and all persons are permitted to attend any meeting except as otherwise provided by ORS 192. The public may address the Council as follows:

➔ **Public Hearings** – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign in for any Public Hearing prior to the meeting. The presiding officer will review the complete hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

➔ **Citizen Communications** – Anyone wishing to address the Council on an issue not on the agenda should sign in for Citizen Communications prior to the meeting. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Citizen Communications is limited to two minutes unless the presiding officer grants an extension.

The public may not address items on the agenda unless the item is a public hearing. Routinely, members of the public speak during Citizen Communications and Public Hearings. If you have questions about the agenda or have an issue that you would like to address to the Council, please contact the City Recorder at 503-992-3235.

City Council meetings 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.

A G E N D A

Rob Foster
Public Works Director
Susan Cole
Assistant Finance
Director

6:30

WORK SESSION: 2009 WATERSHED TIMBER HARVEST UPDATE

The City Council will convene in the Community Auditorium to conduct the above work session. The public is invited to attend and observe the work sessions; however, no public comment will be taken. The Council will take no formal action during the work session.

7:00

1. REGULAR MEETING: Roll Call and Pledge of Allegiance

1. A. SPECIAL RECOGNITION:

- *Steve Kruse, Public Works*

1. B. PROCLAMATION:

- *Universal Declaration of Human Rights*

**FOREST GROVE CITY COUNCIL AGENDA
NOVEMBER 23, 2009
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- 2. **CITIZEN COMMUNICATIONS:** Anyone wishing to speak to Council on an item not on the agenda may be heard at this time. *Please sign-in before the meeting on the Citizen Communications form posted in the foyer.* In the interest of time, please limit comments to two minutes. Thank you.
 - 3. **CONSENT AGENDA:** See Page 3
 - 4. **ADDITIONS/DELETIONS:**
 - 5. **PRESENTATIONS:**
 - 5. A. • *Facilities Master Plan Final Report*
 - 5. B. • *Urban and Rural Reserves Update*
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|--|------|-------|--|
| Paul Downey
Administrative Services
Director | 7:15 | 5. A. | <ul style="list-style-type: none"> • <i>Facilities Master Plan Final Report</i> |
|--|------|-------|--|
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|--|------|-------|--|
| Jon Holan
Community
Development Director | 7:45 | 5. B. | <ul style="list-style-type: none"> • <i>Urban and Rural Reserves Update</i> |
|--|------|-------|--|
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|---|------|----|--|
| Jon Holan
Community
Development Director

James Reitz
Senior Planner | 8:00 | 6. | <u>CONTINUE PUBLIC HEARING FROM NOVEMBER 9, 2009:
SECOND ORDINANCE NO. 2009-12 ADOPTING PROVISIONS
TO REGULATE USE OF SIGNS, AMENDING FOREST GROVE
CODE CHAPTER 10 BY ADDING NEW CODE SECTION 10.8.800
THROUGH 10.8.885 RELATING TO THE NEW SIGN CODE,
AND REPEALING IN ITS ENTIRETY CODE SECTION 8.300
THROUGH 8.305, UNIFORM SIGN CODE, AND AMENDING
CODE SECTION 10.12.210</u> |
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| Jon Holan
Community
Development Director

James Reitz
Senior Planner | 8:15 | 7. | <u>CONTINUE PUBLIC HEARING FROM NOVEMBER 9, 2009:
PUBLIC HEARING AND ORDINANCE NO. 2009-13 ADOPTING
PROVISIONS TO REGULATE PRIVATE USE OF PUBLIC RIGHTS-
OF-WAY, AMENDING FOREST GROVE CODE CHAPTER 3 BY
ADDING NEW CODE SECTION 3.900 THROUGH 3.935
RELATING TO PERMITTED USES OF THE PUBLIC WAY, AND
REPEALING CODE SECTION 6.755-6.760, SIDEWALK USE
PERMITS, AND CODE SECTION 9.325, NEWSPAPER
RECEPTACLES</u> |
|---|------|----|---|
 - | | | | |
|---|------|----|--|
| Jon Holan
Community
Development Director

Dan Riordan
Senior Planner | 8:30 | 8. | <u>AUTHORIZE CITY MANAGER TO SUBMIT A LETTER OF INTENT
TO METRO FOR USE OF CONSTRUCTION EXCISE TAX (CET)
FUNDS FOR AN URBAN RENEWAL FEASIBILITY STUDY</u> |
|---|------|----|--|

Tom Gamble
Parks and Recreation
Director

8:45

9. RESOLUTION NO. 2009-69 AUTHORIZING CITY MANAGER TO ENDORSE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND PACIFIC UNIVERSITY FOR INTERCOLLEGIATE FOOTBALL AT LINCOLN PARK

Paul Downey
Administrative Services
Director

9:00

10. RESOLUTION NO. 2009-70 TRANSFERRING APPROPRIATIONS WITHIN THE BUILDING FUND FOR FISCAL YEAR 2009-10 FOR THE PURCHASE OF NEW BUILDING PERMIT SOFTWARE

Michael Sykes
City Manager

9:15

11. CITY MANAGER'S REPORT:

9:30

12. COUNCIL COMMUNICATIONS:

9:45

13. ADJOURNMENT:

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3. CONSENT AGENDA: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).

- A. Approve City Council Work Session (Water Supply Update) Meeting Minutes of November 9, 2009.
 - B. Approve City Council Regular Meeting Minutes of November 9, 2009.
 - C. Accept Public Arts Commission Meeting Minutes of September 10, 2009.
 - D. Community Development Department Monthly Building Activity Informational Report for October 2009.
 - E. Police Department Monthly Summary Report for October 2009.
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PROCLAMATION

Human Rights

WHEREAS, on December 10, 1948, the member States of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic and social systems unanimously agreed on the fundamental rights that all people share solely on the basis of their common humanity; and

WHEREAS, the Universal Declaration asserts recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace; and

WHEREAS, disregard for human rights have resulted in acts which have offended the conscience of mankind, and the advent of the world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people; and

WHEREAS, the Universal Declaration is referred to as the primary definition of human rights standards and increasingly referred to as customary international law, which all countries should abide; and

WHEREAS, the primary responsibility to promote respect for these rights and freedoms lies with each individual in the City of Forest Grove, and each of us can play a major role in enhancing human rights; and

WHEREAS, the people of the City of Forest Grove reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Forest Grove, Oregon, do hereby proclaim December 7 – 13, 2009, as **HUMAN RIGHTS WEEK**, and December 10, 2009, as **HUMAN RIGHTS DAY**, and we encourage our residents to study and promote the ideas contained in Universal Declaration of Human Rights to the end that freedom, justice, and equality will flourish and be made available to all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Forest Grove, Oregon, to be affixed this 23rd day of November, 2009.



Peter B. Truax, Mayor

November 23, 2009

STAFF REPORT: UPDATE ON TIMBER HARVEST

PROJECT TEAM: Rob Foster, Director of Public Works
Susan Cole, Assistant Director of Administrative Services
Paul Downey, Director of Administrative Services
Michael Sykes, City Manager

ISSUE: The work session this evening is provide an update of this year's timber harvest, due to the dynamic nature of the emerging green certified market. A PowerPoint presentation is included in the packet summarizing the current harvest, including the projected revenues and expenses from the annual harvest.

BACKGROUND: Forest Grove manages its watershed to provide clean drinking water in the Clear Creek Basin. As stated in the 2001 Forest Grove Watershed Steward Management Plan, the watershed "will be managed to protect and improve forest ecosystem health, for the purpose of providing the City with high quality water." A secondary purpose is to realize income from annual timber harvests to meet debt service obligations.

Trout Mountain Forestry has been retained by the City for a number of years to manage the City's watershed. Trout Mountain identifies areas of the watershed for harvest, coordinates the logging, hauling, and final marketing of the forest products. Trout Mountain, together with the City, noticed the market for forest products changing; specifically, lumber prices milled in the conventional manner have dropped to about a half of what they once were (roughly \$650 per thousand board feet early in the decade to roughly \$320 now). Therefore, beginning last year, Trout Mountain and the City decided to explore green certified forest products, referred to as FSC lumber (Forest Stewardship Council), because that market is emerging with more favorable prices than the conventional market. The City's Watershed Steward Management Plan qualifies its timber as green certified, making the FSC lumber market a viable alternative for the City.

In 2003, the City issued a total of \$5 million in debt in order to fund: a) a buy back in the Joint Water Commission's water treatment plan of 2 million gallons per day; b) an update to Forest Grove's water treatment plant; and c) the second Fern Hill finished water storage tank. The annual debt service on this debt comes from the water fund, and is about \$415,000 per year. The City relies on the revenue from the annual timber harvests to provide funding for this debt service obligation. Otherwise, the City would have to raise water rates. Since 2003, timber harvest net revenues have been adequate to fund the debt service payments.

RECOMMENDATION: None at this time.

3A

**FOREST GROVE CITY COUNCIL WORK SESSION
(WATER SUPPLY)
NOVEMBER 9, 2009 – 6:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the Work Session to order at 6:02 p.m. **ROLL CALL:**
COUNCIL PRESENT: Thomas BeLusko, Jr., Thomas Johnston, Camille Miller, Ronald Thompson, Elena Uhing, and Mayor Peter Truax. **COUNCIL ABSENT:** Councilor Victoria Lowe, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Downey, Administrative Services Director; Susan Cole, Assistant Finance Director; Rob Foster, Public Works Director; and Anna Ruggles, City Recorder.

2. WORK SESSION: WATER SUPPLY UPDATE

Foster, Downey, and Cole facilitated the work session, noting the purpose of the work session was to give Council an update on the status of the Scoggins Dam Raise and seismic study that was completed on the dam. Foster, Downey, and Cole presented a PowerPoint presentation outlining the Federal Bureau of Reclamation's of Dams Program; Dam Raise Appraisal Study and Scoggins Dam Assessment Study; Water Supply Program - Local Share; partnership issues; and cost-related concerns. Staff reported over the last two years the local partners have been exploring the feasibility and desirability of taking ownership of Scoggins Dam from the Federal Bureau of Reclamation (BOR), noting the major issue with Scoggins Dam is its seismic reliability (currently, the dam does not meet earthquake guidelines), noting both the local partnership and BOR have decided to investigate the seismic reliability of Scoggins Dam in different studies. Staff noted the study performed by the local partnership was completed in July of 2009, and the study by BOR is expected to occur in the spring of 2010. Staff referenced Page 2 of the staff report, which outlined the study that was conducted by the local partnership, noting the study examined designs of raising Scoggins Dam and/or building a new dam downstream of the current dam as an alternative to raising the current dam. In addition, staff reported the City is participating with the local partners in negotiating an Intergovernmental Agreement (IGA) that outlines the governance structure of the local partnership should the title of Scoggins Dam be transferred from BOR to the local partners. Staff noted that negotiations have been underway for over two years, and began with a Memorandum of Understanding outlining the Principles of Agreement for Title Transfer. The local partners have agreed that the title transfer only makes sense if Scoggins Dam is raised. If the dam raise does not go forward, then BOR would retain title of the facility. In conclusion, staff outlined the issues the local partners are currently researching and negotiating as outlined on Page 6 of the

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staff report.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to Forest Grove's costs and participation of raising Scoggins Dam. In response to various Council inquiries and concerns, staff referenced Pages 3-5 of the staff report, which outlined the various costs to the City, noting the City's cost would be based on its current share of allocated water behind Scoggins Dam (4,500 acre feet, representing 8.4 percent); costs are also included in the 2009-2014 Capital Improvement Program. Staff noted that initially it was hoped that the title transfer and Scoggins Dam raise project would be negotiated so that the project of raising the dam could be completed by 2016; however, due to the assessment of seismic risk and BOR's Safety Evaluation of Existing Dams (SEED) Program, the timeline has been extended to possibly 2018 or 2020. Staff advised that the title transfer most likely will not occur until after BOR pays 85 percent of the seismic retro-fit of Scoggins Dam, which may be many more years in the future. In conclusion of the above discussion, staff advised that the City presently has decided not to participate in the dam raise until more information is gathered about the implications of title transfer, the dam raise, and the City's water demand, noting the local partners hope to wrap up the IGA negotiations by the end of this calendar year. BOR's dam safety evaluation is due in the spring of 2010, and Forest Grove's Water Master Plan is due to be finalized by April, 2010, at which time, the City will need to decide to negotiate buying into Scoggins Dam now or negotiating an optional buy back into Scoggins Dam at a later point.

Council took no formal action nor made any formal decisions during the work session.

3. ADJOURNMENT

Mayor Truax adjourned the work session at 6:50 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder



**FOREST GROVE CITY COUNCIL REGULAR MEETING
NOVEMBER 9, 2009 – 7:00 P.M.
COMMUNITY AUDITORIUM
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Minutes are unofficial until approved by Council.

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:08 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Thomas BeLusko, Jr., Thomas Johnston, Camille Miller, Ronald Thompson, Elena Uhing, and Mayor Peter Truax. **COUNCIL ABSENT:** Councilor Victoria Lowe, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Paul Elsner, City Attorney; Paul Downey, Administrative Services Director; Jon Holan, Community Development Director; James Reitz, Senior Planner; Jeff King, Economic Development Coordinator; Kerry Aleshire, Police Chief (present in the audience); Rob Foster, Public Works Director (present in the audience); Tom Gamble, Parks and Recreation Director (present in the audience); Colleen Winters, Library Director (present in the audience); and Anna Ruggles, City Recorder.

MOMENT OF SILENCE:

Mayor Truax called for a moment of silence in memory of Leroy Gamble, a long-time resident of Forest Grove and a 79th Battalion Seabees World War II veteran, who recently passed away.

1. A. ELECTION OF COUNCIL PRESIDENT:

Mayor Truax reported the Council must elect a Council President from its membership to serve the remainder of 2009, noting pursuant to City Charter, Chapter III, Section 9, the Council will reelect a Council President at its first meeting in January. The Council President will act as Mayor when the Mayor is unable to perform mayoral duties.

Council Discussion:

After brief Council discussion, the following motion was made to elect Councilor Johnston as Council President.

MOTION: Councilor Uhing moved, seconded by Councilor BeLusko, Jr., to elect Councilor Johnston as Council President. **MOTION CARRIED 5-0** by voice vote with Councilor Johnston abstaining and Councilor Lowe absent.

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2. CITIZEN COMMUNICATIONS:

Margaret Ledford, Forest Grove, addressed Council about the Rural/Urban Reserves, noting she is advocating on behalf of protecting the Helvetia area and its neighboring agricultural land. Ledford stated that she would like to inform Council that citizens value rural lands, and she would like to see existing infrastructures in industrial zones be utilized before destroying farmlands.

3. CONSENT AGENDA: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).

- A. Approve City Council Work Session (B&C Interview) Meeting Minutes of October 26, 2009.
- B. Approve City Council Regular Meeting Minutes of October 26, 2009.
- C. Accept Economic Development Commission Meeting Minutes of May 7, June 4, July 9, August 13, and September 3, 2009.
- D. Accept Historic Landmarks Board Meeting Minutes of September 22, 2009.
- E. Accept Parks and Recreation Meeting Minutes of October 6, 2009.
- F. Library Monthly Circulation Statistics Report for October and November 2009.
- G. Endorse Temporary Liquor License Application (Limited On-Premises Sales) for St. Anthony's Catholic Church, 1660 Elm Street.

MOTION: Councilor BeLusko, Jr., seconded by Councilor Uhing, to approve the Consent Agenda as presented. **ABSENT:** Councilor Lowe. **MOTION CARRIED 6-0 by voice vote.**

4. ADDITIONS/DELETIONS: None.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
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5. PRESENTATIONS:

5. A. Invitation to Attend Veteran's Day Assembly

Bob Wismer, Forest Grove High School, gave a brief presentation and invited everyone to attend the upcoming Forest Grove High School Veterans' Day Assembly.

5. B. Washington County Cooperative Library Services Levy

Rob Drake, Harry Bodine, and Rod Fuiten, People for Libraries, gave a brief presentation outlining the renewal of the Washington County Cooperative Library Services Levy, noting the levy is proposed for the November 2010 ballot. The group asked for Council's commitment and financial support for renewal of the proposed levy. In addition, the group reported the Washington County Sheriff's Department is also planning to have a Public Safety Levy on the 2010 ballot.

In conclusion of the above presentation, Mayor Truax recognized and commended members of the Library Commission, Library Foundation, and Friends of the Library who were present in the audience.

5. C. Community Gardens Update

Walt Wentz, Community Gardens Planning Committee Co-Chair, gave a brief presentation outlining the successful results of the Forest Grove Community Gardens' first harvest season, noting most of the plots were rented and the Community Gardens was able to provide fresh produce throughout the summer to St. Vincent DePaul for its emergency food boxes. Wentz reported the Community Gardens operates under the umbrella of Adelante Mujeres, a local community outreach organization, and the Community Gardens Planning Committee created a monthly newsletter titled "The Maple Street Rag".

5. D. Vision Statement and Action Plan Update

Dennis Stoddard, Committee for Citizen Involvement (CCI) Chair, gave a brief presentation on the status of the Vision Statement Action Plans, noting the Economic Development Commission and Historic Landmarks Board have submitted to CCI their completed Action Plans and Objectives, which Stoddard reported on.

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6. PUBLIC HEARING AND ORDINANCE NO. 2009-12 ADOPTING PROVISIONS TO REGULATE USE OF SIGNS, AMENDING FOREST GROVE CODE CHAPTER 10 BY ADDING NEW CODE SECTION 10.8.800 THROUGH 10.8.885 RELATING TO THE NEW SIGN CODE, AND REPEALING IN ITS ENTIRETY CODE SECTION 8.300 THROUGH 8.305, UNIFORM SIGN CODE, AND AMENDING CODE SECTION 10.12.210

Staff Report:

Holan and Reitz presented the above-proposed ordinance for Council consideration, noting the proposed ordinance amends the existing Development Code, adopts new language regulating the use of signs, and repeals the existing sign code in its entirety (Code Sections 8.300 through 8.305). Holan and Reitz reported the proposed ordinance adds new Code Sections 10.8.800 through 10.8.885 and addresses exempted signs, prohibited signs, temporary signs, portable signs, nonconforming signs, and permanent sign regulations and outlines the permit requirements and enforcement regulations. Holan and Reitz indicated the proposed ordinance was reviewed by the Chamber of Commerce, Economic Development Commission, area residents and business owners, as well as the Planning Commission and City Council held two Joint Work Sessions on the proposed ordinance, noting most issues raised during the review process were resolved. In addition, Holan and Reitz referenced the staff report, which outlined the significant issues discussed by the Planning Commission at its hearing of October 19, 2009, and Holan and Reitz referenced an addendum to the original staff report, which outlined two additional language amendments to the proposed ordinance (refer to motions to amend below).

Questions of Staff:

In response to Johnston's inquiry pertaining to nonprofit groups hanging banners, Reitz explained banners could be affixed to any kind of structure (Page 3, Code Section 10.8.820 A. 2.). In response to Johnston's inquiry pertaining to lighted signs, Reitz explained that lighted signs located within 100' of a residential zone would be required to be turned off from 10:00 p.m. to sunrise (Page 6, Code Section 10.8.830.F.7.).

Miller referenced Page 3, Code Section 10.8.820.B.1(iii), and suggested striking out the following language ~~...and erected only between the hours of 5:00 p.m.~~

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~~Friday and 8:00 a.m. Monday~~, to which staff concurred.

In response to BeLusko's inquiry pertaining to staff's ability to regulate and enforce the proposed sign code, Reitz advised that staff does not anticipate a huge increase in its workload and will make every effort to educate the public before taking enforcement action.

In response to Uhing's concern pertaining to costs associated for upgrading signage in multi-tenant complexes if portable signage is not allowed per tenant, Reitz explained the proposed ordinance would limit multi-tenant complexes to one sign (such as a directory-style sign per complex) versus one sign per tenant (Page 4, Code Section 10.8.825), noting staff will make every effort to ensure a smooth transitional period.

Mayor Truax asked if any public testimony was heard pertaining to Uhing's concern, Holan and Reitz advised that they could not recall hearing any testimony; however, the Planning Commission discussed the issue at length.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2009-12.

Elsner read Ordinance No. 2009-12 by title for first reading.

MOTION: Councilor Miller moved, seconded by Councilor Uhing, to approve Ordinance No. 2009-12 Adopting Provisions to Regulate Use of Signs, Amending Forest Grove Code Chapter 10 by Adding New Code Section 10.8.800 through 10.8.885 Relating to the New Sign Code, and Repealing in its entirety Code Section 8.300 through 8.305, Uniform Sign Code, and Amending Code Section 10.12.210.

Second Reading of Ordinance No. 2009-12 by title and final vote will occur at the meeting of November 23, 2009.

Public Hearing Opened:

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

Written Testimony Received:

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Holan and Reitz referenced the following written testimony received.

Patricia King, Northwest Sign Council, 10000 North 31st Avenue, Suite D400, Phoenix, AZ 85051, submitted a letter dated April 29, 2009.

Daryl Winand, Portland Metropolitan Association of Realtors, 5331 SW Macadam Avenue, Suite 207, Portland, OR 97239, submitted e-mails dated March 24, 2009, October 20, 2009, and November 6, 2009.

Nancy Jane Cushing, Re/MAX Equity Group, Inc., 17933 NW Evergreen Parkway, Suite 200, Beaverton, OR 97006, submitted an e-mail dated November 5, 2009.

Rod Fuiten, Forest Grove, submitted an e-mail dated March 26, 2009.

Dayla Smoland, Forest Grove, submitted an e-mail dated May 26, 2009.

Richard Kidd, Forest Grove, submitted an e-mail dated June 1, 2009.

Proponents:

Sue Graves, Daryl Winand, and Ed Nigbor signed in as Proponents but testified as Opponents (refer below).

Opponents:

Daryl Winand, Portland Metropolitan Association of Realtors (PMAR), 5331 SW Macadam Avenue, Suite 207, Portland, OR 97239, testified on behalf of PMAR; referenced his written testimony and voiced concern of requiring a sign permit in residential zones (i.e., real estate signs, election signs, foreclosure signs, and business advertising signs). Winand suggested including temporary and portable signs under Code Section 10.8.810 and suggested amending language under Code Section 10.8.820.B.1(iii) and Code Section 10.8.820.B.1(iv) to address the size of sign face area.

Sue Graves, 1602 NE Orenco Station, Hillsboro, OR, voiced concern of requiring a sign permit in residential zones (i.e., real estate signs) and the timeframe when signs would be allowed to be erected and removed (Page 3, Code Section 10.8.820.B.1(iii)) and asked about posting directional signs.

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Ed Nigbor, Forest Grove, testified on behalf of the 22nd Street Station, noting the restaurant needs the ability to use portable signage in the public rights-of-way due to the location of the restaurant.

Others:

Richard Kidd, Forest Grove, testified pertaining to the provisions for home-based businesses; suggested imposing a fee for erecting election signs; asked to clarify language pertaining to the timeframe when signs could be erected and removed; pointed out language inconsistencies for wall signs; and suggested issuing and/or assigning an identification number to each sign at the time the sign is permitted by the City.

Teri Koerner, Forest Grove Chamber of Commerce Director, testified on behalf of the Chamber, noting the Chamber recognizes the importance of the new sign code and urges the Council to allow a transitional period for businesses to comply, especially the businesses located in the downtown area and multi-tenant complexes that use portable signage.

Jeff King, Economic Development Coordinator, read testimony submitted by Don Jones, Economic Development Commission (EDC) Chair, echoing the Chamber of Commerce's testimony, noting the EDC urges the Council to allow a transitional period so that parties can work together to refine alternatives.

Dayla Smoland, Forest Grove, testified that studies have shown that placement of temporary and/or portable signage can often detract patrons because of the littered appearance of the signage.

Staff Response to Testimony:

Holan and Reitz responded to the above-noted testimony and advised that the proposed amendments were policy questions for the Council to consider, noting the new sign code does not consider content or message due to protection of free speech.

Elsner concurred and advised that the U. S. Supreme Court has held that to protect free speech, sign regulations must be content-neutral.

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Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to the proposed ordinance (new sign code) and the above-noted testimony. At the conclusion of the above discussion, the following motions were made to amend the proposed ordinance as follows:

MOTION TO AMEND NO. 1: Councilor Miller moved, seconded by Councilor BeLusko, Jr., to amend Ordinance No. 2009-12, Code Section 10.8.820.B.1.(iii), to read: One Temporary sign per lot, not exceeding six (6) square feet in area and 30 (thirty) inches in height ~~and erected only between the hours of 5:00 p.m. Friday and 8:00 a.m. Monday.~~

Council Discussion:

Hearing no discussion from the Council, Truax asked for a roll call vote on the above motion to amend.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

MOTION TO AMEND NO. 2: Councilor Miller moved, seconded by Councilor Thompson, to amend Ordinance No. 2009-12, Code Section 10.8.810, to read: The following signs shall not require planning approval for their use though some may require a building permit to ensure compliance with structural requirements. Amend Code Section 10.8.820.B.1., to read: Residential (R-5, R-7, R-10, SR, RML, RMH) Zones (no permit shall be required for such signs):.

Council Discussion:

Hearing no discussion from the Council, Truax asked for a roll call vote on the above motion to amend.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

Public Hearing Left Opened:

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Hearing no further discussion from the Council, Mayor Truax advised that he would leave the Public Hearing open until the next meeting of November 23, 2009, to allow additional or new testimony on the above-proposed ordinance.

COUNCIL RECESSED FROM 9:17 P.M. TO 9:24 PM.

7. **PUBLIC HEARING AND ORDINANCE NO. 2009-13 ADOPTING PROVISIONS TO REGULATE PRIVATE USE OF PUBLIC RIGHTS-OF-WAY, AMENDING FOREST GROVE CODE CHAPTER 3 BY ADDING NEW CODE SECTION 3.900 THROUGH 3.935 RELATING TO PERMITTED USES OF THE PUBLIC WAY, AND REPEALING CODE SECTION 6.755-6.760, SIDEWALK USE PERMITS, AND CODE SECTION 9.325, NEWSPAPER RECEPTACLES**

Staff Report:

Holan and Reitz presented the above-proposed ordinance for Council consideration, noting the proposed ordinance adopts new language regulating the permitted uses of the public way and repeals in its entirety the existing sidewalk use permits (Code Section 6.755) and newspaper receptacles (Code Section 9.325). Holan and Reitz reported the proposed ordinance adds new Code Sections 3.900 through 3.935 and addresses permitted use of the public way, obstructions to public passage, location permit, objects to be removed upon notice, liability protection and outlines the permit requirements and enforcement regulations. Holan and Reitz indicated the proposed ordinance was reviewed by the Chamber of Commerce, Economic Development Commission, area residents and business owners, as well as the Planning Commission and City Council held two Joint Work Sessions on the proposed ordinance, noting most issues raised during the review process were resolved. In addition, Holan and Reitz referenced the staff report, which outlined the significant issues discussed by the Planning Commission at its hearing of October 19, 2009, and Holan and Reitz referenced an addendum to the original staff report, which outlined two additional language amendments to the proposed ordinance (refer to motions to amend below).

Questions of Staff:

In response to Uhing's inquiry pertaining to enforcement measures for garage sale signs, Reitz advised that staff from Light and Power and Public Works, during their day-to-day operations, would be monitoring and removing signage

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that does not conform to the requirements of the Code.

In response to Thompson's inquiry pertaining to regulating the level of noise newspaper vending machines make when opening and closing lids, Reitz indicated that Council could add a footage requirement in residential zones; however, that may not solve the noise problem.

In response to Uhing's inquiry pertaining to bolting newspaper vending machines in areas where no sidewalks were present, Holan advised there is no requirement to bolt vending machines to sidewalks.

In response to BeLusko's inquiry pertaining to the reasons the City must allow vending machines in the public rights-of-way, Elsner advised there are laws that protect the rights of free speech.

In response to Uhing's inquiry pertaining to imposing fines, Reitz referenced Page 3, Code Section 3.935, Penalty Imposed, noting the Municipal Court Judge imposes penalties based on the fines set in the Code.

In response to Miller's concern pertaining to the liability to homeowners or business owners for placement of items by third parties in the public rights-of-way (owners are required to maintain the public rights-of-way), Elsner advised that he would need to review the legal statutes and provide an opinion to the Council.

Before proceeding with the Public Hearing and Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2009-13.

Elsner read Ordinance No. 2009-13 by title for first reading.

MOTION: Council Johnston moved, seconded by Councilor Uhing, to approve Ordinance No. 2009-13 Adopting Provisions to Regulate Private Use of Public Rights-Of-Way, Amending Forest Grove Code Chapter 3 by Adding New Code Section 3.900 Through 3.935 Relating to Permitted Uses of the Public Way, and Repealing Code Section 6.755-6.760, Sidewalk Use Permits, and Code Section 9.325, Newspaper Receptacles.

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Second Reading of Ordinance No. 2009-13 by title and final vote will occur at the meeting of November 23, 2009.

Public Hearing Opened:

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

Written Testimony Received:

Daryl Winand, Portland Metropolitan Association of Realtors, 5331 SW Macadam Avenue, Suite 207, Portland, OR 97239, submitted an e-mail dated March 24, 2009, October 20, 2009, and November 6, 2009.

Rod Fuiten, Forest Grove, submitted an e-mail dated March 26, 2009.

Dayla Smoland, Forest Grove, submitted an e-mail dated May 26, 2009.

Richard Kidd, Forest Grove, submitted an e-mail dated June 1, 2009.

Proponents:

Ed Nigbor, Forest Grove, signed in to testify as a proponent; however, when Mayor Truax called his name, he was not present. (Nigbor testified earlier under Ordinance No. 2009-12).

Bruce Clark, Forest Grove, spoke in favor of regulating signage in the public rights-of-way; however, Clark voiced concern about the liability to business owners for placement of items by third parties in the public rights-of-way, because business owners are required to maintain the public rights-of-way.

Richard Kidd, Forest Grove, asked for clarification pertaining to third-party usage; asked for a ruling on the liability to homeowners for placement of items in the public rights-of-way; and suggested issuing and/or assigning an identification number to each public rights-of-way permit issued by the City.

Teri Koerner, Forest Grove Chamber of Commerce Director, testified on behalf of the Chamber, noting the Chamber feels strongly that signage in the public rights-of-way in front of businesses needs to be limited to that business. Additionally, Koerner urged Council to allow a transitional period during these economic times for businesses, especially businesses located in the downtown

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area and multi-tenant complexes that use signage in the public rights-of-way.

Opponents:

No one wished to testify and no written comments were received.

Others:

Jon Schrag, NewsTimes, stated that the *NewsTimes* would be happy to collaborate with City staff by providing handouts outlining the regulations for garage sale signs. Additionally, Schrag suggested that Council talk directly to the owners of the newspaper vending machines to address complaints instead of creating new laws.

No one else wished to testify and no written comments were received.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued pertaining to the proposed ordinance (new public rights-of-way code) and the above-noted testimony. Council asked Elsner to provide a ruling on the liability of the public rights-of-way before the second reading of the above-noted ordinance. In addition, Elsner suggested amending Page 1, Code Section 3.905(6), Definitions, to include sidewalk area as a definition of the public way. At the conclusion of the above discussion, the following motions were made to amend the proposed ordinance as follows:

MOTION TO AMEND NO. 1: Councilor Johnston moved, seconded by Councilor Uhing, to amend Ordinance No. 2009-13, Code Section 3.905(6), to read: PUBLIC WAY - Any public street, road, public easement, or sidewalk area.

Council Discussion:

Hearing no discussion from the Council, Truax asked for a roll call vote on the above motion to amend.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

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MOTION TO AMEND NO. 2: Councilor Johnston moved, seconded by Councilor Thompson, to amend Ordinance No. 2009-13, Code Section 3.910(2)(g), to read: Each commercially or industrially-zoned property shall be permitted one portable sign, either on the premises or in the right-of-way located directly adjacent to the property to which the sign pertains. Signs shall be professionally prepared, shall not be larger than six square feet, shall contain no moving parts and shall not be lighted. Signs shall be removed at the close of business each day. Obstructions other than signs can be placed anywhere in the public way subject to the provisions of this ordinance. Add new Code Section, 3.910(2)(i) to read: Obstructions other than vending machines shall be located directly adjacent to the property to which the obstruction pertains.

Council Discussion:

Hearing no discussion from the Council, Truax asked for a roll call vote on the above motion to amend.

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

Public Hearing Left Opened:

Hearing no further discussion from the Council, Mayor Truax advised that he would leave the Public Hearing open until the next meeting of November 23, 2009, to allow additional or new testimony.

8. RESOLUTION NO. 2009-67 MAKING APPROPRIATIONS WITHIN THE GENERAL FUND FOR FISCAL YEAR 2009-10 FOR THE USE OF ENTERPRISE ZONE REPAYMENT FUNDS

Staff Report:

Downey and King presented the above-proposed resolution for Council consideration, noting staff is seeking Council approval to expend the Enterprise Zone repayment funds of \$4,840 to J. Lieb Food, Inc., to help offset costs to upgrade their water intake, noting J. Lieb estimates the construction costs will be approximately \$42,000. King noted the City received the repayment funds because J. Lieb was unable to maintain its employment levels to qualify for

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the Enterprise Zone property tax exemption for year 2008 due to the economy. King outlined the Oregon Administrative Rules (OAR), Section 123-065-4990, which sets the criteria for expending repayment funds, noting the funds must be expended in accordance with the OAR. King advised that expending the funds to J. Lieb would allow them to take advantage of new market opportunities and potentially add more jobs in Forest Grove, noting the above benefits would meet the OAR criteria for expending repayment funds. In conclusion, Downey and King advised that staff would rather seek Council approval on a case-by-case basis for expending Enterprise Zone repayment funds instead of establishing an administrative policy at this time.

Before proceeding with the Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2009-67.

Elsner read Resolution No. 2009-67 by title.

MOTION: Councilor Johnston moved, seconded by Councilor BeLusko, Jr., to adopt Resolution No. 2009-67 Making Appropriations within the General Fund for Fiscal Year 2009-10 for the Use of Enterprise Zone Repayment Funds.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

9. RESOLUTION NO. 2009-68 MAKING CITY COUNCIL LIAISON APPOINTMENTS TO VARIOUS ADVISORY BOARDS, COMMITTEES, AND COMMISSIONS AND OTHER REPRESENTATIVE APPOINTMENTS

Staff Report:

Mayor Truax presented the above-proposed resolution for Council consideration, noting the proposed resolution formally appoints the new City Council liaisons to various advisory boards, committees, and commissions, as

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well as other various representative positions.

Before proceeding with the Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2009-68.

Elsner read Resolution No. 2009-68 by title.

MOTION: Councilor Miller moved, seconded by Councilor Thompson, to adopt Resolution No. 2009-68 Making City Council Liaison Appointments to Various Advisory Boards, Committees, and Commissions and other Representative Appointments.

Council Discussion:

Johnston pointed out that he also serves on the Washington County Public Safety Coordinating Committee (PSCC), which was listed as the “Public Safety Coordinating Committee”.

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

ROLL CALL VOTE: AYES: Councilors BeLusko, Jr., Johnston, Miller, Thompson, Uhing, and Mayor Truax. NOES: None. ABSENT: Councilor Lowe. MOTION CARRIED 6-0.

10. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. Sykes reminded Council of the upcoming Joint Work Session with the Forest Grove School District Board of Directors and City of Cornelius City Council on November 17, 2009. Sykes reported briefly on the solar company that has interest in relocating its business, noting Forest Grove looks appealing because of its power rates. In addition, Sykes reported on various ongoing street improvement projects and other City department-related monthly statistics, noting the Library Department has installed its new book depository box.

11. COUNCIL COMMUNICATIONS:

BeLusko reported he plans to attend the upcoming Public Arts Commission and

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Parks and Recreation Commission meetings. In conclusion, BeLusko fondly remembered Leroy Gamble who recently passed away.

Johnston reported on the Forest Grove Rural Fire Protection District meeting-related discussion topics.

Miller reported the Committee for Citizen Involvement (CCI) will be discussing at its next meeting the Annual Town Meeting topics and noted the newly appointed members have energized CCI in a positive way. In conclusion, Miller invited everyone to attend the upcoming Library Book Sale.

Uhing reported the Economic Development Commission and Historic Landmarks Board have completed their Vision Statement Action Plans, noting Dennis Stoddard, Committee for Citizen Involvement Chair, gave an excellent presentation earlier on the status of the Action Plans.

Thompson reported the Community Forestry Commission (CFC) was unable to hold its meeting due to a lack of a quorum, noting CFC is still working on its Vision Statement Action Plans. Thompson reported on his visit with the students from Nyuzen, Japan, and the congressional representatives from Toyama Prefecture. In addition, Thompson briefly reported on Ride Connection-related matters and reported he was recently appointed to serve on the League of Oregon Cities Energy Committee.

Mayor Truax reported on various regional, Metro, and Washington County meetings he attended and upcoming meetings and events he was planning to attend. In addition, Mayor Truax provided updates on various Metro-related issues and Washington County transportation issues, various regional and local issues, and various upcoming community events and activities. Truax reported he attended the Nyuzen Student Delegation Welcome Reception and Dinner. In addition, Truax reminded Council about the upcoming reception honoring former Mayor Richard Kidd, noting Kidd is the recipient of the 2009 Good Scout Award and is being honored as Forest Grove's Distinguished Citizen for his many years of service to the City. In conclusion, Mayor Truax fondly remembered Leroy Gamble who recently passed away.

12. ADJOURNMENT:

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Mayor Truax adjourned the meeting at 10:42 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder



Minutes approved by the PAC on October 8, 2009.

**PUBLIC ARTS COMMISSION
THURSDAY, September 10, 2009**

Members Present: Linda Taylor, Kathleen Leatham, Ruth Anne McCullough, Liam Cooper, Kathy Broom, Jim Flory, Philip Thias, and Donna House
City Staff Liaison: Colleen Winters, Tom Gamble
Council Liaison: Mayor Kidd
Guest Present: Dave Nemeyer, Martha Rampton, Roylene Read

1. **Call to order:** 5:05 p. m. With Kathleen Leatham
2. **Citizen Communications:** None
3. **Approval of PAC meeting Minutes of August 13, 2009:** Changes on 5.G.-- delete "but it wasn't enough money" and "Linda ran off ..." and "2-sided..." sentences. Philip made a motion to accept the meeting notes with the changes and Jim Flory made a second. Unanimous vote.
4. **Additions/Deletions:** None
5. **Business:**
 - A. **Mini-Grant Applications:**
 1. **Chalk Art Festival:** Application Presentation made by Roylene Read. They are requesting \$500 which is 10% of the entire overall expenses. Sept. 19th from 9 a.m. - 4 p. m. Presented by Valley Art Association. After discussion, Kathleen made the motion that the Chalk Art Festival application be approved and submitted for reimbursement from the Tourism & Promotion CEP grant funds with the proviso that the list of expenditures is listed in the final summary. Linda seconded. Vote was unanimous. Philip sustained his vote due to his involvement with the VAA. Kathleen will call and let Roylene know.
 2. **MENSCH**—Application Presentation made by Martha Rampton. They are requesting \$500 for the Festival of Music and Art: Sustainability which begins tomorrow, Friday, September 11, 2009. They have been passing out their information all summer long with greater exposure. Blue Scholars hip-hop band, will be playing at the festival along with some Asian bands. They have reached out well with the community. PAC would be paying the Identity Originals which provides bands for \$500. No cost to the community except for food. After discussion, Philip made a motion to pay up to \$500 from the Tourism & Promotion CEP grant funds for MENSCH. Jim seconded. Vote was unanimous.
 - B. **9-11 Memorial: Dave Nemeyer**—many firefighters died in the 9-11 disaster. The fire department would like to acquire a piece of debris from the 9-11 ashes as a memorial located out in front of the Forest Grove Fire Department. The display site has an exact size is 40 ft. long by 20 ft. deep. Landscaping and benches around it would be considered. PAC appreciated being included in the mix of the project and will send a letter of endorsement to Dave and the Fire Department.
 - C. **Updates: Art Acquisition**

1. Art Acquisition: Kathleen sent a letter from PAC to City Attorney; as soon as it's approved, the group will get together to begin advertising for the call of art.

2. Brochures and Postcards: Brochures--Highest resolution photos from Lang have not been received by Linda in order to make the two. Postcards-- Philip still needs a digital photo of the Theatre in the Grove. He needs a caption for the back of each of the postcards.

3. Meet the Artist Dinner at Preston Alexander's: Artist Dinner will held on Saturday, Nov. 14, Bob Schlegel will be doing a Power Point Presentation of his extensive art work (which has been shown in the Capital Building) over time along with a Spanish menu with Spanish wine. Dinner Ads: Philip made a motion that PAC pays for \$225 each for two ads (\$450) for the artist's dinner coming from CEP Promotion & Tourism 09-10. Donna seconded. Discussion—Colleen said she could put our dinner in the City ad. Vote was unanimous.

D. Review of mini-grant application wording: Kathleen & Colleen worked on this issue and requested the review be tabled until next month's meeting.

E. Review of Goals/Finance Report: 09-10 Promotion & Tourism is \$3500 and the mini-grant monies will come out of this fund. Jim made a motion to take the money (\$1000) out of CEP Promotion & Tourism fund and use it to fund the two mini-grants.

6. Commissioners' Communications:

Pacific University: Jim Flory mentioned an Artist's Appreciation Dinner (48 people) at Kawein Gallery on Friday, Nov. 20, at 6 p. m. Aramark and Pacific U. Relations Department will be paying for this event. \$45-50 per ticket. The new P.U. President will be present. Julie Alderson, a former PAC member from Pacific who is teaching at Humboldt, sent her greetings with a personal update.

Theatre in the Grove: Ruth Anne shared that tomorrow is Opening Night for *Lend Me a Tenor*, Friday, Sept. 11, at 8 p. m. and will run three weeks.

Kathy: After discussing the follow-up on mini-grant evaluation summaries, Kathy volunteered to handle this portion of the process.

Valley Art Association: Donna shared that Katherine is leaving soon and she is moving to PA. She has been the "bones" behind VAA and will be missed. 25th of September is the date of the goodbye event.

7. Staff Communications: None

8. Adjournment: Jim motions adjournment, Kathy seconded. Vote unanimous.

9. Next Meeting: October 8, 2009

Respectfully submitted,
Ruth Anne McCullough

Monthly Building Activity Report

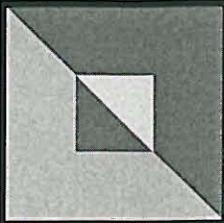
October-09

2009-10

Category	Period: October-08		Period: October-09	
	# of Permits	Value	# of Permits	Value
Man. Home Setup				
Sing-Family New	3	\$1,089,513	5	\$1,288,530
SFR Addition & Alt/Repair	3	\$37,221	4	\$24,989
Mult. Fam. New/At				
Group Care Facility	1	\$6,500		
Commercial New			1	\$7,922
Commerical Addition			1	\$16,874
Commercial Alt/Repair	4	\$64,221		
Industrial New				
Industrial Addition	2	\$83,226		
Industrial Alt/Repair	1	\$8,500		
Gov/Pub/Inst (new/add)	1	\$42,400	2	\$148,300
Signs	1	\$14,900		
Grading	1		1	
Demolitions				
Total	17	\$1,346,480	14	\$1,486,614

Year-to-Date

2008-09		2009-10	
Permits	Value	Permits	Value
71	\$5,918,947	56	\$8,160,054



Monthly Department Summary

Forest Grove Police Department

October 2009

Department Highlights

Department personnel completed qualifications during the annual outdoor range.



By the Numbers:

Original Reports 294

Supplemental Reports 93

Traffic Citations 141

Traffic Warnings 82

Abandoned Vehicles Reported 10

Abandoned Vehicles Moved 56

CSO Meetings 4

CSO Contacts 53

Items of Evidence/Property Processed 392

Dispatched Calls 728

Self-Initiated Calls 1259

Total Calls for Service 1987



Department personnel attended the annual ASIS International Recognition Luncheon in Portland, receiving a certificate of recognition.



Officer Troy Maslen
Forest Grove Police Department
Category: Routine Stop
During a Memorial Day Traffic Safety Blitz in Washington County, Officer Troy Maslen stopped a vehicle for speeding - 74 MPH in a 55 MPH zone. Officer Maslen detected a strong odor of marijuana. The suspect said that he applied to be a caregiver for medical marijuana patients, but had no documentation in his possession. Two citations were written and 2 freezer bags of marijuana were confiscated that totaled 6.59 ounces.



Officer Troy Maslen received a Looking Beyond the Traffic Ticket Award at the 2009 Oregon Transportation Safety Awards in Hood River.



Standardized Field Sobriety Test / Drug Recognition Expert Instructor Detective Mike Herb and Standardized Field Sobriety Test Instructor Jason Moser hosted two sessions of DUII Refresher in cooperation with the Oregon Department of Justice. Attendees were from FGPD, Cornelius PD, OLCC, and the Washington County District Attorney's Office.

Forest Grove Police Department
2102 Pacific Avenue
Forest Grove, OR 97116
Office: (503) 992-3260
Dispatch: (503) 629-0111
Fax: (503) 359-3519



November 17, 2009

REPORT ON FACILITIES MASTER PLAN FINAL REPORT

Project Team: Paul Downey, Director of Administrative Services
Susan Cole, Assistant Director of Administrative Services
Jon Holan, Community Development Director
Janet Lonneker, Light & Power Director
Kerry Aleshire, Police Chief
Rob Foster, Public Works Director
Aaron Ashbaugh, Police Captain
Cal Bowersox, Public Works Superintendent
Michael Smith, Police Officer
Michael Sykes, City Manager

ISSUE STATEMENT: The City prepared a facilities master plan for its core downtown area in 1991. Some of the items in that plan, such as the new Fire Station and the Library expansion, were completed. Since it had been 18 years since the last Master Plan was completed, a new Facility Master Plan has been prepared. The process started about a year ago and has been recently completed. Staff and the architects hired by the City to prepare the plan are ready to present the plan to the City Council tonight. Staff will not be asking for final Council approval of the plan tonight.

DISCUSSION: The 1991 Master Plan focused on the core downtown area buildings. This facilities master plan added the Light and Power and the Public Works facilities to the study. The plan looked at the condition of the current facilities, the ability of the building to meet current and future staffing needs, and options to meet the future needs. The Council has received a copy of the Facility Master Plan Final Report that discusses those areas and the architects will discuss each of those areas in a presentation to the City Council tonight.

The report shows two different plans for the downtown core area. One option locates a new police facility on property the City currently owns and the other option locates the facility on property the City does not own. Additionally, there is another change in this area on property the City does not currently own. This plan is intended to be a long-term plan for how all the facilities could best be integrated together. The next phase of the process to implement the plan is to look at the options and their costs and develop a timeline on which the City would like to implement the plan. The options being recommended for the downtown area can be phased so all of the costs do not have to be incurred at the same time.

The Light and Power Department Plan is intended to be the long-term portion of the overall plan for full implementation. Ultimately, replacement of the current building can best address the space needs of the department. In the interim, the department has started taking steps to implement portions of the master plan recommendations. A house next to the L&P yard has

been purchased, yard improvements are occurring, and a limited internal building remodel to improve staff office space is commencing.

The Public Works facility is a challenging situation. The building is the newest one included in the study and it is in the worst condition. The City has fixed the ventilation situation so diesel fumes are no longer pulled into the office area. The staff areas of the building were undersized when the building was constructed and the ability to expand those areas was not included when the facility was designed. The option to remedy this is a new building for staff on the current site.

The costs presented tonight are only the costs of constructing the improvements. Other costs such as land acquisition, design, and furnishing costs are not included in these estimates.

FISCAL IMPACT: Due to the costs involved with implementing the plan, some type of bonding to finance the improvements will be necessary. For the downtown core area, a general obligation bond using property taxes to fund the debt service is the most likely option. Light and Power can address its planned improvements using some cash reserves and its current revenue from operations since the major cost of the new building can be deferred out into the future. The Public Works Department improvements are normally funded through revenue bonds repaid through the revenues from the Water, Sewer and Surface Water Funds. However those funds, particularly the Water Fund, have other upcoming major capital improvement projects or current debt service requirements which will stretch the ability of implementing these improvements using revenue from user rates. The Public Works facility improvements may need to be included in a general obligation bond. Staff will look for opportunities for grant funding for these facilities. Staff and the Council will need to develop a timeline of when the improvements could occur and a plan on how the improvements will be financed.

RECOMMENDATION: Staff is not asking for City Council approval of the Plan tonight. Staff is looking for Council direction on how the Council would like to proceed with implementing the plan.

CITY OF FOREST GROVE FACILITIES MASTER PLAN

07 November 2009

ACKNOWLEDGEMENTS

Steering Committee:

Paul Downey	Administrative Services
Susan Cole	Administrative Services
Aaron Ashbaugh	Police
Michael Smith	Police
Janet Lonneker	Light and Power
Cal Bowersox	Public Works
Jon Holan	Community Development

Design Team:

Natasha Koiv	SERA Architects
Eric Philips	SERA Architects
Sara Vonde Veld	SERA Architects
Christian Botto	ABHT Structural Engineers
Chris Wierman	InSite Group
Eirik Schulz	Vigil Agrimis, Inc.
Brad Kelsay	Apex Environmental
Robert Able	H&A Construction

Other Participants:

Michael Sykes	City Manager
Richard G. Kidd	Mayor (Through 10/22/09)
Kerry Aleshire	Police
Rob Foster	Public Works
Richard Matzke	Light and Power

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EXECUTIVE SUMMARY

This study consists of three distinct phases; Building Assessment, Programming, and Design Options. The first two phases occurred simultaneously and provided the foundation for the design options. The building assessment portion included three existing buildings on the downtown campus; City Hall, the Engineering Building, the Police Department, as well as the structures on two satellite campuses: the Public Works/Parks site and Light and Power. SERA and our consultants undertook analysis of the relative condition, code compliance and efficiency of each of the building systems. The information gathered in this phase was used to evaluate the appropriateness of each structure to house the program requirements and to quantify necessary renovations. The programming phase quantified the City's current staffing and space usage. The space allocations were scrutinized to determine the "right size" appropriate for each use. Finally, the programming information was adjusted based on the City's growth projections. The findings of the building assessment and programming were combined and design options were generated. The Steering Committee refined the options and H&A Construction was retained to forecast the costs associated with each. For pricing purposes, remodeled spaces were assumed to be upgraded to the same standards as new construction. Cost information for each design option is based on an 8/24/2009 forecast by H&A Construction. Costs include construction costs only (no soft or acquisition costs are included) and assumes a fall 2009 construction start. A more detailed version of the cost forecast is included in the Appendix.

Downtown Campus Option 1

Cost forecast: \$16,162,787



This option focuses development around a new downtown plaza and park space. The existing City Hall is remodeled and expanded with a new entrance facing a new plaza to the south. A new police station is constructed across 19th Avenue from City Hall. The new plaza is located to engage the entrance of the existing auditorium building, the new entrance to City Hall and the entry to the new Police Station. The intent is that Council Street would be designed to allow temporary closures, allowing City sponsored festivals, farmers markets, and other events to spill out from the new plaza and activate the street. The existing Police Station would be significantly remodeled to house Engineering and Community Development. A new Police Station (single story) is proposed to be constructed on the south side of 19th Avenue. The current parking lots between Council and Ash Streets have been reconfigured to gain efficiency.

EXECUTIVE SUMMARY

Downtown Campus Option 2

Cost forecast: \$15,964,704



This option is intended to focus development on the sites currently owned by the City of Forest Grove. The existing City Hall is remodeled and oriented to an expanded visitor parking lot to the south. A new Police Station (single story) is planned for the existing parking lot site between Council and Ash streets. The existing Police Station would be remodeled to house Engineering and Community Development. The large parking lot shown to the south of 19th Avenue will be required to meet parking projections. The demand for parking and associated acquisition costs could be offset (or reduced) by improvements to public transportation, bicycling, or carpooling incentives.

Downtown Campus – Additional Study

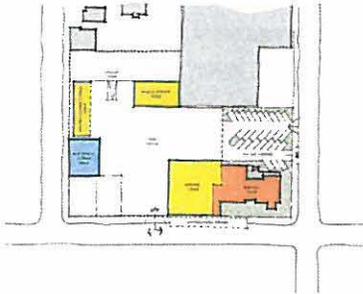
Cost forecast: N/A

An additional “Civic Center” option was developed through the design process. This option concentrated all of the new construction in a single, three story building housing City Hall, Engineering, Community Development, and Police. The building would be located on what is now a large City owned parking lot between Council and Ash Streets. The available area of this site dictated a three story structure with police occupying the ground floor, with additional police functions and the remaining departments located above. This option was discussed with the committee and was not investigated further based on two major flaws. The first is that the police function would have to be split between the ground and second floors. These challenges might be overcome through additional staffing, careful design, complex security measures, and additional building infrastructure; but the committee felt that that the challenges outweighed the benefits. The second challenge was that the City would be left owning all of the existing downtown properties, and would be forced to make the improvements necessary to attract lease tenants or sell the properties outright (both options would be market dependent).

EXECUTIVE SUMMARY

Light and Power Option 1

Cost forecast: \$2,437,656



This scheme reconfigures the existing building to reclaim an underutilized auditorium, and catering kitchen. The square footage requirement generated during the programming process was reduced by the City of Forest Grove to fit within the footprint of the existing building. Acquisition of the adjacent property was identified to offset the yard space lost with the construction of a new vehicle storage facility. A new ramp between the main service yard and city owned parcel to the north was identified as part of this study and has subsequently been constructed by the City.

Light and Power Option 2

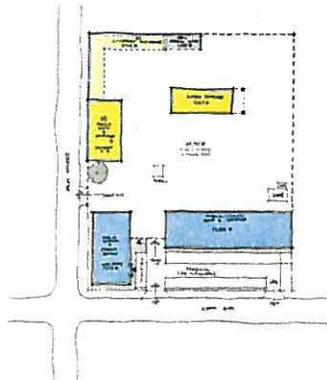
Cost forecast: \$2,513,098



Option 2 is very similar to Option 1, but the office portion of the existing structure is demolished and replaced with a new office wing of the same area. The intent with this option is to illustrate the relative cost difference between major remodel and new construction. By building the office portion as new construction the owner would realize greater programmatic efficiency and less risk due to unforeseen conditions.

Public Works and Parks

Cost forecast: \$5,728,146



The scheme for Public Works seeks to separate office functions from shop and storage uses, moving the office space out of the existing Parks building due to safety concerns. The existing Parks shop will be retained and used for Parks storage only. Due to its general poor condition, water infiltration, and lack of flexibility in the original design, the existing Public Works office building will be demolished. Office functions of the Parks and Public Works departments are combined in a new single story wood frame office building located directly adjacent to the parking lot. A new, high bay concrete block or tilt up concrete industrial building will be constructed to house all of Public Works shop and storage functions. Site access by City vehicles is separated from passenger parking and a more secure perimeter is provided for the Public Works and Parks yard. The new office building is intended as the visitor destination and will serve to control access through the secure perimeter to the yard.

EXISTING CONDITIONS SUMMARY

The intent of the Existing Conditions Assessment is to assist the City in long and short term decisions affecting their building inventory. For the short term, it defines actions that would extend the useful life, improve accessibility, protect the investment and improve the working environment within the structures. As a long term tool, the assessment is intended to assist City officials in making decisions to retain, acquire, replace, remodel, and sell properties. The buildings studied as part of this assessment are in general very well maintained; City staff has done an exemplary job with incremental maintenance. However, given the age of the structures, it is predictable that many major building elements and systems are nearing the end of their useful lives. Continued maintenance may keep the elements functioning, but the annual maintenance costs will soon exceed the costs of replacement. For a more extensive assessment of the existing conditions of the City Hall, and the Engineering, Police, Public Works, Parks Storage, and Light and Power buildings consult the Existing Building Assessment which is included in the appendix of this report.

City Hall:



The existing City Hall is a two story, 8,400 sf building. This building is generally in good condition. The exterior walls are constructed of concrete with a mixture of heavy timber and light wood framing at the floors and roof. It is currently severely overcrowded and in need of a holistic remodel. The building is served by an elevator and a limited number of accessible restrooms, but neither would meet current accessibility requirements. The building interior finishes are in good condition and many have been updated recently. Mechanical, electrical and plumbing systems are currently functional but are nearing the end of their useful life. The building is an excellent candidate for reuse, but would require a seismic upgrade as part of any major renovation.

Engineering Building:



The existing Engineering Building is a single story 3,900 sf building. Three of the exterior walls are constructed of concrete with the fourth side being an unreinforced masonry wall shared with the adjacent structure. The interior finishes within the engineering portion of the building are worn but serviceable. The finishes in the records storage and lounge portion have been recently replaced and are in excellent condition. The building is in good condition, but would not meet current structural code requirements. A structural upgrade would be prohibitively expensive considering the overall value of the structure. The south side of the building has been clad in aluminum siding, most likely intended to remediate a water infiltration issue. This building would best be utilized as rental tenant space, sale or demolition. Any change in occupancy classification would require a major seismic upgrade that would be financially infeasible.

EXISTING CONDITIONS SUMMARY

Police:



The existing Police Station is a single story 12,900 sf building with a small basement and mechanical mezzanine. The building was constructed at the same time and shares physical and service connections with the adjacent library. The building is in overall good condition. The interior finishes are largely original, and are showing the effects of many years of hard use. Mechanical, electrical, and plumbing systems are at the end of their useful life. The infrastructure connections between this structure and the library will require the City to retain this structure in their inventory as long as they continue to own and operate the library. With significant renovation the building could house another City office use or serve as space for a rental tenant.

Public Works:



The existing Public Works building is a single story 8,600 sf structure with a small mezzanine. The building consists of concrete block exterior walls with a wood roof structure. Although this building is the most recently constructed building within the scope of this study, it is in the poorest condition of the buildings studied, and exhibits the most significant challenges to reuse. The building shows signs of significant water infiltration. Water is mainly visible in the exposed masonry portions of the building, but “popped” drywall fasteners would tend to indicate that the problem exists within the furred office portion as well. The infiltration is likely due to the lack of appropriate roof overhangs, waterproof barriers in the exterior wall assembly, and window flashing. A previous attempt was made to manage the water infiltration by applying an elastomeric coating to the exterior surface of the wall. This may have been partially successful, but water continues to infiltrate around the windows, at the eaves, gable ends and at the decorative block course where the coating was not applied. Building users also indicated that there has been an ongoing issue of fumes from the shop portion of the building infiltrating the office areas. The City has subsequently remediated the problem.

Public Works Storage:

This existing building is a 5,100 sf prefabricated steel structure. It appears to be in good condition. For the purposes of this study we have assumed that it will remain as a storage use.

EXISTING CONDITIONS SUMMARY

Parks:



The existing Public Works/Parks storage building is a 9,100 sf building. It appears to be constructed of unreinforced concrete block with a wood floor and roof structure. The tall unreinforced walls and minimal wood truss roof system appear sound, but offer minimal capacity to accommodate new loads or seismic resistance that would be necessary for a change in occupancy classification. The cost of any seismic upgrade to this structure would be prohibitive. Minor water infiltration issues were observed, likely due to windows being left open. The best opportunity to continue using this building would be as material or vehicle storage; neither of these uses would require a change in occupancy.

Light and Power:



The existing Light and Power building is a single story 25,300 sf building. The building has a tilt up concrete exterior walls with wood roof structure. The building houses offices in the eastern portion and warehouse functions to the west. The building is surrounded by a large service yard and several other storage buildings. The building is in excellent condition with the exception of the mechanical, electrical, and plumbing systems which are at the end of their useful life. The spaces within the office portion have been reconfigured many times and many remnants of their original program usage remain (kitchenette, council riser, etc). A major interior renovation would be required for the current program elements to function efficiently. Additionally, the tilt up concrete structure would provide many challenges when introducing new windows and doors.

PROGRAMMING SUMMARY

The Space Program Assessment is an evaluation of the space or square footage required by staff to support future City services. Departments included within the study include: Administrative Services, Legislative and Executive, Community Development, Engineering, Police, Public Works, Parks, and Light and Power. The following programming information was obtained through the completion of space surveys, interviews, walkthroughs, and summaries for each department. The space surveys and summaries can be found in the appendix of this report for reference.

Demographic data projects that the City of Forest Grove's population will increase 55% between 2006 and 2030, growing from 20,380 to 31,561. A larger population will require that City departments adapt or expand to meet the population's increased service demands. This study includes an analysis of future staff and department support space related to the operations of each department.

While personnel growth is related to population growth, it does not generally grow proportionately. The team evaluated historical financial data and future efficiency opportunities in an effort to make projections that are economically prudent. The project Steering Committee periodically evaluated department space requests to ensure that space is efficiently utilized. For example, the Committee evaluated conference room requests and eliminated several where it was determined departments could adequately share space.

A portion of department growth can be attributed to personnel growth, however some of the "growth" indicated is actually the result of having an insufficient amount of space to support current program needs. In other words, some departments are currently lacking necessary space due to the square footage constraints of the existing buildings. The projected square footage incorporates the space necessary for "right-sizing" for today's needs, in addition to the space required to support additional staff in the future.

This study includes an incremental assessment of space needs based on 2008, 2013, 2018, and 2028 time frames. It also includes identifying quantities and square footage for the following specific categories: personnel, department support space (copy, file, storage, and meeting rooms), and building support space (restroom, electrical, and mechanical rooms). Circulation factors ranging between 25% and 35% are added to individual spaces to achieve a net square footage for each department. This provides for the hallways and paths required to circulate within the department area. An additional factor is added to the net department area to account for wall thicknesses, building corridors, and mechanical and electrical rooms. This is called the net to gross efficiency factor which ranges between 80% and 85%. Using this methodology, a projected building gross square footage, measuring to the exterior face of the building, is determined for the basis of evaluating concept options and pricing.

An evaluation of departmental adjacencies was included in this study; however a detailed study of internal space adjacencies was excluded from this study. This would include identifying how the department is organized internally based on specific personnel functions and location preferences. Such a study will be required in the future as part of the schematic design phase, along with a reconfirmation of program requirements for any renovation or new construction projects.

PROGRAMMING SUMMARY

Programming areas and growth are summarized below, for more detailed consult the programming section of the appendix.

Department Square Footage Summary		
Department	Existing SF	2028 SF
Light & Power	18,348	18,039
Police	12,868	22,852
Public Works / Operations and Parks	15,860	26,249
City Hall	12,350	23,496
Total:	59,426	90,636

SUSTAINABILITY

The goal of this study was to quantify and locate spaces that meet the City of Forest Grove's program needs with efficient buildings utilizing high performance building systems. No specific sustainability measures were identified by the design team or approved by the steering committee. The intent was to site and configure proposed buildings to consider energy efficiency, urban planning, and programmatic needs.

Sustainability metrics and incentives

LEED: The Leadership in Energy and Environmental Design (LEED) Green Building Rating System, developed by the [U.S. Green Building Council \(USGBC\)](#), provides a suite of standards for environmentally sustainable construction. Since its inception in 1998, LEED has grown to encompass over 14,000 projects in 50 US States and 30 countries covering 1.062 billion square feet (99 km²) of development area. The hallmark of LEED, as an independent third-party certification program, is that it is an open and transparent process where the technical criteria proposed by the LEED committees are publicly reviewed for approval by the more than 10,000 membership organizations that currently constitute the USGBC.

Today in Oregon: 161 LEED-NC Registered Projects, 66 Certified

Under LEED guidelines, there are 69 possible points in over 40 item categories. When a building project has reached a designated LEED adherence percentage in any given category, the project is eligible to receive the point or points that accompany this milestone. There are four levels of LEED Certification that can be obtained.

- LEED Certified (26-32 LEED points)
- Silver Level (33-38 LEED points)
- Gold Level (39-51 LEED points)
- Platinum Level (52+ LEED points)

LEED Design Categories include:

- Sustainable Sites
- Water Efficiency
- Energy & Atmosphere
- Materials & Resources
- Indoor Environmental Quality
- Innovation & Design Process

SUSTAINABILITY

Relevant LEED Rating Systems:

- New Construction
- Existing Buildings: Operations & Maintenance
- Commercial Interiors

In addition, the LEED for Multiple Buildings and On-Campus Building rating system provides direction in applying LEED for New Construction to projects in a campus or multi-building setting such as corporate campuses, college campuses, and government installations (i.e., a single owner or common property management and control). It is intended for projects where either several buildings are constructed at once or in phases, or a single building is constructed in a setting of existing buildings with common ownership or planning with the ability to share amenities or common design features.

Most relevant to the Forest Grove Master Plan are the following considerations which will contribute to LEED point scoring:

- Site selection to encourage infill development and community connectivity.
- Reuse of existing buildings and underutilized sites to conserve resources.
- Encouraging transportation alternatives such as public transit and bicycles to reduce automobile impacts.
- Planning for stormwater run-off and treating stormwater on-site.
- Consideration to reduce impervious surface and providing for landscaping and shade trees to reduce heat-island effect and improve urban air quality and habitat.
- Locating and orienting buildings to help optimize energy performance.
- Consideration for solar orientation to maximize passive solar and natural daylighting opportunities to conserve energy.

Costs:

- LEED Registration and Certification: \$2,250
- LEED Documentation: \$40,000-50,000
- Energy Modeling: \$25,000-30,000
- Fundamental Commissioning: \$45,000-55,000
- Enhanced Commissioning: \$1,700-\$1,800
- Total Costs: \$120,000 - \$150,000

SUSTAINABILITY

Oregon State Requirement: 1.5% for Solar:

House Bill 2620, which requires that public entities spend 1.5 percent of the total contract price of a public improvement contract for new construction or major renovation of a public building on solar energy technology, took effect January 1, 2008. Public entities include, but are not limited to, state agencies, universities, community colleges, school districts and education services districts, and local government.

The Oregon Department of Energy has completed the Oregon Administrative Rules for HB 2620. The proposed rules include, but are not limited to, eligible projects, eligible costs, appropriateness of solar for the project, rollover of funds into other projects, and reporting requirements. Eligible projects include new capital construction and major renovations that exceed \$1mil.

Incentive Programs:

SELP (State Energy Loan Program): The purpose of the Energy Loan Program (also known as SELP) is to promote energy conservation and renewable energy resource development. The program offers low-interest loans for projects that:

- Save energy.
- Produce energy from renewable resources such as water, wind, geothermal, solar, biomass, waste materials or waste heat.
- Use recycled materials to create products.
- Use alternative fuels.

The State Energy Loan Program can loan to individuals, businesses, schools, cities, counties, special districts, state and federal agencies, public corporations, cooperatives, tribes, and non-profits. Projects must be in Oregon. Rates can vary depending on the term of the loan, the timing of your project, and the availability of funds.

Business Energy Tax Credits (BETC): Option One - Conservation Project

Tax credit is 35 percent of eligible project costs (the incremental cost of the system or equipment that is beyond standard practice). The credit is taken over five years: 10 percent in the first and second years and 5 percent each year thereafter. If it isn't possible to take the full tax credit each year, the unused credit can be carried forward for up to eight years. Those with eligible project costs of \$20,000 or less may take the tax credit in one year.

Tax credits are based on the increased cost of a project above the energy code. At a minimum, the project must save ten percent of energy above code minimum either in the building or using a commercial system or industrial process.

SUSTAINABILITY

Business Energy Tax Credits (BETC): Option Two - Sustainable Buildings

The sustainable building tax credit incentive helps offset the cost of applying for the LEED rating and the extra design and commissioning costs. Tax credits are based on the square footage of the project and the project's LEED certification rating (silver minimum). In addition, to the credit requirements for the LEED Silver rating, the Oregon Department of Energy requires:

- At least two credits are earned for energy efficiency.
- At least one credit for additional commissioning beyond the LEED prerequisite requirements.
- A report on the amount of solar radiation to be received by the building annually.

Business Energy Tax Credits for Solar Renewable Resources

Oregon offers a tax credit of up to 50 percent, a maximum eligible cost, or \$20 million, whichever is less. The tax credit is claimed over 5 years (10 percent per year). If the eligible project costs are \$20,000 or less, the tax credit may be taken in one year. There are separate requirements for solar electric, solar thermal and passive solar & daylighting features that reduce heating, cooling and lighting energy by 20%.

The Pass-through Option allows a project owner to transfer their Business Energy Tax Credit project eligibility to a pass-through partner for a lump-sum cash payment. A project owner may be a public entity or non-profit organization with no tax liability or a business with tax liability that chooses to use the Pass-through Option.

Local Incentives

The Forest Grove Light & Power department and the Bonneville Power Administration provide incentives to encourage commercial and industrial customers to use electricity wisely and efficiently. Financial incentives are available based on the energy savings associated with the project. A complete list of the incentives by the BPA was provided by the Light and Power and is included in the appendix of this document.

DESIGN SUMMARY

Downtown Campus Option 1: Architectural

The goals of this design option are to focus development around a new urban plaza and park, engage the existing auditorium building, and create an efficient police station with vehicular access from multiple streets. The new plaza/park serves as a home for Forest Grove's considerable list of festivals and other events. Council Street would be improved to allow it to be closed and the large parking lot between Council and Ash would be designed in such a way to be used in off hours as a location for farmers markets, car shows, swap meets, and other large community events.



City Hall:

Under Option 1, the existing City Hall building is to be extensively remodeled, including building a two story addition to the south, and stripping the interior of the building down to its structure. The addition includes a new two story, glazed entry and a public stair. The exterior of the existing building will be re-clad in brick to match the brick veneer of the addition. The interior layout of the existing building will be extensively reconfigured to the addition and to allow for improved daylight penetration to interior spaces. To achieve this goal enclosed spaces would be moved from the perimeter building to its core, leaving open office areas around the edge. An ADA compliant elevator would be installed near the entry lobby. To meet code requirements, a new exit stair is planned for the north end of the building and a new sprinkler system will be installed throughout.

DESIGN SUMMARY

The construction of a new two story addition that is structurally hard connected to the existing City Hall Building would create a need for full seismic retrofit of the existing City Hall building based on the current Chapter 34 provisions of the 2007 Oregon Structural Specialty Code. Seismic Upgrades on the existing City Hall building would most likely include the following:

- Adding or strengthening the in-plane and out-of-plane connections along the perimeter of the concrete walls to the roof and floor structure.
- Adding nailing/strapping as needed to the existing roof and floor wood framed structure and adding seismic connections (collectors or steel straps) from the existing building into the new building.
- Adding tube steel reinforcing to increase the out-of-plane capacity of the existing exterior concrete walls.
- Potential strengthening of the existing concrete wall.
- Potential foundation upgrades at the existing shear walls are possible.

It is anticipated that the New City Hall two story building addition will be hard connected to the existing building as described above. The new addition portion will most likely consist of concrete masonry (CMU) or concrete exterior walls with a wood framed floor and roof. The first floor will be concrete slab on grade.

All new Heating, Ventilation, Air Conditioning (HVAC) systems in the City Hall will be installed. The system will consist of:

- Variable Air Volume (VAV) rooftop unit with electric pre-heat.
- Air to be delivered by all new sheet metal ductwork, and VAV boxes with electric re-heat.
- A new direct digital control system to monitor and control the HVAC systems.
- Installation of a new 120/208V, 3 phase, 4W electrical service with new distribution.
- New energy efficient fluorescent lighting installed throughout.
- Lighting occupancy sensors installed in offices, restrooms, and conference rooms.

New Police Station:

The proposal for the Police Station under Option one is to build a new, single story structure south of 19th Avenue. This configuration is preferred by the Police Department due to its simple circulation plan and efficient program adjacencies. The building will be constructed using a steel frame with a flat roof with a brick veneer exterior. The site is large enough to accommodate the program requirements as well as the need for secured parking and will provide significant additional area for shared campus public parking. The

DESIGN SUMMARY

location provides the direct vehicular access to the station from Main Street, 19th Avenue and Ash Street requested by the department.

The new single story Police Station building structure can be a steel framed building with concrete slab on grade first floor and an un-topped metal deck roof system. The lateral system would consist of steel braced frames. The interior and exterior walls may consist of metal stud framing to support cladding and other architectural systems.

All new HVAC systems in the Police Station will be installed. The system will consist of:

- Variable Air Volume (VAV) rooftop unit with electric pre-heat.
- Supply and return air to be delivered via all new sheet metal ductwork and VAV boxes with electric re-heat.
- New direct digital control system to monitor and control the HVAC systems.
- Installation of a new 120/208V, 3 phase, 4W electrical service with new distribution.
- New energy efficient fluorescent lighting installed throughout.
- Lighting occupancy sensors installed in offices, restrooms, and conference rooms.
- Installation of new standby emergency generator and automatic transfer switches to serve life safety and essential equipment.

Existing Police Station - Remodeled to house Engineering and Community Development

The existing Police Station would require a significant remodel to efficiently support the needs of the Engineering and Community Development departments. The cellular, highly specialized spaces required in a police station are not easily utilized for other purposes. The existing entry from Pacific would be retained and would serve as the reception space for the two departments. All interior partitions and finishes would be replaced and configured to support their new use. The existing skin would remain as it currently exists.

Depending upon the extent of the alterations or additions proposed to the building, a full seismic upgrade of all the structural elements may not be required per Chapter 34 provisions of the 2007 Oregon Structural Specialty Code. However, we have listed below the structural elements that may potentially need to be upgraded if the building is required to be seismically upgraded or if the City wishes to provide a voluntary upgrade.

- Upgrade to improve the performance of the building. As previously noted, it may be possible that only localized areas or structural elements will be required to be upgraded depending on the extent of any proposed remodeling, repairs, or additions.
- Add new steel frames or wood shear walls, and/or increase the capacity of existing wood shear walls by adding additional nailing, epoxy hold-down devices, and anchor bolts.

DESIGN SUMMARY

- Adding additional nailing/strapping as needed to the roof diaphragm and the areas of the roof over the shear walls and collector elements.
- Brick anchorage throughout building may require strengthening.
- Per our review of the Master Plan assessment conducted in 1991 by KPFF Consulting Engineers, it was recommended in that report that the current roof structure be checked for increased dead loads from a roofing upgrade that apparently added additional ballast material. It was also recommended that snow drifts be checked due to the high parapet walls. No additional documentation was presented to us that showed if the 1991 report recommendations were carried out. Also, it should be noted that typically any additional dead loads increasing the overall seismic mass by more than 10% would result in a global building seismic upgrade.

The following mechanical, electrical and plumbing (MEP) changes will be made as part of the remodel:

- Replace existing multi-zone air handling unit with new VAV unit; the new unit to have direct expansion (DX) cooling and electric reheat.
- Re-zone existing HVAC systems which will require new ductwork and VAV boxes with electric heating.
- Re-use existing electrical service and distribution system.
- Install new fluorescent lighting throughout.
- Provide lighting occupancy sensors in offices, restrooms, and conference rooms.

Engineering Building – Remodeled for rental tenant space or sale:

In this option, the existing Engineering Building would either become rented tenant space or be sold. All improvements would be limited to the minimum required to attract a tenant or buyer and must kept below the threshold for requiring a seismic upgrade. The investment required to upgrade the structure to meet current seismic requirements would be prohibitively expensive. Improvement scope would consist of hazardous material abatement, basic accessibility, and minor cosmetic improvements.

It is not anticipated that any seismic upgrades will be required on the existing Engineering Building to convert it into Tenant Space, based on the following assumptions:

- The new occupancy is designated as an occupancy category I or II structure per the 2007 Oregon Structural Specialty Code.
- The tenant improvements do not remove or modify the existing structural elements of the building.

DESIGN SUMMARY

- The tenant improvements do not increase the seismic mass of the building greater than what is allowed per Chapter 34 of the 2007 Oregon Structural Specialty Code to not create a need for a full seismic retrofit.

The existing mechanical, electrical, and plumbing systems will remain. Minor HVAC system reconfiguration is possible to meet tenant plan revisions. All electrical systems will remain and be reused.

DESIGN SUMMARY

Downtown Campus - Option 2: Architectural

The goal of this design option is to focus development on existing City property north of 19th Avenue and limit the amount of new land to be acquired. The retail buildings north of 19th and the large parcels south of 19th would need to be acquired to meet parking goals. The acquisition costs for the additional parking site could be offset (or reduced) by improvements to public transportation, bicycling, or carpooling incentives.



City Hall

The approach to this building is identical to Downtown Campus - Option 1

Police Station

In this option, the Police Station is sited north of 19th Avenue, between Council and Ash Streets. This site is large enough to allow the program to be met with a single story structure. The remaining site fulfills the department's requirements for secured parking but does not allow any additional area for shared campus public parking. The exterior walls consist of brick veneer over steel framing with a flat roof. The single story configuration is much preferred by the Police department due to its simpler circulation and more efficient program adjacencies. This location provides the direct vehicular access to the station from Main and Ash Streets.

DESIGN SUMMARY

Existing Police Station - Remodeled to house Engineering and Community Development

The approach to this building is identical to Downtown Campus - Option 1

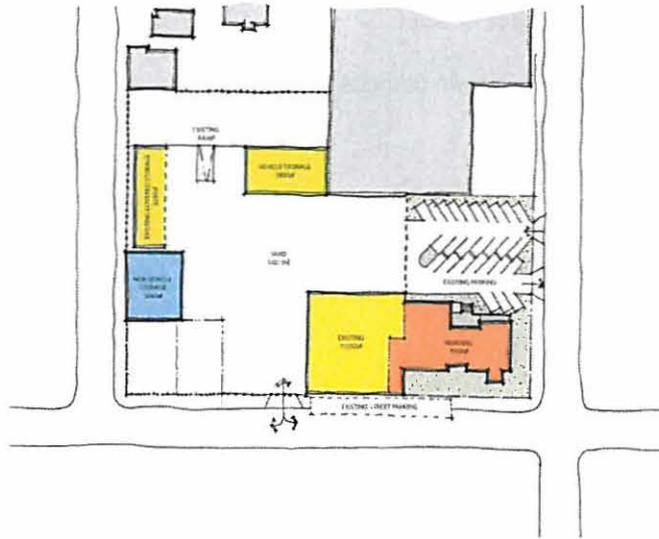
Engineering – Remodeled for rental tenant space or sale:

The approach to this building is identical to Downtown Campus - Option 1

DESIGN SUMMARY

Light and Power Option 1

This scheme reuses the existing structure and remodels the office/auditorium portion to provide quality office space and efficiently accommodate a modern program. The reconfigured building would provide a strong separation between public, staff, and crew entrances and circulation.



This scheme reconfigures the existing building to reclaim underutilized spaces allowing the office portion of the Light and Power department to grow. Originally, the building served as the chambers for the Forest Grove City Council, a function which in 2002 relocated to the new auditorium building on the downtown campus. The exterior walls of the auditorium area were originally constructed using a tilt-up concrete method. This technique is highly efficient for large, regular spaces with high ceilings, but is not easily retrofitted for new windows. A limited number of window openings could be achieved with minor structural upgrades. The interior office portion of the building would be completely stripped with new partitions and finishes installed to meet the current program. The warehouse portion of building would remain and retain its current use. A manufactured steel storage building would be constructed to expand the capacity of the department to store service vehicles out of the weather. This new structure would occupy two adjacent parcels; one parcel has already been acquired. A ramp between the main yard and parcel to the north was identified as part of this study and has subsequently been constructed by the City.

The program area gathered during the programming process was reduced by the City of Forest Grove to fit within the available footprint of the existing building.

Major remodeling of the existing office and warehouse may include cutting new openings in the existing concrete or masonry walls, new roof diaphragm penetrations for skylights, and adding new exterior architectural elements such as canopies or finishes. Such major remodeling may create a need for a full seismic upgrade of the following lateral elements of the building:

- Adding new footings or micro-piles to existing CMU and concrete tilt up walls.

DESIGN SUMMARY

- Adding or strengthening the in-plane and out-of-plane connections along the partially grouted CMU and concrete tilt up walls to the roof diaphragm.
- Adding plywood to the entire roof area and providing metal straps at localized areas of the roof where they may be needed.
- In-situ testing and/or non-destructive testing of the concrete tilt up walls to verify strength. Possible out-of-plane strengthening of the concrete tilt up walls and tube steel (HSS) reinforcing may be required. Adding reinforcing and grout to the existing partially grouted CMU walls may be required.
- The connections of the existing concrete tilt up walls to the foundations may also need to be upgraded.
- Seismic bracing of the mezzanine structure may be required along with possible foundation upgrades.

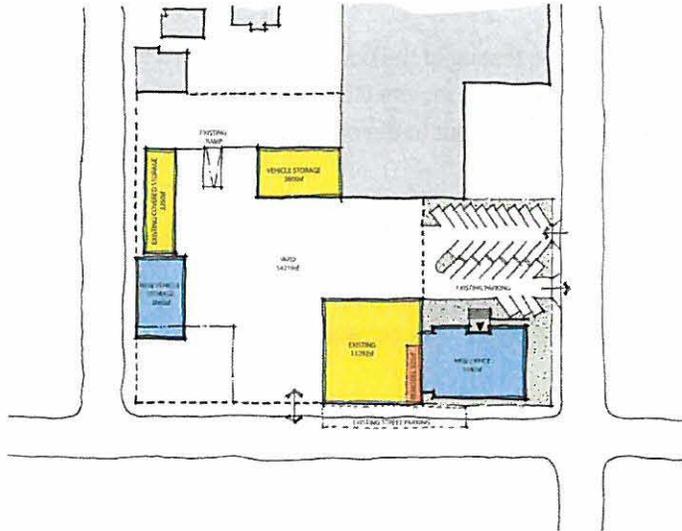
The following MEP systems would be included in the new office portion of the building:

- All new HVAC systems.
- Use (1) VAV rooftop unit with electric pre-heat.
- Install all new sheet metal ductwork, VAV boxes with electric re-heat.
- New direct digital control system to monitor and control the HVAC systems. Existing 277/480V, 3ph, 4W electrical service and distribution to remain and to be reused.
- Install new fluorescent lighting throughout. Lighting occupancy sensors in offices, restrooms and conference rooms.
- Provide power to new vehicle storage building for lighting and general receptacles.
- The Vehicle Storage building would be unconditioned.

DESIGN SUMMARY

Light and Power Option 2

This scheme is similar to Option 1, but replaces the existing office/auditorium wing with a new structure designed specifically to meet the current needs of the Light and Power department.



This scheme is intended to explore the relative cost difference to provide a new office wing, free of the constraints of the existing structure. As previously mentioned, the exterior walls of the auditorium area were originally constructed using a tilt up concrete method. This technique is not easily retrofitted with new window openings. A completely new structural system would allow much more flexibility to accommodate the necessary daylighting. Additionally, the new structural system would be configured to accommodate the changing needs of the modern open office plans. The warehouse portion of building will remain and retain its current use. Construction of a manufactured steel storage building will expand the capacity of the department to store service vehicles out of the weather. In addition, two adjacent parcels need to be acquired to replace the space the new structure occupies.

A ramp between the main yard and parcel to the north was identified as part of this study and has subsequently been constructed by the City.

The new single story office building may consist of concrete masonry (CMU) exterior walls with wood framed roof structure. The first floor may consist of concrete slab on grade. A seismic joint is assumed between the existing warehouse portion and the new office building.

We anticipate seismic strengthening with an additional lateral resisting element with foundation will be required at the front of the warehouse. This would include steel moment frames or concrete walls.

The following MEP systems will be included:

- All new HVAC systems consisting of (1) VAV rooftop unit with electric pre-heat.
- Install all new sheet metal ductwork, VAV boxes with electric re-heat.

DESIGN SUMMARY

- New direct digital control system to monitor and control the HVAC systems.
- Existing 277/480V, 3ph, 4W electrical service and distribution to remain and to be reused.
- Install new fluorescent lighting throughout.
- Lighting occupancy sensors in offices, restrooms and conference rooms.
- Provide power to new vehicle storage and storage buildings for lighting and general receptacles.

DESIGN SUMMARY

A new, high bay concrete block or tilt up concrete industrial building will be constructed to house all of Public Works shop and storage functions. Site access by City vehicles is separated from visitor parking and a more secure perimeter is provided for the Public Works and Parks yard.

The new single story shop and storage building structure may consist of either concrete masonry or concrete tilt up exterior walls. The roof structure in either case may be wood framed and the first floor may be a concrete slab on grade.

The following MEP systems will be included in the Shop and Storage:

- All new HVAC systems consisting of a new natural gas unit heaters and ventilators to serve the shop and storage areas.
- New exhaust systems for the shop, welding and painting areas.
- Install new 277/480V, 3ph, 4W electrical service with distribution.
- Re-use existing stand-by emergency generator for life safety and essential systems (system may need to be removed and reinstalled due to construction).
- Install new fluorescent lighting throughout.
- Lighting occupancy sensors in offices, restrooms and conference rooms.

Memorandum

To: City Council
From: James Reitz, Senior Planner
Date: November 17, 2009
Re: Addendum to the Draft Sign Code and Public Way Use Permit Ordinances

In response to the Council's direction, staff has amended the proposed ordinances as follows (new text is in **bold**; deleted text is ~~struck-through~~):

DRAFT SIGN CODE

10.8.810 EXEMPTED SIGNS

The following signs shall not require planning approval for their use though some may require a building permit **to ensure compliance with structural requirements**. Use of these signs does not affect the amount or type of signage otherwise allowed by this ordinance. All signs listed in this section are subject to all other applicable requirements of this chapter.

10.8.820(B) PERMITTED TEMPORARY SIGNAGE

Permitted temporary signage. Temporary signage shall be allowed for each lot as follows:

1. Residential (R-5, R-7, R-10, SR, RML, RMH) Zones (**no permit shall be required for such signs**):

- iii. One temporary sign per lot, not exceeding six (6) square feet in area and 30 (thirty) inches in height and ~~erected only between the hours of 5:00 p.m. Friday and 8:00 a.m. Monday.~~

DRAFT PUBLIC WAY USE PERMIT ORDINANCE

3.910 – OBSTRUCTIONS TO PUBLIC PASSAGE

3.910(2)(g) Each commercially or industrially-zoned property shall be permitted one portable sign, either on the premises or in the right-of-way located directly adjacent to the property to which the sign pertains. Signs shall be professionally prepared, shall not be larger than six square feet, shall contain no moving parts and shall not be lighted. Signs shall be removed at the close of business each day. **Obstructions other than signs can be placed anywhere in the public way subject to the provisions of this ordinance.**

9.310(2)(i) Obstructions other than vending machines shall be located directly adjacent to the property to which the obstruction pertains.

The City Attorney is currently considering the question of liability for objects placed in the right-of-way not adjacent to an applicant's property.



ORDINANCE NO. 2009-12

ORDINANCE ADOPTING PROVISIONS TO REGULATE USE OF SIGNS, AMENDING FOREST GROVE CODE CHAPTER 10 BY ADDING NEW CODE SECTION 10.8.800 THROUGH 10.8.885 RELATING TO THE NEW SIGN CODE, AND REPEALING IN ITS ENTIRETY CODE SECTION 8.300 THROUGH 8.305, UNIFORM SIGN CODE, AND AMENDING CODE SECTION 10.12.210

WHEREAS, Forest Grove's streetscape environment will be improved through the use of equitably-applied sign height, size, and location standards; and

WHEREAS, the visual clutter caused by signs will be minimized by limiting their numbers and duration of use; and

WHEREAS, citizen safety will be protected by prohibiting hazardous signs; and

WHEREAS, compliance with state and federal laws regarding advertising will be ensured by providing rules and standards that are content-neutral; and

WHEREAS, the Planning Commission and City Council held two joint work sessions on this ordinance on August 3 and September 21, 2009; and

WHEREAS, notice of the Planning Commission hearing on this ordinance was published in the *News Times* on October 14, 2009, the Planning Commission held a duly noted Public Hearing on the proposed ordinance on October 19, 2009; and

WHEREAS, notice of the City Council hearing on this ordinance was published in the *News Times* on November 4, 2009, and the City Council held a duly noticed Public Hearing on the proposed ordinance on November 9, 2009.

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

SECTION 1. The City of Forest Grove City Council hereby approves and adopts the provisions (attached as Exhibit A) to regulate use of signs and amends Forest Grove Code Chapter 10 by adding new Code Section 10.8.800 through 10.8.885, Sign Code, and repeals in its entirety Code Section 8.300 through 8.305, Uniform Sign Code, and amends Code Section 10.12.210.

SECTION 2. Ordinances and portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

SECTION 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 9th day of November, 2009.

PASSED the second reading the 23rd day of November, 2009.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of November, 2009.

Peter B. Truax, Mayor

ORDINANCE NO. 2009-12

EXHIBIT A

**FOREST GROVE CODE SECTION 8.300 SIGNS IS DELETED IN ITS ENTIRETY.
SECTION 10.8.800 SIGNS IS DELETED IN ITS ENTIRETY AND REPLACED
WITH THE FOLLOWING TEXT.**

**SECTION 10.12.210 MEANING OF SPECIFIC WORDS AND TERMS
IS AMENDED TO INCLUDE THE FOLLOWING TEXT.**

~~STRIKE THROUGH~~ INDICATES ADDITIONAL LANGUAGE TO BE DELETED

SIGNS

10.8.800 PURPOSE

The purpose of sections 10.8.800 through 10.8.870 is:

- A. To promote the neat, clean, orderly and attractive appearance of the community;
- B. To accommodate the need of sign users while avoiding nuisances to nearby properties;
- C. To ensure safe construction, location, erection and maintenance of signs; and
- D. To minimize distractions for motorists on public highways and streets.

10.8.805 GENERAL PROVISIONS

- A. Compliance with Other Laws and Regulations. It is not the purpose of this section to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other City ordinance, or state or federal law.
- B. Oregon Motorist Information Act. This section adopts by reference the provisions of the Oregon Motorist Information Act, ORS Chapter 377.

10.8.810 EXEMPTED SIGNS

The following signs shall not require planning approval for their use though some may require a building permit **to ensure compliance with structural requirements**. Use of these signs does not affect the amount or type of signage otherwise allowed by this ordinance. All signs listed in this section are subject to all other applicable provision(s) of this Chapter.

- A. Official signs placed or authorized by the city, county, state, or federal government in the publicly owned right-of-way as well as official signs required by city, state, or federal government located on private property.
- B. Flags adopted or endorsed by a governmental agency.
- C. Tablets, cornerstones, or commemorative plaques.
- D. Signs intended to be viewed from within a building.
- E. Seasonal decorations on private property.
- F. Signs erected by a recognized neighborhood watch group.
- G. Handheld signs.
- H. Accessory signs.
- I. Landmark signs.
- J. Signs for hospital or emergency services and railroads.

- K. Incidental Signs, provided the signs do not exceed one and a half (1.5) square feet in area for each sign, with no more than three (3) signs allowed for each permitted structure.
- L. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature.
- M. Any sign which is not visible to motorists or pedestrians on any public highway, sidewalk, street, alley, or other area open to public travel.
- N. One indirectly illuminated or nonilluminated wall sign not exceeding one-and-one-half (1.5) square feet in area placed on any residential building. This type of sign is typically used as a name or address plate.
- O. Signs placed in or attached to a motor vehicle, bus, railroad car, or light rail car that is regularly used for purposes other than the display of signs.
- P. Signs, up to four (4) square feet and no taller than two (2) feet, constructed or placed within a parking lot. These signs are typically used to direct traffic and parking.
- Q. A sign that does not exceed four (4) square feet in area and four (4) feet in height, and is erected where there is a danger to the public or to which public access is prohibited.
- R. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended and oriented for viewing by persons within the facility.
- S. Covered flier boxes under one (1) square foot in area when attached to a temporary or permanent sign.
- T. Banner signs placed or authorized by the City in the publicly owned right-of-way.

10.8.815 PROHIBITED SIGNS

The following signs are prohibited:

- A. Signs or sign structures which may pose a hazard to pedestrian or vehicular traffic, including but not limited to signs which obstruct clear vision areas as defined in Section 10.8.155 *Clear Vision Areas*.
- B. Signs not in compliance with applicable setback requirements.
- C. Signs within or which overhang the public right-of-way except signs installed or authorized by a governmental agency or public utility as permitted under the provision(s) of Section 3.900 et. seq. *Public Way Use Permits*.
- D. Portable signs in the following categories:
 1. Signs on a parked vehicle unless the vehicle is being used for transport in the normal day-to-day operations of a business.
 2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.
- E. Billboards.
- F. Moving signs.
- G. Festoons.
- H. Balloon signs.
- I. Hazardous signs.
- J. Flashing signs.
- K. Roof signs.
- L. Off-premise signs.
- M. Signs that appear similar to traffic control devices.
- N. Signs not in compliance with this Chapter.

10.8.820 TEMPORARY SIGNS

General temporary sign provisions.

- A. Temporary signs may be erected and maintained only in compliance with the following provisions. They shall:
1. contain no moving parts and shall not be lighted.
 2. be affixed to a permanent structure.
 3. be placed no higher than the building's eave, top of wall, or parapet.
- B. Permitted temporary signage. Temporary signage shall be allowed for each lot as follows:
- 1 Residential (R-5, R-7, R-10, SR, RML, RMH) Zones **(no permit shall be required for such signs)**:
 - i. One temporary sign per frontage, not exceeding four (4) square feet in area, which is erected for a maximum of eight (8) days in any calendar year and is removed by sunset on any day it is erected. Such signs are typically used for garage sales. No permit shall be required for such signs.
 - ii. Two temporary signs not exceeding 24 (twenty-four) square feet in area allowed per subdivision during the build-out of the residences in the subdivision. These types of signs are typically used for subdivision and model home identification. No sign may be erected for an inhabited residence.
 - iii. One temporary sign per lot, not exceeding six (6) square feet in area and 30 (thirty) inches in height ~~and erected only between the hours of 5:00 p.m. Friday and 8:00 a.m. Monday.~~
 - iv. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.
 - 2 Commercial (CC, CN, TC) and Industrial (LI, GI) Zones:
 - i. Up to two temporary signs not exceeding 100 square feet each (such as banner signs).
 - ii. Temporary signs shall be erected for no more than 30 consecutive days and for no more than sixty (60) days per calendar year.
 - iii. One temporary sign per frontage, not exceeding thirty-two (32) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.
 - 3 Institutional Zone:
 - i. Up to two temporary signs not exceeding 100 square feet each (such as banner signs).
 - ii. Temporary signs shall be erected for no more than 120 days per calendar year.
 - iii. One temporary sign per frontage, not exceeding thirty-two (32) square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 (thirty) days of the sale, lease or rental of the lot/structure.

C. All Zones:

1. Signs not exceeding six (6) square feet each in area during the period from six (6) weeks prior to a public election or the time the election is called, whichever is earlier, to 14 (fourteen) days after the public election. No permit shall be required for such signs.
2. One temporary sign per frontage, not exceeding six (6) square feet in area, during the time of construction, landscaping, or remodeling of the property, provided that the sign is removed within 30 (thirty) days of the completion of any construction, landscaping, or remodeling.

10.8.825 PORTABLE SIGNS

General portable sign provisions. Portable signs may be erected and maintained only in compliance with the following provisions:

- A. Portable signs shall be permitted in Commercial (CN, CC, TC), Industrial (LI, GI), and Institutional zones only.
- B. Portable signs shall be professionally prepared, contain no moving parts and shall not be lighted.
- C. Each property shall be permitted one portable sign, not exceeding six (6) square feet in area. The sign shall be located on private property directly adjacent to the business or institution to which the sign pertains, unless permitted to be in the public right-of-way under the provision(s) of Code Section 3.900 et. seq. *Public Way Use Permits*.
- D. Portable signs shall be removed at the close of the business day.

10.8.830 PERMANENT SIGN REGULATIONS

Permanent signs may be erected and maintained only in compliance with the following specific provisions:

- A. General permanent sign provisions.
 1. No signs are permitted within a public right-of-way unless authorized by a public agency.
 2. Signs shall be erected in an upright position and placed perpendicular to a horizontal surface conforming to the line from horizon to horizon.
 3. Maximum square footage restrictions include changeable copy and exclude accessory and incidental signs.
 4. Minimum clearance for projecting, canopy, blade and hanging signs when over a walkway or access area is eight (8) feet. Signs shall not project beyond the canopy.
 5. Projecting and hanging signs may extend no more than six (6) feet from a building's façade. No projecting or hanging sign may be over 24 (twenty-four) square feet in area on each side.
 6. Sign setbacks are measured from the nearest property line to the nearest portion of the sign. In addition to the specific setbacks noted above, all signs shall meet the clear-vision provision(s) of section 10.8.155 *Clear Vision Areas*.
- B. Residential (R-5, R-7, R-10, SR, RML, RMH) Zones.

1. Each subdivision, manufactured home park, or multi-family complex is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. The sign shall be nonilluminated or indirectly illuminated.
2. Each church or public school is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. Each sign may include changeable copy (manual or electronic). Any electronic changeable copy sign shall have all illumination turned off between the hours of 9 p.m. and 7 a.m. Each sign shall meet the setbacks applicable to the residential zone in which it is located.
3. Home occupation signs, not exceeding six (6) square feet in area, non-illuminated and professionally prepared.

C. Institutional Zone.

1. Each institution is permitted one (1) permanent monument sign not to exceed eight (8) feet in height and 40 (forty) square feet in area. Each sign may include changeable copy (manual or electronic). Any electronic changeable copy sign shall have all illumination turned off between the hours of 9 p.m. and 7 a.m. Each sign shall meet the setback provision(s) of section 10.3.220(C) *Setbacks*.
2. In lieu of a monument sign, each institution is permitted a wall sign of up to 40 (forty) square feet in area.

D. Commercial (CC, CN) and Industrial (LI, GI) Zones. Signs in the commercial and industrial zones may be directly or indirectly lit and shall meet all setback provision(s) of its zone.

1. Monument Signs: Each site or multi-tenant complex is allowed one (1) permanent monument sign not to exceed 40 (forty) square feet in area and eight (8) feet in height per 400 feet of frontage, not to exceed three (3) per site or multi-tenant complex.
2. Wall signage (including window signage) shall have a gross area not greater than 15% of the face of the building to which the sign is attached or painted.
3. Canopy or hanging signs shall not exceed 15% of each wall face of the building to which the sign is attached.
4. No more than two (2) lighted signs shall be permitted in the windows of each business.

E. Commercial (CC) Zone:

1. In lieu of a monument sign, no more than one (1) pylon sign shall be allowed per street frontage. Multiple-tenant developments may be allowed additional pylon signs as provided in section (C)(1) above.
2. All pylon signs shall have a minimum clearance of ten (10) feet below the sign and shall have a maximum, overall height of twenty (20) feet above grade. No pylon sign shall have a total area of more than forty (40) square feet per face, except as provided in section (3) below.
3. Pylon signs for properties with three or more businesses may have up to seventy (70) square feet per face.

F. Commercial (TC) Zones:

1. Canopy or hanging signs shall not exceed 15% of each wall face of the building to which the sign is attached.
 2. Wall signage (including window signage) shall have a gross area not greater than 15% of the face of the building to which the sign is attached or painted.
 3. No wall sign shall project more than 18 inches from the wall to which it is attached.
 4. Businesses with ground-floor entrances which have the front building line within five (5) feet of the public right-of-way shall be permitted one (1) projecting sign on the front building face, side, or corner in lieu of a wall sign. Projecting signs shall project no more than six (6) feet, have a maximum vertical dimension of six (6) feet, and be limited to a maximum of 24 (twenty-four) square feet of area per face.
 5. Lighting for signs in the TC zones shall be limited to internal lighting, where the light source is inside the sign, or to indirect lighting screened from view, where the light source is located below the sign, and is part of an ornamental feature of the sign structure. Braces and struts which support indirect lighting from the top or sides of the sign are prohibited. This Section shall not be applicable for signs and lighting approved through Town Center Track 2 *Design Guidelines*.
 6. No more than two (2) lighted signs shall be permitted in the windows of each business.
 7. A lighted sign visible to and located within 100 feet of a residential zone shall be turned off from 10:00 p.m. to sunrise.
- G. Video display and changeable copy signs (manual and electronic) are subject to the following standards:
1. Video display signs shall only be allowed as part of a permanent monument or wall sign.
 2. Manual changeable copy signs shall be allowed as part of a permanent monument, wall, or pylon sign.
 3. The video display and changeable copy portion of a sign may not exceed 24 (twenty-four) square feet in area.
 4. Electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not change at intervals of less than twenty (20) seconds.
 5. Video display and electronic changeable copy signs shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk and dawn as measured from the sign's face at maximum brightness.
 6. Video display and electronic changeable copy signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour (1-1/2 hrs) before sunset and one half-hour (1-1/2 hrs) after sunrise.

10.8.835 SIGN PERMITS

No sign which is not specifically listed as exempt from the provisions of this ordinance shall be erected, constructed, attached, relocated, or structurally altered without obtaining City approval. Such approvals are not required for signs listed as exempt or for routine sign maintenance.

- A. Permits for modifications of existing signs, or to legalize signs for which a permit was

not obtained when it was constructed, will be processed by means of a Type 1 procedure.

- B. A permit for new signs will be processed by means of a Type 1 procedure, using the standards of this chapter as approval criteria.

10.8.840 PERMIT REQUIREMENTS

An applicant for a sign permit shall supply the following information on forms provided by City:

- A. Size, height, location, description, and material of the sign;
- B. Name of the manufacturer, contractor, owner, and business advertised;
- C. Scaled drawing(s) and description of copy, structure, and lighting;
- D. Photo(s) or drawing(s) of the proposed sign location(s); and
- E. Signature of property owner or designee.
- F. Other information required to demonstrate compliance with this chapter.

10.8.845 LANDMARK AND ABANDONED SIGNS

Landmark signs and abandoned signs are subject to the following provisions:

- A. Landmark Signs may be exempted from the provisions of this chapter upon the recommendation of the Historic Landmarks Board.
- B. Abandoned signs shall be removed or made conforming within 45 (forty-five) days of the date they become classified as abandoned.

10.8.850 CONSTRUCTION AND MAINTENANCE STANDARDS

The following standards apply to the construction and maintenance of signs in the City:

- A. All permanent signs shall be constructed and erected in accordance with the design and construction requirements of the most recent edition of the State of Oregon Structural Specialty Code.
- B. All illuminated signs shall be subject to the provisions of the State Electrical Specialty Code. It shall be the applicant's responsibility to demonstrate compliance with that code by supplying the City with a copy of an approved State Electrical Permit.
- C. All signs shall be maintained at all times in a state of good repair. No person shall maintain or permit to be maintained on their premises any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.

10.8.855 NONCONFORMING SIGNS

- A. Non-conforming signs shall be brought into compliance when:
 - 1. The sign is physically modified to the extent that a building permit is required; or
 - 2. The use of the building or tenant space to which the sign pertains changes (e.g., office to retail); or
 - 3. The site is subject to conditional use permit review, or design review as defined in Section 10.2.310.
- B. All temporary or portable signs not in compliance with the provisions of this code shall be removed or made compliant immediately following adoption of this ordinance.

10.8.860 VARIANCES

Signs not consistent with the provision(s) of this code may be approved pursuant to section 10.2.720 *Variance Review Criteria*.

10.8.865 ENFORCEMENT

The Community Development Director or designee shall have the authority to order or effect the removal of any sign which does not conform to the provision(s) of this ordinance.

10.8.870 PENALTY IMPOSED

A person responsible for a violation of any provision(s) of this ordinance shall be subject to a civil penalty in an amount of not less than \$100 for the first violation, \$500 for the second violation, and \$1,000 for any subsequent violation occurring in a two-year period starting from the issuance of the first notice of violation. The Community Development Director or designee may cite the violator into Municipal Court for said violations.

10.8.875 PERMIT FEE

The fee for a sign permit shall described above shall be set by City Council by resolution.

OTHER DEVELOPMENT REVIEW STANDARDS

10.8.880 SINGLE-FAMILY AND DUPLEX

10.8.885 INSTITUTIONAL ZONE DESIGN STANDARDS

10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

S2. ~~Sign. Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes.~~

- ~~a. Free Standing Sign. A sign erected on a permanent base of stone, masonry, wood treated against water damage and insect assault, or other suitable material such that the entire structure is in contact with the ground. Also known as a "ground sign".~~
- ~~b. Pole Sign. A sign support wholly by a pole or poles placed in the ground and otherwise separated from the ground.~~
- ~~c. Projecting Sign. A sign which projects from and is supported by a wall of a building or structure.~~
- ~~d. Wall Sign. A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign parallel to the wall.~~

Sign Related Definitions. For the purpose of this section, certain terms and words are defined as follows: words used in the present tense include the future; the word "shall" is mandatory; the word "may" is discretionary; the phrase "used for" shall include the phrases "arranged for," "designed for," "maintained for," and "occupied for"; and the word "business" shall be associated with the zoning terms and activities

of “permitted use” and “conditional use.” The following terms shall mean:

- a. Abandoned Sign. A sign or sign structure where either: a) the sign is no longer used by the property or sign owner. Discontinuance of sign use may be shown by cessation of use of the property where the sign is located; or b) the sign has been damaged, and repairs and restoration are not started within 45 (forty-five) days of the date the sign was damaged, or are not diligently pursued, once started.
- b. Accessory Sign. Signage which is an integral part of outdoor display structures associated with a commercial or industrial use such as soft drink machines, gas pump, newspaper dispensers, and other similar structures.
- c. Alteration. Any change in the size, shape, method of illumination, construction, or supporting structure of a sign.
- d. Area (of a sign).
 - 1) Projecting, Portable, and Freestanding: The area of the sign shall be measured as follows: The area around and enclosing the perimeter of the cabinet or module shall be totaled to determine the aggregate sign area. If the sign is composed of two or more sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is no written copy on such embellishments. All face areas of any multi-faced sign shall be counted in calculating its area. For a double-faced sign in a single cabinet, only the area of one face is counted.
 - 2) Wall Signs: The area around or enclosing each sign cabinet, or, where sign cabinets are not used, the area shall be that within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the message.
- e. Awning. A secondary covering attached to the exterior wall of a building. The location of an awning on a building may be above a window, a door, or over a sidewalk. An awning is often painted with information as to the name of the business, thereby acting as a sign, in addition to providing protection from weather.
- f. Balloon Sign. A sign made from a nonporous bag of tough light material normally filled with heated air or a gas lighter than air so as to rise and float and displaying graphics, symbols and/or written copy.
- g. Banner Sign. A sign made of fabric or any non-rigid material with no enclosing framework.
- h. Canopy. An awning supported by at least two columns. A canopy is able to extend further from a building than an awning, as in the case of an entrance to a restaurant or retail store.
- i. Changeable Copy Sign (Electronic). A sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by small number of matrix elements using different combinations of light emitting diodes (LEDs) fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, micro-processor controlled electronic displays.
- j. Changeable Copy Sign (Manual). A sign on which copy is changed manually in the field, e.g., the panel permanently affixed as part of a larger sign, commonly used to advertise specials for commercial businesses.
- k. Clearance (of a sign). The vertical distance measured from the lowest point of the sign to the natural surface grade beneath the sign.
- l. Copy. The message on a sign surface in either permanent or removable letter

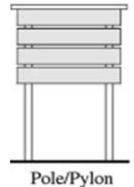
form.

- m. Double-Face Sign. A sign with advertising on two (2) faces wherein the faces are parallel or within 10 degrees of parallel.
- n. Face (of a sign). The area of a sign on which the advertising is placed.
- o. Festoons. A string of ribbons, tinsel, small flags, lights, or pinwheels.
- p. Flashing Sign. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include electronic changeable copy signs or signs which, through reflection or other means, create an illusion of flashing of intermittent light.
- q. Freestanding Sign. A sign supported upon the ground by a frame, pole(s), or other support structure which is not attached to any building. A freestanding sign shall count as one sign, even if it has two or more faces.

(1) Monument. A freestanding sign of which the entire bottom of the sign is generally in contact with or within three feet of grade. Earth mounding inconsistent with the final grade of the land surrounding the sign structure which increases the elevation of the sign shall be included in the measurement of sign height.



(2) Pylon Sign. A freestanding sign, usually double-faced, mounted on one or two supports above ground level. Also referred to as a pole sign.



- r. Frontage. The length of the property line of a lot or parcel along a public right-of-way on which it borders.
- s. Hazardous Sign. A sign which is detrimental to the public safety, including but not limited to: any sign that has a design, color, or lighting which may be mistaken for a traffic light, signal, or directional sign; any sign which is located in such a manner as to obstruct free and clear vision to motorists or pedestrians at intersections and driveways; any sign which, because of its location, would prevent free ingress to or egress from any door, window, or fire escape; any sign that is attached to a standpipe or fire escape; any sign which has lighting which temporarily blinds or impairs one's vision; or any sign which is in a leaning, sagging, fallen, decayed, deteriorated, or other unsafe condition.
- t. Height (of a sign). The vertical distance measured from the highest point of the sign to the natural surface grade beneath the sign.
- u. Illuminated Sign. A sign with an artificial light source incorporated internally (i.e., direct illumination), or with an external light source directed to illuminate the exterior surface of the sign (i.e., indirect illumination). This definition includes signs with light sources which are disconnected from power.
- v. Incidental Sign. A small sign, emblem, or decal typically used to inform the public of goods, facilities, or services available on the premises (e.g., a credit card sign or a sign indicating hours of business).
- w. Landmark Sign. A sign found to be of historical or local significance by the Historic Landmarks Board.
- x. Maintenance. For the purposes of this chapter, the cleaning, painting, repair, or replacement of defective parts of a sign, or to achieve a change in sign face, in a manner that does not alter the basic design or structure of the sign.
- y. Marquee. A permanent roof-like projection from a building above the building entrance.
- z. Mounted Sign. A sign permanently attached to a building.

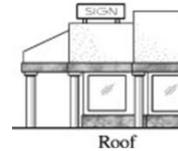
(1) Canopy Sign. A sign painted on, printed on, or attached flat against the surface of a canopy or awning.



(2) Hanging Sign. A sign that hangs beneath a marquee, canopy, or awning and is perpendicular to the building face. Also known as a blade sign.

(3) Projecting Sign. A sign, other than a flat wall sign, that is attached to and projects from a building wall or other structure not specifically designed to support the sign.

(4) Roof Sign. Any mounted sign that projects above the top of a wall, eave, or parapet.



(5) Wall Sign. A sign attached parallel to and extending not more than 12 (twelve) inches from the wall of a building. This definition includes painted, individual letters, and cabinet signs.



- aa. Moving Sign. A sign which uses mechanized movement (e.g. rotation) to attract attention, depict action, or to create a special effect or scene (and includes dancing inflatable displays).
- bb. Multi-tenant complex. A development consisting of one or more lots and two or more businesses sharing appurtenant facilities, such as driveways, parking and pedestrian walkways, and is designed to provide varied products and services at a single location.
- cc. Nonconforming Sign. An existing sign, lawful before enactment of this chapter which does not conform to the provision(s) of this chapter.
- dd. Permanent Sign. A sign structurally affixed to the ground or to a building and intended for display for more than 12 (twelve) consecutive months.
- ee. Portable Sign. A sign not permanently affixed to a sign structure, a building, or the ground.
- ff. Sign. Any device, structure, fixture, placard, and any related support structure erected for the purpose of displaying graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any business, person, institution, commodity, service, entertainment, or activity.
- gg. Site. A lot, parcel, or tract of land under common ownership and/or developed together as a single development site, regardless of how many uses occupy the site.
- hh. Temporary Sign. A sign or advertising display constructed of fabric, vinyl, paper, cardboard, plywood, or other light materials, with or without a frame, not permanently attached to a building, structure or ground intended to be displayed for a specific and limited period of time. A sign that will become obsolete after the occurrence of an event or series of events. Temporary signs typically include, but are not limited to: portable signs, event signs, for sale and lease signs, garage sale signs, and political campaign signs.
- ii. Video display sign. A sign that changes message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with the characteristics onto buildings or other objects.
- jj. Window Sign. A sign installed inside a window or painted on a window and intended to be viewed from the outside.

ORDINANCE NO. 2009-13

ORDINANCE ADOPTING PROVISIONS TO REGULATE PRIVATE USE OF PUBLIC RIGHTS-OF-WAY, AMENDING FOREST GROVE CODE CHAPTER 3 BY ADDING NEW CODE SECTION 3.900 THROUGH 3.935 RELATING TO PERMITTED USES OF THE PUBLIC WAY, AND REPEALING CODE SECTION 6.755-6.760, SIDEWALK USE PERMITS, AND CODE SECTION 9.325, NEWSPAPER RECEPTACLES

WHEREAS, public rights-of-way are commonly used for private purposes, including signage, product displays, and news racks; and

WHEREAS, private uses of public rights-of-way can obstruct sidewalks, crosswalks, and traffic control signs, and create unsightly clutter; and

WHEREAS, the Planning Commission and City Council held two joint work sessions on this ordinance on August 3 and September 21, 2009; and

WHEREAS, notice of the Planning Commission hearing on this ordinance was published in the *News Times* on October 14, 2009; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on the proposed ordinance on October 19, 2009; and

WHEREAS, notice of the City Council hearing on this ordinance was published in the *News Times* on November 4, 2009; and

WHEREAS, the City Council held a duly noticed Public Hearing on the proposed ordinance on November 9, 2009.

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

SECTION 1. The City of Forest Grove City Council hereby approves and adopts the provisions (attached as Exhibit A) to regulate private use of public rights-of-way and amends Forest Grove Code Chapter 3 by adding new Code Section 3.900 through 3.935, Permitted Uses of the Public Way, and repeals Code Section 6.755-6.760, Sidewalk Use Permits, and Code Section 9.325, Newspaper Receptacles.

SECTION 2. Ordinances and portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

SECTION 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 9th day of November, 2009.

PASSED the second reading the 23rd day of November, 2009.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of November, 2009.

Peter B. Truax, Mayor

ORDINANCE NO. 2009-13
EXHIBIT A

FOREST GROVE CODE SECTION 3.900 – 3.935, *PERMITTED USES OF THE PUBLIC WAY*,
CODE SECTION 6.755-6.760 *SIDEWALK USE PERMITS*, AND CODE SECTION 9.325, *NEWSPAPER
RECEPTACLES*, ARE AMENDED AS FOLLOWS:
STRIKE THROUGH INDICATES LANGUAGE TO BE DELETED
UNDERLINE INDICATES NEW LANGUAGE

3.900 PERMITTED USES OF THE PUBLIC WAY

The purpose of Code Sections 3.900 through 3.940 is to reduce congestion and unsightly clutter, to keep public rights-of-way clear for safe and convenient travel by pedestrians, and to protect the City from claims of liability based upon the placement of obstructions within the public way. Obstructions permitted by a city, county, regional, state, or federal agency are exempt from the provisions of this Code.

3.905 DEFINITIONS

- (1) BENCH - A privately-owned bench placed on a sidewalk, including any structure on which patrons of businesses and members of the public can sit.
- (2) LONG-TERM – A period in excess of 45 consecutive days.
- (3) MOVABLE – Not affixed to the pavement.
- (4) OBSTRUCTION – Vending machine, table, bench or other seating object; bike rack, flower box, trash receptacle, display of stock in trade, sign or any other object placed by a person in the public way.
- (5) PERSON - A natural person, corporation, partnership, or other entity regardless of form.
- (6) PUBLIC WAY – Includes any public street, road, **sidewalk**, or public easement.
- (7) SALE – The exchange of any object of merchandise or food for any form of consideration, whether at retail or wholesale, regardless of whether a profit is made.
- (8) SIDEWALK - Any public improved path for pedestrians within a public way.
- (9) STRUCTURE – Anything constructed or erected adjacent to, on, or above a public way.
- (10) TEMPORARY – A period of less than 45 consecutive days.
- (11) VENDING MACHINE - Any self-service box, container, storage unit or other dispenser used for the display and/or sale of any item, such as (but not limited to) beverages, newspapers, periodicals, magazines, books, pictures, photographs, advertising circulars, and records.

3.910 OBSTRUCTIONS TO PUBLIC PASSAGE

- (1) No person shall place an obstruction within the public way unless otherwise permitted under this or any other City Ordinance.
- (2) All obstructions shall comply with the following restrictions and conditions:
 - (a) No obstruction shall be placed:
 - i) Within three (3) feet of any marked pedestrian crosswalk as measured from the point of intersection between a crosswalk and the sidewalk curbing closest to the intended location of said object.
 - ii) Within five (5) feet of any intersecting driveway, alley or street.
 - iii) In a manner reducing the clear, continuous sidewalk width to less than five (5) feet.
 - iv) In a manner interfering with ingress or egress from private property or public facilities.
 - v) Such that the placement causes a hazard for pedestrian or vehicular traffic or obstructs the view of such traffic from the public way.
 - (b) No object or obstruction shall be attached in any way to a fire hydrant or other emergency equipment, traffic signal controller, traffic sign, light pole, utility pole, or street tree.
 - (c) Temporary obstructions shall be removed by the expiration date on the permit.
 - (d) Other than signs, no commercial advertising shall be permitted on long-term obstructions.
 - (e) All objects shall be maintained by the owner of the object at all times, in a clean, neat and attractive condition and in good repair. The area around said object shall be kept free of debris and litter at all times.
 - (f) No sign, awning or architectural features shall be located less than eight (8) feet in height as measured from the sidewalk surface.
 - (g) Each commercially or industrially-zoned property shall be permitted one portable sign, either on the premises or in the right-of-way located directly adjacent to the property to which the sign pertains. Signs shall be professionally prepared, shall not be larger than six (6) square feet, shall contain no moving parts and shall not be lighted. Signs shall be removed at the close of business each day. **Obstructions other than signs can be placed anywhere in the public way subject to the provisions of this Code.**
 - (h) One temporary sign shall be permitted per frontage, not exceeding four (4) square feet in area, which is erected for a maximum of eight (8) days in any calendar year and is removed by sunset on any day it is erected. Such signs are typically used for garage sales. No permit shall be required for such signs.
 - (i) **Obstructions other than vending machines shall be located directly adjacent to the property to which the obstruction pertains.**
- (3) In addition to the provisions of subsections (1) and (2) above, non-movable obstructions shall:
 - (a) be located at least ten (10) feet as measured along the curb from any fire hydrant or other emergency equipment or facility;
 - (b) be located at least three (3) feet from any traffic signal controller, traffic sign, light pole or utility pole.
 - (c) shall not be located over a utility vault, meter cover, manhole or access cover.

3.915 LOCATION PERMIT

The Public Works Director is hereby authorized to review application(s) and issue/deny permit(s) for placement of obstruction(s) in the public way, upon a clear showing by an applicant of conformity with the provisions of Code Section 3.910. Permits for permanent obstructions shall be valid for one (1) year from the date of approval. Permits for temporary obstructions shall be valid for no more than 45 days from the date of approval. No more than two (2) temporary permits shall be issued per property per calendar year.

3.920 OBJECTS TO BE REMOVED UPON NOTICE

Any object placed within a public way shall be removable. Such object shall be removed immediately upon written notice from the Public Works Director or designee to the owner requiring the object's removal for safety reasons, for purposes of construction or maintenance activities by the City or other public agency, or because the object does not comply with the provisions set forth in Code Section 3.910.

3.925 ENFORCEMENT

The Public Works Director or designee shall have the authority to order or effect the removal of any object deemed to be an obstruction under this Code. The Public Works Director or designee shall also have the authority to order removal of any object, if its owner fails to comply with written notice of removal provided by the City or an order to enforce the provisions of this Code.

3.930 RESPONSIBILITY

Notwithstanding the provisions of Code Sections 3.115 and 3.120, any person locating, placing or installing any object within the public way shall be solely responsible for any damage or injury to persons or property caused thereby.

3.935 PENALTY IMPOSED

A person responsible for a violation of any provision(s) of this Code shall be subject to a civil penalty in the amount of not less than \$100 for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation occurring in a two (2) year period starting from the issuance of the first notice of violation. The Public Works Director or designee may cite the violator into Municipal Court for said violations.

3.940 PERMIT FEE

The fee for a public way use permit described above shall be as set by the City Council by resolution.

SIDEWALK USE PERMITS

~~6.755 Sidewalk Use Permits.~~ The City Manager may issue a permit for use of sidewalks otherwise prohibited by the Code for:

(1) — ~~Permanent Structures.~~ Application for a permanent structure to be placed upon any sidewalk such as planters, trash receptacles, benches, drinking foundations or bicycle racks shall be accompanied by a scale drawing showing the size of the structure, the proposed location of the structure on the sidewalk, and the design of the proposed structure. No commercial advertising shall be permitted. If the structure becomes inconvenient for the public, unsightly or damaged, the permit may be revoked and the structure removed by the City after ten days' written notice to the applicant.

(2) — ~~Annual Permit.~~ Application for an annual sidewalk use permit shall state the proposed nature and location of the activity and that the applicant is lawfully entitled to possession of the building or structure adjacent to the proposed location. Annual sidewalk use permits shall be effective through December 31 of the year in which they are issued, and may be revoked by the City Manager if Code requirements are not followed.

(a) The conduct of the activity shall:

- (i) — Leave at least five feet of the sidewalk unobstructed for pedestrian use.
- (ii) — Not block normal access to any building, driveway passageway, fire hydrant, or crosswalk.
- (iii) — Be confined only to an area within the extension of the applicant's property lines.
- (iv) — Not include more than one sign to be used in connection with the business activity, which sign shall not be larger than 30" by 40", contain no moving parts and not be lighted.
- (v) — Not include the sale or display of alcoholic beverages, except in compliance with the following requirements:
 - (a) — The applicant must possess an Oregon Liquor Control Commission (OLCC) restaurant license; and
 - (b) — The applicant's business must generate a minimum of 75 percent of its income from food sales; and
 - (c) — The outside sale or display of alcoholic beverages shall be limited to beer and wine only; and
 - (d) — Beer and wine may be served from 11:00 a.m. to 10:00 p.m. only, and only as long as food service is being provided.
 - (e) — The applicant shall agree to:
 - i. — Remove all obstructions, including signs, from the sidewalk after the close of business each day.
 - ii. — Clean up all debris resulting from the activity at the close of business each day.

(2) — ~~Temporary Use.~~ Application for a temporary sidewalk use permit shall contain the same information as required for a seasonal use permit and shall be subject to the same restrictions. A temporary sidewalk use permit shall be issued for a period not to exceed five consecutive days, and may be revoked by the City Manager if Code requirements are not followed. Nonprofit organizations, such as the Chamber of Commerce and merchants' organizations, may apply for joint temporary use permits covering all member businesses.

~~6.760 Fees for Permits.~~

The fee for sidewalk use permits described above shall be set by the Council by resolution.

~~9.325 Newspaper Receptacles.~~ Newspaper receptacles shall be located in compliance with the following requirements:

- (a) Newspaper receptacles located within a street right-of-way will be permitted in only the parkway portion of the right-of-way and only if attached to the structural supports of mailboxes.
- (b) Newspaper receptacles placed on private property shall not be allowed to protrude or extend into any portions of the public street right-of-way.

Memorandum

Date: November 23, 2009

To: City Council

From: Dan Riordan, Senior Planner
Jon Holan, Community Development Director

RE: Metro Construction Excise Tax Grant Letter of Intent (LOI)

Request: Staff is requesting City Council approve submitting a Letter of Intent (LOI) to Metro for use of \$85,000 in Construction Excise Tax grant funds to prepare an urban renewal feasibility study and report for the City of Forest Grove.

Background: The Metro Council seeks to encourage good planning that readies land for development, removes barriers to private investment, and improves the livability of the region. Metro estimates that \$7- to \$10-million in Construction Excise Tax (CET) funds will be available during the next five years to fund grant applications for planning projects that promote these efforts throughout the region. The first grant cycle in FY 2009-2010 will allocate up to \$3.5 million in planning grants for projects in existing urban areas.

Discussion: The application deadline for the first grant cycle of CET funding is January 29, 2010. Potential applicants must submit a LOI describing the proposed project and how it meets the program's eligibility requirements and evaluation criteria. The LOI is attached for review. The deadline for the submitting the LOI to Metro is November 25, 2009.

Staff has prepared a LOI requesting \$85,000 for the preparation of an urban renewal feasibility study and report for the City of Forest Grove. The urban renewal feasibility study area includes the Forest Grove Town Center, Pacific Avenue corridor, and Oak Street industrial area. In addition the study area includes the under-developed parcels north of 26th Avenue and the planned industrial site at Sunset Drive and Highway 47.

The feasibility study and report are the initial steps necessary to establish an urban renewal (tax increment financing) district. Under Oregon state law tax increment proceeds can be used for a variety of purposes including funding infrastructure improvements to support private development and redevelopment. In addition, tax increment proceeds could be used to fund property acquisition and to capitalize loan and grant programs for building rehabilitation or to

encourage specific redevelopment projects meeting stated goals and objectives contained in an adopted urban renewal plan.

Proposed projects must fulfill the minimum eligibility requirements to be considered by Metro. Only planning projects will be funded with CET revenue. Funds cannot be used to support general budget needs, construction or operating costs. Only projects within the Metro urban growth boundary will be funded through the initial CET funding cycle. To be considered, a proposed project must demonstrate availability of other public/private resources, including cash or in-kind contributions such as staff time. The attached LOI shows an in-kind contribution by the City of Forest Grove of \$20,000. This amount includes \$15,000 in staff time and \$5,000 in project overhead expenses.

Project applications will be evaluated and competitively reviewed based on information provided in the full application. The key evaluation criteria include:

- Expected Development Outcomes. Applications will be weighed on ability to achieve on-the-ground development/redevelopment activity;
- Regionally Significant. Priority is given to projects that clearly identify benefit to the region in achieving established regional development goals;
- Focus. Grant funding will be targeted to projects that facilitate development and/or redevelopment in or near centers, corridors, main streets, station centers, employment areas or industrial areas that enhance the Region 2040 Growth Plan;
- Equity. Equitable distribution of funds based on collections of revenues and past funding and distribution of funds based on planning resource needs;
- Best Practice Model. Projects that can be easily replicated in other locations; and
- Leverage/Matching potential. Ability of the project to leverage other funding opportunities.

The LOI describes proposed work program for the project. In addition the LOI describes how the proposed project meets the CET program evaluation criteria identified above.



Construction Excise Tax (CET) Planning Grants Cover Sheet

Check one:
 Letter of Intent
 Full Application

Project Name	City of Forest Grove Redevelopment Planning	Applicant Organization	City of Forest Grove
Contact Name	Daniel Riordan	Address	PO Box 326, Forest Grove, OR 97116
Phone	(503) 992-3226	Fax	(503) 992-3202
Email	driordan@forestgrove-or.gov	Fed. Tax ID #	936002164

Fiscal Agent Organization (if different from applicant) _____

Contact Name	_____	Address	_____
Phone	_____	Fax	_____
Email	_____		

Project Location Description (25 words or less)

Forest Grove Town Center, employment area, and Pacific Avenue corridor.

Project Summary (50 words or less)

Prepare urban renewal feasibility study and urban renewal report report to support implementation of a tax increment financing district in the City of Forest Grove. Desired outcomes include assessment of blight; identification of infrastructure investment necessary to spur private development within blighted areas of the community; subsidies required for mixed-use development consistent with local and regional objectives; assessment of potential tax increment revenue collections and potential impact to affected taxing districts.

Construction Excise Tax Grant funding request	\$ 85,000	If submitting more than one proposal, please rank this proposal in order of priority <input type="checkbox"/>	Metro Council District of Project <input type="checkbox"/>
Total project cost	\$ 105,000		

We, the undersigned, attest that to the best of our knowledge the information in this application is true and that all signatories have authorization to submit this grant application to Metro's Construction Excise Tax Planning Grants Program.

Applicant

Organization Name: City of Forest Grove

Printed Name: Michael Sykes, City Manager

Signature: _____ Date: _____

Fiscal Agent

Organization Name: _____

Printed Name: _____

Signature: _____ Date: _____

To ensure complete letter of intent or full application, please see SECTION 2 of the CET Application Handbook for a complete list of necessary documents for submittal.

Metro
ATTN: Gerry Uba
Construction Excise Tax (CET) Planning Grants
600 NE Grand Avenue
Portland, OR 97232

RE: Letter of Intent – Construction Excise Tax Planning Grants

Dear Mr. Uba,

The City of Forest Grove is pleased to submit this letter of intent for use of Construction Excise Tax (CET) funds to prepare a feasibility study and urban renewal report supporting the creation of a tax increment financing district within the City of Forest Grove. We believe that the proposed project will encourage good planning that readies land for development in this very difficult economic climate. The project will also remove barriers for private investment in Forest Grove and will improve the livability of the region. This letter addresses the CET eligibility requirements and evaluation criteria.

Application Cover Sheet: Attached

Project Narrative

Project Description

Good planning is critical to meeting local and regional objectives for promoting the Region 2040 land use concept. This includes land-efficient development within designated town centers and along established corridors. Tax increment financing allowed by Oregon Revised Statutes Chapter 457 is one tool available to municipalities to encourage the removal of blighting influences and promoting land-efficient development strategies through private and public investments. Specifically, investments in infrastructure, land assembly and participation in mixed-use developments can help achieve the concepts envisioned by Region 2040.

One outcome of the project is the preparation of an urban renewal feasibility study. The feasibility study is the first step in establishing a tax increment financing (urban renewal) district. After completion, the feasibility study will be presented to the City Council and Planning Commission for consideration. The feasibility study will document blight and blighting influences within the City of Forest Grove consistent with ORS 457. The feasibility study will also include an assessment of the land area to include within a tax increment financing district based on the assessment of blight. In addition the study will identify possible projects for funding with tax increment financing proceeds as well as an approximation of project costs. Finally, the study will provide an estimate of potential tax increment revenue likely to be generated within the proposed district.

The anticipated urban renewal feasibility study work program includes:

1. Review Existing Plans and Studies (comprehensive plan, facility plans, transit studies, corridor studies and Town Center study);
2. Meet with City Council and Planning Commission to discuss urban renewal;
3. Assess Conditions of blight required to establish urban renewal area;
4. Determine tentative urban renewal area boundary in conformance with assessed value and area limitations;
5. Estimate potential revenue capacity of urban renewal area;
6. Evaluate options for proceeding; and
7. Meet with City Council and Planning Commission

The feasibility study is often followed by completion of an urban renewal report with the following elements. Completion of the urban renewal report is an expected outcome of the project.

- ✓ A description of the physical, social and economic conditions within the proposed urban renewal area and the impact the urban renewal plan on increased population and need for additional public services;
- ✓ Documentation of the specific reasons why the urban renewal area was selected;
- ✓ The relationship between each urban renewal project and the existing conditions within the area;
- ✓ The estimated costs of the projects and sources of project funding;
- ✓ The completion date of each project;
- ✓ The amount of tax increment funds required and the year the urban renewal agency plans to pay of all outstanding tax increment indebtedness;
- ✓ A financial analysis that shows the plan to be financially feasible;
- ✓ An analysis on the impact on the tax rates and revenues of affected taxing districts that overlap the urban renewal area; and
- ✓ A relocation report which includes an analysis of businesses and residents that be required to relocated due to project activities; a description of the methods to be used in the relocation program; and an analysis (number and cost range) of the existing housing units that may be destroyed or altered and the housing units that may be added.

The urban renewal report will also identify ways to mitigate potential impacts to affected taxing districts through mutually beneficial projects to encourage support and concurrence.

The anticipated urban renewal work program includes:

1. Prepare draft urban renewal report;
2. Meet with City Council and Planning Commission;
3. Meet with Affected Taxing Districts;
4. Finalize Urban Renewal Report; and
5. City Council Acceptance of Final Urban Renewal Report

Although there is often a long lead time with acquiring sufficient tax increment proceeds to directly fund projects establishing an urban renewal district now will provide the City of Forest Grove with the opportunity to match infrastructure and brownfield reclamation grant opportunities offered by the State of Oregon and federal governments. Such opportunities may result in encouraging development that might not otherwise occur. Establishing the urban renewal area will also provide the urban renewal agency the ability to negotiate the acquisition of property to further urban renewal objectives.

Evaluation Criteria

1. Expected Development Outcomes

a) The expected probability that due to this planning grant, development permits will be issued within two-years from the date the planning work is completed.

Although the urban renewal district could be established within two years, it is unlikely development permits will be issued within this timeframe. The timing of issuing permits is predicated on the state of the economy, amount of time necessary to collect sufficient tax increment proceeds necessary to support development projects and the private development process.

b) The expected probability that due to this planning grant, development permits will be issued within five-years from the date the planning work is completed.

It is possible that development permits could be issued within five-years from the date this planning work is completed. Once the urban renewal district is established the urban renewal agency will begin to collect tax increment revenues. These revenues could be used to help offset private development costs. The urban renewal agency could also partner with public agencies to begin pre-development work including securing grants for brownfield remediation. The actual timing of development is predicated on the amount of time necessary to collect sufficient tax increment revenue to fund projects. In addition, timing is contingent on the private development process including securing financing, acquiring land and securing necessary permits.

c) The level of community readiness and local commitment to the predicted development outcomes; considerations include:

- (1) Development site/s of adequate scale to generate critical mass of activity
- (2) Existing and proposed transportation infrastructure to support future development
- (3) Existing urban form that provides strong redevelopment opportunities
- (4) Sound relationship to adjacent residential and employment areas
- (5) Compelling vision and long-term prospects

There is substantial community readiness and local commitment to this project and predicted development outcomes. Earlier this year, the voters approved a City Charter amendment to streamline the local process required for establishing an urban renewal district. The Forest Grove Town Center has development sites of adequate size and scale to generate a critical mass of activity. One such site the underutilized Woodfold-Marco site located near 19th Avenue and Ash Streets. This site could support mixed-used development including needed housing within the Town Center. Underutilized sites also exist along the Pacific Avenue corridor.

The City has been working to develop transportation infrastructure to support future development. For example, the City received a Transportation Growth Management Grant from the State of Oregon to evaluate land use alternatives proximate to an underutilized railroad corridor that could support high capacity transit. The Hillsboro to Forest Grove extension of light rail is identified as a Regional Vision Corridor in the High Capacity Transit System Plan recently completed by Metro.

The City of Forest Grove has an existing urban form that provides strong redevelopment opportunities. The City has an active Town Center that is the focal point for the community. The presence of Pacific University adjacent to the Town Center provides an anchor for redevelopment opportunities.

This project will create opportunities for additional private and public investment within the project area. Once the urban renewal area is established the urban renewal agency will become an active partner to promote redevelopment in the community. Participation could include planning assistance, land assembly, infrastructure investment and funding projects through loans and grants.

2. Regionally Significant

The proposed planning grant will benefit the region by addressing established regional development goals and outcomes expressed in the 2040 Growth Concept. The project area includes the Forest Grove Town Center. The Town Center provides an opportunity for people to live and work in a vibrant community where they can choose to walk for pleasure and meet everyday needs. Additional investment in the Town Center is necessary to ensure continued viability and competitiveness. The Town Center is located adjacent to Pacific University a major

employer in Forest Grove. In addition, the Town Center is located near the 23rd Avenue industrial area.

This planning grant will establish the land use and financial framework necessary to promote opportunities for mixed-used development and affordable housing within the Town Center area. Such development will use land efficiently thereby minimizing the need to expand the urban growth boundary. Development within the Town Center will build on prior public infrastructure investment. In addition, further intensification of the Town Center will improve the viability of transportation choices for the community.

3. Location

The proposed planning grant will facilitate redevelopment of the Forest Grove Town Center, Pacific Avenue corridor and 23rd Avenue industrial area. In addition, the planning grant will complement work underway for station area planning along the underused railroad corridor north of Pacific Avenue/19th Avenue couplet.

4. Leverage/Matching Potential

This project complements the Forest Grove Transit Oriented Development Plan and Implementation Strategy funded through a Transportation Growth Management grant. The TGM grant will evaluate land use alternatives supportive of high capacity transit options. The proposed CET project will result in the regulatory and financial framework necessary to carry-out the adopted recommendations from the TGM grant.

5. Equity

Forest Grove has been designated as an “Economically Disadvantaged Community” by the Oregon Economic and Community Development Department (Business Oregon). Funding this grant application will ensure an allocation of CET funds to an economically disadvantaged part of the region. Further, this project will assist Forest Grove’s planning efforts to improve investment opportunities in areas of the community where investment has been lagging. Improving investment in Forest Grove will also increase the amount of Construction Excise Tax received by Metro in the future.

Collaborations

The City of Forest Grove intends to coordinate this project closely with the Forest Grove Transit-Oriented Development Plan and Implementation Strategy funded through the Transportation and Growth Management Program. Partners in this project include the Oregon Department of Transportation and Department of Land Conservation and Development. The City also intends to partner with affected taxing districts to identify ways to offset impacts with forming an urban renewal district in Forest Grove. Overlapping taxing district have a financial interest in the outcome of this project and should be considered partners as defined by the CET guidelines.

Statement

This project has been discussed with the Forest Grove City Council. The City Council concurs with the submittal of this Letter of Interest.

Project Management

Project staff communicating with Metro will include Jon Holan, Community Development Director, and Dan Riordan, Senior Planner.

Construction Excise Tax Planning Grant Program Project Budget Form

PROJECT COSTS

1) Estimate the hours of work directly related to your project for agency personnel, consultants, and non-profit personnel. You can delete rows that do not apply and/or add more for specific descriptors.

2) Explain the tasks each is expected to complete *in the budget narrative* (i.e., design development, construction estimates, public involvement, technical research, code analysis, etc.).

Personnel Costs	Financial Match	In-Kind Match	CET Grant Request	TOTAL
Agency staff		\$15,000		\$15,000
Consultants			\$85,000	85,000
Non-profit staff				
Other, please list				
Total for Planning Services				\$100,000

Other Costs				
Overhead/Indirect costs - these can only be used as match	\$5,000			\$5,000
Total for Other Costs				\$5,000

TOTAL PROJECT COSTS				\$105,000
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Note: See pages 8 and 9 of the CET Application Handbook for detail instructions.

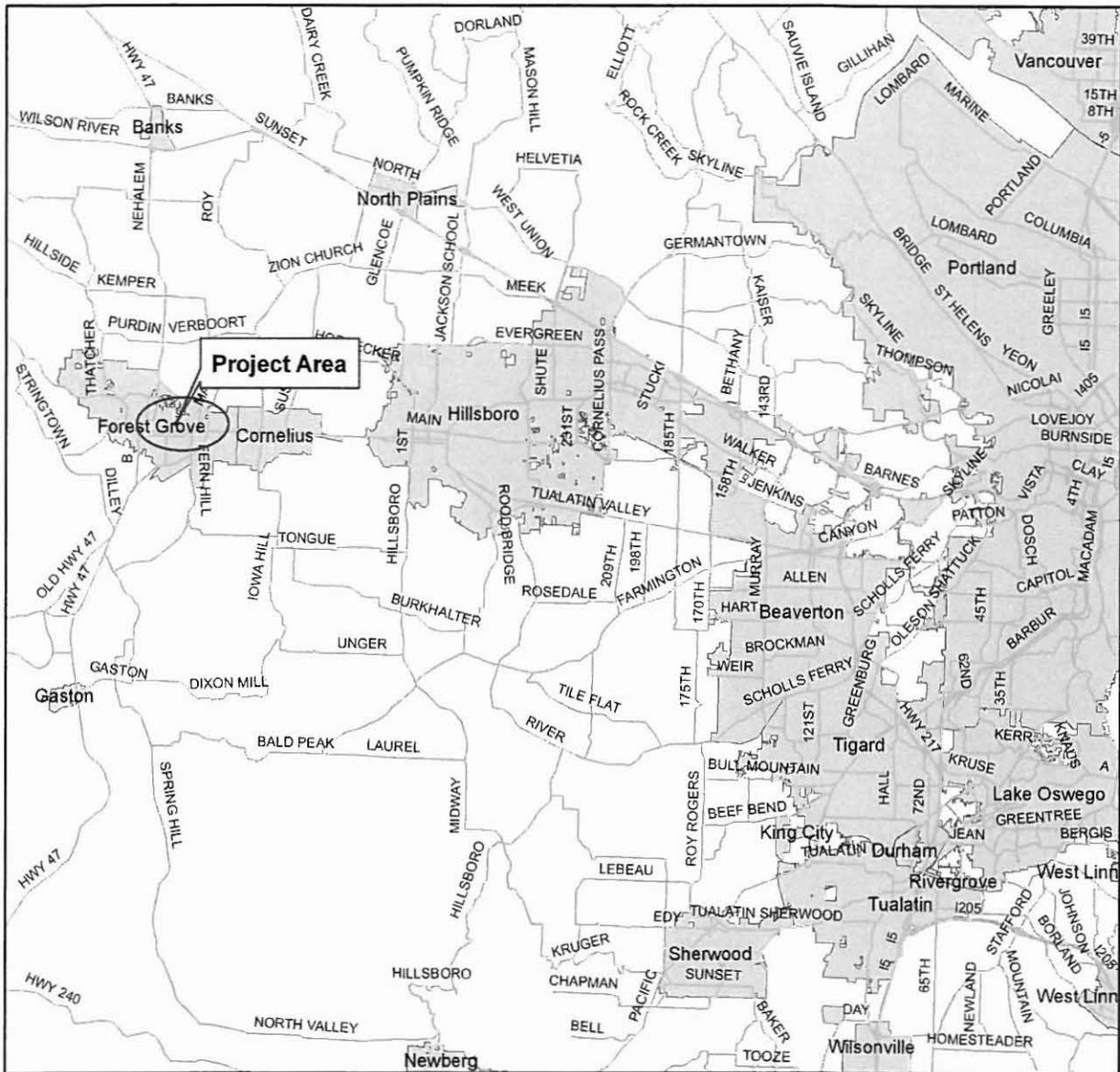
Construction Excise Tax Planning Grants Program

F2 - Match Form

Instructions: If your “Match Source” is a professional or technical service received as “In Kind,” use the market average or actual salary or bid for that individual or service. Use the “Notes” field to document methodology.

Match Source	Choose One		Choose One		Amount	Notes
City of Forest Grove	<input type="radio"/> Financial	<input checked="" type="radio"/> In Kind	<input type="radio"/> Pending	<input checked="" type="radio"/> Secured	\$ 15,000.00	Direct salary for project staff
City of Forest Grove	<input type="radio"/> Financial	<input checked="" type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$ 5,000.00	Overhead/Indirect costs including copies, postage, staff overhead
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	

Total \$ 20,000.00



City of Forest Grove Construction Excise Tax Application

Regional Context Map



November 23, 2009

**REPORT AND RESOLUTION AUTHORIZING THE CITY MANAGER TO
ENDORSE THE MEMORANDUM OF UNDERSTANDING BETWEEN PACIFIC
UNIVERSITY AND THE CITY OF FOREST GROVE FOR INTERCOLLEGIATE
FOOTBALL GAMES TO BE PLAYED IN LINCOLN PARK**

Project Team: Tom Gamble, Director Parks and Recreation
Michael Sykes, City Manager

Issue Statement: Pacific University has requested the City of Forest Grove allow football games to be played in Lincoln Park. The University is requesting a change to the Shared Use Easement Agreement that was adopted by the City Council on February 26, 2007.

Background: At the September 16, 2009, meeting of the Parks and Recreation Commission, Pacific University officials requested a change in the Easement Agreement between the City of Forest Grove and the University. The Easement in Section 3, 3. 8., states: "The University will not utilize the University-Built Facilities for intercollegiate football without first obtaining permission from the City. The City's intent is to assure that additional University programs, such as intercollegiate football, will not substantially reduce the availability of the University-Built Facilities for City-approved uses."

The request from the University included both games and practices. The Parks and Recreation Commission reviewed the proposal and determined that games created certain concerns, and that the practice schedule posed other concerns and in-fact both had a greater impact on community use of the facility than the Commission was comfortable with. The Commission had a number of items that needed further investigation. The Commission was unable at the September 16th meeting to make a recommendation, so a Work Session and Special Meeting of the Commission was held on October 6, 2009.

At the October 6th meetings, a number of other issues were raised regarding games and practices. Based on the information gathered the Commission appointed a smaller working committee to study the various issues and report their findings and recommendations at the regular meeting of the Commission on October 21, 2009.

The work group met and determined that to help the University in its scheduling timeline for games, it would be prudent to make a separate recommendation for games and practice use of the Lincoln Park facility.

Discussion: After numerous discussions and meetings the members of the Parks and Recreation Commission focused and agreed on the following conditions to allow games to be played in Lincoln Park, the practice discussion is ongoing.

The following are the conditions the Park and Recreation Commission approved at its regular meeting on October 21, 2009.

- The City of Forest Grove and Pacific University will enter into a Memorandum of Understanding signed by both agencies that agrees to the following conditions:
 - a. That no more than five (5) games be allowed at the turf field at Lincoln Park during the 2010 – 2011 school year. (Playoff games would not be included in the 5 game maximum).
 - b. That prior to January 31, 2010, Pacific University provides to the City of Forest Grove an approved parking plan for game day activities.
 - c. That before January 31, 2010, Pacific University provides to the City of Forest Grove an approved seating plan for Lincoln Park Stadium for football games days.
 - d. That before January 31, 2010, Pacific University provides to the City of Forest Grove an approved safety and security plan.
 - e. Community use of the turf field and practice field on soccer game days will be 8:00 a.m. until 12 noon and then after university games are concluded.
 - f. Community use of the turf field on football game days will be one hour after the completion of the game.
 - g. The field will be available for set up Friday (prior to game day) after 7:00 p.m.
 - h. No Community use will be permitted on the turf field on football games days prior to the contest.
 - i. Community use will be on the practice field from 8 a.m. until 12 noon on football game days.
 - j. These conditions will be reviewed prior to the 2011 – 2012 school year.
 - k. That before January 31, 2010, Pacific University provides an approved drainage system for baseball, softball and practice fields which will be funded by the University.

Approved plans for safety, parking, drainage and seating will be developed in cooperation with the appropriate City of Forest Grove Departments. The City Manager or his designees shall approve and make final recommendations regarding these plans.

The Parks and Recreation Commission recognize the economic benefit to the community by the addition of football. The University estimates that over \$300,000 dollars will be spent locally by those attending football games in Forest Grove with a five (5) game schedule.

The Parks and Recreation Commission and City staff recognize the importance of the addition of football to the athletic offering at the University. The Commission also acknowledges the importance of completing the discussion of practice locations for the football program in a timely manor. The Commission and staff will be bringing recommendations for practices in a future report and resolution. These recommendations will likely include the use of the Canary Field, property owned by the University. Those discussions at this point need additional research on both the City's and University's part.

Funding: The University has agreed to fund all improvements to Lincoln Park related to the addition of football games to the schedule at the park. Including the drainage system to the practice field, baseball and softball field.

Recommendation: Staff recommends the City Council authorize the City Manager to enter into a Memorandum of Agreement, which is currently in draft form, to allow Pacific University to play football games at the Lincoln Park Stadium for a period of two years.

RESOLUTION NO. 2009-69

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENDORSE THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FOREST GROVE AND PACIFIC UNIVERSITY FOR INTERCOLLEGIATE FOOTBALL

WHEREAS, the City of Forest Grove (CITY) and Pacific University (UNIVERSITY) have a Shared Use Agreement for the use of Lincoln Park that was adopted by the Forest Grove City Council on February 26, 2007; and

WHEREAS, the Shared Use Agreement in Section 3, 3. 8., does not allow for football to be played in the Lincoln Park facility; and

WHEREAS, the Parks and Recreation Commission took public testimony at its October 6, 2009, Work Session, regarding football activities in Lincoln Park; and

WHEREAS, the Parks and Recreation Commission approved games only to be conducted under certain conditions at its October 21, 2009, Commission meeting; and

WHEREAS, the City Council has considered the conditions approved by the Parks and Recreation Commission.

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

Section 1. That the City Council hereby approves and authorizes the City Manager to endorse the Memorandum of Agreement (Exhibit A) between the City of Forest Grove and Pacific University for intercollegiate football games at Lincoln Park.

Section 2. That the City Council hereby authorizes the City Manager to amend the Memorandum of Agreement (Exhibit A) as the City Manager deems necessary.

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

PRESENTED AND PASSED this 23rd day of November, 2009.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of November, 2009.

Peter B. Truax, Mayor

Draft
**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF FOREST GROVE
AND PACIFIC UNIVERSITY**

This agreement dated December 7, 2009, is between the City of Forest Grove, Oregon, and Pacific University, a corporation that operates within the City limits of Forest Grove.

A. PURPOSE

The purpose of the Agreement is to recognize the mutual desire to clarify the conditions under which Lincoln Park facilities may be used for intercollegiate football games.

B. RECITALS

1. **Whereas**, the City of Forest Grove (CITY) and Pacific University (UNIVERSITY) have a Shared Use Agreement for the use of Lincoln Park that was adopted by the Forest Grove City Council on February 26, 2007.
2. **Whereas**, the agreement in Section 3, 3.8 does not allow for football to be played in the Lincoln Park facility.
3. **Whereas**, the Forest Grove Parks and Recreation Commission took public testimony at its October 6, 2009, Work Session, regarding football activities in Lincoln Park.
4. **Whereas**, the Forest Grove Parks and Recreation Commission approved games only to be conducted under certain conditions at its October 21, 2009, Commission meeting.
5. **Whereas**, the Forest Grove City Council has met and considered those conditions approved by the Forest Grove Parks and Recreation Commission.

NOW, THEREFORE, it is agreed by and between the City of Forest Grove and Pacific University as follows.

C. PACIFIC UNIVERSITY OBLIGATIONS

1. That no more than five (5) football games be allowed at the turf field at Lincoln Park during the 2010 – 2011 school year.
2. That prior to January 31, 2010, the University provides to the City a parking plan for game day activities.
3. That before January 31, 2010, the University provides to the City an approved seating plan for Lincoln Park Stadium for football game days.
4. That before January 31, 2010, Pacific University provides a plan to be approved by the City, for improvements to the drainage of the baseball, softball and practice fields in Lincoln Park through the normal permit processes. The University will cover the cost of design, permitting, and construction within the scope of the original plan for construction of the baseball, softball and practice fields.
5. That before January 31, 2010, the University will provide an approved safety and security plan.
6. Community use of the turf field will be from 8:00 a.m. until 12 noon on soccer game days and then after the University games are concluded.
7. Community use of the turf field on football game days will be one hour after completion of the game, unless an intercollegiate soccer game is scheduled following a football game.
8. Community use on the practice field on game days will be from 8:00 a.m. – 12 noon.
9. These conditions will be reviewed prior to the 2011 – 2012 school year.

D. CITY OF FOREST GROVE OBLIGATIONS

1. Approved plan for safety, parking, drainage, and seating will be developed in cooperation with appropriate City of Forest Grove Departments, including but not limited to: Parks, Police, Fire, Engineering and Planning. The Parks and Recreation Director will coordinate this process. It is agreed that all conditions of approval will be coordinated with the appropriate departments of the City of Forest Grove with final recommendation for approval to be authorized by the City Manager.
2. Community use on the practice field will be limited to 8:00 a.m. – 12 noon and then after the games are complete on the turf field.
3. Community use on the turf field will be one hour after completion of the game unless an intercollegiate soccer game is scheduled following a football game.
4. The City will allow additional playoff games as the schedule becomes known for both football and soccer.
5. No community teams will be allowed on the turf field after 7:00 p.m. on Friday prior to football game days.
6. These conditions will be reviewed prior to the 2011 – 2012 school year.

E. EFFECTIVE DATE

This Memorandum of Agreement is effective when signed by both agencies.

The agreement may be modified by written amendment to the agreement signed by both agencies.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

City of Forest Grove

Pacific University

By: _____
Michael J. Sykes, City Manager

By: _____

November 23, 2009

**REPORT AND RESOLUTION TRANSFERRING APPROPRIATIONS
WITHIN THE BUILDING PERMITS FUND FOR THE FISCAL YEAR 2009-10
FOR THE PURCHASE OF NEW BUILDING PERMIT SOFTWARE**

Project Team: Paul Downey, Director of Administrative Services
Jon Holan, Community Development Director
Michael Sykes, City Manager

ISSUE STATEMENT: The Community Development Department purchased building permit software about nine years ago. The software has not been supported by the software company for almost five years now as it has introduced new versions. The department has been planning to replace the software but the slowdown in building activity has delayed the replacement. The file server that houses the software is past due for replacement and is showing signs of failure. The software cannot be moved to another server due to compatibility of operating systems and lack of support from the vendor. Staff is starting the process to replace the software as the department needs functioning building permit software. Since the software replacement was not budgeted in the current fiscal year, a transfer from Building Permit Fund Contingency is required. A resolution to allow the transfer from Contingency to purchase new software is required.

DISCUSSION: The department needs functioning building permit software due to the complexity of the permit issuing process and all the fees that are part of issuing building permits. Staff is proposing and has begun the process to replace the building permit software with the EDEN Permits module. This module is part of the EDEN software system the City currently uses for financial and business license software. The new building permit software will operate on the EDEN file server so the City will be eliminating one file server as part of this transition. The cost of the software is approximately \$38,000. All costs except actual travel costs of the trainers are known.

FISCAL IMPACT: Local Budget Law requires a budget adjustment be prepared and approved by the City Council prior to the expenditure of the additional funds. Staff is proposing a contingency transfer to appropriate funds for the payment. The replacement of the software using reserve funds was planned and there will not be an effect on building permit operations as a result of this transfer. A public hearing is not required for this contingency fund transfer since the transfer is less than 15 percent of the Fund's total appropriated expenditures.

RECOMMENDATION: Staff recommends that the City Council approve the attached resolution so the additional funds can be expended in accordance with Local Budget Law.



RESOLUTION NO. 2009-70

**RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN
THE BUILDING PERMITS FUND FOR THE FISCAL YEAR 2009-10
FOR THE PURCHASE OF NEW BUILDING PERMIT SOFTWARE**

WHEREAS, the current building permit software was installed by the City approximately nine years ago; and

WHEREAS, software company stopped supporting that software version about five years ago; and

WHEREAS, the City file server on which the software resides is beginning to fail; and

WHEREAS, the current software does meet the needs of the department and cannot be moved to a different server; and

WHEREAS, the department was planning to replace the current software in the next budget year; and

WHEREAS, the imminent failure of the current server is accelerating the need to replace the software.

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

Section 1. Transfer \$38,000 from Building Permits Fund Contingency (line item 205-32-10-580206) to Building Permits Fund General Government Projects (line item 205-32-10-550100).

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

PRESENTED AND PASSED this 23rd day of November, 2009.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 23rd day of November, 2009.

Peter B. Truax, Mayor