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**Planning Commission
Community Auditorium
1915 Main Street, Forest Grove, OR
Monday, November 18th, 2019, 7:00 pm**

1. CALL TO ORDER:

Chair Tom Beck called the Work Session to order at 6:15 p.m. Roll Call:

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

Planning Commission Excused: None.

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

2. WORK SESSION ITEMS:

A. NEIGHBORHOOD MIXED USE ZONE DISCUSSION:

Community Development Director Bryan Pohl gave a Power Point presentation giving the background on the Neighborhood Mixed Use (NMU) zones and where they were located, along with the history of the Gales Creek NMU zone and City Council’s denial of the most recent application. The NMU zone was created in 2014 as part of the Comprehensive Plan implementation funded by the Transportation and Growth Management (TGM) Grant. The NMU zone is intended to be a commercial designation located near residential areas to serve pedestrian and bicycle traffic within the ‘Village Center’ design.

Mr. Pohl went on to say that the Development Code does not have a definition for the ‘Village Center’ concept, which allows for flexibility with developers but can pose a problem when reviewing an application for a single property within the NMU zone.

There are four properties within Forest Grove zoned NMU: David Hill (West) at 29 acres with six parcels; Gales Creek at 6.7 acres with multiple parcels and a bisecting street proposal; David Hill (East) at 26 acres and two parcels; and Davidson property at 25 acres with two parcels.

A meeting with City Council held on September 23rd, 2019. Mr. Pohl summarized where Councilors said they wanted the Commissioners to consider for these Development Code revisions: Make no code changes; Amend to define Village Center; Change all NMU zones to an alternative zone; or amend the zone definition

to consider viable parcels that could be built out as NMU zones when designating the zoning.

A letter from a property owner located within the NMU zone at Gales Creek was emailed to Commissioners prior to the work session.

COMMISSIONER DISCUSSION:

Chair Beck opened to floor for discussion; Mr. Pohl and Mr. Riordan responded to various Commissioner questions and scenarios pertaining to the four areas currently zoned NMU. Commissioner Nakajima suggested the NMU zone be more precisely defined to only allow acreage no less than 10 acres to construct a 'Village Center', which would exclude the Gales Creek property as it is only a 6.7 acre site.

Discussion was held regarding the definition of 'Village Center', but Commissioners hesitated to strictly define it due to the fact it will limit what a developer can construct within the NMU zone. Commissioners agreed the 'Village Center' should encompass a minimum 10 acres of site area with multiple, smaller commercial opportunities oriented towards a single developer. Commissioners agreed that the Gales Creek site will need to be rezoned to a designation that works better for that area, and the 'Village Center' will need to encompass both commercial and residential with the definition to be more clearly defined yet not restricting. Chair Beck would like some more direction from Council on what the Planning Commission's next step should be.

Commissioners took no formal action nor made any formal decisions during the work session. The work session was adjourned at 6:55 p.m.

3. PUBLIC HEARING:

A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:

None.

B. PUBLIC HEARING:

(1.) File No. 311-19-000026-PLNG – Adjustment of 20% to the rear yard setback within the Gales Creek Terrace Planned Residential Development for decks more than three feet above ground level

Chair Beck opened the quasi-judicial public hearing at 7:05 p.m., reading the hearing procedures, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. There were none, and no challenges from the public. He called for the staff report.

Dan Riordan, Long Range Planner, gave the staff report. Mr. Riordan stated that adjustments are not typically brought to the Planning Commission, but since this is a twenty percent adjustment for multiple lots within the Gales Creek Terrace

Planned Development. The Community Development Director determined that it needed to be elevated to a Type III application submittal since the project has been controversial and the building setbacks were established as part of the original project approval. The adjustment is an encroachment into the rear yard affecting 95 lots within Gales Creek Terrace. The decks will encroach 2 feet 4 inches to 3 feet from the second level of the home to allow for more livability space off the rear portion of the houses. Mr. Riordan showed the lots affected and the deck placement on the Power Point slides, stating the privacy impacts of the adjustment would be minor. Staff recommended approval of the twenty percent adjustment as it meets the adjustment approval criteria and is consistent with development allowed in the high density zone.

CORRESPONDENCE:

No correspondence was received.

APPLICANT:

Morgan Will, Stafford Land Company, 8840 SW Holly Ln, Wilsonville 97070:

Mr. Morgan Will from the developer Stafford Land Company came to the front and gave a summary of why the encroachment of the decks will be necessary for the livability of the high density houses. Mr. Will went through the lots showing where the decks will overlook. Commissioners questioned the use of a deck that small, and Mr. Will responded that the decks will allow for an open space to store a few patio chairs and possibly a barbeque, basically an extension of the living room. Decks can possibly be partially recessed into the house to create more square footage than just the 2-3 foot adjustment.

Commissioner Nakajima inquired as to why the adjustment was not part of the original planned development submittal, and Mr. Will explained that the plans were preliminary and the grade of the area forced some of the houses to have a daylight basement so the deck would be well over 36 inches high at street level, causing a need for a permit and meeting the minimum setback requirements.

PROPOSERS:

None.

OPPONENTS:

John Schrag, 43578 SW Hiatt Rd, Forest Grove, OR 97116:

Mr. John Schrag came to the front, telling Commissioners that he is the caretaker of his mom's estate located at 1810 D Street which borders the Gales Creek Terrace development. Mr. Schrag inquired with city staff if a request like this has been made in the past and what the result of that request was. Mr. Reitz stated a deck adjustment/variance was applied for in the past of a very large deck in the rear yard, but was denied because of the privacy of the downhill neighbors.

Mr. Schrag stated he is not necessarily opposed to the decks, but the developer has not had a good relationship with the existing neighboring properties. This

proposal will be a monetary benefit to the developer, and the decks could cause a potential disturbance of noise in the area. The city should consider what the developer has done to benefit the neighboring community.

OTHER:

None.

REBUTTAL:

Bryan Cavaness, Stafford Land Company, 8840 SW Holly Ln, Wilsonville

97070:

Mr. Bryan Cavaness with Stafford Land Company came to the front, and reiterated what Mr. Will had said prior. Mr. Cavaness stated there will not be extensive use of the decks, but it provides an open space for the homeowner. The intent is to provide some opening to the outside, and the privacy issue exists with the windows that are located on the rear of the house already.

Mr. Morgan Will came to the front to explain to the Commissioners which houses will need the adjustment for the decks, and explained that Stafford Land Company is the development company and not the home building company. Currently there are two homebuilders in the first phase.

Chair Beck closed the public hearing at 7:40 p.m.

COMMISSIONER DISCUSSION:

Chair Beck opened up the floor for discussion.

Commissioners discussed the privacy issues that could occur with the decks, as they may overlook the neighboring property. Commissioners deliberated on whether the adjustment criterion found in Development Code §17.2.120(B)(3) meets the proposal of the 3-foot deck encroachment, determining if the livability is not negatively affected regarding the neighboring properties.

Chair Beck was in favor of allowing the adjustment on the lower lots (gold color) where the rear deck faces the pathway, but the upper lots (brown color) he is not in favor of allowing the adjustment as it affects the livability of the neighboring properties.

Commissioner Sanderson was in favor of allowing all the lots, with the exception of three lots on Dee Court/18th Avenue. These new houses will be purchased with the knowledge of a deck encroachment so the livability is not affected. The three lots off Dee Court could potentially affect existing homeowners which is why they should be omitted.

Chair Beck recommended a straw vote to see where Commissioners were at:

Commissioner Rojas suggested approval of file number 311-19-000026-PLNG – Adjustment of 20% to the rear yard setback within the Gales Creek Terrace Planned Residential Development for decks more than three feet above ground level with the exception of the three lots at Dee Court. Vice Chair Ruder seconded the recommendation.

Commissioners Sanderson, Nakajima, and Rojas were in favor. Chair Beck, Vice Chair Ruder, and Commissioner Smith were not in favor. Vote split 3-3.

Commissioner Nakajima recommended to approve file number 311-19-000026-PLNG – Adjustment of 20% to the rear yard setback within the Gales Creek Terrace Planned Residential Development for decks more than three feet above ground level with the exception of all the upper (brown) lots. Vice Chair Ruder seconded the recommendation.

Chair Beck, Vice Chair Ruder, and Commissioner Smith were in favor. Commissioner Sanderson, Rojas and Nakajima were not in favor. Vote 3-3.

Final Motions:

Commissioner Nakajima moved a motion to approve file number 311-19-000026-PLNG – Adjustment of 20% to the rear yard setback within the Gales Creek Terrace Planned Residential Development for decks more than three feet above ground level with the exception of all the upper (brown) lots. Vice Chair Ruder seconded the motion.

Roll Call Vote: AYES: Chair Beck; Vice Chair Ruder; and Commissioner Smith. NOES: Commissioners Sanderson, Nakajima, and Rojas. ABSENT: None. MOTION TIED 3-3.

Commissioner Nakajima moved a motion to approve file number 311-19-000026-PLNG – Adjustment of 20% to the rear yard setback within the Gales Creek Terrace Planned Residential Development for decks more than three feet above ground level with the exception of the 3 lots at Dee Court. Vice Commissioner Sanderson seconded the motion.

Roll Call Vote: AYES: Commissioners Sanderson, Nakajima, and Rojas. NOES: Chair Beck; Vice Chair Ruder; and Commissioner Smith. ABSENT: None. MOTION TIED 3-3.

Due to a tie, the motion fails.

C. ACTION ITEMS:

None.

4. BUSINESS MEETING:

A. APPROVAL OF MINUTES:

Commissioner Smith moved to approve the minutes of the October 7th, 2019 meeting. Commissioner Nakajima seconded. Motion passed 6-0.

B. REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:

None.

C. DIRECTOR'S REPORT:

Mr. Pohl stated that a design review and site plan approval for a proposed 18-unit apartment structure will be coming to the Commission next meeting, as well as the re-zoning of the property near the Forest Grove fire station and library to prepare for the potential construction of a new police station.

D. ANNOUNCEMENT OF NEXT MEETING:

The next meeting will be held on December 16th, 2019.

E. ADJOURNMENT:

The meeting was adjourned at 8:02 p.m.

Respectfully submitted by:

Cassi Bergstrom
Planning Commission Coordinator