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**Planning Commission  
Community Auditorium  
1915 Main Street, Forest Grove, OR  
Monday, May 6<sup>th</sup>, 2019, 7:00 pm**

**1. CALL TO ORDER:**

Vice Chair Phil Ruder called the meeting to order at 7:00 p.m. Roll Call:

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

**Planning Commission Excused:** Chair Tom Beck

**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:**

**Joey Tretter, 1836 Cedar St, Forest Grove, OR 97116:**

Mr. Joey Tretter explained to the Commission that he came to the meeting because he was under the impression that his property was on the agenda for a zoning amendment. Mr. Tretter has been trying to get a building permit, and because of the current zoning of his property being neighborhood commercial he cannot. Allowing the property to be zoned as Town Center Transition (TCT) will allow for zero setbacks for the proposed shop.

Mr. Pohl updated the Commission as to the status of the re-zoning application, and the fact there is no paper trail as to why the property was zoned neighborhood commercial as the properties in surrounding area are zoned TCT.

Mr. Tretter explained to the Commission that he came to the City of Forest Grove in September and has not made any progress with building his shop. Mr. Pohl stated the city has allowed Mr. Tretter to pour a foundation at his own risk, pending the allowance of the re-zoning. The city has initiated the re-zoning paperwork without a fee, and there is a procedure that takes time in re-zoning the property. Mr. Pohl went over the timeline with Commissioners, explaining that the Planning Commission will make a recommendation to City Council for final approval. A permit cannot be issued prior to the completion of the re-zoning process.

Mr. Tretter believes the re-zoning of his property initially was done by mistake, and it should have been applied to another property. Mr. Pohl stated that the city has been

in contact with the City Attorney and the application has been initiated but cannot be guaranteed, making it a tough situation.

Vice Chair Ruder recommended that City Staff get this process going as quickly as possible.

**B. PUBLIC HEARING:**

**(1.) File No. 311-19-000002-PLNG –Legislative amendments to the Forest Grove Development Code**

Vice Chair Phil Ruder opened the legislative public hearing at 7:07 p.m., and called for the staff report.

James Reitz, Senior Planner, gave a summary of the amendments being proposed for the Development Code individually with Commissioners discussing each one in between.

Domesticated Fowl amendment:

Mr. Reitz explained to the Commissioners the amendments made, including moving the domesticated fowl code into the animal code located within the City of Forest Grove Code Book as well as lowering the domesticated fowl age to three (3) months old due to meat birds maturing earlier than laying hens. Current code allows for four adult fowl over six months of age, and the proposed change would lower the age to three months. Commissioners discussed if an age limit of three months is enforceable or if the age should be taken out entirely and limit all fowl, no matter the age. Commissioners agreed with lowering the age to three months for the amendments to the proposal.

Housing Types in Commercial and Mixed Use Zones amendment:

Commissioners re-reviewed the table, brought to them at the February 4<sup>th</sup> meeting as well, and were in agreeance with the amendments.

Recreational Vehicle (RV) Parks amendment:

Mr. Reitz explained the amendment, as the city is required to change the code in order to comply with an Oregon State Statute (ORS 197.493 *Placement and Occupancy of Recreation Vehicles*). The amendment no longer stipulates how long an RV can be occupied as a residential dwelling as long as conditions are met.

Accessory Dwelling Unit (ADU) amendment:

Two letters of correspondence were received from the Fair Housing Council as well as the Home Builders Association in support of the ADU amendments, as well as recommendations the City Council can make decisions upon.

Mr. Reitz informed the Commission that the amendment is required to comply with Oregon State Statues (ORS 197.303). The amendments eliminate owner

occupancy requirement, allow an entire floor in an existing home to be developed as an ADU even if it exceeds square footage limitations, and eliminates both the off-street parking and appearance requirements. Optional amendments would allow manufactured homes as ADUs (except in historic districts) and would prohibit the use of converted shipping containers.

Vice Chair Ruder commented that some of the shipping container ADUs can be aesthetically pleasing and better than the stick built ADUs. Mr. Reitz reminded the Commission that city staff cannot regulate appearance of building in any zone other than the historic district. An ADU still has to follow building code.

Two letters of correspondence were received from the Fair Housing Council as well as the Home Builders Association in support of the ADU amendments, as well as recommendations the City Council can make decisions upon.

Commissioners discussed the change in floor area. Under current code, 720 square feet is maximum ADU area. The new code allows greater than that if an entire floor is converted within a dwelling.

Commissioners agreed with the amendment to the code.

Bed and Breakfast Inns amendment:

Mr. Reitz gave a summary of the proposed amendment regarding Bed & Breakfast Inns as well as Airbnb's located within City of Forest Grove. Airbnb's are using homes for recreational housing, and the current limit is 3 bedrooms with the current Development Code. The recommendation is to increase the limit to 5 bedrooms and make it a Type I process in the single-family, RML, and NC zoning districts. Currently there is a 27 room limit within the RMH zone, and staff recommends reducing the limit to 10 rooms and making it a Type II application instead of the current Type I application process. Off-street parking requirements are also recommended being reduced from 1 per guest room to 1 per 2 guest rooms.

Mr. Reitz gave an example of a house within Forest Grove that would meet the 10-bedroom limit, but not many properties within Forest Grove can meet that limitation. Commissioners agreed with staff's recommendation.

Commissioner Bannister-Lawler inquired if the 10 bedroom limit would limit the largest home Forest Grove has regarding the Bed & Breakfast amendment. Commissioner Sanderson suggested the extra room could be turned in to common property.

**Scott Kistler, 2325 A Street, Forest Grove, OR 97116:**

Mr. Scott Kistler came forward and expressed concerns about how big the Bed & Breakfast Inns could be. The limitations set are required to not have a neighbor having a "commercial" property next door in a residential area.

Vice Chair Ruder clarified the application would still need to go through a Type II process with the amendment proposed. The Commission is a recommending body to the City Council, and suggested Mr. Kistler raises his concern at the future meeting.

Commissioner Sanderson explained it is a whole new world with the Airbnb's, with property owners expressing their rights to do with their property what they would benefit from.

Mr. Kistler believes this disruption has a negative effect on the neighborhood. Mr. Pohl gave an example of Airbnb's on the coastal community where he was Community Development Director, and the regulations the county needed to impose in order to protect the neighborhood. City staff has done some research and have located eleven Airbnb's within Forest Grove, but if the Airbnb's increase it is a valid concern that needs a code in order to enforce.

Commissioner Sanderson inquired if the city is collecting hotel taxes from the Airbnb's, and Mr. Pohl stated it has not happened yet.

Commissioner Nakajima commented that parking requirements should never be reduced. Commissioner Sanderson stated the Airbnb parking spots are rarely used, and she agrees with the proposed reduction.

Residential Density Incentives amendments:

The new residential density incentives would be added to the Development Code as an alternative to LEED certification, with the applicant needing to justify for the number of points to be awarded as little direction was given to quantify the options listed.

Sign Code amendments:

Mr. Reitz gave a summary of the sign code history and amendments. Off-premise signs need to be extracted completely because it cannot regulated based on First Amendment rights. New temporary signage has emerged: feather signs and air-blown devices. The city has no code regarding these signs whatsoever, and the feather signs have become prolific throughout the city. The signs need to be defined and stipulated as to where and how many one can have on a property (not per business).

Resident Scott Kistler inquired if this kind of signage would be allowed in a neighboring backyard, and Commissioners clarified that these signs are not allowed within residential zones.

Commissioners discussed the signs, and did not have a strong opinion regarding how many one can have on the property for the temporary signage. Commissioners suggested staff reach out to the Chamber of Commerce for a recommendation.

Staff will leave the amendment as is and reach out to the Chamber of Commerce for any input.

**CORRESPONDENCE:**

Two letters of correspondence were received from the Fair Housing Council as well as the Home Builders Association in support of the ADU amendments

**PROPONENTS:**

None.

**OPPONENTS:**

**OTHER:**

None.

**Commissioner Sanderson moved a motion to amend the domesticated fowl age limitation from 6 months to 3 months. Commissioner Bannister-Lawler seconded the motion.**

**Roll Call Vote on Amendment: AYES: Vice Chair Ruder; Commissioners Nakajima, Sanderson, Bannister-Lawler, Rojas, and Smith. NOES: None. ABSENT: Chair Beck. MOTION CARRIED 6-0.**

**Commissioner Bannister-Lawler moved a motion to recommend file number 311-19-00002-PLNG as amended to the Forest Grove City Council. Commissioner Smith seconded the motion.**

**Roll Call Vote: AYES: Vice Chair Ruder; Commissioners Nakajima, Rojas, Sanderson, Bannister-Lawler and Smith. NOES: None. ABSENT: Chair Beck. MOTION CARRIED 6-0.**

**C. ACTION ITEMS:**

None.

**D. WORK SESSION ITEMS:**

None.

**3. BUSINESS MEETING:**

**A. APPROVAL OF MINUTES:**

Commissioner Sanderson moved to approve the minutes of the April 15<sup>th</sup>, 2019 meeting. Commissioner Bannister-Lawler seconded the motion. Motion passed 6-0.

**B. REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:**

None.

**C. DIRECTOR'S REPORT:**

Mr. Reitz informed the Commission that the Kingwood Street zone change will go forward to City Council Monday, May 13<sup>th</sup>, 2019.

Mr. Reitz let the Commission know that the Dollar General store has submitted a land use application in for review located at Thatcher Road and Gales Creek Road.

Mr. Pohl gave an update on the URA, stating it will be a big night at the Council meeting this coming Monday night. A proposal is being brought forward for the Public Arts Commission for a funding of about \$20,000 a year for the next 5 years to bring art to the town center.

Rose Grove was approved for its 16 unit expansion, and the findings will go forward to City Council for final approval Monday.

**D. ANNOUNCEMENT OF NEXT MEETING:**

The next meeting is tentatively scheduled for June 3<sup>rd</sup>, 2019.

**E. ADJOURNMENT:**

The meeting was adjourned at 8:21 p.m.

Respectfully submitted by:

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Cassi Bergstrom  
Planning Commission Coordinator