

**ORDINANCE NO. 2017-12**

**ORDINANCE AMENDING FOREST GROVE DEVELOPMENT CODE  
ARTICLES 1 INTRODUCTION AND PROCEDURES, 2 LAND USE REVIEWS, 3  
ZONING DISTRICTS, 4 OVERLAY DISTRICTS, 5 SPECIAL PROVISIONS, 7  
MISCELLANEOUS PROVISIONS, 8 GENERAL DEVELOPMENT STANDARDS,  
AND 12 USE CATEGORIES AND DEFINITIONS; FILE NO. 311-16-000175-PLNG**

**WHEREAS**, the Development Code was adopted in 2009 and needs periodic updating to reflect changes in local, regional and state policies, codes and definitions; and

**WHEREAS**, the City also desires to make amendments to the Development Code to update procedures and review standards; and

**WHEREAS**, notice of the proposed amendments was provided to the Department of Land Conservation and Development on September 11, 2017; and

**WHEREAS**, the Planning Commission held a Public Hearing on the proposed amendments on October 16, 2017; and

**WHEREAS**, the Planning Commission adopted Planning Commission Findings and Decision Number 2017-16 recommending approval of the proposed amendments; and

**WHEREAS**, the City Council held a duly-noticed Public Hearing on the proposed ordinance on November 13, 2017, and continued the hearing on November 27, 2017.

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

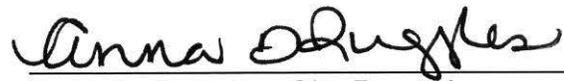
**Section 1:** The City Council of the City of Forest Grove hereby adopts the text amendments to Development Code Article 1 *Introduction and Procedures*, Article 2 *Land Use Reviews*, Article 3 *Zoning Districts*, Article 4 *Overlay Districts*, Article 5 *Special Provisions*, Article 7 *Miscellaneous Provisions*, Article 8 *General Development Standards*, and Article 12 *Use Categories and Definitions* as shown on Exhibit A.

**Section 2:** The City Council hereby finds that the proposed amendments are consistent with and meet the provisions of Development Code §10.2.630 *Review Criteria Pertaining to Zoning Text Amendments* as shown on Exhibit B.

**Section 3:** This ordinance is effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading this 13<sup>th</sup> day of November, 2017.

**PASSED** the second reading this 27<sup>th</sup> day of November, 2017.



Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 27<sup>th</sup> day of November, 2017.



Peter B. Truax, Mayor

EXHIBIT A  
ORDINANCE NO. 2017-12

CITY OF FOREST GROVE DEVELOPMENT CODE

GENERAL ADMINISTRATION

§10.1.130 WHEN LAND USE PERMITS ARE REQUIRED

Land use permits are required when a development or lot line adjustment as defined by this Code is proposed unless exempted under specific provision. However, exempt activities and developments may be subject to other applicable provisions of the Code. When a land use permit is required, then:

- A. No person shall initiate a development until a land use permit has been approved.
- B. The City shall not issue any other permit for the development until the land use permit has been approved. Concurrent review of building permit applications and other applications related to the land use permit are allowed under the following conditions:
  - 1. Final approval of building and other permits are not allowed without land use permit approval; and
  - 2. The applicant acknowledges the risk that a land use permit may be denied, the land use permit could change, and/or the outcome of the land use permit could alter other permit requirements.
- C. A land use permit shall not be approved for the division, improvement, or use of land that has been divided or otherwise developed in violation of this Code unless the violation is corrected prior to or concurrent with issuance of a land use permit.
- D. No action may be taken in reliance upon a decision approving a land use permit until all applicable appeal periods have expired or while an appeal to a City review body is pending.
- E. A land use or building permit that would allow for the construction of a structure shall not be issued unless all applicable and needed services including vehicular access, power, sewerage, domestic and fire water supply and storm water drainage are available to the site where the structure is to be built. This provision does not apply to permits for a structure that do not require such services (such as a storage shed).
- F. All land use permits, with the exception of a subdivision **or a planned development**, shall expire one year from the date of issuance unless:
  - 1. Substantial construction or operation of the development has begun within that time and has continued toward final completion; or
  - 2. Development is proceeding in accordance with an approved phasing plan; or
  - 3. A written extension is granted by the Director under the Type I review process.
- G. A subdivision is subject to the following time limits:

1. The tentative plat for a subdivision expires two years after the date of approval unless:
  - a. Application for the final plat has been filed with the City; or
  - b. A time extension is approved pursuant to §10.1.135; or
  - c. The tentative plat has been approved with a phasing plan consistent with the provisions of §10.6.005(D); or
  - d. **The tentative plat, or an independent phase thereof, has been filed and processed concurrently with a Planned Development pursuant to §10.4.200 et. seq. in which case the tentative plat approval period is valid for four (4) years, pursuant to §10.4.220(D). A phased PD shall not exceed four years between tentative plat approval of the first and final phases.**
  
2. The final plat for a subdivision shall be recorded within one year after the plat has been submitted to the City.

## TYPE I PROCESS – ADMINISTRATIVE DECISIONS

### §10.1.405 TYPE I APPLICATIONS AND APPROVAL CRITERIA

Applications so designated throughout the Development Code are reviewed under the Type I process, based on the requirements and criteria set forth for each application in other sections of this Code. Examples of actions subject to a Type I application and review process include:

- Certain types of Zoning Standard Adjustments
- Certain projects within an approved Master Plan
- Tree Permit
- Lot Line Adjustment
- Final partition plat
- Final subdivision plat
- **Final plan for planned development**
- Accessory Dwelling Units
- Certain Bed and Breakfast Inns
- Home Occupations
- Certain types of Wireless Communication Facilities
- Landscape Review not subject to Site Development or Design Review
- Parking Plan not subject to Site Development or Design Review
- Existing and New Signs

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type I applications, shall be processed as a Type I application.

## TYPE II PROCESS – LIMITED LAND USE DECISIONS

### §10.1.505 TYPE II APPLICATIONS AND APPROVAL CRITERIA

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

- Certain types of Zoning Standard adjustments
- Minor Modification to a Conditional Use Permit
- Certain type of Design Review
- Site Development Review
- Certain projects within an approved Master Plan
- ~~Final Plan for Planned Development~~
- Tentative partition plat
- Tentative subdivision plat
- Adjustments to public improvement requirements

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type II applications, shall be processed as a Type II application.

## ADJUSTMENT

### §10.2.110 PROCEDURE

- A. Requests for changes of less than 10% of the setback, height, or lot coverage standard shall follow the Type ~~II~~ I process.
- B. Requests for changes from 10%-20% of the setback, **height** or lot coverage standard shall follow the Type II process.
- C. Requests for changes to standards other than setback, height, or lot coverage, or which are for more than 20% of the setback, height, or lot coverage standard are processed as variances under §10.2.700.

### 10.2.120 REVIEW CRITERIA

#### A. Type I Adjustment Process

1. The requested adjustment is for less than 10% of the setback, height or lot coverage standard; and
2. Granting adjustment shall be consistent with the purpose of the affected zoning.

#### B. Type II Adjustment Process

1. The requested adjustment is from 10%-20% of the setback, **height** or lot coverage standard;

2. Granting the adjustment will be consistent with the purpose of the affected zoning district or meet or exceed the purpose of the standard to be modified;
3. If in a residential zone, the adjustment will not significantly detract from the livability or appearance of the residential area. If in a commercial or industrial zone, the adjustment will be consistent with the desired character of the area;
4. If more than one adjustment is requested, the cumulative effect of the adjustments shall result in a project which is consistent with the overall purpose of the zone; and
5. Any impacts resulting from the adjustment are mitigated to the extent practical.

## RESIDENTIAL ZONES

### §10.3.120 USE REGULATIONS

TABLE 3-2: Residential Zones: Use Table

USE CATEGORY	SR	R-10	R-7	R-5	RML	RMH
<u>CIVIC / INSTITUTIONAL</u>						
Basic Utilities	P	P	P	P	P	P
Major Utility Transmission Facilities	C	C	C	C	C	C
Colleges	C	C	C	C	C	C
Community Recreation	P/C <sup>[8]</sup>					
Cultural Institutions	C	C	C	C	C	C
Day Care	L <sup>[9]</sup>					
Emergency Services	C	C	C	C	C	C
Postal Services	N	N	N	N	N	N
Religious Institutions	C	C	C	C	C	C
Schools	C	C	C	C	C	C
Social/ Fraternal Clubs / Lodges	N	N	N	N	N	C

Table Footnotes:

- [9] A day care facility (care of up to ~~twelve (12)~~ **16** children) is permitted in all residential zones. A day care institution (care of more than ~~twelve (12)~~ **16** children) requires approval of a conditional use permit in all residential zones. **A non-resident day facility or day care institution requires approval of a conditional use permit in all residential zones.**

### §10.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

#### B. Calculating Potential Densities

The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.

1. The Target Density is permitted outright.
2. The Minimum Density is required to ensure:
  - a. Land is being used at the appropriate intensity planned for the area;

- b. Enough dwelling units can be developed to accommodate the projected need for housing; and
  - c. Compliance with the Metro Functional Plan.
3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and the general public and/or provide affordable housing. Incentive Density is only allowed as part of a Planned Development (see §10.4.200).

I. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

1. Buildings in the SR, R-10, R-7, R-5 and RML Zones are limited to a maximum height of two and one-half (2 ½) stories or thirty-five (35) feet, whichever is less. **Accessory buildings are limited to a maximum height of one and one-half (1 ½) stories or twenty-five (25) feet, whichever is less.**

## COMMERCIAL AND MIXED USE ZONES

§10.3.320 USE REGULATIONS TABLE 3-10

USE CATEGORY	NC	CC	NMU
<u>INDUSTRIAL</u>			
Manufacturing and Production:			
- Light Industrial	N	C <sup>[11]</sup>	N
- General Industrial	N	N	N
<b>- Medical and Recreational Marijuana Processors and Production</b>	<b>N</b>	<b>N</b>	<b>N</b>
Railroad Yards	N	N	N

Footnotes:

- [1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 3.48 and a maximum density of 4.35 dwelling units/net acre.
- [2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 30.00 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses.

## PLANNED DEVELOPMENTS

### §10.4.200 PURPOSE

The purpose of the Planned Development (PD) provisions is to provide greater flexibility in the development of land for residential, commercial or industrial purposes than allowed by the conventional standards of the Development Code. **For residential sites over two (2) acres that have an average slope greater than 20%, development is allowed only through approval of a planned development (see §10.3.130 Table 3-4).**

**A PD is not intended to be simply a means of avoiding normal Development Code requirements.** The PD provisions are intended to:

- A. Promote flexibility and innovation in site design and permit diversity in the location of structures **in order to preserve natural features and view corridors;**
- B. **Promote innovative and creative design by providing a variety and mixture of building types and architectural styles;**
- C. Promote efficient use of land and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities when compared with conventional development patterns;
- D. Preserve to the greatest extent possible existing landscape features and amenities **such as trees, creeks, ponds, floodplains, hills and similar natural assets**, and incorporate such features into the design of the PD;
- E. **To encourage the provision of open space and recreational facilities in a generally central location and within reasonable walking distance of all living units in residential planned developments;**
- F. Combine and coordinate architectural styles, building forms and building relationships within the PD; and
- G. Provide the applicant with reasonable assurance of ultimate approval before requiring detailed design and engineering, while providing the City with assurances that the project will retain the character envisioned at the time of approval.

### §10.4.205 PROCEDURES

A planned development is reviewed through a two-step process.

- A. Preliminary plan. The preliminary plan is reviewed under Type III procedures. The preliminary plan review examines the PD plan with respect to items such as density, including the number, type, and location of dwelling units; parking; impacts on surrounding areas; adequacy of services; and conceptual plan for service improvements. Preliminary plan approval will only be granted when there is a reasonable certainty that the PD will fulfill all applicable requirements of the City Codes.
- B. Final plan. The final plan for the PD is reviewed under Type ~~II~~ **I** administrative procedures. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable City standards, requirements, and conditions have been met. Approval will only be granted if the final plan is in substantial conformance with the preliminary plan.

- C. Concurrent land division. A PD may be filed and processed concurrently with a partition or subdivision application. All of the submittal requirements and review standards of Article 6 will apply to a concurrent PD/land division request. The tentative plat will be combined with the preliminary PD review and the final plat will be combined with the final PD review.
- D. Site development/design review. The PD approval may remove the requirement for subsequent site development or design review of individual buildings, if the PD includes building elevations and sufficient information to demonstrate compliance with the applicable site development/design review standards. The PD decision shall expressly state whether individual buildings within the PD (such as commercial or multifamily buildings) require site development or design review approval.

#### §10.4.210 PROFESSIONAL DESIGN TEAM REQUIRED

The PD applicant must certify, in writing, that a member of each of the following professions will be used in the planning and design process for the proposed PD:

- A. A licensed architect or professional urban designer.
- B. A licensed landscape architect, a certified nurseryman, or landscape designer approved by the Director.
- C. A registered civil engineer or land surveyor.

One of the above professionals shall be designated by the applicant to act as a liaison between the Community Development Department, the design team, and the applicant during the two-step PD review process. The Planning Commission or City Council may require the expertise of other professionals on the design team if it is determined that the site merits special consideration to unique or adverse features or conditions.

#### §10.4.215 PD DEVELOPMENT STANDARDS

- A. Base Zone Standards. The development standards of the base zone apply unless they are superseded by the standards of this section or the PD approval. **Exceptions from the standards of the underlying zoning district must be warranted based on the unique design and amenities incorporated into the development plan, and shall have a beneficial effect which could not be achieved using the standards of the underlying zoning district. Exceptions shall be clearly and specifically identified in the application, which shall also include an explanation justifying and substantiating the need for each exception.**
- B. Site Size. There are no minimum or maximum size limitations for a PD.
- C. Calculation of Density. The number of dwelling units allowed in residential zone PDs shall be calculated on the basis of **§10.3.130(A)** Table 3-3 ~~in Article 3~~. All residential development shall be at a minimum of 80% of the target density for the parent zone. A request for incentive density may be approved for the PD, based on the criteria in §10.3.130(E).
- D. Multiple Base Zones. When a proposed PD site includes more than one base zone, the uses **and residential density** may be allocated throughout the site without regard to zoning boundaries.
- E. Lot Sizes. There are no required minimum lot sizes.

- F. Housing Types Allowed. Housing types in zones that allow residential uses are not restricted in the PD, **except that housing types in the RML and RMH zones shall include a mixture of single-family, duplex or multi-family units.**
- G. Architectural Pattern Book. **In residential PDs, a variety of architectural styles shall be required. For all PDs, a compendium of architectural elevations, details and colors of each building type shall be submitted. The pattern book shall act as the architectural control for the homeowner's association or the commercial owner. The pattern book shall include the following:**
1. **An explanation of how the pattern book is organized, and how it is to be used.**
  2. **Definitions of specific standards for architecture, color, texture, materials, and other design elements.**
  3. **A checklist system to facilitate review of the development for conformity with the pattern book.**
  4. **Information for each building type including:**
    - a. **Massing, facades, elevations, roof forms, proportions, materials and color palette.**
    - b. **Doors, windows and siding, including sash and trim details.**
    - c. **Porches, chimneys, light fixtures and any other unique details, ornamentation or accents.**
    - d. **Illustrations of elevations and floor plans.**
    - e. **A fencing plan with details that addresses the relationship between public and private space, and between the PD site and abutting property.**
- H. Height. The height limits of the base zone apply.
- I. Building Setbacks. Building setbacks are established as part of the preliminary development plan approval. **Garage setbacks shall be a minimum of 20 feet. No building projections (roofs or foundations) shall be permitted in the front yard public utility easement required by §10.8.905(E)(1).**
- J. Peripheral Yards. **Along the boundary of any PD, a yard at least as deep as that required in the underlying zone district shall be provided.**
- K. Open Space. ~~In residential zones, a~~ **At least 40% 20% of the buildable portion** of the PD not in streets and driveways must be devoted to open space. ~~In nonresidential zones, at least 20% of the PD not in streets and driveways must be devoted to open space.~~ **At least half of the open space in all zones must be in common ownership and at least half of that space must be contained in one tract. The tract's configuration shall be 45% of the site's overall length and width with a minimum dimension of 20 feet. The extent to which any type of open space satisfies the total open space requirement shall be in the sole discretion of the City.**
- L. Parking. The base zone parking requirements apply. Common parking and maneuvering areas must be set back at least twenty (20) feet from the boundary of the PD.
- M. Water Features. Water features such as streams or ponds must be left in a natural state unless altered to improve the natural values of the water feature or to improve storm water drainage. Water features and their edges should be kept in common ownership.
- N. Facilities and Services. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the PD. Service facilities such as streets, water supply

facilities, sanitary sewers, and storm water detention facilities must be dedicated to the public if they are to provide service to any property not included in the PD. However, the review body may approve private service facilities with the consent of the appropriate service provider.

- O. **Development Regulations and Design Standards not Subject to Modification.** **The PD process cannot be used to vary or take an exception from the Street Standards listed in §10.8.610.**
- P. Underground Utilities. All service facilities must be placed underground except those that by their nature must be on or above ground, such as fire hydrants and open water courses. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities.
- Q. Construction to Standards. All service facilities dedicated to the public must be constructed to City standards.

All private service facilities must be designed by a qualified civil engineer to City standards or comparable design life as determined by the City Engineer.

- R. Building Size Standards. For areas designated as Planned Shopping Center by the Comprehensive Plan, commercial retail is limited to 20,000 square feet and commercial office is limited to 10,000 square feet.

#### §10.4.220 PRELIMINARY PLAN REVIEW

- A. Procedure. Preliminary plan reviews are processed through a Type III procedure.
- B. Submittal Requirements. Applications for a preliminary plan review must contain the information stated below in addition to that required by §10.1.225.
  - 1. General statement. A statement of how the purpose of §10.4.200 will be achieved by the proposed PD. The statement should include sketches or illustrations of the proposed character of the development, a description of how the PD will relate to surrounding land uses and whether other land use reviews are requested.
  - 2. Summary report. A summary report identifying the different land uses, including the amount of land for housing, non-residential uses, open areas, streets and parking; the number and type of housing units; the amount and type of commercial or industrial areas, if any; and a statement of how necessary services will be provided and whether the services will be publicly or privately owned and operated.
  - 3. Drawings of existing site conditions. A drawing or drawings must be submitted which display and inventory existing site conditions including the items listed below.
    - a. Ground elevations shown with contour lines at two (2) -foot intervals or less.
    - b. Areas of moderate or severe landslide potential, as identified on City maps or documented by an engineering geologist or geotechnical engineer.
    - c. General soil types as identified on City maps or as documented by an engineering geologist of soils engineer.
    - d. Existing natural features, including rock outcroppings, trees and tree groves, fish and wildlife habitats, ponds, wetlands, and watercourses.

- e. Existing on-site or abutting sanitary sewage, storm drainage, and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest ones.
  - f. Width, location, and purpose of all existing easements of record on or abutting the site.
  - g. A description of the traffic circulation system on or abutting the site, including street sizes, level of improvements, and condition of the streets.
  - h. A description of areas abutting the PD, indicating zoning districts, land uses, densities, circulation systems, public service facilities, natural features, and approximate locations of nearby structures.
  - i. Any additional information about existing site conditions required for a concurrent subdivision application.
4. PD Site Plan. The site plan must include the information stated below.
- a. Setbacks for houses and the placement and bulk of other buildings.
  - b. The traffic circulation system, including connections to existing public rights-of-way, off-street parking, and the ownership of streets and parking areas.
  - c. Conceptual plans for pedestrian and bicycle circulation systems.
  - d. Conceptual plans for all necessary services, including their location and whether the services will be publicly or privately owned and maintained.
  - e. Conceptual plans for all facilities for the control and disposal of storm water and groundwater.
  - f. Conceptual plans for the location and design of public and private open areas or structures.
  - g. Treatment proposed for the periphery of the site, including the approximate amount, location, and type of any required landscaping.
  - h. Conceptual guidelines for multi-family and commercial structures, including such things as building heights, sizes, areas, roof shapes, exterior materials, and types of parking areas.
5. Phased PDs. PDs being developed in phases require a description of each phase, including the size, uses, ~~and~~ timing, **and infrastructure phasing. Any PD which will require more than twenty-four (24) months to complete shall be constructed in phases. Each phase shall conform to the phasing plan.**
6. Drawings. Drawings showing the existing site conditions and the proposed site plan must be at a reasonable size and scale to clearly show all required information. The drawings must display the following:
- a. Name of the proposed PD;
  - b. Date, north arrow, and scale of the drawing;
  - c. Legal description of the PD sufficient to define its location and boundaries;
  - d. Names, addresses, and telephone numbers of the owner, applicant, and design team;
  - e. Appropriate identification of the drawing as a preliminary plan.

- C. Approval Criteria. The preliminary plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
1. The plan fulfills the purpose for PDs stated in §10.4.200;
  2. The plan meets the submittal requirements of §10.4.220(B);
  3. Adequate public services exist or can be provided to serve the proposed PD; and
  4. Where a tentative subdivision plat is requested, the requirements of Article 8 are met.
- D. Time Limit. Preliminary plan approval - **including all phases** - is valid for ~~three (3)~~ **four (4)** years and may not be extended. The ~~three (3)~~ **four (4)** -year period will not begin until any appeals beyond the jurisdiction of the City are completed. Within the ~~three (3)~~ **four (4)** year time period, the applicant must submit a final development plan for the entire site. ~~or for the first phase if the PD has been approved for phased development. The applicant must submit final development plans for any subsequent phases within the time limit specified for the phases.~~

#### §10.4.225 FINAL PLAN REVIEW

- A. Final Plan Submittal. The applicant must present detailed plans, which meet the public facility standards of the City. The applicant must present other plans or studies required by the preliminary approval, such as a grading plan, soils engineer report, or detailed landscaping plans.
- B. Procedure. The final plan is reviewed under Type ~~H~~ **I** procedures.
- C. Requirements. The final development plan will be approved if it meets the requirements stated below and is in substantial conformance with the approved preliminary plan and any conditions of the approval.
1. Drawing quality. The final development plan must be drawn clearly and legibly at a size and scale that clearly shows all required information. The plan must be identified as the final PD plan.
  2. Additional information on the final plan. In addition to the information required on preliminary drawings or otherwise specified by law, the following information must be shown:
    - a. Reference points of identified existing surveys by distances and bearings, and referenced to field book or map, including stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the PD;
    - b. The location and width of streets and easements intercepting the boundary of the PD;
    - c. Easements and storm water drainage reserves must be clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement within the PD must be shown. If the easement is being dedicated by the plan, it must be properly referenced in the owner's certificates of dedication; and
    - d. Identification of land to be dedicated to the public.

3. Additional certificates or drawings. The items stated below may be combined where appropriate.
  - a. A certificate signed and acknowledged by all parties having any recorded title interest in the land and consenting to the preparation and recording of the PD.
  - b. A certificate signed and acknowledged as above, dedicating the land intended for public use, if any.
  - c. A title report issued by the title insurance company verifying ownership by the applicant of real property that is to be dedicated to the public.
  - d. A certificate with the seal of, and signed by, the surveyor responsible for the survey.
  - e. Other certificates required by law.
  - f. A copy of any deed restrictions applicable to the PD.
  
4. Detailed design plan for the PD site. A detailed design plan for the PD is required and must include the items stated below.
  - a. The location of proposed buildings and structures, parking areas and, where applicable, the location of allowable building areas of individual lots.
  - b. All building setback lines and height limits that are to be made part of the PD restrictions.
  - c. The location and type of proposed buildings, structures, or improvements in common open areas.
  - d. The location and design information for all proposed streets as required by Article 8.
  - e. A plan for water mains and fire hydrants.
  - f. A plan for sanitary sewage disposal.
  - g. A plan for storm water drainage.
  - h. A plan for additional improvements such as walkways and street lighting.
  - i. Required solar-related information if the PD is also subject to the solar regulations for new subdivisions.
  
5. Landscaping. A landscaping plan for common open areas, the perimeter of the PD, and other landscaped areas is required.
  - a. The plan must show areas that the applicant proposes to retain in natural vegetation. The plan must show the areas, sizes, numbers, and types of plant and other materials to be used for all landscaped areas.
  - b. The plan must address the revegetation of common open areas and perimeter areas disturbed during construction.
  - c. The plan must include a proposed schedule for required perimeter landscaping. A performance guarantee is required if the landscaping cannot be completed prior to the occupancy of buildings, or cannot be completed when required by the conditions of approval.

6. Geotechnical engineer's report. A geotechnical engineer's report consistent with the requirements of §10.8.310 must be submitted if the PD is in a moderate or severe landslide area, or if the report was required as a part of the preliminary approval. The City Engineer or the Building Official must approve the report.
7. CC & Rs. The Declaration of Covenants, Conditions, and Restrictions (CC & Rs) for the PD must be submitted. In addition, any other legal instruments for the protection and maintenance of common open areas, private streets, and private utilities if any, must be submitted. These legal instruments must be approved by the City Attorney to ensure that the City's interests are protected.
8. Concurrent subdivision approval. Simultaneous final plat approval is permitted.

## SOLAR ACCESS

### 10.5.420 EXEMPTIONS FROM DESIGN STANDARDS.

A development is exempt from §10.5.415 if the approval authority finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from §10.5.415 to the extent the approval authority finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with §10.5.415.

- A. Slopes.
- B. Off-Site Shade.
- C. On-Site Shade.
- D. Existing Conditions.
  1. **There is a significant natural feature on the site that prevents given streets or lots from being oriented for solar access, and that will continue to exist after the site is developed; or**
  2. **Existing road patterns must be continued through the site or must terminate on-site to comply with applicable street standards or street plans in a way that prevents given streets or lots in the development from being oriented for solar access; or**
  3. **An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.**

## NON-CONFORMING DEVELOPMENT

10.7.125 EXCEPTIONS - The following exceptions to the nonconforming development regulations are allowed by this Code:

- A. Existing single-family dwellings, **duplexes**, and manufactured homes within an existing mobile home park in all commercial and industrial zones may be reconstructed or replaced within one (1) year after being removed or destroyed.
- B. Existing single-family dwellings in the Community Commercial Zone shall be allowed to enlarge or expand despite their nonconforming status. They may also be relocated within the Community Commercial Zone, but only to replace an existing single-family home, provided that the result is a net reduction of nonconforming uses.
- C. Existing multifamily dwellings in all residential and commercial zones may be reconstructed within one (1) year if destroyed by any cause not intended by the owner.
- D. Existing nonresidential structures in the Town Center zone districts may be reconstructed to the same height of the existing building within one (1) year.
- E. Any property use that was classified a non-conforming use under the Forest Grove Zoning Ordinance on December 2, 1982, shall be considered a permitted use.

## OFF-STREET PARKING AND LOADING

### §10.8.515 OFF-STREET PARKING REQUIREMENTS – TABLE 8-5

LAND USE	MINIMUM REQUIRED	MAX – ZONE A	MAX – ZONE B
Self-Service Storage	1.0 / 4 storage units <b>4.0 at office</b>	1.0 / 4 storage units <b>None</b>	1.0 / 2 storage units <b>None</b>

## OTHER DEVELOPMENT REVIEW STANDARDS

§10.8.880(C)(3) Dwelling Diversity Standard. ~~Front elevations shall not be replicated more than five (5) times along a block face on both sides of a street segment. This standard can be met through the Conditions, Covenants and Restrictions of the subdivision. For this section, the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim and paint changes.~~

**Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.**

## OPEN SPACE, RECREATIONAL FACILITIES AND COMMON AREAS

- 10.8.200 PURPOSE  
10.8.205 STANDARDS

- A. Open space areas may be required to avoid placing structures or other improvements either in identified hazard or resource areas as required by §10.5.005 et. seq. and §10.8.300 et. seq.
- B. Areas retained to comply with Clean Water Services (CWS) water quality sensitive area and vegetative corridor requirements of the Design and Construction Standards or surface water quality or quantity facilities requiring over 100 square feet of area shall be considered open space but not be considered a recreational area unless so designed as to be integrated with a development's site design and available for access for residents in the development.
- C. ~~For land divisions:~~
- ~~1. Each open space and recreational facility shall be placed in separate tracts.~~
  - ~~2. Having a net density of at least 9.60 units per acre, 20% of the entire site in open space with at least one recreational tract having minimum dimension of sufficient size to accommodate play equipment targeted for preschool and elementary aged children plus table(s) and bench(es) for passive recreation.~~

## LAND DIVISION STANDARDS

### §10.8.905 STANDARDS

#### (F) Lots, Parcels and Common Areas

7. ~~Common Recreational Areas.~~ Common recreational areas are encouraged for all subdivisions, and shall be required for all subdivisions of twenty (20) or more lots. Public park dedication can satisfy this requirement. Where appropriate, recreational areas shall be connected to the natural resource areas discussed above.

## DEFINITIONS

### §10.12.120 CIVIC USE CATEGORY

- F. Day Care: As defined by Oregon Revised Statute:
1. Day care facility. A facility that provides day care for up to ~~twelve (12)~~ **sixteen (16)** children, not including resident children.
  2. Day care institution. A facility that provides day care for more than ~~twelve (12)~~ **sixteen (16)** children.

§10.12.120 CIVIC USE CATEGORY

(I) Religious Institutions: Places of religious worship such as synagogues, temples, **mosques, meeting houses, churches and other nonresidential places of worship**<sup>1</sup> ~~and churches~~. May include related accessory uses such as offices, classrooms, auditoriums, social halls, ~~and~~ gymnasiums, **meal programs, child care, affordable housing or space for affordable housing in a building that is detached from the place of worship as defined by ORS 214.441(1)(A), provided the housing or space for housing complies with the applicable land use regulations and meets the standards and criteria for residential development in the underlying zone.**

§10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

- D1. Density. The intensity of residential land uses, usually stated as the number of housing units per net acre.
- a. Gross Density. The number of residential dwelling units per acre based on the area of the site found inside the parcel boundary. This includes the building lots, parking and driving areas, sidewalks, public right-of-ways, public and private streets and common driveways, public and private open space areas, and other tracts intended for public use.
  - b. Net Density. The number of dwelling units per acre based on the net site acreage, which does not include rights-of-way through or on the edge of the site, environmentally constrained areas, or land intended for public ownership such as park and open space uses.
  - c. Bonus Density. Density bonuses either are granted by the Planning Commission and/or City Council to the developer, to have an overall ratio of dwelling units to the planned development site area greater than would be allowed for a conventional development in the same location; or are applied pursuant to §10.7.400.
  - d. **For density calculation purposes, the final number shall be rounded down to the next whole number if the calculation is less than or equal to 0.49 and rounded up to the next whole number if the calculation is greater than or equal to 0.50.**

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<sup>1</sup> Consistent with ORS 215.441(1)

Exhibit B - Findings  
Ordinance No. 2017-12  
Development Code §10.2.630  
*Review Criteria Pertaining to Zoning Text Amendments*

The City of Forest Grove City Council does hereby make the following specific findings in support of this decision:

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

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

Finding: Most of the amendments would simply update and clarify processes and procedures, or update definitions to comply with State codes. These include amendments to §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, §10.12.120 *Daycare Definition*, and §10.12.210 *Residential Density Definitions*. Since the Development Code serves as the principal tool for implementing the City’s Comprehensive Plan, actions initiated under the Development Code are deemed consistent with the adopted Comprehensive Plan and applicable federal, state and regional laws.

Finding: The amendments to §10.4.200 et. seq. *Planned Developments* will increase housing choices and opportunities by requiring a mixture of housing options in planned developments versus exclusively single-family projects.

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

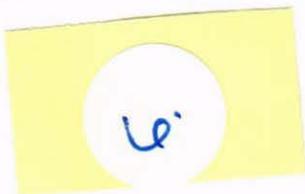
Finding: The City of Forest Grove Comprehensive Plan and implementing regulations have been acknowledged by the Oregon Department of Land Conservation and Development as being in compliance with Statewide Goals. Because most of the amendments would simply update and clarify processes and procedures, the text amendments to Development Code §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, and §10.12.210 *Residential Density Definitions* are consistent with relevant statewide and regional planning goals, policies and rules.

Finding: Relevant statewide and regional goals and policies related to the amendments are addressed as follows:

**Statewide Planning Goal 10 Housing – To provide for the housing needs of citizens of the state.**

**Metro Regional Framework Plan Policy 1.3 Housing Choices and Opportunities**

Finding: The amendments to §10.4.200 et. seq. *Planned Developments* will increase housing choices and opportunities by requiring a mixture of housing options in planned developments versus exclusively single-family projects.



Amended ✓  
2nd Reading  
11/27/17

**ORDINANCE NO. 2017-12**

**ORDINANCE AMENDING FOREST GROVE DEVELOPMENT CODE  
ARTICLES 1 INTRODUCTION AND PROCEDURES, 2 LAND USE REVIEWS, 3  
ZONING DISTRICTS, 4 OVERLAY DISTRICTS, 5 SPECIAL PROVISIONS, 7  
MISCELLANEOUS PROVISIONS, 8 GENERAL DEVELOPMENT STANDARDS,  
AND 12 USE CATEGORIES AND DEFINITIONS; FILE NO. 311-16-000175-PLNG**

**WHEREAS**, the Development Code was adopted in 2009 and needs periodic updating to reflect changes in local, regional and state policies, codes and definitions; and

**WHEREAS**, the City also desires to make amendments to the Development Code to update procedures and review standards; and

**WHEREAS**, notice of the proposed amendments was provided to the Department of Land Conservation and Development on September 11, 2017; and

**WHEREAS**, the Planning Commission held a Public Hearing on the proposed amendments on October 16, 2017; and

**WHEREAS**, the Planning Commission adopted Planning Commission Findings and Decision Number 2017-16 recommending approval of the proposed amendments; and

**WHEREAS**, the City Council held a duly-noticed Public Hearing on the proposed ordinance on November 13, 2017, and continued the hearing on November 27, 2017.

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

Remove

**Section 1:** The City Council hereby adopts the Planning Commission's Findings and Decision Number 2017-16 dated October 19, 2017 as shown on Exhibit A.

**Section 2:** The City Council of the City of Forest Grove hereby adopts the text amendments to Development Code Article 1 *Introduction and Procedures*, Article 2 *Land Use Reviews*, Article 3 *Zoning Districts*, Article 4 *Overlay Districts*, Article 5 *Special Provisions*, Article 7 *Miscellaneous Provisions*, Article 8 *General Development Standards*, and Article 12 *Use Categories and Definitions* as shown on Exhibit B. **A**

**Section 3:** The City Council hereby finds that the proposed amendments are consistent with and meet the provisions of Development Code §10.2.630 *Review Criteria Pertaining to Zoning Text Amendments* as shown on Exhibit C. **C**

**Section 4:** This ordinance is effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading this 13<sup>th</sup> day of November, 2017.

**PASSED** the second reading this 27<sup>th</sup> day of November, 2017.



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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 27<sup>th</sup> day of November, 2017.



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Peter B. Truax, Mayor

**Planning Commission Findings and Decision Number 2017-16  
To Recommend Approval of an Ordinance to Amend Forest Grove  
Development Code Articles 1, 2, 3, 4, 5, 7, 8, and 12 Pertaining to Planned  
Developments, Residential Density, Solar Access, Non-conforming Uses,  
Accessory Structures, Other Miscellaneous Provisions, and Definitions  
File Number 311-16-000175-PLNG**

**WHEREAS**, the Development Code was adopted in 2009; and

**WHEREAS**, the purpose of the proposed amendments are to improve the design of planned developments, clarify processes and procedures, correct several inconsistencies and make other minor revisions, and update definitions; and

**WHEREAS**, the Planning Commission held two work sessions to discuss the proposed amendments on July 17 and August 7, 2017; and

**WHEREAS**, notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on September 11, 2017; and

**WHEREAS**, notice of the Planning Commission hearing on this ordinance was published in the *News Times* on October 11, 2017; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments on October 16, 2017; and

**WHEREAS**, no public testimony was offered at the Planning Commission public hearing.

The City of Forest Grove Planning Commission does hereby recommend to the City Council approval of the Development Code amendments as provided in Exhibit A, making the following specific findings in support of this decision:

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

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

Finding: Most of the proposed amendments would simply update and clarify processes and procedures, or update definitions to comply with State codes. These include amendments to §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, §10.12.120 *Daycare Definition*, and §10.12.210 *Residential Density Definitions*. Since the Development Code serves as the principal tool for implementing the City's Comprehensive Plan, actions initiated under the Development Code are deemed consistent with the adopted Comprehensive Plan and applicable federal, state and regional laws.

Finding: The proposed amendment to §10.3.130 *Residential Density* would provide Incentive Density to allow up to 30.00 Dwelling Units per Acre (DUA) in the RMH zoning district. Relevant goals and policies related to the proposed change are addressed as follows:

## **Forest Grove Comprehensive Plan - Housing Goals and Policies**

Goal 2: Provide incentives for increased residential development densities within the Forest Grove Town Center and near high capacity transit corridors.

Policy 2.3 Amend Development Code standards to increase maximum development densities within the Forest Grove Town Center, identified high capacity transit station areas, and mixed use target areas along the Pacific Avenue commercial corridor.

Finding: RMH-zoned districts abut both the Town Center and the Pacific Avenue commercial corridor. Some RMH-zoned districts are also within a quarter mile of a high capacity transit corridor. Increasing the Incentive Density in the RMH zoning district would address both the Goal and Policy to increase maximum development density near high capacity transit corridors generally and the Pacific Avenue commercial corridor specifically.

## **Forest Grove Comprehensive Plan - Land Use Policies**

9. Development regulations shall promote a variety of housing types suitable for owner- and renter-occupants. The Economic Opportunity Analysis indicates a need for 3,859 owner-occupied units and 878 renter-occupied units over the next 20 years.

Finding: Increasing the Incentive Density in the RMH zoning district could promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of needed housing types serving this market segment.

10. Ensuring the availability of affordable housing is a priority for the City of Forest Grove. Affordable housing options provided for through planning and development regulations should reflect documented housing needs of current and future residents of the City.

Finding: Increasing the Incentive Density in the RMH zoning district could promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types.

11. Develop and implement incentives for the construction of affordable housing meeting documented community needs.

Finding: Increasing the Incentive Density in the RMH zoning district could promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types.

Finding: The proposed amendments to §10.4.200 et. seq. *Planned Developments* will increase housing choices and opportunities by requiring a mixture of housing options in planned developments versus exclusively single-family projects.

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

Finding: The City of Forest Grove Comprehensive Plan and implementing regulations have been acknowledged by the Oregon Department of Land Conservation and Development as being in compliance with Statewide Goals. Because most of the proposed amendments would simply update and clarify processes and procedures, the text amendments to Development Code §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, and §10.12.210 *Residential Density Definitions* are consistent with relevant statewide and regional planning goals, policies and rules.

Finding: Relevant statewide and regional goals and policies related to the proposed changes are addressed as follows:

**Statewide Planning Goal 10 Housing – To provide for the housing needs of citizens of the state.**

**Metro Urban Growth Management Functional Plan - Title 1: Housing Capacity**

Finding: Increasing the Incentive Density in the RMH zoning district would further Statewide Goal 10 and Metro Title 1 by increasing the potential inventory of housing options available, thus helping to ensure that the City continues to meet its regional housing targets.

**Metro Regional Framework Plan Policy 1.3 Housing Choices and Opportunities**

Finding: Housing choices and opportunities could be improved by increasing the Incentive Density in the RMH zoning district, thus potentially increasing the availability of both market rate and affordable housing options.

Finding: The proposed amendments to §10.4.200 et. seq. *Planned Developments* will increase housing choices and opportunities by requiring a mixture of housing options in planned developments versus exclusively single-family projects.

  
\_\_\_\_\_  
TOM BECK, Chair

10-20-17  
Date

EXHIBIT B  
ORDINANCE NO. 2017-12

CITY OF FOREST GROVE DEVELOPMENT CODE

GENERAL ADMINISTRATION

§10.1.130 WHEN LAND USE PERMITS ARE REQUIRED

Land use permits are required when a development or lot line adjustment as defined by this Code is proposed unless exempted under specific provision. However, exempt activities and developments may be subject to other applicable provisions of the Code. When a land use permit is required, then:

- A. No person shall initiate a development until a land use permit has been approved.
- B. The City shall not issue any other permit for the development until the land use permit has been approved. Concurrent review of building permit applications and other applications related to the land use permit are allowed under the following conditions:
  1. Final approval of building and other permits are not allowed without land use permit approval; and
  2. The applicant acknowledges the risk that a land use permit may be denied, the land use permit could change, and/or the outcome of the land use permit could alter other permit requirements.
- C. A land use permit shall not be approved for the division, improvement, or use of land that has been divided or otherwise developed in violation of this Code unless the violation is corrected prior to or concurrent with issuance of a land use permit.
- D. No action may be taken in reliance upon a decision approving a land use permit until all applicable appeal periods have expired or while an appeal to a City review body is pending.
- E. A land use or building permit that would allow for the construction of a structure shall not be issued unless all applicable and needed services including vehicular access, power, sewerage, domestic and fire water supply and storm water drainage are available to the site where the structure is to be built. This provision does not apply to permits for a structure that do not require such services (such as a storage shed).
- F. All land use permits, with the exception of a subdivision **or a planned development**, shall expire one year from the date of issuance unless:
  1. Substantial construction or operation of the development has begun within that time and has continued toward final completion; or
  2. Development is proceeding in accordance with an approved phasing plan; or
  3. A written extension is granted by the Director under the Type I review process.
- G. A subdivision is subject to the following time limits:

1. The tentative plat for a subdivision expires two years after the date of approval unless:
  - a. Application for the final plat has been filed with the City; or
  - b. A time extension is approved pursuant to §10.1.135; or
  - c. The tentative plat has been approved with a phasing plan consistent with the provisions of §10.6.005(D); **or**
  - d. **The tentative plat, or an independent phase thereof, has been filed and processed concurrently with a Planned Development pursuant to §10.4.200 et. seq. in which case the tentative plat approval period is valid for four (4) years, pursuant to §10.4.220(D). A phased PD shall not exceed four years between tentative plat approval of the first and final phases.**
  
2. The final plat for a subdivision shall be recorded within one year after the plat has been submitted to the City.

## TYPE I PROCESS – ADMINISTRATIVE DECISIONS

### §10.1.405 TYPE I APPLICATIONS AND APPROVAL CRITERIA

Applications so designated throughout the Development Code are reviewed under the Type I process, based on the requirements and criteria set forth for each application in other sections of this Code. Examples of actions subject to a Type I application and review process include:

- Certain types of Zoning Standard Adjustments
- Certain projects within an approved Master Plan
- Tree Permit
- Lot Line Adjustment
- Final partition plat
- Final subdivision plat
- **Final plan for planned development**
- Accessory Dwelling Units
- Certain Bed and Breakfast Inns
- Home Occupations
- Certain types of Wireless Communication Facilities
- Landscape Review not subject to Site Development or Design Review
- Parking Plan not subject to Site Development or Design Review
- Existing and New Signs

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type I applications, shall be processed as a Type I application.

## TYPE II PROCESS – LIMITED LAND USE DECISIONS

### §10.1.505 TYPE II APPLICATIONS AND APPROVAL CRITERIA

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

- Certain types of Zoning Standard adjustments
- Minor Modification to a Conditional Use Permit
- Certain type of Design Review
- Site Development Review
- Certain projects within an approved Master Plan
- ~~Final Plan for Planned Development~~
- Tentative partition plat
- Tentative subdivision plat
- Adjustments to public improvement requirements

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type II applications, shall be processed as a Type II application.

## ADJUSTMENT

### §10.2.110 PROCEDURE

- A. Requests for changes of less than 10% of the setback, height, or lot coverage standard shall follow the Type ~~H I~~ process.
- B. Requests for changes from 10%-20% of the setback, **height** or lot coverage standard shall follow the Type II process.
- C. Requests for changes to standards other than setback, height, or lot coverage, or which are for more than 20% of the setback, height, or lot coverage standard are processed as variances under §10.2.700.

### 10.2.120 REVIEW CRITERIA

- A. Type I Adjustment Process
  1. The requested adjustment is for less than 10% of the setback, height or lot coverage standard; and
  2. Granting adjustment shall be consistent with the purpose of the affected zoning.
- B. Type II Adjustment Process
  1. The requested adjustment is from 10%-20% of the setback, **height** or lot coverage standard;

2. Granting the adjustment will be consistent with the purpose of the affected zoning district or meet or exceed the purpose of the standard to be modified;
3. If in a residential zone, the adjustment will not significantly detract from the livability or appearance of the residential area. If in a commercial or industrial zone, the adjustment will be consistent with the desired character of the area;
4. If more than one adjustment is requested, the cumulative effect of the adjustments shall result in a project which is consistent with the overall purpose of the zone; and
5. Any impacts resulting from the adjustment are mitigated to the extent practical.

## RESIDENTIAL ZONES

### §10.3.120 USE REGULATIONS

TABLE 3-2: Residential Zones: Use Table

USE CATEGORY	SR	R-10	R-7	R-5	RML	RMH
<u>CIVIC / INSTITUTIONAL</u>						
Basic Utilities	P	P	P	P	P	P
Major Utility Transmission Facilities	C	C	C	C	C	C
Colleges	C	C	C	C	C	C
Community Recreation	P/C <sup>[8]</sup>					
Cultural Institutions	C	C	C	C	C	C
Day Care	L <sup>[9]</sup>					
Emergency Services	C	C	C	C	C	C
Postal Services	N	N	N	N	N	N
Religious Institutions	C	C	C	C	C	C
Schools	C	C	C	C	C	C
Social/ Fraternal Clubs / Lodges	N	N	N	N	N	C

Table Footnotes:

- [9] A day care facility (care of up to ~~twelve (12)~~ **16** children) is permitted in all residential zones. A day care institution (care of more than ~~twelve (12)~~ **16** children) requires approval of a conditional use permit in all residential zones. **A non-resident day facility or day care institution requires approval of a conditional use permit in all residential zones.**

Deleted/Revised to PK  
 Amended →

§10.3.130 RESIDENTIAL AND NEIGHBORHOOD MIXED USE ZONE DEVELOPMENT STANDARDS

TABLE 3-3: Residential and Neighborhood Mixed Use Zone Density Standards

Zoning District	Average Lot Size	Target	Minimum	Incentive <sup>‡</sup>
SR	43,560 square feet	1.00	0.80	1.20
R-10	10,000 square feet	4.35	3.48	5.22
R-7	7,000 square feet	6.22	4.98	7.15
R-5	5,000 square feet	8.71	6.97	10.02
RML	--	12.00	9.60	13.80
RMH	--	20.28	16.22	<del>23.32</del> 30.00 <sup>[1]</sup>
<b>NMU – David Hill</b>	--	<b>12.00</b>	<b>9.60</b>	<b>13.80</b> <sup>[2]</sup>
<b>NMU – Gales Creek</b>	--	<b>8.71</b>	<b>6.97</b>	<b>10.02</b> <sup>[2]</sup>
<b>NMU - Davidson</b>	--	<b>12.00</b>	<b>9.60</b>	<b>13.80</b> <sup>[2]</sup>
Density = dwelling units / NET ACRE Minimum Density = 80% of Target Incentive Density = 115% of Target except for SR and R-10, which is 120% of Target				

Footnotes:

- \*[1] Residential density may be increased pursuant to §10.7.410 Tables 7-2 and 7-3.
- [2] Only allowed a part of a Planned Development (see §10.4.200)

§10.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

B. Calculating Potential Densities

The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.

1. The Target Density is permitted outright.
2. The Minimum Density is required to ensure:
  - a. Land is being used at the appropriate intensity planned for the area;
  - b. Enough dwelling units can be developed to accommodate the projected need for housing; and
  - c. Compliance with the Metro Functional Plan.
3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and the general public and/or provide affordable housing. Incentive Density is only allowed as part of a Planned Development (see §10.4.200).

I. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

1. Buildings in the SR, R-10, R-7, R-5 and RML Zones are limited to a maximum height of two and one-half (2 ½) stories or thirty-five (35) feet, whichever is less. **Accessory buildings are limited to a maximum height of one and one-half (1 ½) stories or twenty-five (25) feet, whichever is less.**

## COMMERCIAL AND MIXED USE ZONES

§10.3.320 USE REGULATIONS TABLE 3-10

USE CATEGORY	NC	CC	NMU
<u>INDUSTRIAL</u>			
Manufacturing and Production:			
- Light Industrial	N	C <sup>[1]</sup>	N
- General Industrial	N	N	N
<b>- Medical and Recreational Marijuana Processors and Production</b>	N	N	N
Railroad Yards	N	N	N

Footnotes:

- [1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 3.48 and a maximum density of 4.35 dwelling units/net acre.
- [2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 30.00 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses.

## PLANNED DEVELOPMENTS

§10.4.200 PURPOSE

The purpose of the Planned Development (PD) provisions is to provide greater flexibility in the development of land for residential, commercial or industrial purposes than allowed by the conventional standards of the Development Code. **For residential sites over two (2) acres that have an average slope greater than 20%, development is allowed only through approval of a planned development (see §10.3.130 Table 3-4).**

**A PD is not intended to be simply a means of avoiding normal Development Code requirements.** The PD provisions are intended to:

- A. Promote flexibility and innovation in site design and permit diversity in the location of structures **in order to preserve natural features and view corridors;**
- B. **Promote innovative and creative design by providing a variety and mixture of building types and architectural styles;**
- C. Promote efficient use of land and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities when compared with conventional development patterns;
- D. Preserve to the greatest extent possible existing landscape features and amenities **such as trees, creeks, ponds, floodplains, hills and similar natural assets**, and incorporate such features into the design of the PD;
- E. **To encourage the provision of open space and recreational facilities in a generally central location and within reasonable walking distance of all living units in residential planned developments;**
- F. Combine and coordinate architectural styles, building forms and building relationships within the PD; and
- G. Provide the applicant with reasonable assurance of ultimate approval before requiring detailed design and engineering, while providing the City with assurances that the project will retain the character envisioned at the time of approval.

#### §10.4.205 PROCEDURES

A planned development is reviewed through a two-step process.

- A. Preliminary plan. The preliminary plan is reviewed under Type III procedures. The preliminary plan review examines the PD plan with respect to items such as density, including the number, type, and location of dwelling units; parking; impacts on surrounding areas; adequacy of services; and conceptual plan for service improvements. Preliminary plan approval will only be granted when there is a reasonable certainty that the PD will fulfill all applicable requirements of the City Codes.
- B. Final plan. The final plan for the PD is reviewed under Type II administrative procedures. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable City standards, requirements, and conditions have been met. Approval will only be granted if the final plan is in substantial conformance with the preliminary plan.
- C. Concurrent land division. A PD may be filed and processed concurrently with a partition or subdivision application. All of the submittal requirements and review standards of Article 6 will apply to a concurrent PD/land division request. The tentative plat will be combined with the preliminary PD review and the final plat will be combined with the final PD review.
- D. Site development/design review. The PD approval may remove the requirement for subsequent site development or design review of individual buildings, if the PD includes building elevations and sufficient information to demonstrate compliance with the applicable site development/design review standards. The PD decision shall expressly state whether individual buildings within the PD (such as commercial or multifamily buildings) require site development or design review approval.

§10.4.210 PROFESSIONAL DESIGN TEAM REQUIRED

The PD applicant must certify, in writing, that a member of each of the following professions will be used in the planning and design process for the proposed PD:

- A. A licensed architect or professional urban designer.
- B. A licensed landscape architect, a certified nurseryman, or landscape designer approved by the Director.
- C. A registered civil engineer or land surveyor.

One of the above professionals shall be designated by the applicant to act as a liaison between the Community Development Department, the design team, and the applicant during the two-step PD review process. The Planning Commission or City Council may require the expertise of other professionals on the design team if it is determined that the site merits special consideration to unique or adverse features or conditions.

§10.4.215 PD DEVELOPMENT STANDARDS

- A. Base Zone Standards. The development standards of the base zone apply unless they are superseded by the standards of this section or the PD approval. **Exceptions from the standards of the underlying zoning district must be warranted based on the unique design and amenities incorporated into the development plan, and shall have a beneficial effect which could not be achieved using the standards of the underlying zoning district. Exceptions shall be clearly and specifically identified in the application, which shall also include an explanation justifying and substantiating the need for each exception.**
- B. Site Size. There are no minimum or maximum size limitations for a PD.
- C. Calculation of Density. The number of dwelling units allowed in residential zone PDs shall be calculated on the basis of **§10.3.130(A) Table 3-3** ~~in Article 3~~. All residential development shall be at a minimum of 80% of the target density for the parent zone. A request for incentive density may be approved for the PD, based on the criteria in §10.3.130(E).
- D. Multiple Base Zones. When a proposed PD site includes more than one base zone, the uses **and residential density** may be allocated throughout the site without regard to zoning boundaries.
- E. Lot Sizes. There are no required minimum lot sizes.
- F. Housing Types Allowed. Housing types in zones that allow residential uses are not restricted in the PD, **except that housing types in the RML and RMH zones shall include a mixture of single-family, duplex or multi-family units.**
- G. Architectural Pattern Book. **In residential PDs, a variety of architectural styles shall be required. For all PDs, a compendium of architectural elevations, details and colors of each building type shall be submitted. The pattern book shall act as the architectural control for the homeowner's association or the commercial owner. The pattern book shall include the following:**
  - 1. **An explanation of how the pattern book is organized, and how it is to be used.**
  - 2. **Definitions of specific standards for architecture, color, texture, materials, and other design elements.**

3. A checklist system to facilitate review of the development for conformity with the pattern book.
  4. Information for each building type including:
    - a. Massing, facades, elevations, roof forms, proportions, materials and color palette.
    - b. Doors, windows and siding, including sash and trim details.
    - c. Porches, chimneys, light fixtures and any other unique details, ornamentation or accents.
    - d. Illustrations of elevations and floor plans.
    - e. A fencing plan with details that addresses the relationship between public and private space, and between the PD site and abutting property.
- H. Height. The height limits of the base zone apply.
- I. Building Setbacks. Building setbacks are established as part of the preliminary development plan approval. **Garage setbacks shall be a minimum of 20 feet. No building projections (roofs or foundations) shall be permitted in the front yard public utility easement required by §10.8.905(E)(1).**
- J. Peripheral Yards. **Along the boundary of any PD, a yard at least as deep as that required in the underlying zone district shall be provided.**
- K. Open Space. ~~In residential zones, a~~ **At least 40% 20% of the buildable portion** of the PD not in streets and driveways must be devoted to open space. ~~In nonresidential zones, at least 20% of the PD not in streets and driveways must be devoted to open space.~~ At least half of the open space ~~in all zones~~ must be in common ownership and at least half of that space **must** be contained in one tract. The tract's configuration shall be 45% of the site's overall length and width with a minimum dimension of 20 feet. **The extent to which any type of open space satisfies the total open space requirement shall be in the sole discretion of the City.**
- L. Parking. The base zone parking requirements apply. Common parking and maneuvering areas must be set back at least twenty (20) feet from the boundary of the PD.
- M. Water Features. Water features such as streams or ponds must be left in a natural state unless altered to improve the natural values of the water feature or to improve storm water drainage. Water features and their edges should be kept in common ownership.
- N. Facilities and Services. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the PD. Service facilities such as streets, water supply facilities, sanitary sewers, and storm water detention facilities must be dedicated to the public if they are to provide service to any property not included in the PD. However, the review body may approve private service facilities with the consent of the appropriate service provider.
- O. **Development Regulations and Design Standards not Subject to Modification**. **The PD process cannot be used to vary or take an exception from the Street Standards listed in §10.8.610.**
- P. Underground Utilities. All service facilities must be placed underground except those that by their nature must be on or above ground, such as fire hydrants and open water courses. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities.

Q. Construction to Standards. All service facilities dedicated to the public must be constructed to City standards.

All private service facilities must be designed by a qualified civil engineer to City standards or comparable design life as determined by the City Engineer.

R. Building Size Standards. For areas designated as Planned Shopping Center by the Comprehensive Plan, commercial retail is limited to 20,000 square feet and commercial office is limited to 10,000 square feet.

#### §10.4.220 PRELIMINARY PLAN REVIEW

A. Procedure. Preliminary plan reviews are processed through a Type III procedure.

B. Submittal Requirements. Applications for a preliminary plan review must contain the information stated below in addition to that required by §10.1.225.

1. General statement. A statement of how the purpose of §10.4.200 will be achieved by the proposed PD. The statement should include sketches or illustrations of the proposed character of the development, a description of how the PD will relate to surrounding land uses and whether other land use reviews are requested.
2. Summary report. A summary report identifying the different land uses, including the amount of land for housing, non-residential uses, open areas, streets and parking; the number and type of housing units; the amount and type of commercial or industrial areas, if any; and a statement of how necessary services will be provided and whether the services will be publicly or privately owned and operated.
3. Drawings of existing site conditions. A drawing or drawings must be submitted which display and inventory existing site conditions including the items listed below.
  - a. Ground elevations shown with contour lines at two (2) -foot intervals or less.
  - b. Areas of moderate or severe landslide potential, as identified on City maps or documented by an engineering geologist or geotechnical engineer.
  - c. General soil types as identified on City maps or as documented by an engineering geologist of soils engineer.
  - d. Existing natural features, including rock outcroppings, trees and tree groves, fish and wildlife habitats, ponds, wetlands, and watercourses.
  - e. Existing on-site or abutting sanitary sewage, storm drainage, and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest ones.
  - f. Width, location, and purpose of all existing easements of record on or abutting the site.
  - g. A description of the traffic circulation system on or abutting the site, including street sizes, level of improvements, and condition of the streets.
  - h. A description of areas abutting the PD, indicating zoning districts, land uses, densities, circulation systems, public service facilities, natural features, and approximate locations of nearby structures.
  - i. Any additional information about existing site conditions required for a concurrent subdivision application.

4. PD Site Plan. The site plan must include the information stated below.
  - a. Setbacks for houses and the placement and bulk of other buildings.
  - b. The traffic circulation system, including connections to existing public rights-of-way, off-street parking, and the ownership of streets and parking areas.
  - c. Conceptual plans for pedestrian and bicycle circulation systems.
  - d. Conceptual plans for all necessary services, including their location and whether the services will be publicly or privately owned and maintained.
  - e. Conceptual plans for all facilities for the control and disposal of storm water and groundwater.
  - f. Conceptual plans for the location and design of public and private open areas or structures.
  - g. Treatment proposed for the periphery of the site, including the approximate amount, location, and type of any required landscaping.
  - h. Conceptual guidelines for multi-family and commercial structures, including such things as building heights, sizes, areas, roof shapes, exterior materials, and types of parking areas.
  
5. Phased PDs. PDs being developed in phases require a description of each phase, including the size, uses, ~~and~~ timing, **and infrastructure phasing. Any PD which will require more than twenty-four (24) months to complete shall be constructed in phases. Each phase shall conform to the phasing plan.**
  
6. Drawings. Drawings showing the existing site conditions and the proposed site plan must be at a reasonable size and scale to clearly show all required information. The drawings must display the following:
  - a. Name of the proposed PD;
  - b. Date, north arrow, and scale of the drawing;
  - c. Legal description of the PD sufficient to define its location and boundaries;
  - d. Names, addresses, and telephone numbers of the owner, applicant, and design team;
  - e. Appropriate identification of the drawing as a preliminary plan.
  
- C. Approval Criteria. The preliminary plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
  1. The plan fulfills the purpose for PDs stated in §10.4.200;
  2. The plan meets the submittal requirements of §10.4.220(B);
  3. Adequate public services exist or can be provided to serve the proposed PD; and
  4. Where a tentative subdivision plat is requested, the requirements of Article 8 are met.
  
- D. Time Limit. Preliminary plan approval - **including all phases** - is valid for ~~three (3)~~ **four (4)** years and may not be extended. The ~~three (3)~~ **four (4)** -year period will not begin until

any appeals beyond the jurisdiction of the City are completed. Within the ~~three (3)~~ **four (4)** year time period, the applicant must submit a final development plan for the entire site. ~~or for the first phase if the PD has been approved for phased development. The applicant must submit final development plans for any subsequent phases within the time limit specified for the phases.~~

#### §10.4.225 FINAL PLAN REVIEW

- A. Final Plan Submittal. The applicant must present detailed plans, which meet the public facility standards of the City. The applicant must present other plans or studies required by the preliminary approval, such as a grading plan, soils engineer report, or detailed landscaping plans.
- B. Procedure. The final plan is reviewed under Type H I procedures.
- C. Requirements. The final development plan will be approved if it meets the requirements stated below and is in substantial conformance with the approved preliminary plan and any conditions of the approval.
  - 1. Drawing quality. The final development plan must be drawn clearly and legibly at a size and scale that clearly shows all required information. The plan must be identified as the final PD plan.
  - 2. Additional information on the final plan. In addition to the information required on preliminary drawings or otherwise specified by law, the following information must be shown:
    - a. Reference points of identified existing surveys by distances and bearings, and referenced to field book or map, including stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the PD;
    - b. The location and width of streets and easements intercepting the boundary of the PD;
    - c. Easements and storm water drainage reserves must be clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement within the PD must be shown. If the easement is being dedicated by the plan, it must be properly referenced in the owner's certificates of dedication; and
    - d. Identification of land to be dedicated to the public.
  - 3. Additional certificates or drawings. The items stated below may be combined where appropriate.
    - a. A certificate signed and acknowledged by all parties having any recorded title interest in the land and consenting to the preparation and recording of the PD.
    - b. A certificate signed and acknowledged as above, dedicating the land intended for public use, if any.
    - c. A title report issued by the title insurance company verifying ownership by the applicant of real property that is to be dedicated to the public.

- d. A certificate with the seal of, and signed by, the surveyor responsible for the survey.
  - e. Other certificates required by law.
  - f. A copy of any deed restrictions applicable to the PD.
4. Detailed design plan for the PD site. A detailed design plan for the PD is required and must include the items stated below.
- a. The location of proposed buildings and structures, parking areas and, where applicable, the location of allowable building areas of individual lots.
  - b. All building setback lines and height limits that are to be made part of the PD restrictions.
  - c. The location and type of proposed buildings, structures, or improvements in common open areas.
  - d. The location and design information for all proposed streets as required by Article 8.
  - e. A plan for water mains and fire hydrants.
  - f. A plan for sanitary sewage disposal.
  - g. A plan for storm water drainage.
  - h. A plan for additional improvements such as walkways and street lighting.
  - i. Required solar-related information if the PD is also subject to the solar regulations for new subdivisions.
5. Landscaping. A landscaping plan for common open areas, the perimeter of the PD, and other landscaped areas is required.
- a. The plan must show areas that the applicant proposes to retain in natural vegetation. The plan must show the areas, sizes, numbers, and types of plant and other materials to be used for all landscaped areas.
  - b. The plan must address the revegetation of common open areas and perimeter areas disturbed during construction.
  - c. The plan must include a proposed schedule for required perimeter landscaping. A performance guarantee is required if the landscaping cannot be completed prior to the occupancy of buildings, or cannot be completed when required by the conditions of approval.
6. Geotechnical engineer's report. A geotechnical engineer's report consistent with the requirements of §10.8.310 must be submitted if the PD is in a moderate or severe landslide area, or if the report was required as a part of the preliminary approval. The City Engineer or the Building Official must approve the report.
7. CC & Rs. The Declaration of Covenants, Conditions, and Restrictions (CC & Rs) for the PD must be submitted. In addition, any other legal instruments for the protection and maintenance of common open areas, private streets, and private utilities if any, must be submitted. These legal instruments must be approved by the City Attorney to ensure that the City's interests are protected.

8. Concurrent subdivision approval. Simultaneous final plat approval is permitted.

## SOLAR ACCESS

### 10.5.420 EXEMPTIONS FROM DESIGN STANDARDS.

A development is exempt from §10.5.415 if the approval authority finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from §10.5.415 to the extent the approval authority finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with §10.5.415.

- A. Slopes.
- B. Off-Site Shade.
- C. On-Site Shade.
- D. Existing Conditions.
  - 1. **There is a significant natural feature on the site that prevents given streets or lots from being oriented for solar access, and that will continue to exist after the site is developed; or**
  - 2. **Existing road patterns must be continued through the site or must terminate on-site to comply with applicable street standards or street plans in a way that prevents given streets or lots in the development from being oriented for solar access; or**
  - 3. **An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.**

## NON-CONFORMING DEVELOPMENT

10.7.125 EXCEPTIONS - The following exceptions to the nonconforming development regulations are allowed by this Code:

- A. Existing single-family dwellings, **duplexes**, and manufactured homes within an existing mobile home park in all commercial and industrial zones may be reconstructed or replaced within one (1) year after being removed or destroyed.
- B. Existing single-family dwellings in the Community Commercial Zone shall be allowed to enlarge or expand despite their nonconforming status. They may also be relocated within the Community Commercial Zone, but only to replace an existing single-family home, provided that the result is a net reduction of nonconforming uses.
- C. Existing multifamily dwellings in all residential and commercial zones may be reconstructed within one (1) year if destroyed by any cause not intended by the owner.
- D. Existing nonresidential structures in the Town Center zone districts may be reconstructed to the same height of the existing building within one (1) year.
- E. Any property use that was classified a non-conforming use under the Forest Grove Zoning Ordinance on December 2, 1982, shall be considered a permitted use.

## OFF-STREET PARKING AND LOADING

### §10.8.515 OFF-STREET PARKING REQUIREMENTS – TABLE 8-5

LAND USE	MINIMUM REQUIRED	MAX – ZONE A	MAX – ZONE B
Self-Service Storage	<del>1.0 / 4 storage units</del> <b>4.0 at office</b>	<del>1.0 / 4 storage units</del> <b>None</b>	<del>1.0 / 2 storage units</del> <b>None</b>

## OTHER DEVELOPMENT REVIEW STANDARDS

~~§10.8.880(C)(3) Dwelling Diversity Standard. Front elevations shall not be replicated more than five (5) times along a block face on both sides of a street segment. This standard can be met through the Conditions, Covenants and Restrictions of the subdivision. For this section, the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim and paint changes.~~

**Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.**

## OPEN SPACE, RECREATIONAL FACILITIES AND COMMON AREAS

10.8.200 PURPOSE  
10.8.205 STANDARDS

- A. Open space areas may be required to avoid placing structures or other improvements either in identified hazard or resource areas as required by §10.5.005 et. seq. and §10.8.300 et. seq.
- B. Areas retained to comply with Clean Water Services (CWS) water quality sensitive area and vegetative corridor requirements of the Design and Construction Standards or surface water quality or quantity facilities requiring over 100 square feet of area shall be considered open space but not be considered a recreational area unless so designed as to be integrated with a development's site design and available for access for residents in the development.
- C. ~~For land divisions:~~
  - 1. ~~Each open space and recreational facility shall be placed in separate tracts.~~
  - 2. ~~Having a net density of at least 9.60 units per acre, 20% of the entire site in open space with at least one recreational tract having minimum dimension of sufficient~~

size to accommodate play equipment targeted for preschool and elementary aged children plus table(s) and bench(es) for passive recreation.

## LAND DIVISION STANDARDS

### §10.8.905 STANDARDS

#### (F) Lots, Parcels and Common Areas

7. ~~Common Recreational Areas.~~ Common recreational areas are encouraged for all subdivisions, and shall be required for all subdivisions of twenty (20) or more lots. Public park dedication can satisfy this requirement. ~~Where appropriate, recreational areas shall be connected to the natural resource areas discussed above.~~

## DEFINITIONS

### §10.12.120 CIVIC USE CATEGORY

#### F. Day Care: As defined by Oregon Revised Statute:

1. Day care facility. A facility that provides day care for up to ~~twelve (12)~~ **sixteen (16)** children, not including resident children.
2. Day care institution. A facility that provides day care for more than ~~twelve (12)~~ **sixteen (16)** children.

### §10.12.120 CIVIC USE CATEGORY

(I) Religious Institutions: Places of religious worship such as synagogues, temples, **mosques, meeting houses, churches and other nonresidential places of worship<sup>1</sup>** ~~and churches~~. May include related accessory uses such as offices, classrooms, auditoriums, social halls, ~~and~~ gymnasiums, **meal programs, child care, affordable housing or space for affordable housing in a building that is detached from the place of worship as defined by ORS 214.441(1)(A), provided the housing or space for housing complies with the applicable land use regulations and meets the standards and criteria for residential development in the underlying zone.**

### §10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

- D1. Density. The intensity of residential land uses, usually stated as the number of housing units per net acre.
- a. Gross Density. The number of residential dwelling units per acre based on the area of the site found inside the parcel boundary. This includes the building lots, parking and driving areas, sidewalks, public right-of-ways, public and private streets and common driveways, public and private open space areas, and other tracts intended for public

<sup>1</sup> Consistent with ORS 215.441(1)

use.

- b. Net Density. The number of dwelling units per acre based on the net site acreage, which does not include rights-of-way through or on the edge of the site, environmentally constrained areas, or land intended for public ownership such as park and open space uses.
- c. Bonus Density. Density bonuses either are granted by the Planning Commission and/or City Council to the developer, to have an overall ratio of dwelling units to the planned development site area greater than would be allowed for a conventional development in the same location; or are applied pursuant to §10.7.400.
- d. **For density calculation purposes, the final number shall be rounded down to the next whole number if the calculation is less than or equal to 0.49 and rounded up to the next whole number if the calculation is greater than or equal to 0.50.**

EXHIBIT C

ORDINANCE NO. 2017-12

Findings

Development Code §10.2.630

*Review Criteria Pertaining to Zoning Text Amendments*

The City of Forest Grove City Council does hereby make the following specific findings in support of this decision:

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

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

Finding: Most of the amendments would simply update and clarify processes and procedures, or update definitions to comply with State codes. These include amendments to §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, §10.12.120 *Daycare Definition*, and §10.12.210 *Residential Density Definitions*. Since the Development Code serves as the principal tool for implementing the City's Comprehensive Plan, actions initiated under the Development Code are deemed consistent with the adopted Comprehensive Plan and applicable federal, state and regional laws.

Finding: The amendment to §10.3.130 *Residential Density* would provide Incentive Density to allow up to 30.00 Dwelling Units per Acre (DUA) in the RMH zoning district. Relevant goals and policies related to the change are addressed as follows:

**Forest Grove Comprehensive Plan - Housing Goals and Policies**

Goal 2: Provide incentives for increased residential development densities within the Forest Grove Town Center and near high capacity transit corridors.

Policy 2.3 Amend Development Code standards to increase maximum development densities within the Forest Grove Town Center, identified high capacity transit station areas, and mixed use target areas along the Pacific Avenue commercial corridor.

Finding: RMH-zoned districts abut both the Town Center and the Pacific Avenue commercial corridor. Some RMH-zoned districts are also within a quarter mile of a high capacity transit corridor. Increasing the Incentive Density in the RMH zoning district would address both the Goal and Policy to increase maximum development density near high capacity transit corridors generally and the Pacific Avenue commercial corridor specifically.

**Forest Grove Comprehensive Plan - Land Use Policies**

9. Development regulations shall promote a variety of housing types suitable for owner- and renter-occupants. The Economic Opportunity Analysis indicates a need for 3,859 owner-occupied units and 878 renter-occupied units over the next 20 years.

Finding: Increasing the Incentive Density in the RMH zoning district could promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result

Amended/Remanded to PIC

in a lower per-unit cost, thus encouraging the development of needed housing types serving this market segment.

10. Ensuring the availability of affordable housing is a priority for the City of Forest Grove. Affordable housing options provided for through planning and development regulations should reflect documented housing needs of current and future residents of the City.

Finding: Increasing the Incentive Density in the RMH zoning district could promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types.

11. Develop and implement incentives for the construction of affordable housing meeting documented community needs.

Finding: Increasing the Incentive Density in the RMH zoning district could promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types.

Finding: The amendments to §10.4.200 et. seq. *Planned Developments* will increase housing choices and opportunities by requiring a mixture of housing options in planned developments versus exclusively single-family projects.

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

Finding: The City of Forest Grove Comprehensive Plan and implementing regulations have been acknowledged by the Oregon Department of Land Conservation and Development as being in compliance with Statewide Goals. Because most of the amendments would simply update and clarify processes and procedures, the text amendments to Development Code §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, and §10.12.210 *Residential Density Definitions* are consistent with relevant statewide and regional planning goals, policies and rules.

Finding: Relevant statewide and regional goals and policies related to the amendments are addressed as follows:

**Statewide Planning Goal 10 Housing – To provide for the housing needs of citizens of the state.**

**Metro Urban Growth Management Functional Plan - Title 1: Housing Capacity**

Finding: Increasing the Incentive Density in the RMH zoning district would further Statewide Goal 10 and Metro Title 1 by increasing the potential inventory of housing options available, thus helping to ensure that the City continues to meet its regional housing targets.

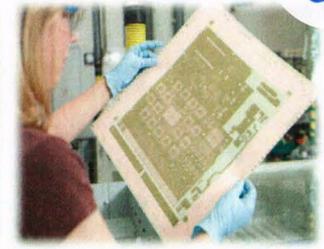
**Metro Regional Framework Plan Policy 1.3 Housing Choices and Opportunities**

Finding: Housing choices and opportunities could be improved by increasing the Incentive Density in the RMH zoning district, thus potentially increasing the availability of both market rate and affordable housing options.

Finding: The amendments to §10.4.200 et. seq. *Planned Developments* will increase housing choices and opportunities by requiring a mixture of housing options in planned developments versus exclusively single-family projects.

2nd Reading  
11/27/17

6.



# City Council Meeting November 27, 2017

## DEVELOPMENT CODE UPDATE

### Second Reading Staff Report

James Reitz (AICP), Senior Planner

*A place where families and businesses thrive.*

# Purpose of Presentation

- The purpose of this presentation is to report back to the City Council on issues that were raised during the First Reading of proposed Ordinance No. 2017-12, which seeks to amend the Development Code.
- Two main issues were raised by City Council during the first reading:
  - Planned Development Process
  - RMH Density Incentives

# Planned Developments

- Planned Developments are a process to encourage innovative and creative development, however, it has not worked as intended and is the impetus for many of the changes before you today.

# Planned Developments

ISSUE: The PD process could be used to do an “end-run” around Development Code standards.

PROPOSED CHANGE: Applicants must list proposed exceptions and justify their need.

ISSUE: Exclusively single-family detached projects in the Residential Multi-Family Low Density (RML) and Residential Multi-Family High Density (RMH) zoning districts, resulting in reduced setbacks and yard areas, and limited housing choice.

PROPOSED CHANGE: Require a mixture of single-family, duplex and multi-family units.

ISSUE: Inadequate open space.

PROPOSED CHANGE: Require at least 20% of the buildable area (not wetland or other environmentally-constrained space) to be devoted to open space for active recreation.

# Planned Developments

ISSUE: Reduced street right-of-way width.

PROPOSED CHANGE: Stipulate that r.o.w. widths may not be reduced.

ISSUE: Inadequate on-site parking.

PROPOSED CHANGE: Require driveway lengths to be at least 20 feet.

ISSUE: Uniform architecture.

PROPOSED CHANGE: Require an architectural pattern book so the Planning Commission can review elevations, materials, details and color.

# Residential Density Incentives

- Adopting Incentive Density in the Residential Multi-Family High Density (RMH) zoning district would allow a project to utilize the Density Incentives listed in Development Code Tables 7-2 and 7-3.
- Incentive Density provisions were adopted into the Development Code in 2016. No applications have yet been submitted that would apply these provisions.
- A project would need to include amenities totaling at least 11 points in value, and/or include an affordable housing component.

# Residential Density Incentives

## DEVELOPMENT CODE TABLE 7-2: DENSITY INCENTIVES

This table applies to all incentive density zoning districts. The only portion that would apply to the RMH zoning district as part of the proposed ordinance is Tier 1 up to 10 units/acre and Tier 2 for affordable housing up to 10 units/acre of the 20 units/acre.

Tier 1: Density Incentives for Project Amenities		
<p>Tier 1 density incentives are earned when a developer provides the project amenities listed in Table 7-3 to earn the number of points required for the density increases shown in this table.</p> <p>In order to qualify for a density incentive the proposed improvements must provide an amenity which is not otherwise required by the Development Code. Where a qualifying amenity requires that a minimum amount of area be provided, the same square footage may not be counted towards other amenities. The property owner may be required to execute a covenant with the City ensuring continuation and maintenance of the qualifying amenity by the property owner. Projects cannot qualify for multiple point values in the same amenity category.</p>	Minimum Points Required	Density Increase
	11 points	10 units/acre
	14 points	20 units/acre
	19 points	30 units/acre
	25 points	40 units/acre
	30 points	60 units/acre
Tier 2: Density Incentives for Affordable Housing		
<p>Tier 2 density incentives are earned when 20% of units are set aside for renters or purchasers earning no more than 80% of median income and paying no more than 30% of total household income in rent or mortgage.</p> <p>Such units shall be developed by a developer with experience undertaking market and non-profit low-income housing developments. This density bonus does not apply to institutional housing.</p>		20 units/acre

# Residential Density Incentives

**DEVELOPMENT CODE TABLE 7-3: AMENITY CATEGORIES AND VALUES**

Amenity Category	Value	Description
Bicycle Amenities	1 point	Enhanced bicycle amenities
Energy Efficiency	2 points	Compliant with Energy Trust Standards
	2 points	Energy Star score > 7
	3 points	Net Zero Certification
“Green” Materials	2 points	At least 50% green materials
	3 points	At least 75% green materials
Low Impact Design	1 point	Complies with CWS standards
Residential Gardening	2 points	Community garden
Rooftop Garden or Eco-Roof	2 points	Garden > 50% of roof area
Structured Parking	10 points	Provide at least 80% parking in a structure
LEED Certification	Silver: 8 points Gold: 10 points Platinum: 12 points	Project complies with LEED certification
Other	TBD	As approved by Planning Commission

# Adoption Options

1. Adopt the amendments as recommended by the Planning Commission.
2. Options the Planning Commission considered and did not recommend:
  1. Increase the Target Density in the Residential Multi-Family High density zoning (RMH) district from 20.28 to 30.00 Dwelling Units per Acre (DUA).
  2. Allow up to 50 DUA in the RMH and Community Commercial zoning districts for affordable housing projects.
3. Remand portions back to staff and the Planning Commission for further consideration.

1st reading 11/13/17



# City Council Meeting November 13, 2017

## DEVELOPMENT CODE UPDATE

James Reitz (AICP), Senior Planner

*A place where families and businesses thrive.*

# Background

The Development Code was adopted in 2009. It's Purpose is to:

- Implement the Comprehensive Plan
- Satisfy federal, state, regional laws, goals and rules
- Guide planning policies and actions
- Facilitate review of development proposals

# Amendments to Date

- Major Amendments to the Development Code include:
  - Sign Code (2009)
  - Historic District Design Standards (2015)
  - Floodplain Management (2016)
  - Marijuana Facilities (2015 & 2016)
  - Mixed Use Zones (2016)
  - Residential Density Incentives (2016)
  
- Minor Amendments to the Development Code include:
  - Domesticated Fowl (2009)
  - Residential Driveway Widths (2017)

# Purpose and Intent

- The purpose of tonight's presentation is to introduce two major amendments and several minor amendments to the Development Code. All amendments being proposed have been reviewed and approved by the Planning Commission.
- The two major amendments to the Development Code are:
  - The first amendment would revise the Planned Development (PD) Section to require a mixture of housing types in the Residential Multi-Family Low density (RML) and Residential Multi-Family High density (RMH) zoning districts.
  - The second amendment would allow an Incentive Density in the Residential Multi-Family High density (RMH) zoning district so that projects could build up to 30.00 dwelling units per acre (Target Density is 20.28 dwelling units per acre) if they include some combination of incentives
- The minor amendments will be covered in detail later in the presentation.

# Amendment 1: Planned Developments

The first amendment would revise the Planned Development (PD) Section to require a mixture of housing types in the Residential Multi-Family Low density (RML) and Residential Multi-Family High density (RMH) zoning districts.

Requiring a mixture of housing types would reduce the number of buildings, which would allow for larger yards. Other amendments would allow more Planning Commission oversight of open space/recreational facilities, building design, and code exceptions.

## Example: Casey West Planned Development



- Small yards on all sides - limited private outdoor recreation space.
- Unobstructed views into neighbor's yards and homes.
- Limited area for utility placement due to narrow rights-of-way and small yards
- Limited on-street parking due to closely-spaced driveways
- Similar architecture and color palette
- Limited active recreation space

A place where businesses and families thrive.

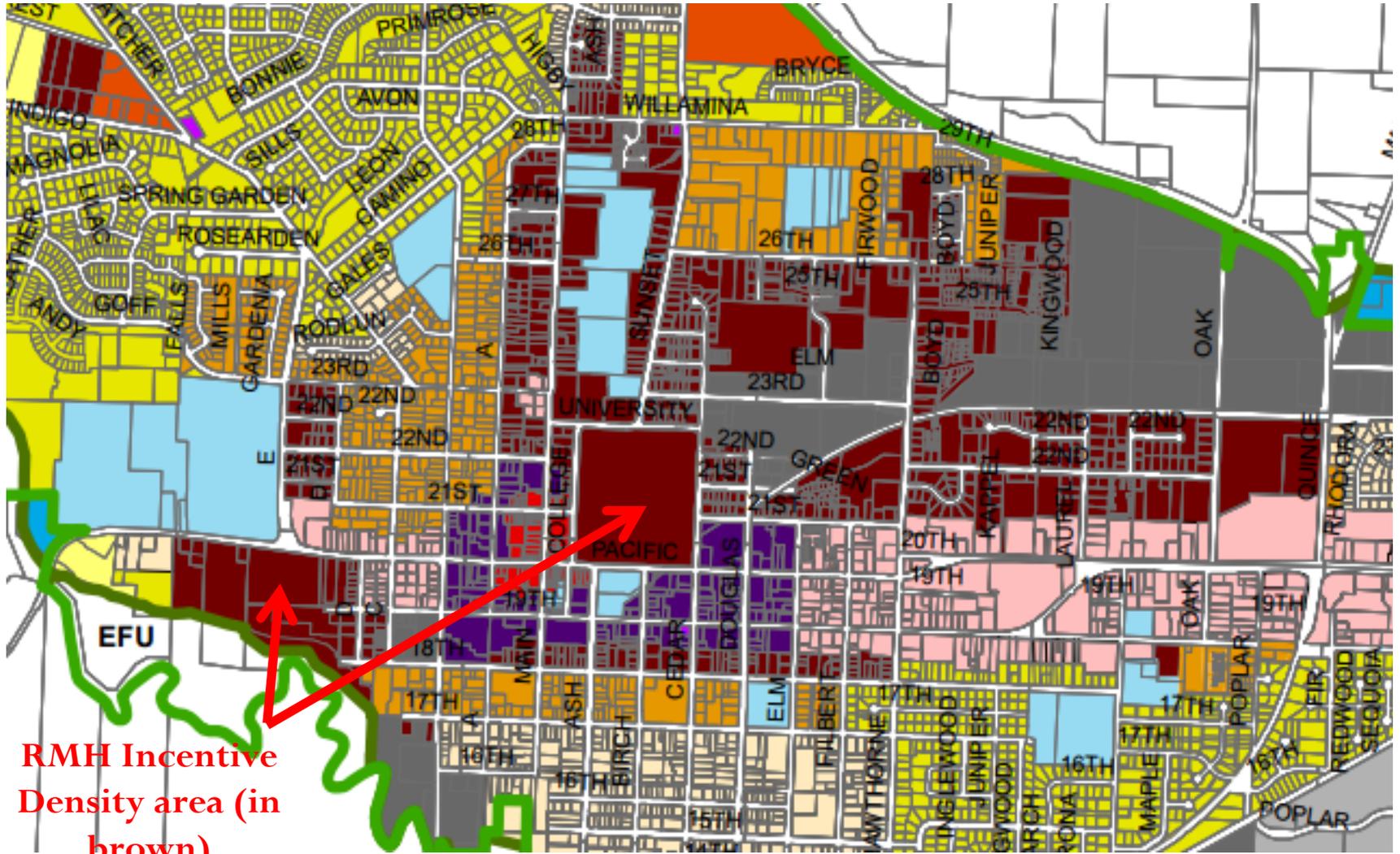
# Amendment #2: RMH Incentive Density

The second major amendment would allow for an Incentive Density in the Residential Multi-Family High density (RMH) zoning district so that projects could build up to 30.00 dwelling units per acre (Target Density is 20.28 dwelling units per acre) if they include some combination of these incentives (DC §10.7.410 Tables 7-2 and 7-3):

- Affordable Housing
- Bicycle Amenities
- Energy Efficiency
- “Green” Materials
- Low Impact Design
- Residential Gardening
- Rooftop Garden or Eco-Roof
- Structured Parking
- LEED Certification

# RMH Incentive Density (in brown)

30 DUA Incentive Density Proposed in the RMH Zoning District (in brown)



RMH Incentive Density area (in brown)

A place where businesses and families thrive.

# Minor Amendments

## Proposed Minor Amendments Include:

- Corrects inconsistencies within the section
- Religious Institution definition to allow affordable housing on land zoned for residential use and owned by a religious institution
- Solar Access code for subdivisions to account for existing development patterns
- Non-Conforming code to allow existing duplexes to be replaced in the commercial and industrial zoning districts (same as for single-family homes)
- Dwelling Diversity code to encourage a variety of home designs in a subdivision
- Off-Street Parking code to reduce the parking required for self-service storage facilities
- Subdivision private open space requirements because they have not been developed as intended; this amendment would eliminate the requirement
- Permitted Uses in the Community Commercial zoning district to stipulate that Marijuana Processing and Production is not permitted there (a topic of a recent Director's Interpretation and Planning Commission Appeal)
- Day Care definition to allow up to 16 children as a permitted use
- Density definition to clarify how unit counts are calculated and rounded
- Height allowed for accessory buildings

# PC Recommendations

The Planning Commission considered but rejected proposals to:

- Increase the Target Density in the Residential Multi-Family High density zoning (RMH) district from 20.28 to 30.00 Dwelling Units per Acre (DUA) because several RMH areas are not served by transit, and the allowed building heights of up to 45 feet could be out of character with the surrounding neighborhood.
- Allow up to 50 DUA in the RMH and Community Commercial zoning districts for affordable housing projects because this issue has not been thoroughly researched and the proposed DUA may be too great.
- Extend the Planned Development deadline to 5 years because PD and subdivision deadlines should be the same (4 years)

# Recommendation

- Adopt the amendments as recommended by the Planning Commission and staff

Date: November 27, 2017

Agenda Item: 6.

Subject: CONTINUE PUBLIC HEARING: SECOND OF READING ORDINANCE NO. 2017-12 AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLES 1 INTRODUCTION AND PROCEDURES, 2 LAND USE REVIEWS, 3 ZONING DISTRICTS, 4 OVERLAY DISTRICTS, 5 SPECIAL PROVISIONS, 7 MISCELLANEOUS PROVISIONS, 8 GENERAL DEVELOPMENT STANDARDS, AND 13 USE CATEGORIES AND DEFINITIONS; FILE NO. 311-16-000175-PLNG

# CITY COUNCIL MEETING

## Request to Testify at Public Hearing

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

*Please sign-in below to testify.*

**PROPONENTS:** (Please print legibly)

**First & Last Name:**

STEVE VAN DOZEN

**Address:**

3333 Grant Dr Forest Grove, Or 97116

**City, State & Zip Code:**

**OPPONENTS:** (Please print legibly)

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

**OTHERS:** (Please print legibly)

**First & Last Name:**

**Address:**

**City, State & Zip Code:**



*A place where families and businesses thrive.*

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>6</u>
MEETING DATE:	<u>11/13/17</u>
FINAL ACTION:	<b>FIRST READING</b>

**CITY COUNCIL STAFF REPORT**

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**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *November 13, 2017*

**PROJECT TEAM:** *James Reitz, AICP, Senior Planner  
Dan Riordan, Senior Planner  
Bryan Pohl, Community Development Director*

**SUBJECT TITLE:** *Public Hearing and Ordinance Amending Development Code*

**ACTION REQUESTED:**

<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Motion	<input type="checkbox"/>	Informational
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*X all that apply*

**ISSUE STATEMENT:** The Development Code was adopted in 2009. Having implemented the code over the past 8 years, staff has noticed a number of internal textual inconsistencies and sections that simply have not worked in the manner intended, particularly the Planned Development code. Furthermore, every code needs periodic updating to reflect changes in local, regional and state policies, codes and definitions. The purpose of the amendments is to address all of those issues.

**BACKGROUND:** The most significant amendments would be to the Planned Development (PD) code. The City has reviewed multiple PDs since 2004, with mixed results. While they have been successful in providing single-family detached homes at lower price points, there have been unintended consequences, including a lack of variety both in housing type and architecture (mostly single-family detached homes even in the RML and RMH zoning districts); reduced yard areas and loss of privacy; conflicts with utility placement due to reduced setbacks; lack of active outdoor recreation spaces; and limited on-street parking. The amendments are intended to provide more Planning Commission oversight by stipulating what code sections may not be relaxed (e.g. street widths and driveway lengths), requiring an architectural pattern book, requiring a mixture of housing types in the RML and RMH zoning districts so that projects are not exclusively single-family detached; and reducing the overall amount of open space required but also stipulating that it be a percentage of the buildable area so that it can be used for active recreation versus a wetland that could only be used for passive recreation.

One other significant amendment would be to allow incentive density in the RMH zoning district. Staff had proposed an increase in target density in this district from the current 20.28 dwelling units per acre (DUA) to 30.00 DUA, with an option to go to 50.00 DUA for projects that would include affordable housing (a related proposal would have allowed additional density in the CC zoning district for projects providing affordable housing). However, no one offered any testimony before the Planning Commission on the proposed amendments. The Commission concluded that it was premature to increase the target density at this time, especially as the target densities in both the Town Center and Community Commercial zoning districts have recently been increased and it's too soon to know what will result. (The target density

increases in the Town Center and Community Commercial zoning districts have so far resulted in the Jesse Quinn project at about 55 DUA, the Cedar Manor Apartments at 30 DUA, and the Forestplace Apartments at about 25 DUA).

The Commission did, however, recommend an amendment to allow incentive density in the RMH zoning district, as provided by Development Code Table 7-2 *Density Incentives* and 7-3 *Amenity Categories and Values*, which would allow up to 30.00 DUA for projects incorporating those amenities. Since the Commission meeting, letters in support of the RMH density increase proposal have been submitted. These letters cite the increased demand for units due to a strong economy, and the difficulty in creating units at the density currently allowed.

Most of the remaining proposed amendments are more housekeeping in nature, and would simply update and clarify processes and procedures, or update definitions to comply with State codes. These include amendments to §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, §10.12.120 *Daycare Definition*, and §10.12.210 *Residential Density Definitions*. All of these proposed amendments are minor in nature, and would not reflect any significant change in policy or code.

As noted above, at the October 16, 2017, Planning Commission Public Hearing, no one spoke in favor of or in opposition to any of the amendments (see draft Planning Commission minutes, attached). The Commission reviewed and discussed each of the amendments, and supported all of the minor amendments without revision. The Commission's primary discussion was about the proposals to revise the PD section, to increase the target density in the RMH zoning district, and the proposals to allow even greater densities in the RMH and CC zoning districts for affordable housing projects. However, knowing that the City is just now beginning to formulate a strategy to address affordable housing issues, the Commission concluded that these proposals were premature, and voted to remove them from the recommendation.

**FISCAL IMPACT:** Adoption of the ordinance will have no fiscal impact on the City.

**STAFF RECOMMENDATION:** Staff recommends the City Council adopted the attached ordinance amending the Development Code as recommended by the Planning Commission.

If the City Council wishes to consider increasing the target density in the RMH zoning district, it could 1) adopt an amendment to the proposed ordinance; 2) adopt the ordinance as recommended and direct staff to come back with a separate ordinance; or 3) delay adoption of the ordinance until this issue is further investigated.

**ATTACHMENTS:**

- PowerPoint Presentation
- Letters in support of an RMH zoning district density increase
- Ordinance Amending Forest Grove Development Code
- Exhibit A: Planning Commission Findings and Decision No. 2017-16 and Staff Report dated October 16, 2017, and Planning Commission Meeting Minutes (draft) of October 16, 2017
- Exhibit B: Forest Grove Development Code Amendments
- Exhibit C: Findings



*A place where families and businesses thrive.*

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## NOTICE OF PUBLIC HEARING FOREST GROVE CITY COUNCIL

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold Public Hearing on **Monday, November 13, 2017, 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to review the following proposals:

---

**PROPOSAL:** Legislative amendments to the Forest Grove Development Code pertaining to planned developments, adjustments, definitions, increasing the incentive density in the RMH zoning district to up to 30 dwelling units per acre, solar access, non-conforming uses, and accessory structures.

**APPLICANT:** City of Forest Grove

**FILE NUMBER:** 311-16-000175-PLNG

The proposals will be reviewed based on the following Development Code Review criteria:

1. The text amendments are consistent with the relevant goals and policies of the Comprehensive Plan; and
2. The text amendments are consistent with the relevant statewide and regional planning goals, programs and rules.

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If an issue is not raised in the hearing (by person or letter) or if the issue is not explained in sufficient detail to allow the City Council to respond to the issue then that issue cannot be used as the basis for an appeal to the Land Use Board of Appeals (LUBA). If additional documents or evidence are provided regarding the application any person shall be entitled to a continuance of the hearing. Information pertaining to this request may be obtained from Senior Planner James Reitz, Community Development Department, 1924 Council Street (9am-5pm), (503) 992-3233, [jreitz@forestgrove-or.gov](mailto:jreitz@forestgrove-or.gov).

A copy of the staff report is available for inspection prior to the hearing at the City Recorder's Office or by visiting the City's website at [www.forestgrove-or.gov](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing, e-mailed to [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov), or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing.

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

To be published: Wednesday, November 8, 2017

# VAN DOREN RED-E-MIX

Transit-Mix Concrete, Gravel, Sand

P.O. BOX 295 2525 A ST.

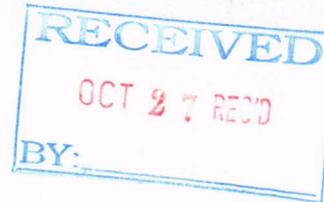
FOREST GROVE, OREGON

Phone No. 357-3231 or 357-3186



Thursday, October 26, 2017

James Reitz  
City of Forest Grove  
P.O. Box 326  
Forest Grove, OR 97116



RE: RMH Zone Density Proposal

Dear Sir:

I am writing in regards to the proposal to increase the target density in RMH Zone to 30 units per acre. I support the Planning Department's recommendation to increase the density to 30 units per acre. We had Johnson Economics prepare a market survey for this area. Their findings:

- 1) Washington County is adding 5400 jobs per year
- 2) The vacancy rate in the area is almost zero
- 3) The current projects would be leased out in about 18 months

Increasing the density in the RMH Zone would:

- 1) Make development of new housing more attractive to outside developers
- 2) Bring more people closer to downtown which would help revitalize downtown
- 3) Would help ease the lack of affordable housing in the area

I would encourage the council to approve the density increase in the RMH Zone to 30 units per acre.

Thank you for your consideration.

A handwritten signature in black ink that reads "Steven M. Van Doren".

Steven M. Van Doren  
President  
Van Doren Red-E-Mix

October 26, 2017

To Whom It May Concern

I am writing this letter in regards to the Forest Grove Development Code pertaining to planned developments, adjustments, definitions, increasing the incentive density in the RMH zoning district to up to 30 dwelling units per acre, solar access, non-conforming uses, and accessory structures.

I urge you to seriously consider implementing the density increase as requested. I truly believe as land costs continue to rise in the City of Portland along with construction costs, developers are seriously looking for more options in cities that may offer more affordable options to develop. An increase in density will give developers another reason to seriously consider the City of Forest Grove as an attractive location to invest their dollars.

I have currently been working on due diligence to develop property in the City of Forest Grove at the Van Doren Red-E-Mix site and have found that a project at the current density limits is not financially feasible. The only way it would work financially as an investor, would be with an increase in density allowing us to increase the potential revenue to offset the development costs.

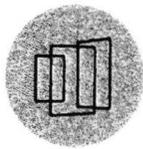
As a CPA, who specializes in the construction industry, with a firm who represents over 250 construction companies in the Pacific Northwest, I have firsthand knowledge of the rising construction costs on projects in Oregon. The only way to offset increasing costs is to increase potential revenues. The only way to increase potential revenues is by being able to build more units on existing properties which only can happen with the proposed increase in density per acre.

I am grateful for the thoughtful consideration by the City and the City Planners, who have also put in a lot of work on this topic.

Respectfully,

A handwritten signature in black ink, appearing to be the name 'Matt Van Doren', enclosed within a hand-drawn oval shape.

Matt Van Doren, CPA, CCIFP®



# HFO

Investment Real Estate LLC

Build your legacy.

Attention: Forest Grove City Council  
1915 Main Street  
Forest Grove, OR

From: Lee Fehrenbacher  
HFO Investment Real Estate  
2424 SE 11<sup>th</sup> Avenue  
Portland, OR 97214  
503-241-5541

Re: Legislative Amendments to the Forest Grove Development Code pertaining to increasing the incentive density in the RMH zoning district to 30 dwelling units per acre.

To Whom It May Concern,

My name is Lee Fehrenbacher and I am a commercial real estate broker specializing in the sale multifamily apartment buildings. My firm – HFO Investment Real Estate – is one of the largest brokerage firms specializing in multifamily housing in the state of Oregon, and we have collectively sold more than 24,000 units since our company's founding in 1999.

I am writing in regards to the city's development code and the proposal to increase the incentive density in the RMH zoning to 30 dwelling units per acre. I support this increase in density.

Our company is currently working with several clients who are exploring development options for apartment projects in Forest Grove, but are finding that the rising cost of land and construction prices are making it increasingly difficult for new development projects to pencil out financially. This can be especially true in tertiary markets like Forest Grove, where development costs remain expensive but rent levels are significantly lower than those found in Portland's urban core.

Providing options for developers to increase the density on a given project will help tip the scales toward economic feasibility and help stakeholders justify the substantial investment required to build new buildings.

Thank you.

Lee Fehrenbacher



MORE  
REALTY, INC.

October 30, 2017



City of Forest Grove  
1924 Council Street  
Forest Grove, OR 97116

RE: Zone Change

To Whom It May Concern

I believe that changing the zoning in Forest Grove from a maximum of 20 units per acre to the maximum of 30 units per acre would increase the number of investors willing to invest in property in the Forest Grove Area. It would also be an advantage to the City of Forest Grove in the area of Economic Development. Affordable housing as well as rentals are very scarce in Forest Grove at this time.

Metro has focused on high density in the tri county area for the past several years and this would be in line with their objectives also.

Sincerely,

Maggie Boehmer  
Principal Broker  
MORE REALTY  
503-849-6143

**Written Testimony:  
Agenda Item 6  
November 13, 2017**



James Reitz  
Planning Department  
City of Forest Grove  
1924 Council St  
Forest Grove, OR 97116

James,

As you know, over the past 9 months, I have had the opportunity to work with a property owner in Forest Grove that has been interested in re-developing his site for long term apartments. We have spent considerable time and energy to that effect including meeting with contractors, engineers, architects, as well as working with the City of Forest Grove in depth.

During our initial meeting earlier this year, it was mentioned that the City was working on an update to the Comprehensive Plan that would increase density in the RMH zone from the current allowed use to 30 units per Acre (an approximately 50% increase). It was with this hope that we proceeded with our development analysis of the property.

Over the past month, we received news that the Planning Commission did not approve this increase in density, and that it is now going forward to the City Council. I am disappointed that the City of Forest Grove will not be increasing this density for future developments. As the City of Forest Grove, as well as the surrounding Washington County area continues to grow, the need for long term sustainable housing will only increase, and increasing a small section of the zoning to allow for multi-family housing will only enhance the desirability of Forest Grove for those types of developments.

The increase in density does not change the requirements for parking, for the ability of the Planning Department, Planning Commission, or the City Council to ensure that the feel of the developments in the RMH zone meet the long term vision for each individual neighborhood. It also would not affect the local neighborhoods to ensure that each site matches the surrounding area and feel in those areas. Finally, an increase in density to 30 units per acre would not change the feel of a development so much that it would become out of character with the neighborhood around it.

From a development standpoint, for a one-acre site, putting 20 units on the property makes it very hard for landowners, contractors and developers to pursue the development on a site for long term rentals, as the per unit cost tend to be more expensive with smaller projects. Increasing the density to 30 units would allow for smaller, higher density projects, while still maintaining the feel of the neighborhoods around the city.

I believe that the smaller landowners in the City of Forest Grove would like to re-develop their properties, but faced with a low ability to maximize the return on the land investment, I believe will hamper the ability of long term rental housing to be developed in Forest Grove, with the exception of the high traffic corridors already re-zoned for higher density. Allowing increased density, for instance the increased zoning would allow for a 4plex to be built on a 5,000 SF lot in this zoning, would only assist in the creation of multi-family units outside of the highest traffic corridors.

During my work with the property owners in Forest Grove, I found the City to be very helpful, found the locations to be highly desirable, and feel that with this increased density, it will only assist the long term growth of the City.

**I offer this letter in support of the increased density being addressed by the City Council on November 13, 2017.**

Thank you for your consideration.

Mark Reed  
NW Ventures Group, Inc.  
971-506-0167

Date: November 13, 2017

Agenda Item: 6.

Subject: PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2017-12 AMENDING FOREST GROVE DEVELOPMENT CODE ARTICLES 1 INTRODUCTION AND PROCEDURES, 2 LAND USE REVIEWS, 3 ZONING DISTRICTS, 4 OVERLAY DISTRICTS, 5 SPECIAL PROVISIONS, 7 MISCELLANEOUS PROVISIONS, 8 GENERAL DEVELOPMENT STANDARDS, AND 13 USE CATEGORIES AND DEFINITIONS; FILE NO. 311-16-000175-PLNG

# CITY COUNCIL MEETING

## Request to Testify at Public Hearing

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

*Please sign-in below to testify.*

**PROPONENTS:** (Please print legibly)

First & Last Name:

*Matt Van Doren*

Address:

City, State & Zip Code:

*2284 SW QUAIL CREEK*

**OPPONENTS:** (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

**OTHERS:** (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:



6605 S.E. Lake Road, Portland, OR 97222  
 PO Box 22109 • Portland, OR 97269-2109  
 Phone: 503-684-0360 Fax: 503-620-3433  
 E-mail: [legals@commnewspapers.com](mailto:legals@commnewspapers.com)

**AFFIDAVIT OF PUBLICATION**

State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the **Forest Grove News-Times**, a newspaper of general circulation, published at Forest Grove, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

**City of Forest Grove**  
**Notice of Public Hearing – 311-16-000175**  
**PLNG**  
**FGNT12816**

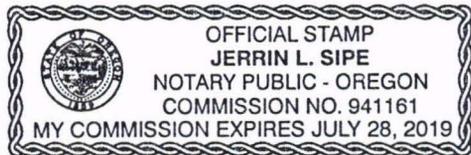
a copy of which is hereto attached, was published in the entire issue of said newspaper for

**1**  
 week in the following issue:  
**November 8, 2017**

*Charlotte Allsop*  
 Charlotte Allsop, Accounting Manager

Subscribed and sworn to before me this November 8, 2017.

*Jerrin L. Sipe*  
 NOTARY PUBLIC FOR OREGON



Acct #298024  
 PO #: 20165070  
 Attn: Anna Ruggles  
 City of Forest Grove  
 PO Box 326  
 Forest Grove, OR 97116  
 Size: 2 x 7.208"  
 Amount Due: \$137.67\*  
 \*Please remit to the above address.

**NOTICE OF PUBLIC HEARING  
 FOREST GROVE CITY COUNCIL**

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold Public Hearing on **Monday, November 13, 2017, 7:00 p.m.** or thereafter, in the Community Auditorium 1915 Main Street, Forest Grove, to review the following proposals:

**PROPOSAL:** Legislative amendments to the Forest Grove Development Code pertaining to planned developments, adjustments, definitions, increasing the incentive density in the RMH zoning district to up to 30 dwelling units per acre, solar access, non-conforming uses, and accessory structures.

**APPLICANT:** City of Forest Grove

**FILE NUMBER:** 311-16-000175-PLNG

The proposals will be reviewed based on the following Development Code Review criteria:

1. The text amendments are consistent with the relevant goals and policies of the Comprehensive Plan; and
2. The text amendments are consistent with the relevant state-wide and regional planning goals, programs and rules.

If an issue is not raised in the hearing (by person or letter) or if the issue is not explained in sufficient detail to allow the City Council to respond to the issue then that issue cannot be used as the basis for an appeal to the Land Use Board of Appeals (LUBA). If additional documents or evidence are provided regarding the application any person shall be entitled to a continuance of the hearing. Information pertaining to this request may be obtained from Senior Planner James Reitz, Community Development Department, 1924 Council Street (9am-5pm), (503) 992-3233, [jreitz@forestgrove-or.gov](mailto:jreitz@forestgrove-or.gov).

A copy of the staff report is available for inspection prior to the hearing at the City Recorder's Office or by visiting the City's website at [www.forestgrove-or.gov](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing, e-mailed to [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov), or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing.

**Anna D. Ruggles, CMC, City Recorder**  
**City of Forest Grove**  
 Publish 11/08/2017.

FGNT12816

**Written Testimony:  
Agenda Item 6  
November 13, 2017**



James Reitz  
Planning Department  
City of Forest Grove  
1924 Council St  
Forest Grove, OR 97116

James,

As you know, over the past 9 months, I have had the opportunity to work with a property owner in Forest Grove that has been interested in re-developing his site for long term apartments. We have spent considerable time and energy to that effect including meeting with contractors, engineers, architects, as well as working with the City of Forest Grove in depth.

During our initial meeting earlier this year, it was mentioned that the City was working on an update to the Comprehensive Plan that would increase density in the RMH zone from the current allowed use to 30 units per Acre (an approximately 50% increase). It was with this hope that we proceeded with our development analysis of the property.

Over the past month, we received news that the Planning Commission did not approve this increase in density, and that it is now going forward to the City Council. I am disappointed that the City of Forest Grove will not be increasing this density for future developments. As the City of Forest Grove, as well as the surrounding Washington County area continues to grow, the need for long term sustainable housing will only increase, and increasing a small section of the zoning to allow for multi-family housing will only enhance the desirability of Forest Grove for those types of developments.

The increase in density does not change the requirements for parking, for the ability of the Planning Department, Planning Commission, or the City Council to ensure that the feel of the developments in the RMH zone meet the long term vision for each individual neighborhood. It also would not affect the local neighborhoods to ensure that each site matches the surrounding area and feel in those areas. Finally, an increase in density to 30 units per acre would not change the feel of a development so much that it would become out of character with the neighborhood around it.

From a development standpoint, for a one-acre site, putting 20 units on the property makes it very hard for landowners, contractors and developers to pursue the development on a site for long term rentals, as the per unit cost tend to be more expensive with smaller projects. Increasing the density to 30 units would allow for smaller, higher density projects, while still maintaining the feel of the neighborhoods around the city.

I believe that the smaller landowners in the City of Forest Grove would like to re-develop their properties, but faced with a low ability to maximize the return on the land investment, I believe will hamper the ability of long term rental housing to be developed in Forest Grove, with the exception of the high traffic corridors already re-zoned for higher density. Allowing increased density, for instance the increased zoning would allow for a 4plex to be built on a 5,000 SF lot in this zoning, would only assist in the creation of multi-family units outside of the highest traffic corridors.

During my work with the property owners in Forest Grove, I found the City to be very helpful, found the locations to be highly desirable, and feel that with this increased density, it will only assist the long term growth of the City.

**I offer this letter in support of the increased density being addressed by the City Council on November 13, 2017.**

Thank you for your consideration.

Mark Reed  
NW Ventures Group, Inc.  
971-506-0167

**Written Testimony:  
Agenda Item 7  
November 13, 2017**

November 2, 2017

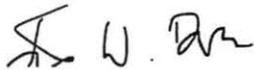
Dear Mayor Truax and City Council:

The Forest Grove Economic Development Commission (FGEDC), at its November 2<sup>nd</sup>, 2017 meeting, unanimously recommended passage of a 2.5% Transient Lodging Tax. The Transient Lodging Tax is a critical tool that will create expanded opportunities in the local tourism economy. For the first time there will be a consistent dedicated resource and personnel to support tourism.

Support and growth of the tourism sector has been an on-going goal of the FGEDC. Given that the Forest Grove area has the greatest amount of leisure tourism activities and amenities in Washington County, there are opportunities to increase tourism's contribution to the local economy. Many of the operators of area tourism amenities are locally owned small businesses whose growth will lead to increased jobs and income.

The Forest Grove Economic Development Commission pledges its continued assistance to the City Council's goal of supporting tourism growth.

Sincerely,



James Draznin  
Chair, Forest Grove Economic Development Commission

FIRST READING:

**ORDINANCE NO. 2017-12**

**ORDINANCE AMENDING FOREST GROVE DEVELOPMENT CODE  
ARTICLES 1 INTRODUCTION AND PROCEDURES, 2 LAND USE REVIEWS, 3  
ZONING DISTRICTS, 4 OVERLAY DISTRICTS, 5 SPECIAL PROVISIONS, 7  
MISCELLANEOUS PROVISIONS, 8 GENERAL DEVELOPMENT STANDARDS,  
AND 12 USE CATEGORIES AND DEFINITIONS; FILE NO. 311-16-000175-PLNG**

**WHEREAS**, the Development Code was adopted in 2009 and needs periodic updating to reflect changes in local, regional and state policies, codes and definitions; and

**WHEREAS**, the City also desires to make amendments to the Development Code to update procedures and review standards; and

**WHEREAS**, notice of the proposed amendments was provided to the Department of Land Conservation and Development on September 11, 2017; and

**WHEREAS**, the Planning Commission held a Public Hearing on the proposed amendments on October 16, 2017; and

**WHEREAS**, the Planning Commission adopted Planning Commission Findings and Decision Number 2017-16 recommending approval of the proposed amendments; and

**WHEREAS**, the City Council held a duly-noticed Public Hearing on the proposed ordinance on November 13, 2017, and continued the hearing on November 27, 2017.

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

**Section 1:** The City Council hereby adopts the Planning Commission's Findings and Decision Number 2017-16 dated October 19, 2017 as shown on Exhibit A.

**Section 2:** The City Council of the City of Forest Grove hereby adopts the text amendments to Development Code Article 1 *Introduction and Procedures*, Article 2 *Land Use Reviews*, Article 3 *Zoning Districts*, Article 4 *Overlay Districts*, Article 5 *Special Provisions*, Article 7 *Miscellaneous Provisions*, Article 8 *General Development Standards*, and Article 12 *Use Categories and Definitions* as shown on Exhibit B.

**Section 3:** The City Council hereby finds that the proposed amendments are consistent with and meet the provisions of Development Code §10.2.630 *Review Criteria Pertaining to Zoning Text Amendments* as shown on Exhibit C.

**Section 4:** This ordinance is effective 30 days following its enactment by the City Council.

**PRESENTED AND PASSED** the first reading this 13<sup>th</sup> day of November, 2017.

**PASSED** the second reading this 27<sup>th</sup> day of November, 2017.

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Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 27<sup>th</sup> day of November, 2017.

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Peter B. Truax, Mayor



# Forest Grove Code Text Amendments Staff Report and Recommendation

Community Development Department, Planning Division

**REPORT DATE:** October 6, 2017

**HEARING DATE:** October 16, 2017

**REQUEST:** Legislative amendments to the Forest Grove Development Code pertaining to planned developments, adjustments, definitions, increasing the target density in the RMH zoning district to 30 dwelling units per acre and up to 50 dwelling units per acre for affordable housing, solar access, non-conforming uses, accessory structures.

**FILE NUMBER:** 311-16-000175-PLNG

**PROPERTY LOCATION:** Not applicable

**LEGAL DESCRIPTION:** Not applicable

**APPLICANT:** City of Forest Grove

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

**REVIEWING STAFF:** James Reitz, AICP, Senior Planner  
Dan Riordan, Acting Community Development Director

**RECOMMENDATION:** Staff recommends approval of the amendments

## I. BACKGROUND

The Development Code was adopted in 2009. It began to be amended later that same year, and amendments have continued up to the present. Amendments to date have included major revisions (e.g. the sign code, marijuana facilities, floodplain management, and mixed use zones) as well as smaller, more targeted amendments such as allowing domesticated fowl and revising the allowable width of residential driveways.

Having implemented the code over the past 8 years, staff has noticed a number of internal textual inconsistencies and sections that simply have not worked in the manner intended. Furthermore, every code needs periodic updating to reflect changes in local, regional and state policies, codes and definitions. The purpose of the amendments is to address all of those issues.

The Planning Commission reviewed most of the proposed amendments in work sessions on July 17 and August 7, 2017. One additional amendment is included below, to update the definition of Religious Institutions due to recent changes in State law allowing religious institutions to construct housing.

Public notice of this proposal was provided to the Plans Review Board, the Department of Land Conservation and Development (DLCD), and published in the *News Times* on October 11, 2017. As of the date of this report, no comments have been received from the public. ODOT staff contacted City staff to inquire whether the proposed amendments would have any effect on ODOT facilities; they would not, as there are no proposed changes to the *Access and Circulation* section (§10.8.100 et. seq.). In keeping with current practice, proposals for projects on or within a quarter mile of either Highway 8 or Highway 47 will still be routed to ODOT for review and comment.

## II. PROPOSED AMENDMENTS AND ANALYSIS

The page references below pertain to attached Exhibit A – *Proposed Amendments*. Proposed new text is in **bold**, while text proposed to be deleted is ~~struck through~~.

Most of the proposed amendments would simply update and clarify processes and procedures, or update definitions to comply with State codes. These include amendments to §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, §10.12.120 *Daycare Definition*, and §10.12.210 *Residential Density Definitions*. All of these proposed amendments are minor in nature, and would not reflect any significant change in policy or code.

The more substantive amendments proposed include -

- An amendment to §10.3.110 to §10.3.130 *Residential Density* that would increase the target density in the RMH zoning district from 20.28 to 30.00 DUA, and provide Incentive Density of up to 50.00 DUA for affordable housing.
- An amendment to §10.3.320 *Commercial and Mixed Use Zones* that would increase the Incentive Density in the Community Commercial zoning district.
- Amendments to §10.4.200 to §10.4.225 *Planned Developments* would address a variety of concerns about how such projects have been designed and whether the end product could be improved.

The proposed amendments include the following –

### **§10.1.130 When Land Use Permits Are Required**

Page 1 – This amendment to the *General Administration – When Land Use Permits Are Required* section (§10.1.130) would bring the deadline for a planned development in line with most land use permits. At present, subdivisions and planned developments have two different deadlines, and if a subdivision is also a planned development, it is unclear which deadline should be applied. A planned development approval is valid for 3 years (DC §10.4.220(D)) while subdivision approval is valid for 2 years (DC §10.6.120). This amendment would extend the subdivision approval to 3 years, if it is also a planned development.

### **§10.1.405 Type I Process – Type I Applications and Approval Criteria**

Pages 2 & 3 - Final plans for planned developments have historically been reviewed using a Type I process. This amendment would include this action in the list of Type I applications (§10.1.405). At present, the review is listed as a Type II process (§10.1.505), which would require further notice to affected parties (who could then potentially appeal the decision), even though the planned development application would have already been reviewed and approved by the Planning Commission through a Type III process.

### **§10.2.110 Land Use Reviews – Adjustments**

Page 3 - Because an adjustment of 10% or less is minor, this amendment to §10.2.110 would classify such a request as a Type I application (staff review without notice).

Page 3 - "Height" is listed as being eligible for a 10% adjustment in §10.2.110, but is not listed at all for a potential 20% adjustment. This amendment would correct what appears to be an oversight.

### **§10.3.110 – 10.3.130 Residential Zones – Density**

Page 4 - Target density in the RMH zoning district is proposed to increase from 20.28 to 30.00 dwelling units per acre. The City has received testimony in several applications about the need to increase density to make apartment development more feasible. A target density of 30.00 DUA would be consistent with the target density in the Community Commercial zoning district.

On a broader scale, the region has been trying to address issues of homelessness, a tight rental market and housing affordability in general. To begin to address these issues, the City Council appointed an Affordable Housing Ad Hoc Committee to develop options. The committee included representatives from Washington County Housing Services, the Home Builders Association, several City commissions, and citizens at large. Their membership agreed *"that housing should be approached as a continuum ranging from basic shelter, affordable rental housing, market rate rental housing, affordable homeownership opportunities and market rate homeownership."* Their recommendations included the following:

*Goal: Reduce regulatory barriers to expanding the supply of affordable housing in Forest Grove.*

*Policy: Establish as a priority identification and removal, when appropriate, of regulatory barriers to expanding the supply of affordable housing in Forest Grove.*

While not specifically intended to provide affordable housing, increasing the target density in the RMH zoning district would allow for greater economies of scale such that the unit costs would be reduced, which could translate into lower rent.

In work session, the Planning Commission did express some concern about how the increase in density might result in increased traffic. Most of the RMH zoning district is located within a quarter-mile of the Pacific Avenue/19<sup>th</sup> Avenue TriMet transit corridor out to "B" Street. A quarter-mile distance is a commonly accepted measure of the area within which a pedestrian could be expected to walk to a transit line or to the goods and services located along the corridor. A quarter mile equates to 1,320 feet; as a Forest Grove block is 400 feet on a side, a quarter mile is thus about three blocks on either side of the corridor, or about 16<sup>th</sup> to 23<sup>rd</sup> avenues, and out to "E" Street. While it should not be expected that all future residents would

use transit or walk to their destination, they would still have the option not to use their vehicles for every trip.

The remaining RMH zoning districts are located generally around Lincoln Park, northeast of the university along 26<sup>th</sup> Avenue, and west of the Gales Creek Road/Thatcher Road intersection. While most of these areas would be served by GroveLink, it should not be expected that these residents would routinely use transit; they would most likely drive.

All the RMH zoning districts are located either on or a short distance from designated Arterial or Collector streets, including Gales Creek Road, Sunset Drive, Main Street, Hawthorne Street, and 26<sup>th</sup> Avenue. These are already constructed to urban standards, or will be as the abutting properties develop, thus the impact of the additional traffic should not be significant. Also, few projects will have been permitted before the next Transportation System Plan update scheduled for 2019, at which time the City will comprehensively review the community's transportation network and consider possible revisions. Should the increase in RMH zoning district target density result in unanticipated traffic generation, the TSP could then be updated to address that increase.

Page 4 - With the recent adoption of the mixed use zones (David Hill, Gales Creek, and Davidson), §10.2.130 Table 3-3 *Residential Zone Density Standards* would be updated to reflect the allowable residential density in each area, consistent with §10.4.315 *Mixed Use Planned Development Standards*. A further amendment to this table would allow an applicant to increase density in the RMH zoning district up to 50.00 dwelling units per acre for affordable housing.

Page 5 - Related to the above, this amendment would create a *Density Bonus* category for affordable housing in the RMH zoning district. Table 7-2 *Density Incentives Tier 2: Density Incentives for Affordable Housing* allows for a density increase of 20 dwelling units per acre when units are set aside for renters or purchasers meeting specified income targets.

As noted above, the City formed an Affordable Housing Ad Hoc Committee to begin to address the issues of homelessness, a tight rental market and housing affordability. The committee adopted this recommended action:

*The Development Code provides for a density bonus of up to 20 units per acre when 20% of units are set-aside for renters or purchasers earning no more than 80% of median income and paying no more than 30% of total household income in rent or mortgage. Consider applying the affordable housing density bonus in the Community Commercial zone.*

While the committee recommendation pertains to housing in the Community Commercial zone, the issue of affordability is region-wide. Amending the Development Code to allow for an affordable housing density bonus in the RMH zoning district would thus aid in this effort.

### **§10.3.130(l) Residential Zone Development Standards - Building Height**

Page 5 - At present, accessory structures are allowed to be as tall as a lot's primary structure, which in single-family zoning districts is 35 feet. This has resulted in some accessory structures at or near the heights of the primary structure. When the structure is also an accessory dwelling unit (ADU), the result can be a kind of "watchtower" over the rear yards of the adjoining homes, which some abutting residents have found an objectionable invasion of privacy. This amendment to §10.3.130 would reduce the allowable height of an accessory building from 35 feet to 25 feet. This would still allow an ADU over a garage, but the overall height would be

reduced. In practical terms, the accessory structure would be limited to 1 ½ stories tall instead of 2 stories tall.

#### **§10.3.130 Commercial and Mixed Use Zones – Use Table**

Page 6 - §10.3.320 Table 3-10 *Commercial and Mixed Use Zones – Use Regulations* would be amended to specifically state that *Marijuana Processing and Production* is not permitted in any of the Commercial or Neighborhood Mixed Use zoning districts. These uses are conditionally permitted in the Light and General industrial zoning districts only.

Page 6 - §10.3.320 Table 3-10 Footnote #19 would be added to allow increased residential density in the Community Commercial zoning district, if a project meets the criteria for the density incentives (affordable housing, energy efficiency, ground floor retail, LEED certification, etc.) listed in Tables 7-2 *Density Incentives* and 7-3 *Amenity Categories and Values*. As noted above, the Affordable Housing Ad Hoc Committee recommended that the Development Code be amended to provide more affordable housing in the Community Commercial zoning district. The proposed amendment would do just that.

#### **§10.4.200 et. seq. Planned Developments**

The following would amend the *Planned Developments* section of the Development Code. Since 2004, the City has reviewed 16 planned development projects. Of those, 5 did not proceed, largely due to their approvals just prior to the onset of the Great Recession. Of the remainder, the results have been mixed in terms of meeting the stated purpose of a planned development.

Most of the planned developments were proposed in order to develop small-lot single-family detached subdivisions (the exceptions were Pacific Crossing, Silverstone, and Green Grove). In each of the small-lot PDs, the applicants requested reduced setbacks front, side and rear; reduced street rights-of-way widths; exclusively single-family detached homes in both the RML and RMH zoning districts; and open space in fragmented tracts, among other exceptions.

While these PDs have been successful in the development of single-family detached homes at lower price points, there have been unintended consequences:

- Because the projects have been exclusively for single-family detached homes, they have reduced the ability to construct apartment units in both the RML and RMH zoning districts, thus helping to constrain the rental market.
- The PDs have reduced the yard areas so significantly as to make them almost useless. Many rear yards are only 10 feet deep and 20 to 25 feet wide. Due to the reduced rear yard setback, no other structures like patio covers are permitted. Side yards have been reduced to 3 feet - the minimum required by the building code - which allows for the buildings to be separated but little else. Front yards have been as narrow as 10 feet, which has created conflict with utilities (particularly electrical transformers) located in the front public utility easement.
- Small private yards have not been compensated by the designation of common recreation tracts. While larger open space tracts (usually wetland tracts) have been set aside, they cannot be used for active recreation.
- The size and location of the recreational tracts have not always been integral to the design. Instead, they have been remnant parcels programmed for recreational space simply because they couldn't be developed as home sites due to their shape or area.

- Because the homes are all two-story, residents have views into all their neighbor's back yards, and perhaps into their homes only 20 feet away. While landscaping can provide some visual mitigation, it further reduces the usefulness of the yard for any other purpose.
- Reduced driveway lengths (18 feet instead of 20) are barely sufficient for standard-length vehicles; it is inadequate for anything larger.
- Each single-family detached unit has its own driveway, but because the lot may only be 25 feet wide, the front yard is mostly paved, and on-street parking is also limited.
- Multiple driveways over a short distance have limited the locations available for utilities and street trees.
- The homes are all of similar architecture, form, massing, materials, and color palette, despite being constructed by multiple builders.

The proposed amendments identified below are intended to address all of those issues by more clearly identifying what standards may be relaxed, as well being more specific as to the desired design outcomes.

Page 6 – In §10.4.200 undergoing a Planned Development review process would be required if a site is greater than 2 acres in area and had an average slope of 20% or more. Because such sites have a significant environmental constraint, they should undergo greater scrutiny and perhaps be allowed greater design latitude than would be afforded by a standard subdivision (Type II) process.

Page 6 – In §10.4.200, the *Purpose* statement would be amended to add that a PD is not intended as a work-around to avoid Development Code requirements. As the City has witnessed several times, applicants have proposed projects that have included a series of exceptions to code standards (including setbacks and street widths) but that haven't necessarily resulted in higher-quality projects. This amendment would stipulate that a planned development is not merely a process to avoid code requirements.

Pages 6 & 7 – Also in §10.4.200, the *Purpose* statement would be amended to ensure that a PD provides both a variety and mixture of building types and architectural styles, rather than have similar types and styles clustered together; and to add that a PD is intended to promote flexibility if the intent is to preserve natural features (like a grove of trees, creeks, ponds, etc.) or a view corridor.

Page 8 - The *PD Development Standards - Base Zone Standards* section (§10.4.215) would be expanded to stipulate that a PD must be warranted, and that any exceptions to Development Code standards must be clearly and specifically identified and justified.

Page 8 - The *Calculation of Density* section would be amended to cite the specific relevant code section noted versus the more general Article 3.

Page 8 - The *Multiple Base Zones* section would be amended to clarify that the residential density of the project site could be allocated over the entire project site, and not confined within the underlying zoning districts. This has been applied historically; the amendment would codify the practice.

Page 8 - The *Housing Types Allowed* section would be amended to require a mixture of housing types in the RMH and RML zones, to ensure that PDs proposed in those zoning districts would not be developed exclusively with single-family detached homes.

As noted above, the City formed an Affordable Housing Ad Hoc Committee to begin to address the issues of homelessness, the tight rental market and housing affordability. One of the committee's recommended actions were this:

*The planned development provisions of the Development Code provide for flexibility in the application of development standards. Consider amending the Development Code to require a mixture of housing types, including attached single-family dwellings, in planned developments in single-family residential zones.*

The proposed amendment is a variation of the above. The issue to date has not been about providing greater housing choices in single-family residential zoning districts, but rather, providing something *other* than single-family detached homes in the RML and RMH zoning districts where most of the planned developments have been sited since 2004. This amendment is intended to broaden housing choices and increase housing affordability, as not everyone can afford to purchase a single-family detached home.

Page 8 - A new *Architectural Pattern Book* section would be added to provide more information to the City and to the eventual builder about the design elements required. As projects may not be constructed by the planned development applicant, this amendment will help ensure that all builders are informed of and adhere to the project's intended architectural design.

Page 9 - The *Building Setback* section would be amended to stipulate that the garage setback requirement is one dimension that may not be modified in a PD (to minimize vehicles overhanging the sidewalk); and that no projections including roofs or foundations are permitted in the front yard public utility easement (to minimize conflicts with the utilities located there, particularly electrical transmission lines and transformers).

Page 9 - A new section would be added to ensure that a PD's *Peripheral Yard* is as required by the underlying zoning district (i.e., reduced rear yard setbacks would not be permitted in those areas). The purpose of this amendment is to ensure that a PD does not crowd the peripheral property line and thus disproportionately impact adjoining properties.

Page 9 - The *Open Space* section would be amended to reduce the area required from 40% of the project site to 20% of the buildable area. Setting aside 40% of a development site for open space has proven problematic: it is a significant percentage of the overall site area and as such has been a disincentive to using the PD process; it often is an area such as a wetland that can't be used for recreational purposes; and it frequently results in multiple small remnant parcels that are only big enough for some landscaping and benches. By reducing the overall area requirement, but also making it a percentage of the buildable area, the land set aside for open space should be more useable and would be less likely to be fragmented into multiple small tracts. Furthermore, the Planning Commission would have explicit authority to determine whether the proposed open space was functional and satisfactory.

Page 9 - A new *Development Regulations and Design Standards not Subject to Modification* section would be added to stipulate that the *Street Standards* listed in Table 8-8 could not be modified in a PD. This would preclude an applicant applying to reduce the platted width of a right-of-way by reducing the width of or eliminating the parkway.

Page 10 - No amendments proposed.

Page 11 - The *Preliminary Plan Review - Phased PD* section (§10.4.220) would be amended to require a phasing plan for any project that would take more than 24 months to complete. The

purpose of this amendment is to ensure that each phase provides sufficient access and utility systems. While this has been required through the final plat and public improvement planning process, this amendment would make the requirement explicit.

Page 11 - The *Time Limit* section would be amended to establish an absolute time limit of 5 years between tentative plat approval of the first and final phase. No extensions would be permitted. A 5-year time limit is generally consistent with past Planning Commission decisions to allow up to three 1-year extensions. This amendment would eliminate the need to apply for annual extensions.

Page 12 – The *Final Plan Review* section (§10.4.225) would be amended to state that the final planned development is reviewed as a Type 1 process.

Page 13 – No amendments proposed.

This ends the recommended amendments to the *Planned Development* section. Following are additional recommended amendments addressing a variety of issues.

#### **§10.5.420 Solar Access – Exemptions From Design Standard**

Page 14 - The *Solar Access* section would be amended to include provisions for existing conditions. Similar language was included in the original *Solar Access Ordinance* in effect from 1989 to 2009, but was inadvertently dropped when the current Development Code was adopted.

#### **§10.7.125 Non-Conforming Development – Exceptions**

Page 14 - The duplex at 1710 19<sup>th</sup> Avenue was recently damaged by a fire. The site is located in the General Industrial (GI) zoning district, and the owner would like to replace it with a new duplex. However, new residential uses in the GI zoning district are not permitted (except for security personnel), and the non-conforming use replacement provisions of §10.7.125 do not include duplexes, but only single-family (1 unit) and multi-family (3 or more units). This amendment would include duplexes in the *Non-Conforming Uses - Exception* section in all commercial and industrial zones. Staff estimates this amendment would affect approximately 10 duplexes city-wide in both commercial and industrial zoning districts.

#### **§10.8.515 Off-Street Parking Requirements – Table 8-5**

Page 15 - The *Off-Street Parking* requirement in §10.8.51 for self-service storage facilities would be reduced from 1 per 4 storage units to 4 stalls at the office. An additional space would be required if there is an on-site residence. As most visitors to a SSSF park for only a short duration while at their particular unit, there is no apparent need for additional parking.

#### **§10.8.880 Other Development Review Standards – Dwelling Diversity Standard**

Page 15 - The proposed language of the *Dwelling Diversity Standard* in §10.8.880 was originally in the Land Division Ordinance (LDO) in effect until 2009. The current language allows replication of a facade up to 5 times along a block face, with no overall cap on the number of replications throughout a project. The LDO established a cap of 10% replication over the entire project site. This amendment would reinstate the LDO text because the production builders currently working in Forest Grove have submitted an increasing number of replicated house plans since the current code language was adopted, thus reducing the architectural variety this section was intended to promote.

### **§10.8.905 Land Division Standards – Common Recreational Areas**

Pages 15 and 16 - The *Recreational Facilities* sections of §10.8.205(C) and §10.8.905(F)(7) would be deleted because they have failed to achieve their intent. These sections were added to the Land Division Ordinance in the late 1990s to require recreational open space in a standard subdivision. While such tracts have been set aside, none have been developed as recreational areas; they are just grass or gravel. At least three such tracts exist, and at least two of those are each large enough that they could be developed with a single-family home.

### **§10.12.120 Definitions – Civic Use Category**

Page 16 - The *Day Care* definition (§10.12.120) would be revised to reflect a change in a State code that now allows up to 16 children in a day care facility; City code limits the number to 12, resulting in the need for a conditional use permit for a facility with more than 12 children. This amendment would align the Development Code with State code.

Page 16 – This amendment would revise the *Religious Institutions* definition to reflect a change in State code that allows such institutions to develop affordable housing on their premises. As all churches in Forest Grove are located in residential or commercial zoning districts where housing is already permitted, this amendment would have no practical effect; it would simply bring the Development Code into compliance with state code. The amendment also includes an expanded list of religious institution types, again to be consistent with state code.

### **§10.12.210 Definitions – Meaning of Specific Words and Terms**

Pages 16 & 17 – The *Density* definition would be amended to clarify how density calculations are rounded.

## **III. APPROVAL CRITERIA AND FINDINGS**

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

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

Finding: Most of the proposed amendments would simply update and clarify processes and procedures, or update definitions to comply with State codes. These include amendments to §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, §10.12.120 *Daycare Definition*, and §10.12.210 *Residential Density Definitions*. Since the Development Code serves as the principal tool for implementing the City's Comprehensive Plan, actions initiated under the Development Code are deemed consistent with the adopted Comprehensive Plan and applicable federal, state and regional laws.

Finding: The proposed amendments to §10.3.110 - 130 *Residential Density* would increase the target density in the RMH zoning district from 20.28 to 30.00 DUA, and provide Incentive

Density of up to 50.00 DUA for affordable housing. Relevant goals and policies related to the proposed changes are addressed as follows:

**Forest Grove Comprehensive Plan - Housing Goals and Policies**

Goal 2: Provide incentives for increased residential development densities within the Forest Grove Town Center and near high capacity transit corridors.

Policy 2.3 Amend Development Code standards to increase maximum development densities within the Forest Grove Town Center, identified high capacity transit station areas, and mixed use target areas along the Pacific Avenue commercial corridor.

Finding: RMH-zoned districts abut both the Town Center and the Pacific Avenue commercial corridor. Some RMH-zoned districts are within a quarter mile of a high capacity transit corridor. Increasing the target and incentive densities in the RMH zoning district would address both the Goal and Policy to increase maximum development density near high capacity transit corridors generally and the Pacific Avenue commercial corridor specifically.

Finding: The Community Commercial zoning district largely parallels the Pacific Avenue high-capacity transit corridor. Target density in the CC zoning district was recently increased from 20.28 to 30.00 DUA. With the proposed amendment, density along the transit corridor could be increased by up to an additional 20.00 DUA for projects that comply with affordable housing standards.

**Forest Grove Comprehensive Plan - Land Use Policies**

9. Development regulations shall promote a variety of housing types suitable for owner- and renter-occupants. The Economic Opportunity Analysis indicates a need for 3,859 owner-occupied units and 878 renter-occupied units over the next 20 years.

Finding: Increasing the target density in the RMH zoning district would promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of needed housing types serving this market segment.

Finding: Increasing the incentive densities for affordable housing in the RMH and CC zoning districts would promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types; they could also be set aside specifically for those meeting affordable housing occupancy standards.

10. Ensuring the availability of affordable housing is a priority for the City of Forest Grove. Affordable housing options provided for through planning and development regulations should reflect documented housing needs of current and future residents of the City.

Finding: Increasing the target density in the RMH zoning district would promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types.

Finding: Increasing the incentive densities for affordable housing in the RMH and CC zoning districts would promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types; they could also be set aside specifically for those meeting affordable housing occupancy standards.

11. Develop and implement incentives for the construction of affordable housing meeting documented community needs.

Finding: Increasing the incentive densities for affordable housing in the RMH and CC zoning districts would promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types; they could also be set aside specifically for those meeting affordable housing occupancy standards.

Finding: The proposed amendments to §10.4.200 et. seq. *Planned Developments* will increase housing choices and opportunities by requiring a mixture of housing options in planned developments versus exclusively single-family projects.

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

Finding: The City of Forest Grove Comprehensive Plan and implementing regulations have been acknowledged by the Oregon Department of Land Conservation and Development as being in compliance with Statewide Goals. Because most of the proposed amendments would simply update and clarify processes and procedures, the text amendments to Development Code §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, and §10.12.210 *Residential Density Definitions* are consistent with relevant statewide and regional planning goals, policies and rules.

Finding: Relevant statewide and regional goals and policies related to the proposed changes are addressed as follows:

***Statewide Planning Goal 10 Housing – To provide for the housing needs of citizens of the state.***

***Metro Urban Growth Management Functional Plan - Title 1: Housing Capacity***

Finding: Increasing the target density in the RMH zoning district, and increasing the incentive densities in both the RMH and CC zoning districts, would further Statewide Goal 10 and Metro Title 1 by increasing the potential inventory of housing options available, thus helping to ensure that the City continues to meet its regional housing targets.

***Metro Regional Framework Plan Policy 1.3 Housing Choices and Opportunities***

Finding: Housing choices and opportunities would be improved by increasing the target density in the RMH zoning district by nearly 50% and by increasing the affordable

housing incentive density by nearly 250%, thus increasing the availability of both market rate and affordable housing options.

Finding: The proposed amendments to §10.4.200 et. seq. *Planned Developments* will increase housing choices and opportunities by requiring a mixture of housing options in planned developments versus exclusively single-family projects.

#### IV. ALTERNATIVES

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

#### V. RECOMMENDATION

Based on the findings above, staff recommends approval of the proposed amendments listed in attached Exhibit A, as well as any revisions found appropriate by the Planning Commission.

#### VI. LIST OF EXHIBITS

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

- |                  |   |
|------------------|---|
| <b>Exhibit A</b> | Proposed Development Code Amendments                |
| <b>Exhibit B</b> | Affordable Housing Ad Hoc Committee Recommendations |

EXHIBIT A  
ORDINANCE NO. 2017-

CITY OF FOREST GROVE DEVELOPMENT CODE

GENERAL ADMINISTRATION

§10.1.130 WHEN LAND USE PERMITS ARE REQUIRED

Land use permits are required when a development or lot line adjustment as defined by this Code is proposed unless exempted under specific provision. However, exempt activities and developments may be subject to other applicable provisions of the Code. When a land use permit is required, then:

- A. No person shall initiate a development until a land use permit has been approved.
- B. The City shall not issue any other permit for the development until the land use permit has been approved. Concurrent review of building permit applications and other applications related to the land use permit are allowed under the following conditions:
  - 1. Final approval of building and other permits are not allowed without land use permit approval; and
  - 2. The applicant acknowledges the risk that a land use permit may be denied, the land use permit could change, and/or the outcome of the land use permit could alter other permit requirements.
- C. A land use permit shall not be approved for the division, improvement, or use of land that has been divided or otherwise developed in violation of this Code unless the violation is corrected prior to or concurrent with issuance of a land use permit.
- D. No action may be taken in reliance upon a decision approving a land use permit until all applicable appeal periods have expired or while an appeal to a City review body is pending.
- E. A land use or building permit that would allow for the construction of a structure shall not be issued unless all applicable and needed services including vehicular access, power, sewerage, domestic and fire water supply and storm water drainage are available to the site where the structure is to be built. This provision does not apply to permits for a structure that do not require such services (such as a storage shed).
- F. All land use permits, with the exception of a subdivision **or a planned development**, shall expire one year from the date of issuance unless:
  - 1. Substantial construction or operation of the development has begun within that time and has continued toward final completion; or
  - 2. Development is proceeding in accordance with an approved phasing plan; or
  - 3. A written extension is granted by the Director under the Type I review process.
- G. A subdivision is subject to the following time limits:

1. The tentative plat for a subdivision expires two years after the date of approval unless:
  - a. Application for the final plat has been filed with the City; or
  - b. A time extension is approved pursuant to §10.1.135; or
  - c. The tentative plat has been approved with a phasing plan consistent with the provisions of §10.6.005(D); or
  - d. **The tentative plat, or an independent phase thereof, has been filed and processed concurrently with a Planned Development pursuant to §10.4.200 et. seq. in which case the tentative plat approval period is valid for three (3) years, pursuant to §10.4.220(D). The applicant must submit final development plans for any subsequent phases within the time limit specified for the phases. A phased PD shall not exceed five years between tentative plat approval of the first and final phases.**
  
2. The final plat for a subdivision shall be recorded within one year after the plat has been submitted to the City.

## TYPE I PROCESS – ADMINISTRATIVE DECISIONS

### §10.1.405 TYPE I APPLICATIONS AND APPROVAL CRITERIA

Applications so designated throughout the Development Code are reviewed under the Type I process, based on the requirements and criteria set forth for each application in other sections of this Code. Examples of actions subject to a Type I application and review process include:

- Certain types of Zoning Standard Adjustments
- Certain projects within an approved Master Plan
- Tree Permit
- Lot Line Adjustment
- Final partition plat
- Final subdivision plat
- **Final plan for planned development**
- Accessory Dwelling Units
- Certain Bed and Breakfast Inns
- Home Occupations
- Certain types of Wireless Communication Facilities
- Landscape Review not subject to Site Development or Design Review
- Parking Plan not subject to Site Development or Design Review
- Existing and New Signs

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type I applications, shall be processed as a Type I application.

## TYPE II PROCESS – LIMITED LAND USE DECISIONS

### §10.1.505 TYPE II APPLICATIONS AND APPROVAL CRITERIA

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

- Certain types of Zoning Standard adjustments
- Minor Modification to a Conditional Use Permit
- Certain type of Design Review
- Site Development Review
- Certain projects within an approved Master Plan
- ~~Final Plan for Planned Development~~
- Tentative partition plat
- Tentative subdivision plat
- Adjustments to public improvement requirements

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type II applications, shall be processed as a Type II application.

## ADJUSTMENT

### §10.2.110 PROCEDURE

- A. Requests for changes of less than 10% of the setback, height, or lot coverage standard shall follow the Type ~~II~~ **I** process.
- B. Requests for changes from 10%-20% of the setback, **height** or lot coverage standard shall follow the Type II process.
- C. Requests for changes to standards other than setback, height, or lot coverage, or which are for more than 20% of the setback, height, or lot coverage standard are processed as variances under §10.2.700.

### 10.2.120 REVIEW CRITERIA

- A. Type I Adjustment Process
  1. The requested adjustment is for less than 10% of the setback, height or lot coverage standard; and
  2. Granting adjustment shall be consistent with the purpose of the affected zoning.
- B. Type II Adjustment Process
  1. The requested adjustment is from 10%-20% of the setback, **height** or lot coverage standard;

2. Granting the adjustment will be consistent with the purpose of the affected zoning district or meet or exceed the purpose of the standard to be modified;
3. If in a residential zone, the adjustment will not significantly detract from the livability or appearance of the residential area. If in a commercial or industrial zone, the adjustment will be consistent with the desired character of the area;
4. If more than one adjustment is requested, the cumulative effect of the adjustments shall result in a project which is consistent with the overall purpose of the zone; and
5. Any impacts resulting from the adjustment are mitigated to the extent practical.

## RESIDENTIAL ZONES

### §10.3.110 LIST OF RESIDENTIAL ZONES

#### F. Residential RMH

The RMH zone is intended for development at a target density of ~~20.28~~ **30.00** dwelling units per net acre. Multi-unit residential buildings will be the predominant housing type in this zone. RMH zoning is generally applied near transit streets and adjacent to commercial districts. The RMH zone also allows a limited range of non-residential uses to help provide services for residents and enhance the quality of the higher density neighborhood.

### §10.3.130 RESIDENTIAL AND NEIGHBORHOOD MIXED USE ZONE DEVELOPMENT STANDARDS

TABLE 3-3: Residential **and Neighborhood Mixed Use** Zone Density Standards

031Zoning District	Average Lot Size	Target	Minimum	Incentive <sup>±[1]</sup>	<b>Bonus</b>
SR	43,560 square feet	1.00	0.80	1.20	--
R-10	10,000 square feet	4.35	3.48	5.22	--
R-7	7,000 square feet	6.22	4.98	7.15	--
R-5	5,000 square feet	8.71	6.97	10.02	--
RML	--	12.00	9.60	13.80	--
RMH	--	<del>20.28</del> <b>30.00</b>	<del>16.22</del> <b>24.00</b>	<del>23.32</del> <b>34.50</b>	<b>50.00<sup>[2]</sup></b>
<b>NMU – David Hill</b>	--	<b>12.00</b>	<b>9.60</b>	<b>13.80</b>	--
<b>NMU – Gales Creek</b>	--	<b>8.71</b>	<b>6.97</b>	<b>10.02</b>	--
<b>NMU - Davidson</b>	--	<b>12.00</b>	<b>9.60</b>	<b>13.80</b>	--
Density = dwelling units / NET ACRE Minimum Density = 80% of Target Incentive Density = 115% of Target except for SR and R-10, which is 120% of Target					

Footnotes:

\*[1] Only allowed a part of a Planned Development (see §10.4.200)

[2] **Bonus density in the RMH zoning district may be increased only for affordable housing as defined in §10.7.410 Table 7-2.**

§10.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

B. Calculating Potential Densities

The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.

1. The Target Density is permitted outright.
2. The Minimum Density is required to ensure:
  - a. Land is being used at the appropriate intensity planned for the area;
  - b. Enough dwelling units can be developed to accommodate the projected need for housing; and
  - c. Compliance with the Metro Functional Plan.
3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and the general public ~~and/or provide affordable housing~~. Incentive Density is only allowed as part of a Planned Development (see §10.4.200).
4. **A Density Bonus is earned if a project in the RMH zoning district provides affordable housing as defined in §10.7.410 Table 7-2. The Density Bonus for affordable housing does not require approval as a Planned Development.**

I. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

1. Buildings in the SR, R-10, R-7, R-5 and RML Zones are limited to a maximum height of two and one-half (2 ½) stories or thirty-five (35) feet, whichever is less. **Accessory buildings are limited to a maximum height of one and one-half (1 ½) stories or twenty-five (25) feet, whichever is less.**

## COMMERCIAL AND MIXED USE ZONES

### §10.3.320 USE REGULATIONS TABLE 3-10

USE CATEGORY	NC	CC	NMU
<u>RESIDENTIAL</u>			
Household Living	L <sup>[1]</sup>	L <sup>[2]</sup> [19]	P/L <sup>[15]</sup>
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L <sup>[3]</sup>	L <sup>[3]</sup>	L <sup>[3]</sup>
Bed and Breakfast	L <sup>[4]</sup>	P	L <sup>[4]</sup>
<u>INDUSTRIAL</u>			
Manufacturing and Production:			
- Light Industrial	N	C <sup>[11]</sup>	N
- General Industrial	N	N	N
- <b>Medical and Recreational Marijuana Processors and Production</b>	N	N	N
Railroad Yards	N	N	N

Footnotes:

- [1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 3.48 and a maximum density of 4.35 dwelling units/net acre.
- [2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 30.00 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses.
- [19] **Residential density may be increased pursuant to §10.7.410 Tables 7-2 and 7-3.**

## PLANNED DEVELOPMENTS

### §10.4.200 PURPOSE

The purpose of the Planned Development (PD) provisions is to provide greater flexibility in the development of land for residential, commercial or industrial purposes than allowed by the conventional standards of the Development Code. **For residential sites over two (2) acres that have an average slope greater than 20%, development is allowed only through approval of a planned development (see §10.3.130 Table 3-4).**

**A PD is not intended to be simply a means of avoiding normal Development Code requirements.** The PD provisions are intended to:

- A. Promote flexibility and innovation in site design and permit diversity in the location of structures **in order to preserve natural features and view corridors;**
- B. **Promote innovative and creative design by providing a variety and mixture of building types and architectural styles;**

- C. Promote efficient use of land and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities when compared with conventional development patterns;
- D. Preserve to the greatest extent possible existing landscape features and amenities **such as trees, creeks, ponds, floodplains, hills and similar natural assets**, and incorporate such features into the design of the PD;
- E. **To encourage the provision of open space and recreational facilities in a generally central location and within reasonable walking distance of all living units in residential planned developments;**
- F. Combine and coordinate architectural styles, building forms and building relationships within the PD; and
- G. Provide the applicant with reasonable assurance of ultimate approval before requiring detailed design and engineering, while providing the City with assurances that the project will retain the character envisioned at the time of approval.

#### §10.4.205 PROCEDURES

A planned development is reviewed through a two-step process.

- A. Preliminary plan. The preliminary plan is reviewed under Type III procedures. The preliminary plan review examines the PD plan with respect to items such as density, including the number, type, and location of dwelling units; parking; impacts on surrounding areas; adequacy of services; and conceptual plan for service improvements. Preliminary plan approval will only be granted when there is a reasonable certainty that the PD will fulfill all applicable requirements of the City Codes.
- B. Final plan. The final plan for the PD is reviewed under Type II administrative procedures. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable City standards, requirements, and conditions have been met. Approval will only be granted if the final plan is in substantial conformance with the preliminary plan.
- C. Concurrent land division. A PD may be filed and processed concurrently with a partition or subdivision application. All of the submittal requirements and review standards of Article 6 will apply to a concurrent PD/land division request. The tentative plat will be combined with the preliminary PD review and the final plat will be combined with the final PD review.
- D. Site development/design review. The PD approval may remove the requirement for subsequent site development or design review of individual buildings, if the PD includes building elevations and sufficient information to demonstrate compliance with the applicable site development/design review standards. The PD decision shall expressly state whether individual buildings within the PD (such as commercial or multifamily buildings) require site development or design review approval.

#### §10.4.210 PROFESSIONAL DESIGN TEAM REQUIRED

The PD applicant must certify, in writing, that a member of each of the following professions will be used in the planning and design process for the proposed PD:

- A. A licensed architect or professional urban designer.

- B. A licensed landscape architect, a certified nurseryman, or landscape designer approved by the Director.
- C. A registered civil engineer or land surveyor.

One of the above professionals shall be designated by the applicant to act as a liaison between the Community Development Department, the design team, and the applicant during the two-step PD review process. The Planning Commission or City Council may require the expertise of other professionals on the design team if it is determined that the site merits special consideration to unique or adverse features or conditions.

#### §10.4.215 PD DEVELOPMENT STANDARDS

- A. Base Zone Standards. The development standards of the base zone apply unless they are superseded by the standards of this section or the PD approval. **Exceptions from the standards of the underlying zoning district must be warranted based on the unique design and amenities incorporated into the development plan, and shall have a beneficial effect which could not be achieved using the standards of the underlying zoning district. Exceptions shall be clearly and specifically identified in the application, which shall also include an explanation justifying and substantiating the need for each exception.**
- B. Site Size. There are no minimum or maximum size limitations for a PD.
- C. Calculation of Density. The number of dwelling units allowed in residential zone PDs shall be calculated on the basis of **§10.3.130(A) Table 3-3** ~~in Article 3~~. All residential development shall be at a minimum of 80% of the target density for the parent zone. A request for incentive density may be approved for the PD, based on the criteria in §10.3.130(E).
- D. Multiple Base Zones. When a proposed PD site includes more than one base zone, the uses **and residential density** may be allocated throughout the site without regard to zoning boundaries.
- E. Lot Sizes. There are no required minimum lot sizes.
- F. Housing Types Allowed. Housing types in zones that allow residential uses are not restricted in the PD, **except that housing types in the RML and RMH zones shall include a mixture of single-family, duplex or multi-family units.**
- G. Architectural Pattern Book. **In residential PDs, a variety of architectural styles shall be required. For all PDs, a compendium of architectural elevations, details and colors of each building type shall be submitted. The pattern book shall act as the architectural control for the homeowner's association or the commercial owner. The pattern book shall include the following:**
  - 1. **An explanation of how the pattern book is organized, and how it is to be used.**
  - 2. **Definitions of specific standards for architecture, color, texture, materials, and other design elements.**
  - 3. **A checklist system to facilitate review of the development for conformity with the pattern book.**
  - 4. **Information for each building type including:**
    - a. **Massing, facades, elevations, roof forms, proportions, materials and color palette.**

- b. **Doors, windows and siding, including sash and trim details.**
- c. **Porches, chimneys, light fixtures and any other unique details, ornamentation or accents.**
- d. **Illustrations of elevations and floor plans.**
- e. **A fencing plan with details that addresses the relationship between public and private space, and between the PD site and abutting property.**

- H. Height. The height limits of the base zone apply.
- I. Building Setbacks. Building setbacks are established as part of the preliminary development plan approval. **Garage setbacks shall be a minimum of 20 feet. No building projections (roofs or foundations) shall be permitted in the front yard public utility easement required by §10.8.905(E)(1).**
- J. Peripheral Yards. **Along the boundary of any PD, a yard at least as deep as that required in the underlying zone district shall be provided.**
- K. Open Space. ~~In residential zones, a~~ **At least 40% 20% of the buildable portion** of the PD not in streets and driveways must be devoted to open space. ~~In nonresidential zones, at least 20% of the PD not in streets and driveways must be devoted to open space.~~ At least half of the open space ~~in all zones~~ must be in common ownership and at least half of that space **must** be contained in one tract. The tract's configuration shall be 45% of the site's overall length and width with a minimum dimension of 20 feet. **The extent to which any type of open space satisfies the total open space requirement shall be in the sole discretion of the City.**
- L. Parking. The base zone parking requirements apply. Common parking and maneuvering areas must be set back at least twenty (20) feet from the boundary of the PD.
- M. Water Features. Water features such as streams or ponds must be left in a natural state unless altered to improve the natural values of the water feature or to improve storm water drainage. Water features and their edges should be kept in common ownership.
- N. Facilities and Services. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the PD. Service facilities such as streets, water supply facilities, sanitary sewers, and storm water detention facilities must be dedicated to the public if they are to provide service to any property not included in the PD. However, the review body may approve private service facilities with the consent of the appropriate service provider.
- O. **Development Regulations and Design Standards not Subject to Modification. The PD process cannot be used to vary or take an exception from the Street Standards listed in §10.8.610.**
- P. Underground Utilities. All service facilities must be placed underground except those that by their nature must be on or above ground, such as fire hydrants and open water courses. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities.
- Q. Construction to Standards. All service facilities dedicated to the public must be constructed to City standards.

All private service facilities must be designed by a qualified civil engineer to City standards or comparable design life as determined by the City Engineer.

- R. Building Size Standards. For areas designated as Planned Shopping Center by the Comprehensive Plan, commercial retail is limited to 20,000 square feet and commercial office is limited to 10,000 square feet.

#### §10.4.220 PRELIMINARY PLAN REVIEW

- A. Procedure. Preliminary plan reviews are processed through a Type III procedure.
- B. Submittal Requirements. Applications for a preliminary plan review must contain the information stated below in addition to that required by §10.1.225.
1. General statement. A statement of how the purpose of §10.4.200 will be achieved by the proposed PD. The statement should include sketches or illustrations of the proposed character of the development, a description of how the PD will relate to surrounding land uses and whether other land use reviews are requested.
  2. Summary report. A summary report identifying the different land uses, including the amount of land for housing, non-residential uses, open areas, streets and parking; the number and type of housing units; the amount and type of commercial or industrial areas, if any; and a statement of how necessary services will be provided and whether the services will be publicly or privately owned and operated.
  3. Drawings of existing site conditions. A drawing or drawings must be submitted which display and inventory existing site conditions including the items listed below.
    - a. Ground elevations shown with contour lines at two (2) -foot intervals or less.
    - b. Areas of moderate or severe landslide potential, as identified on City maps or documented by an engineering geologist or geotechnical engineer.
    - c. General soil types as identified on City maps or as documented by an engineering geologist of soils engineer.
    - d. Existing natural features, including rock outcroppings, trees and tree groves, fish and wildlife habitats, ponds, wetlands, and watercourses.
    - e. Existing on-site or abutting sanitary sewage, storm drainage, and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest ones.
    - f. Width, location, and purpose of all existing easements of record on or abutting the site.
    - g. A description of the traffic circulation system on or abutting the site, including street sizes, level of improvements, and condition of the streets.
    - h. A description of areas abutting the PD, indicating zoning districts, land uses, densities, circulation systems, public service facilities, natural features, and approximate locations of nearby structures.
    - i. Any additional information about existing site conditions required for a concurrent subdivision application.
  4. PD Site Plan. The site plan must include the information stated below.
    - a. Setbacks for houses and the placement and bulk of other buildings.
    - b. The traffic circulation system, including connections to existing public rights-of-way, off-street parking, and the ownership of streets and parking areas.

- c. Conceptual plans for pedestrian and bicycle circulation systems.
  - d. Conceptual plans for all necessary services, including their location and whether the services will be publicly or privately owned and maintained.
  - e. Conceptual plans for all facilities for the control and disposal of storm water and groundwater.
  - f. Conceptual plans for the location and design of public and private open areas or structures.
  - g. Treatment proposed for the periphery of the site, including the approximate amount, location, and type of any required landscaping.
  - h. Conceptual guidelines for multi-family and commercial structures, including such things as building heights, sizes, areas, roof shapes, exterior materials, and types of parking areas.
5. Phased PDs. PDs being developed in phases require a description of each phase, including the size, uses, and timing, **and infrastructure phasing. Any PD which will require more than twenty-four (24) months to complete shall be constructed in phases. Each phase shall conform to the phasing plan.**
6. Drawings. Drawings showing the existing site conditions and the proposed site plan must be at a reasonable size and scale to clearly show all required information. The drawings must display the following:
- a. Name of the proposed PD;
  - b. Date, north arrow, and scale of the drawing;
  - c. Legal description of the PD sufficient to define its location and boundaries;
  - d. Names, addresses, and telephone numbers of the owner, applicant, and design team;
  - e. Appropriate identification of the drawing as a preliminary plan.
- C. Approval Criteria. The preliminary plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
- 1. The plan fulfills the purpose for PDs stated in §10.4.200;
  - 2. The plan meets the submittal requirements of §10.4.220(B);
  - 3. Adequate public services exist or can be provided to serve the proposed PD; and
  - 4. Where a tentative subdivision plat is requested, the requirements of Article 8 are met.
- D. Time Limit. Preliminary plan approval is valid for three (3) years and may not be extended. The three (3)-year period will not begin until any appeals beyond the jurisdiction of the City are completed. Within the three (3) year time period, the applicant must submit a final development plan for the entire site, or for the first phase if the PD has been approved for phased development. The applicant must submit final development plans for any subsequent phases within the time limit specified for the phases. **A phased PD shall not exceed five years between tentative plat approval of the first and final phases.**

§10.4.225 FINAL PLAN REVIEW

- A. Final Plan Submittal. The applicant must present detailed plans, which meet the public facility standards of the City. The applicant must present other plans or studies required by the preliminary approval, such as a grading plan, soils engineer report, or detailed landscaping plans.
- B. Procedure. The final plan is reviewed under Type H I procedures.
- C. Requirements. The final development plan will be approved if it meets the requirements stated below and is in substantial conformance with the approved preliminary plan and any conditions of the approval.
1. Drawing quality. The final development plan must be drawn clearly and legibly at a size and scale that clearly shows all required information. The plan must be identified as the final PD plan.
  2. Additional information on the final plan. In addition to the information required on preliminary drawings or otherwise specified by law, the following information must be shown:
    - a. Reference points of identified existing surveys by distances and bearings, and referenced to field book or map, including stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the PD;
    - b. The location and width of streets and easements intercepting the boundary of the PD;
    - c. Easements and storm water drainage reserves must be clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement within the PD must be shown. If the easement is being dedicated by the plan, it must be properly referenced in the owner's certificates of dedication; and
    - d. Identification of land to be dedicated to the public.
  3. Additional certificates or drawings. The items stated below may be combined where appropriate.
    - a. A certificate signed and acknowledged by all parties having any recorded title interest in the land and consenting to the preparation and recording of the PD.
    - b. A certificate signed and acknowledged as above, dedicating the land intended for public use, if any.
    - c. A title report issued by the title insurance company verifying ownership by the applicant of real property that is to be dedicated to the public.
    - d. A certificate with the seal of, and signed by, the surveyor responsible for the survey.
    - e. Other certificates required by law.
    - f. A copy of any deed restrictions applicable to the PD.
  4. Detailed design plan for the PD site. A detailed design plan for the PD is required and must include the items stated below.

- a. The location of proposed buildings and structures, parking areas and, where applicable, the location of allowable building areas of individual lots.
  - b. All building setback lines and height limits that are to be made part of the PD restrictions.
  - c. The location and type of proposed buildings, structures, or improvements in common open areas.
  - d. The location and design information for all proposed streets as required by Article 8.
  - e. A plan for water mains and fire hydrants.
  - f. A plan for sanitary sewage disposal.
  - g. A plan for storm water drainage.
  - h. A plan for additional improvements such as walkways and street lighting.
  - i. Required solar-related information if the PD is also subject to the solar regulations for new subdivisions.
5. Landscaping. A landscaping plan for common open areas, the perimeter of the PD, and other landscaped areas is required.
- a. The plan must show areas that the applicant proposes to retain in natural vegetation. The plan must show the areas, sizes, numbers, and types of plant and other materials to be used for all landscaped areas.
  - b. The plan must address the revegetation of common open areas and perimeter areas disturbed during construction.
  - c. The plan must include a proposed schedule for required perimeter landscaping. A performance guarantee is required if the landscaping cannot be completed prior to the occupancy of buildings, or cannot be completed when required by the conditions of approval.
6. Geotechnical engineer's report. A geotechnical engineer's report consistent with the requirements of §10.8.310 must be submitted if the PD is in a moderate or severe landslide area, or if the report was required as a part of the preliminary approval. The City Engineer or the Building Official must approve the report.
7. CC & Rs. The Declaration of Covenants, Conditions, and Restrictions (CC & Rs) for the PD must be submitted. In addition, any other legal instruments for the protection and maintenance of common open areas, private streets, and private utilities if any, must be submitted. These legal instruments must be approved by the City Attorney to ensure that the City's interests are protected.
8. Concurrent subdivision approval. Simultaneous final plat approval is permitted.

## SOLAR ACCESS

### 10.5.420 EXEMPTIONS FROM DESIGN STANDARDS.

A development is exempt from §10.5.415 if the approval authority finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from §10.5.415 to the extent the approval authority finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with §10.5.415.

A. Slopes.

B. Off-Site Shade.

C. On-Site Shade.

D. Existing Conditions.

1. **There is a significant natural feature on the site that prevents given streets or lots from being oriented for solar access, and that will continue to exist after the site is developed; or**
2. **Existing road patterns must be continued through the site or must terminate on-site to comply with applicable street standards or street plans in a way that prevents given streets or lots in the development from being oriented for solar access; or**
3. **An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.**

## NON-CONFORMING DEVELOPMENT

10.7.125 EXCEPTIONS - The following exceptions to the nonconforming development regulations are allowed by this Code:

- A. Existing single-family dwellings, **duplexes**, and manufactured homes within an existing mobile home park in all commercial and industrial zones may be reconstructed or replaced within one (1) year after being removed or destroyed.
- B. Existing single-family dwellings in the Community Commercial Zone shall be allowed to enlarge or expand despite their nonconforming status. They may also be relocated within the Community Commercial Zone, but only to replace an existing single-family home, provided that the result is a net reduction of nonconforming uses.
- C. Existing multifamily dwellings in all residential and commercial zones may be reconstructed within one (1) year if destroyed by any cause not intended by the owner.
- D. Existing nonresidential structures in the Town Center zone districts may be reconstructed to the same height of the existing building within one (1) year.
- E. Any property use that was classified a non-conforming use under the Forest Grove Zoning Ordinance on December 2, 1982, shall be considered a permitted use.

## OFF-STREET PARKING AND LOADING

### §10.8.515 OFF-STREET PARKING REQUIREMENTS – TABLE 8-5

LAND USE	MINIMUM REQUIRED	MAX – ZONE A	MAX – ZONE B
Self-Service Storage	<del>1.0 / 4 storage units</del> <b>4.0 at office</b>	<del>1.0 / 4 storage units</del> <b>None</b>	<del>1.0 / 2 storage units</del> <b>None</b>

## OTHER DEVELOPMENT REVIEW STANDARDS

~~§10.8.880(C)(3) Dwelling Diversity Standard. Front elevations shall not be replicated more than five (5) times along a block face on both sides of a street segment. This standard can be met through the Conditions, Covenants and Restrictions of the subdivision. For this section, the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim and paint changes.~~

**Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.**

## OPEN SPACE, RECREATIONAL FACILITIES AND COMMON AREAS

### **10.8.200 PURPOSE** **10.8.205 STANDARDS**

- A. Open space areas may be required to avoid placing structures or other improvements either in identified hazard or resource areas as required by §10.5.005 et. seq. and §10.8.300 et. seq.
- B. Areas retained to comply with Clean Water Services (CWS) water quality sensitive area and vegetative corridor requirements of the Design and Construction Standards or surface water quality or quantity facilities requiring over 100 square feet of area shall be considered open space but not be considered a recreational area unless so designed as to be integrated with a development's site design and available for access for residents in the development.
- C. ~~For land divisions:~~
  - ~~1. Each open space and recreational facility shall be placed in separate tracts.~~
  - ~~2. Having a net density of at least 9.60 units per acre, 20% of the entire site in open space with at least one recreational tract having minimum dimension of sufficient~~

size to accommodate play equipment targeted for preschool and elementary aged children plus table(s) and bench(es) for passive recreation.

## LAND DIVISION STANDARDS

### §10.8.905 STANDARDS

#### (F) Lots, Parcels and Common Areas

7. ~~Common Recreational Areas.~~ Common recreational areas are encouraged for all subdivisions, and shall be required for all subdivisions of twenty (20) or more lots. Public park dedication can satisfy this requirement. Where appropriate, recreational areas shall be connected to the natural resource areas discussed above.

## DEFINITIONS

### §10.12.120 CIVIC USE CATEGORY

#### F. Day Care: As defined by Oregon Revised Statute:

1. Day care facility. A facility that provides day care for up to ~~twelve (12)~~ **sixteen (16)** children, not including resident children.
2. Day care institution. A facility that provides day care for more than ~~twelve (12)~~ **sixteen (16)** children.

### §10.12.120 CIVIC USE CATEGORY

(I) Religious Institutions: Places of religious worship such as synagogues, temples, **mosques, meeting houses, churches and other nonresidential places of worship<sup>1</sup>** ~~and churches.~~ May include related accessory uses such as offices, classrooms, auditoriums, social halls, ~~and~~ gymnasiums, **meal programs, child care, affordable housing or space for affordable housing in a building that is detached from the place of worship as defined by ORS 214.441(1)(A), provided the housing or space for housing complies with the applicable land use regulations and meets the standards and criteria for residential development in the underlying zone.**

### §10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

- D1. Density. The intensity of residential land uses, usually stated as the number of housing units per net acre.
- a. Gross Density. The number of residential dwelling units per acre based on the area of the site found inside the parcel boundary. This includes the building lots, parking and driving areas, sidewalks, public right-of-ways, public and private streets and common driveways, public and private open space areas, and other tracts intended for public

<sup>1</sup> Consistent with ORS 215.441(1)

use.

- b. Net Density. The number of dwelling units per acre based on the net site acreage, which does not include rights-of-way through or on the edge of the site, environmentally constrained areas, or land intended for public ownership such as park and open space uses.
- c. Bonus Density. Density bonuses either are granted by the Planning Commission and/or City Council to the developer, to have an overall ratio of dwelling units to the planned development site area greater than would be allowed for a conventional development in the same location; or are applied pursuant to §10.7.400.
- d. **For density calculation purposes, the final number shall be rounded down to the next whole number if the calculation is less than or equal to 0.49 and rounded up to the next whole number if the calculation is greater than or equal to 0.50.**

# EXHIBIT B

## AFFORDABLE HOUSING AD HOC COMMITTEE

### Key Findings

- Rental vacancy rates in Forest Grove are extremely low
- Increasing cost burden
- Affordable housing supply in Forest Grove
- Unmet demand for affordable housing

### **Approach to Affordable Housing**

Members of the ad-hoc affordable housing committee agree that housing should be approached as a continuum ranging from basic shelter, affordable rental housing, market rate rental housing, affordable homeownership opportunities and market rate homeownership.

### **Affordable Housing Policy Recommendations**

#### Homelessness

*Goal: Ease the burden of homelessness on individuals and families in Forest Grove.*

*Policy: Take proactive action to ease the burden of homelessness on individuals and families in Forest Grove.*

Action: The Ad-hoc Affordable Housing Committee recommends City Council establish a homeless advisory committee to develop strategies for provision of safe and secure shelter and associated services and approaches for linking homeless persons with needed shelter and services.

#### Regulatory Measures

*Goal: Reduce regulatory barriers to expanding the supply of affordable housing in Forest Grove.*

*Policy: Establish as a priority identification and removal, when appropriate, of regulatory barriers to expanding the supply of affordable housing in Forest Grove.*

Action: The Development Code allows for accessory dwelling units in single family residential zones. Consider amending the Development Code to clarify that small homes up to 400 square feet that are compliant with Oregon Building Code are permissible as accessory dwelling units where accessory dwelling units are permitted by zoning. Also consider amending the Development Code to remove burdensome restrictions for accessory dwelling units such as requiring additional parking and limiting the size of an accessory dwelling units to the smaller of 720 square feet or 30% of the primary dwelling unit.

Action: The planned development provisions of the Development Code provide for flexibility in the application of development standards. Consider amending the Development Code to

require a mixture of housing types, including attached single family dwellings, in planned developments in single-family residential zones.

Action: The Development Code does not identify cottage housing or cohousing as a housing type on the permitted use list for residential zones. Consider amending the Development Code to explicitly list cottage housing and cohousing as housing types and add regulations for cottage housing and cohousing in residential zoning districts. Also consider adding a definition to the Development Code for cottage housing.

Action: The Development Code provides for a density bonus of up to 20 units per acre when 20% of units are set-aside for renters or purchasers earning no more than 80% of median income and paying no more than 30% of total household income in rent or mortgage. Consider applying the affordable housing density bonus in the Community Commercial zone.

Action: Currently manufactured dwelling parks are limited to sites at least four acres in area and individuals may not be smaller than 672 square feet. Review the City's Manufactured Dwelling Park regulations and revise to encourage new manufactured dwelling parks as a way to provide opportunities for low and moderately priced single-family housing.

## **Funding**

*Goal: Establish a reliable and dedicated funding source of local affordable housing initiatives*

Policy: Seek funding through the Washington County Community Development Grant Program and Home Investment Partnership for affordable housing initiatives.

Action: Prepare a list of potential projects eligible for Community Development Grant Program and Home Investment Partnership and seek funding through future grant award cycles.

Policy: Seek funding for incentives to reduce the cost of constructing new housing

Action:

## **Partnerships**

*Goal*

Policy

Action

1. **CALL TO ORDER:**

Chair Beck called the meeting to order at 7:02 p.m. Roll Call:

**Planning Commission Present:** Chair Tom Beck; Vice Chair Phil Ruder; Commissioners Lisa Nakajima, Dale Smith, and Hugo Rojas.

**Planning Commission Excused:** Commissioners Sebastian Lawler and Carolyn Hymes.

**Staff Present:** CD Director Bryan Pohl; James Reitz, Senior Planner; Dan Riordan, Senior Planner; Cassi Bergstrom, Planning Commission Coordinator.

2. **PUBLIC MEETING:**

2.1 **PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:**

None.

2.2 **PUBLIC HEARING:**

**A. File No. 311-16-000175-PLNG – Legislative amendments to the Forest Grove Development Code pertaining to planned developments, adjustments, definitions, increasing the target density in the RMH zoning district to 30 dwelling units per acre and up to 50 dwelling units per acre for affordable housing, solar access, non-conforming uses, accessory structures.**

Chair Tom Beck opened the public hearing at 7:04 p.m., reading the legislative hearing script and applicable review criteria for the Development Code text amendment. The staff report was then requested.

Senior Planner James Reitz gave a Power Point presentation starting by giving the background of the Development Code that was adopted in 2009. The major and minor amendments that have occurred since the adoption were briefly described. This will be the first comprehensive amendment process since the Development Code was originally adopted.

Chair Beck inquired about the flood plain management and if those amendments are done. Mr. Reitz stated that the text amendment is completed, but the maps still have some changes that could occur.

Chair Beck suggested that the domesticated fowl code be revised due to a flaw regarding the age of fowl allowed, as broiler pullets are under 6 months of age when processed. Mr. Reitz stated that he would like more time to research before proposing an amendment.

Mr. Reitz went over what is being proposed by city staff for text amendments to the Development Code: Increasing target density in RMH Zoning District from 20.28 to 30.00 dwelling units per acre (DUA); Allowing bonus density for up to 50.00 DUA for Affordable Housing; Allowing incentive density in the Community Commercial (CC) Zoning District using the same incentives as allowed in the Town Center (TC) Zoning District; and revising the Planned Development section.

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Mr. Reitz went over the minor amendments proposed: Expanding and clarifying the provisions of the Adjustments, Solar Access, Non-Conforming Development, Dwelling Diversity, Off-Street Parking, and Subdivision Open Space codes; stipulating that marijuana processing and production is not permitted in the CC zoning district; and expanding/clarifying the day care, religious institutions, and density definitions.

Chair Beck requested that staff elaborate on the day care proposal. Mr. Reitz explained that the state code changed from 12 to now 16 kids and above being a facility, and city and state code need to align accordingly. Chair Beck inquired if the city code could supersede the state law. Mr. Riordan interjected that state law supersedes city code as long as a live-in resident is running the facility. If a non-resident is running the facility, then the city can require a conditional use permit going forward. Commissioner Ruder stated that 16 children seems like a shockingly high number.

Mr. Reitz went on to show a map of the RMH target density increase, explaining the half mile wide transit corridor and the redevelopment opportunity areas. The quarter mile district on each side shows the areas where people are more likely to walk to their destination. City is exploring further tonight increasing the target density up to 30 DUA within these RMH zoning areas, and up to 50 DUA for affordable housing bonuses.

Commissioner Ruder asked for clarification on how density increases. Mr. Reitz gave examples on current projects: Hawthorne Street/21<sup>st</sup> Avenue is right at 20 DUA and The Jesse Quinn is at 50 DUA. Chair Beck stated that adding floors increases the density.

Mr. Reitz stated that more recently developers are saying that 20 DUA is too low, and 25-27 DUA is more viable. The 30 DUA suggested by staff is not a scientifically vested number. Staff was hoping for testimony to get some direction on a number of dwelling units per acre.

Chair Beck asked what the height limit in these areas is, and Mr. Reitz responded that it is 45 feet so potentially four stories.

Chair Beck asked how 50 DUA is achieved, and Mr. Reitz stated it is likely studio units being built, not 3bed/2bath units.

Commissioner Nakajima inquired about the building of tiny houses, and Mr. Reitz explained that this affordable housing component needs more research.

Mr. Reitz continued with his presentation by showing an oblique view of an RMH zone in Forest Grove with single-family detached as an example of the planned development. In order to make this work, all had small yards, multiple driveways, limited on-street parking, views into neighbor's yards/homes, limited area for utility placement, similar architecture and color palette, and limited active recreation space. The city wants to make this better by requiring different housing types within the RMH zone. A new proposal to the code requires dedicated recreation space without loopholes.

Commissioner Nakajima stated that during prior planned developments, builders have told Commissioners the market is for single-family detached homes. Mr. Reitz said that

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in today's market there is an extremely low vacancy rate making for a strong apartment market.

Mr. Reitz went on to discuss the accessory dwelling unit "tower", showing a picture from inside a neighbor's house as an example of the view of the "tower". Current code allows for an accessory dwelling unit (ADU) to be built as tall as the primary dwelling unit. Staff suggests dropping the height regulation of the ADU down 10 feet.

Chair Beck asked what the maximum square footage of an ADU can be, and Mr. Reitz stated that is was 720 square feet. Chair Beck suggested the ADU be made proportional to the primary dwelling, relative to what is there. Mr. Reitz stated that lowering the height will make only a half story above the main floor.

Commissioner Nakajima suggested a requirement to offset the windows.

Mr. Reitz presented his last slide, showing a picture of a subdivision recreation tract that is graveled and not developed with recreational facilities. Commissioner Nakajima inquired if this was a failure of enforcement. Mr. Reitz stated that is a failure of follow through and lack of an HOA that would take care of these common subdivision tracts. Plans for these recreation tracts were not stipulated as to what needed to be there.

Chair Beck stated that his biggest doubt for having incentives on affordable housing is who will enforce it and wanted Commissioners to further discuss the slides presented.

Commissioner Ruder stated there is a pretty big jump in 20 to 30 DUA, and has a hard time seeing Forest Grove supporting the idea of transit-using households. Past developers were saying there was no market for dense apartment housing, which makes him skeptical. Testimony to that affect would have been helpful.

Mr. Reitz stated that TriMet is counting on increasing the residential density along transit lines. Commissioner Ruder brought up the example of a recent land use action, and the neighbors were upset about the denser housing. A bigger push is needed and it isn't being seen by the Commission.

Chair Beck stated the 3-story apartments being built on Hawthorne are out of character for that area of Forest Grove.

Mr. Riordan clarified that there will be a City Council work session in November about affordable housing, so there will be more opportunity to look at the density. Chair Beck stated that he does not think increasing the density is effective. Family-size apartments are needed, not studio apartments.

Mr. Riordan went on to say that there currently is only incentive density for affordable housing within the Town Center district, with stipulations. It takes a certain amount of expertise for a builder to pull these affordable housing projects off. The Jesse Quinn was built at over 50 units per acre and given density bonuses, but did not offer affordable housing rates.

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Chair Beck doesn't think increasing density within the Development Code doesn't address what really needs to be done. The incentives are a nice nod to doing the right thing, but do we really want units along Pacific Ave that could potentially be 90 units per acre?

Commissioner Ruder responded that it depends on if the Town Center gets built up, then yes, but not until the Town Center has no development left. That preserves the character of the town.

Commissioner Rojas stated that these projects with variety will not be allowed unless a change is made to the Development Code.

Commissioner Nakajima stated that 5 years for the Planned Development and to allow an extension is too long, and needs to be revisited after 3 years. Chair Beck agreed.

Chair Beck asked Mr. Reitz to go over exactly what the City wants to change in the Development Code. Mr. Reitz stated the following major changes to the Development Code: a variety/mixture in building types and architectural styles; an architectural pattern book for a variety of styles to be submitted; garage setbacks to be minimum of 20 feet; peripheral yards along the PD boundary will not be allowed a 3 foot setback; the planned development process cannot take an exemption for street standards; phasing will be required if taking longer than 24 months to complete; and planned development shall not exceed 5 years to completion.

Mr. Reitz went on to explain the minor changes to the Development Code: consistency in adjustment; solar access; non-conforming development clarification; dwelling diversity to limit replication; and off-street parking to lower requirements for self-service storage facilities.

Chair Beck brought up the off-street parking limits for the university and apartment buildings due to the on-street parking available. Commissioner Nakajima stated there should be a limit for on-street parking, but not sure on the percentage. Mr. Reitz agreed to work on a proposal for the parking issue.

**CORRESPONDENCE:**

None.

**PROPONENTS:**

None.

**OPPONENTS:**

None.

**OTHER:**

None.

Chair Beck closed the public hearing at 8:21 p.m.

**COMMISSIONER DISCUSSION:**

Chair Beck opened the discussion and went through each amendment individually.

Regarding the increase in RMH zoning district density, Chair Beck asked what the Commission would like to recommend. The recommendation was to leave it at the current 20.28 DUA as there was no pressing need to raise the rate. Commissioner Rojas was the only Commissioner that agreed with the increase to 30 DUA. Commissioner Nakajima inquired if this rate could be revisited under a future development agreement, and Mr. Reitz stated that yes, there were options.

Regarding the bonus for incentive density, the Commission was in agreeance with 30 DUA.

Regarding the passing of incentives from the Town Center (TC) to Community Commercial (CC) Zone, the Commission was in agreeance with increasing in TC first before passing to CC.

Regarding the planned development deadline, the Commission was in agreeance with a 3 year deadline for approval and a one year extension, making it the same for the subdivision approval.

Regarding the day care approval within a residential zone, a non-resident (not living at location) will be required to obtain a conditional use permit regardless of the number of children. State code will be followed as well.

**Commissioner Rojas moved a motion that the Planning Commission recommends to the City Council file number 311-16-000175-PLNG, legislative amendments to the Forest Grove Development Code with the amendments discussed. Commissioner Smith seconded.**

**Roll Call Vote: AYES: Chair Beck, Commissioners Ruder, Smith, Rojas, and Nakajima. NOES: None. ABSENT: Commissioner Lawler and Hymes. MOTION CARRIED 5-0.**

**2.3 ACTION ITEMS:**

None.

**2.4 WORK SESSION ITEMS:**

None.

**3.0 BUSINESS MEETING:**

**3.1 APPROVAL OF MINUTES:**

Commissioner Nakajima moved a motion to approve the minutes of the September 18, 2017 meeting. Chair Beck seconded. Motion passed 5-0.

**3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:**

None.

**3.3 DIRECTOR'S REPORT:**

Chair Beck welcomed the new Community Development Director, Bryan Pohl. Mr. Pohl gave a background of his experience in policy and land use.

Mr. Riordan stated that there may be a potential appeal to bring forward to the Planning Commission.

Mr. Reitz gave an update on the progress of the Pacific University Master Plan. The university plans on meeting with the city next week to further discussion on their response. A timeline is not yet known when it will come back to the Commission.

Commissioner Nakajima inquired about the status of Gales Creek Terrace, and Mr. Riordan responded that the project was granted a one-year extension.

Commissioner Ruder stated there are a lot of apartment units coming online in the next few months and wondered the increase in percentage. Mr. Riordan stated it is about a ten percent increase.

Mr. Riordan stated there are several work sessions set up with City Council for direction on affordable housing.

Mr. Reitz gave an update on land use applications coming in, and a lot is under construction right now.

**3.4 ANNOUNCEMENT OF NEXT MEETING:**

Next meeting is tentative.

**3.5 ADJOURNMENT:**

The meeting was adjourned at 8:44 p.m.

Respectfully submitted by:  
Cassi Bergstrom  
Planning Commission Coordinator