



*A place where families and businesses thrive.*

**Planning Commission  
Community Auditorium  
1915 Main Street, Forest Grove, OR  
Tuesday, January 22<sup>nd</sup>, 2019, 7:00 pm**

**1. CALL TO ORDER:**

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

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

**Planning Commission Excused:** Ginny Sanderson.

**Staff Present:** Community Development Director Bryan Pohl; Chris Crean, City Attorney; Cassi Bergstrom, Planning Commission Coordinator.

**2. PUBLIC MEETING:**

**A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:**

None.

**B. PUBLIC HEARING:**

**(1.) File No. 311-18-000036-PLNG –Appeal of the Community Development Department’s denial of site plan approval for a 16-unit manufactured home park expansion.**

Chair Beck opened the public hearing at 7:04 p.m., reading the hearing procedures, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. Commissioner Nakajima disclosed that she is owner of the nearby Ace Hardware and does a lot of business with Rose Grove tenants. There were no challenges of the disclosure.

Bryan Pohl, Community Development Director, gave the staff report. Mr. Pohl stated the purpose of the meeting, giving the definitions of manufactured dwelling parks and household living as defined in the Development Code. Household living is allowed on a limited basis within the Community Commercial (CC) zone, which is where this property is located. The appellant argues that the household living applies to manufactured homes, and city staff disagrees. The city intended household living to be limited to a group who are in need care/supervision. The appellant also argues that this is not a Director’s Interpretation, and staff sees this as a staff initiated interpretation process. When terms are ambiguous, the more restrictive stance applies.

**CORRESPONDENCE:**

A letter was received from Doherty Ford in support of the Rose Grove expansion. A letter was also received from Garrett Stephenson with Schwabe Williamson & Wyatt after the packet was put together for the meeting.

**APPLICANT (APPELLANT):**

**Heather Austin, 3J Consulting, 5075 SW Griffith Dr, Beaverton, OR 97005:**  
**Garrett Stephenson, Legal Counsel, 1211 SW 5<sup>th</sup> Ave, Ste 1900, Portland, OR 97204:**

**Amber Lewis, Park Manager, 3839 Pacific Ave #225, Forest Grove, OR 97116:**  
Garrett Stephenson, legal counsel for Rose Grove, came to the front and stated that city staff initiated the Director's Interpretation process. An appeal to the director's interpretation is not correct; the process itself is actually an appeal. Mr. Stephenson gave the background on Rose Grove, stating it provides the largest affordable housing within the city. The proposed project of 16 manufactured dwellings meets the density requirement within the CC zone. A letter from Doherty Ford was received in support for the project. Mr. Stephenson disagrees with staff on the interpretation given.

Heather Austin stated to Commissioners the number of manufactured homes located on the park, and between 16-29 units can be located on a one acre parcel. The submittal to the city included the narrative, landscaping, storm water plan, site plan, etc. The internal street will connect to an existing street within the park, with access off the highway only limited to emergency vehicles.

Chair Beck inquired about the size and rental price.

Amber Lewis stated the average new manufactured dwelling sells for \$60,000; manufactured dwellings can be a 3 bedroom, 2 bathroom unit. Rose Grove rents the lot for \$600 a month, not including utilities.

Vice Chair Ruder confirmed the homeowner rents the lot, but owns the manufactured dwelling.

Chair Beck asked who the target audience is for the manufactured homes, and Ms. Lewis stated that families are the tenants.

Commissioner Nakajima confirmed the drive between Best Western and Rose Grove is emergency access only.

Mr. Stephenson stated that traffic would not be going in and out of a new access point, it would be for emergency vehicles only. Mr. Stephenson went on to summarize his letters written to the Commission from January 11<sup>th</sup> and January 18<sup>th</sup>. A presentation was given to show where in the Development Code the appellant believes that the code clearly allows manufactured dwellings within the

CC zone, stating the definition of Household Living includes manufactured homes and families as defined.

Chair Beck pointed out that the further definition of Household Living does not include single families, which is not allowed within the CC zone. Mr. Stephenson argued that there is nothing in the definition of Household Living that excludes single family. Group living is separately defined as a managed care facility. Mr. Stephenson stated the zoning code allows Household Living as a limited use. Ms. Austin stated household living includes residential units as stand-alone use.

Mr. Stephenson went on to state that the Commission's job is to interpret the language as it is defined within the Development Code. The definition of Household Living clearly allows stand-alone living residential units. The Community Commercial/Mixed zone table does not regulate housing types within the code, and showed the table proving the unregulated zone. Staff states that the definition is not approval criteria, but Mr. Stephenson says case law from LUBA proves the definition is relevant.

Mr. Stephenson went on to say that this is not a Director's Interpretation process, and argued that the code should be read as it reads in which the Household Living definition includes manufactured dwellings. Staff's analysis of the code is more complex.

Commissioner Lawler asked if the proposal meets the minimum density requirement. Ms. Austin stated the site is 0.98 acres, so it would meet the minimum density.

**PROPOSERS:**

**Sarah Goss, 3831 Pacific Ave, B-23, Forest Grove, OR 97116:**

Ms. Sarah Goss stated that they should be able to build on that property, it is a safe and secure mobile home park. A stop light should be installed in order to cross Pacific Avenue safely.

**Jared Clough, 3839 Pacific Ave #202, Forest Grove, OR 97116:**

Mr. Jared Clough stated that he has been a resident in Rose Grove for close to ten years, and it is a great place to live. It gives him the opportunity to be a homeowner, and the manager cares about the tenants.

**OPPONENTS:**

None.

**OTHER:**

**Shalini Patel, General Manager for Best Western University Inn, 3933 Pacific Ave, Forest Grove, OR 97116:**

Ms. Shalini Patel came to the front and stated her concern for the traffic between the park and the Best Western.

Chris Crean, City Attorney, asked the Commission what the city actually intended the definition of Household Living to be, arguing a single provision is not read in isolation but read in context. If the appellant was correct in his argument, residential living would be allowed in the CC zones. Mr. Crean went on to explain to the Commissioners the tables and what is meant by the definitions and zoning code requirements in reading the Development Code as a whole. The City Council did not intend to bring in all residential zoning within the Community Commercial zone. Assisted care facilities were intended to be the Household Living definition within the CC zone.

Vice Chair Ruder brought the point up that the CC zone does not have a list of allowed/not allowed types which leaves the Commission looking for meaning. Section 10.5.300 is very clear regarding location of Manufactured Dwelling Parks.

Mr. Crean stated there is no perfect code provision, and this scenario was probably not thought of.

Chair Beck inquired about the definition of Household Living falling within the Commercial zone. Mr. Crean explained that the definition is used universally, but within the code it gets more specific when read as a whole.

**REBUTTAL:**

Mr. Stephenson rebutted that the City Council was probably not looking at this issue at all, which leaves the applicant to interpret the language of the code. There is no guidance within the code as to what housing is allowed within the CC zone, and which are not.

Vice Chair Ruder brought up the code section 10.5.300 regarding Manufactured Dwelling Parks and that clearly states the zones allowed.

Mr. Stephenson stated there is no direction to reference that section of the code, making it difficult to find a clear link between the codes because of the lack of cross-referencing.

Chair Beck questioned why the appellant would not have to look up the manufactured dwelling park code section. Ms. Austin stated there are design standards for the commercial zone, and a stand-alone residential standard is permitted but it has to meet the design standards for that zoning.

Mr. Stephenson referenced the Special Provisions section within Article 5 as an example of how the standards are supposed to be applied.

Chair Beck closed the public hearing at 8:18 p.m.

**COMMISSIONER DISCUSSION:**

Chair Beck opened up the floor for discussion.

Commissioner Nakajima respects the city attorney's information, and read the CC zone definition. The definition mentions residential uses within the transit corridor, stating that this is not a new park but an expansion.

Commissioner Lawler agreed, and does not see any "red flags". The lot meets the density requirement and appreciated the letter from Doherty Ford; this project will bring more affordable housing to the community.

Commissioner Rojas agreed and believes the affordable housing need is important to address.

Vice Chair Ruder agrees that Rose Grove is an excellent operation, but does not see the ambiguity in the code interpretation. The expansion needs to meet the Manufactured Dwelling Park regulations within the Development Code.

Mr. Crean stated that a manufactured dwelling park is a different use than a single manufactured dwelling on a lot. Manufactured dwelling parks are not used in household living.

Chair Beck stated the affordable housing argument is not relevant as the Commission is here to interpret the code. The section of CC zoning code needs work to be clarified in the future.

**Vice Chair Phil Ruder moved a motion to uphold file number 311-18-000036-PLNG – Community Development Department's denial of site plan approval for a 16-unit manufactured home park expansion at Rose Grove. Commissioner Dale Smith seconded the motion.**

**Roll Call Vote: AYES: Chair Beck, Vice Chair Ruder, and Commissioner Smith  
NOES: Commissioners Nakajima, Lawler, and Rojas. ABSENT: Commissioner Sanderson. MOTION FAILED 3-3.**

**2.3 ACTION ITEMS:**

None.

**2.4 WORK SESSION ITEMS:**

None.

**3.0 BUSINESS MEETING:**

**3.1 APPROVAL OF MINUTES:**

Commissioner Lawler moved a motion to approve the minutes of the December 3<sup>rd</sup>, 2018 meeting. Commissioner Smith seconded. Motion passed 6-0.

**3.2 ELECTION OF CHAIR AND VICE CHAIR:**

Commissioner Nakajima nominated current Chair Tom Beck to continue serving as Chair for the Planning Commission. Vice Chair Ruder seconded. All in favor.

Commissioner Nakajima nominated current Vice Chair Phil Ruder to continue serving as Vice Chair for the Planning Commission. Commissioner Smith seconded. All in favor.

**3.3 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:**

None.

**3.4 DIRECTOR'S REPORT:**

Mr. Pohl stated that a 9-unit apartment complex will be coming forward to the Planning Commission for site plan approval and design review.

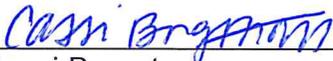
**3.5 ANNOUNCEMENT OF NEXT MEETING:**

The next meeting will be held February 4<sup>th</sup>, 2019.

**3.6 ADJOURNMENT:**

The meeting was adjourned at 8:33 p.m.

Respectfully submitted by:



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Cassi Bergstrom  
Planning Commission Coordinator