

ORDINANCE NO. 2019-07

ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP TO RE-DESIGNATE ONE PARCEL FROM NEIGHBORHOOD COMMERCIAL (CN) TO TOWN CENTER TRANSITION (TCT); WASHINGTON COUNTY TAX LOT 1S306BA09600; FILE NUMBER 311-19-000005-PLNG

WHEREAS, the property at 1836 Cedar Street is completely surrounded by property designated Town Center Transition; and

WHEREAS, the property owner wishes to further develop the site consistent with Town Center Transition standards; and

WHEREAS, notice of this application was provided to the Department of Land Conservation and Development (DLCD) on April 10, 2019. DLCD staff did not register any comments; and

WHEREAS, notice of the Planning Commission hearing was mailed to property owners and residents within 300 feet of the subject site on May 13, 2019, as required by Development Code §17.1.610. Notice was also published in the *News Times* on May 29, 2019; and

WHEREAS, the Planning Commission held the duly-noticed public hearing on the proposal on June 3, 2019; and

WHEREAS, no objections to the amendment were registered at the Planning Commission hearing; and

WHEREAS, the Planning Commission recommended approval of the amendment as documented in Planning Commission Decision and Findings #2019-07; and

WHEREAS, notice of the City Council hearing was mailed to affected parties on June 13, 2019, as required by Development Code §17.1.610. Notice was also published in the *News Times* on June 19, 2019; and

WHEREAS, the City Council held Public Hearings concerning this amendment on June 24 and July 8, 2019, and made a determination on the basis of the findings contained in Section 1 below; and

WHEREAS, there is on file with the City Council a staff report which includes the criteria, facts, and conclusions which collectively are the findings supporting this request:

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

Section 1: The findings contained in the staff report for this proposal (File Number 311-19-000005-PLNG), the minutes of the Planning Commission meeting of June 3, 2019, and Planning Commission Findings and Decision Number 2019-07 are hereby adopted and incorporated by reference into this ordinance.

Section 2: The City Council hereby adopts the amendment to re-designate Washington County Tax Lot 1S306BA09600 from Neighborhood Commercial to Town Center Transition on the Comprehensive Plan Map as shown on Exhibit A.

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

PRESENTED AND PASSED the first reading the 24th day of June, 2019.

PASSED the second reading this 8th day of July, 2019.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 8th day of July, 2019.

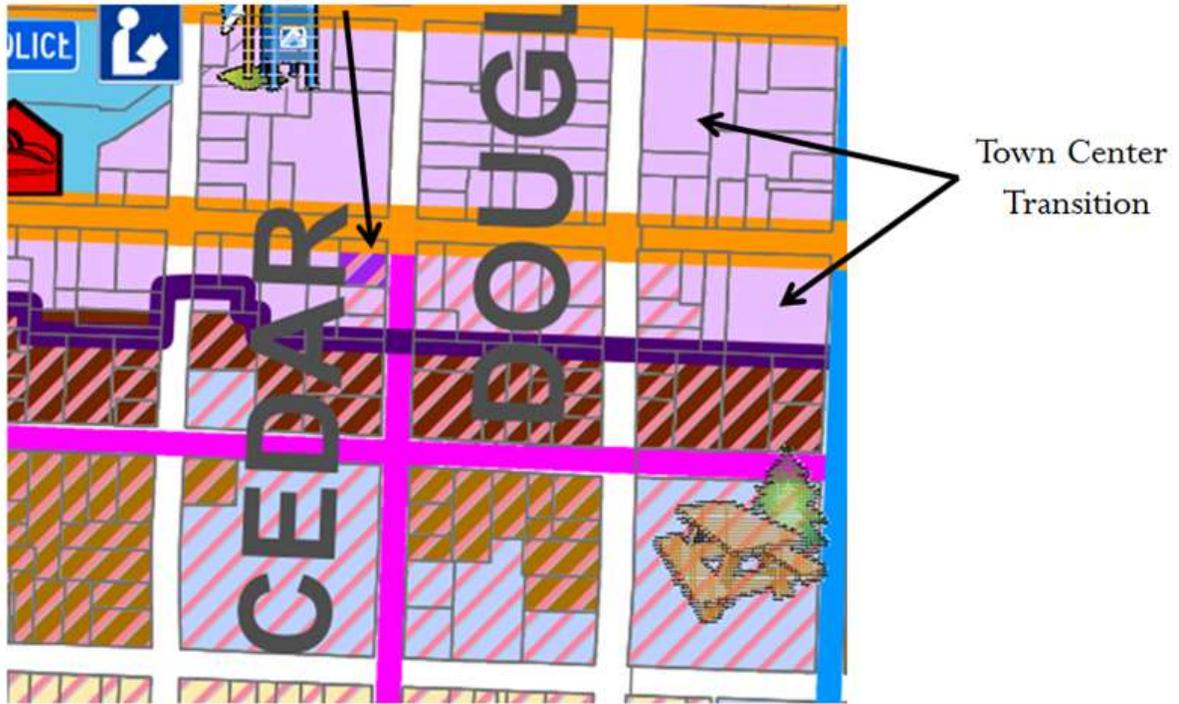


Peter B. Truax, Mayor

EXHIBIT A

Comprehensive Plan Map Amendment
Neighborhood Commercial to Town Center Transition
Washington County Tax Lot 1S306BA09600

SITE – Commercial
Neighborhood



Cross-Hatching = Clark Historic District

EXHIBIT B

PLANNING COMMISSION DECISION #2019-07

Planning Commission Findings and Decision Number 2019-07
To Approve a Comprehensive Plan Map Amendment and Development Code
Zoning Map Amendment to Re-Designate One Parcel from Neighborhood
Commercial to Town Center Transition

Washington County tax lot 1S306BA09600
1836 Cedar Street
File Number: 311-19-000005-PLNG

WHEREAS, prior to 2009, the property at 1836 Cedar Street had been in the CC Community Commercial zoning district, as were all the surrounding properties; and

WHEREAS, when the Development Code was adopted in 2009, this parcel – and this parcel only – was rezoned to Neighborhood Commercial (CN); and

WHEREAS, City records are unclear as to the purpose of this change; and

WHEREAS, in 2016 the surrounding properties that had previously been zoned Community Commercial were rezoned to Town Center Transition; and

WHEREAS, the property owner wishes to construct additional improvements on the property which would be located closer to the side and rear property lines than the Commercial Neighborhood zoning would permit, but which could be allowed under the TCT designation; and

WHEREAS, notice of this application was provided to the Department of Land Conservation and Development on April 10, 2019; and

WHEREAS, notice of this request was mailed to property owners and residents within 300 feet of the subject site on May 13, 2019 as required by Development Code §17.1.610. Notice was also published in the *News Times* on May 29, 2019; and

WHEREAS, the Planning Commission held the duly-noticed public hearing on the proposal on June 3, 2019.

The City of Forest Grove Planning Commission does hereby recommend approval of the comprehensive plan map and zoning map amendments for Washington County tax lot 1S306BA09600, making the following specific findings in support of this decision:

- 1) The Planning Commission adopts by reference the staff report including findings and recommendations dated June 3, 2019.
- 2) The following decision considerations apply to the proposed Comprehensive Plan Map amendment –
 - Applicable Oregon Statewide Land Use Planning Goals;
 - Applicable Comprehensive Plan policies;
 - Metro Regional Framework Plan; and
 - Metro Urban Growth Management Functional Plan.

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

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

The applicable decision considerations and approval criteria are described more fully below. Findings are also provided below.

Oregon Statewide Land Use Planning Goals

Goal 2 – Land Use: Goal 2 establishes guidelines for major revisions and minor changes to the Comprehensive Plan. Goal 2 stipulates that a minor change should be based on information that will serve as the factual basis to support the change. The public need and justification for the change should be established.

Finding for Goal 2: The proposed Comprehensive Plan amendment affects only one parcel with an area of 0.21 acres. Re-designating the property from Commercial Neighborhood to Town Center Transition will not have a significant effect and is therefore considered to be a minor amendment.

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

Finding for Goal 10: The City's Economic Opportunity Analysis shows a need for 3,900 housing units over the next 20 years, based on the Baseline Growth Scenario of 2% per year. Re-designating the parcel from Neighborhood Commercial to Town Center Transition will provide

an opportunity to meet the identified housing need. If zoned TCT, the parcel could support 3 to 8 dwelling units (at 16.22 to 40.00 DUA), versus the 1 unit permitted under the NC designation (at 4.35 DUA).

Designating the property as Town Center Transition would also help the City achieve a minimum development residential density allocation for new construction of 8 units per acre that the City must meet overall under the Metropolitan Housing Rule (OAR 660-0007-0035).

Metro Regional Framework Plan

The Metro Regional Framework Plan establishes a land use concept for the Portland region. Under the Metro Charter and state law, cities and counties within Metro's boundaries are required to comply and be consistent with the Regional Framework Plan.

The plan contains policies for growth management and land use planning for matters of metropolitan concern. It establishes a hierarchy of mixed-use, pedestrian friendly centers that are well connected by high capacity transit and corridors. It establishes Regional Centers, Town Centers, Corridors, Transit Station Communities, neighborhoods, and Industrial and Employment areas.

Finding: If approved, the proposed Comprehensive Plan Map and Zoning Map amendments will result in the re-designation of 0.21 acres of land from Commercial Neighborhood to Town Center Transition. The subject area is surrounded on all four sides by lands designated as Town Center Transition. The amendments would support the Metro Regional Framework Plan by promoting additional housing opportunities in the Town Center and along the Pacific Avenue / 19th Avenue corridor.

Finding: The Metropolitan Housing Rule (OAR §660-007-0035(2)) *Minimum Density Allocation for New Construction* requires that Forest Grove provide for an overall density of 8 or more units per net acre. The maximum by-right allowed density in the Town Center Transition zoning district is 40 units per net acre. Increasing the allowed housing density on this site would be consistent with the Metropolitan Housing Rule and support Forest Grove achieving an overall density of eight or more units per net acre.

Forest Grove Comprehensive Plan Policies

Because this proposal would amend the Comprehensive Plan map to re-designate the parcel from one commercial designation (Commercial Neighborhood) to a different commercial designation (Town Center Transition), only one Comprehensive Plan policy appears to apply to this request.

Economic Development Goal 5 – Promote Retail Activities

Policy 5.3 Promote opportunities for mixed use development, including retail, near major transportation intersections (nodes) within the city including the Forest Grove Town Center.

Finding: The intersection of 19th Avenue and Cedar Street could be considered a major transportation intersection because it is the intersection of an Arterial Street and a Neighborhood Route. Furthermore, it is also the location of a bus stop serving the Town Center. The parcel would have greater opportunity to develop with a mixture of uses because the Town Center Transition zoning district would allow for a wider variety of permitted uses, including group living, commercial lodging, and indoor entertainment.

Zoning Map Amendments Review Criteria (DC §17.2.770)

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

Finding: If the parcel is re-designated to Town Center Transition, then the Town Center Transition zone would be appropriate, especially as all the surrounding parcels are also zoned TCT.

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

Finding: The proposed amendment is consistent with Forest Grove Comprehensive Plan Economic Development Policy 5.3 which states "Promote opportunities for mixed-use development, including retail, near major transportation intersections (nodes) within the city including the Forest Grove Town Center." The finding pertaining to consistency with this policy is provided above.

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

Finding: The parcel totals only 0.21 acres in area. The zone change is consistent with the adopted Transportation System Plan because the parcel is small and the development allowed by the proposed Town Center Transition zone would not be significantly different from the development permitted under the current Neighborhood Commercial designation. Traffic generated under either zoning district designation would not be expected to significantly increase traffic volumes assumed in the TSP for this area.

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

Finding: The subject parcel is located within a developed area of the city and is served by the full array of City services. The proposed amendment would not be anticipated to create any greater demand for public facilities and other public services than that which would be demanded under the existing designation.

5. The establishment of a zone district is not subject to the meeting of conditions.

Finding: No conditions of approval are proposed.



TOM BECK, Chair

Planning Commission Decision Number 2019-07

6-3-19

Date

Page 4 of 4

Date: JULY 8, 2019

Agenda Item: 6. A. & 6. B.

Subject: 6. A. CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2019-07 AMENDING THE COMPREHENSIVE PLAN MAP TO RE-DESIGNATE ONE PARCEL FROM NEIGHBORHOOD COMMERCIAL (CN) TO TOWN CENTER TRANSITION (TCT); and

6. B. CONTINUE PUBLIC HEARING AND SECOND READING OF ORDINANCE NO. 2019-08 AMENDING THE ZONING MAP TO RE-DESIGNATE ONE PARCEL FROM NEIGHBORHOOD COMMERCIAL (CN) TO TOWN CENTER TRANSITION (TCT); WASHINGTON COUNTY TAX LOT 1S306BA09600; LOCATED AT 1836 CEDAR STREET, PROPERTY OWNER: JOSEPH TRETTER; FILE NO. 311-19-000005-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:
JOEY TRETTER

Address: 1836 CEDAR STREET **City, State & Zip Code:** FO. OR 97116

OPPONENTS: *(Please print legibly)*

First & Last Name:

Address: **City, State & Zip Code:**

OTHERS: *(Please print legibly)*

First & Last Name:

Address: **City, State & Zip Code:**



<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	8. A.
MEETING DATE:	06/24/2019
FINAL ACTION:	First Reading: ORD 2019-07

CITY COUNCIL STAFF REPORT

FIRST READING:

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *June 24, 2019*

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

SUBJECT TITLE: *Public Hearing and First Ordinance Reading to Amend the Comprehensive Plan Map and First Ordinance Reading to Amend the Zoning Map*

ACTION REQUESTED: Ordinance Order Resolution Motion Informational

X all that apply

ISSUE STATEMENT: The property owner of 1836 Cedar Street is requesting a change on one parcel from a Comprehensive Plan and zoning designation of Commercial Neighborhood (CN) to Town Center Transition (TCT). The parcel totals 0.21 acres in area.

BACKGROUND: When the current Development Code was adopted in 2009, this parcel – and this parcel only – was rezoned to Neighborhood Commercial. City records are unclear as to the purpose of this change. In 2016 the surrounding properties that had previously been zoned Community Commercial were rezoned to Town Center Transition.

At the June 3, 2019, Planning Commission hearing, only one person aside from the applicant testified. That person was not concerned with the application, but simply wanted clarification of accessory building setbacks in an adjoining zoning district. None of the Commissioners who were on the Commission in 2009 could recollect why this one property was re-zoned at that time. All concurred that designating the site to Town Center Transition was logical and reasonable, and the Commission voted unanimously to recommend approval.

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

STAFF RECOMMENDATION: Staff recommends adoption of the Ordinances to amend the Comprehensive Plan Map and Zoning Map as recommended by the Planning Commission.

ATTACHMENTS:

- Ordinance to Amend Forest Grove Comprehensive Plan Map
- Ordinance to Amend Forest Grove Zoning Map
- Planning Commission Decision #2019-07

- Planning Commission Minutes (draft) of June 3, 2019
- Planning Commission Staff Report dated June 3, 2019



**1836 CEDAR
STREET
COMPREHENSIVE
PLAN MAP AND
ZONING MAP
AMENDMENTS**

James Reitz, AICP
Senior Planner

Washington County Tax Map



1836 Cedar Street
 Tax Lot 1S306BA09600
 0.21 Acres

Aerial Photo of Site and Area



Comprehensive Plan Map

SITE – Commercial
Neighborhood

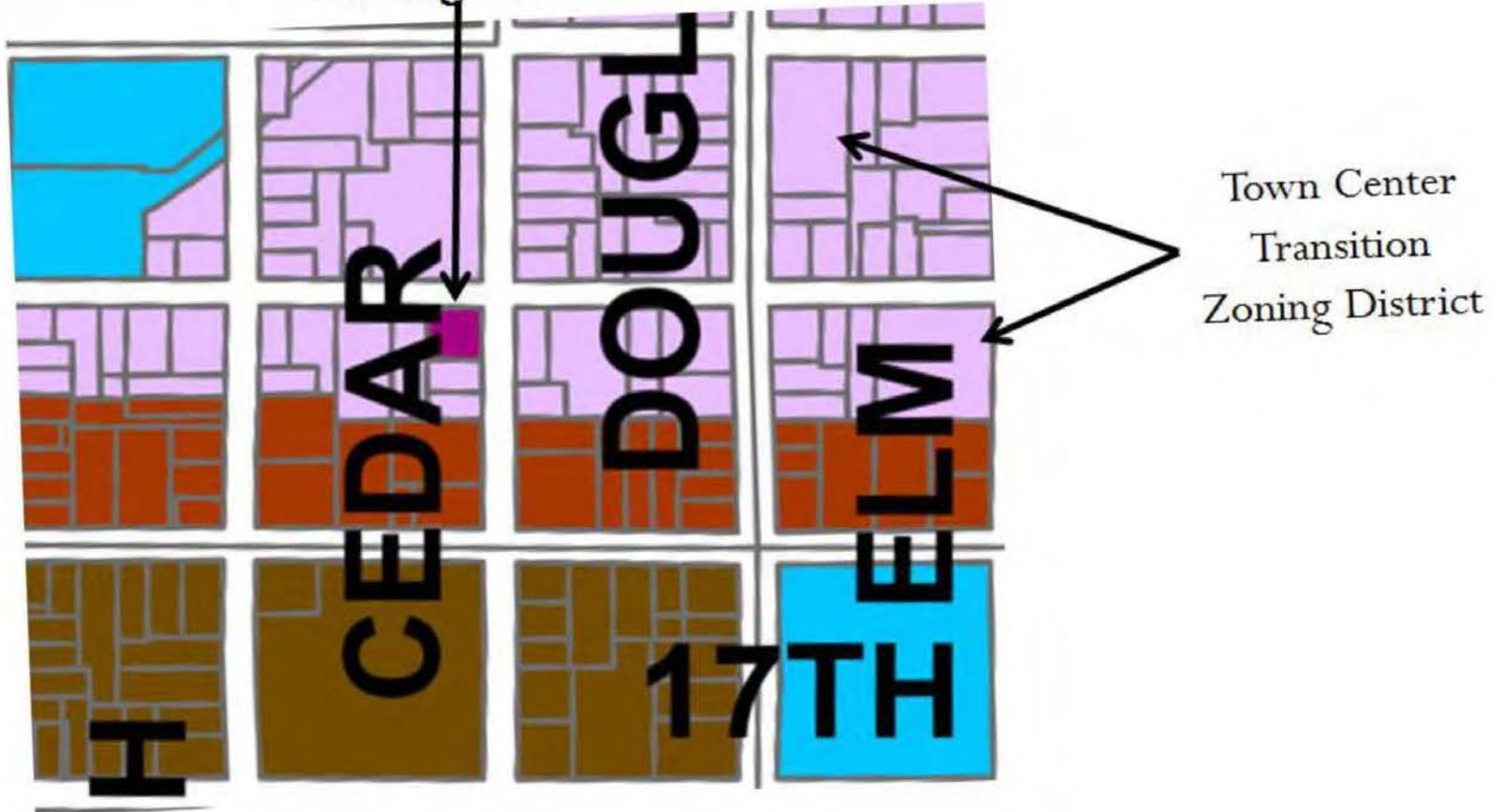


Town Center
Transition

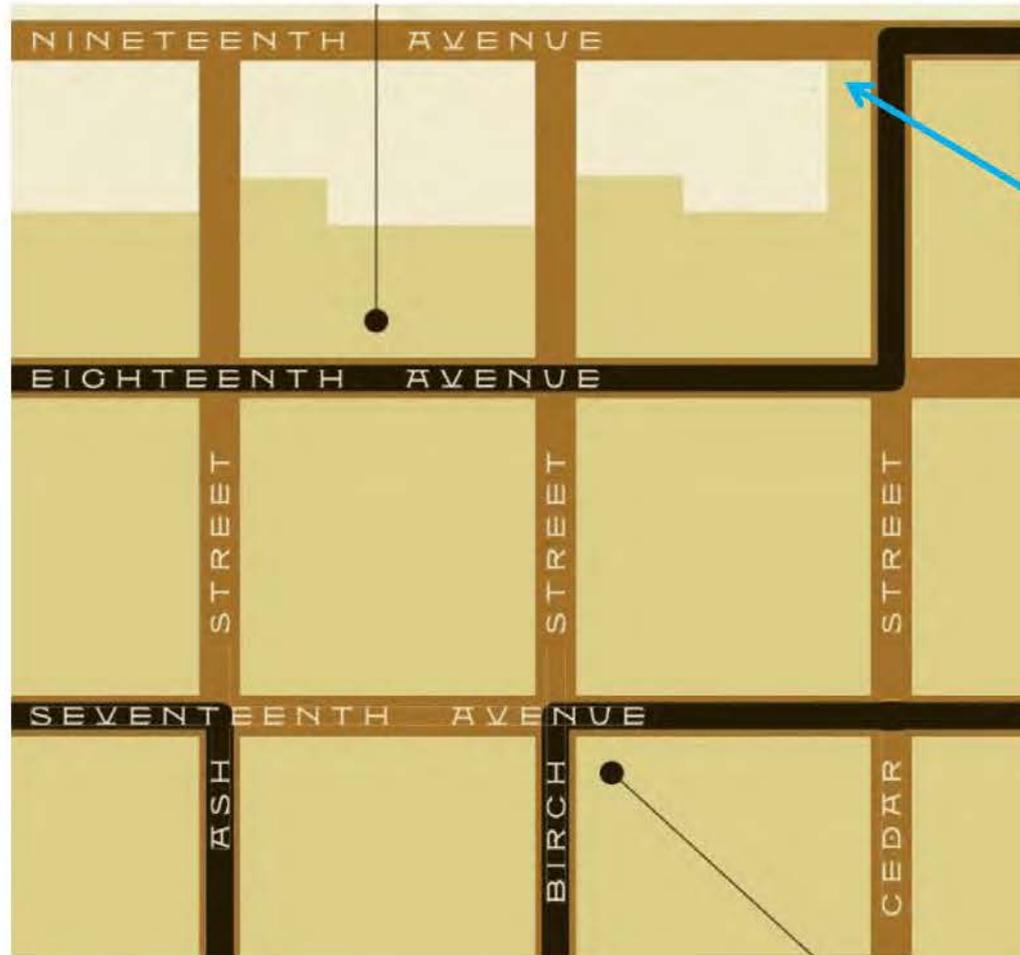
Cross-Hatching = Clark Historic District

Zoning Map

SITE – Commercial Neighborhood
Zoning District



Clark Historic District



SITE

Planning Commission Hearing

- Only 1 person testified, about setbacks in an adjoining zoning district.
- The Planning Commission unanimously endorsed the proposal to re-zone the property.

Summary and Recommendation

- The proposed Comprehensive Plan Map and Zoning Map amendments meet the requirements of the applicable decision considerations, standards and criteria.
- Therefore, the Planning Commission and staff recommend approval of the application.

ORDINANCE NO. 2019-07

ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP TO RE-DESIGNATE ONE PARCEL FROM NEIGHBORHOOD COMMERCIAL (CN) TO TOWN CENTER TRANSITION (TCT); WASHINGTON COUNTY TAX LOT 1S306BA09600; FILE NUMBER 311-19-000005-PLNG

WHEREAS, the property at 1836 Cedar Street is completely surrounded by property designated Town Center Transition; and

WHEREAS, the property owner wishes to further develop the site consistent with Town Center Transition standards; and

WHEREAS, notice of this application was provided to the Department of Land Conservation and Development (DLCD) on April 10, 2019. DLCD staff did not register any comments; and

WHEREAS, notice of the Planning Commission hearing was mailed to property owners and residents within 300 feet of the subject site on May 13, 2019, as required by Development Code §17.1.610. Notice was also published in the *News Times* on May 29, 2019; and

WHEREAS, the Planning Commission held the duly-noticed public hearing on the proposal on June 3, 2019; and

WHEREAS, no objections to the amendment were registered at the Planning Commission hearing; and

WHEREAS, the Planning Commission recommended approval of the amendment as documented in Planning Commission Decision and Findings #2019-07; and

WHEREAS, notice of the City Council hearing was mailed to affected parties on June 13, 2019, as required by Development Code §17.1.610. Notice was also published in the *News Times* on June 19, 2019; and

WHEREAS, the City Council held Public Hearings concerning this amendment on June 24 and July 8, 2019, and made a determination on the basis of the findings contained in Section 1 below; and

WHEREAS, there is on file with the City Council a staff report which includes the criteria, facts, and conclusions which collectively are the findings supporting this request:

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

Section 1: The findings contained in the staff report for this proposal (File Number 311-19-000005-PLNG), the minutes of the Planning Commission meeting of June 3, 2019, and Planning Commission Findings and Decision Number 2019-07 are hereby adopted and incorporated by reference into this ordinance.

Section 2: The City Council hereby adopts the amendment to re-designate Washington County Tax Lot 1S306BA09600 from Neighborhood Commercial to Town Center Transition on the Comprehensive Plan Map as shown on Exhibit A.

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

PRESENTED AND PASSED the first reading the 24th day of June, 2019.

PASSED the second reading this 8th day of July, 2019.

Anna D. Ruggles, City Recorder

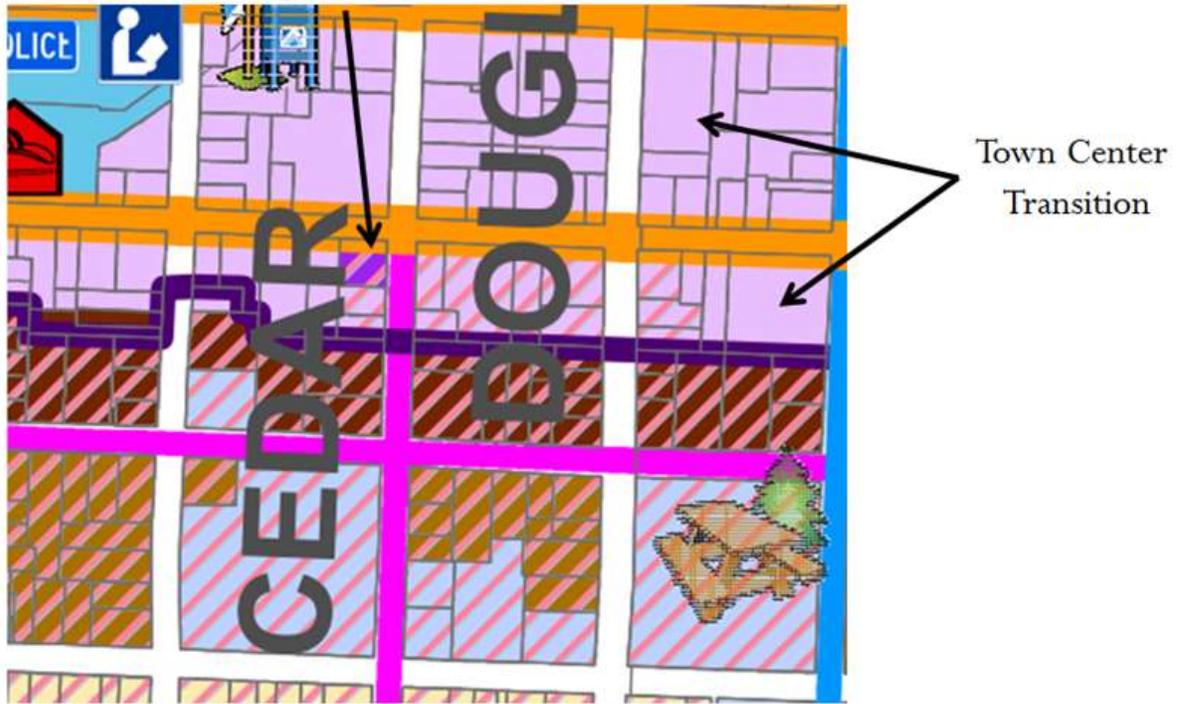
APPROVED by the Mayor this 8th day of July, 2019.

Peter B. Truax, Mayor

EXHIBIT A

Comprehensive Plan Map Amendment
Neighborhood Commercial to Town Center Transition
Washington County Tax Lot 1S306BA09600

SITE – Commercial
Neighborhood



Cross-Hatching = Clark Historic District

EXHIBIT B

PLANNING COMMISSION DECISION #2019-07

Planning Commission Findings and Decision Number 2019-07
To Approve a Comprehensive Plan Map Amendment and Development Code
Zoning Map Amendment to Re-Designate One Parcel from Neighborhood
Commercial to Town Center Transition

Washington County tax lot 1S306BA09600
1836 Cedar Street
File Number: 311-19-000005-PLNG

WHEREAS, prior to 2009, the property at 1836 Cedar Street had been in the CC Community Commercial zoning district, as were all the surrounding properties; and

WHEREAS, when the Development Code was adopted in 2009, this parcel – and this parcel only – was rezoned to Neighborhood Commercial (CN); and

WHEREAS, City records are unclear as to the purpose of this change; and

WHEREAS, in 2016 the surrounding properties that had previously been zoned Community Commercial were rezoned to Town Center Transition; and

WHEREAS, the property owner wishes to construct additional improvements on the property which would be located closer to the side and rear property lines than the Commercial Neighborhood zoning would permit, but which could be allowed under the TCT designation; and

WHEREAS, notice of this application was provided to the Department of Land Conservation and Development on April 10, 2019; and

WHEREAS, notice of this request was mailed to property owners and residents within 300 feet of the subject site on May 13, 2019 as required by Development Code §17.1.610. Notice was also published in the *News Times* on May 29, 2019; and

WHEREAS, the Planning Commission held the duly-noticed public hearing on the proposal on June 3, 2019.

The City of Forest Grove Planning Commission does hereby recommend approval of the comprehensive plan map and zoning map amendments for Washington County tax lot 1S306BA09600, making the following specific findings in support of this decision:

- 1) The Planning Commission adopts by reference the staff report including findings and recommendations dated June 3, 2019.
- 2) The following decision considerations apply to the proposed Comprehensive Plan Map amendment –
 - Applicable Oregon Statewide Land Use Planning Goals;
 - Applicable Comprehensive Plan policies;
 - Metro Regional Framework Plan; and
 - Metro Urban Growth Management Functional Plan.

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

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

The applicable decision considerations and approval criteria are described more fully below. Findings are also provided below.

Oregon Statewide Land Use Planning Goals

Goal 2 – Land Use: Goal 2 establishes guidelines for major revisions and minor changes to the Comprehensive Plan. Goal 2 stipulates that a minor change should be based on information that will serve as the factual basis to support the change. The public need and justification for the change should be established.

Finding for Goal 2: The proposed Comprehensive Plan amendment affects only one parcel with an area of 0.21 acres. Re-designating the property from Commercial Neighborhood to Town Center Transition will not have a significant effect and is therefore considered to be a minor amendment.

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

Finding for Goal 10: The City's Economic Opportunity Analysis shows a need for 3,900 housing units over the next 20 years, based on the Baseline Growth Scenario of 2% per year. Re-designating the parcel from Neighborhood Commercial to Town Center Transition will provide

an opportunity to meet the identified housing need. If zoned TCT, the parcel could support 3 to 8 dwelling units (at 16.22 to 40.00 DUA), versus the 1 unit permitted under the NC designation (at 4.35 DUA).

Designating the property as Town Center Transition would also help the City achieve a minimum development residential density allocation for new construction of 8 units per acre that the City must meet overall under the Metropolitan Housing Rule (OAR 660-0007-0035).

Metro Regional Framework Plan

The Metro Regional Framework Plan establishes a land use concept for the Portland region. Under the Metro Charter and state law, cities and counties within Metro's boundaries are required to comply and be consistent with the Regional Framework Plan.

The plan contains policies for growth management and land use planning for matters of metropolitan concern. It establishes a hierarchy of mixed-use, pedestrian friendly centers that are well connected by high capacity transit and corridors. It establishes Regional Centers, Town Centers, Corridors, Transit Station Communities, neighborhoods, and Industrial and Employment areas.

Finding: If approved, the proposed Comprehensive Plan Map and Zoning Map amendments will result in the re-designation of 0.21 acres of land from Commercial Neighborhood to Town Center Transition. The subject area is surrounded on all four sides by lands designated as Town Center Transition. The amendments would support the Metro Regional Framework Plan by promoting additional housing opportunities in the Town Center and along the Pacific Avenue / 19th Avenue corridor.

Finding: The Metropolitan Housing Rule (OAR §660-007-0035(2)) *Minimum Density Allocation for New Construction* requires that Forest Grove provide for an overall density of 8 or more units per net acre. The maximum by-right allowed density in the Town Center Transition zoning district is 40 units per net acre. Increasing the allowed housing density on this site would be consistent with the Metropolitan Housing Rule and support Forest Grove achieving an overall density of eight or more units per net acre.

Forest Grove Comprehensive Plan Policies

Because this proposal would amend the Comprehensive Plan map to re-designate the parcel from one commercial designation (Commercial Neighborhood) to a different commercial designation (Town Center Transition), only one Comprehensive Plan policy appears to apply to this request.

Economic Development Goal 5 – Promote Retail Activities

Policy 5.3 Promote opportunities for mixed use development, including retail, near major transportation intersections (nodes) within the city including the Forest Grove Town Center.

Finding: The intersection of 19th Avenue and Cedar Street could be considered a major transportation intersection because it is the intersection of an Arterial Street and a Neighborhood Route. Furthermore, it is also the location of a bus stop serving the Town Center. The parcel would have greater opportunity to develop with a mixture of uses because the Town Center Transition zoning district would allow for a wider variety of permitted uses, including group living, commercial lodging, and indoor entertainment.

Zoning Map Amendments Review Criteria (DC §17.2.770)

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

Finding: If the parcel is re-designated to Town Center Transition, then the Town Center Transition zone would be appropriate, especially as all the surrounding parcels are also zoned TCT.

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

Finding: The proposed amendment is consistent with Forest Grove Comprehensive Plan Economic Development Policy 5.3 which states "Promote opportunities for mixed-use development, including retail, near major transportation intersections (nodes) within the city including the Forest Grove Town Center." The finding pertaining to consistency with this policy is provided above.

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

Finding: The parcel totals only 0.21 acres in area. The zone change is consistent with the adopted Transportation System Plan because the parcel is small and the development allowed by the proposed Town Center Transition zone would not be significantly different from the development permitted under the current Neighborhood Commercial designation. Traffic generated under either zoning district designation would not be expected to significantly increase traffic volumes assumed in the TSP for this area.

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

Finding: The subject parcel is located within a developed area of the city and is served by the full array of City services. The proposed amendment would not be anticipated to create any greater demand for public facilities and other public services than that which would be demanded under the existing designation.

5. The establishment of a zone district is not subject to the meeting of conditions.

Finding: No conditions of approval are proposed.



TOM BECK, Chair

Planning Commission Decision Number 2019-07

6-3-19

Date

Page 4 of 4



**Comprehensive Plan Map and
Zoning Map Amendments
Staff Report and Recommendation**
Community Development Department, Planning Division

Report Date	May 24, 2019
Hearing Date	June 3, 2019
Land Use Request	Comprehensive Plan Map and Zoning Map Amendment to re-designate and rezone one parcel from Neighborhood Commercial to Town Center Transition
File Number	311-19-000005-PLNG
Property Location	1836 Cedar Street
Legal Description	Washington County tax lot 1S306BA09600
Owner	Joseph Tretter, 1836 Cedar Street Forest Grove, Oregon 97116
Comprehensive Plan Designation	Neighborhood Commercial
Zoning Map Designation	Neighborhood Commercial
Historic District	Clark Historic District
Applicable Decision Considerations, Standards and Criteria	<u>Comprehensive Plan Amendment</u> <ul style="list-style-type: none">▪ Oregon Statewide Land Use Planning Goals▪ Forest Grove Comprehensive Plan Policies▪ Metro Regional Framework Plan▪ Metro Urban Growth Management Functional Plan <u>Zoning Map Amendment</u> <ul style="list-style-type: none">▪ Development Code §17.2.770 <i>Map Amendment Criteria</i>
Reviewing Staff	James Reitz (AICP), Senior Planner
Recommendation	The proposed Comprehensive Plan Map and Zoning Map amendments meet the requirements of the applicable decision considerations, standards and criteria. Staff recommends that the Planning Commission forward the application to the City Council with a positive recommendation.

I. LAND USE HISTORY

The home on this site was constructed c. 1943. It is located in the Clark National Register Historic District, created in 2002. Because the home has not been significantly remodeled, it is considered a Contributing resource to the district. New construction must comply with both the base zone standards and the historic district design standards of Development Code §17.5.220, or the historic design guidelines of Design Guidelines Handbook Section V as determined by the Historic Landmarks Board.

The applicant purchased the property in 2008. Prior to 2009, the property had been in the CC Community Commercial zoning district. All surrounding properties were also in the CC zoning district.

When the current Development Code was adopted in 2009, this parcel – and this parcel only – was rezoned to Neighborhood Commercial (CN). City records are unclear as to the purpose of this change. Several properties in the vicinity were considered for rezoning to “Neighborhood Services” (a designation that does not exist), but this was the only parcel in this area whose zoning designation was changed. As adoption of the Development Code and the related map amendments were legislative in nature, notice to specific property owners may not have occurred. In 2016 the surrounding properties that had previously been zoned Community Commercial were rezoned to Town Center Transition.

The applicant wishes to construct additional improvements on the property which would be located closer to the side and rear property lines than the Commercial Neighborhood zoning would permit, but which could be allowed under the TCT designation.

II. DESCRIPTION OF PROPOSAL

The proposal is an amendment to the Comprehensive Plan Map to re-designate one parcel from Commercial Neighborhood (CN) to Town Center Transition (TCT), and an amendment to the Zoning Map to re-designate the same parcel from Commercial Neighborhood to Town Center Transition. Maps of the proposals are attached in Exhibit A.

III. SITE EXAMINATION

The subject area totals 0.21 acres (9,200 square feet). It is developed with a single-family home. A detached, single-car garage was recently demolished. The garage took access exclusively from Cedar Street. The site also has a drive approach to 19th Avenue.

Existing Comprehensive Plan Designation and Zoning of Site and Area

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONING DISTRICT	LAND USE
Site	Commercial Neighborhood	Commercial Neighborhood	Single-Family Home
North	Town Center Transition	Town Center Transition	Church
South	Town Center Transition	Town Center Transition	Single-Family Home
East	Town Center Transition	Town Center Transition	Duplex
West	Town Center Transition	Town Center Transition	Apartments

IV. PROCEDURAL REQUIREMENTS

Comprehensive Plan Map Amendment Process: “Plan amendments may be initiated by the following parties: property owner of record or authorized agent of the property owner of record; contract purchaser, City Council, Planning Commission, City Manager, or Community Development Director.” (Forest Grove Comprehensive Plan - Volume 1 p. 27)

Because it is unclear as to why this site was designated Neighborhood Commercial in 2009, this amendment was initiated by the Community Development Director.

The Planning Commission will consider the merits of the proposal and prepare a recommendation to the City Council.

Zoning Map Amendment Process: Development Code §17.2.760 *Procedure* authorizes the Planning Commission to make a recommendation to the City Council after reviewing the application pursuant to a Type 3 procedure.

Comprehensive Plan Amendment and Zoning Map Amendment approval criteria follow in Section V below.

DLCD and Metro Notification and Review: Notice of the proposed comprehensive plan and zoning map amendments was provided to the Department of Land Conservation and Development (DLCD) and Metro on April 10, 2019 pursuant to ORS 197.610, OAR Chapter 660 – Division 18, and Metro Code §3.07.820 (Functional Plan Title 8). Neither agency has registered any comments.

Public Notice: Public notice for this application was mailed to property owners and residents within 300 feet of the site on May 13, 2019; and published in the *News Times* on May 29, 2019, as required by Development Code §17.1.610.

As of the writing of this report, one written comment has been received from the public.

V. REQUIRED APPROVALS AND FINDINGS

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

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

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

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

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

The applicable decision considerations and approval criteria are described more fully below. Findings are also provided below.

Oregon Statewide Land Use Planning Goals

Goal 2 – Land Use: Goal 2 establishes guidelines for major revisions and minor changes to the Comprehensive Plan. Goal 2 stipulates that a minor change should be based on information that will serve as the factual basis to support the change. The public need and justification for the change should be established.

Finding for Goal 2: The proposed Comprehensive Plan amendment affects only one parcel with an area of 0.21 acres. Re-designating the property from Commercial Neighborhood to Town Center Transition will not have a significant effect and is therefore considered to be a minor amendment.

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

Finding for Goal 10: The City's Economic Opportunity Analysis shows a need for 3,900 housing units over the next 20 years, based on the Baseline Growth Scenario of 2% per year. Re-designating the parcel from Neighborhood Commercial to Town Center Transition will provide an opportunity to meet the identified housing need. If zoned TCT, the parcel could support 3 to 8 dwelling units (at 16.22 to 40.00 DUA), versus the 1 unit permitted under the NC designation (at 4.35 DUA).

Designating the property as Town Center Transition would also help the City achieve a minimum development residential density allocation for new construction of 8 units per acre that the City must meet overall under the Metropolitan Housing Rule (OAR 660-0007-0035).

Metro Regional Framework Plan

The Metro Regional Framework Plan establishes a land use concept for the Portland region. Under the Metro Charter and state law, cities and counties within Metro's boundaries are required to comply and be consistent with the Regional Framework Plan.

The plan contains policies for growth management and land use planning for matters of metropolitan concern. It establishes a hierarchy of mixed-use, pedestrian friendly centers that are well connected by high capacity transit and corridors. It establishes Regional Centers, Town Centers, Corridors, Transit Station Communities, neighborhoods, and Industrial and Employment areas.

Finding: If approved, the proposed Comprehensive Plan Map and Zoning Map amendments will result in the re-designation of 0.21 acres of land from Commercial Neighborhood to Town Center Transition. The subject area is surrounded on all four sides by lands designated as Town Center Transition. The amendments would support the Metro Regional Framework Plan by promoting additional housing opportunities in the Town Center and along the Pacific Avenue / 19th Avenue corridor.

Finding: The Metropolitan Housing Rule (OAR §660-007-0035(2)) *Minimum Density Allocation for New Construction* requires that Forest Grove provide for an overall density of 8 or more units per net acre. The maximum by-right allowed density in the Town Center Transition zoning district is 40 units per net acre. Increasing the allowed housing density on this site would be consistent with the Metropolitan Housing Rule and support Forest Grove achieving an overall density of eight or more units per net acre.

Forest Grove Comprehensive Plan Policies

Because this proposal would amend the Comprehensive Plan map to re-designate the parcel from one commercial designation (Commercial Neighborhood) to a different commercial designation (Town Center Transition), only one Comprehensive Plan policy appears to apply to this request.

Economic Development Goal 5 – Promote Retail Activities

Policy 5.3 Promote opportunities for mixed use development, including retail, near major transportation intersections (nodes) within the city including the Forest Grove Town Center.

Finding: The intersection of 19th Avenue and Cedar Street could be considered a major transportation intersection because it is the intersection of an Arterial Street and a Neighborhood Route. Furthermore, it is also the location of a bus stop serving the Town Center. The parcel would have greater opportunity to develop with a mixture of uses because the Town Center Transition zoning district would allow for a wider variety of permitted uses, including group living, commercial lodging, and indoor entertainment.

Zoning Map Amendments Review Criteria (DC §17.2.770)

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

Finding: If the parcel is re-designated to Town Center Transition, then the Town Center Transition zone would be appropriate, especially as all the surrounding parcels are also zoned TCT.

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

Finding: The proposed amendment is consistent with Forest Grove Comprehensive Plan Economic Development Policy 5.3 which states "Promote opportunities for mixed-use development, including retail, near major transportation intersections (nodes) within the city including the Forest Grove Town Center." The finding pertaining to consistency with this policy is provided above.

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

Finding: The parcel totals only 0.21 acres in area. The zone change is consistent with the adopted Transportation System Plan because the parcel is small and the development allowed by the proposed Town Center Transition zone would not be significantly different from the development permitted under the current Neighborhood Commercial designation. Traffic generated under either zoning district designation would not be expected to significantly increase traffic volumes assumed in the TSP for this area.

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

Finding: The subject parcel is located within a developed area of the city and is served by the full array of City services. The proposed amendment would not be anticipated to create any greater demand for public facilities and other public services than that which would be demanded under the existing designation.

5. The establishment of a zone district is not subject to the meeting of conditions.

Finding: No conditions of approval are proposed.

VI. ALTERNATIVES

The Planning Commission has the following alternatives:

1. Recommend approval of the Comprehensive Plan Map and Zoning Map amendments as proposed; or
2. Recommend approval with modifications; or
3. Recommend denial; or
4. Continue deliberations to a date certain.

VII. SUMMARY AND RECOMMENDATION

The proposed Comprehensive Plan Map and Zoning Map amendments meet the requirements of the applicable decision considerations, standards and criteria as described above. Therefore, staff recommends that the Planning Commission forward the application to the City Council with a positive recommendation.

VIII. LIST OF EXHIBITS

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

Exhibit A PowerPoint Slides

Exhibit B Correspondence Received

EXHIBIT A

PowerPoint

Of

Proposed Comprehensive Plan Map

And

Zoning Map Amendments



Planning Commission Meeting June 3, 2019

1836 CEDAR STREET COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENTS

James Reitz (AICP), Senior Planner

A place where families and businesses thrive.

Washington County Tax Map



1836 Cedar Street
 Tax Lot 1S306BA09600
 0.21 Acres

A place where families and businesses thrive.

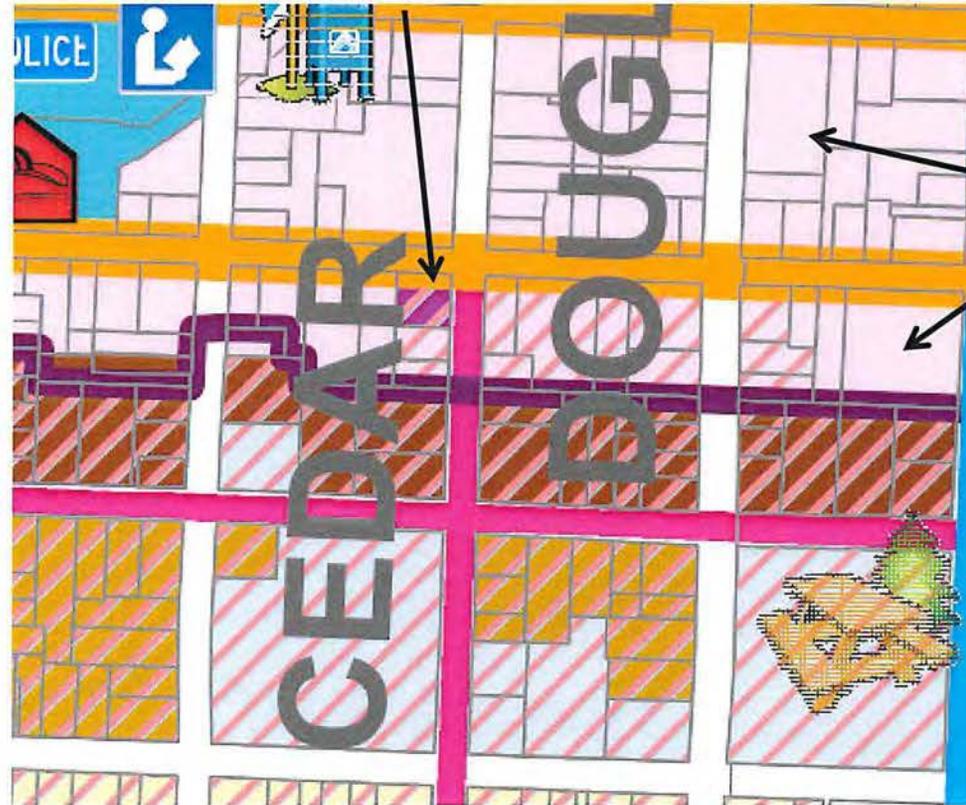
Aerial Photo of Site and Area



A place where families and businesses thrive.

Comprehensive Plan Map

SITE – Commercial
Neighborhood



Town Center
Transition

Cross-Hatching = Clark Historic District

A place where families and businesses thrive.

Zoning Map

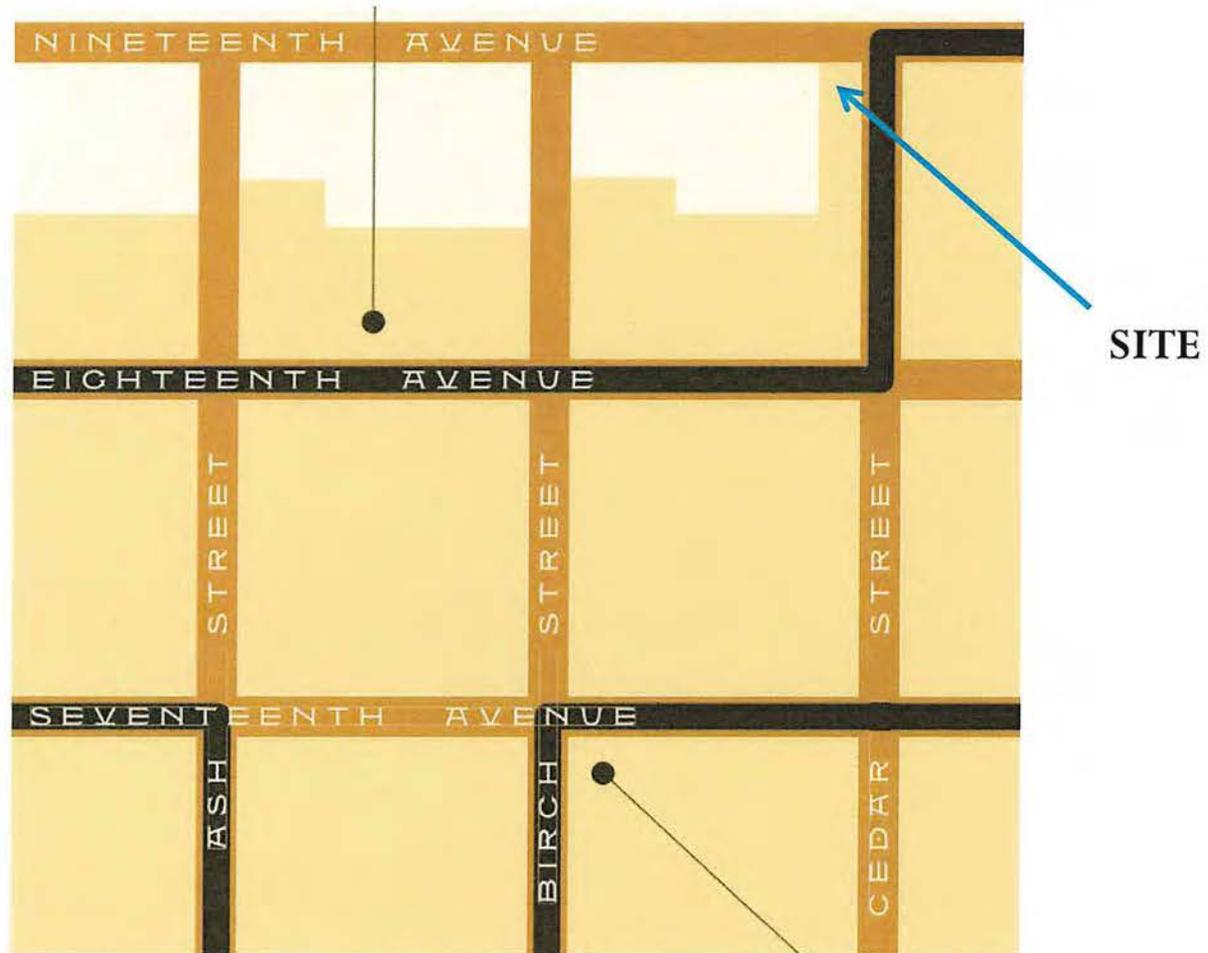
SITE – Commercial Neighborhood
Zoning District



A place where families and businesses thrive.

Clark Historic District

(Shaded Area)



A place where families and businesses thrive.



Summary and Recommendation

- The proposed Comprehensive Plan Map and Zoning Map amendments meet the requirements of the applicable decision considerations, standards and criteria.
- Therefore, staff recommends that the Planning Commission forward the application to the City Council with a positive recommendation.

EXHIBIT B

Correspondence

Consider Rejection Town Center Transition proposal - file# 311-19-000005-PLNG

My name is Joel White and I have lived at 1828 Cedar Street for the past twelve years, and neighbor to 1836 Cedar Street. I am unable to attend the hearing on Monday, June 3rd, 2019 at 7:00 PM, and am using this letter to voice my concerns.

TCT definition states that a mix of retail, office, light industrial and residential uses are allowed in the TCT zone.

If the owner is converting his lot into a garage for a construction business or similar business involving working on, moving and storing heavy (commercial) vehicles, I do not recommend the proposal concerning 1836 Cedar Street to re-designate this address to a Town Center Transition for the following reasons:

1. Noise pollution - revving of engines

This has been a problem in the past (I called Forest Grove police to deal with the matter during August, 2018) as the owner was revving engines on his commercial and recreational vehicles that surpassed acceptable decibel levels. One concern if the city allows the owner's lot to be re-designated as a Town Center Transition, then there will certainly be excessive noise from vehicles and heavy equipment.

Forest Grove noise code states that exhausts without a muffler and revving engines are not permissible:

Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine, or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.

Revvng engines. Operating a motor vehicle engine above idling speed off the public right-of-way so as to create excessive or unnecessary sounds that exceed(s) the maximum permissible sound levels set forth in § 91.034.

2. Physical pollution - carbon monoxide exhaust, oil and gas and/or hydraulic fluid waste causing smell and soil contamination

Since I am a neighbor to 1836 Cedar Street (also the townhouse/duplex units located at 2218 19th Ave - located behind the property), we will certainly be affected by excessive exhaust from commercial vehicles, possibly contamination of the soil from oil, gas and other waste. This would be a violation of our rights to simply enjoy our property free from these hazards.

3. Traffic and parking problems

There are two access points to 1836 Cedar Street, from 19th Ave and from Cedar Street. There is parking along 19th Ave although there is a bus stop at the corner of 19th/Cedar, which is an issue for people trying to walk along the sidewalk of 19th and possible endangerment as heavy vehicles are moving in/out of the owner's property

with more than the usual frequency. Another option is Cedar Street, but there is limited parking as only the west side of the street is available for legal parking. If customers were to need parking, or the owner needs extra parking for commercial or for his several recreational vehicles, there is no prevention in place for the owner to simply use the two or three blocks of available parking and create headaches for other residents who may want family and friends to visit. Additionally, my driveway (1828 Cedar Street) is adjoining to the 1836 Cedar Street driveway, and may pose as a problem with my access being blocked by illegal parking either in the street or simply a customer or employee using my driveway believing it belonged to 1836 Cedar Street.

4. No fence between properties - a fence may be a requirement for commercial use of the property

Currently there is a thirty feet opening between 1836 and 1828 Cedar Street backyards due to the owner recently demolishing a detached garage that acted as a barrier between our properties. He had also poured cement and began other work that covered most of his backyard area, what appears to be the foundation of a large structure. I had mailed my concern to Forest Grove planning on April 19th, 2009 and received a reply on the 24th and 25th.

James Reitz responded:

Joel, we are aware of the situation. A building permit has not been issued. The neighbor acknowledged (in writing) that he was proceeding at his own risk. There should be no further activity until/unless the proper permits are obtained. Please keep us informed if you observe any activity in the meantime.

The City does not require fencing at this scale; for subdivisions, apartment complexes, commercial or industrial projects, maybe, depending on each project's circumstances. But on individual single-family lots, no.

It does not appear that a demolition permit was issued. But the City also has no authority to prohibit demolition or attach conditions unrelated to the actual demolition. Meaning, it's not a land use decision, it is simply a building permit.

I am surprised to find that the owner of 1836 Cedar Street hasn't already been shut down by Forest Grove due to blatantly not acquiring the permits, and would hope that a fence or wall will be required between our properties at some point. Currently I am unable to enjoy the privacy in my backyard due to no fault of my own; and especially if 1836 Cedar Street is allowed to have commercial vehicles going in and out of the property, I will not have much peace and quiet. The townhouses/duplexes at 2218 19th Ave will also bear the brunt of activity from 1836 Cedar Street as there is a cyclone fence but no real sound protection between properties.

5. Poor character - owner has history of judgements against him

As previously mentioned, the owner acknowledged (in writing) that he was proceeding at his own risk without any permits, which means that he has little or no regard for following rules, and doesn't care about the consequences of his actions.

According to court records within the past several years, the owner at 1836 Cedar Street has two contempt charges and various small claims against both he and his wife Patricia Tretter aka Patricia Yvonne Madden:

Feb. 12, 2018 - Offense - Contempt of Court/Remedial - Case Number 18CN00672, Offense Code 33.055 - Destruction of motor vehicles or motor vehicle facilities

Jan. 22, 2016 - Offense - Contempt of Court/Remedial - Case Number 16CN03590, Offense Code 33.055 - Destruction of motor vehicles or motor vehicle facilities

Apr. 14, 2014 - Charges Filed - Small Claims Contract - Case Number C142745SC, Fines \$49,836

Sep. 30, 2013 - Charges Filed - Small Claims Contract - Case Number C135915SC, Fines \$35,858

There are more small claims judgements between the two of them that go back to Aug. 29, 2006, Jan. 29, 2007 and Nov. 26, 2008.

I list these charges to bring to light that the owner of 1836 Cedar Street (Joseph Glen Tretter aka Joey Tretter) is not a stand-out citizen (appears to have more issues with his wife as the two aforementioned contempt judgements were titled Patricia Yvonne Tretter vs Joseph Glen Tretter and Patricia Y Madden vs Joseph Glen Tretter) where I am deeply concerned that his business will fail, they will file bankruptcy (which they have previously filed Chapter 7 in 2005 and again in 2011) and then the lot will be sold off for pennies on the dollar, looking like a ridiculous home/warehouse/garage-looking hybrid structure, and possibly will lower my property value.

Please reject Town Center Transition proposal - file# 311-19-000005-PLNG and allow the residents to have some peace of mind without the Tretter nuisance.

Joel White
1828 Cedar Street
Forest Grove, OR



A place where families and businesses thrive.

**Planning Commission
Community Auditorium
1915 Main Street, Forest Grove, OR
Monday, June 3rd, 2019, 7:00 pm**

1. CALL TO ORDER:

Chair Tom Beck called the meeting to order at 7:00 p.m. Roll Call:

Planning Commission Present: Tom Beck, Chair; Phil Ruder, Vice Chair; Commissioners Lisa Nakajima, Ginny Sanderson, and Dale Smith.

Planning Commission Excused: Commissioners Sebastian Bannister Lawler and Hugo Rojas.

Staff Present: Bryan Pohl, Community Development Director; James Reitz, Senior Planner; Cassi Bergstrom, Planning Commission Coordinator

2. PUBLIC MEETING:

A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:

None.

B. PUBLIC HEARING:

(1.) File No. 311-19-000005-PLNG –Comprehensive Plan Map Amendment and Development Code Zoning Map Amendments to re-designate and rezone one parcel from Neighborhood Commercial to Town Center Transition

Chair Beck opened the quasi-judicial public hearing at 7:02 p.m., reading the hearing procedures, criteria, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. Commissioner Nakajima disclosed that the property owner frequents her business, and no challenges to her disclosure.

Chair Beck stated for the record that the Planning Commission considers issues of land use, not of personalities in response to a letter of correspondence that was received as part of the file. Mr. Reitz stated that the City Attorney was consulted regarding the correspondence, and the city was advised against redacting the correspondence due to it being part of the record.

James Reitz, Senior Planner, gave a summary of the location of the property and the fact this is a city-initiated application due to the spot-zoning of the parcel. Archived findings were looked at, and the city is not able to determine why the

property was zoned Neighborhood Commercial and the property surrounding zoned as Town Center Transition. The property is located within the Clark Historic District.

Staff recommends that the Planning Commission forward the application to rezone the one parcel from Neighborhood Commercial to Town Center Transition to City Council with a positive recommendation.

CORRESPONDENCE:

There were two letters of correspondence received: One letter in opposition and a letter in support from the property owner of the parcel being re-designated.

APPLICANT:

None.

PROPONENTS:

Joey Tretter, 1836 Cedar Street, Forest Grove, OR 97116:

Mr. Joey Tretter explained to the Commissioners that he bought the house in 2008, and was not aware of the zoning change. He is currently trying to build a garage on his property and has been stopped by the city. Mr. Tretter stated that he had no idea he would have to deal with this process.

Rex Brown, 1804 Cedar Street, Forest Grove, OR 97116:

Mr. Rex Brown came forward, and told the Commissioners that he has two properties located nearby the parcel being re-zoned tonight. Mr. Brown has no problem with the garage being proposed by Mr. Tretter, but is concerned about his garages being not in compliance if a fire or something happened to the garages that are on the property line.

Mr. Reitz explained that Mr. Brown's property is located within a different zoning district of Residential Multifamily High, and the garages would be required to have a setback of 5 feet from the foundation to the property line. Staff can make an adjustment of 4 feet depending on the need.

OPPONENTS:

None.

OTHER:

None.

REBUTTAL:

None.

Chair Beck closed the public hearing at 7:16 p.m.

COMMISSIONER DISCUSSION:

Commissioner Nakajima agreed with staff recommendation, and the application is straight forward.

Vice Chair Ruder moved to make a positive recommendation to City Council to approve file No. 311-19-000005-PLNG –Comprehensive Plan Map and Zoning Map Amendments to re-designate and rezone one parcel from Neighborhood Commercial to Town Center Transition. Commissioner Nakajima seconded the motion.

Roll Call Vote on Motion: AYES: Chair Beck; Vice Chair Ruder; Commissioners Nakajima, Sanderson, and Smith. NOES: None. ABSENT: Commissioners Bannister Lawler and Rojas. MOTION CARRIED 5-0.

Mr. Tretter inquired when he could begin work on his garage, and Chair Beck stated that the motion will need to go forward to City Council for two hearings prior to being approved for final re-designation. The Planning Commission does not have the power to issue a building permit.

C. ACTION ITEMS:

None.

D. WORK SESSION ITEMS:

None.

3. BUSINESS MEETING:

A. APPROVAL OF MINUTES:

Commissioner Smith moved to approve the minutes of the May 6th, 2019 meeting. Commissioner Sanderson seconded. Motion passed 5-0.

B. REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:

None.

C. DIRECTOR'S REPORT:

Mr. Bryan Pohl gave the update, stating there will be some discussion with City Council regarding sheltering issues.

The Dollar General site plan and design review will come to the Planning Commission on June 17th, and this has been a controversial topic so Mr. Pohl reminded the Commissioners to respect the ex parte contact rules.

House Bill 2001 was referred to the Ways and Means Committee, and will trigger legislative process for the city in order to become compliant. It is also known as the "Missing Middle Housing" bill, densifying the single family zoning districts within

certain cities determined by population. More information will be available in the next coming months.

Mr. Pohl gave an update on the Town Center parking study, conducted by Lancaster Engineering. The study has been pushed to August in order to get the most optimal data as that will be peak demand for the university.

D. ANNOUNCEMENT OF NEXT MEETING:

The next meeting is scheduled for June 17th, 2019.

E. ADJOURNMENT:

The meeting was adjourned at 7:31 p.m.

Respectfully submitted by:

Cassi Bergstrom
Planning Commission Coordinator

DRAFT

JUN 24 2019

Consider the Rejection of Town Center Transition proposal - file# 311-19-000005-PLNG
Revisited

City of Forest Grove

My name is Joel White and I am responding to a letter I received today, June 21st, 2019 concerning proposal file# 311-19-000005-PLNG. I am unable to attend the hearing on Monday, June 24th, 2019 at 7:00 PM, and am using this letter to voice my concerns once again.

First, I do not appreciate city council only giving me two business days warning before the hearing. This doesn't give me much time to reply in writing when I had about two weeks of warning before the hearing on June 3rd, 2019.

Second, I understand better the proposal that for some reason 1836 Cedar Street plot is a Neighborhood Commercial zone and the owner is asking for it to be converted to Town Center Transition to match the other plots in the nearby area.

Third, my concerns remain the same as before but amending my fifth point from the previous letter to discuss my concern of a negative property value. And if my previous letter is being discounted for this 'updated hearing', then I need this letter to be counted as a matter of record for legal purposes. I will also be emailing this letter to the City Planner prior to this hearing on June 24th, 2019 in case the physical letter is delayed.

I haven't received any clarification in writing, nor have been promised in writing that the property won't be used for commercial-type vehicles and used to perform maintenance that will surpass what is reasonable for noise and physical pollution. If a TCT is allowed, then there doesn't appear to be any rule preventing the use of commercial vehicles in the near future on this land that I will most certainly be an affected party. I do not recommend the proposal concerning 1836 Cedar Street to re-designate this address to a Town Center Transition for the following reasons:

1. Noise pollution - revving of engines (as noted from the previous letter)

This has been a problem in the past (I called Forest Grove police to deal with the matter during August, 2018) as the owner was revving engines on his commercial and recreational vehicles that surpassed acceptable decibel levels. One concern if the city allows the owner's lot to be re-designated as a Town Center Transition, then there will certainly be excessive noise from vehicles and heavy equipment.

Forest Grove noise code states that exhausts without a muffler and revving engines are not permissible:

Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine, or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.

Revving engines. Operating a motor vehicle engine above idling speed off the public right-of-way so as to create excessive or unnecessary sounds that exceed(s) the maximum permissible sound levels set forth in § 91.034.

2. Physical pollution - carbon monoxide exhaust, oil and gas and/or hydraulic fluid waste causing smell and soil contamination (as noted from the previous letter)

Since I am a neighbor to 1836 Cedar Street (also the townhouse/duplex units located at 2218 19th Ave - located behind the property), we will certainly be affected by excessive exhaust from commercial and recreational vehicles, possibly contamination of the soil from oil, gas and other waste. This would be a violation of our rights to simply enjoy our property free from these hazards.

3. Traffic and parking problems (as noted from the previous letter)

There are two access points to 1836 Cedar Street, from 19th Ave and from Cedar Street. There is parking along 19th Ave although there is a bus stop at the corner of 19th/Cedar, which is an issue for people trying to walk along the sidewalk of 19th and possible endangerment as heavy vehicles are moving in/out of the owner's property with more than the usual frequency. Another option is Cedar Street, but there is limited parking as only the west side of the street is available for legal parking. If the owner needs extra parking for commercial or for his several recreational vehicles, there is no prevention in place for the owner to simply use the two or three blocks of available parking and create headaches for other residents who may want family and friends to visit.

4. No fence between properties - a fence may be a requirement for commercial use of the property (as noted from the previous letter)

Currently there is a thirty feet opening between 1836 and 1828 Cedar Street backyards due to the owner recently demolishing a detached garage that acted as a barrier between our properties. He had also poured cement and began other work that covered most of his backyard area, what appears to be the foundation of a large structure. I had mailed my concern to Forest Grove planning on April 19th, 2019 and received a reply on the 24th and 25th.

James Reitz responded:

Joel, we are aware of the situation. A building permit has not been issued. The neighbor acknowledged (in writing) that he was proceeding at his own risk. There should be no further activity until/unless the proper permits are obtained. Please keep us informed if you observe any activity in the meantime.

The City does not require fencing at this scale; for subdivisions, apartment complexes, commercial or industrial projects, maybe, depending on each project's circumstances. But on individual single-family lots, no.

It does not appear that a demolition permit was issued. But the City also has no authority to prohibit demolition or attach conditions unrelated to the actual demolition. Meaning, it's not a land use decision, it is simply a building permit.

I am surprised to find that the owner of 1836 Cedar Street hasn't already been shut down by Forest Grove due to blatantly not acquiring the permits, and would hope that a fence or wall will be required between our properties at some point. Currently I am unable to enjoy the privacy in my backyard due to no fault of my own; and especially if 1836 Cedar Street is allowed to have commercial vehicles going in and out of the property, I will not have much peace and quiet. The townhouses/duplexes at 2218 19th Ave will also bear the brunt of activity from 1836 Cedar Street as there is a cyclone fence but no real sound protection between properties.

5. Negative property value

I still have concern that if the structure is built, which according to the owner will be a garage, but basically a warehouse-type building as it will easily be able to store more than two vehicles at a time, that it will negatively affect my property value. The negative value will be due to less appeal. In late 2006, when I was initially looking for a residence to purchase and if the present owner of 1836 Cedar Street had been an occupant with his multiple recreational vehicles, and especially if I could hear the sounds of compressed air and power tools and revving of engines inside of a nearby garage-structure on his property, I would've passed on considering purchasing not only 1828 Cedar Street, but any other residence that was nearby. For this reason, I believe that most people will pass on purchasing my property at 1828 Cedar Street if 1836 Cedar Street is allowed to proceed.

Please reject Town Center Transition proposal - file# 311-19-000005-PLNG.

Joel White
1828 Cedar Street
Forest Grove, OR

Date: **JUNE 24, 2019**

Agenda Item: **8. A. & 8. B.**

Subject: **8. A. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-07 AMENDING THE COMPREHENSIVE PLAN MAP TO RE-DESIGNATE ONE PARCEL FROM NEIGHBORHOOD COMMERCIAL (CN) TO TOWN CENTER TRANSITION (TCT);**
8. B. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2019-08 AMENDING THE ZONING MAP TO RE-DESIGNATE ONE PARCEL FROM NEIGHBORHOOD COMMERCIAL (CN) TO TOWN CENTER TRANSITION (TCT); WASHINGTON COUNTY TAX LOT 1S306BA09600; LOCATED AT 1836 CEDAR STREET, PROPERTY OWNER: JOSEPH TRETTER; FILE NO. 311-19-000005-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:

Joseph Tretter

Address:

*1836 Cedar St
Forest Grove OR 97116*

City, State & Zip Code:

OPPONENTS: (Please print legibly)

First & Last Name:

Joel White

Address:

1828 Cedar

City, State & Zip Code:

OTHERS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:



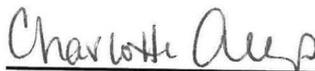
6605 SE Lake Road, Portland, OR 97222
PO Box 22109 Portland, OR 97269-2169
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

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, serving 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
FOREST GROVE CITY COUNCIL
File Number:
311-19-000005-PLNG
Ad#: 116330**

A copy of which is hereto annexed, was published in the entire issue of said newspaper(s) for 1 week(s) in the following issue(s):
06/19/2019


Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this 06/19/2019.


NOTARY PUBLIC FOR OREGON

Acct #: 104052
Attn: Anna Ruggles
FOREST GROVE, CITY OF
PO BOX 326
FOREST GROVE, OR 97116



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

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, June 24, 2019**, at **7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, to review the following:

- Proposal:** Comprehensive Plan Map Amendment and Development Code Zoning Map Amendment to re-designate one parcel from Neighborhood Commercial to Town Center Transition
- Location:** 1836 Cedar Street
Washington County tax lot 1S306BA09600
- Owner:** Joseph Tretter
- File Number:** 311-19-000005-PLNG
- Criteria:** The City Council will consider the proposal and make a decision based on the following considerations, standards and criteria:

Comprehensive Plan Map Amendment:

Consistency with the applicable Comprehensive Plan policies; Metro Regional Framework Plan, Metro Urban Growth Management Functional Plan; and Oregon Statewide Land Use Planning Goals.

Development Code Zoning Map Amendment Criteria:

- A. The zone change is consistent with the Comprehensive Plan Map.
- B. The zone change is consistent with relevant goals and policies of the Comprehensive Plan.
- C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity.
- D. The zone change is consistent with the adopted Transportation System Plan.
- E. Public facilities and services for water supply, sanitary waste disposal, storm water disposal, and police and fire protection are capable of supporting the uses allowed by the zone.
- F. The establishment of a zone district is not subject to the meeting of conditions.

At this time and place, all persons will be given reasonable opportunity to give testimony about the proposal. If an issue is not raised in the hearing (by person or by letter) or if the issue is not explained in sufficient detail to allow the City Council to respond to the issue, then that issue cannot be used for an appeal to the Land Use Board of Appeals. Information pertaining to this request may be obtained from Senior Planner James Reitz at (503) 992-3233 or e-mail jreitz@forestgrove-or.gov. A copy of the staff report is available seven days prior to the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing or sent prior to the hearing to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, aruggles@forestgrove-or.gov.

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove
Publish June 19, 2019

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