

ORDINANCE NO. 2020-06

ORDINANCE ANNEXING 37.7 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY TAX LOT 1N4250000600; FILE NO. 311-20-000167-PLNG

WHEREAS, Venture Properties, Inc., representing the property owner, VDS Farms Inc., submitted an annexation petition on September 4, 2020; and

WHEREAS, the annexation petition includes all property owners and no electors; and

WHEREAS, since the annexation petition includes all owners of property affected by the annexation, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Oregon Revised Chapter ORS Chapter 222.120 and Chapter 222.125 establishes procedures for property owner-initiated annexation petitions without election by City electors; and

WHEREAS, the subject property is located within the urban growth boundary; and

WHEREAS, the City of Forest Grove desires to adopt an ordinance annexing the subject property into the city limits; and

WHEREAS, the tract subject to annexation is within the boundaries of the Forest Grove Rural Fire Protection District (District) and will be withdrawn from the District upon the effective date of the annexation; and

WHEREAS, the tract subject to annexation will be added to the Clean Water Services district boundary upon annexation under the authority of Oregon Revised Statutes Chapter 199.510(2)(C); and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on the annexation on November 16, 2020; and recommended City Council approval of the annexation; and

WHEREAS, the City Council held a duly noticed Public Hearing to consider the annexation petition on December 14, 2020, and January 11, 2021; and

WHEREAS, a report was prepared as required by law, and the City Council having considered the report and testimony during the public hearing; does hereby favor the annexation of the subject territory to the city limits; adding the subject territory to the Clean Water Services district boundary and withdrawing the subject territory for the Forest Grove Rural Fire Protection District; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party.

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

Section 1. The subject territory, described as Exhibit A and depicted on the attached map (Exhibit B), is declared to be annexed to the City of Forest Grove, Oregon.

Section 2. The subject territory annexed by this ordinance and described in Section 1 will be added to the Clean Water Services district under the authority granted by Oregon Revised Statutes Chapter 199.510(2)(c).

Section 3. The subject territory annexed by this ordinance and described by Section 1 is withdrawn from the Forest Grove Rural Fire Protection District.

Section 4. The findings in conclusions contained in the staff reports dated November 16, 2020, and December 14, 2020, and Planning Commission Decision 2020-10, are hereby incorporated by reference and hereby adopted.

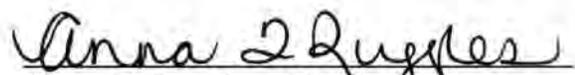
Section 5. Annexation of the subject territory is support by the findings of fact and conclusions described in Exhibit C.

Section 6. The annexations and withdrawal shall become effective upon filing of the annexation by Metro with the Oregon Secretary of State's Office as provided by the Metro Code Chapter 3.09.060 and ORS 222.180.

Section 7. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 14th day of December 2020.

PASSED the second reading the 11th day of January 2021.


Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 11th day of January 2021.


Peter B. Truax, Mayor

EXHIBIT A

A tract of land located in the Northeast One-Quarter and the Southeast One-Quarter of Section 25, Township 1 North, Range 4 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat Number 2012-029; thence along the westerly line of said Parcel 1, South 02°48'47" West 1682.84 feet to the northerly right-of-way line of David Hill Road (40.00 feet from centerline) and the City of Forest Grove city limits; thence along said northerly right-of-way line and along said city limits line, North 87°17'54" West 966.93 feet to the east line of the plat of "Parks at Forest Grove"; thence along said east line and continuing along said city limits line, North 03°03'58" East 823.24 feet to the southeast corner of Document Number 2007-133215; thence leaving said city limits line and along the east line of said Deed and the northerly extension thereof, North 03°03'58" East 1161.92 feet to the most northerly line of Document Number 98-109841; thence along said northerly line, South 86°01'14" East 82.64 feet to the westerly line of Document Number 2007-133216; thence along said westerly line, South 02°40'01" West 310.07 feet to the southerly line of said Deed; thence along said southerly line, South 87°55'47" East 874.82 feet to the Point of Beginning.

The above described tract of land contains 37.64 acres, more or less.

09/16/2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

This page is intentionally blank.

EXHIBIT B

A TRACT OF LAND LOCATED IN THE NE 1/4 AND THE SE 1/4 OF SEC. 25, T1N, R4W, W.M., WASHINGTON COUNTY, OREGON

S86°01'14"E 82.64'

DOC. NO.
2013-017623

S02°40'01"W 310.07'

S87°55'47"E 874.82'

DOC. NO. 2007-133216

POINT OF BEGINNING
NW CORNER PARCEL 1
PP NO. 2012-029

DOC. NO.
2007-133215

N03°03'58"E 1161.92'

N03°03'58"E 1985.16'

PARCEL 1
PP NO.
2012-029

DOC. NO.
98-109841
AREA: 37.64 ACRES±

CITY OF
FOREST GROVE
CITY LIMITS

TRACT 'L'

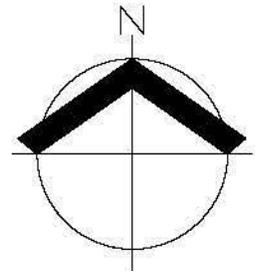
TRACT 'M'

"PARKS AT
FOREST GROVE"

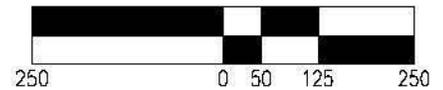
TRACT 'O'

N03°03'58"E 823.24'

S02°48'47"W 1682.84'



SCALE: 1" = 250 FEET



09/16/2020

N87°17'54"W 966.93'

NW DAVID HILL ROAD
(COUNTY ROAD 1245)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

40.00'
38.00'

SILVERSTONE
DRIVE

"SILVERSTONE
NO. 3"

30.00'
40.00'
45.00'

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/21

CITY ANNEXATION

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM

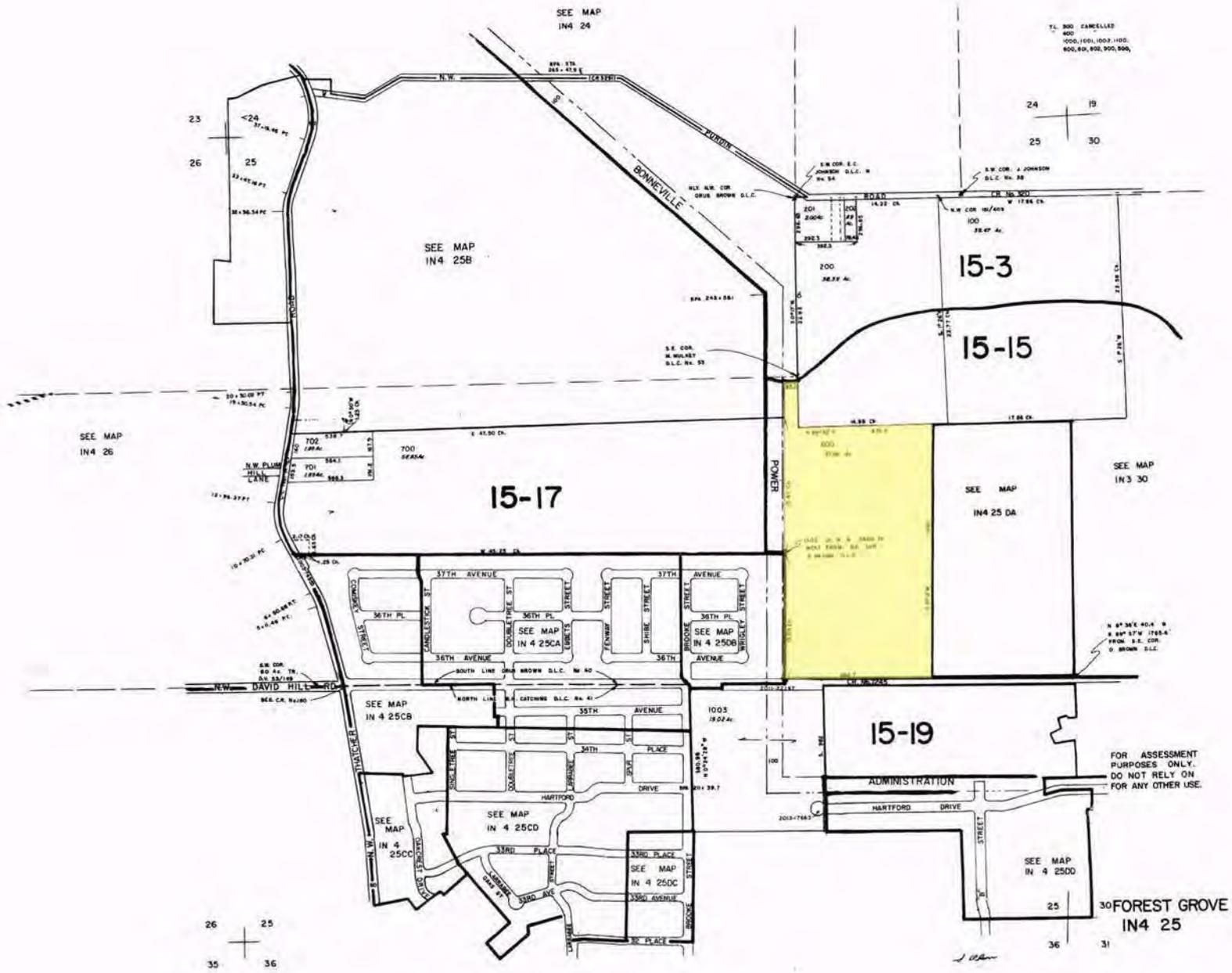
AKS

EXHIBIT
B

DRWN: MHJ
CHKD: MSK
AKS JOB:
7800

SECTION 25 TIN R4W WM.
WASHINGTON COUNTY OREGON
SCALE 1"=400'

IN4 25



T.L. 300 CANCELLED
400
1000, 1001, 1002, 1003,
800, 801, 802, 900, 901, 902,

24 19
25 30

SEE MAP
IN4 26

SEE MAP
IN4 24

SEE MAP
IN4 25B

15-17

15-3

15-15

SEE MAP
IN4 25 DA

SEE MAP
IN3 30

15-19

SEE MAP
IN 4 25CB

SEE MAP
IN 4 25CC

SEE MAP
IN 4 25CD

SEE MAP
IN 4 25CE

FOR ASSESSMENT
PURPOSES ONLY.
DO NOT RELY ON
FOR ANY OTHER USE.

SEE MAP
IN 4 25DD

30 FOREST GROVE
IN4 25

26 25
35 36

EXHIBIT C

ANNEXATION FINDINGS FILE NO. 311-20-000167-PLNG

The City Council endorses Planning Commission Decision 2020-10 recommending City Council adopt an ordinance annexing approximately 37.7 acres, located north of David Hill Road (Washington County Tax Lot 1N425 Lot 600) into the Forest Grove city limits and Clean Water Services District and a concurrent withdrawal of the subject territory from the Forest Grove Rural Fire Protection District.

City Council makes the following findings in support of this decision:

- 1. The application was initiated by consent of the property owner, VDS Farms, Inc.**
- 2. The property subject to annexation consists of one parcel adjacent to the Forest Grove city limits.**
- 3. The annexation is necessary under the Urban Planning Area Agreement between Washington County and Forest Grove Comprehensive Plan for purposes of accessing and extending public utilities needed to serve future development.**
- 4. The annexation is consistent with Oregon Revised Statutes Chapter 222 (Boundary Changes; Mergers and Consolidations) as follows:**

Finding for ORS 222.111(1): The City Charter in Section 3, states “The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record and accurate and current description of its boundary.” The City Charter does not describe the manner for annexation approval. Therefore, the City follows the process described by ORS 222.111 to 222.180 or 222.840. ORS 222.111(1) stipulates the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or water feature. The property subject to annexation is separated from the current City boundary by David Hill Road to the south and contiguous to territory currently within the City to the west. Therefore, annexation of the subject property complies with ORS 222.111(1).

Finding for ORS 222.111(2): The annexation proposal was initiated by Venture Properties, Inc. with the consent of the property owner (VDS Farms, Inc.). The application was filed with the City on September 4, 2020. The application includes a title report prepared by First American Title. The title report indicates the property owner of record is VDS Farms Inc by Richard Peschka. Based on this information the annexation application complies with ORS 222.111(2).

Finding for ORS 222.111(4)(a): The territory subject to annexation is within the Forest Grove Rural Fire Protection District. This territory will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject territory will also be added to the Clean Water Services District upon the effective date of the annexation. No other districts will be affected by this annexation.

Finding for ORS 222.120(1): The City Charter does not require the City’s legislative body (City Council) to submit a proposal for annexation of territory to the electors of the city for approval.

Finding for ORS 222.123(2): The City Council is expected to hold public hearings on the annexation proposal on December 14, 2020 and January 11, 2021.

Finding for ORS 222.120(3): Notice of the City Council's public hearings will be published in the Forest Grove News Times on December 3 and December 10, 2020 in advance of the City Council's December 14, 2020 public hearing.

Finding for ORS 222.120(4): The annexation application and petition shows the property owner consented in writing to the annexation on September 1, 2020 prior to public hearings on the proposal. The City Council is expected to consider the annexation ordinance on December 14, 2020 and January 11, 2021. The annexation ordinance will include the legal description for the territory subject to annexation. The legal description comprised of a map and narrative description was preliminarily approved by the Oregon Department of Revenue on September 30, 2020.

5. The annexation is consistent with Metro Code Chapter 3.09 (Local Government Boundary Decisions):

Finding (§3.09.045(C)(1)): The subject property is adjacent to property developed and served with public facilities. This includes the Silverstone Development south of the subject property adjacent to David Hill Road and the Forest Grove LDS Church. Public utilities may be extended by the applicant subject to City Public Works Department and Clean Water Services standards and any future public improvement agreement required for development approval. Given the proximity of public services to the subject property the application complies with Metro Code §3.09.045(C)(1).

Finding (§3.09.045(C)(2)): The subject property will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject property is not within the Washington County Urban Roads Maintenance District or Washington County Enhanced Sheriff Patrol District and these districts are unaffected by the annexation. The subject property will be annexed to the Clean Water Services District concurrently with annexation into the City.

Finding (§3.09.045(C)(3)): The proposed effective date of the annexation is 30-days after adoption of the City's ordinance approving the annexation and Metro's filing of the City's final local decision with Oregon Secretary of State's office. This is expected to occur no later than February 28, 2021.

Finding (§3.090.045(D)(1)(a)): The City of Forest Grove adopted an urban area planning agreement (UPAA) with Washington County on September 10, 2018 (Resolution 2018-75). The UPAA establishes planning responsibilities and coordination of public services within the unincorporated area adjacent to Forest Grove in the urban growth boundary. The UPAA §3F states in part "As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer, and transportation facilities within the Urban Planning Area." "The CITY shall provide urban services consistent with annexation and fiscal policies." The applicant seeks annexation to receive municipal services needed for urban development." The proposed annexation and change to the City boundary are consistent with UPAA §3F adopted pursuant to ORS 196.065 since the City will provide water, sanitary sewer and storm sewer and transportation as applicable after annexation of the subject property. Therefore, the application complies with §3.090.045(D)(1).

Finding (§3.090.045(D)(1)(b)): The City has not adopted an annexation plan adopted pursuant to ORS 195.205. Therefore, §3.090.045(D)(1)(b) does not apply to this proposal.

Finding (§3.090.045(D)(1)(c)): ORS 195.020(2) states “A county assigned coordinative functions under ORS 195.025 (1), or the metropolitan service district, which is assigned coordinative functions for Multnomah, Washington and Clackamas counties by ORS 195.025 (1), shall enter into a cooperative agreement with each special district that provides an urban service within the boundaries of the county or the metropolitan district. A county or the metropolitan service district may enter into a cooperative agreement with any other special district operating within the boundaries of the county or the metropolitan district.” This provision applies to counties, Metro and special service district and does not apply to cities.

Finding (§3.090.045(D)(1)(d)): The subject territory was added to the urban growth boundary by the Oregon legislature in 2014. Subsequently, the Westside Refinement Plan was adopted by the City in 2017. The Westside Refinement Plan established and land use concept and infrastructure facility plan for the area including the subject property. The City’s public facility plans including plans for water, sanitary sewer, and storm drainage are being updated to include the area added to urban growth boundary. The City’s Transportation System Plan was amended in 2017 to include the collector street system for the area added to the urban growth boundary. Future development in this area, including the subject property, must substantially comply with amended Transportation System Plan. Compliance will be considered at time of application for development and land use approval.

Finding (§3.090.045(D)(1)(e)): The Forest Grove Comprehensive Plan was amended in 2017 to incorporate the land use concept identified in the Westside Refinement Plan including the subject property. The Comprehensive Plan identifies the property subject to annexation for residential development, a neighborhood park, and elementary school. The applicant proposed to reconfigure the precise “placeholder” locations for these land uses. This reconfiguration does not change the overall use of the subject property. Therefore, the application, as proposed, substantially complies with the Comprehensive Plan, and meets the intent of Metro Code §3.090.045(D)(1)(e).

Finding (§3.090.045(D)(1)(f)): Since the Oregon legislature added the subject territory to the urban growth boundary through legislative action a Metro Urban Growth Management Functional Plan Title III concept plan approved by Metro was not required. However, the City prepared and adopted the Westside Refinement Plan and amended the Forest Grove Comprehensive to include the Westside land use concept. The land use concept identified the subject property for residential development, a neighborhood park, and elementary school. The applicant proposes these uses although in locations that differ from what is identified on the Comprehensive Plan map. This reconfiguration does not change the overall use of the subject property. Therefore, the application, as proposed, substantially complies with adopted land use concept, and meets the intent of §3.090.045(D)(1)(f).

Finding (§3.090.045(2)(a)): The subject property is located within the urban growth boundary adjacent to existing development served with public utilities. The proposed boundary change promotes the timely, orderly, and economic provision of public facilities and services by adding land to the City adjacent to lands already served with public utilities and services. Therefore, the boundary change complies with §3.090.045(2)(a).

Finding (§3.090.045(2)(b)): No evidence has been presented indicating the proposed boundary change will affect the quality and quantity of urban services. This conclusion is supported by the fact the subject property is within the urban growth boundary and the City's Urban Planning Area Agreement and Comprehensive Plan map anticipate urban development at the subject property.

Finding (§3.090.045(2)(c)): The Urban Planning Area Agreement establishes roles and responsibilities for provision of public facilities and services within the unincorporated area adjacent to Forest Grove within the urban growth boundary. This helps to promote coordination of services to avoid unnecessary duplication by multiple service districts.

6. The territory proposed for annexation is subject to the Urban Planning Area Agreement (UPAA) between Forest Grove and Washington County. The Council finds the annexation proposal is consistent with the UPAA including:

Finding (UPAA): The UPPAA states that unincorporated urbanizable land is not converted to urban development prior to annexation to the City.

7. The annexation proposal is subject to the Urbanization policies of the Forest Grove Comprehensive Plan as follows:

Finding (Forest Grove Comprehensive Plan – Urbanization Policy #5): Urbanization Policy #5 states: "Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation." The applicant seeks annexation for the purpose of extending public utilities needed for future development of the site including single-family residential development and institutional uses including a neighborhood park and elementary school.

Finding (Forest Grove Comprehensive Plan – Urbanization Policy #12): Urbanization Policy #12 states: "Promote the efficient delivery of public services through annexation of land into the City of Forest Grove." Annexation of the subject property promotes the efficient delivery of public services since public utilities exist within and to the David Hill Road public right-of-way. Annexation of the subject property will allow future extension of these utilities to serve future development consistent with UPAA and Comprehensive Plan Urbanization Policy #5 above.

Finding (Forest Grove Comprehensive Plan – Urbanization Policy #13): Urbanization Policy 13 states: "The City will avoid approving annexations that create unincorporated islands within the Forest Grove planning area." The subject property is contiguous with the city limits along the subject property's southern and western property lines. Properties adjacent to and located north and east of the subject property are not within the City limits. Therefore, annexation of the subject property will not result in the creation of an unincorporated island.

QUASI-JUDICIAL PUBLIC HEARING SCRIPT

Second Reading of Ordinance

Instructional Note: Only read text in blue.

Second Reading:

▪ A motion is on the floor from the December 14th meeting continuing the public hearing on File 311-20-000167-PLNG to tonight's meeting and advancing Ordinance no. 2020-06 to second reading:

ANNEXING 37.7 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT;
WASHINGTON COUNTY TAX LOT 1N4250000600; FILE NO. 311-20-000167-PLNG.

1. **Question for staff** – Are there additional comments or evidence to staff would like to enter into the record?
2. **Question for staff** - Do any Councilors have any questions for staff?
3. **Public hearing and testimony** - I will now re-open the public hearing and call on persons who would like to comment on the proposal. Please state your name and address for the record. Is there anyone signed-up to testify?
4. **After Public Testimony - Question for the applicant** - Does the applicant wish to provide any additional testimony or rebut any testimony presented?
5. Gavel public hearing closed.
6. **City Manager [or City Attorney]** please read the ordinance by title only for its second reading:

ORDINANCE NO. 2020-06 ANNEXING 37.7 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY TAX LOT 1N4250000600; FILE NO. 311-20-000167-PLNG

Are there additional questions or further discussion from Council before we proceed with the roll call vote?

If None:

- City Recorder please call the roll.
- The vote is _____. Ordinance 2020-06 is adopted.

Date: January 11, 2021

Agenda Item: 6.

Subject:

CONTINUE PUBLIC HEARING FROM DECEMBER 11, 2020: SECOND READING OF ORDINANCE NO. 2020-06 ANNEXING 37.7 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY TAX LOT 1N4250000600; FILE NO. 311-20-000167-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:

Address:

City, State & Zip Code:

OPPONENTS:

(Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

OTHERS:

(Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:



A place where families and businesses thrive.

<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	<u>6. C.</u>
MEETING DATE:	<u>10/26/2020</u>
FINAL ACTION:	<u>FIRST READING: ORD 2020-05</u>

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

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

MEETING DATE: *October 26, 2020*

SUBJECT TITLE: *Public Hearing & First Reading of Ordinance to Amend Development Code*

ACTION REQUESTED:	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Order	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion	<input type="checkbox"/> Informational
--------------------------	-----------------------------------------------	--------------------------------	-------------------------------------	---------------------------------	----------------------------------------

X all that apply

ISSUE STATEMENT: The proposal would amend various Development Code sections pertaining to legal noticing requirements, Neighborhood Commercial zoning district standards, driveways in commercial zoning districts, off-street parking, and miscellaneous minor amendments.

BACKGROUND: The primary focus of this amendment process was the Neighborhood Commercial (NC) zoning district standards. During the discussions of potential map changes from Neighborhood Mixed Use (NMU) to NC in the Gales Creek NMU zoning district area, staff and the Planning Commission observed that the NC standards had not been reviewed or updated since their original adoption in 1980. Other more minor amendments would revise legal noticing, driveway and off-street parking requirements, correct a typographical error, and eliminate any reference to the Gales Creek NMU zoning district (which assumes that the City Council adopts the Order to rezone that area).

The specifics of each proposed amendment are described in the Planning Commission staff report. In summary, they would –

Revise Article 1 to increase the lead time from 5 to 7 days for newspaper legal notice publication, in response to the new print and distribution schedule adopted by the *News Times*.

Update Article 3 Neighborhood Commercial zoning district standards which have not been updated since they were adopted in 1980. The amendments would:

- a. Increase the allowable residential density to the same range as is currently allowed in the Gales Creek NMU zoning district. Residential uses in the NC zoning district would still be allowed *only* as part of a mixed use development; they could not be stand-alone uses.
- b. Replace the existing 2,000-square-foot commercial floor area cap with a 0.4:1 Floor Area Ratio (FAR), but limit the maximum building floor area to 10,000 square feet regardless of site size.

c. Reduce setbacks to be more similar to all other commercial zoning districts. Eliminate references in Article 4 to the Gales Creek NMU zoning district (as per the proposed map amendments described in File # 311-20-000164).

Revise Article 8 to correct a typographical error; encourage joint driveway access in all commercial zones (not just the Community Commercial zone); amend the Change in Use off-street parking requirements for multi-tenant sites so that commercial tenants (those who lease space) would no longer be expected to provide additional parking; shorten the parking stall length for head-in parking; and adopt new building design standards for the Neighborhood Commercial zoning district.

The Commission reviewed and discussed each of the amendments on October 5, 2020. There was no public testimony offered. Commissioners were in favor of adopting clear and objective design standards for the NC zoning district, because such districts are surrounded by residential neighborhoods and thus should be subject to a higher level of design. Commissioner Nakajima commented that the proposed front glazing requirement could result in a loss of shelf space which might be a detriment to a smaller commercial enterprise, but Commissioners noted that an applicant could request an alternative using the Design Guidelines, which the Commission would review.

The Commission then voted 7-0 to forward the proposed amendments to the City Council with a positive recommendation.

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

STAFF RECOMMENDATION: Staff recommends adoption of the ordinance to amend the Development Code as recommended by the Planning Commission.

ATTACHMENTS:

- Ordinance to Amend the Forest Grove Development Code
- Planning Commission Findings and Decision #2020-09
- Planning Commission Staff Report dated October 5, 2020

QUASI-JUDICIAL PUBLIC HEARING SCRIPT

Instructional Note: Only read text in blue.

1. **Call to order and open the hearing – The Public Hearing on File 311-20-000167:**
 - a. **For Hearing 1: Ordinance No. 2020-06 annexation of 37.7 acres of land into the Forest Grove city limit.**
 - b. **For Hearing 2:**
 1. **Order No. 2020-07 approving Comprehensive Plan Map amendments, and**
 2. **Order 2020-08 approving Zoning Map amendments for property subject to annexation.**
 - c. **For Hearing 3: Order No. 2020-09 approving a tentative partition plat for property subject to annexation.**
2. **Hearing procedure - Tonight’s Public Hearing will be conducted as follows:**
 - a. **Individual City Councilors will be asked to disclose any ex-parte comments, bias, or conflicts of interest**
 - b. **Staff will provide a report briefly summarizing the proposal, correspondence received, applicable decision criteria and staff recommendation.**
 - c. **The applicant will present their proposal and respond to Commissioner’s questions about the proposal.**
 - d. **Persons in support, opposition, and neutral about the proposal will be called to testify. If you testify, speak into the microphone, state your name, and address, and direct your comments to the criteria listed in the staff report. The City Council must base its recommendation on these criteria.**
 - e. **Following public testimony, the applicant will be asked to provide a rebuttal on issues raised, if any.**
3. **LUBA statement - Failure to raise an issue with sufficient detail to allow the City Council, applicant, or staff to respond precludes an appeal to the Oregon Land Use Board of Appeals on that issue.**
4. **Circuit Court statement - Failure to raise constitutional issues relating to proposed conditions of approval with sufficient specificity to allow the City Council, applicant, or staff to respond precludes an action of damages in circuit court.**

Disclosure - Before we open the hearing, do any City Councilors need to disclose any ex parte contacts, bias, or conflicts of interest? If so, please indicate the nature of the ex parte contact, bias or conflicts of interest and indicate whether you intend to participate in an impartial manner or abstain from the hearing.

5. **Disclosure challenge** - Does anyone in the audience wish to challenge a City Councilor's impartiality?
6. **Question for staff (staff report)** - Senior Planner Dan Riordan will now present the staff report and staff recommendation and state if additional correspondence has been received.
7. **Question for staff** - Do any Councilors have questions for staff?
8. **After Staff Report - Question for the applicant** - Does the applicant wish to present the proposal? Please state your name and address for the record.
9. **Question for applicant** - Do any Councilors have questions for the applicant?
10. **Public testimony** – I will now call on persons who would like to comment on the proposal. Is there anyone signed-up to testify?
11. **Public testimony** - Please state your name and address for the record.
12. **After Public Testimony - Question for the applicant** - Does the applicant wish to rebut any of the testimony presented?
13. **Continue the Public Hearing** – The Public Hearing and Second Reading of Ordinance No. 2020-06 is continued to January 11, 2021.



FARMSTEAD CROSSING

File No. 311-20-000167-PLNG

PUBLIC HEARING AND FIRST READING OF ANNEXATION ORDINANCE

BRYAN POHL, COMMUNITY
DEVELOPMENT DIRECTOR

DAN RIORDAN, SR. PLANNER

12/14/2020

OVERVIEW

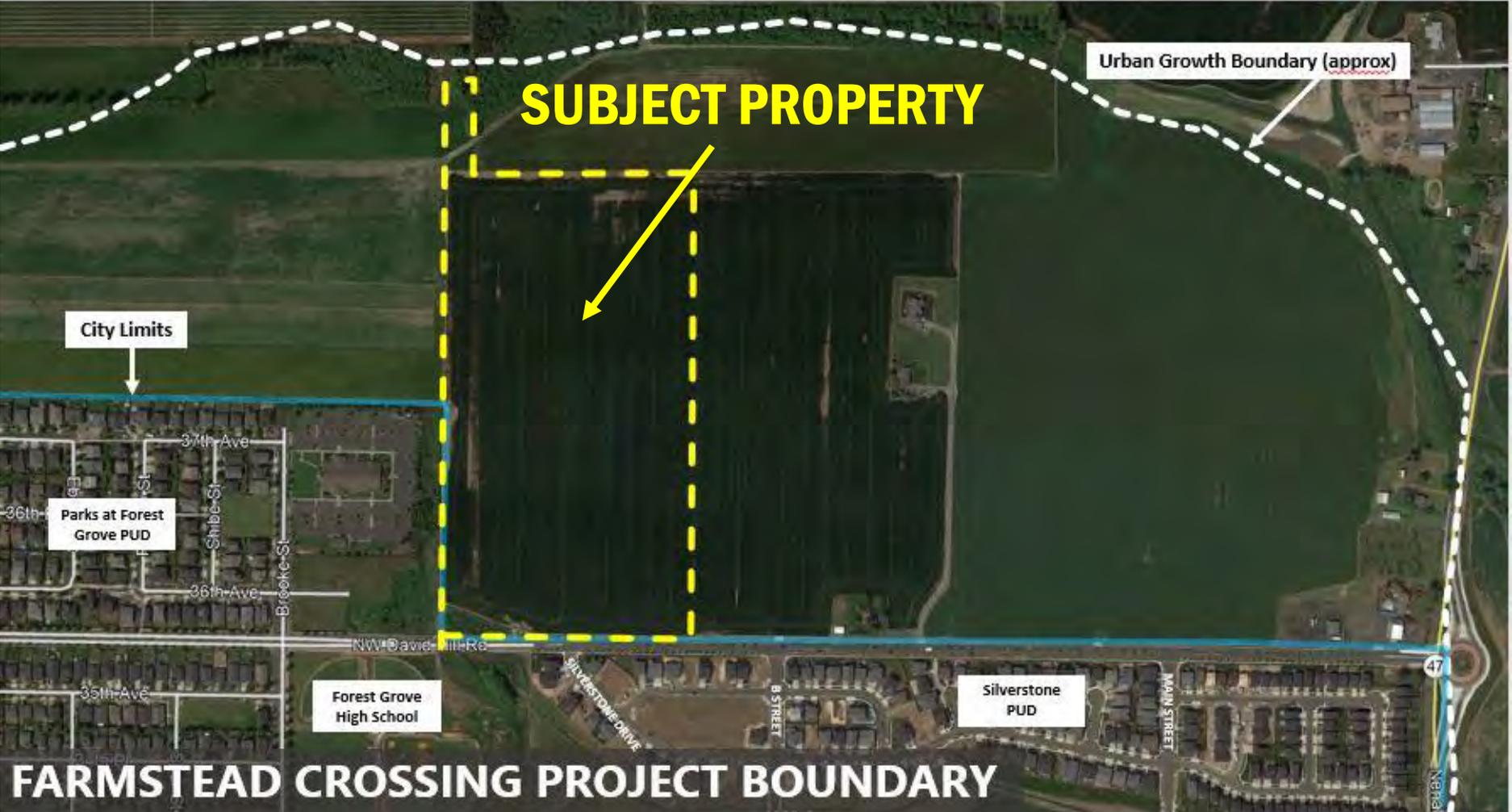
- ❑ The owner of property located north of David Hill Road and east of the Forest Grove LDS Church seeks annexation into the Forest Grove city limits and Clean Water Services District and withdrawal of the property from the Forest Grove Rural Fire Protection District.

- ❑ The property is approximately 37.7 +/- acres

OVERVIEW

- ❑ This area was included in the Westside Refinement Plan and was added to the Urban Growth Boundary (UGB) by the State of Oregon in 2014.
- ❑ The Urban Growth Boundary sets the limits for urban development. Land north of the UGB is Rural Reserve and protected from UGB expansion.
- ❑ Land within in the urban growth boundary must be annexed before certain public utilities are extended such as sewer lines.

AERIAL VIEW OF SITE



ANNEXATION AUTHORITY

- ❑ The City Charter and state law provides authority to the City Council to approve annexations.
- ❑ This annexation request is property owner initiated.
- ❑ Typically, property owners seek annexation to receive City services.
- ❑ State law and City policies prohibit the extension of some services beyond the City limits.

ANNEXATION CONSIDERATIONS

- ❑ Property must be:
 - ❑ Within the Urban Growth Boundary.
 - ❑ Contiguous with the current city limits

- ❑ Consistent with Oregon Statewide Land Use Planning Goals, City Comprehensive Plan policies, and the Metro Code pertaining the local government boundary changes.

ANNEXATION CONSIDERATIONS

- ❑ Promote the timely, orderly and economic provision of public facilities and services.
- ❑ Impact on quality and quantity of urban services.
- ❑ Eliminate and avoid unnecessary duplication of facilities and services.

ANNEXATION PROCESS

- ❑ When property is annexed, the City applies a City zoning designation to the property. This is a separate City Council action.
- ❑ Typically, the zoning applied is the one that corresponds with the Comprehensive Plan map.
- ❑ However, a property owner may request changes to the Comprehensive Plan map and zoning map. This is the case with this annexation request.

ANNEXATION PROCESS

- ❑ After the Council approves the annexation the ordinance is sent to the Oregon Department of Revenue and Metro for mapping and recording.
- ❑ Metro sends the ordinance to the Oregon Secretary of State's Office, the County Assessor's Office, and County Election's Office.
- ❑ The annexation is effective when the ordinance is sent to the Secretary of State's Office.

PLANNING COMMISSION REVIEW

- ❑ The Planning Commission held a public hearing on the proposed annexation on November 16th.
- ❑ The Planning Commission considered the public comment, staff analysis and applicant's statement.
- ❑ The Planning Commission adopted a motion recommending City Council adopt the annexation ordinance.

CITY COUNCIL ALTERNATIVES

- ❑ The following alternatives are available to the City Council:
 - ❑ Approve the ordinance if the Council finds the applicant has demonstrated the annexation criteria are met;
 - ❑ Request additional information from the applicant to address deficiencies in the application identified by the Council;
 - ❑ Deny the application if in the Council's determination the applicable decision criteria cannot be met by the applicant.

STAFF RECOMMENDATION

- ❑ Staff recommends, that based on the evidence contained in the record, that City Council approve the annexation ordinance adding the territory to the Forest Grove city limits, Clean Water Services District, and withdrawing the territory from the Forest Grove Rural Fire Protection District.

ORDINANCE NO. 2020-06

ORDINANCE ANNEXING 37.7 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY TAX LOT 1N4250000600; FILE NO. 311-20-000167-PLNG

WHEREAS, Venture Properties, Inc., representing the property owner, VDS Farms Inc., submitted an annexation petition on September 4, 2020; and

WHEREAS, the annexation petition includes all property owners and no electors; and

WHEREAS, since the annexation petition includes all owners of property affected by the annexation, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection; and

WHEREAS, Oregon Revised Chapter ORS Chapter 222.120 and Chapter 222.125 establishes procedures for property owner-initiated annexation petitions without election by City electors; and

WHEREAS, the subject property is located within the urban growth boundary; and

WHEREAS, the City of Forest Grove desires to adopt an ordinance annexing the subject property into the city limits; and

WHEREAS, the tract subject to annexation is within the boundaries of the Forest Grove Rural Fire Protection District (District) and will be withdrawn from the District upon the effective date of the annexation; and

WHEREAS, the tract subject to annexation will be added to the Clean Water Services district boundary upon annexation under the authority of Oregon Revised Statutes Chapter 199.510(2)(C); and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on the annexation on November 16, 2020; and recommended City Council approval of the annexation; and

WHEREAS, the City Council held a duly noticed Public Hearing to consider the annexation petition on December 14, 2020, and January 11, 2021; and

WHEREAS, a report was prepared as required by law, and the City Council having considered the report and testimony during the public hearing; does hereby favor the annexation of the subject territory to the city limits; adding the subject territory to the Clean Water Services district boundary and withdrawing the subject territory for the Forest Grove Rural Fire Protection District; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party.

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

Section 1. The subject territory, described as Exhibit A and depicted on the attached map (Exhibit B), is declared to be annexed to the City of Forest Grove, Oregon.

Section 2. The subject territory annexed by this ordinance and described in Section 1 will be added to the Clean Water Services district under the authority granted by Oregon Revised Statutes Chapter 199.510(2)(c).

Section 3. The subject territory annexed by this ordinance and described by Section 1 is withdrawn from the Forest Grove Rural Fire Protection District.

Section 4. The findings in conclusions contained in the staff reports dated November 16, 2020, and December 14, 2020, and Planning Commission Decision 2020-10, are hereby incorporated by reference and hereby adopted.

Section 5. Annexation of the subject territory is support by the findings of fact and conclusions described in Exhibit C.

Section 6. The annexations and withdrawal shall become effective upon filing of the annexation of the annexation by Metro with the Oregon Secretary of State's Office as provided by the Metro Code Chapter 3.09.060 and ORS 222.180.

Section 7. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 14th day of December 2020.

PASSED the second reading the 11th day of January 2021.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 11th day of January 2021.

Peter B. Truax, Mayor

EXHIBIT A

A tract of land located in the Northeast One-Quarter and the Southeast One-Quarter of Section 25, Township 1 North, Range 4 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat Number 2012-029; thence along the westerly line of said Parcel 1, South 02°48'47" West 1682.84 feet to the northerly right-of-way line of David Hill Road (40.00 feet from centerline) and the City of Forest Grove city limits; thence along said northerly right-of-way line and along said city limits line, North 87°17'54" West 966.93 feet to the east line of the plat of "Parks at Forest Grove"; thence along said east line and continuing along said city limits line, North 03°03'58" East 823.24 feet to the southeast corner of Document Number 2007-133215; thence leaving said city limits line and along the east line of said Deed and the northerly extension thereof, North 03°03'58" East 1161.92 feet to the most northerly line of Document Number 98-109841; thence along said northerly line, South 86°01'14" East 82.64 feet to the westerly line of Document Number 2007-133216; thence along said westerly line, South 02°40'01" West 310.07 feet to the southerly line of said Deed; thence along said southerly line, South 87°55'47" East 874.82 feet to the Point of Beginning.

The above described tract of land contains 37.64 acres, more or less.

09/16/2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

EXHIBIT B

A TRACT OF LAND LOCATED IN THE NE 1/4 AND THE SE 1/4 OF SEC. 25, T1N, R4W, W.M., WASHINGTON COUNTY, OREGON

S86°01'14"E 82.64'

DOC. NO.
2013-017623

S02°40'01"W 310.07'

S87°55'47"E 874.82'

DOC. NO. 2007-133216

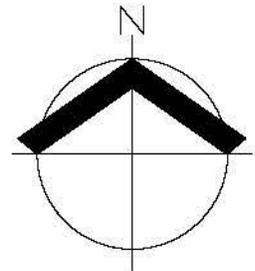
DOC. NO.
2007-133215

POINT OF BEGINNING
NW CORNER PARCEL 1
PP NO. 2012-029

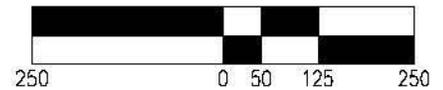
DOC. NO.
98-109841
AREA: 37.64 ACRES±

PARCEL 1
PP NO.
2012-029

CITY OF
FOREST GROVE
CITY LIMITS



SCALE: 1" = 250 FEET



N03°03'58"E 1161.92'

N03°03'58"E 1985.16'

TRACT 'L'

N03°03'58"E 823.24'

TRACT 'M'

"PARKS AT
FOREST GROVE"

TRACT 'O'

S02°48'47"W 1682.84'

09/16/2020

N87°17'54"W 966.93'

NW DAVID HILL ROAD
(COUNTY ROAD 1245)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

40.00'
38.00'

SILVERSTONE
DRIVE

"SILVERSTONE
NO. 3"

30.00'
40.00'
45.00'

Michael S. Kalina

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

CITY ANNEXATION

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM

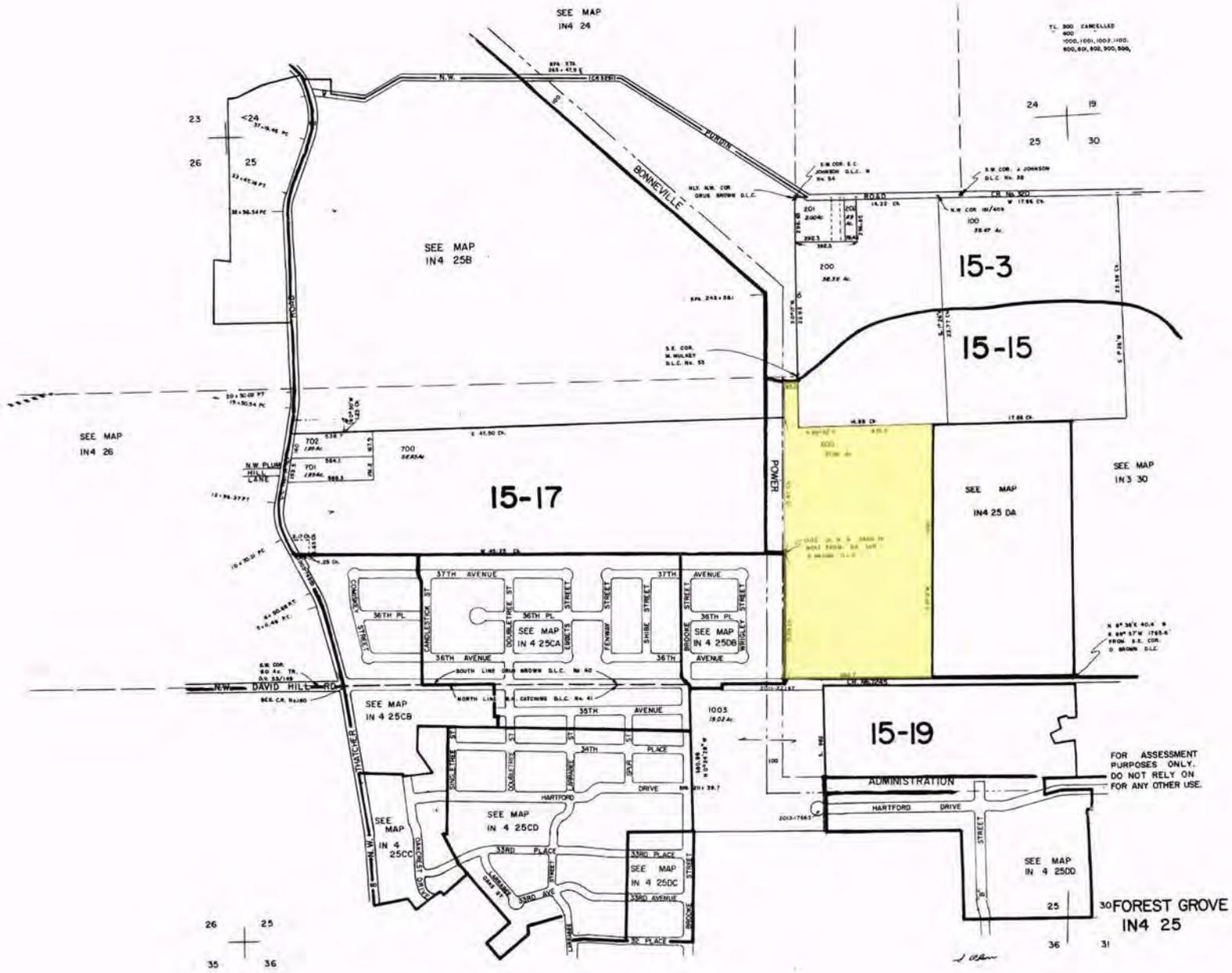


EXHIBIT
B

DRWN: MHJ
CHKD: MSK
AKS JOB:
7800

SECTION 25 TIN R4W WM.
 WASHINGTON COUNTY OREGON
 SCALE 1"=400'

IN4 25



T.L. 300 CANCELLED
 400
 500, 600, 700, 800,
 900, 100, 200, 300,
 400, 50, 60, 70, 80, 90, 100,

24 19
 25 30

SEE MAP
 IN4 26

SEE MAP
 IN4 25B

15-17

15-3

15-15

SEE MAP
 IN4 25 DA

SEE MAP
 IN3 30

15-19

FOR ASSESSMENT
 PURPOSES ONLY.
 DO NOT RELY ON
 FOR ANY OTHER USE.

SEE MAP
 IN 4 2500

30 FOREST GROVE
 IN4 25

26 25
 35 36

This page is intentionally blank.

EXHIBIT C

ANNEXATION FINDINGS FILE NO. 311-20-000167-PLNG

The City Council endorses Planning Commission Decision 2020-10 recommending City Council adopt an ordinance annexing approximately 37.7 acres, located north of David Hill Road (Washington County Tax Lot 1N425 Lot 600) into the Forest Grove city limits and Clean Water Services District and a concurrent withdrawal of the subject territory from the Forest Grove Rural Fire Protection District.

City Council makes the following findings in support of this decision:

- 1. The application was initiated by consent of the property owner, VDS Farms, Inc.**
- 2. The property subject to annexation consists of one parcel adjacent to the Forest Grove city limits.**
- 3. The annexation is necessary under the Urban Planning Area Agreement between Washington County and Forest Grove Comprehensive Plan for purposes of accessing and extending public utilities needed to serve future development.**
- 4. The annexation is consistent with Oregon Revised Statutes Chapter 222 (Boundary Changes; Mergers and Consolidations) as follows:**

Finding for ORS 222.111(1): The City Charter in Section 3, states “The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record and accurate and current description of its boundary.” The City Charter does not describe the manner for annexation approval. Therefore, the City follows the process described by ORS 222.111 to 222.180 or 222.840. ORS 222.111(1) stipulates the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or water feature. The property subject to annexation is separated from the current City boundary by David Hill Road to the south and contiguous to territory currently within the City to the west. Therefore, annexation of the subject property complies with ORS 222.111(1).

Finding for ORS 222.111(2): The annexation proposal was initiated by Venture Properties, Inc. with the consent of the property owner (VDS Farms, Inc.). The application was filed with the City on September 4, 2020. The application includes a title report prepared by First American Title. The title report indicates the property owner of record is VDS Farms Inc by Richard Peschka. Based on this information the annexation application complies with ORS 222.111(2).

Finding for ORS 222.111(4)(a): The territory subject to annexation is within the Forest Grove Rural Fire Protection District. This territory will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject territory will also be added to the Clean Water Services District upon the effective date of the annexation. No other districts will be affected by this annexation.

Finding for ORS 222.120(1): The City Charter does not require the City’s legislative body (City Council) to submit a proposal for annexation of territory to the electors of the city for approval.

Finding for ORS 222.123(2): The City Council is expected to hold public hearings on the annexation proposal on December 14, 2020 and January 11, 2021.

Finding for ORS 222.120(3). Notice of the City Council's public hearings will be published in the Forest Grove News Times on December 3 and December 10, 2020 in advance of the City Council's December 14, 2020 public hearing.

Finding for ORS 222.120(4): The annexation application and petition shows the property owner consented in writing to the annexation on September 1, 2020 prior to public hearings on the proposal. The City Council is expected to consider the annexation ordinance on December 14, 2020 and January 11, 2021. The annexation ordinance will include the legal description for the territory subject to annexation. The legal description comprised of a map and narrative description was preliminarily approved by the Oregon Department of Revenue on September 30, 2020.

5. The annexation is consistent with Metro Code Chapter 3.09 (Local Government Boundary Decisions):

Finding (§3.09.045(C)(1)): The subject property is adjacent to property developed and served with public facilities. This includes the Silverstone Development south of the subject property adjacent to David Hill Road and the Forest Grove LDS Church. Public utilities may be extended by the applicant subject to City Public Works Department and Clean Water Services standards and any future public improvement agreement required for development approval. Given the proximity of public services to the subject property the application complies with Metro Code §3.09.045(C)(1).

Finding (§3.09.045(C)(2)): The subject property will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject property is not within the Washington County Urban Roads Maintenance District or Washington County Enhanced Sheriff Patrol District and these districts are unaffected by the annexation. The subject property will be annexed to the Clean Water Services District concurrently with annexation into the City.

Finding (§3.09.045(C)(3)): The proposed effective date of the annexation is 30-days after adoption of the City's ordinance approving the annexation and Metro's filing of the City's final local decision with Oregon Secretary of State's office. This is expected to occur no later than February 28, 2021.

Finding (§3.090.045(D)(1)(a)): The City of Forest Grove adopted an urban area planning agreement (UPAA) with Washington County on September 10, 2018 (Resolution 2018-75). The UPAA establishes planning responsibilities and coordination of public services within the unincorporated area adjacent to Forest Grove in the urban growth boundary. The UPAA §3F states in part "As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer, and transportation facilities within the Urban Planning Area." "The CITY shall provide urban services consistent with annexation and fiscal policies." The applicant seeks annexation to receive municipal services needed for urban development." The proposed annexation and change to the City boundary are consistent with UPAA §3F adopted pursuant to ORS 196.065 since the City will provide water, sanitary sewer and storm sewer and transportation as applicable after annexation of the subject property. Therefore, the application complies with §3.090.045(D)(1).

Finding (§3.090.045(D)(1)(b)): The City has not adopted an annexation plan adopted pursuant to ORS 195.205. Therefore, §3.090.045(D)(1)(b) does not apply to this proposal.

Finding (§3.090.045(D)(1)(c)): ORS 195.020(2) states “A county assigned coordinative functions under ORS 195.025 (1), or the metropolitan service district, which is assigned coordinative functions for Multnomah, Washington and Clackamas counties by ORS 195.025 (1), shall enter into a cooperative agreement with each special district that provides an urban service within the boundaries of the county or the metropolitan district. A county or the metropolitan service district may enter into a cooperative agreement with any other special district operating within the boundaries of the county or the metropolitan district.” This provision applies to counties, Metro and special service district and does not apply to cities.

Finding (§3.090.045(D)(1)(d)): The subject territory was added to the urban growth boundary by the Oregon legislature in 2014. Subsequently, the Westside Refinement Plan was adopted by the City in 2017. The Westside Refinement Plan established and land use concept and infrastructure facility plan for the area including the subject property. The City’s public facility plans including plans for water, sanitary sewer, and storm drainage are being updated to include the area added to urban growth boundary. The City’s Transportation System Plan was amended in 2017 to include the collector street system for the area added to the urban growth boundary. Future development in this area, including the subject property, must substantially comply with amended Transportation System Plan. Compliance will be considered at time of application for development and land use approval.

Finding (§3.090.045(D)(1)(e)): The Forest Grove Comprehensive Plan was amended in 2017 to incorporate the land use concept identified in the Westside Refinement Plan including the subject property. The Comprehensive Plan identifies the property subject to annexation for residential development, a neighborhood park, and elementary school. The applicant proposed to reconfigure the precise “placeholder” locations for these land uses. This reconfiguration does not change the overall use of the subject property. Therefore, the application, as proposed, substantially complies with the Comprehensive Plan, and meets the intent of Metro Code §3.090.045(D)(1)(e).

Finding (§3.090.045(D)(1)(f)): Since the Oregon legislature added the subject territory to the urban growth boundary through legislative action a Metro Urban Growth Management Functional Plan Title III concept plan approved by Metro was not required. However, the City prepared and adopted the Westside Refinement Plan and amended the Forest Grove Comprehensive to include the Westside land use concept. The land use concept identified the subject property for residential development, a neighborhood park, and elementary school. The applicant proposes these uses although in locations that differ from what is identified on the Comprehensive Plan map. This reconfiguration does not change the overall use of the subject property. Therefore, the application, as proposed, substantially complies with adopted land use concept, and meets the intent of §3.090.045(D)(1)(f).

Finding (§3.090.045(2)(a)): The subject property is located within the urban growth boundary adjacent to existing development served with public utilities. The proposed boundary change promotes the timely, orderly, and economic provision of public facilities and services by adding land to the City adjacent to lands already served with public utilities and services. Therefore, the boundary change complies with §3.090.045(2)(a).

Finding (§3.090.045(2)(b)): No evidence has been presented indicating the proposed boundary change will affect the quality and quantity of urban services. This conclusion is supported by the fact the subject property is within the urban growth boundary and the City's Urban Planning Area Agreement and Comprehensive Plan map anticipate urban development at the subject property.

Finding (§3.090.045(2)(c)): The Urban Planning Area Agreement establishes roles and responsibilities for provision of public facilities and services within the unincorporated area adjacent to Forest Grove within the urban growth boundary. This helps to promote coordination of services to avoid unnecessary duplication by multiple service districts.

6. The territory proposed for annexation is subject to the Urban Planning Area Agreement (UPAA) between Forest Grove and Washington County. The Council finds the annexation proposal is consistent with the UPAA including:

Finding (UPAA): The UPPAA states that unincorporated urbanizable land is not converted to urban development prior to annexation to the City.

7. The annexation proposal is subject to the Urbanization policies of the Forest Grove Comprehensive Plan as follows:

Finding (Forest Grove Comprehensive Plan – Urbanization Policy #5): Urbanization Policy #5 states: "Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation." The applicant seeks annexation for the purpose of extending public utilities needed for future development of the site including single-family residential development and institutional uses including a neighborhood park and elementary school.

Finding (Forest Grove Comprehensive Plan – Urbanization Policy #12): Urbanization Policy #12 states: "Promote the efficient delivery of public services through annexation of land into the City of Forest Grove." Annexation of the subject property promotes the efficient delivery of public services since public utilities exist within and to the David Hill Road public right-of-way. Annexation of the subject property will allow future extension of these utilities to serve future development consistent with UPAA and Comprehensive Plan Urbanization Policy #5 above.

Finding (Forest Grove Comprehensive Plan – Urbanization Policy #13): Urbanization Policy 13 states: "The City will avoid approving annexations that create unincorporated islands within the Forest Grove planning area." The subject property is contiguous with the city limits along the subject property's southern and western property lines. Properties adjacent to and located north and east of the subject property are not within the City limits. Therefore, annexation of the subject property will not result in the creation of an unincorporated island.

Planning Commission Findings and Decision Number 2020-10
Annexation of 37.7 +/- acres and Concurrent Comprehensive Plan Map
Amendment, Zoning Map Amendment and Tentative Partition
File Number 311-20-000167-PLNG

WHEREAS, on September 4, 2020, Venture Properties, Inc., submitted a land use application for an annexation, Comprehensive Plan Map amendment, Zoning Map amendment and tentative partition; and

WHEREAS, as required by Oregon Administrative Rules Chapter 660-018-0022, notice of this application was provided to the Oregon Department of Land Conservation and Development on October 5, 2020, being at least 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(A), notice of the Planning Commission's public hearing to consider this application was published in the Forest Grove News Times on November 5, 2020, being at least five days prior to the public hearing; and

WHEREAS, notice of the Planning Commission's public hearing was posted in locations accessible to the public as required by Development Code §17.1.610(B)

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of this application was mailed to all property owners of record and other interested parties within 300 feet of the boundaries of the subject properties; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of said notice was mailed on October 26, 2020, being at least 20 days before the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(D), the property subject to this application was posted with a notice of public hearing on October 26, 2020; and

WHEREAS, the Planning Commission held the duly noticed public hearing on this matter on November 16, 2020.

NOW THEREFORE, the City of Forest Grove Planning Commission does hereby recommend that City Council adopt an ordinance annexing the subject property, and orders to approve the proposed Comprehensive Plan Map amendment, Zoning Map amendment and tentative partition as shown in the staff report dated November 16, 2020, making the following specific findings in support of the decision.

1. The Planning Commission finds there is substantial evidence in the record to support a Planning Commission recommendation to City Council that the City Council to approve the proposal subject to certain conditions. The evidence relied upon includes:

- a. The land use application dated September 2020 and received by the City on September 4, 2020;
 - b. The written staff report dated November 16, 2020 provided to the Planning Commission; and
 - c. Testimony provided to the Planning Commission during the public hearing on November 16, 2020, to support a Planning Commission recommendation to City Council to approve the proposals subject to certain conditions.
2. The Planning Commission finds the evidence relied upon including the land use application and written staff report dated November 16, 2020 demonstrates the land use application meets the applicable review criteria and considerations including:
 - a. Oregon Revises Statutes Chapter 222 (Boundary Changes, Mergers and Consolidation).
 - b. Metro Code Chapter 3.09 (Local Government Boundary Changes)
 - c. Oregon Statewide Land Use Planning Goal 1 (Citizen Involvement), Goal 2 (Land Use), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation)
 - d. Metro Urban Growth Management Plan
 - e. Forest Grove Comprehensive Plan Community Sustainability Goals and Forest Grove Comprehensive Plan Housing Goals and Policies
 - f. Forest Grove Comprehensive Plan Public Facilities and Services Goal and Policies
 - g. Forest Grove Comprehensive Plan Urbanization Goals and Policies
 - h. Oregon Transportation Planning Rule (OAR 660-12)
 - i. Development Code §17.6.060 (Tentative Partition Review Criteria)
3. The Planning Commission finds the annexation of the subject property meets the applicable review criteria described in the written staff report dated November 16, 2020.
4. The Planning Commission finds the proposal to amend the Forest Grove Comprehensive Plan Map to redesignate property designated Institution to Residential A-Medium and property designated Residential B-Standard to Institutional as proposed in the land use application meets the applicable review criteria and considerations as described in the written staff report dated November 16, 2020.
5. The Planning Commission finds the proposal to amend the Forest Grove Zoning Map to redesignate property zoned Washington County Future Development to Forest Grove Institutional and Residential R-5 consistent with the

Comprehensive Plan Map amendment meets the applicable review criteria and considerations as described in the written staff report dated November 16, 2020.

6. The Planning Commission finds the proposed tentative partition plat meets the applicable review criteria and considerations as described in the written staff report dated November 16, 2020.
7. The Planning Commission adopts the following condition of approval:
 - a. The applicant, shall in coordination with the owners of Washington County Tax Lot 1N4250000200 and 1N425B001400, identify on the approved tentative and final partition plat, easements for access, an irrigation line, and drainage tile.

Phil Ruder, Chair

Date

This page is intentionally blank.



A place where families and businesses thrive.

**Planning Commission
 Community Auditorium and Webex
 1915 Main Street, Forest Grove, OR
 Monday, November 16th, 2020, 7:00 pm**

1. WORK SESSION CALL TO ORDER AND ROLL CALL:

Chair Phil Ruder called the Planning Commission public hearing to order at 7:01 p.m. via Webex Video Conference.

COVID-19: Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the Planning Commission limited in-person contact and social distancing. **The Planning Commission conducted the meeting remotely by video conferencing.** The meeting was remotely video conferenced by Planning Commission Coordinator Cassi Bergstrom as well as televised live from the projector screen at the Community Auditorium by Tualatin Valley Community Television (TVCTV) Government Access Programming LIVE Channel 30 on their website. To view the recorded meeting, please visit <http://tvctv.org/>. The public was allowed to attend and observe in the Community Auditorium as space allowed (no more than 10 persons total at one time). Written comments on items not on the agenda and written testimony regarding the public hearing were accepted if submitted by November 16th, 2020, 3 p.m. to Senior Planner Dan Riordan.

Roll Call:

Planning Commission Present via Webex Remotely: Phil Ruder, Chair; Hugo Rojas, Vice Chair, Commissioners Lisa Nakajima, Ginny Sanderson, Dale Smith and Julie Danko.

Planning Commission Excused: Joel Redwine.

Staff Present: Bryan Pohl, Community Development Director (in the Community Auditorium); Daniel Riordan, Senior Planner (in the Community Auditorium); Cassi Bergstrom, Planning Commission Coordinator (in the Community Auditorium).

2. PUBLIC MEETING:

A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:

None.

B. PUBLIC HEARING:

(1.) File No. 311-20-000167-PLNG – Annexation of approximately 37.7 acres of land into the City of Forest Grove and Clean Water Services District located at

Washington County Tax Lot 1N4250000600 with concurrent partition and amendments to the City's Comprehensive Plan and Zoning maps.

Chair Phil Ruder 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. There were no conflicts of interest and no challenges from the audience.

Senior Planner Dan Riordan gave a Powerpoint presentation, giving an overview of the annexation. The application includes concurrent proposals for annexation of approximately 37.7 acres of land north of David Hill and east of the Forest Grove LDS Church, Comprehensive Plan Map amendments, Zoning Map amendments, and a partition to create three parcels.

Mr. Riordan went into more detail of the application, which includes a reconfiguration of the lot to include a site for a 6-acre neighborhood park, 10-acre elementary school, and a 21.7-acre single family residential subdivision. The applicant has proposed to flip the land uses previously approved through the Westside Refinement Plan so the residential area is now adjacent to David Hill Road. The applicant also is proposing an increase in residential density from R-7 (B-Standard) to R-5 (A-Medium) with a target density of 8.7 units per net acre.

Mr. Riordan went on to summarize the correspondence received [detailed below at 'Correspondence'].

Staff analysis showed the application met the review criteria and considerations, and recommends that the Planning Commission adopt a motion to recommend the annexation onto the City Council for their approval with any amendments that may be needed based on the correspondence received.

CORRESPONDENCE:

Correspondence regarding the proposed annexation was received by the following:

Oregon Department of Land Conservation and Development noted a need for adequate traffic circulation and access to the park and school sites.

Kerry VanderZanden, neighboring property owner, voiced comments about future subdivision including traffic, street access, and fencing requirements to reduce the road noise generated by David Hill Road.

Housing Land Advocates emailed ensuring that Statewide Planning Goal 10 housing needs are met by the proposal.

Lyle Spiesschaert, neighboring property owner, voice his concerns regarding the future subdivision. His concerns included the need to mitigate conflicts between farming and nearby residential areas, the BPA Power Line Easement, Tualatin

Valley Irrigation District pipeline easement, surface and subsurface pre-existing drainage tile off agricultural land, and the need for an easement to maintain property access through the subject property.

APPLICANT:

Mimi Doukas, AKS Engineering & Forestry LLC, 12965 SW Herman Rd, #100, Tualatin, OR 97062:

Ms. Mimi Doukas presented on behalf of the applicant, Venture Properties. Ms. Doukas gave a Powerpoint presentation showing the configuration of the lot, where it is located, and the proposal by the applicant. Lancaster Mobley is responsible for the transportation engineering of the project.

Ms. Doukas went on to explain the background of the proposal being part of the Westside Refinement Plan adopted by Forest Grove City Council in 2017. This project in particular is an annexation of 37.7 acres within City limits to make a three-parcel partition to accommodate a future neighborhood, park and a school. The plan was "flipped" from the original plan with the neighborhood fronting David Hill Road and the park/school partition neighboring the current farmland to create more of a buffer.

Ms. Doukas explained that the subdivision and planned development application will come before the Planning Commission in a few weeks showing the plan for the 131-lot residential development. The transportation plan will be more detailed at that meeting.

The applicants have been in correspondence with Mr. Lyle Spiesschaert regarding the agricultural easements, farm access and drainage required at the "thumb" of the top left parcel where a park is proposed, and believe they have come to an agreement. The applicants will also be in compliance with the drainage easements from Tualatin Valley Irrigation District as well as the BPA easement that is running adjacent to the site. The "thumb" of the parcel will still be a useable piece for a park or trail even with the easements in place.

Ms. Doukas believes this application meets the criteria and City's vision for the Westside Refinement Plan, works well with the infrastructure and provides the needed housing to the community. The applicant agrees to staff's conditions of approval with the agricultural easements as discussed with the neighboring property owner.

PROponents:

None.

OPponents:

None.

OTHER:

Lyle Spiesschaert, 3150 NW Thatcher Road, Forest Grove, OR 97116:

Commissioner Nakajima requested Lyle Spiesschaert come to the front. Mr. Spiesschaert came to the front as the landowner that neighbors the subject property.

Commissioner Nakajima inquired where Mr. Spiesschaert stands on the proposal. Mr. Spiesschaert responded that he has been in contact with the applicant's representative, and his concerns regarding the drainage and easements for farm access has been addressed.

REBUTTAL:

None.

Chair Ruder closed the public hearing at 7:46 p.m.

COMMISSIONER DISCUSSION:

Chair Ruder asked for any questions or discussion regarding the proposal, in which he started by saying he had questions regarding the flipping of the institutional and residential zoning, but the applicants explained clearly why the flip was necessary. Chair Ruder confirmed with staff that there will be adequate access to the park site.

Commissioners Nakajima inquired why the density was increased and would like to see the density as R-7. Mr. Riordan explained that the House Bill 2001 makes the distinction of densities between residential districts obsolete when the City adopts the new legislation. Chair Ruder thought the R-5 density is appropriate for the project site, and the presence of a few townhomes makes some of the development more affordable.

Commissioner Sanderson liked the flow of the housing types and the proposal accommodates the different housing needs.

Chair Ruder and Mr. Riordan discussed the fencing type along David Hill Road, and it was determined that the discussion will be more appropriate at the Planned Development proposal coming to the Commissioners in the next few weeks.

Commissioner Nakajima inquired if the easement should be effective prior to City Council approval, but Mr. Riordan explained that the easements are a process and Council should be making the easement a condition of approval for the final partition plat.

Commissioner Nakajima moved a motion to recommend approval to City Council regarding file number 311-20-000167-PLNG – Annexation of approximately 37.7 acres of land into the City of Forest Grove and Clean Water Services District located at Washington County Tax Lot 1N4250000600 with concurrent partition and amendments to the City's Comprehensive Plan

and Zoning maps with a requirement of the discussed easement to be recorded on the final plat. Commissioner Smith seconded the motion.

Roll Call Vote on Motion: AYES: Chair Ruder; Vice Chair Rojas; Commissioners Sanderson, Smith, Nakajima, and Danko. NOES: None. ABSENT: Commissioner Redwine. MOTION CARRIED 6-0.

C. **ACTION ITEMS:**
None.

D. **WORK SESSION ITEMS:**
None.

3. **BUSINESS MEETING:**

A. **APPROVAL OF MINUTES:**
Commissioner Nakajima moved to approve the minutes of the October 5th, 2020 meeting. Commissioner Smith seconded. Motion passed 6-0.

B. **REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:**
None.

C. **DIRECTOR'S REPORT:**
Community Development Director Bryan Pohl informed Commissioners that the Planned Development for Farmstead Crossing annexation will be coming to the Planning Commission December 7th.

Mr. Pohl updated Commissioners regarding the Festival Street being proposed on 21st Avenue. A consulting firm was selected and a meeting will be happening later in the week.

Mr. Pohl updated Commissioners in regards to the Oak Street Plan. The City has engaged with a consultant to re-designate and rezone the land.

The URA Board has engaged with the Public Arts Commission to create banner poles near the post office, likely starting next week.

Mr. Pohl updated Commissioners regarding the building annex that is being proposed at the City Engineering office site.

D. **ANNOUNCEMENT OF NEXT MEETING:**
The next meeting will be held December 7th, 2020.

E. **ADJOURNMENT:**
The meeting was adjourned at 8:17 p.m.

Respectfully submitted by:

Cassi Bergstrom

Digitally signed by Cassi Bergstrom
DN: cn=Cassi Bergstrom, o=City of Forest Grove, ou=City of Forest Grove
Reason: I am the author of this document
Location: my signing location here
Date: 2025.12.01 09:46:48
Distinguished Name: 0.2.1

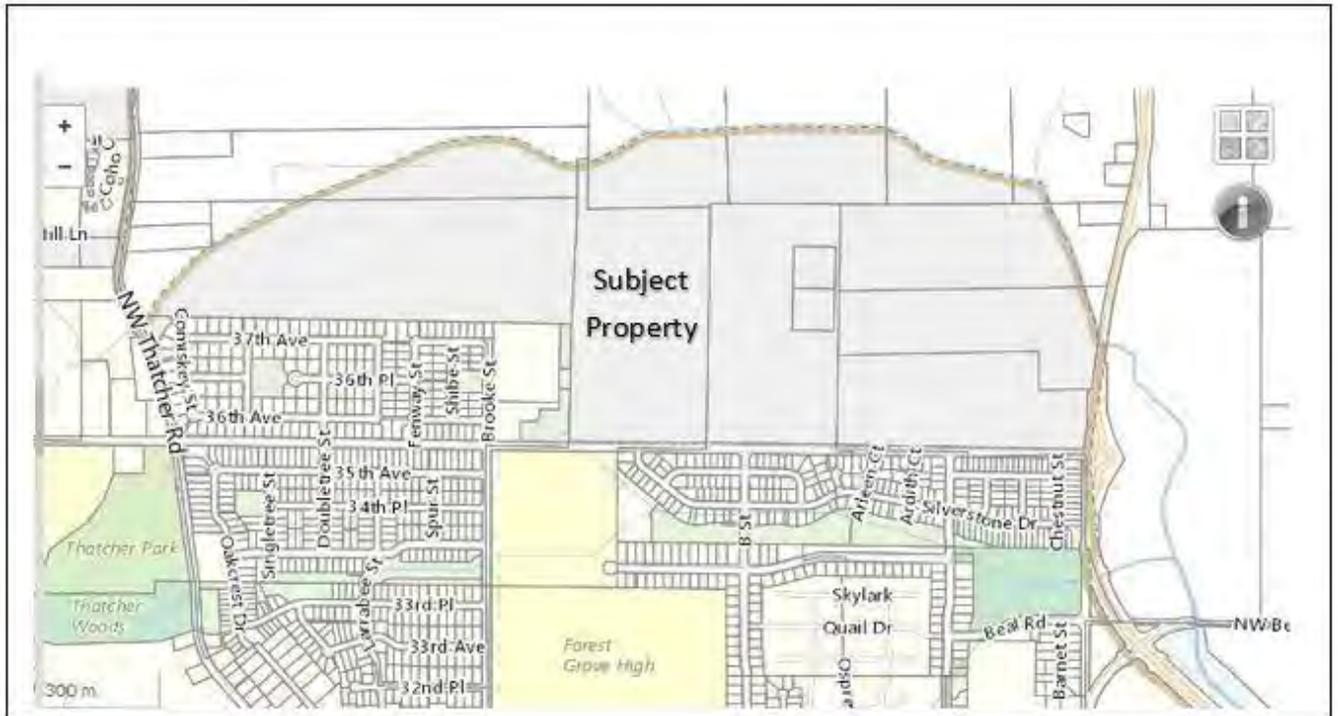
Cassi Bergstrom
Planning Commission Coordinator



Planning Commission
Staff Report and Recommendation
Community Development Department, Planning Division

Application Date	September 4, 2020
Completeness Date	October 1, 2020
Hearing Date	November 16, 2020
120-Day Deadline	January 28, 2021
Land Use Request	Annexation of approximately 37.7 acres of land into the City of Forest Grove and Clean Water Services District with concurrent partition and amendments to the City's Comprehensive Plan and Zoning Maps.
File Number	311-20-000167-PLNG
Property Location	North of David Hill Rd and east of Forest Grove LDS Church
Assessor's Map No.	Washington County Tax Lot 1N425 Lot 600
Applicable Decision Considerations, Standards and Criteria	<p>Annexation: ORS Chapter 222 (City Boundary Changes) and Metro Code 3.09 (Local Government Boundary Changes)</p> <p>Comprehensive Plan Map Amendment Considerations:</p> <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 <p>Zoning Map Amendment: Development Code §17.2.770 Map Amendment Criteria</p> <p>Partition: Development Code §17.6.060 Review Criteria</p>
Property Owner	VDS Farms, Inc. 3385 NW Highway 47 Forest Grove, OR 97116
Applicant	Venture Properties, Inc. 4230 Galewood Street, Suite 100 Lake Oswego, OR 97035
Reviewing Staff	Dan Riordan, Senior Planner
Recommendation	The Planning Commission approve a motion adopting findings and conclusions contained in the staff report and recommending City Council approve the proposed annexation, Comprehensive Plan and Zoning Map amendments and partition.

VICINITY MAP



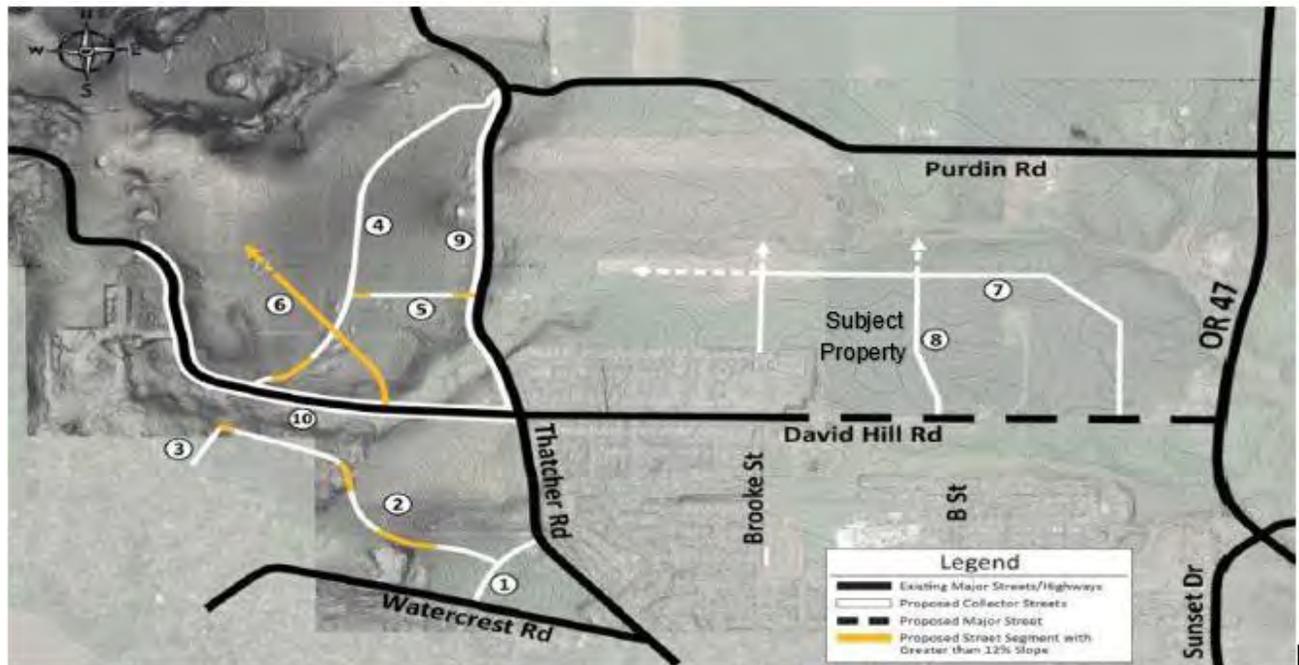
AERIAL PHOTO



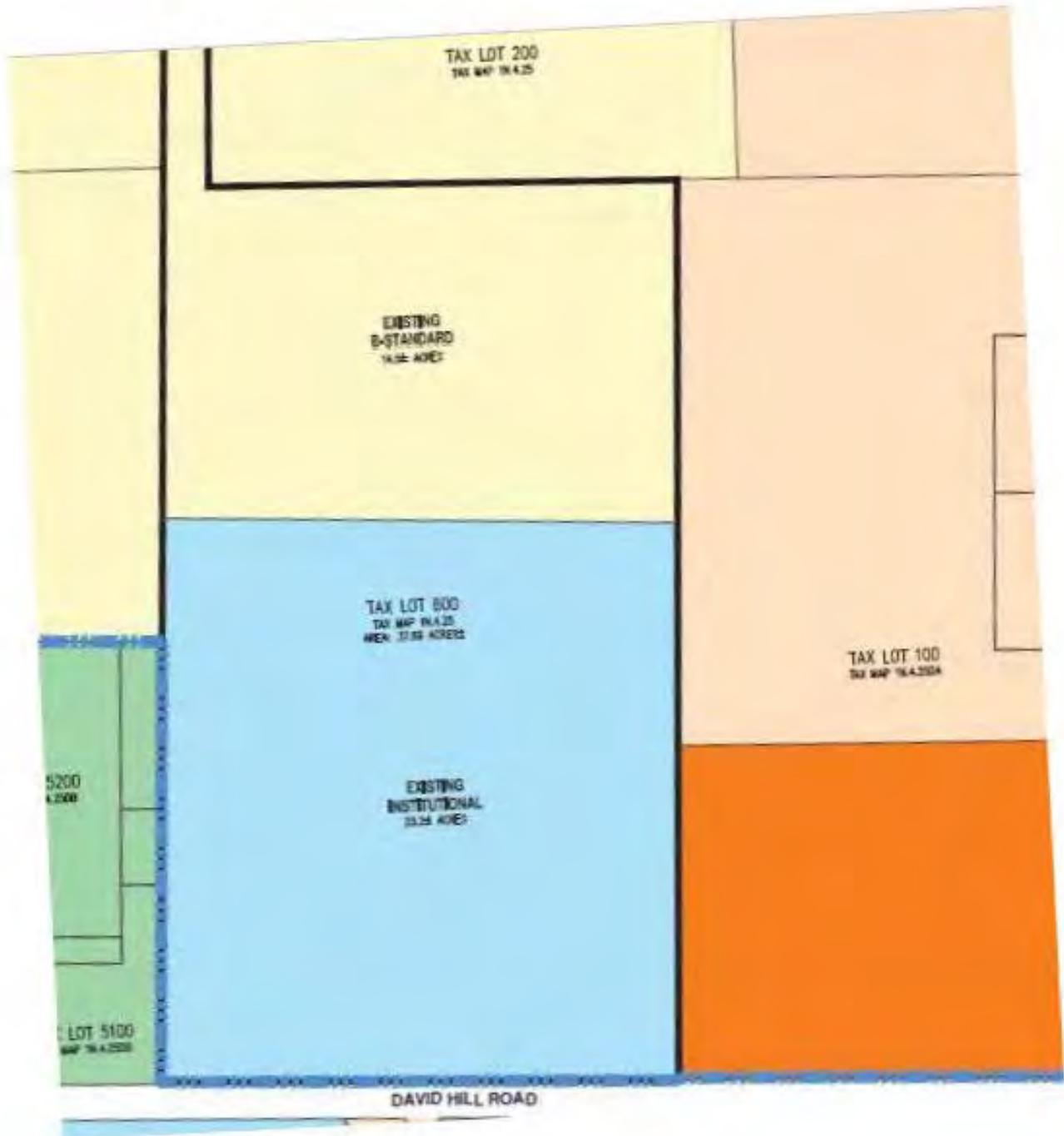
VICINITY COMPREHENSIVE PLAN DESIGNATIONS



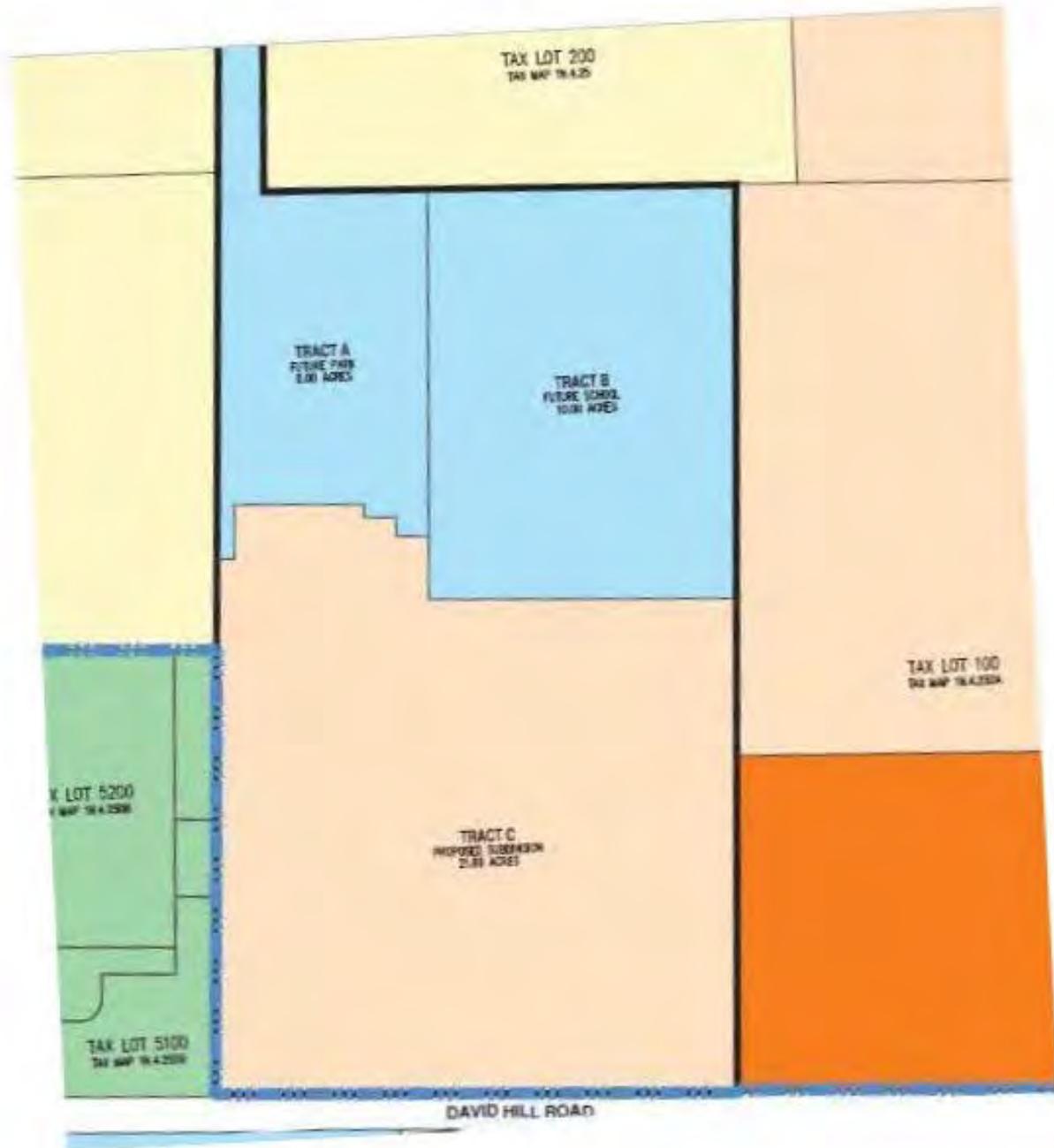
TRANSPORTATION PLAN



EXISTING COMPREHENSIVE PLAN DESIGNATIONS



PROPOSED COMPREHENSIVE PLAN DESIGNATIONS



I. SUMMARY OF PROPOSAL

This proposal includes four applications for review and approval:

1. Annexation
2. Comprehensive Plan Map Amendment
3. Zoning Map Amendment
4. Partition

Approval of this proposal will add approximately 37.7 acres of land into the Forest Grove City Limits and Clean Water Services District. The subject property includes one parcel located north of David Hill Road and Forest Grove High School and east of the Forest Grove LDS Church. The property was added to the urban growth in 2014 by the Oregon legislature. Annexation of the property will allow extension of utilities to serve future development. The accompanying Comprehensive Plan Map and Zoning Map Amendments and partition will accommodate a 6-acre neighborhood park, 10-acre elementary school, and 21.7-acre residential subdivision.

The proposal modifies the land use concept for the parcel adopted in the Westside Refinement Plan adopted in 2017. Changes include increasing permitted development density from 6.2 dwellings per net developable acre to 8.7 units per net acre. Another change requested by the applicant is relocating the area for the neighborhood park and elementary school from the southern portion of the parcel adjacent to David Hill Road to the northern portion of the parcel near Council Creek. This is described further elsewhere in this report and extensively in the application (Attachment A). The applicant proposes this change for efficiency in providing public utilities. Relocating the park and school sites to the northern portion of the parcel also provides a buffer between farming activities north of Council Creek and future homes.

II. PUBLIC COMMENTS/CORRESPONDENCE

As required by state law, the City provided notice of the proposal to the Oregon Department of Land Conservation and Development (DLCD) at least 35-days in advance of the Planning Commission's public hearing. In response to the notice, DLCD submitted an email with the following comment on October 13, 2020:

"Thank you for the Notice of Plan Amendment for the Annexation and modification of Comprehensive Plan and zoning designations to accommodate a 21.7-acre residential subdivision, 6.0-acre neighborhood park, and 10.0-acre elementary school site. Please include these comments in the record for this plan amendment and the proceedings of the November 16, 2020 Planning Commission hearing.

After reviewing this proposal, we suggest that the city carefully consider the connectivity and proposed multi-modal access throughout these properties and to and through adjacent properties. This is particularly important considering the proposed relocated elementary school site. We encourage the city to consider short, medium and long term safe and easy access to the school site, including consideration of those areas currently zoned for future development."

Staff Response: The City acknowledges DLCD's comment about the need for multimodal access to both neighborhood park and elementary school sites. Access to the proposed school site and potential traffic impacts to the future residential neighborhood will be evaluated as part of a separate subdivision application. Access for future development must comply with the City's adopted Transportation System Plan updated in 2014 and Westside Refinement Plan also updated in 2014 unless amended by City Council. Both the Transportation System Plan and Westside Refinement Plan show a future extension of B Street east of the subject property as well as an unnamed east-west collector street in the vicinity of the southern boundaries of the proposed park and school sites. B Street is identified as a collector street in the Transportation System Plan. Both the future extension of B Street and future east-west collector street provide opportunities for multi-modal access to the park and school sites including access for autos, school buses, bicycles, and pedestrians.

Neighboring property owner Kerry VanderZanden submitted the following comment regarding development of the subject property and requested that the comment be included in the record:

August 26, 2020

To Whom it may concern,

I would like this to part of the public testimony.

I attended the zoom meeting held on August 24th 2020 @ 6:00. I was able to listen and give testimony via phone connection and email.

The main area that I wanted to focus on was TRAFFIC both Vehicular and Pedestrian. David Hill Road at times is a very slow moving road following the speed limit but at other times it has become a race track. I know because I have lived on this road most all of my life. The road or sidewalk is a Mecca for people walking as couples, individuals walking or running, with Children walking or learning to ride bike and with dogs. This happens very early in the morning with rush hour traffic or in the evening during rush hour and late into the evening. I have met many of them. They enjoy to openness to the north with the fields and the evening as the sun is going down. They travel from west to the east and back again. Many times they have to deal with the races that are going on, with some of the drivers. All of this the police can attest to.

The new subdivision will add people and cars. Cars with only one access. People will be using that same access. People will be wanting to walk the same side walk that every else does. West to east and back again. The new side walk on the North will stop at the end of the subdivision so most will naturally go across the street to the other side for everything.....playgrounds...school....etc. a longer walk.

As we know there was a major problem at Thatcher and David Hill that finally took stop signs to fix. It would be nice to have them at the new created intersection. If that is not a choice there should be at least a cross walk and hopefully a lighted crosswalk indicator, flashing lights. The representatives at the Zoom meeting seem to think that the School District should take care of that when it is built. What if the school is not built and the rest of the property put into houses and PARK. It may be to late. Why not put it in now. Oh sure the DEVELOPERS would need to pay for it....what an extra expense that... will be passed onto the buyers....they can't afford it. They need to meet their price point. Let's pass the buck and let the somebody else pay for it so we can meet our price point.

It needs to be addressed NOW. Slow the traffic where it needs to happen and it will also slow the through traffic for a short time. Let the police be a part of the discussion.

One other point that I would like to bring up would be the fencing along David Hill. You have a chance to make it more permeant...not just wood. The upper area on David Hill with a solid masonry fence looks so much cleaner and richer. Forest Grove needs to step up with the rest of the metro area. Hillsboro or Beaverton or Tigard etc. would never allow a wood fence. Again the DEVELOPERS would need to pay for it and pass it on...they are worried about the financial aspect of it...price point. ...at least until they leave the town. It would be a better sound control for the people that live there and a better presence to the public. The existing wood fence looks ok from a distance but not up close. A great deal of the fence is not plumb and boards are already cupping etc. Heck it even blew down after it was first put up cause the wind was strong on winter day and with only one sack of concrete in each hole...well down it went. Of course a wood fence could be for the rest of the other sides of the subdivision...north south would be fine. They don't face the public or the noise.

Thank you for the opportunity to voice my opinions.

Staff Response: The proposal for Planning Commission consideration on November 16th is the annexation, Comprehensive Plan map amendments, Zoning Map amendments and partition. A subsequent subdivision/planned development application will be brought forward for subsequent Planning Commission consideration at a later date. The Planning Commission decision on the annexation, map amendments and partition must be based on the review criteria pertinent to current proposal. The Planning Commission will have an opportunity to address development related concerns as part of the public hearing process for the proposed subdivision/planned development.

The Housing Land Advocates sent an email on November 6, 2020, requested additional information to include in the Statewide Land Use Planning Goal 10 (Housing) analysis to demonstrate how the proposed Comprehensive Plan Map amendment satisfies Goal 10.

Staff Response: The Goal 10 analysis found elsewhere in this report addresses the Housing Land Advocates request.

Staff received one phone call from a resident of the Parks development inquiring about the proposal, number of potential housing units and process for subdivision approval.

III. LAND USE HISTORY

The property subject of this application is located north of David Hill Road and the Forest Grove High School, east of the Forest Grove LDS Church and west of farmland and two homes. The subject property is devoid of improvements and is actively farmed. The property proposed for annexation is owned by one property owner.

The Oregon Legislature added the property proposed for annexation and other properties north of David Hill Road and south of Council Creek to the urban growth boundary in 2014 as part of the urban reserve "Grand Bargain." Subsequently, the City prepared a land use concept plan for the area as part of the Westside Refinement Plan. The Westside Refinement Plan was adopted by City Council in 2017.

The Westside Refinement Plan designates the area proposed for annexation for single family residential development with a density of 6.2 homes per net acre, a neighborhood park and elementary school. The adopted “placeholder” locations for the neighborhood park and elementary school are adjacent to David Hill Road to serve new and existing neighborhoods in the generally vicinity. As noted above and elsewhere in this report and in the application, the applicant proposed to modify the placeholder locations for the intended uses at the subject property.

IV. CONSOLIDATED REVIEW

When a proposal involves more than one application for the same property, the applicant may submit concurrent applications for review and approval (FGDC §17.1.205). The applications are consolidated for review in accordance with the highest number procedure. Review procedures include: Type I (Administrative Decisions), Type II (Limited Land Use Decisions), Type III (Quasi-Judicial Decisions), and Type IV (Legislative Decisions). The highest number procedure, Type IV, requires review and recommendation by the Planning Commission and approval by City Council.

Land use applications that are site specific in nature are classified as Type III quasi-judicial decisions. Since the application is site specific it is classified as a quasi-judicial amendment to the Comprehensive Plan Map and Zoning Map requiring approval by City Council.

V. PROCEDURAL REQUIREMENTS

Annexation Review and Approval Process: The annexation process is governed by the City of Forest Grove Charter, Oregon Revised Statutes Chapter 222, and the Metro Code (Chapter 3.09).

The City Charter grants authority to City Council to add land into the Forest Grove city limits. The City Charter does not require an election for approval of annexations. ORS 222.120 establishes procedures for annexation without election. This application includes one property owner and no electors. Under ORS 222.125, upon receiving written consent to annexation by owners and electors the legislative body of the city (City Council), by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. It has been the City’s practice to approve annexations by ordinance rather than by resolution since resolutions are reserved for administrative actions by the City Charter, and annexation is a legislative matter.

State law (ORS 222.111) requires that territory annexed be contiguous with the current city limits or only separated by a public right-of-way or body of water such as a stream. The property subject to this annexation application is separated from the city limits along the southern boundary by public right-of-way (David Hill Road) and is contiguous with the city limits along the property’s western boundary adjacent to the Forest Grove LDS Church.

Typically, a property owner’s request for annexation is made to receive public utilities required for development including water and sanitary sewer service. The Forest Grove Comprehensive Plan, and the City’s Urban Planning Area Agreement with Washington County, stipulate that land be annexed prior to receiving municipal public utilities as is the case here.

Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city (City Council), by resolution or ordinance, may set the final boundaries of the area for annexation based on a map and legal description adopted by ordinance. A city zoning designation is also applied to the property as part of the annexation process.

After the annexation request is approved the City the local decision is provided to the Oregon Department of Revenue for final approval of the required parcel map and legal description. After Department of Revenue's approval, the local decision is provided to Metro for recording. Metro then sends the decision to the Oregon Secretary of State's office. The annexation is deemed complete upon filing with the Secretary of State as provided in ORS 222.177 and 222.900. The date of filing with the Secretary of State is the effective date of the annexation.

Comprehensive Plan Map Amendment Review and Approval Process: The Forest Grove Comprehensive Plan is the policy framework used by the City to link land use, economic development, public facilities, and key community services. The Comprehensive Plan establishes the City's expectations for land use and development over a twenty-year period. The Comprehensive Plan also demonstrates local compliance with the Oregon land use planning program including all applicable Statewide Land Use Planning Goals including goals for housing, (Goal 10), public facilities (Goal 11) and urbanization (Goal 14).

The Comprehensive Plan, including the adopted land use map, is not intended to be a static document. The Comprehensive Plan should respond to market needs and evolving community preference for what Forest Grove should and could be. Recognizing this, the Comprehensive Plan establishes a process for amendments to the Plan's text and map.

Amendments to the Comprehensive Plan are usually processed through a legislative (Type IV) process requiring City Council approval. Under the Type IV process, the Planning Commission's role is to consider the merits of the proposal and to prepare a recommendation to the City Council.

Decision considerations for Comprehensive Plan Map amendments include:

- Consistency with applicable Comprehensive Plan policies.
- Consistency with the Metro Regional Framework Plan.
- Consistency with the Metro Urban Growth Management Function Plan (Metro Code Chapter 3.07) or Regional Transportation Functional Plan as applicable.
- Consistency with the Oregon Statewide Land Use Planning Goals.

Zoning Map Amendment Review and Approval 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 III (quasi-judicial) procedure. The criteria for a zoning map amendment is found in Development Code §17.2.770 and include:

- 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 Classification 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, 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.
- F. The establishment of a zone district is not subject to the meeting of conditions.

Tentative Partition Plat Review and Approval Process: Development Code §17.6.045 through §17.6.065 outlines the tentative partition plat review and approval process. The review procedures for partitions are established for the following purposes:

- A. Ensure building sites are of sufficient size and appropriate design for their intended uses and lots to be created within density ranges permitted by the Comprehensive Plan.
- B. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible.
- C. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles.
- D. Create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses.
- E. Promote energy efficiency.

A partition application is usually reviewed administratively by staff through a Type II (Limited Land Decision) process. The Type II provides an opportunity for public comment prior to a final staff decision. Review of the partition has been elevated for Planning Commission review and City Council approval as part of the consolidated annexation, comprehensive plan map, zoning map and partition application. For this reason, the Planning Commission is being asked to review the partition request.

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 August 28, 2020 pursuant to ORS 197.610, OAR Chapter 660 – Division 18, and Metro Code §3.07.820 (Functional Plan Title 8).

Public Notice: Public notice for this application was mailed to property owners and residents within 300 feet of the site on October 26, 2020; and published in the *News Times* on November 5, 2020, as required by Development Code §17.1.610.

VI. NEIGHBORHOOD MEETING

The applicant held a virtual neighborhood meeting on August 24, 2020. Based on information submitted by the applicant, 17 persons attended the meeting.

VII. SITE CONTEXT

The subject area consists of one parcel with a total area of about 37.7 acres and is used for farming. The site is adjacent to David Hill Road and directly north of the Silverstone planned residential development and Forest Grove High School. This site is also directly east of the proposed Brooke Meadows subdivision and the Forest Grove LDS Church.

The subject property is adjacent to farmland to the east some of which is planned for future development. The area north of Council Creek to Purdin Road is designated as Rural Reserve by Washington County and is set-aside for long-term agricultural use and cannot be added to the urban growth boundary under current state law.

VIII. REQUIRED APPROVALS AND FINDINGS FOR ANNEXATION

The following decision criteria apply to local government boundary decisions:

1. Oregon Revised Statutes Chapter 222 (Boundary Changes)
2. Metro Code Chapter 3.09 (Local Government Boundary Decisions)

Oregon Revised Statutes Chapter 222 (Boundary Changes; Mergers & Consolidation)

ORS 222 (Authority and Procedure for Annexation)

ORS 222.111(1): “When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

Finding for ORS 222.111(1): The City Charter in Section 3, states “The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record and accurate and current description of its boundary.” The City Charter does not describe the manner for annexation approval. Therefore, the City follows the process described by ORS 222.111 to 222.180 or 222.840. ORS 222.111(1) stipulates the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or water feature. The property subject to annexation is separated from the current City boundary by David Hill Road to the south and

contiguous to territory currently within the City to the west. Therefore, annexation of the subject property complies with ORS 222.111(1).

ORS 222.111(2): “A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by petition to the legislative body of the city by owners of real property in the territory to be annexed.” Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder (ORS 222.120(7)).

Finding for ORS 222.111(2): The annexation proposal was initiated by Venture Properties, Inc. with the consent of the property owner (VDS Farms, Inc.). The application was filed with the City on September 4, 2020. The application includes a title report prepared by First American Title. The title report indicates the property owner of record is VDS Farms Inc by Richard Peschka. Based on this information the annexation application complies with ORS 222.111(2).

ORS 222.111(4)(a): When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation.

Finding for ORS 222.111(4)(a): The territory subject to annexation is within the Forest Grove Rural Fire Protection District. This territory will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject territory will also be added to the Clean Water Services District upon the effective date of the annexation. No other districts will be affected by this annexation.

ORS 222.120(1): Except when expressly required to do so by the City Charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.

Finding for ORS 222.120(1): The City Charter does not require the City’s legislative body (City Council) to submit a proposal for annexation of territory to the electors of the city for approval.

ORS 222.120(2): When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.

Finding for ORS 222.123(2): The City Council is expected to hold public hearings on the annexation proposal on December 14, 2020 and January 11, 2021.

ORS 222.120(3): The City legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

Finding for ORS 222.120(3): Notice of the City Council’s public hearings will be published in the Forest Grove News Times on December 3 and December 10, 2020 in advance of the City Council’s December 14, 2020 public hearing.

ORS 222.120(4): After the hearing, the city legislative body may, by ordinance containing a legal description of the territory in question: (b) Declare the territory is annexed to the city where

electors or landowners in the contiguous consented in writing to such annexation, as provided in ORS 222.125 or ORS 222.170, prior to the public hearing held under subsection (2) of this section.

Finding for ORS 222.120(4): The annexation application and petition shows the property owner consented in writing to the annexation on September 1, 2020 prior to public hearings on the proposal. The City Council is expected to consider the annexation ordinance on December 14, 2020 and January 11, 2021. The annexation ordinance will include the legal description for the territory subject to annexation. The legal description comprised of a map and narrative description was preliminarily approved by the Oregon Department of Revenue on September 30, 2020.

Metro Code Chapter 3.09 (Local Government Boundary Changes)

§3.09.045(C)(1): The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service.

§3.09.045(C)(2): Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party defined as a county, city, service district and Metro.

§3.09.045(C)(3): The proposed effective date of the boundary change.

§3.090.045(D)(1): Find that the change is consistent with the expressly applicable provisions in:

- a. Any applicable urban services agreement adopted pursuant to ORS 195.065.
- b. Any applicable annexation plan adopted pursuant to ORS 195.205.
- c. Any applicable cooperative planning agreement adopted to ORS 195.020(2) between the affected entity and a necessary party.
- d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services.
- e. Any applicable comprehensive plan.
- f. Any applicable concept plan.

§3.090.045(D)(2): Consider whether the boundary change would:

- a. Promote the timely, orderly, and economic provision of public facilities and services.
- b. Affect the quality and quantity of urban services.
- c. Eliminate or avoid unnecessary duplication of facilities and services.

Finding (§3.09.045(C)(1)): The subject property is adjacent to property developed and served with public facilities. This includes the Silverstone Development south of the subject property adjacent to David Hill Road and the Forest Grove LDS Church. Public utilities may be extended by the applicant subject to City Public Works Department and Clean Water Services standards and any future public improvement agreement required for development approval. Given the proximity of public services to the subject property the application complies with Metro Code §3.09.045(C)(1).

Finding (§3.09.045(C)(2)): The subject property will be withdrawn from the Forest Grove Rural Fire Protection District upon the effective date of the annexation. The subject property is not within the Washington County Urban Roads Maintenance District or Washington County Enhanced Sheriff Patrol District and these districts are unaffected by the annexation. The subject property will be annexed to the Clean Water Services District concurrently with annexation into the City.

Finding (§3.09.045(C)(3)): The proposed effective date of the annexation is 30-days after adoption of the City's ordinance approving the annexation and Metro's filing of the City's final local decision with Oregon Secretary of State's office. This is expected to occur no later than February 28, 2021.

Finding (§3.090.045(D)(1)(a)): The City of Forest Grove adopted an urban area planning agreement (UPAA) with Washington County on September 10, 2018 (Resolution 2018-75). The UPAA establishes planning responsibilities and coordination of public services within the unincorporated area adjacent to Forest Grove in the urban growth boundary. The UPAA §3F states in part "As required by OAR 660-11-010, the CITY is identified as the appropriate provider of local water, sanitary sewer, storm sewer, and transportation facilities within the Urban Planning Area." "The CITY shall provide urban services consistent with annexation and fiscal policies." The applicant seeks annexation to received municipal services needed for urban development." The proposed annexation and change to the City boundary are consistent with UPAA §3F adopted pursuant to ORS 196.065 since the City will provide water, sanitary sewer and storm sewer and transportation as applicable after annexation of the subject property. Therefore, the application complies with §3.090.045(D)(1).

Finding (§3.090.045(D)(1)(b)): The City has not adopted an annexation plan adopted pursuant to ORS 195.205. Therefore, §3.090.045(D)(1)(b) does not apply to this proposal.

Finding (§3.090.045(D)(1)(c)): ORS 195.020(2) states "A county assigned coordinative functions under ORS 195.025 (1), or the metropolitan service district, which is assigned coordinative functions for Multnomah, Washington and Clackamas counties by ORS 195.025 (1), shall enter into a cooperative agreement with each special district that provides an urban service within the boundaries of the county or the metropolitan district. A county or the metropolitan service district may enter into a cooperative agreement with any other special district operating within the boundaries of the county or the metropolitan district." This provision applies to counties, Metro and special service district and does not apply to cities.

Finding (§3.090.045(D)(1)(d)): The subject territory was added to the urban growth boundary by the Oregon legislature in 2014. Subsequently, the Westside Refinement Plan was adopted by the City in 2017. The Westside Refinement Plan established and land use concept and infrastructure facility plan for the area including the subject property. The City's public facility plans including plans for water, sanitary sewer, and storm drainage are being updated to include the area added to urban growth boundary. The City's Transportation System Plan was amended in 2017 to include the collector street system for the area added to the urban growth boundary. Future development in this area, including the subject property, must substantially comply with amended Transportation System Plan. Compliance will be considered at time of application for development and land use approval.

Finding (§3.090.045(D)(1)(e)): The Forest Grove Comprehensive Plan was amended in 2017 to incorporate the land use concept identified in the Westside Refinement Plan including the subject property. The Comprehensive Plan identifies the property subject to annexation for residential development, a neighborhood park, and elementary school. The applicant proposed to reconfigure the precise "placeholder" locations for these land uses. This reconfiguration does not change the overall use of the subject property. Therefore, the application, as proposed, substantially complies with the Comprehensive Plan, and meets the intent of Metro Code §3.090.045(D)(1)(e).

Finding (§3.090.045(D)(1)(f)): Since the Oregon legislature added the subject territory to the urban growth boundary through legislative action a Metro Urban Growth Management Functional Plan Title III concept plan approved by Metro was not required. However, the City prepared and adopted the Westside Refinement Plan and amended the Forest Grove Comprehensive to include the Westside land use concept. The land use concept identified the subject property for residential development, a neighborhood park, and elementary school. The applicant proposes these uses although in locations that differ from what is identified on the Comprehensive Plan map. This reconfiguration does not change the overall use of the subject property. Therefore, the application, as proposed, substantially complies with adopted land use concept, and meets the intent of §3.090.045(D)(1)(f)).

Finding (§3.090.045(2)(a)): The subject property is located within the urban growth boundary adjacent to existing development served with public utilities. The proposed boundary change promotes the timely, orderly, and economic provision of public facilities and services by adding land to the City adjacent to lands already served with public utilities and services. Therefore, the boundary change complies with §3.090.045(2)(a).

Finding (§3.090.045(2)(b)): No evidence has been presented indicating the proposed boundary change will affect the quality and quantity of urban services. This conclusion is supported by the fact the subject property is within the urban growth boundary and the City's Urban Planning Area Agreement and Comprehensive Plan map anticipate urban development at the subject property.

Finding (§3.090.045(2)(c)): The Urban Planning Area Agreement establishes roles and responsibilities for provision of public facilities and services within the unincorporated area adjacent to Forest Grove within the urban growth boundary. This helps to promote coordination of services to avoid unnecessary duplication by multiple service districts.

The applicant's responses to the Metro Code requirements for local government boundary changes is included in the applicant's application (p.5 through p.7) and is not duplicated here for brevity.

IX. REQUIRED APPROVALS AND FINDINGS FOR COMPREHENSIVE PLAN MAP AMENDMENTS

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.
- Metro Urban Growth Management Functional Plan.

Oregon Statewide Land Use Planning Goals

Goal 1 – Citizen Involvement: Goal 1 requires local governments develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding for Goal 1: The City of Forest Grove has a citizen involvement program that is overseen by the City Council and the City's Committee for Community Involvement. The Forest Grove Development Code also promotes community involvement in the land use application process by encouraging neighborhood meetings prior to submittal of land use applications. In addition, this application will be processed as a Type III land use application elevated to City Council for final City action after public hearings. The Forest Grove Development Code in §17.1.600 to §17.1.640 establishes procedures for processing Type III land use applications including requirements for providing public notices. Required public notices include mailing public hearing announcements to potential affected property owners within 300 feet of the subject property at least twenty days in advance of public hearings, publication of legal notices in the Forest Grove News-Times and posting notices at the property and other locations with the City. Mailed notice to property owners was provided on October 26, 2020, a notice was placed at the subject property on October 26, 2020 and notice of the Planning Commission's public hearing was published in the Forest Grove News-Times on November 5, complying with Development Code §17.1.610.

Finding for Goal 1: The applicant held a neighborhood meeting on August 24, 2020, prior to submittal of the land use application. The neighborhood meeting provided opportunity for community input into the proposal consistent with Goal 1.

Conclusion: Based on the findings above for Goal 1, there is substantial evidence that the annexation and land uses intended for the subject property are consistent and complies with the requirements of Goal 1.

Goal 2 - Land Use: Goal 2 establishes guidelines for major revisions and minor changes to the Comprehensive Plan.

- Major revisions include land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.
- Minor changes are those which do not have significant effect beyond the immediate area of the change.

Finding for Goal 2: The proposed Comprehensive Plan Map amendment will not have a significant effect beyond the immediate area for the following reasons. First, the proposed amendment does not change the land uses anticipated for the site as described in the Westside Refinement Plan and shown on the Forest Grove Comprehensive Plan map. Anticipated land uses for the subject property include a single-family residential subdivision, neighborhood park and elementary school. Second, the proposed increase in density for the residential subdivision, from B-Standard to A-Medium, will allow approximately 23 additional dwellings resulting in a minor increase in development potential.

Finding for Goal 2: As noted in the Transportation Impact Study (Application, Exhibit J), the proposed Comprehensive Plan Map and Zoning Map amendments will result in a small increase in traffic due to increasing permissible development density. This conclusion is based on the Oregon Highway Plan definition of a small increase in traffic being less than 400 average daily trips. The estimated increase in average daily trips resulting from the map amendments, if approved, is 358 average daily trips as indicated in the applicant's

traffic impact study. Therefore, the proposal is a minor change that will not have a significant effect beyond the immediate area of the change.

Goal 10 - Housing: Goal 10 specifies that each city 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 Housing Needs Analysis, adopted in 2019, shows a need for approximately 3,900 housing units over the next 20 years. If approved, the proposed Comprehensive Plan Map and Zoning Map amendments would increase permissible development density from 6.2 units per net acre to 8.7 units per net acre. This provides opportunity for construction of additional dwellings (albeit minor) helping to meet housing needs identified in the Housing Needs Analysis.

Finding for Goal 10: As noted above, the proposed Comprehensive Plan Map amendment will result in an increase in allowed residential development density. The Westside Refinement Plan and current Comprehensive Plan map shows the residential portion of the subject property as B-Standard. The B-Standard Comprehensive Plan Map designation corresponds to the R-7 Zoning Map designation. The R-7 Zoning Map designation has a target development density of 6.22 dwellings per net acre and a required average lot size of 7,000 square feet.

The proposed Comprehensive Plan Map designation for the residential portion of the site is A-Medium. The A-Medium Comprehensive Plan Map designation corresponds to R-5 Zoning Map designation. The R-5 Zoning Map designation has a target density of 8.7 dwellings per net acre and a required average lot size of 5,000 square feet.

If adopted, the increase in allowed density resulting from the Comprehensive Plan Map amendment is 2.5 dwellings per net acre. This increase will help the City provide additional opportunity for meeting housing needs identified in the City's Housing Needs Analysis. In addition, use of buildable land will be more efficient since the required average lot size within subdivisions will decrease by 2,000 square feet.

Finding for Goal 10: The City of Forest Grove is subject to the Metropolitan Housing Rule (OAR 660-007-0035(1)). Under OAR 660-007-0035(1), Forest Grove is required to provide the opportunity to achieve an overall residential development density of eight or more dwelling units per net buildable acre. As noted in the application on page 10, replacing the current B-Standard designation with the A-Medium designation will permit a density of more than eight dwellings per net buildable acre on the subject property thereby supporting the City's compliance with the Metropolitan Housing Rule.

Finding for Goal 10: The R-5 zone allows a variety of housing types and lots sizes based on type of unit as shown on the table below. Currently, the Development Code allows up to 20% of lots for duplex and attached single family units with approval by the Community Development Director provided the subdivision has more than 20 lots.

Table 3-5: Lot Dimensional Requirements (Low Density Residential)

Housing Type	Minimum Lot Size	Lot Dimensions [1]		
Single-family detached	70% of average lot size	Depth: 75 feet	Width: 50 feet	
Manufactured home	70% of average lot size	Depth: 75 feet	Width: 50 feet	
Duplex	5,000 square feet	Depth: 75 feet	Width: 50 feet	
Single-family attached	2,500 square feet	Depth: 75 feet	Width: 25 feet	
Other uses	5,000 square feet	Depth: 75 feet	Width: 50 feet	
Footnote: [1] Lot width is measured at the front building line				

This variety in lot size and housing types provides opportunity for construction of homes at different price points. This is consistent with Goal 10 which encourages the availability of adequate numbers of needed housing units at price ranges which are commensurate with the financial capabilities of Oregon households.

Additional findings addressing housing can be found in the section of this report pertaining to the housing element of the Forest Grove Comprehensive Plan below and are not repeated here for brevity.

Finding for Goal 10: The City’s adopted Housing Needs Analysis (2019) shows the following housing need for various housing types over the next twenty years:

	Owner-Occupied Dwelling Units	Renter-Occupied Dwelling Units	Vacant Dwelling Units	Net New Dwelling Units
Housing Tenure Distribution:	1,948	1,305	174	3,426
	57%	38%	5%	100%
Housing Unit/Type				
Single Family Detached	1,558	326	104	1,988
Mfg. Housing (SFD)	97	0	0	97
Townhomes / Plexes (2-4 units)	195	391	52	638
Multifamily (5+ units)	97	587	17	702
Total Dwelling Units	1,948	1,305	174	3,426
Group Quarters		256		256

Finding for Goal 10: Based on City building permit records a total of 92 new single family detached housing units were produced during 2019. This represents approximately 4.6% of the City’s identified housing need for this type of housing as shown on the table above.

Finding for Goal 10: The proposed Comprehensive Plan Map and Zoning Map amendments support meeting some of the housing need for single family detached units above (1,988 units).

The current B-Standard/R-7 map designation has a target residential development density of 6.2 units per net acre. Assuming 20% of the 21.7 acres designated for residential is developed for residential purposes, as proposed by the applicant, the potential unit yield under the R-7 zoning district is estimated to range from 86 to 124 units. The 20% figure

accounts for “netting out” street rights-of-way and other areas reserved for public purposes. The unit yield range assumes development at either the permitted minimum or maximum (incentive) densities. Minimum density is 80% of the target density and maximum density is 115% of the target if the development is approved by the Planning Commission as a planned development. The estimated range of 86 to 124 units represents approximately 4.3% to 6.2% of the City’s identified housing need for single family detached units as shown on the table above.

Development under the proposed A-Medium/R-5 designation has a target density of 8.7 units per net acre. Based on the development assumptions above for net land area, the potential unit yield under the R-5 zoning district is estimated to range from 121 to 174 units. This range represents approximately 6.1% to 8.8% of the City’s identified need for single family detached units as shown on the table above.

Finding for Goal 10: Based on the analysis above, the proposed Comprehensive Plan Map amendment satisfies Goal 10 since the increase in development density described above provides greater opportunity for meeting the City’s identified housing need for single family residential development identified in the 2019 Housing Needs Analysis.

Goal 11 – Public Facilities and Services: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. A timely, orderly, and efficient arrangement refers to a system or plan that coordinates the type, locations and delivery of public facilities and services in a manner that best supports the existing and proposed land uses. Urban facilities and services refers to key facilities and to appropriate types and levels of at least the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; and community government services.

Finding for Goal 11: The property subject to annexation is located within the urban growth boundary adjacent to the Forest Grove city limits. The Urban Planning Area Agreement between the City and Washington County includes the subject property, and the site is in the City’s planning area. The Forest Grove Comprehensive Plan assigns land use district within the city limits and within the City’s unincorporated planning area. The property subject to annexation is identified for residential and institutional uses on the Comprehensive Plan Map. The Comprehensive Plan also addresses appropriate types and levels for the following services: emergency services including police and fire protection, sanitary facilities, storm drainage facilities, healthcare facilities and education services. The City’s Water, Sanitary Sewer, Storm Drainage and Transportation System implement the infrastructure policies of the Comprehensive Plan and provide a basis for efficiently serving new development. In addition, the Comprehensive Plan also provides the policy basis for planning, zoning and subdivision control implemented through the Forest Grove Development Code. Annexation and subsequent development of the subject property must comply with the policies and requirements contained in the Forest Grove Comprehensive Plan and Development Code.

Finding for Goal 11: The subject property is also included in the Westside Refinement Plan. The Westside Refinement Plan serves as a framework for urban development in the unincorporated area including the subject property consistent with the requirements of Goal 11. For example, the Westside Refinement Plan identifies infrastructure needs for water, sanitary sewer, and transportation. This framework promotes a timely, orderly, and efficient arrangement of public facilities consistent with Goal 11.

Finding for Goal 11: The subject property is subject to the Urban Planning Area Agreement (UPAA) between the City of Forest Grove and Washington County. The UPAA assigns respective roles and responsibilities in the planning area and having interests in carrying-out Goal 11 consistent with Goal 11 Section B.6. (Implementation).

Finding for Goal 11: The subject property will be annexed into the Clean Water Services district concurrently with annexation into the City. Therefore, development of the property must comply with applicable Clean Water Services design standards.

Goal 12- Transportation: Goal 12 promotes and encourages a safe, convenient, and economic transportation system for the community including future development. The Oregon Transportation Plan Rule (TPR) (Oregon Administrative Rules Chapter 660-012-0000) implements Goal 12 and requires analysis of transportation impacts as a result of changes to approved comprehensive plans. In part, the TPR promotes coordinated land use and transportation planning including the construction and implementation of transportation facilities, improvements, and services necessary to support approved comprehensive plans. The TPR also ensures that changes to comprehensive plans are supported by adequate planned transportation facilities.

Finding for Goal 12: The subject property is located within the City's planning area as defined in the Urban Planning Area Agreement with Washington and is therefore subject to the Forest Grove Transportation System Plan.

Finding for Oregon Transportation Planning Rule (OAR 660-012-660): Lancaster Engineering prepared a Transportation Impact Study for the consolidated land use application (Application, Exhibit J). The Transportation Impact Study includes an analysis addressing the Transportation Planning Rule. As noted in Application, Exhibit J on page 30, the Transportation Planning Rule strives to ensure the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations.

OAR 660-012-0060(1) states "If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation significantly affects a transportation if it would:

- a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan).
- b) Change standards implementing a functional classification system.
- c) Result in any effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- A. Types of levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility.
- B. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
- C. Degrade the performance of an existing or planned transportation facility that is otherwise protected to not meet the performance standards identified in the TSP or comprehensive plan.

Finding for Oregon Transportation Planning Rule (OAR 660-012-660): Subsections a) and b) are not triggered by the proposal since the proposed Comprehensive Plan Map and Zoning Map amendments will not impact or alter the functional classification of any existing or planned facility including David Hill Road and Oregon Highway 47. David Hill Road is classified as an Arterial street in the Transportation System Plan and Oregon Highway 47 is classified as a Principal Arterial street. The trip generation analysis prepared by Lancaster Engineering shows the proposed Comprehensive Plan Map and Zoning Map amendments could increase traffic by 358 average daily trips above the adopted land use concept in the Westside Refinement Plan. The Oregon Highway Plan in Action 1F.5 states: “The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows: Any proposed amendment that does not increase the average daily trips by more than 400.” The estimated daily trip generation resulting from the proposed map amendments is within the 400-trip impact threshold that is considered a small increase in traffic. Without evidence to the contrary, the estimated small increase in traffic will not cause further degradation or cause a change in the functional classification of the identified nearby transportation facilities serving the subject property.

Metro Urban Growth Management Functional Plan: The purpose of the Metro Urban Growth Management Functional (UGMFP) plan is to implement regional goals and objectives adopted by the Metro Council including the Regional Urban Growth Goals and Objectives (RUGGO) and the Metro 2040 Growth Concept and Regional Framework Plan (§3.07.010). The local comprehensive plan changes and related actions, including implementing regulations, required by the functional plan must be comply with the UGMFP as required by Section 5(e)(2) of the Metro Charter.

Finding Urban Growth Management Functional Plan: The proposed Comprehensive Plan amendment complies with Metro Urban Growth Management Functional Plan Title 1 (Housing Capacity). Section 3.07.110 (Purpose and Intent) states: “The Regional Framework Plan calls for a compact urban form and a “fair share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in Section 3.07.120.”

The proposed Comprehensive Plan Map amendment, if adopted, would increase the permissible density for residential development from 6.2 dwellings per net acre to 8.7 dwellings per net acre. This increase in density increases housing capacity within the urban growth boundary and City. Therefore, the proposed Comprehensive Plan Map amendment complies with the Metro Urban Growth Management Functional Plan §3.07.110 by increasing housing capacity.

Finding Urban Growth Management Functional Plan: Title 11 of the Metro Urban Growth Management Functional Plan requires planning for new urban areas. Section 3.07.1105 (Purpose and Intent) states the Regional Framework Plan calls for long-range planning to ensure that areas brought into the urban growth boundary are urbanized efficiently and become or contribute to walkable, transit-friendly communities. The City completed long-range planning for the territory subject to this application in 2017 and the concept was adopted as part of the Westside Refinement Plan.

The adopted land use concept identifies the subject area for single family residential development, a neighborhood park site and elementary school. The proposed Comprehensive Plan Map amendment also includes the residential development, park, and school site but in locations different than those adopted in the Westside Refinement Plan. Since these uses are included in the proposed Comprehensive Plan Map amendments the amendments are deemed to comply with the intent of the Westside Refinement Plan concept to include a variety of land uses proximate to residential areas.

Forest Grove Comprehensive Plan Policies

Community Sustainability Goals and Policies

The following Community Sustainability Goals and Policies are deemed applicable to this application:

- Community Sustainability Goal 7: Promote interconnected land uses that encourages diverse, accessible, and proximate land uses that promote active living and access to vital services including employment, education, and healthy food.
- Community Sustainability Goal 8: Create complete neighborhoods, through land use regulations, with housing, recreational opportunities, retail, services, and employment nearby.
- Community Sustainability Goal 18: Increase the amount of park land and natural areas serving the community.
- Community Sustainability Policy Measure 11: Ensure that needed housing for all segments of the population in the community is met through land use policy.

Findings supporting the Community Sustainability Goals and Policies are provided below.

Finding for Community Sustainability Goal 7: The subject property is identified for residential and institutional uses including a neighborhood park and elementary school. The property is also near land designated for mixed use development allowing retail and office uses. The site plan provided in the application for future development of the subject property supports interconnected land uses and access to recreation (neighborhood park) and education (elementary school).

Finding for Community Sustainability Goal 8: As noted above, the subject property is currently designated for a variety of complementary uses. This will continue if the subject is re-designated as proposed in the application. Allowing homes near a park and school supports completed neighborhoods consistent with Goal 8.

Finding for Community Sustainability Goal 18: A portion of the subject property is identified for a neighborhood park. Annexing the property and assigning the Institutional zoning district to the park site will increase the amount of park land serving the community consistent with the City's adopted 2016 Parks, Recreation and Open Space Master Plan since the Master Plan identifies the need for a neighborhood park north of David Hill Road at the subject property.

Finding for Community Sustainability Policy Measure 11: A portion of the subject property is designated for residential development. The applicant proposes the A-Medium Comprehensive Plan designation for the residential portion of the site. As stated in part in the Comprehensive Plan, "[T]he A-Medium designation corresponds to the R-5 single family residential zone district. This designation is intended for development of housing at a target density of 8.71 dwellings per net acre. Detached single family housing is the predominant housing type in this zone. Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of zone." Although the A-Medium designation is primarily intended for single family homes a variety of housing types are allowed. Therefore, the A-Medium designation supports construction of needed housing for a variety of households needs including home size, lot size, and purchase price. While not all segments of the population will be served by the A-Medium designation, this designation provides an opportunity through land use policy to meet some of the City's housing need consistent with the intent of Policy Measure 11.

Housing Goals and Policies

The following section address the housing goals and polices contained in the Housing Chapter of the Comprehensive Plan.

Policy 1.1: Establish the location and density of residential development based on the following factors:

- A. The type and distribution of housing units required to meet projected population needs.
- B. The capacity of land resources given the slope, elevation, wetlands, floodplains, geological hazards, soil characteristics and urban/rural interface.
- C. Capacity of public services and facilities including but not limited to water, sanitary sewer, fire and police protection and transportation facilities.
- D. Proximity to services including but not limited to, shopping, employment areas, parks, schools and municipal services. Proximity shall be determined by distance access, and ability to provide public and private infrastructure service to the site.
- E. Density standards for minimum residential development for new construction established by the Metropolitan Housing Rule (OAR 660-007-0035)

Policy 1.2: Evaluate request for rezoning from non-residential to residential development zones based on the following factors:

- A. Identified housing needs identified in an adopted Goal 10 analysis.
- B. Ability to provide public facilities to the site in a cost-effective and efficient manner.
- C. Potential of the site to support higher density development.
- D. Site characteristics including topography.
- E. Land Use Location policies of the Comprehensive Plan.

Policy 1.3: Evaluate requests for rezoning from lower density zones to higher density zones based on the following factors:

- A. Identified housing needs identified in an adopted Goal 10 analysis.
- B. Ability to provide public facilities to the site in a cost-effective and efficient manner.
- C. Potential of the site to support higher density development.
- D. Site characteristics including topography.
- E. Land Use Location policies of the Comprehensive Plan.

Finding for Comprehensive Plan Housing Policy 1.1(A): The applicant provided the following response addressing Policy 1.1(A): “As discussed in the Westside Refinement Plan and depicted on the current Comprehensive Plan Map, the northern portion of the subject property is designated B-Standard and is identified as appropriate for residential use. The Comprehensive Plan Map Amendment to locate the residential plan designation location to the southern half of the property and change the designation to A-Medium will allow for residential development in accordance with the R-5 Zone District. The City of Forest Grove population is projected to increase by 9,622 persons over the next twenty years and there is an identified need for ±1,988 single-family detached homes and ±638 townhomes/plexes, representing ±54 percent and ±17 percent of the project net new housing mix (Housing Needs Analysis, 19). The Plan Map Amendment will support the housing needs identified in the Westside Refinement Plan and Housing Needs Analysis by allowing for an increase in allowable housing units and providing a mix of housing types for households at a variety of income levels within close proximity to existing and future schools, parks, established transportation networks and future commercial/office uses. The policy is met.”

Finding for Comprehensive Plan Housing Policy 1.1(B): The applicant provided the following response addressing Policy 1.1(B). “The subject property was identified in the Westside Refinement Plan and subsequent Comprehensive Plan updates are suitable for residential and institutional use. The subject property does not contain floodplains, geological hazards, or steep slopes. An unnamed tributary of Council Creek flows along a portion of the northern flag pole piece of the property, and the southwestern corner of the property also includes a partial boundary of a wetland and associated vegetated corridor. The Comprehensive Plan Amendment to swap the residential and institutional plan designation locations and amend the current B-Standard designation to A-Medium does not impact the capacity of the land resources to allow R-5 density.”

Finding for Comprehensive Plan Housing Policy 1.1(C): The applicant provided the following information in support of Policy 1.1(C): “The subject property was identified in the Westside Refinement Plan and subsequent Comprehensive Plan updates are suitable for residential and institutional use. The subject property is located adjacent to an urbanized area that can be adequately served by public facilities, such as water, sanitary sewer, police, fire, and roadways. The Plan Map Amendment to swap the residential and institutional designations will result in the residentially designated portion and future subdivision located at the southern end of the property along NW David Hill Road. This will allow for a more convenient and logical development layout in regard to the extension of utilities and the planned street network. The request to amend the residential designation from B-Standard to A-Medium would allow for the R-5 zone to be implemented on the residentially designated portion of the property. R-7 standards would allow up to 108 lots under the Incentive density standard (7.15), whereas the planned density for the site per R-5 standards is ±8.70 units per acre, permitting ±131 lots. This represents a lot increase of ±23 dwelling units or ±21 percent. Additionally, as discussed in the Transportation Impact Study (Exhibit J), the Plan Map Amendment and Zone Change will generate an increase of less than 400 average daily

trips: therefore, the change in the site's zoning will not significantly degrade operation of nearby transportation facilities. The Plan Map Amendment and Zone change is not anticipated to have a significant impact on the ability to serve the property via current and future transportation network and/or public utilities and services, consistent with the needs identified in the WRP."

Finding for Comprehensive Plan Housing Policy 1.1(D): The applicant provided the following information in support of Policy 1.1(D): "The subject property has been identified as suitable for residential and institutional uses as contemplated in the Westside Refinement Plan and depicted on the Comprehensive Plan Map. The subject property is located adjacent to an urbanized area that can be adequately served by nearby shopping, employment areas, parks, schools, municipal services, and public and private infrastructure. The Plan Amendment and Zone Change will place a higher concentration of future residents at a variety of income levels closer to nearby services, such as Forest Grove High School, future mixed-use land to the east, as well as the potential park and school sites on the subject property. The property is within the South of Purdin Road/Council Creek urban growth area which is an area slated for future development to promote complete neighborhoods with housing, limited commercial, office, and public facilities."

Finding for Comprehensive Plan Housing Policy 1.1(E): The applicant provided the following information in support of Policy 1.1(E): "Under OAR 660-007-0035(1), the City is required to achieve an "overall density of eight or more dwelling units per net buildable acre." Replacing the current B-Standard designations under the Comprehensive Plan Map with the A-Medium designation will provide a target density of more than eight dwelling units per net acre. The planned A-Medium designation is implemented by the R-5 Zone District and generates a target density of 131 units. Pursuant to Section 17.3.130(A) the net area of the site is 15.06 acres. Therefore, the resulting density generated by the site is 8.7 units per net acre. Furthermore, according to the 2019 Draft Housing Needs Analysis, "The City Planning Division estimates the current zoning and comprehensive plan designations provide an opportunity for about 9.8 dwellings per net buildable acre" (p. 2). The Comprehensive Plan Map Amendment/Zone Change to allow for an increase in density for the residentially designated portion of the property would not lower this estimate. Accordingly, the proposed Comprehensive Plan Map/Zoning Map Amendment satisfies OAR 660-007-0035(1)."

Finding for Comprehensive Plan Housing Policy 1.2(A): The applicant provided the following information in support of Policy 1.2(A): "The subject property has been identified as suitable for residential and institutional uses as contemplated in the Westside Refinement Plan and depicted on the Comprehensive Plan Map. The Plan Map Amendment and Zone Change will support the housing needs and housing mix identified in the City of Forest Grove 2019 Draft Housing Needs Analysis by allowing for a diversity of housing type for households at a variety of income levels. Projected population increases due to Forest Grove's livability, quality schools, and access to nearby major employers project an increased need for single family housing at a variety of price points (2019 Housing Needs Analysis, p. 21). Furthermore, to address a variety of housing needs, from first-time homebuyers to retirees, there is an increased demand for smaller lot housing and townhome units (ibid., 21). The Plan Map Amendment and associated Zone Change to implement the R-5 Zone District will allow smaller lot sizes that accommodate a variety of housing styles to serve future residents at a multitude of price points in close proximity to existing and future schools and parks. Further, the Plan Amendment and Zone Change will allow Forest Grove to get closer to the goal of providing 3,426 housing units over the next 20 years (ibid., 19). The policy is met."

Finding for Comprehensive Plan Housing Policy 1.2(B):The applicant provided the following information in support of Policy 1.2(B): “The subject property has been identified as suitable for residential and institutional uses as contemplated in the Westside Refinement Plan and depicted on the Comprehensive Plan Map. The subject property is located adjacent to an urbanized area that can be adequately served by public facilities, such as water, sanitary sewer, police, fire, and roadways. The Plan Map Amendment to swap the residential and institutional designations will result in the residentially designated portion and future subdivision located at the southern end of the property along NW David Hill Road. This will allow for a more convenient and logical development layout in regard to the extension of utilities and the planned street network.”

The request to amend the residential designation from B-Standard to A-Medium would allow for the R-5 zone to be implemented on the residentially designated portion of the property. Further, under the R-7 zone district, the residential portion of the property could build up to 108 lots under the Incentive density standard (7.15), whereas the planned density for the site per R-5 standards is ± 8.70 units per acre, permitting ± 131 lots. This represents a lot increase of ± 21 percent. Additionally, as discussed in the Transportation Impact Study (Exhibit J), the Plan Map Amendment and Zone Change will generate an increase of less than 400 average daily trips; therefore, the change in the site’s zoning will not significantly degrade operation of nearby transportation facilities. The Plan Map Amendment and Zone Change is not anticipated to have a significant impact on the ability to serve the property via current and future transportation network and/or public utilities and services, consistent with the needs identified in the WRP.”

Finding for Comprehensive Plan Housing Policy 1.2(C): The applicant provided the following information in support of Policy 1.2(C): “The subject property has been identified as suitable for residential and institutional uses as contemplated in the Westside Refinement Plan and depicted on the Comprehensive Plan Map. Property directly to the west is designated A-Medium and Neighborhood Mixed Use and the Silverstone residential development to the south is also zoned R-5; therefore, the Plan Map Amendment will not result in a permitted density significantly different from neighboring properties. Furthermore, A-Medium is considered to be low density, the applicant is not requesting a zone which would be out of character with the area and there is no evidence indicating the property cannot support the requested density. The policy is met.”

Finding for Comprehensive Plan Housing Policy 1.2(D): The applicant provided the following information in support of Policy 1.2(D): “The subject property has been identified as suitable for residential and institutional uses as contemplated in the Westside Refinement Plan and depicted on the Comprehensive Plan Map. The property is essentially flat and includes no significant geologic features, hazards or identified severe hazard soils. The property contains no areas over 20% slope. The site characteristics do not preclude the ability of the site to develop at R-5 density or to allow institutional uses.”

Finding for Comprehensive Plan Housing Policy 1.2(E): The applicant provided the following information in support of Policy 1.2(E): “The land use location policies applicable for low density residential zones are discussed above. The policy is met.”

Finding for Policy 1.3(A): The applicant provided the following information in support of Policy 1.3(A): “The subject property is currently zoned FD-20 and designated Institutional and B-Standard on the Comprehensive Plan Map. The Comprehensive Plan Map amendment to rearrange land use designations and change the residential portion from B-Standard - implemented by the R-7 Zone—to A-Medium will align the land use designation

with the planned R-5 zoning upon annexation. While changing the land use designation and zoning from R-7 to R-5 does not constitute a change to “High Density Residential,” where allowed density exceeds 8.71 units per acre, these policies are addressed to demonstrate the requested Plan Map Amendment and Zone Change can meet applicable Plan policies. The Plan Map Amendment will support the housing needs and housing mix identified in the City of Forest Grove 2019 Draft Housing Needs Analysis by allowing for a diversity of housing type for households at a variety of income levels. Projected population increases due to Forest Grove’s livability, quality schools, and access to nearby major employers project an increased need for single family housing at a variety of price points (2019 Housing Needs Analysis, p. 21). Furthermore, to address a variety of housing needs, from first-time homebuyers to retirees, there is an increased demand for smaller lot housing and townhome units (ibid., 21). The Comprehensive Plan Amendment and associated zone change to implement the R-5 Zone District will allow smaller lot sizes that accommodate a variety of housing styles to serve future residents at a multitude of price points within close proximity to existing and future schools and parks. Further, the Plan Amendment and Zone Change will allow Forest Grove to get closer to the goal of providing 3,426 housing units over the next 20 years (ibid., 19).”

Finding for Policy 1.3(B): The applicant provided the following information in support of Policy 1.3(B): “Future Subdivision applications will require the analysis of existing utility services. However, a summary of existing utility services is included in this narrative and has been analyzed in the Westside Refinement Plan. The request to rearrange plan designation locations and shift the Institutional designation/zone to the north is a direct result of the need to efficiently extend utility services to serve residential lots by connecting to existing utility services in NW David Hill Road and Silverstone Drive. Locating the potential school and park sites along NW David Hill Road, as is contemplated in the Westside Refinement Plan and designated on the Comprehensive Plan Map, would require utility connections below open space and school areas and would not align with the planned street network.

The Plan Map Amendment and Zone Change will not lead to a significant alteration of population distribution in the surrounding neighborhood, given the existing housing mix, densities, and surrounding development pattern. Furthermore, the Plan Map Amendment from B-Standard to A-Medium—and the diversification of densities and lot sizes will be consistent with the surrounding development pattern and population distribution in an area where future projects can take advantage of the surrounding transportation network, public facilities, urban services—including Forest Grove High School and the potential school and park site on the subject property.

Approval of the Plan Map Amendment and Zone Change will facilitate approval and construction of future projects under the A-Medium Plan Designation and R-5 Zone. Future projects will be required to demonstrate compliance with applicable density standards and all other applicable standards and requirements of the FGDC, which ensure efficient, healthy, and accessible housing projects and further implement this policy.

The rearrangement of the residentially designated portion and Institutional portion of the site will provide a more logical and orderly development layout, street network, utility extensions, and safer access from NW David Hill Road. The quantity of land designated Institutional will be consistent with the needs identified in the Westside Refinement Plan; therefore, these public facilities can still serve current and future residents.”

Finding for Policy 1.3(C): The applicant provided the following information in support of Policy 1.3(C): “As discussed throughout this narrative, the property is currently designated

B-Standard on the Comprehensive Plan Map. The request Comprehensive Plan Amendment and Zone Change will change a portion of the property—approximately ±21.69 acres—to A-Medium, which is implemented by the R-5 Zone. The R-7 would allow up to 108 lots, under the incentive density standards of the respective zone, while the R-5 Zone allows up to 131 lots. This represents an increase of 21 percent and can adequately be served by the extension of nearby utilities and the surrounding transportation network.”

Finding for Policy 1.3(D): The applicant provided the following information in support of Policy 1.3(D): “As discussed throughout the Westside Refinement Plan, the subject property has been identified as suitable for housing and institutional uses. The Plan Map Amendment and Zone Change do not proposed changes to the allowable uses on the subject property. The Plan Map Amendment from B-Standard to A-Medium and rearrangement of the residential and institutional portions represent the most efficient and logical configuration of land uses in order to facilitate the extension of utilities through the residential areas and provide efficient internal transportation circulation. The specific land use location policies of the Comprehensive Plan are discussed above.”

Finding for Policy 1.3(E): The applicable land use location policies of the Comprehensive Plan for low density residential development are found on Table 2 of the Comprehensive Plan Housing Chapter:

- Hazard free location suitable for homes sites
- Consideration of density related to building limitation (slope, soil, geology)
- 20% or less slope
- Location not bounded but not penetrated by arterials or railroads
- Convenient driving distance to schools and neighborhood commercial
- Availability of full urban services

The area of the property proposed for residential development is the southern portion of the parcel adjacent to David Hill Road. This area is not impacted by the Council Creek floodplain or other identified hazard areas as shown on the FEMA 100-year floodplain map. In addition, the subject property is generally flat. The subject property is adjacent to an arterial roadway (David Hill Road). No arterial roadways or railroads penetrate the site. The subject property includes a site for an elementary school and is near property to the east designated as Neighborhood Mixed Use which allows for neighborhood commercial uses. As such, the subject property is within convenient driving distance to schools and potential neighborhood commercial uses. Full urban services including water area sewer are found at David Hill Road. Therefore, urban services are available to serve the subject property. Based on the information above, the proposed Zoning Map amendment rezoning the subject property from the lower density (R-7 zone) to the higher density (R-5 zone) complies with Policy 1.3(E).

Finding for Comprehensive Plan Housing Goals and Policies: Housing Goal 6 promotes neighborhoods complete with residences, open space, schools, parks, and shopping opportunities within close proximity to each other. Avoid stand-alone residential developments lacking support activities. The Comprehensive Plan Map amendment incorporates the land uses for the subject property adopted as part of the Westside Refinement Plan including a residential development, neighborhood park, and elementary school. These disparate uses support a complete neighborhood with residences, school, and park. The subject property is also near land adjacent to David Hill Road to the east of

the subject property designated as Neighborhood Mixed Use. The Neighborhood Mixed Use zone allows retail and office uses.

The applicant provided the following information in support of Goal 6: “A portion of the subject property is designated Institutional on the existing Comprehensive Plan Map. This application includes a Plan Map Amendment to locate the Institutional portion at the northern end of the property and a concurrent Zone Change to zone this portion Institutional and implement the land use designation. The Westside Refinement Plan identified a need for a future park and school site based on the anticipated housing growth in the South of Purdin Road/Council Creek Urban Growth Boundary Area and included a conceptual location for a future park and school site on the subject property. The relocation of the Institutional designation will not diminish future access to a potential park and school site. The Institutional areas will be connected to NW David Hill Road via a local street network which will include sidewalks and will provide a connection to the Silverstone neighborhood to the south as well future connections to the north, east, and west as abutting property which may develop in the future. As is required by the FGDC, the planned street network will connect to abutting undeveloped properties to provide future connections to the potential park and school site.”

Public Facilities and Community Services Goals and Policies

The following section addresses the public facilities and community services goals and policies contained in the Public Facilities Chapter of the Comprehensive Plan.

Local Public Services Policy 1: It is the policy of the City of Forest Grove to require new development within the city limits to connect to public services for access [to], sewer, water and storm water unless private access is approved through issuance of a land use permit.

Finding for Local Public Services Policy 1: Under the City’s Urban Planning Area Agreement with Washington County, annexation of the subject property is necessary to receive public sewer, water, and storm water utilities. Furthermore, the Comprehensive Plan prohibits extra-territorial extension of public utilities. Approval of the annexation request ensures compliance with Local Public Services Policy 1.

Urbanization Goals and Policies

The following section addresses the urbanization goals and policies contained in the Urbanization Chapter of the Comprehensive Plan.

Urbanization Goal 2: Land shall be made available within the urban growth boundary to meet all local urban land use needs.

Finding for Urbanization Goal 2: The subject property is located within the urban growth boundary but is not currently within Forest Grove city limits. Annexation of the subject property makes the land available for development. The subject property is designated for residential development, a neighborhood park and elementary school. Annexation of the subject property and assignment of City zoning designations adds land to the City to meet housing, park, and school land use needs.

Urbanization Goal 4: Implement policies to create complete neighborhoods in areas undergoing urbanization.

Finding for Urbanization Goal 4: The subject property is within the urban growth boundary and is intended for urbanization. The Forest Grove Comprehensive Plan establishes policies for development within the urban growth boundary and designates the subject for residential and institutional uses. Annexation of the subject property and assignment of City zoning designations will implement policies to create a complete neighborhood in the vicinity of the subject property with homes, a park, and a school. This is deemed consistent with the complete neighborhood concept described in the Comprehensive Plan and Westside Refinement Plan.

Urbanization Goal 5: Utility services shall be provided incrementally without by-passing large parcels of vacant land to serve peripheral areas.

Finding for Urbanization Goal 5: The subject property is located adjacent to development. Utility services are available adjacent to the site along David Hill Road. Annexation of the property will allow extension of utility services needed to support future development at the site. Since the site is adjacent to utilities utility services will be provided incrementally without by-passing large parcels of vacant land to serve peripheral areas.

Urbanization Policy 5: Sewer and water utilities shall not be extended beyond the City's corporate limits and shall be provided only after annexation.

Finding for Urbanization Policy 5: The application includes annexation of the subject property in order to receive sewer and water utilities. Annexation ensures sewer and water utilities are not extended beyond the City's corporate limits and will be provided only after annexation.

Urbanization Policy 11: The City will monitor housing development trends to ensure that Forest Grove complies with the Metropolitan Housing Rule requirement that the City provide for an opportunity for development at a minimum average density of eight units per acre of developable land.

Finding for Urbanization Policy 11: The applicant requests a Comprehensive Plan Map to designate the residential portion of the site with the A-Medium Comprehensive Plan Map designation. The A-Medium designation corresponds with the City's R-5 Zoning Map designation. The A-Medium and R-5 designations have a target density of 8.7 dwelling per net acre. The Metropolitan Housing Rule requires residential development across the City to average eight units per net acre of land. With the target density required by the A-Medium and R-5 map designations the Comprehensive Plan Map amendment helps ensure the City meets the Metropolitan Housing Rule.

Urbanization Policy 12: Promote the efficient delivery of public services through annexation of land into the City of Forest Grove.

Finding for Urbanization Policy 12: The application includes a request for annexation in order to receive public services provided by the City. The subject property is located adjacent to the city limits. As such, annexation of the subject property promotes the efficient delivery of public services through annexation of land into the City of Forest Grove.

X. REQUIRED APPROVALS AND FINDINGS FOR ZONING MAP AMENDMENTS

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 Classification 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.

Finding for (§17.2.770(A)): As noted in the application on page 27, the Zoning Map amendment is accompanied by a concurrent Comprehensive Plan Map amendment. If the Comprehensive Plan amendment is approved the proposed Zoning Map amendment will be consistent with the Comprehensive Plan Map and criterion §17.2.770(A) will be met.

Finding for (§17.2.770(B)): As noted in the application on page 27, and described in Section VIII above, report, the Zoning Map amendment supporting the proposed Comprehensive Plan Map amendment is consistent with the applicable policies of the Forest Grove Comprehensive Plan policies.

Finding for (§17.2.770(C)): As noted in the application on page 28, the Comprehensive Plan Map, updated in accordance with the conceptual land use designations identified in the Westside Refinement Plan, has identified the subject property as appropriate for residential and institutional uses including a neighborhood park and elementary school. Also as noted in the application, the subject property is generally rectangular in shape and of sufficient size

to support a six-acre neighborhood park, ten-acre elementary school, and 21.7-acre residential subdivision. In addition, there is a lack of vacant developable sites within the city limits in the area west of Oregon Highway 47 and east of Thatcher Road for urban development. Assigning Zoning Map designations concurrently with the annexation of the subject property will add buildable land needed to meet housing needs identified in the City's 2019 Housing Needs Analysis, park needs identified in the City's Parks and Recreation Master Plan, recent update to the Forest Grove School District's Facility Master Plan and school needs identified in the Forest Grove Comprehensive Plan (2014).

Finding for (§17.2.770(D)): As noted in the application on page 28 and Exhibit J, the proposed Comprehensive Plan Map and Zoning Map amendments are consistent with the Forest Grove Transportation System Plan. Future development must comply with the conceptual collector street network identified in the Transportation System Plan and the proposed map amendments does not preclude compliance. In addition, the application in Exhibit J, demonstrates the proposed map amendments will not substantially impact the functional classification of nearby roadways nor degrade operations of nearby roadways including David Hill Road (arterial roadway) and Oregon Highway 47 (major arterial roadway). The planned density under the R-5 zone may result in an increase of 38 evening peak hourly vehicle trips and less than 400 average daily trips over and above was estimated in the Westside Refinement Plan traffic analysis. Potential development of the subject property is expected to generate up to 98 site trips during the morning peak period, 131 site trips during the evening peak period, and 1,246 site trips during a typical weekday (Application, Exhibit J, page 12 of 32). The applicant provided evidence contained in the record in Application Exhibit J and summarized on page 10, that the net change in trip generation potential allowed by the map amendments may be considered to be a small increase in traffic per the Oregon Department of Transportation's Oregon Highway Plan. Without information in the record to the contrary, the proposed map amendments comply with (§17.2.770(D)).

Finding for (§17.2.770(D)): The applicant's traffic analysis (Application Exhibit J includes information demonstrating that intersection of Oregon Highway 47 and Martin Road is currently and projected to operate within acceptable standards and in excess of minimum Oregon Department of Transportation performance standards. A planned roundabout at this intersection is funded and scheduled for construction supporting operation of the intersection within acceptable standards identified in the Forest Grove Transportation System Plan (Level of Service D).

Finding for (§17.2.770(D)): The applicant provided engineering analysis demonstrating that all other studied intersections are currently operating acceptably per City of Forest Grove and Oregon Department of Transportation standards and are projected to continue operating acceptable regardless of development of the subject property.

Finding for (§17.2.770(E)): As noted in the application on pages 28-29, the installation of infrastructure improvements associated with the Silverstone development directly south of the subject property and existing facilities along David Hill Road will allow connections to the subject property to serve future development. Existing public facilities and services for water supply, sanitary sewer, and storm water drainage include:

- Water: Existing 8-inch waterline along David Hill Road.
- Sanitary Sewer: Existing 8-inch sanitary sewer line along Silverstone Drive.
- Stormwater: Existing storm culverts along David Hill Road.

Finding for (§17.2.770(E)): Upon annexation the subject property will be served by Forest Grove Fire and Rescue and Forest Grove Police Department. The subject property is located within Forest Grove's planning area and the Urban Planning Area Agreement with Washington County identifies Forest Grove as the appropriate provider of urban services. Both Forest Grove Fire and Rescue and Forest Grove Police Department have the capacity and capability to provide services to the subject property and permitted future development considering financial resources identified in the adopted City of Forest Grove Budget.

Finding for (§17.2.770(E)): Clean Water Services issued a service provider letter (SPL) in accordance with Clean Water Services Design and Construction Standards for the application on August 19, 2020 (CWS File No. 20-002043). The SPL expires on August 19, 2022. The SPL includes the site plan for the proposed project and is included as part of the application as Exhibit K.

Finding for (§17.2.770(F)): The assignment of the proposed Zoning Map designations will not be subject to the meeting of conditions.

XI. REQUIRED APPROVALS AND FINDINGS FOR PARTITION

Development Code §17.6.060 (Review Criteria): Approval of a tentative partition plat application shall be reviewed for compliance with the application requirements above according to Type II procedures.

Findings: As a sub-application to a consolidated annexation, comprehensive plan map amendment, zoning map amendment and partition; review of the partition is being reviewed under Type III (quasi-judicial) elevated to City Council for final approval. This is a Type III review since the application is site specific and affects one parcel.

Findings: Application requirements for tentative partition plat review as stated in Development Code §17.6.055, include:

- A. Names of the owner, applicant, engineer, and surveyor as appropriate.
- B. Date, scale, and north arrow.
- C. Property line boundaries of all contiguous land in the same ownership as the area encompassed in the application.
- D. Sufficient description to define location and boundaries of the area to be partitioned.
- E. Location of existing structures.
- F. Number and type of units proposed where known.
- G. Location and width of all existing or proposed public or private accessways (rights-of-way) including any reserve strips and parking areas.
- H. Location of all existing and proposed public and private utilities, including, water, sewer, and storm drainage.
- I. Proposed parcel layout indicating dimensions, parcel lines and lot areas of parcels.
- J. Approximate location and width of watercourses.
- K. All areas to be dedicated to the public and their proposed uses including street rights-of-way, drainageways, easements and reserve strips.
- L. Location and use of adjacent structures within 150 feet of the development site.
- M. Identification of significant natural features including heavily wooded areas.

- N. Where it is evident that the subject property can be further partitioned the applicant shall show, either on the tentative plat or as an attachment, that the land partition will not preclude efficient division of land in the future.

The Community Development Director may waive any of the submittal requirements where determined that the information is unnecessary to properly evaluate the proposed partition. The Director may also require any additional information needed to evaluate the proposal.

Finding for Development Code §17.6.055(A): The partition application is a sub-application to a concurrent and consolidated annexation, comprehensive plan map amendment, and zoning map amendment.

The consolidated application form includes the name of the owner (VDS Farms, Inc.). Exhibit E to the application includes a title report. The title report lists the owner as VDS Farms Inc and the co-owner as Richard Peschka. The application fulfills the requirements of Development Code §17.6.055(A).

Finding for Development Code §17.6.055(A): Application Exhibit B includes the signed application form. The application form indicates the applicant as Venture Properties, Inc. located in Lake Oswego, OR. The engineer preparing the preliminary partition plat is AKS Engineering & Forestry, LLC, located in Tualatin, OR. The preliminary partition plat was prepared by registered professional engineer Darko Simic. Preliminary partition plat sheet PO1 indicates AKS Engineering & Forestry, LLC is providing planning, civil engineering, surveying, arborist, and landscape architecture services. The application fulfills the requirements of Development Code §17.6.055(A).

Finding for Development Code §17.6.055(B): The preliminary partition plat include in Application Exhibit A includes a date (09/02/2020), scale, and north arrow as required by Development Code §17.6.055(B). The application fulfills the requirements of Development Code §17.6.055(B).

Finding for Development Code §17.6.055(C): Application Exhibit A shows property line boundaries of all contiguous land in the same ownership as the area encompassed in the application. The proposal is to divide one parcel under the ownership of VDS Farms, Inc. into three parcels. Since all three parcels are within the property line boundary of the land owned by VDS Farms, Inc., and contiguous land in the same ownership as the area encompassed in the application. The application fulfills the requirements of Development Code §17.6.055(C).

Finding for Development Code §17.6.055(D): The preliminary partition plat shows parcel lines, parcel areas, and bearings and distances. This information provides a sufficient description to define the location and boundaries of the area to be partitioned. The application fulfills the requirements of Development Code §17.6.055(D).

Finding for Development Code §17.055(E): The parcel proposed for partition does not include any structures. Therefore, Development Code §17.6.055(E) does not apply to this proposal.

Finding for Development Code §17.6.055(F): The application supports future development of the property subject to the accompanying annexation petition. The area is intended to accommodate a future six-acre neighborhood park, ten-acre elementary school site and 21.7-acre single residential subdivision at a target development density of 8.7 dwellings per net acre. The application on page 11 indicates the area identified for residential development could accommodate +/- 131 lots. If each lot is developed with one single family home 131 new homes

could be built. Based on the information identified above and included in the application the application fulfills the requirements of Development Code §17.6.055(F).

Finding for Development Code §17.06.055(G): Application Exhibit A includes the preliminary partition plat submittal package. Development Code §17.6.055(G) requires that the preliminary plat indicate the location and width of all existing or proposed public or private accessways (rights-of-way) including any reserve strips and parking areas. Preliminary Plat Sheet PO4 shows proposed easements to accommodate public rights-of-way for utilities and streets. The preliminary plat does not show reserve strips and parking areas for the parcels intended for the neighborhood park and elementary school. Parking locations for these uses will be determined as part of the standard development review process.

Finding for Development Code §17.6.055(H): Development Code §17.6.055(H) requires that the proposed partition show the location of all existing and proposed public and private utilities, including water, sewer, and storm drainage. The application shows corridors for utility extensions. Location for storm drainage facilities meeting Clean Water Services requirements will be submitted for review of future development proposals for the neighborhood park, elementary school, and residential development as applicable. In general, the tentative plat complies with Development Code §17.6.055(H) since utility easements are shown.

Finding for Development Code §17.6.055(I): Development Code §17.6.055(I) requires the preliminary partition plat show proposed parcel layout indicating dimensions, parcel lines and lot areas of parcels. Application Exhibit A, Sheet PO4 shows the layout for the three proposed parcels and includes dimensions, parcel lines and lot areas for the parcels. Therefore, the application complies with Development Code §17.6.055(I).

Finding for Development Code §17.6.055(J): Development Code §17.6.055(J) requires the tentative plat show approximate location and width of watercourses. Application Exhibit A, Sheet PO2 and PO4 show the location of Council Creek which bisects the far northwest portion of the property subject to partition. Therefore, the application complies with Development Code §17.6.055(J).

Finding for Development Code §17.6.055(K): Development Code §17.6.055(K) requires the tentative plat show all areas to be dedicated to the public and their proposed uses including street rights-of-way, drainageways, easements, and reserve strips. The tentative partition plat shows easements intended to for future public right-of-way and utilities. Therefore, the application complies with Development Code §17.6.055(K).

Finding for Development §17.6.055(L): Development Code §17.6.055(L) requires the tentative partition plat show locations and use of structures within 150 feet of the development site. Under authority provided by Development Code §17.6.055 the Director may waive any of the submittal requirements where determined that the information is unnecessary to properly evaluate the proposed partition. The subject property is located on land located within the urban growth boundary and planned for development including a neighborhood park, elementary school, and residential subdivision. The area south of the subject property includes the Silverstone residential development and Forest Grove high school. The area to the west includes the Forest Grove LDS Church and proposed Brooke Meadows subdivision. The area to the east is primarily farmland. The area to the north is farmland and is not within the urban growth boundary. Showing the locations and use of structures within 150 feet of the subject property on the tentative plat is unnecessary and the Director waives this submittal requirement.

Finding for Development Code §17.6.055(M): Development Code §17.6.055(M) requires the tentative partition plat identify significant natural features including heavily wooded areas. The tentative partition plat on sheets PO2 and PO4 identifies Council Creek the only natural feature affecting the subject property. Since the tentative partition plat shows Council Creek the plat complies with Development Code §17.6.055(M).

Finding for Development Code §17.6.055(N): Development Code §17.6.055(N) requires that where it's evident that the subject parcel can be further partitioned the applicant shall show, either on the tentative plat or as an attachment, that the land partition will not preclude efficient division of land in the future. The tentative plat shows three parcels. Parcel 1 is intended for a future neighborhood park. Parcel 2 is intended for a future elementary school and Parcel 3 is intended for a future residential subdivision. Parcel 3 will be divided further generally conforming to the land use concept included with Application Exhibit J (Transportation Impact Study), page 1 of 166. Since the information required by Development §17.6.055(N) is included in the application the application complies with this Development Code requirement.

The review criteria for a tentative partition plat are identified in Development Code §17.6.060:

- A. The tentative partition plat complies with all applicable requirements for submittal.
- B. The tentative partition plat complies with all applicable standards and design requirements of the Development Code.
- C. Any special features of the site (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately considered and addressed in the design of the tentative plat.
- D. All parcels shall be suitable for their intended use. No parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the occupants of such parcel or partition.
- E. Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- F. Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- G. The proposed street plan provides safe, convenient and direct options for pedestrian, bicycle and vehicular circulation.
- H. Adequate public facilities are available or can be provided by the applicant to serve the proposed partition.

Finding (Development Code §17.6.060(A)): As noted above, the application, including the tentative partition plat, complies with all applicable requirements for submittal.

Finding (Development Code §17.6.060(B)): The applicable standards and design requirements from the Development Code include:

- Article 3: Zoning Standards
 - §17.3.130 (Residential Development Standards)
 - Average lot size (R-5): 5,000 square feet
 - §17.3.220 (Institutional Zone Development Standards)
 - Minimum lot size: 10,000 square feet
 - Minimum lot width: 50 feet
 - Minimum lot depth: None
- Article 6: Land Divisions

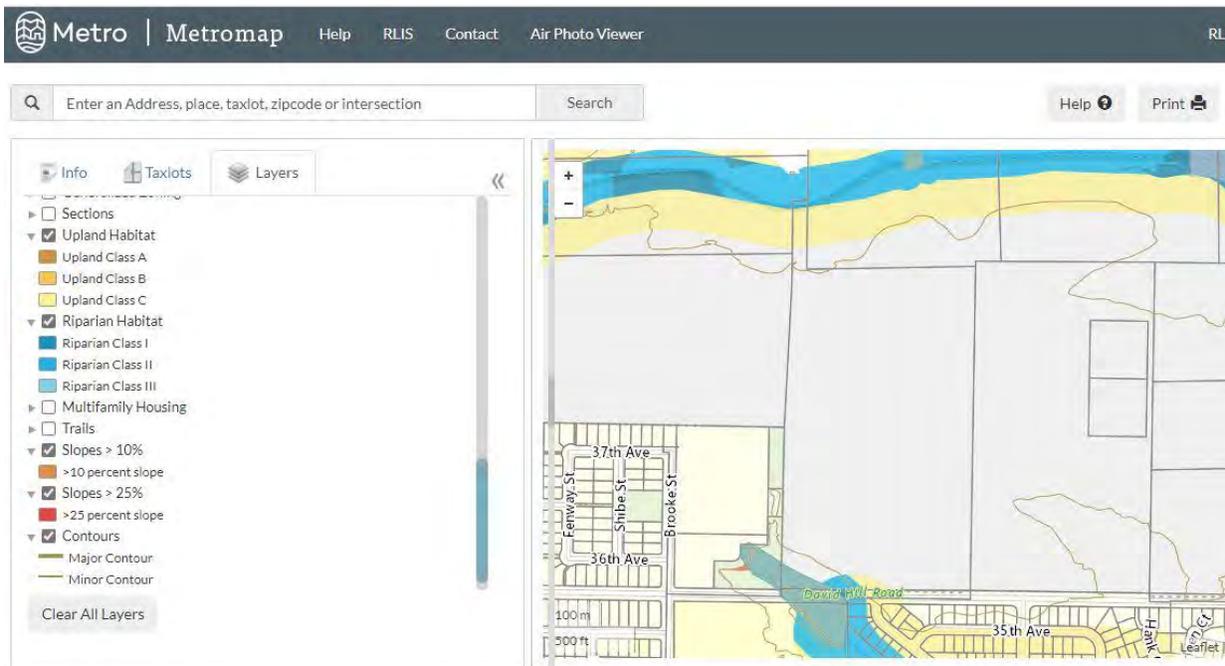
- §17.6.045 through §17.6090 (Partitions)
- Article 8: General Development Standards (Future Subdivision of Lots)

Finding (§17.6.060(B)): Parcel 3 shown on the tentative partition plat is intended for future a residential subdivision. Parcel 3 is 21.7 acres and exceeds the average lot size required for lots in the R-5 zone as shown in Development Code §17.3.130. Parcel 1 and Parcel 2 are intended for institutional uses including a neighborhood park and elementary school, respectively. Parcel 1 is 6 acres in area and Parcel 2 is 10 acres in area. Both Parcels 1 and 2 exceed the minimum lot size of 10,000 square feet as required by §17.3.220. Parcels 1 and 2 exceed the minimum lot width of 50 feet as shown on Sheet PO4 of the tentative partition plat.

Finding (Article 6: Land Divisions): As noted above in the findings addressing the tentative partition plat application requirements the tentative partition plat complies with the applicable design standards for land divisions under Article 6.

Finding (Article 8: General Development Standards): The proposed partition shows three parcels intended for future development. The partition, if approved, will result in parcels larger than one-half acre. Parcel 3 is intended for a future residential subdivision as described in the application. Therefore, Parcel 3 is likely to be divided further. Parcel 3, as shown on the tentative partition plat, includes easements for the future orderly extension of Silverstone Drive providing future vehicular access to future subdivision lots. In addition, proposed Parcel 3 supports efficient future division without violating subdivision requirements contained in the Development Code including minimum lot sizes, minimum width and minimum depth for residential development specified in Development Code §17.3.130 (Residential Development Standards).

Findings (§17.6.060(C)): The tentative partition plat appears to consider special features of the site. The subject property does not include any historic sites. The site is also flat and does not include steep slopes. Council Creel impacts a small portion of the subject property as shown on the map below. This area is identified as including upland and riparian habitat areas. The tentative partition plat includes this area as part of Parcel 1 intended for a future neighborhood park providing an opportunity to minimize potential impacts to the habitat areas. The subject property includes a wetland area near the extreme southwest portion of the property. This area is included in Parcel 3 intended for future residential development. Mitigating impacts to the wetland area will be addressed through any future subdivision application. Future development must comply with the requirements of the Forest Grove Development Code Article 5 (Special Provisions) and Clean Water Services requirements. Based on the proposed parcel configurations shown on the tentative partition plat and intended uses for the parcels the tentative partition appears to consider the special features of the site and therefore complies with §17.6.060(C).



Finding (§DC 17.6.060(D)): If approved, the proposed partition will result in three parcels. Parcel 1 is intended for a six-acre neighborhood park, Parcel 2 is intended for a ten-acre elementary school and Parcel 3 is intended for a 21.7-acre residential subdivision. All parcels exceed the minimum lot areas for their intended uses as required by Development Code Article 3. The Development Code establishes minimum development requirements to, among other objectives, serves as the principle tool for implementing the City's Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Forest Grove. As such, since all proposed parcels exceed minimum lot requirements for the Development Code, no parcel is of such size or design as to be detrimental to the health, safety, or sanitary needs of the occupants of the parcels included in the partition. Therefore, the proposed tentative partition plat complies with Development Code §17.6.060(D).

Finding (§17.6.060(E)): The property subject to the tentative partition plat is under single ownership and there is no remaining property under the same ownership that will be developed. All property subject to the partition can be accomplished in accordance with the Development Code since the proposed parcels exceed Development Code requirements for minimum lot size, width and depth for their intended uses (neighborhood park, elementary school, and residential subdivision). Therefore, this proposal complies with Development Code §17.6.060(E)).

Finding (§17.6.060(F)): The tentative partition plat includes easements for future extension of street providing access to future development. The Forest Grove Transportation System Plan and the Westside Refinement Plan include a conceptual collector street system for future development. Development proposals are required to substantially comply with the policies of these plans unless amended. Compliance with these plans ensures adjoining land can be developed or provided access that will allow development in accordance with the Development Code. Since the tentative partition plat does not preclude compliance with the street network shown on the Transportation System Plan and Westside Refinement Plan the tentative partition plat complies with Development Code §17.6.060(F)).

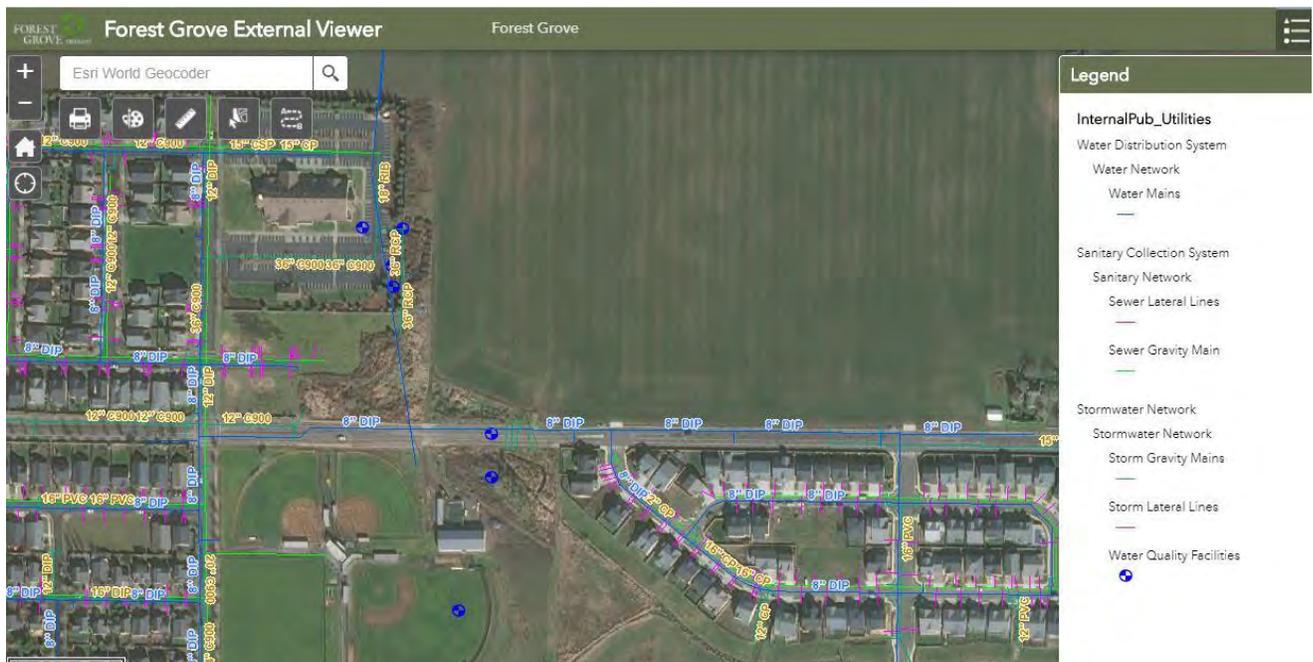
Finding (§17.6.060(G)): The tentative partition plat shows easements for future street access. The access plan provides direct access to all three parcels shown on the tentative plat. Review

of future development proposals will ensure compliance with Development Code requirements for safe, convenient, and direct options for pedestrian, bicycle, and vehicular circulation. Since the partition plat shows easements for future street access the tentative partition plat complies with Development Code §17.6.060(G).

Finding (§17.6.060(H)): The tentative partition plat shows easements for future public utilities to serve the proposed partition. Public utility needs will be reviewed for compliance with City and other agency requirements as part of the standard development review process. Public utilities are present near the subject property, as shown below, and may be extended by the applicant as required by the Development Code to serve future development. For these reasons, the tentative partition plat complies with §17.6.060(H).

Existing utilities include:

- Water: Existing 8-inch waterline along David Hill Road.
- Sanitary Sewer: Existing 8-inch sanitary sewer line in Silverstone Drive.
- Stormwater: Existing storm culverts along David Hill Road.



XII. ALTERNATIVES

The Planning Commission has the following alternatives:

1. Recommend City Council approval of the proposal including the annexation, Comprehensive Plan Map and Zoning Map amendments, and three parcel partition as proposed; or
2. Recommend approval with modifications; or
3. Recommend denial stating the reasons for the recommendation; or
4. Continue deliberations to a date certain.

VII. SUMMARY AND RECOMMENDATION

The application meets the requirements of the applicable decision considerations, standards and criteria as described above. Therefore, staff recommends that the Planning Commission adopt a motion adopting this report including findings supporting approval of the application as requested and recommending City Council approval.

VIII. LIST OF ATTACHMENTS

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. Attachments 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.

- A. Land Use Application (<https://www.forestgrove-or.gov/projects>)
- B. PowerPoint Presentation



A place where families and businesses thrive.

**NOTICE OF PUBLIC HEARING
FOREST GROVE CITY COUNCIL
FILE NUMBER 311-20-000164-PLNG**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a **Public Hearing** on **Monday, October 26, 2020, at 7:00 p.m.** or thereafter, at the Community Auditorium, 1915 Main Street, to review the following:

Request: Amending the City’s Comprehensive Plan Map and Zoning Ordinance Map to re-designate certain parcels from Gales Creek Neighborhood Mixed Use (NMU) to Medium Density Residential (MDR) and Neighborhood Commercial (NC); and certain other parcels from High Density Residential (HDR) to Medium Density Residential (MDR). The proposal would also amend the City’s Zoning Map to re-designate the same groups of parcels as Residential Multi-Unit Low Density (RML) and Neighborhood Commercial (NC); and Residential Multi-Unit Low Density (RML).

TAX LOT	ADDRESS	CURRENT COMPREHENSIVE PLAN & ZONING DESIGNATIONS	PROPOSED COMPREHENSIVE PLAN & ZONING DESIGNATIONS
1N436B004201	936 Watercrest Road	HDR / RMH	MDR / RML
1N436B004200	1006 Watercrest Road	HDR / RMH	MDR / RML
1N436B003700	1028 Watercrest Road	HDR / RMH	MDR / RML
1N436B004100	925 Gales Creek Road	HDR / RMH	MDR / RML
1N436B004000	939 Gales Creek Road	HDR / RMH	MDR / RML
1N436B003900	1007 Gales Creek Road	HDR / RMH	MDR / RML
1N436B003800	1015 Gales Creek Road	HDR / RMH	MDR / RML
1N436B003600	1585 Thatcher Road	NMU / NMU	MDR / RML
1N436B003400	1031 Gales Creek Road	NMU / NMU	MDR / RML
1N436B003300	1105 Gales Creek Road	NMU / NMU	MDR / RML
1N436B003200	1113 Gales Creek Road	NMU / NMU	MDR / RML
1N436B003500	1525 Thatcher Road	NMU / NMU	MDR & NC
1N436B003100	1121 Gales Creek Road	NMU / NMU	NC / NC
1N436B002900	1203 Gales Creek Road	NMU / NMU	NC / NC
1N436B002901	1213 Gales Creek Road	NMU / NMU	NC / NC
1N436B003000	1405 Thatcher Road	NMU / NMU	NC / NC

Comprehensive Plan Designations

HDR = High Density Residential
NMU = Neighborhood Mixed Use

MDR = Medium Density Residential
NC = Neighborhood Commercial

Zoning Designations

RMH = Residential Multi-Unit High Density NMU = Neighborhood Mixed Use

RML = Residential Multi-Unit Low Density NC = Neighborhood Commercial

Applicant: City of Forest Grove

Criteria: Oregon Statewide Land Use Planning Goals 2 (Land Use), 9 (Economic Development) and 10 (Housing); Metro Regional Framework Plan, Metro Regional Functional Plan Title 1 (Housing Capacity); Forest Grove Comprehensive Plan; and Forest Grove Development Code Section 17.2.770 (Zone Change Review Criteria)

File Number: 311-20-000164-PLNG

All persons will be given reasonable opportunity to give testimony about this proposal responding to the review criteria. 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. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. A copy of the report will be available for inspection before the hearing at the Community Development Department or by visiting the City's website at www.forestgrove-or.gov.

COVID-19: The City Council meeting will be conducted remotely by video conferencing. The public may attend and observe in the Community Auditorium (as space allows). However, the Council encourages the public to submit written comments or testimony to Senior Planner James Reitz, jreitz@forestgrove-or.gov or sent to PO Box 326, 1924 Council Street, Forest Grove, Oregon 97116, prior to the hearing. For further information pertaining to this proposal, please contact the Community Development Department, 1924 Council Street, (503) 992-3233 between 9 a.m. and 5 p.m.

###

Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

Published: October 15, 2020

Date: December 14, 2020

Agenda Item: 6.

Subject: PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2020-06 ANNEXING 37.7 +/- ACRES OF LAND INTO THE CITY LIMITS OF FOREST GROVE AND CLEAN WATER SERVICES DISTRICT AND WITHDRAWING THE TRACT FROM THE FOREST GROVE RURAL FIRE PROTECTION DISTRICT; WASHINGTON COUNTY TAX LOT 1N4250000600; FILE NO. 311-20-000167-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:

Address:

City, State & Zip Code:

<hr/>	<hr/>

OPPONENTS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

<hr/>	<hr/>

OTHERS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

<hr/>	<hr/>

Please continue on Page 2:



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, Clackamas, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the **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 311-20-000167-PLNG**

Ad#: 185497

A copy of which is hereto annexed, was published in the entire issue of said newspaper(s) for 2 week(s) in the following issue(s):
12/03/2020, 12/10/2020

Charlotte Allsop

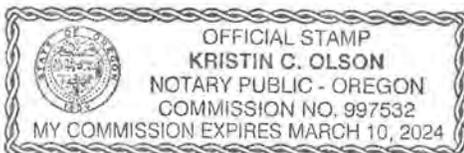
Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this 12/10/2020.

Kristin C. Olson

NOTARY PUBLIC FOR OREGON

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



**NOTICE OF PUBLIC HEARING
 FOREST GROVE CITY COUNCIL
 FILE NUMBER 311-20-000167-PLNG**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold **Public Hearings** on **Monday, December 14, 2020, and Monday, January 11, 2021, at 7:00 p.m.** or thereafter, at the Community Auditorium, 1915 Main Street, to review the following proposals:

- Ordinance annexing 37.7 +/- acres of land into the City limits of Forest Grove and Clean Water Services District and withdrawing the tract from the Forest Grove Rural Fire Protection District; Washington County Tax Lot 1N4250000600
- Order adopting amendments to the Forest Grove Comprehensive Plan Map to redesignate property subject to annexation from Institutional to Residential A-Medium and from Residential B-Standard to Institutional; Washington County Tax Lot 1N4250000600
- Order adopting amendments to the Forest Grove Zoning Map to designate property subject to annexation from Washington County Future Development to Forest Grove Institutional and Residential R-5; Washington County Tax Lot 1N4250000600; and
- Order approving a tentative partition plat for property subject to annexation to create separate parcels for land zoned institutional and Residential R-5; Washington County Tax Lot 1N4250000600.

The City Council will consider these proposals and base its decision on the following review criteria. Comments in response to this proposal must address the criteria below:

- Oregon Revised Statutes Chapter 222.111 & 222.112 (Boundary Changes)
- Oregon Statewide Land Use Planning Goals 2 (Land Use), 10 (Housing), Goal 11 (Public Facilities), Goal 12 (Transportation) and Goal 14 (Urbanization)
- Forest Grove Comprehensive Plan Community Sustainability, Land Housing, Public Facilities and Urbanization chapters
- Metro Code Chapter 3.09 (Local Government Boundary Changes)
- Metro Urban Growth Management Functional Plan
- Forest Grove Development Code Sections 17.2.770 (Zone Change Criteria), 17.6.045 et. seq. (Land Divisions)

All persons will be given reasonable opportunity to give testimony about this proposal responding to the review criteria above. 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. A copy of the report will be available for inspection at least seven days before the hearing at the Community Development Department or by visiting www.forestgrove-or.gov.

COVID-19 NOTICE: The City Council meeting will be conducted remotely by video conferencing. The public may observe and participate in the Community Auditorium as space allows. However, the Commission encourages the public to submit written comments or testimony to City Recorder, Anna Ruggles, aruggles@forestgrove-or.gov, or sent to PO Box 326, 1924 Council Street, Forest Grove, Oregon 97116, prior to the hearing. For further information pertaining to this proposal, please contact the Community Development Department, 1924 Council Street, (503) 992-3227, Monday to Friday, between 8 am and 5.



Farmstead Crossing

Annexation, Comprehensive Plan Map,
Zoning Map Amendment, & Partition

City of Forest Grove City Council

December 14, 2020

City File# 311-20-0000167-PLNG

Project Team

Venture Properties, Inc. – Kelly Ritz and Al Jeck

- Applicant



VentureProperties
I N C O R P O R A T E D

Creating
Tomorrow's
Communities
Today

VDS Farms, Inc.

- Owner

AKS Engineering & Forestry, LLC – Mimi Doukas and Darko Simic

- Land Use Planning, Civil Engineering, Surveying, Landscape Architecture



Lancaster Mobley – Todd Mobley

- Transportation Engineering



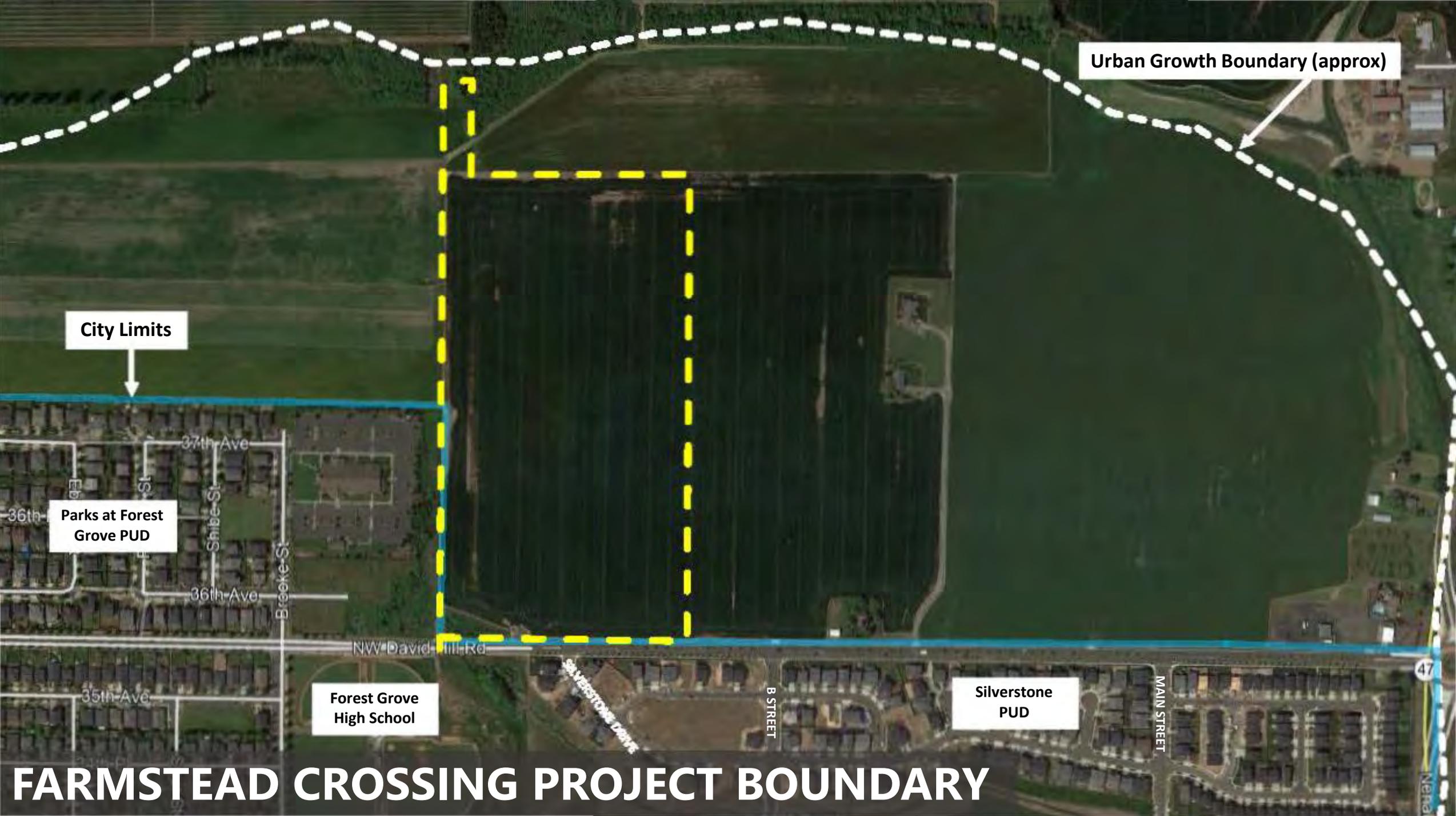
Project Overview – 4 applications

- » Annexation of ±37.7 acres into City limits
- » Comprehensive Plan Map Amendment from B-Standard to A-Medium for residential portion and rearrangement of land use designations
 - » Institutional Designation in North, Residential in South (abutting NW David Hill Road)
- » Zone Change to implement Institutional Zone for potential park and school site and R-5 Zone for residential portion
- » Three-parcel Partition to establish lot configuration to accommodate future neighborhood and potential park and school sites

Background – Westside Refinement Plan

- » ± 240-acre South of Purdin Road/
Council Creek Area added to UGB in
2014
- » Westside Refinement Plan adopted by
Forest Grove City Council in 2017
- » Created conceptual land use plan to
guide development of this area for next
20-30 years





Urban Growth Boundary (approx)

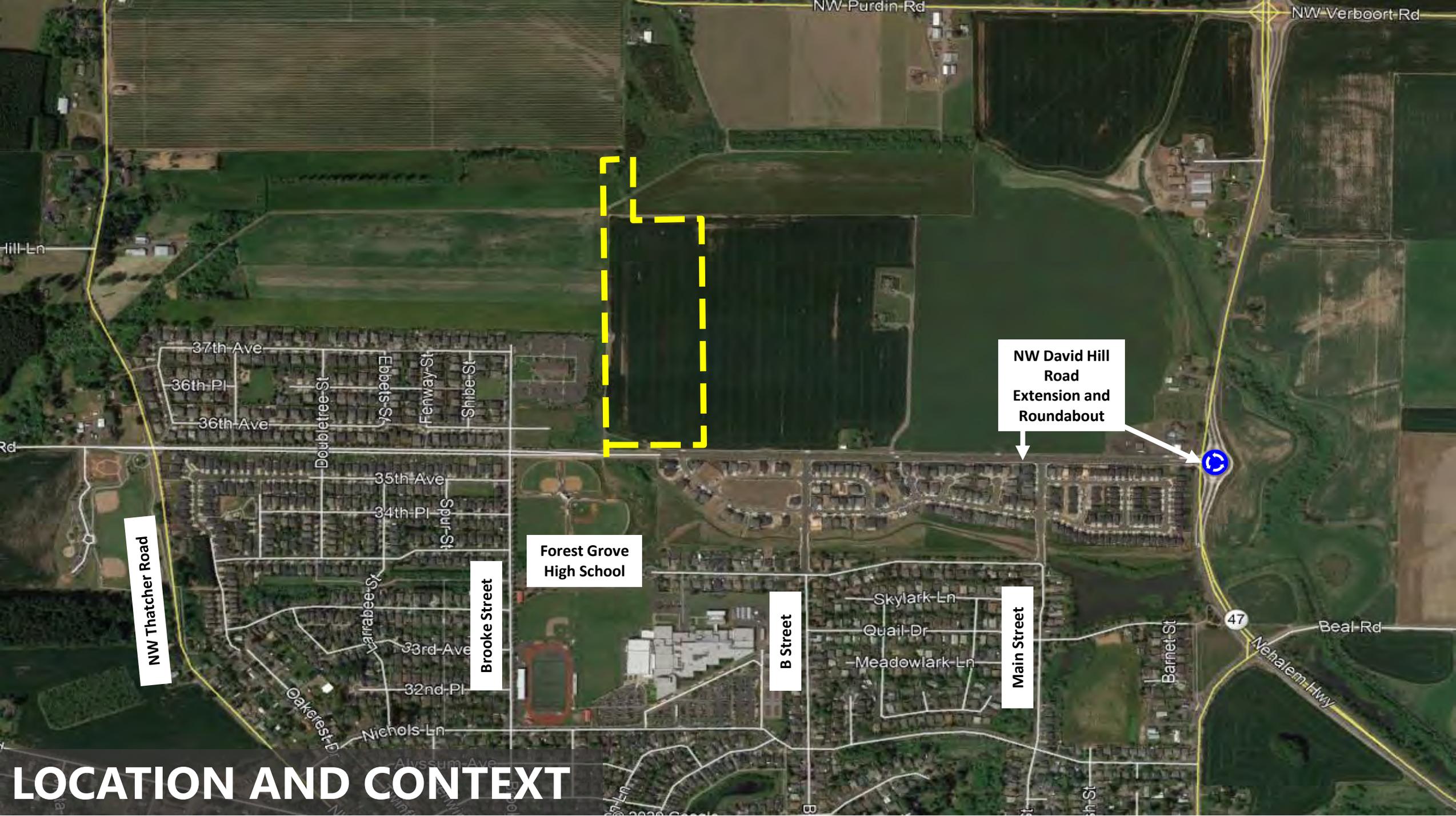
City Limits

Parks at Forest Grove PUD

Forest Grove High School

Silverstone PUD

FARMSTEAD CROSSING PROJECT BOUNDARY



NW Thatcher Road

Brooke Street

B Street

Main Street

Forest Grove High School

NW David Hill Road Extension and Roundabout

LOCATION AND CONTEXT

Application 1 – Annexation

- » Annexation of ±37.7 acres into City limits and Clean Water Services Boundary (CWS)
- » Initiated by property owner
- » Considerations:
 - » Promote the timely, orderly and economic provision of public facilities and services;
 - » Affect the quality and quantity of urban services; and
 - » Eliminate or avoid unnecessary duplication of facilities or services

Served by Infrastructure

- » Water, Sewer, and Storm are readily available and adjacent
- » Well served by Transportation – NW David Hill Road and Hwy 97 (arterial)
 - » Facilitates future connections consistent with TSP

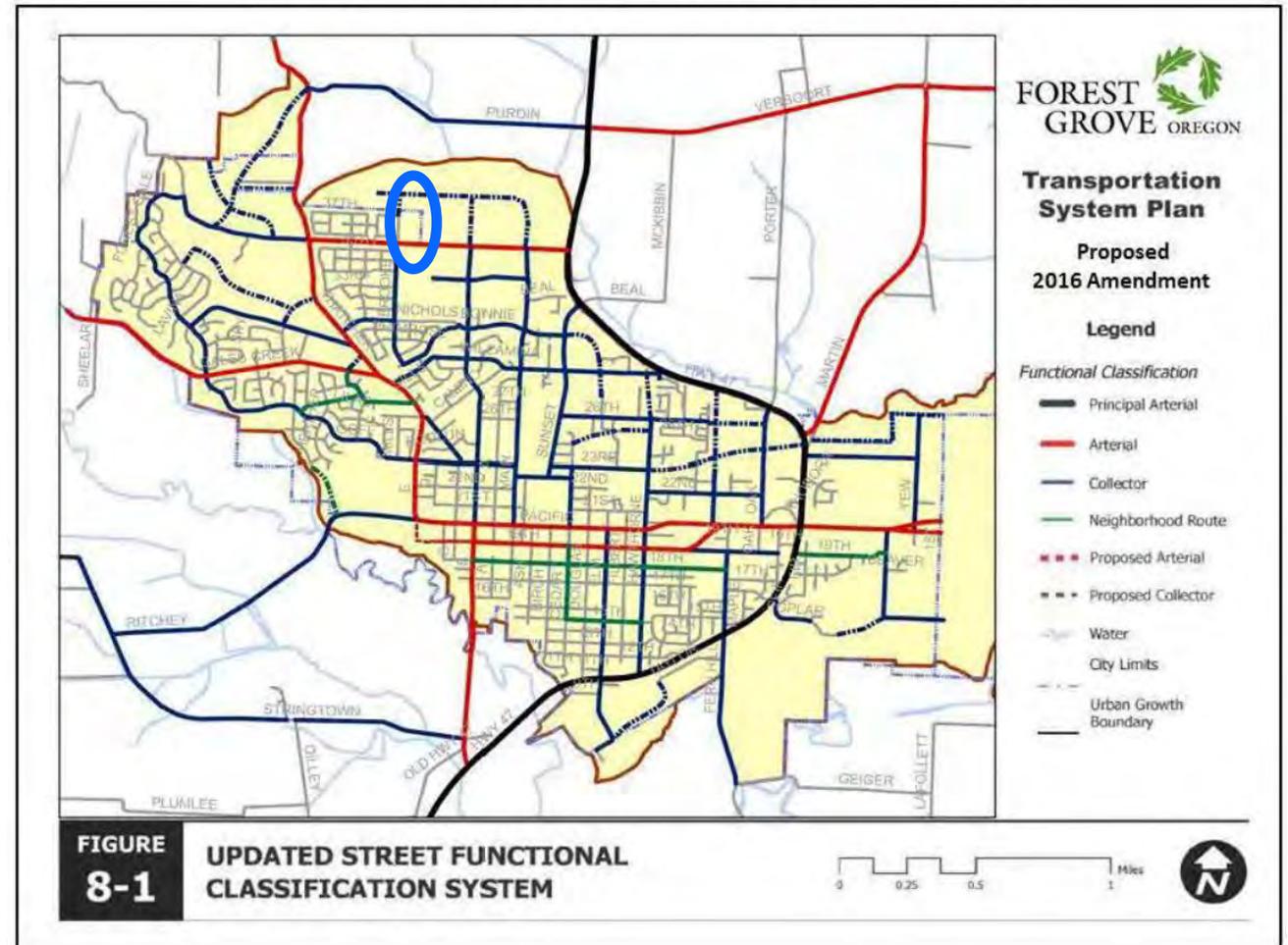
Table 1: Existing Public Utilities

Service	Provider	Size	Location
Water	City of Forest Grove	12-inch diameter	David Hill Road
Sanitary Sewer	City of Forest Grove	8-inch diameter	Silverstone Drive
Storm Sewer	City of Forest Grove	3 culverts, 12-inch, 24-inch	David Hill Road

Transportation

- » Increase in total average daily trips by ± 358
 - » 400 trips is impact threshold for ODOT
- » No change to classification of David Hill Road and Hwy 47
- » Facilitate street connections to abutting properties consistent with TSP

Figure 8-1: Updated Street Classification System

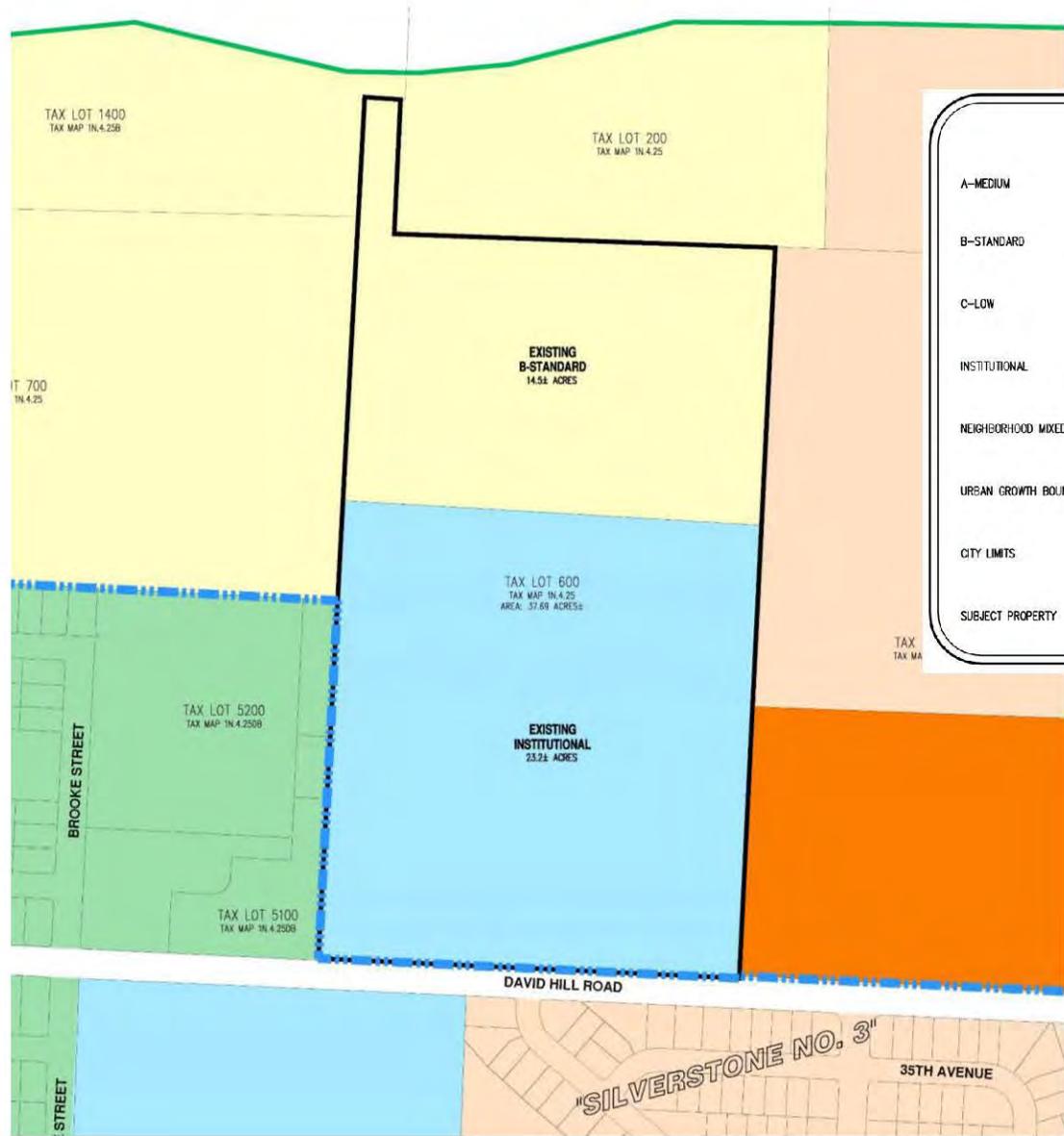


This slide is intentionally blank

Application 2 and 3 – Comprehensive Plan Amendment and Zone Change

- » Comprehensive Plan Map Amendment from B-Standard to A-Medium for residential portion and rearrangement of land use designations
 - » Institutional Designation in North, Residential in South (abutting NW David Hill Road)
- » Zone Change to implement Institutional Zone for potential park and school site and R-5 Zone for residential portion

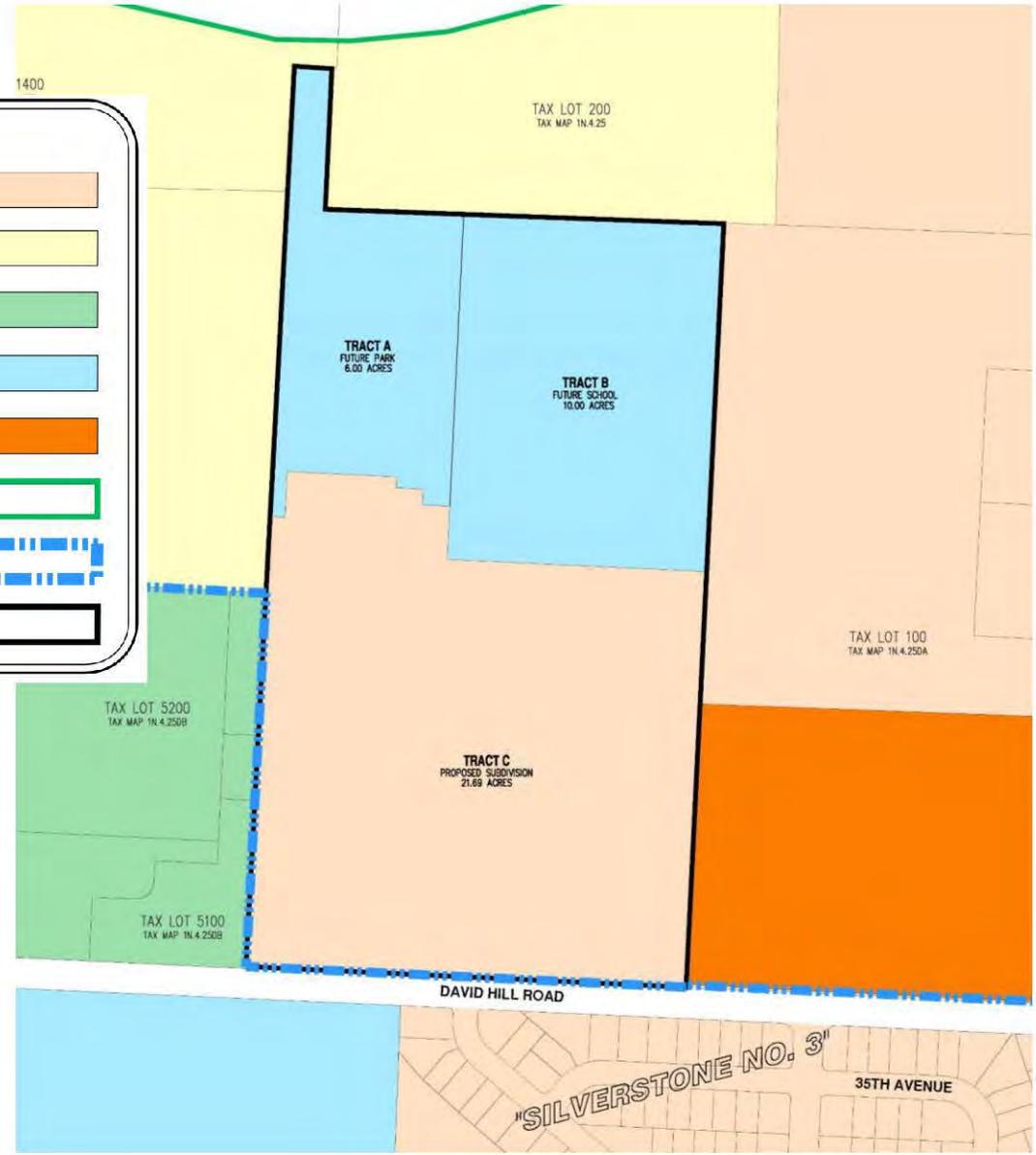
Existing Comprehensive Plan Map



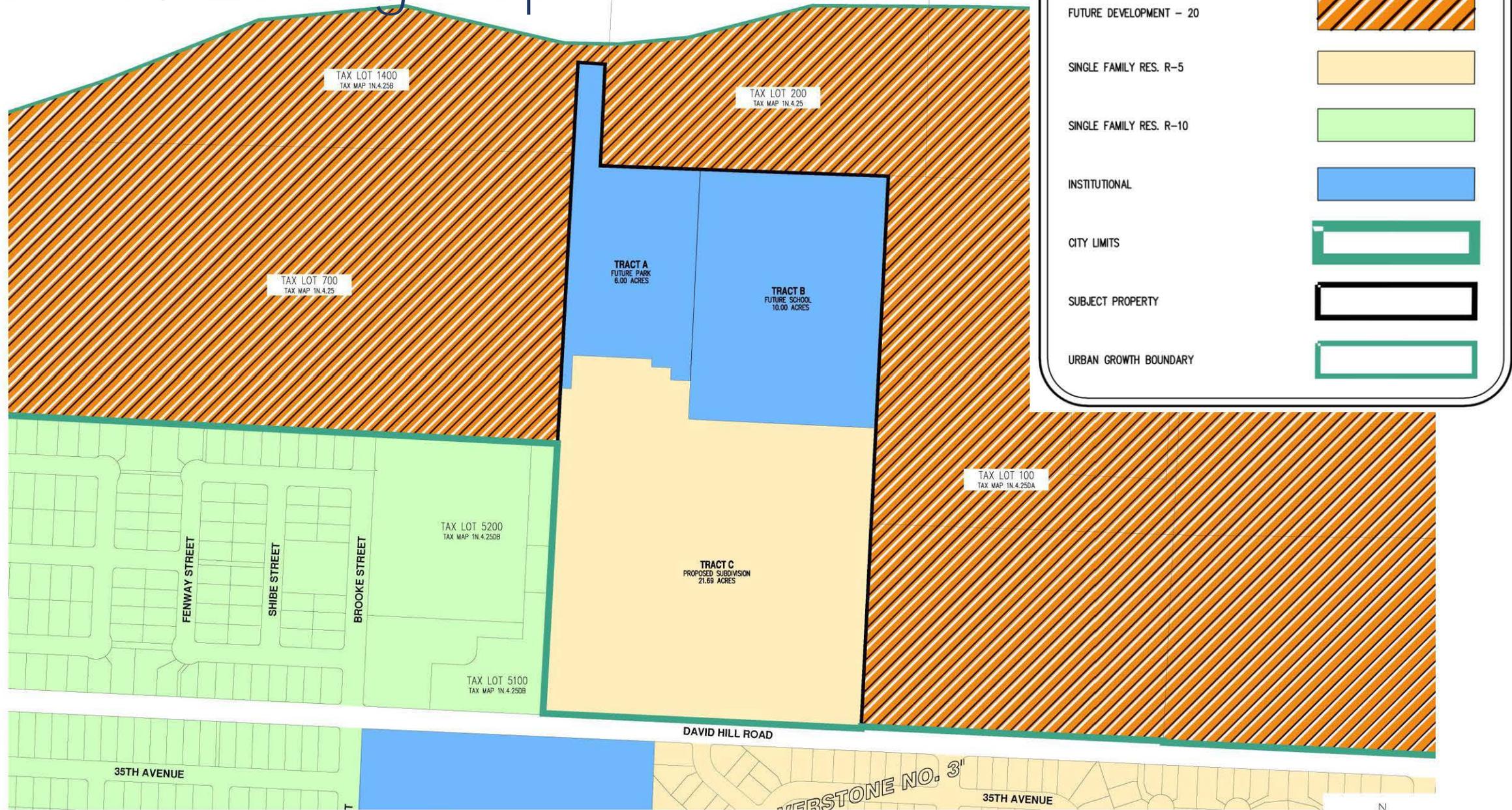
LEGEND

- A-MEDIUM
- B-STANDARD
- C-LOW
- INSTITUTIONAL
- NEIGHBORHOOD MIXED USE
- URBAN GROWTH BOUNDARY
- CITY LIMITS
- SUBJECT PROPERTY

Planned Comprehensive Plan Map



Planned Zoning Map



Benefits to the Community

- **Implements the City's vision for the Westside Refinement Plan Area**
- Provides needed housing with a variety of lot sizes to serve evolving demographics
- Potential opportunities for future school and park sites to serve current and future residents and meet identified needs of City
- Re-arrangement of uses helps transition between urban and rural
- Infrastructure improvements and connections
- Preservation and enhancement of natural resource areas
- Unlocks future housing, employment, recreational, commercial opportunities in UGB Growth Area to serve current and future residents

Forest Grove Comp Plan (FGCP) Policies

Housing Policies 1.1 – 1.3

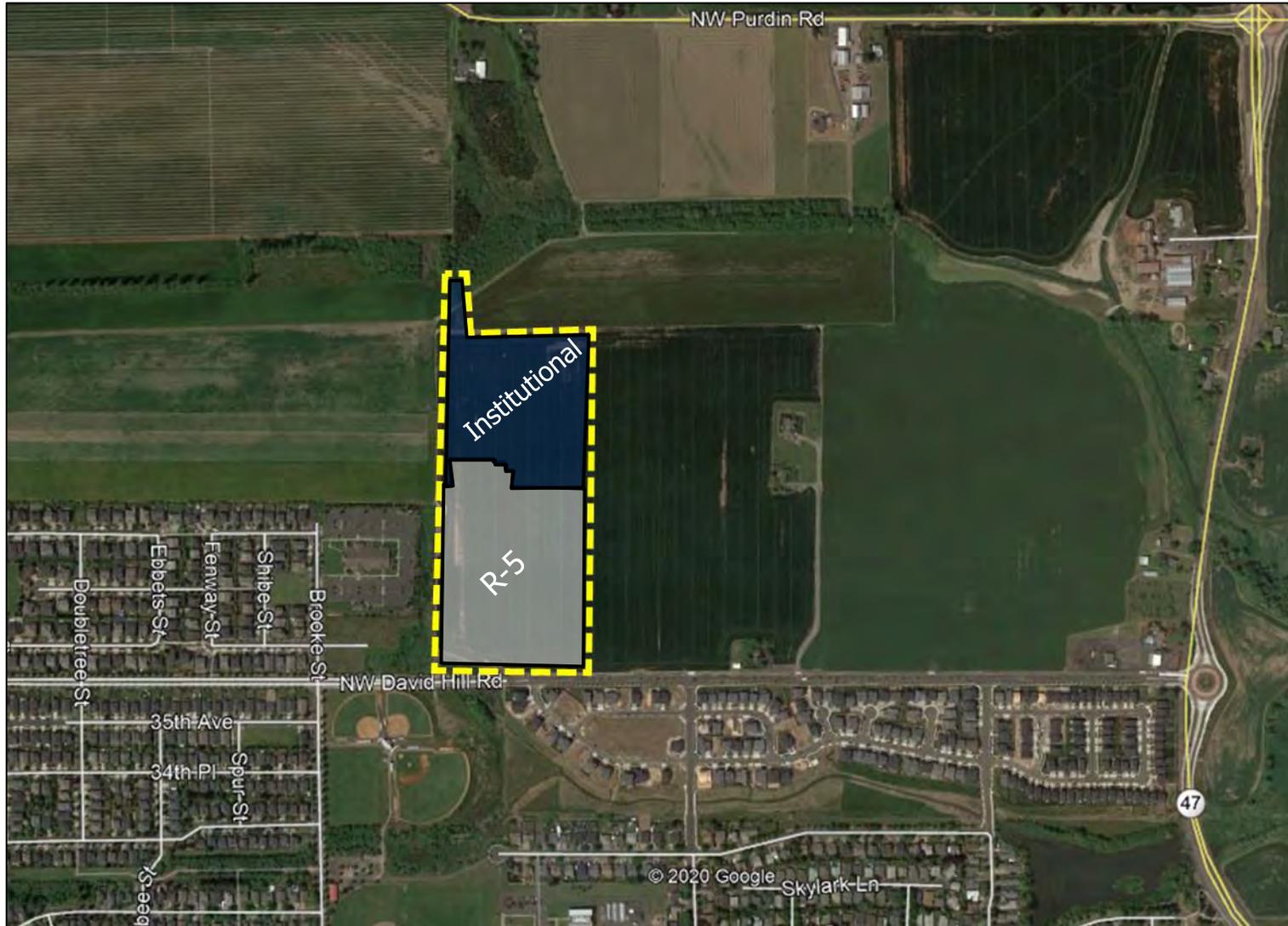
- » Housing types and densities that can meet projected population needs
- » Capacity of public services and facilities and ability to provide in cost-effective and efficient manner
- » Proximity to services (shopping, employment areas, parks, schools)
- » Site characteristics

Housing Goal 6 – **“Complete” neighborhoods**

Community Sustainability Goals/Policy 7, 8, 11,18

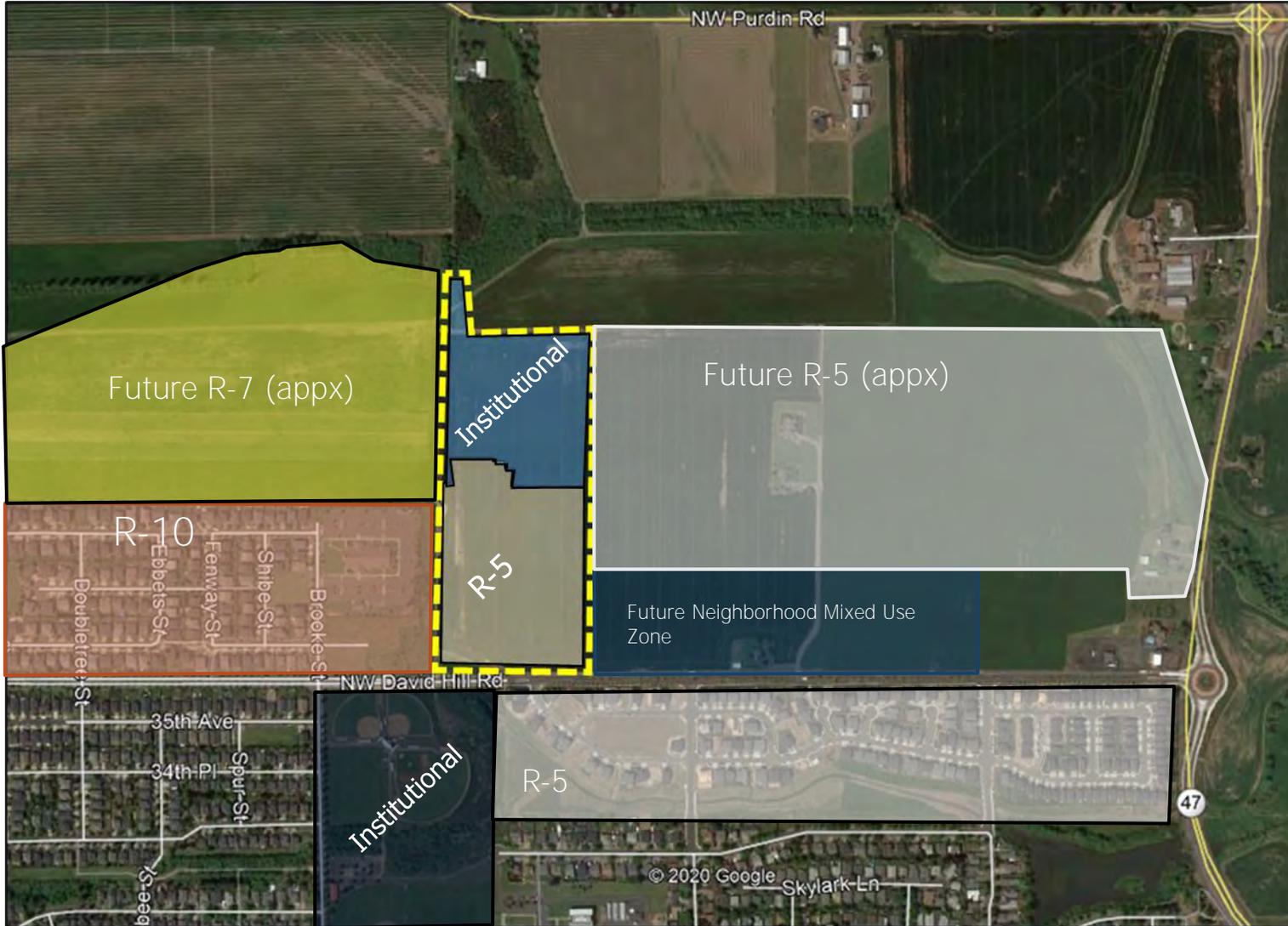
- » Interconnected land uses promoting active living
- » Increase the amount of park land and natural areas
- » Needed housing for all segments of the population

Locational Consideration



- » Residential uses to the west and south
- » Park and school site in north buffer agricultural uses to the north from residential
- » Facilitates efficient connections to existing utilities in NW David Hill Road and Silverstone Drive

Locational Consideration



- » Compatible with existing residential uses to west and south
- » Future residential (R-5) and neighborhood mixed use to the east
- » Park and school site in north buffer existing agricultural uses to the north from residential
- » Facilitates efficient connections to existing utilities in NW David Hill Road and Silverstone Drive
- » Establishes transportation network that can be extended to serve future development within the UGB

Farmstead Crossing – Needed Housing

- » Planned uses consistent with Westside Refinement Plan
- » Needed Housing accommodating a variety of demographics
- » ±21.7 acres to be designated A-Medium (implemented by R-5 Zoning)
 - » Mix of housing types, attached and detached homes
 - » Planned Development and Subdivision designed to accommodate ±131 future homes (net difference of ±23 units from maximum permissible under R-7)



This slide is intentionally blank

This page is intentionally blank.