

ORDINANCE NO. 2016-05

**ORDINANCE AMENDING OFFICIAL FOREST GROVE ZONING MAP FOR
PROPERTIES DESIGNATED NEIGHBORHOOD MIXED USE AND TOWN CENTER
EXPANSION ON THE COMPREHENSIVE PLAN MAP DATED JANUARY 27, 2014
FILE NO. 311-15-00020-PLNG**

WHEREAS, The City of Forest Grove approved Ordinance 2014-01 and 2014-02 updating the Forest Grove Comprehensive Plan; and

WHEREAS, the updated Forest Grove Comprehensive Plan requires specific revisions to the Forest Grove Development Code to implement policies contained in the updated Forest Grove Comprehensive Plan; and

WHEREAS, the City prepared the required amendments and forwarded the proposed amendments to the Planning Commission for consideration on January 5, 2016; and

WHEREAS, the City desires to make other amendments to the Development Code to promote the efficient use of land within commercial areas, encourage housing near transit and shopping; and

WHEREAS, the Planning Commission held a Public Hearing on the proposed amendments on January 5, 2016; and

WHEREAS, the Planning Commission adopted Planning Commission Findings and Decision Number 16-01 recommending approval of the proposed Development Code amendments; and

WHEREAS, the City mailed by first class mail notice required under Measure 56 to affected property owners on January 19, 2016; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on March 14, 2016, and continued the hearing on March 28, 2016.

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

Section 1. The City Council of the City of Forest Grove hereby amends the Official Zoning Map as shown on Exhibit A.

Section 2. The City Council hereby adopts the Planning Commission's Findings and Decision dated January 12, 2016 as shown on Exhibit B.

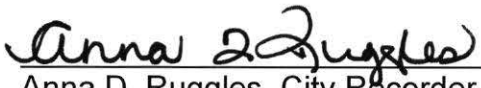
Section 3. The City Council hereby finds that the proposed amendments are consistent with and meet the provisions of Development Code Section 10. 2.770 *Review Criteria Pertaining to Zone Change* as shown on Exhibit B.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. This ordinance shall be effective 30 days following its enactment by the City Council.

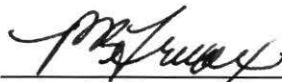
PRESENTED AND PASSED the first reading this 14th day of March, 2016.

PASSED the second reading this 28th day of March, 2016.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 28th day of March, 2016.



Peter B. Truax, Mayor

EXHIBIT A

	Current Zoning	Proposed Zoning	Gross Proposed Rezoned	Acreage to be
Mixed Use Area 1 (David Hill)	R-10	NMU	8.5 acres	
Mixed Use Area 2 (CPD Area)	CPD	NMU	6.4 acres	
Mixed Use Area 3 (Davidson Site)	LI	NMU	23.5 acres	
Town Center Consolidation	TCS	TCT	22.6 acres	
Town Center Expansion Area (Cedar St. to Elm St. and south of 19 th Avenue to 21 st Avenue)	CC	TCT	24.2 acres	

Proposed Zoning Map Amendments

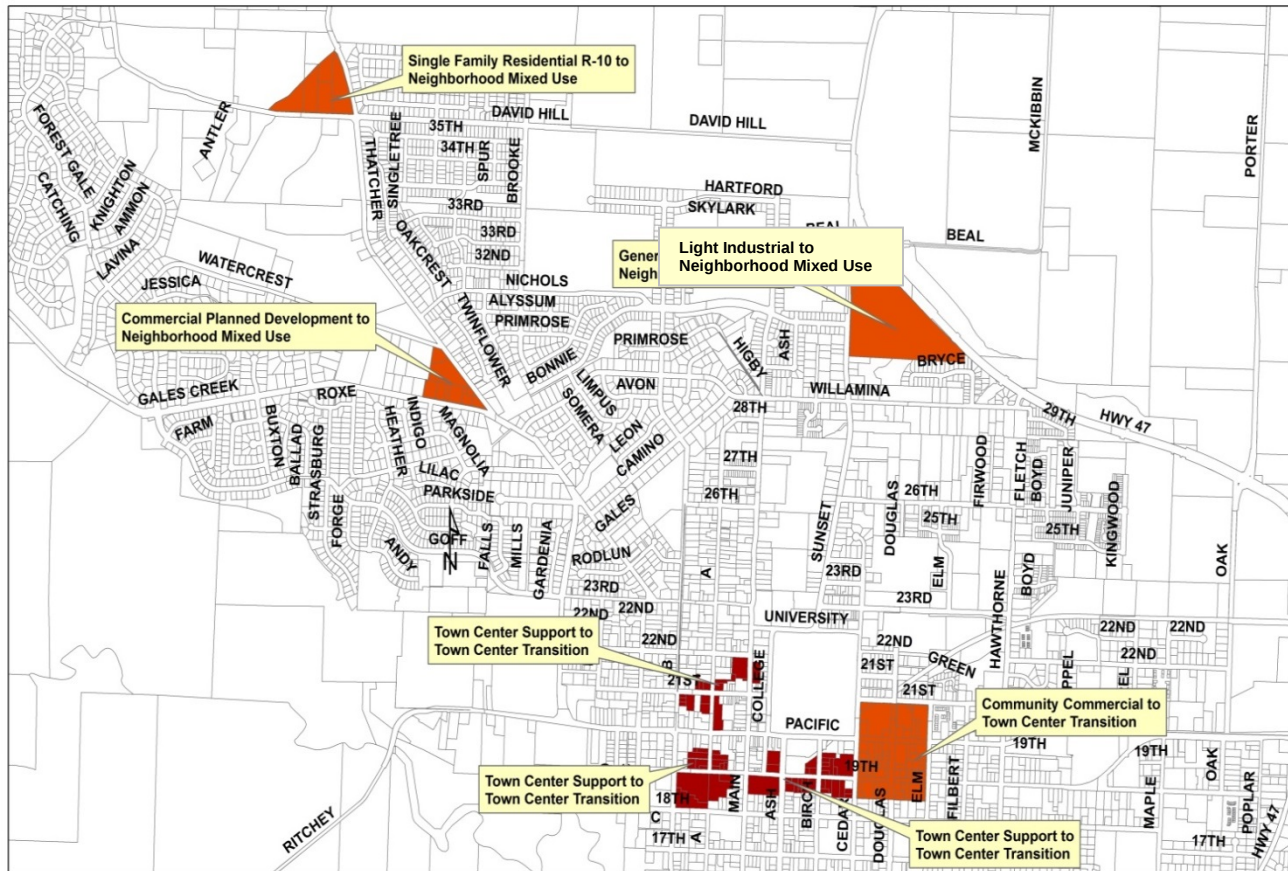


EXHIBIT B

FINDINGS - MAP AMENDMENTS (SUBJECT TO 10.2.750 – 10.2.770)

MIXED USE AREAS

Review Criteria 10.2.770.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.*

Finding: The recommended zoning designation for the three mixed use areas is consistent with the Comprehensive Plan Map, as amended in Ordinance No. 2014-02. However, only a portion of the David Hill site is proposed to be rezoned at this time. The area proposed to be rezoned consistent with the Comprehensive Plan Map is at the northwest corner of David Hill Road and Thatcher Road. This area has a gross size of approximately 8.5 acres with approximately one-third (2.9 acres) developable. The remaining area (approximately 20.6 gross acres) currently shown as Mixed Use on the Comprehensive Plan map north of David Hill Road will be addressed further as part of the Westside Planning Project. This area will likely be recommended for rezoning to Single Family Residential (R-10). Parallel amendments to include the NMU designation in the Forest Grove Development Code are currently proposed (see Text Amendments above), which would allow for a mix of housing types and commercial uses.

Review Criteria 10.2.770.B: *The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.*

Finding: The Comprehensive Plan describes the opportunity to create three mixed use areas as follows:

A potential opportunity site for commercial land is located west of Sunset Drive and south of Highway 47. This site, under single ownership is approximately 23.5 acres in gross land area. Other potential opportunity sites include the area near Watercrest Road and Thatcher Road and David Hill Road and Thatcher Road.

The proposed zone changes for the mixed use areas are consistent with the Comprehensive Plan since the zoning map amendments will affect only the areas identified above. Furthermore, the proposed zone changes for the mixed use areas are consistent with the location factor contained in the Comprehensive Plan which states:

Areas where a mixture of residential, office and retail uses are appropriate to create complete neighborhoods or provide needed services and housing.

The zoning map amendments are consistent with this location factor since all three mixed use areas are located outside of the Town Center and off the Pacific Avenue/19th Avenue commercial corridor in areas that are predominantly residential in character. For the reasons stated above, this criterion is met. In addition, the commercial development in the NMU zones will be limited to “Village Centers” which cannot comprise more than 50% of the buildable land within a mixed use planned development or three acres, whichever is greater. As a result of this standard, the largest “village center” would be at the Davidson Site (9.4 acres based on overall developable site area of 18.8 acres). This ensures the NMU zoning at Mixed Use Area 3 (Davidson Site) is consistent with the Comprehensive Plan location criteria that mixed use sites tend to be 10 acres in land area or less. The basis for this conclusion is the premise that mixed

use commercial/residential area is the “village center”, and the “village center” is capped at 9.4 acres.

The NMU areas are also consistent with the Comprehensive Plan location factor that the NMU designation apply to areas where a mixture of residential, office, and retail uses are appropriate to create complete neighborhoods or provide needed service. Mixed use areas are in locations previously zoned for single family residential development. The Gales Creek mixed use area was previously designated as Commercial Planned Development on the Forest Grove Comprehensive Plan Map which promoted commercial development near residential areas. Zoning these areas as NMU will promote the creation of complete neighborhoods where residents are able to find goods and services in close proximity.

As provided for in the findings in the Text Amendment section above, the proposed map amendment is consistent with the Forest Grove Comprehensive Plan's goals and policies for housing, economic development, urbanization, and transportation.

Review Criteria 10.2.770.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.

Finding: The Forest Grove Comprehensive Plan created a new Mixed Use plan designation to provide for a variety of retail and office uses near residential neighborhoods. The Comprehensive Plan states the Mixed Use plan designation is established to provide for a variety of retail and office uses near residential neighborhoods. Such limited commercial zones should be located on or bounded by arterial and collector streets to create nodes or concentrations of activity. The location of these new plan designations, as seen in the Forest Grove Comprehensive Plan Map, are located on or bounded by arterial and collector streets and adjacent to residential areas, so as to create nodes or concentrations of activity. The proposed zoning map amendments implement the adopted Comprehensive Plan designation and are consistent the requirement that the proposed zone change be considered based on parcel suitability and location. Therefore, this criterion is met.

Review Criteria 10.2.770.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.

Finding: The proposed amendments to the Forest Grove Zoning Map are consistent with the Forest Grove Comprehensive Plan Map, which informed the Forest Grove Transportation System Plan's assessment of future transportation needs. The future transportation needs assessment was based on the Preferred Land Use Alternative, and reflects changes to the City's existing Comprehensive Land Use Plan to encourage more nodal mixed use development. A Transportation Analysis was prepared and is attached as Exhibit C. As noted in this analysis, the proposed map amendments are not expected to substantially impact transportation facilities below the minimum acceptable levels identified in the City's adopted Transportation System Plan. Based on the transportation analysis completed for the updated

Comprehensive Plan Map which included mixed use areas the proposed zoning amendment this criterion is met.

Review Criteria 10.2.770.E: Public facilities and services for water supply, sanitary waste disposal, stormwater 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 three mixed use areas range from vacant to partially developed with a related range of available facilities and services. Availability, need, and necessary improvements to facilities and services will be determined as new development occurs and is evaluated through the Mixed Use Planned Development process. The applicant will be responsible for providing all services necessary for the functionality of the MUPD. Facilities such as streets, water supply facilities, sanitary sewers, and storm water detention facilities must be dedicated to the public if they are to provide service to any property not included in the MUPD. Mixed Use Area 1 (David Hill) is primarily vacant and will require new facilities and services as development occurs. Mixed Use Area 2 (CPD Area) is currently a mix of residential and commercial uses in a developed area and will likely not need new facilities and services. Mixed Use Area 3 (Davidson Site) is developed as a residential use and has been historically utilized as a farm use.

Existing Services (Water): Water lines are present adjacent to all three mixed use areas. Development of the mixed use areas is subject to the requirements of Development Code Article 8: Public Improvements. Future improvements to the water system necessary to serve development are identified in the Forest Grove Water Master Plan. The City's Water System Plan shows the City has sufficient capacity to serve future development in the mixed use areas. Existing Services (Sanitary Sewer):

Mixed Use Area 1 (David Hill): An existing 8" PVC sanitary sewer line is located within the David Hill Right of Way west of Thatcher Road. David Hill Road/Thatcher Road: The City's Waste Water Master Plan shows a proposed 12 inch sanitary sewer trunk line within the David Hill Road right-of-way west of Thatcher Road. This line when installed will serve the David Hill Road/Thatcher Road mixed use area.

Mixed Use Area 2 (CPD Area): A 12 inch corrugated steel pipe is located adjacent to the mixed use area within the Thatcher Road right-of-way.

Mixed Use Area 3 (Davidson Site): A 10 inch PVC sanitary sewer line is adjacent to the Davidson Site within the Sunset Drive right-of-way. An 8 inch PVC line also exists across Hwy 47 to a manhole at the Davidson Site from the 36" Clean Water Services trunk line north/east of Hwy. 47. The City's Waste Water Master Plan shows a future extension of the 8" line into the Davidson site to serve future development.

Existing Services (Storm Sewer):

Mixed Use Area 1 (David Hill): This area is not currently served with storm water piping. The City's Storm Drainage Master Plan shows a capital improvement project for stream restoration within the mixed use area. The Master Plan also shows future piping improvements along Thatcher Road.

Mixed Use Area 2 (CPD Area): An existing 12 inch storm line is present along the north side of Gales Creek Road adjacent to the mixed use area. A storm line is also present along the east side of Thatcher Road This line runs for a distance of approximately 150 feet from the Gales Creek Road/Thatcher Road intersection.

Mixed use Area 3 (Davidson Site): A 30 inch corrugated steel pipe exists along the west side of Sunset Drive. There are five storm inlets along the west side of Sunset Drive adjacent to the Davidson Site. Storm water is conveyed from the inlet to the storm pipe west of Sunset Drive. In addition to the storm pipe, a storm water swale and storm pond exist south of the Davidson Site approximately 730 feet east of Sunset Drive providing additional opportunity to accommodate drainage.

With future improvements shown in the Storm Drainage Master Plan and improvements required for development approval the City will have the ability to serve the mixed use areas. The three mixed use areas are within the Forest Grove city limits. As such, the City will provide police and fire protection necessary to serve future development. Service needs are assessed through the annual budget process.

Review Criteria 10.2.770.A: The establishment of a zone district is not subject to the meeting of conditions.

Finding: No conditions are proposed.

TOWN CENTER/CIVIC CORRIDOR

Review Criteria 10.2.770. 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.

Finding: As described above, the proposed amendments consolidate the Town Center Support (TCS) zone into the Town Center Transition (TCT) zone. This change requires that all land currently zoned TCS be rezoned to TCT. In addition, the Town Center Expansion area, which is currently zoned Community Commercial (CC), is proposed to be rezoned to TCT. The transition from CC to TCT will encourage more urbanized development to occur by restricting new auto-oriented development, reducing landscape requirements, applying “urban” design standards, and allowing residential uses in mixed use or stand-alone development. Of the Town Center zones, TCT is the most appropriate for this area given its location adjacent to the Town Center Core and its function as a transition area between Core and adjacent residential areas.

Review Criteria 10.2.770. B: The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.

Finding: As provided for in the findings in the Text Amendment section above, the proposed map amendments are consistent with the Forest Grove Comprehensive Plan’s goals and policies for housing, economic development, urbanization, and transportation. This is reinforced by the fact that the proposed zone changes implement the 2014 Forest Grove Comprehensive Plan.

Review Criteria 10.2.770. 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.

Finding: The update to the Forest Grove Comprehensive Plan, completed in 2014, included consideration of site suitability for the proposed zoning classifications necessary to implement

the Comprehensive Plan. Since the proposed zone changes simply implement the Comprehensive Plan the sites are determined to be suitable and consistent with this review criterion. Given that both TCS and TCT are Town Center zones and allow a very similar mix of uses, land which is currently suitable for TCS should be suitable for TCT. With the Town Center Expansion area, the transition from CC to TCT will encourage more urbanized development to occur by restricting new auto-oriented development, reducing landscape requirements, applying “urban” design standards, and allowing residential uses in mixed use or stand-alone development. In order to avoid making some existing uses non-conforming, exceptions are proposed within the TCT zone to allow for the continuation of those uses.

Review Criteria 10.2.770. 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.

Finding: The proposed amendment to the Forest Grove Zoning Map would be consistent with the Forest Grove Comprehensive Plan Map, which informed the Forest Grove Transportation System Plan's assessment of future transportation needs. The future transportation needs assessment was based on the Preferred Land Use Alternative and reflects changes to the City's existing Comprehensive Land Use Plan to encourage more nodal mixed use development. A Transportation Analysis was prepared and is attached as Exhibit C. As noted in this analysis, the proposed map amendments are not expected to substantially impact transportation facilities below the minimum acceptable levels identified in the City's adopted Transportation System Plan. The City's minimum acceptable level of service is LOS D.

Review Criteria 10.2.770. E: Public facilities and services for water supply, sanitary waste disposal, stormwater 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 proposed amendments to consolidate the Town Center Support with Town Center Transition zones and to expand the Town Center boundary to the east will occur in a developed area, currently provided with public facilities and services. The distinction between Town Center Support and Town Center transition is minor. The proposed change will not affect demand for public services currently planned for as reflected in the Comprehensive Plan. Service demand related to changing the zoning in the Town Center Expansion area from Community Commercial to Town Center Transition was considered during the Comprehensive Plan update. The Forest Grove Water Master Plan Updated (2010) indicates Forest Grove has a sufficient water supply for meeting service needs for at least the next twenty years. The Forest Grove Sanitary Sewer Master Plan update (2007) identifies a capital improvement project in the Town Center and Town Center Expansion areas. This project will increase the 8-inch and 10-inch diameter lines along 19th Avenue from Birch Street to A Street to the B Street pump station. This improvement will improve the City's ability to serve development promoted by the proposed zone changes. The Forest Grove Storm Drainage Master Plan (2007) does not indicate a need for general storm drainage improvements in the areas affected by the zone changes. Necessary improvements meeting Clean Water Services and City standards resulting from individual development projects will be identified as part of the development review process. Projected

service demands to Police and Fire resulting from the proposed zone changes, if any, will be addressed through the annual City budgeting process.

Review Criteria 10.2.770. F: The establishment of a zone district is not subject to the meeting of conditions.

Finding: No conditions are proposed