

**ORDER NO. 2020-06**

**ORDER AMENDING FOREST GROVE ZONING MAP TO RE-DESIGNATE CERTAIN PARCELS FROM GALES CREEK NEIGHBORHOOD MIXED USE (NMU) TO RESIDENTIAL MULTI-UNIT LOW DENSITY (RML) AND NEIGHBORHOOD COMMERCIAL (NC); AND CERTAIN OTHER PARCELS FROM RESIDENTIAL MULTI-UNIT HIGH DENSITY (RMH) TO RESIDENTIAL MULTI-UNIT LOW DENSITY (RML); FILE NUMBER: 311-20-000164-PLNG**

936, 1006 & 1028 Watercrest Road; 1405, 1525 & 1585 Thatcher Road; and 925, 939, 1007, 1015, 1031, 1105, 1113, 1121, 1203 & 1213 Gales Creek Road

Washington County Tax Lots 1N436B002900, 1N436B002901, 1N436B003000, 1N436B003100, 1N436B003200, 1N436B003300, 1N436B003400, 1N436B003500, 1N436B003600, 1N436B003700, 1N436B003800, 1N436B003900, 1N436B004000, 1N436B004100, 1N436B004200, and 1N436B004201

**WHEREAS**, in 1980 the area currently identified as the Gales Creek NMU was designated Commercial Planned Development (CPD) and was intended to become a Planned Shopping Center, which could have included “a neighborhood gas station, convenience grocery store, recreation center, laundry, restaurant, etc.”; and

**WHEREAS**, the area west of the CPD was designated for high density residential uses to further support the CPD designation; and

**WHEREAS**, the concept of a shopping center never came to fruition, as commercial uses of all types gravitated toward the area generally along Pacific Avenue east of Hawthorne Street; and

**WHEREAS**, the adjacent high density residential lands also remained undeveloped; and

**WHEREAS**, in 2016 the Gales Creek Neighborhood Mixed Use designation was created to facilitate the development of a “pedestrian-friendly mixed-use neighborhood” that would require non-residential uses to be located in a village center (which was not defined), and require that all site reviews be processed as a planned development; and

**WHEREAS**, in 2019 a single-parcel commercial project in the Gales Creek NMU was proposed for development; and

**WHEREAS**, that project was not approved in part because the site was not located in a defined village center; and

**WHEREAS**, the City Council directed that an alternative approach be prepared for the Gales Creek NMU area that would facilitate development through a more simplified review process; and

**WHEREAS**, the City hosted a neighborhood information-sharing meeting in January 2020 and the attendees supported the concept of a simplified review process; and

**WHEREAS**, in July 2020 the Planning Commission held a work session to discuss alternatives to the Gales Creek NMU and noted that:

- The commercial uses allowed in the NMU zoning district are largely the same as those listed in the Neighborhood Commercial (NC) zoning district and as such, the Gales Creek NMU zoning could be replaced with an NC zoning designation; and
- As the Gales Creek NMU is intended to provide neighborhood-scale commercial uses, and a shopping center is highly unlikely, that the Zoning Map could be revised to reduce the area devoted to commercial uses; and
- The City should review the adjacent High Density Residential area to the west and consider whether that designation was still appropriate; and

**WHEREAS**, the Planning Commission held a duly-noticed Public Hearing on the above proposals on October 5, 2020; and

**WHEREAS**, the Planning Commission recommended by a 7-0 vote to approve the map amendments as documented in Planning Commission Decision and Findings #2020-08; and

**WHEREAS**, notice of the City Council hearing was mailed to affected parties on October 15, 2020, as required by Development Code §17.1.610. Notice was also published in the *News Times* on October 15, 2020; and

**WHEREAS**, the City Council held a Public Hearing concerning these map amendments on October 26, 2020, and made a determination on the basis of the findings contained in Section 1 below; and

**WHEREAS**, there is on file with the City Council a staff report which includes the criteria, facts, and conclusions which collectively are the findings supporting this request:

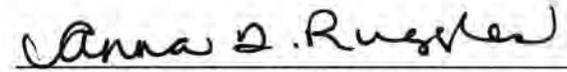
**NOW, THEREFORE, THE CITY OF FOREST GROVE ORDERS AS FOLLOWS:**

**Section 1:** The findings contained in the staff report for this proposal (File Number 311-20-000164-PLNG), the minutes of the Planning Commission meeting of October 5, 2020 and Planning Commission Findings and Decision Number 2020-08 are hereby adopted and incorporated by reference into this ordinance.

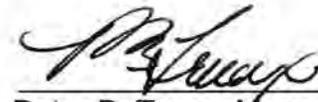
**Section 2:** The City Council hereby adopts the amendments to the Development Code Zoning Map as shown on Map Exhibit A.

**Section 3:** This order is effective immediately upon its enactment by the City Council.

**PRESENTED AND PASSED** this 26<sup>th</sup> day of October, 2020.

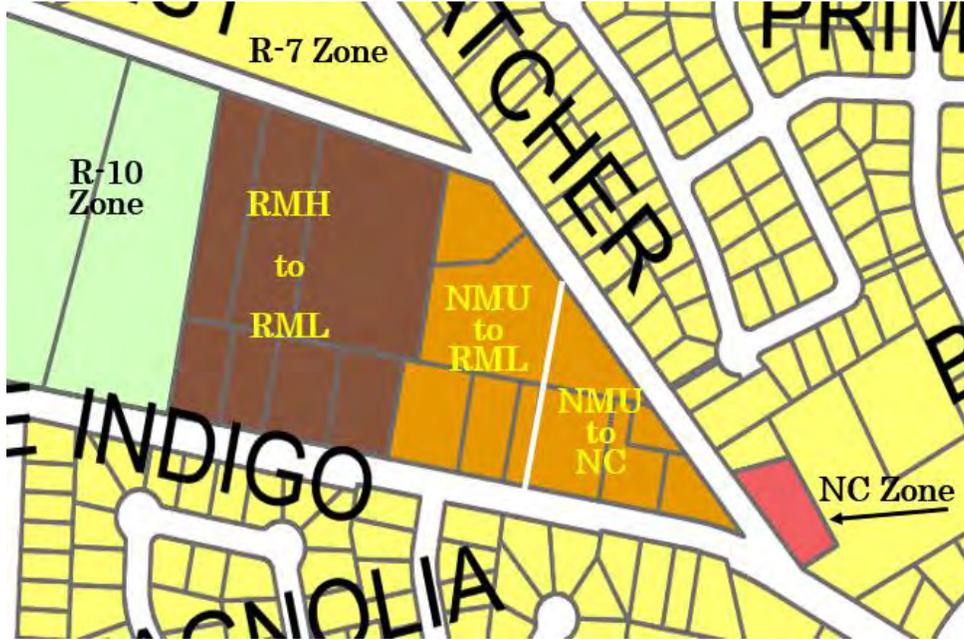
  
\_\_\_\_\_  
Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 26<sup>th</sup> day of October, 2020.

  
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Peter B. Truax, Mayor

ORDER NO. 2020-06  
MAP EXHIBIT A

Gales Creek NMU Area Zoning Map Amendments



RMH = Residential Multi-Unit High Density  
RML = Residential Multi-Unit Low Density

NC = Neighborhood Commercial  
NMU = Neighborhood Mixed Use



*A place where families and businesses thrive.*

<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	<u>6. A. &amp; 6. B.</u>
MEETING DATE:	<u>10/26/2020</u>
FINAL ACTION:	<u>ORDER 2020-05</u> <u>ORDER 2020-06</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 & Orders Amend Comprehensive Plan Map & Zoning Map*

**ACTION REQUESTED:**

	Ordinance	X	Order	Resolution	Motion	Informational
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*X all that apply*

**ISSUE STATEMENT:** The proposed Orders would amend the Comprehensive Plan Map and Zoning Map to revise the designations in the Gales Creek NMU zoning district and the adjacent RMH high density residential zoning district.

**BACKGROUND:** In the NMU-zoned areas, non-residential uses have to be located in a village center, which is not defined in the Development Code. In addition, all projects in NMU zoning districts have to be reviewed using a Type III planned development process. That combination proved problematic for the 2019 attempt to construct a single new commercial building in the Gales Creek NMU district. Following rejection of that project, staff was directed to create alternatives for the Gales Creek NMU zoning district.

In January 2020, staff hosted an information-sharing meeting with the affected property owners in the Gales Creek NMU zoning district, to discuss what might come next. The consensus reached was for an approach that would allow additional commercial development, but with more specific standards and a more certain (i.e., less discretionary) review process. The attendees further agreed that only those parcels located closest to the intersection needed to be reserved for commercial use.

At their July 20 work session, the Planning Commission discussed various alternatives, and reached this consensus:

- A. As the commercial uses in the NMU and Neighborhood Commercial (NC) zoning districts are largely the same, the Gales Creek NMU zoning designation could be replaced with a NC zoning designation.
- B. The area devoted to commercial uses could be reduced.
- C. The adjacent High Density Residential area to the west should be reviewed to consider whether that designation was still appropriate.

Following the Planning Commission work session, staff developed three possible map amendments (these are graphically depicted in the proposed Orders):

1. Four parcels and a portion of a fifth parcel would be changed from Neighborhood Mixed Use to Neighborhood Commercial. These properties are located closest to the Gales Creek Road / Thatcher Road intersection; and
2. The balance of the NMU area would be changed to Medium Density Residential, which would allow residential development of up to 12.00 dwelling units per acre (DUA); and
3. The High Density Residential area would be changed to Medium Density Residential. This would change the target density from 20.28 DUA to 12.00 DUA.

The Commission reviewed and discussed these proposals on October 5<sup>th</sup>. One property owner spoke in favor of the amendments; no one else was present either physically or virtually. In deliberations, Commissioners commented that the proposals mirrored their work session discussions, and voted 7-0 to forward them to the City Council with a positive recommendation.

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

**STAFF RECOMMENDATION:** Staff recommends adoption of the Orders to amend the Comprehensive Plan Map and Zoning Map as recommended by the Planning Commission.

**ATTACHMENTS:**

- Order to Amend the Comprehensive Plan Map
- Order to Amend the Zoning Map
- Planning Commission Findings and Decision #2020-08
- Planning Commission Staff Report and Exhibits dated October 5, 2020
- Planning Commission Meeting Minutes (draft) of October 5, 2020



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**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](http://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](mailto: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

Planning Commission Findings and Decision Number 2020-08  
To approve a Comprehensive Plan Map Amendment and Development Code  
Zoning Map Amendment to Re-Designate certain parcels from Gales Creek  
Neighborhood Mixed Use (NMU) to Medium Density Residential (MDR/RML)  
and Neighborhood Commercial (NC); and certain other parcels from High  
Density Residential (HDR/RMH) to Medium Density Residential (MDR/RML).

936, 1006 & 1028 Watercrest Road; 1405, 1525 & 1585 Thatcher Road; and 925, 939,  
1007, 1015, 1031, 1105, 1113, 1121, 1203 & 1213 Gales Creek Road

Washington County tax lots 1N436B002900, 1N436B003600, 1N436B003700,  
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1N436B003300, 1N436B003400 and 1N436B003500

File Number: 311-20-000164-PLNG

WHEREAS, in 1980 the area currently identified as the Gales Creek NMU was designated  
Commercial Planned Development (CPD) and was intended to become a Planned Shopping  
Center, which could have included "a neighborhood gas station, convenience grocery store,  
recreation center, laundry, restaurant, etc."; and

WHEREAS, the area west of the CPD was designated for high density residential uses to  
further support the CPD designation; and

WHEREAS, the concept of a shopping center never came to fruition, as commercial uses of  
all types gravitated toward the area generally along Pacific Avenue east of Hawthorne Street; and

WHEREAS, the adjacent high density residential lands also remained undeveloped; and

WHEREAS, in 2016 the Gales Creek Neighborhood Mixed Use designation was created to  
facilitate the development of a "pedestrian-friendly mixed-use neighborhood" that would require  
non-residential uses to be located in a village center (which was not defined), and require that all  
site reviews be processed as a planned development; and

WHEREAS, in 2019 a single-parcel commercial project in the Gales Creek NMU was  
proposed for development; and

WHEREAS, that project was not approved in part because the site was not located in a  
defined village center; and

WHEREAS, the City Council directed that an alternative approach be prepared for the  
Gales Creek NMU area that would facilitate development through a more simplified process; and

WHEREAS, the City hosted a neighborhood information-sharing meeting in January 2020  
and the attendees supported the concept of a simplified review process; and

WHEREAS, in July 2020 the Planning Commission held a work session to discuss alternatives to the Gales Creek NMU and noted that:

- The commercial uses allowed in the NMU zoning district are largely the same as those listed in the Neighborhood Commercial (NC) zoning district and as such, the Gales Creek NMU zoning could be replaced with an NC zoning designation; and
- As the Gales Creek NMU is intended to provide neighborhood-scale commercial uses, and a shopping center is highly unlikely, that the Zoning Map could be revised to reduce the area devoted to commercial uses; and
- The City should review the adjacent High Density Residential area to the west and consider whether that designation was still appropriate; and

WHEREAS, notice of this proposal was provided to the Department of Land Conservation and Development on August 28, 2020; and

WHEREAS, notice of this request was mailed to property owners and residents within 300 feet of the subject site on September 11, 2020 as required by Development Code §17.1.610. Notice was also published in the *News Times* on September 24, 2020; and

WHEREAS, the notices elicited no response; and

WHEREAS, the Planning Commission held the duly-noticed public hearing on the proposal on October 5, 2020.

The City of Forest Grove Planning Commission does hereby recommend approval of the comprehensive plan map and zoning map amendments as indicated in Map Exhibit A, making the following specific findings in support of this decision:

- 1) The Planning Commission adopts by reference the staff report including findings and recommendations dated October 5, 2020.
- 2) The following decision considerations apply to the proposed Comprehensive Plan Map amendment –
  - Applicable Oregon Statewide Land Use Planning Goals;
  - Applicable Comprehensive Plan policies; and
  - Metro Regional Framework Plan.

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 Correspondence Table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.
- 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.

### Oregon Statewide Land Use Planning Goals

**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 NMU to NC Comprehensive Plan amendment affects 5 parcels with an area of about 2.80 acres. Re-designating the NMU parcels to NC will not have a significant effect on the uses permitted and is therefore considered to be a minor amendment.

Finding for Goal 2: The proposed NMU to MDR Comprehensive Plan amendment affects 5 parcels with an area of about 3.90 acres. It would change the permitted uses from a commercial-residential mix to exclusively residential. Because the amendment would not have significant effect beyond the immediate area of the change, and could result in a less traffic generation, it is considered to be a minor amendment.

Finding for Goal 2: The proposed HDR to MDR Comprehensive Plan amendment affects 7 parcels with an area of 8.25 acres. It would not change the permitted uses, but it would change the allowable density from 20.28 to 12.00 dwelling units per acre. Because the amendment would not have significant effect beyond the immediate area of the change, and would result in less traffic generation, it is considered to be a minor amendment.

**Goal 9 - Economic Development:** Goal 9 specifies that each city must "Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of ...

commercial uses consistent with plan policies; and limit uses on or near sites zoned for specific ... commercial uses to those which are compatible with proposed uses.”

Finding for Goal 9: The proposed NMU to NC Comprehensive Plan amendment affects 5 parcels with an area of about 2.80 acres. The uses permitted in the NC zoning district largely duplicate the uses permitted in the NMU zoning district. Re-designating the NMU parcels to NC will not have a significant effect on the uses permitted and is therefore considered to be a minor amendment.

Finding for Goal 9: The NMU zoning district allows for a mixture of commercial and residential uses, but only within the context of a planned development (PD) approved through a Type III process. The Type III process and PD requirements have proven problematic for single-site development proposals, thus depriving the Gales Creek NMU area of an adequate supply of commercial land. The proposed NMU to NC amendment would identify a smaller area for commercial uses where individual sites could be developed under a Type II process, thus ensuring that the land available and suitable for neighborhood commercial development can actually be developed with commercial uses.

**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 Economic Opportunity Analysis shows a need for 3,900 housing units over the next 20 years, based on the Baseline Growth Scenario of 2% per year. The proposed NMU to NC Comprehensive Plan amendment affects 5 parcels with an area of about 2.80 acres. As the proposed target density in the NC zoning district would be the same as the existing target density in the Gales Creek NMU zoning district, there would be no net change in housing units. Because the amendment would not have significant effect beyond the immediate area of the change, it is considered to be a minor amendment.

Finding for Goal 10: Re-designating the NMU parcels to MDR would potentially increase the availability of housing units as the target density in the Gales Creek NMU zoning district (8.71 Dwelling Units per Acre or DUA) would be increased to 12.00 DUA in the MDR area. This would result in a potential increase of 13 units, based on gross density.

Finding for Goal 10: Re-designating the HDR parcels to MDR would decrease the availability of housing units as the target density from 20.28 DUA to 12.00 DUA. This would result in a potential decrease of 68 units, based on gross density. Overall, there would be a net reduction of 55 units, based on gross density.

Finding for Goal 10: The proposal would result in a reduction in the target density by 55 dwelling units, based on gross density. However, Metro’s Regional Functional Plan Title 1 Housing Capacity (see below) allows a city to take action to reduce minimum zoned capacity any time within two years after action to increase capacity.

In 2019 the City amended the Comprehensive Plan Map and Zoning Map to re-designate 2352 and 2355 Kingwood Street from General Industrial to High Density Residential. With 1.81 acres between them, and at 20.28 DUA, this resulted in an increase in target density of 37 dwelling units.

Thus, the net change overall would only be a loss of 18 dwelling units. The actual net change would be somewhat less, calculated at net density. That number is indeterminate at this time, as the dedications for future rights-of-way etc. are unknown.

In addition, while beyond the 2-year period noted above, the City in 2016 increased the target density in the Town Center zoning districts from 20.28 to 40.00 DUA, and from 20.28 to 30.00 DUA in the Community Commercial zoning districts. As a consequence, 398 units have already been approved in the Community Commercial zoning district, and 192 units have already been constructed.

Finding for Goal 10: All the amendments would achieve a minimum residential density allocation for new construction of more than the 8 units per acre that the City must meet overall under the Metropolitan Housing Rule (OAR 660-0007-0035).

### Metro Regional Framework Plan

The Metro Regional Framework Plan establishes a land use concept for the Portland region. Under the Metro Charter and state law, cities and counties within Metro's boundaries are required to comply and be consistent with the Regional Framework Plan.

The plan contains policies for growth management and land use planning for matters of metropolitan concern. It establishes a hierarchy of mixed-use, pedestrian-friendly centers that are well connected by high capacity transit and corridors. It establishes Regional Centers, Town Centers, Corridors, Transit Station Communities, neighborhoods, and Industrial and Employment areas.

Finding: Metro Regional Framework Plan Policy 1.1.1 is as follows:

*Balance the region's growth by:*

- a. *Maintaining a compact urban form, with easy access to nature.*
- b. *Preserving existing stable and distinct neighborhoods by focusing commercial and residential growth in mixed-use centers and corridors at a pedestrian scale.*
- c. *Ensuring affordability and maintaining a variety of housing choices with good access to jobs and assuring that market-based preferences are not eliminated by regulation.*
- d. *Targeting public investments to reinforce a compact urban form.*

Finding: The Comprehensive Plan Map and Zoning Map amendments would result in the re-designation of:

- 8.25 acres from High Density Residential to Medium Density Residential. Based on gross density, this would result in a potential decrease of 68 dwelling units.
- About 3.90 acres from NMU to MDR. Target density in the Gales Creek NMU zone 8.71 DUA; in the RML zoning district, the target density is 12.00 DUA. This change would therefore result in a potential increase of 13 dwelling units.
- About 2.80 acres from NMU to NC. There would no change in density because of the Development Code amendment to increase the target density of the NC zoning district from 4.35 DUA to 8.71 DUA, the same as in the Gales Creek NMU zoning district.
- Numbers are approximate because the zone boundary between the RML and NC zoning districts would not follow an existing lot line.
- Overall, there would be a net reduction of 55 units, based on gross density.

Finding: Metro Regional Functional Plan Title 1 Housing Capacity allows "A city ... (to) reduce its minimum zoned capacity by one of the following actions if it increases minimum zoned

capacity by an equal or greater amount in other places where the increase is reasonably likely to be realized within the 20-year planning period of Metro's last capacity analysis under ORS 197.299:

- (1) Reduce the minimum dwelling unit density, described in subsection (b), for one or more zones;
- (2) Revise the development criteria or standards for one or more zones;
- (3) Change its zoning map such that the city's ... minimum zoned capacity would be reduced.

Action to reduce minimum zoned capacity may be taken any time within two years after action to increase capacity.

As noted above, the proposal would result in a reduction in the target density by 55 dwelling units, based on gross density. However, in 2019 the City amended the Comprehensive Plan Map and Zoning Map to re-designate 2352 and 2355 Kingwood Street from General Industrial to High Density Residential. With 1.81 acres between them, and at 20.28 dwelling units per acre, this resulted in an increase in target density of 37 dwelling units.

Thus, the net change overall would only be a loss of 18 dwelling units. The actual net change would be somewhat less, calculated at net density. That number is indeterminate at this time, as the dedications for future rights-of-way etc. are unknown.

Finding: While beyond the 2-year period noted above, the City in 2016 increased the target density in the Town Center zones from 20.28 to 40.00 DUA, and from 20.28 to 30.00 DUA in the Community Commercial zoning districts. As a consequence, 398 units have already been approved in the Community Commercial zoning district, and 192 units have already been constructed.

Finding: All the amendments would achieve a minimum residential density allocation for new construction of more than the 8 units per acre that the City must meet overall under the Metropolitan Housing Rule (OAR 660-0007-0035).

## Forest Grove Comprehensive Plan Policies

### Housing Goals and Policies

Goal 6: Promote 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.

Policy 6.1 Designate small-scale neighborhood-oriented commercial areas within walking distance of residential areas.

Goal 8: Create opportunities to retro-fit single-use commercial and retail developments into walkable, mixed-use communities.

**Finding:** The locational factors to be considered for multi-unit plan designations are as follows (the differences between the RML and RMH districts are *italicized*):

<b>RML</b>	<ol style="list-style-type: none"> <li>1. Slope less than 10%;</li> <li>2. Carrying capacity of the land given presence of wetlands, soil characteristics, and infrastructure capacity including water, sewer, and transportation.</li> <li>3. Sites located within ¼ mile of planned or existing transit service;</li> <li>4. Constructed with single family residential development if approved through Planned Residential Development process.</li> </ol>
<b>RMH</b>	<ol style="list-style-type: none"> <li>1. Slope less than 10%;</li> <li>2. Carrying capacity of the land given presence of wetlands, soil characteristics, and infrastructure capacity;</li> <li>3. Sites located within ¼ mile of planned or existing transit service;</li> <li>4. <i>Sites adjacent to existing or planned parks or open space;</i></li> <li>5. <i>Sites within ¼ mile of designated employment areas;</i></li> <li>6. Constructed with single family residential development if approved through Planned Residential Development process;</li> <li>7. <i>Creation of nodes to facilitate transit extension.</i></li> </ol>

The HDR (RMH)-designated area was adopted in 1980. It is not located adjacent to an existing or planned park or open space, nor is it within a ¼-mile of a designated employment area.

**Finding:** The HDR (RMH)-designated area is an 8.25-acre island bounded on three sides by low-density single-family neighborhoods. High density multi-unit housing was intended to be developed in support of an adjacent planned shopping center but, even after 40 years, neither has come to fruition.

**Conclusion:** The amendments to rezone the RMH and part of the NMU-designated areas to RML would more closely match the RML Location Factors identified above because the area is not located adjacent to parks or open space, nor near designated employment areas as would be preferred for RMH-designated areas.

Furthermore, the amendment to replace part of the NMU-designated parcels with a Neighborhood Commercial designation would support the development of small-scale neighborhood-oriented commercial areas within walking distance of residential areas, including single-site developments, which are not possible now under the NMU review process.

### **Economic Development Goal 5 – Promote Retail Activities**

**Policy 5.3** Promote opportunities for mixed use development, including retail, near major transportation intersections (nodes) within the city including the Forest Grove Town Center.

**Finding:** The intersection of Gales Creek Road and Thatcher Road could be considered a major transportation intersection because both are Arterial Streets. Furthermore, it is also the location of a GroveLink bus stop. The NC-designated area would have greater opportunity to re-develop with a mixture of uses because such uses could be reviewed using the clear and objective standards of the Development Code, versus the discretionary approvals required of Village Center uses in the Gales Creek NMU zoning district.

Finding: The Gales Creek NMU zoning district was preceded by a Commercial Planned Shopping Center (CPD) designation, which was originally adopted in 1980. Both designations were intended to provide commercial services to the surrounding neighborhood. However, commercial uses of all types have gravitated toward the area generally along Pacific Avenue east of Hawthorne Street. As a consequence, even after 40 years, no application has ever been filed to develop a shopping center (under the CPD designation) or Village Center (under the NMU designation).

Finding: The Gales Creek NMU zoning district consists of 9 parcels with multiple owners. Development of a shopping center would require land assembly, and no application to date has included anything more than a single-site development in this area.

Finding: The NC zoning district allows for virtually the same permitted uses as the Gales Creek NMU zoning district; the benefit of the re-designation would be to eliminate the requirement for a Type III review process for all commercial uses, regardless of scale.

Policy 5.4 Adopt development standards to encourage the creation of commercial areas at a scale proportionate to meeting the daily needs of nearby residents.

Finding: The NC zoning district allows for virtually the same permitted uses as the Gales Creek NMU zoning district; the benefit of the re-designation would be to eliminate the requirement for a Type III review process for all commercial uses, regardless of scale.

Conclusion: The NC zoning district allows for virtually the same permitted uses as the Gales Creek NMU zoning district, but because proposed projects could be reviewed under a Type II process versus the more intensive Type III process, Economic Development Goal 5 to Promote Retail Activities would be furthered by the amendments.

#### Development Code descriptions -

*The Neighborhood Commercial district is established to provide for small to medium sized shopping and service facilities in close proximity to residential neighborhoods. The Neighborhood Commercial district is intended to meet the daily convenience shopping and service needs of the immediate neighborhood. NC districts should be located on arterial or collector streets, preferably at an intersection. NC zones should be spaced at approximately one-half (1/2) mile intervals and each district should be limited to a total size of approximately five (5) acres. There are 0.8 acres of land designated Neighborhood Commercial on the comprehensive plan map.*

Finding: The amendment would enlarge an existing 0.52-acre NC district by about 3.40 acres. It is located at the intersection of two Arterial streets. No other NC-designated area is located within a half-mile and the total area of 3.90 acres would be less than the 5-acre limit.

*The Mixed-Use plan designation is established to provide for a variety of retail and office uses near residential neighborhoods. Limited Commercial (mixed-use) zones should be located on or bounded by arterial and collector streets to create nodes or concentrations of activity.*

Finding: The amendment would enlarge an existing 0.52-acre NC district by about 3.40 acres, for a total of about 3.90 acres. The area within the proposed map amendment would be more appropriately designated Neighborhood Commercial because, since 1980, the area was always intended to provide for the "daily convenience shopping and service needs of the immediate neighborhood" as per the Neighborhood Commercial description.

**Zoning Map Amendments Review Criteria (DC §17.2.770)**

1. The zone change is consistent with the Comprehensive Plan Map. When the Comprehensive Plan has more than one implementing zone as shown on the Correspondence Table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

Finding: If the parcels are re-designated as proposed, then the corresponding zones would be appropriate.

2. The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.

Finding: The proposed amendments would be consistent with the Comprehensive Plan Housing and Economic Development goals and policies as described above.

3. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities, or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed zone change if it may impact transportation facilities.

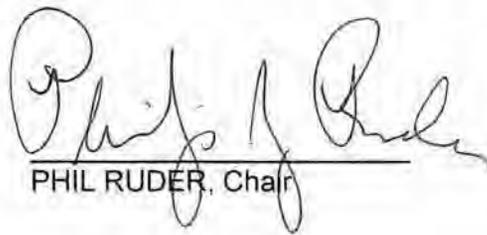
Finding: The parcels have a total area of about 15 acres. The zone changes are consistent with the adopted Transportation System Plan because there would be a reduction in both commercial and high density residential land, and thus an overall reduction in traffic generation.

4. 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.

Finding: The subject parcels are located in a developing area of the city and will be served by the full array of City services. The proposed amendments are not anticipated to create any greater demand for public facilities and other public services than would be demanded under the existing designations.

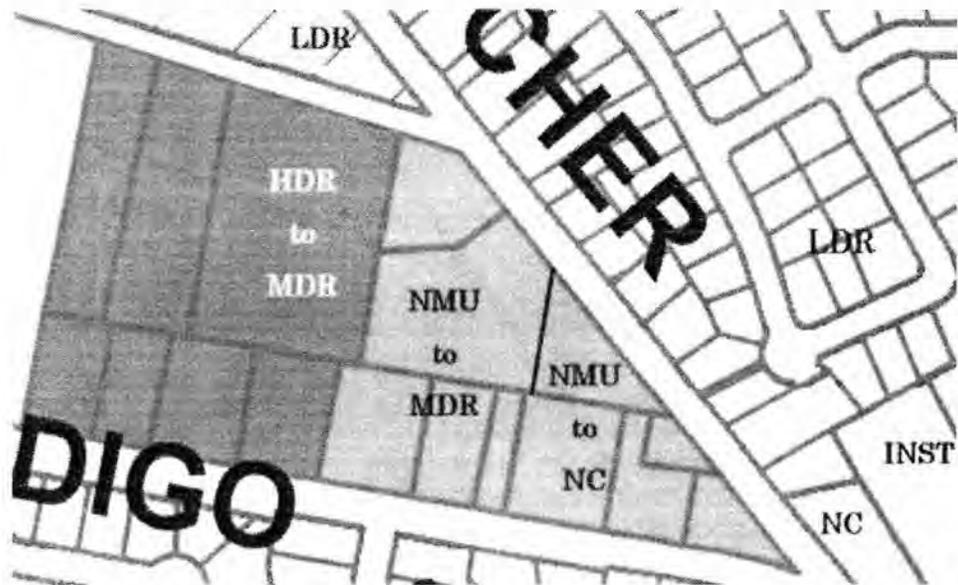
5. The establishment of a zoning district is not subject to the meeting of conditions.

Finding: No conditions of approval are proposed.

  
PHIL RUDER, Chair

Oct 12, 2020  
Date

**MAP EXHIBIT A**  
Gales Creek NMU Area Comprehensive Plan Map Amendments



HDR = High Density Residential  
 NMU = Neighborhood Mixed Use

MDR = Medium Density Residential  
 NC = Neighborhood Commercial

Gales Creek NMU Area Zoning Map Amendments



RMH = Residential Multi-Unit High Density  
 RML = Residential Multi-Unit Low Density

NC = Neighborhood Commercial  
 NMU = Neighborhood Mixed Use



**Comprehensive Plan Map and  
Zoning Map Amendments  
Staff Report and Recommendation**

Community Development Department, Planning Division

<b>Report Date</b>	September 25, 2020																		
<b>Hearing Date</b>	October 5, 2020																		
<b>Land Use Request</b>	Amending the City's Comprehensive Plan 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).																		
<b>File Number</b>	311-20-000164-PLNG																		
<b>Property Locations</b>	936, 1006 and 1028 Watercrest Road 1405, 1525 and 1585 Thatcher Road 925, 939, 1007, 1015, 1031, 1105, 1113, 1121, 1203 and 1213 Gales Creek Road																		
<b>Legal Descriptions</b>	Washington County tax lots -  <table border="0"> <tr> <td>1N436B002900</td> <td>1N436B003600</td> <td>1N436B003700</td> </tr> <tr> <td>1N436B003800</td> <td>1N436B003900</td> <td>1N436B004000</td> </tr> <tr> <td>1N436B004100</td> <td>1N436B004200</td> <td>1N436B004201</td> </tr> <tr> <td>1N436B002901</td> <td>1N436B003000</td> <td>1N436B003100</td> </tr> <tr> <td>1N436B003200</td> <td>1N436B003300</td> <td>1N436B003400</td> </tr> <tr> <td>1N436B003500</td> <td></td> <td></td> </tr> </table>	1N436B002900	1N436B003600	1N436B003700	1N436B003800	1N436B003900	1N436B004000	1N436B004100	1N436B004200	1N436B004201	1N436B002901	1N436B003000	1N436B003100	1N436B003200	1N436B003300	1N436B003400	1N436B003500		
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<b>Comprehensive Plan Designations</b>	High Density Residential (HDR) Neighborhood Mixed Use (NMU)																		
<b>Zoning Map Designations</b>	Residential Multi-Unit High Density (RMH) Neighborhood Mixed Use (NMU)																		
<b>Applicable Decision Considerations, Standards and Criteria</b>	<p><u>Comprehensive Plan Map Amendments</u></p> <ul style="list-style-type: none"> <li>▪ Oregon Statewide Land Use Planning Goals</li> <li>▪ Forest Grove Comprehensive Plan Policies</li> <li>▪ Metro Regional Framework Plan</li> <li>▪ Metro Urban Growth Management Functional Plan</li> </ul> <p><u>Zoning Map Amendments</u></p> <ul style="list-style-type: none"> <li>▪ Development Code §17.2.770 <i>Map Amendment Criteria</i></li> </ul>																		
<b>Reviewing Staff</b>	James Reitz (AICP), Senior Planner Dan Riordan, Senior Planner																		

**Recommendation**            The proposed Comprehensive Plan Map and Zoning Map amendments meet the requirements of the applicable decision considerations, standards and criteria. Staff recommends that the Planning Commission forward the application to the City Council with a positive recommendation.

## I. LAND USE HISTORY

Following rejection of the Dollar General project proposed for 1121 Gales Creek Road, staff was directed to develop alternatives for the Neighborhood Mixed Use (NMU)-designated area located at the Thatcher Road / Gales Creek Road intersection, identified in the Development Code as the Gales Creek NMU zoning district.

The existing auto-repair buildings were constructed before the area was annexed to the city, but the area has been planned for a broader commercial mix since at least 1980. Under the 1980 Commercial Planned Development (CPD) Comprehensive Plan designation, this area was intended to become a Planned Shopping Center, which could have included "a neighborhood gas station, convenience grocery store, recreation center, laundry, restaurant, etc." The concept of a shopping center never came to fruition, as commercial uses of all types have gravitated toward the area generally along Pacific Avenue east of Hawthorne Street.

In 2016 the City adopted a broader concept for this area, one that would "support the development of (a) pedestrian-friendly mixed use neighborhood with a diversity in the mix of housing types and neighborhood-scale retail uses and services, offices, civic or recreational uses." In the NMU-zoned areas, non-residential uses would have to be located in a village center (which was not defined), and all site reviews processed as a planned development. That combination proved problematic for the 2019 attempt to construct a single new commercial building in the Gales Creek NMU.

In January 2020, staff hosted an information-sharing meeting with the affected property owners in the Gales Creek NMU, to discuss what might come next. The consensus reached was that the NMU zoning provisions, and particularly the village center and planned development requirements, posed insurmountable hurdles to any new commercial development. The desire expressed by the attendees was for an approach that would allow additional commercial development, but with more specific standards and a more certain (i.e., less discretionary) review process.

The attendees further agreed that only those sites located closest to the intersection needed to be reserved for commercial use; the balance could be residential. Possible residential housing types and density were not discussed.

The Planning Commission met in a work session on July 20, 2020 to discuss various alternatives, and reached this consensus:

1. The commercial uses allowed in the NMU district are largely the same as those listed in the Neighborhood Commercial (NC) zoning district. As such, the Gales Creek NMU zoning could be replaced with an NC zoning designation.
2. The NC code has not been reviewed since it was adopted in 1980, and should be updated.
3. As the Gales Creek NMU is intended to provide neighborhood-scale commercial uses, and a shopping center is highly unlikely, the Zoning Map could be revised to reduce the area

devoted to commercial uses. Furthermore, the City should review the adjacent High Density Residential area to the west and consider whether that designation was still appropriate.

- 4. The NMU code needs further refinement if it is to be successfully implemented.

This report addresses Item 3 above. A separate report addresses the potential Development Code text amendments noted in items 1 and 2. Review of the NMU code (Item 4) will be initiated following final action on the first three items.

## II. DESCRIPTION OF PROPOSAL

The proposal consists of three map amendments:

- 1. Four parcels and a portion of a fifth parcel would be changed from Neighborhood Mixed Use to Neighborhood Commercial. These properties are located closest to the Gales Creek Road / Thatcher Road intersection; and
- 2. The balance of the NMU area would be changed to Medium Density Residential, which would allow residential development of up to 12.00 dwelling units per acre (DUA); and
- 3. The High Density Residential area would be changed to Medium Density Residential. This would change the target density from 20.28 DUA to 12.00 DUA.

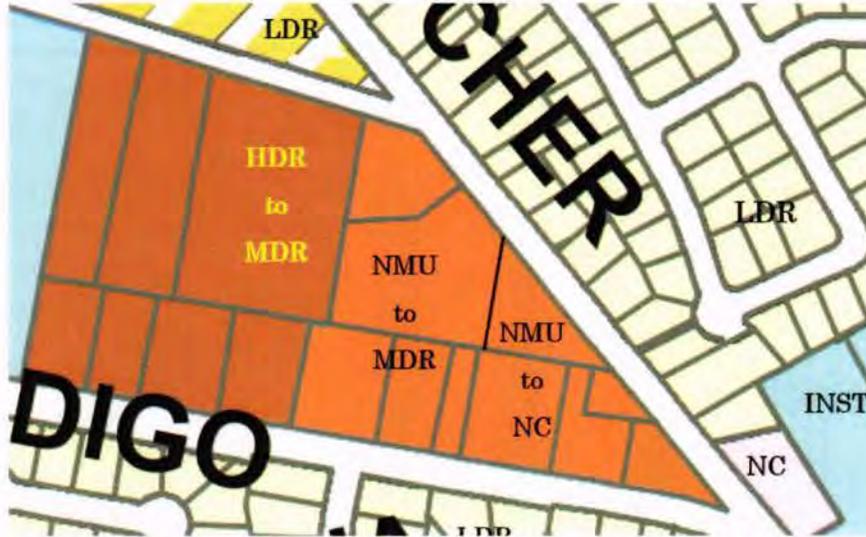
## III. SITE EXAMINATION

The subject area consists of 16 parcels with a total area of about 15 acres. Three of the parcels near the intersection are developed with commercial uses with an auto-repair focus. The balance of the area is developed with rural residential uses, i.e., single-family homes on oversized lots.



**AERIAL PHOTO OF SITE AND AREA**

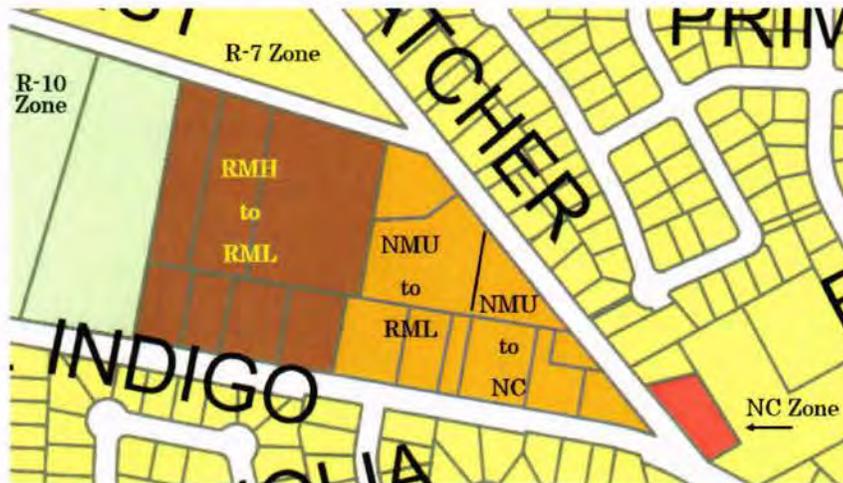
## Proposed Gales Creek Area Comprehensive Plan Map Amendments



HDR = High Density Residential  
NMU = Neighborhood Mixed Use

MDR = Medium Density Residential  
NC = Neighborhood Commercial

## Proposed Gales Creek Area Zoning Map Amendments



RMH = Residential Multi-Unit High Density  
RML = Residential Multi-Unit Low Density

NMU = Neighborhood Mixed Use  
NC = Neighborhood Commercial

#### IV. PROCEDURAL REQUIREMENTS

Comprehensive Plan Map Amendment Process: "Plan amendments may be initiated by the following parties: property owner of record or authorized agent of the property owner of record; contract purchaser, City Council, Planning Commission, City Manager, or Community Development Director." (Forest Grove Comprehensive Plan - Volume 1 p. 27). These amendments were initiated by the Director in response to the City Council's direction to develop alternatives to the Gales Creek NMU designation.

The Planning Commission's role is to consider the merits of the proposal and prepare a recommendation to the City Council.

Zoning Map Amendment 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 3 procedure.

Comprehensive Plan Amendment and Zoning Map Amendment approval criteria follow in Section V below.

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). Neither agency has registered any comments.

Public Notice: Public notice for this application was mailed to property owners and residents within 300 feet of the site on September 11, 2020; and published in the *News Times* on September 24, 2020, as required by Development Code §17.1.610.

As of the writing of this report, no comments have been received from the public.

#### V. REQUIRED APPROVALS AND FINDINGS

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; and
- Metro Urban Growth Management Functional Plan.

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 Correspondence Table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

- 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.

The applicable decision considerations and approval criteria are described more fully below. Findings are also provided below.

### *Oregon Statewide Land Use Planning Goals*

**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 NMU to NC Comprehensive Plan amendment affects 5 parcels with an area of about 2.80 acres. Re-designating the NMU parcels to NC will not have a significant effect on the uses permitted and is therefore considered to be a minor amendment.

Finding for Goal 2: The proposed NMU to MDR Comprehensive Plan amendment affects 5 parcels with an area of about 3.90 acres. It would change the permitted uses from a commercial-residential mix to exclusively residential. Because the amendment would not have significant effect beyond the immediate area of the change, and could result in a less traffic generation, it is considered to be a minor amendment.

Finding for Goal 2: The proposed HDR to MDR Comprehensive Plan amendment affects 7 parcels with an area of 8.25 acres. It would not change the permitted uses, but it would change the allowable density from 20.28 to 12.00 dwelling units per acre. Because the amendment would not have significant effect beyond the immediate area of the change, and would result in less traffic generation, it is considered to be a minor amendment.

**Goal 9 - Economic Development:** Goal 9 specifies that each city must "Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of ... commercial uses consistent with plan policies; and limit uses on or near sites zoned for specific ... commercial uses to those which are compatible with proposed uses."

Finding for Goal 9: The proposed NMU to NC Comprehensive Plan amendment affects 5 parcels with an area of about 2.80 acres. The uses permitted in the NC zoning district largely duplicate the uses permitted in the NMU zoning district. Re-designating the NMU parcels to NC will not have a significant effect on the uses permitted and is therefore considered to be a minor amendment.

Finding for Goal 9: The NMU zoning district allows for a mixture of commercial and residential uses, but only within the context of a planned development (PD) approved through a Type III process. The Type III process and PD requirements have proven problematic for single-site development proposals, thus depriving the Gales Creek NMU area of an adequate supply of commercial land. The proposed NMU to NC amendment would identify a smaller area for commercial uses where individual sites could be developed under a Type II process, thus ensuring that the available land that is suitable for neighborhood commercial development can actually be developed with commercial uses.

**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 Economic Opportunity Analysis shows a need for 3,900 housing units over the next 20 years, based on the Baseline Growth Scenario of 2% per year. The proposed NMU to NC Comprehensive Plan amendment affects 5 parcels with an area of about 2.80 acres. As the proposed target density in the NC zoning district would be the same as the existing target density in the Gales Creek NMU zoning district, there would be no net change in housing units. Because the amendment would not have significant effect beyond the immediate area of the change, it is considered to be a minor amendment.

Finding for Goal 10: Re-designating the NMU parcels to MDR would potentially increase the availability of housing units as the target density in the Gales Creek NMU zoning district (8.71 DUA) would be increased to 12.00 DUA in the MDR area. This would result in a potential increase of 13 units, based on gross density.

Finding for Goal 10: Re-designating the HDR parcels to MDR would decrease the availability of housing units as the target density from 20.28 DUA to 12.00 DUA. This would result in a potential decrease of 68 units, based on gross density. Overall, there would be a net reduction of 55 units, based on gross density.

Finding for Goal 10: The proposal would result in a reduction in the target density by 55 dwelling units, based on gross density. However, Metro's Regional Functional Plan Title 1 Housing Capacity (see below) allows a city to take action to reduce minimum zoned capacity any time within two years after action to increase capacity.

In 2019 the City amended the Comprehensive Plan Map and Zoning Map to re-designate 2352 and 2355 Kingwood Street from General Industrial to High Density Residential. With 1.81 acres between them, and at 20.28 DUA, this resulted in an increase in target density of 37 dwelling units.

Thus, the net change overall would only be a loss of 18 dwelling units. The actual net change would be somewhat less, calculated at net density. That number is indeterminate at this time, as the dedications for future rights-of-way etc. are unknown.

In addition, while beyond the 2-year period noted above, the City in 2016 increased the target density in the Town Center zones from 20.28 to 40.00 DUA, and from 20.28 to 30.00 DUA in the Community Commercial zoning districts. As a consequence, 398 units have already been approved in the Community Commercial zoning district, and 192 units have already been constructed.

Finding for Goal 10: All the amendments would achieve a minimum residential density allocation for new construction of more than the 8 units per acre that the City must meet overall under the Metropolitan Housing Rule (OAR 660-0007-0035).

### *Metro Regional Framework Plan*

The Metro Regional Framework Plan establishes a land use concept for the Portland region. Under the Metro Charter and state law, cities and counties within Metro's boundaries are required to comply and be consistent with the Regional Framework Plan.

The plan contains policies for growth management and land use planning for matters of metropolitan concern. It establishes a hierarchy of mixed-use, pedestrian friendly centers that are well connected by high capacity transit and corridors. It establishes Regional Centers, Town Centers, Corridors, Transit Station Communities, neighborhoods, and Industrial and Employment areas.

Finding: Metro Regional Framework Plan Policy 1.1.1 is as follows:

*Balance the region's growth by:*

- a. Maintaining a compact urban form, with easy access to nature.*
- b. Preserving existing stable and distinct neighborhoods by focusing commercial and residential growth in mixed-use centers and corridors at a pedestrian scale.*
- c. Ensuring affordability and maintaining a variety of housing choices with good access to jobs and assuring that market-based preferences are not eliminated by regulation.*
- d. Targeting public investments to reinforce a compact urban form.*

Finding: The Comprehensive Plan Map and Zoning Map amendments would result in the re-designation of:

- 8.25 acres from High Density Residential to Medium Density Residential. Based on gross density, this would result in a potential decrease of 68 dwelling units.
- About 3.90 acres from NMU to MDR. Target density in the Gales Creek NMU zone 8.71 DUA; in the RML zoning district, the target density is 12.00 DUA. This change would therefore result in a potential increase of 13 dwelling units.

- About 2.80 acres from NMU to NC. There would no change in density because of the Development Code amendment to increase the target density of the NC zoning district from 4.35 DUA to 8.71 DUA, the same as in the Gales Creek NMU zoning district.
- Numbers are approximate because the zone boundary between the RML and NC zoning districts would not follow an existing lot line.
- Overall, there would be a net reduction of 55 units, based on gross density.

Finding: Metro Regional Functional Plan Title 1 Housing Capacity allows "A city ... (to) reduce its minimum zoned capacity by one of the following actions if it increases minimum zoned capacity by an equal or greater amount in other places where the increase is reasonably likely to be realized within the 20-year planning period of Metro's last capacity analysis under ORS 197.299:

- (1) Reduce the minimum dwelling unit density, described in subsection (b), for one or more zones;
- (2) Revise the development criteria or standards for one or more zones;
- (3) Change its zoning map such that the city's ... minimum zoned capacity would be reduced.

*Action to reduce minimum zoned capacity may be taken any time within two years after action to increase capacity.*

As noted above, the proposal would result in a reduction in the target density by 55 dwelling units, based on gross density. However, in 2019 the City amended the Comprehensive Plan Map and Zoning Map to re-designate 2352 and 2355 Kingwood Street from General Industrial to High Density Residential. With 1.81 acres between them, and at 20.28 dwelling units per acre, this resulted in an increase in target density of 37 dwelling units.

Thus, the net change overall would only be a loss of 18 dwelling units. The actual net change would be somewhat less, calculated at net density. That number is indeterminate at this time, as the dedications for future rights-of-way etc. are unknown.

Finding: While beyond the 2-year period noted above, the City in 2016 increased the target density in the Town Center zones from 20.28 to 40.00 DUA, and from 20.28 to 30.00 DUA in the Community Commercial zoning districts. As a consequence, 398 units have already been approved in the Community Commercial zoning district, and 192 units have already been constructed.

Finding: All the amendments would achieve a minimum residential density allocation for new construction of more than the 8 units per acre that the City must meet overall under the Metropolitan Housing Rule (OAR 660-0007-0035).

### Forest Grove Comprehensive Plan Policies

#### Housing Goals and Policies

Goal 6: Promote 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.

Policy 6.1 Designate small-scale neighborhood-oriented commercial areas within walking distance of residential areas.

Goal 8: Create opportunities to retro-fit single-use commercial and retail developments into walkable, mixed-use communities.

Finding: The locational factors to be considered for multi-unit plan designations are as follows (the differences between the RML and RMH districts are *italicized*):

Plan Designation	Location Factors
<b>RML</b>	<ol style="list-style-type: none"> <li>1. Slope less than 10%;</li> <li>2. Carrying capacity of the land given presence of wetlands, soil characteristics, and infrastructure capacity including water, sewer, and transportation.</li> <li>3. Sites located within ¼ mile of planned or existing transit service;</li> <li>4. Constructed with single family residential development if approved through Planned Residential Development process.</li> </ol>
<b>RMH</b>	<ol style="list-style-type: none"> <li>1. Slope less than 10%;</li> <li>2. Carrying capacity of the land given presence of wetlands, soil characteristics, and infrastructure capacity;</li> <li>3. Sites located within ¼ mile of planned or existing transit service;</li> <li>4. <i>Sites adjacent to existing or planned parks or open space;</i></li> <li>5. <i>Sites within ¼ mile of designated employment areas;</i></li> <li>6. Constructed with single family residential development if approved through Planned Residential Development process;</li> <li>7. <i>Creation of nodes to facilitate transit extension.</i></li> </ol>

The HDR (RMH)-designated area was adopted in 1980. It is not located adjacent to an existing or planned park or open space, nor is it within a ¼-mile of a designated employment area.

Finding: The HDR (RMH)-designated area is an 8.25-acre island bounded on three sides by low-density single-family neighborhoods. High density multi-unit housing was intended to be developed in support of an adjacent planned shopping center but, even after 40 years, neither has come to fruition.

Conclusion: The amendments to rezone the RMH and part of the NMU-designated areas to RML would more closely match the RML Location Factors identified above because the area is not located adjacent to parks or open space, nor near designated employment areas as would be preferred for RMH-designated areas.

Furthermore, the amendment to replace part of the NMU-designated parcels with a Neighborhood Commercial designation would support the development of small-scale neighborhood-oriented commercial areas within walking distance of residential areas, including single-site developments, which are not possible now under the NMU review process.

**Economic Development Goal 5 – Promote Retail Activities**

Policy 5.3 Promote opportunities for mixed use development, including retail, near major transportation intersections (nodes) within the city including the Forest Grove Town Center.

Finding: The intersection of Gales Creek Road and Thatcher Road could be considered a major transportation intersection because both are Arterial Streets. Furthermore, it is also the location of a GroveLink bus stop. The NC-designated area would have greater opportunity to re-develop with a mixture of uses because such uses could be reviewed using the clear and objective standards of the Development Code, versus the discretionary approvals required of Village Center uses in the Gales Creek NMU zoning district.

Finding: The Gales Creek NMU zoning district was preceded by a Commercial Planned Shopping Center (CPD) designation, which was originally adopted in 1980. Both designations were intended to provide commercial services to the surrounding neighborhood. However, commercial uses of all types have gravitated toward the area generally along Pacific Avenue east of Hawthorne Street. As a consequence, even after 40 years, no application has ever been filed to develop a shopping center (under the CPD designation) or Village Center (under the NMU designation).

Finding: The Gales Creek NMU zoning district consists of 9 parcels with multiple owners. Development of a shopping center would require land assembly, and no application to date has included anything more than a single-site development in this area.

Finding: The NC zoning district allows for virtually the same permitted uses as the Gales Creek NMU zoning district; the benefit of the re-designation would be to eliminate the requirement for a Type III review process for all commercial uses, regardless of scale.

Policy 5.4 Adopt development standards to encourage the creation of commercial areas at a scale proportionate to meeting the daily needs of nearby residents.

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Conclusion: The NC zoning district allows for virtually the same permitted uses as the Gales Creek NMU zoning district, but because proposed projects could be reviewed under a Type II process versus the more intensive Type III process, Economic Development Goal 5 to Promote Retail Activities would be furthered by the amendments.

#### Development Code descriptions -

*The Neighborhood Commercial district is established to provide for small to medium sized shopping and service facilities in close proximity to residential neighborhoods. The Neighborhood Commercial district is intended to meet the daily convenience shopping and service needs of the immediate neighborhood. NC districts should be located on arterial or collector streets, preferably at an intersection. NC zones should be spaced at approximately one-half (1/2) mile intervals and each district should be limited to a total size of approximately five (5) acres. There are 0.8 acres of land designated Neighborhood Commercial on the comprehensive plan map.*

Finding: The amendment would enlarge an existing 0.52-acre NC district by about 3.40 acres. It is located at the intersection of two Arterial streets. No other NC-designated area is located within a half-mile and the total area of 3.90 acres would be less than the 5-acre limit.

*The Mixed-Use plan designation is established to provide for a variety of retail and office uses near residential neighborhoods. Limited Commercial (mixed-use) zones should be located on or bounded by arterial and collector streets to create nodes or concentrations of activity.*

Finding: The amendment would enlarge an existing 0.52-acre NC district by about 3.40 acres, for a total of about 3.90 acres. The area within the proposed map amendment would be more appropriately designated Neighborhood Commercial because, since 1980, the area was always intended to provide for the "daily convenience shopping and service needs of the immediate neighborhood" as per the Neighborhood Commercial description.

Zoning Map Amendments Review Criteria (DC §17.2.770)

1. The zone change is consistent with the Comprehensive Plan Map. When the Comprehensive Plan has more than one implementing zone as shown on the Correspondence Table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

Finding: If the parcels are re-designated as proposed, then the corresponding zones would be appropriate.

2. The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.

Finding: The proposed amendments would be consistent with the Comprehensive Plan Housing and Economic Development goals and policies as described above.

3. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities, or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed zone change if it may impact transportation facilities.

Finding: The parcels total about 15 acres. The zone changes are consistent with the adopted Transportation System Plan because there would be a reduction in both commercial and high density residential land, and thus an overall reduction in traffic generation.

4. 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.

Finding: The subject parcels are located in a developing area of the city and will be served by the full array of City services. The proposed amendments are not be anticipated to create any greater demand for public facilities and other public services than that which would be demanded under the existing designations.

5. The establishment of a zone district is not subject to the meeting of conditions.

Finding: No conditions of approval are proposed.

## VI. ALTERNATIVES

The Planning Commission has the following alternatives:

1. Recommend approval of the Comprehensive Plan Map and Zoning Map amendments as proposed; or
2. Recommend approval with modifications; or
3. Recommend denial; or
4. Continue deliberations to a date certain.

## VII. SUMMARY AND RECOMMENDATION

The proposed Comprehensive Plan Map and Zoning Map amendments meet the requirements of the applicable decision considerations, standards and criteria as described above. Therefore, staff recommends that the Planning Commission forward the application to the City Council with a positive recommendation.

## VIII. LIST OF EXHIBITS

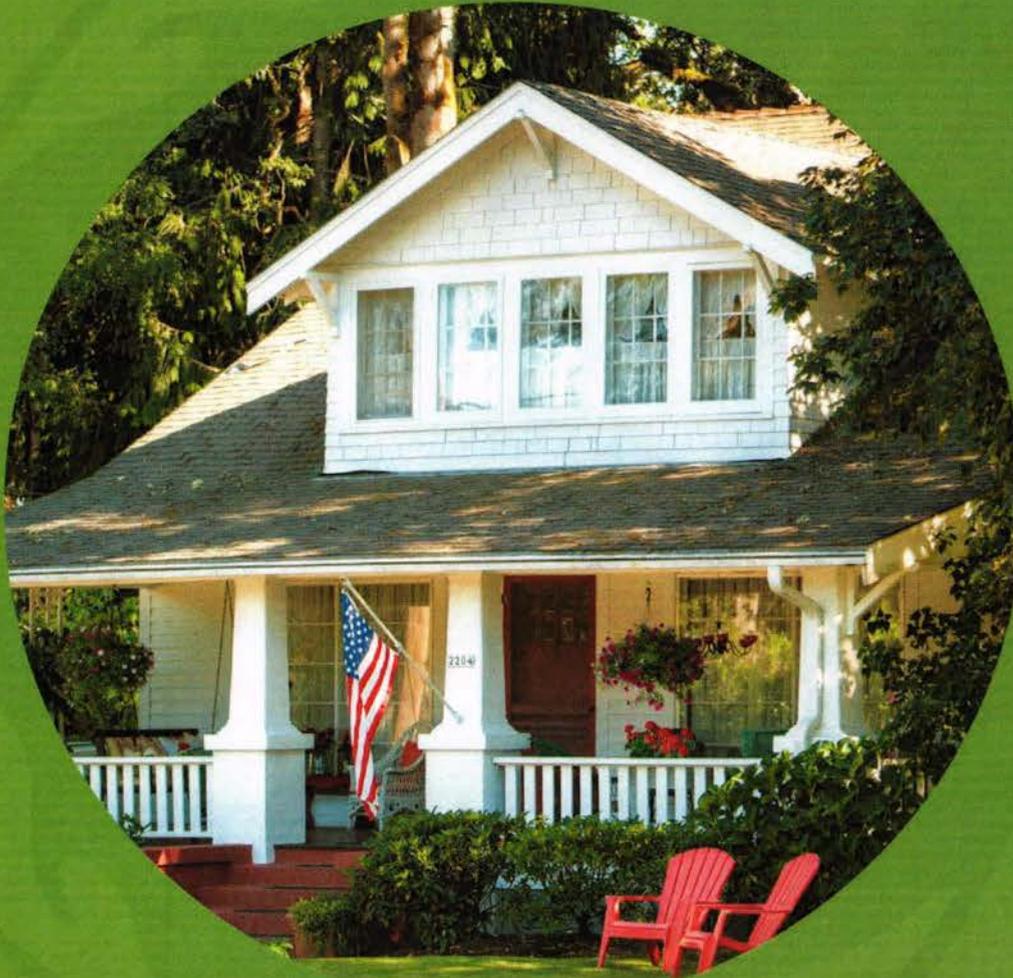
The following attachments are part of the staff report and entered into the record as evidence for this application at the time this staff report was written. Exhibits received after the date of this report will be marked beginning with the next consecutive letter and will be entered into the record at the time the public hearing is opened, prior to oral testimony.

**Exhibit A** PowerPoint Slides

**Exhibit B** Thatcher Road LLC Letter

EXHIBIT A

POWERPOINT SLIDES



# Gales Creek NMU Area Map Revisions

James Reitz, AICP  
Senior Planner

10/05/20

# Gales Creek NMU Area Aerial Photo



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# Background

1. The City Council requested alternatives for the Neighborhood Mixed Use (NMU)-designated area located at the Thatcher Road / Gales Creek Road intersection.
2. The Planning Commission held a work session on July 20 to discuss alternatives, including the adjacent RMH-designated area.
3. The consensus of the Planning Commission was that:
  - a. The NMU designation should be replaced with residential and commercial designations.
  - b. Residential zoning designations could include RMH, RML or a combination of both.
  - c. The commercial designation should be changed to Neighborhood Commercial.

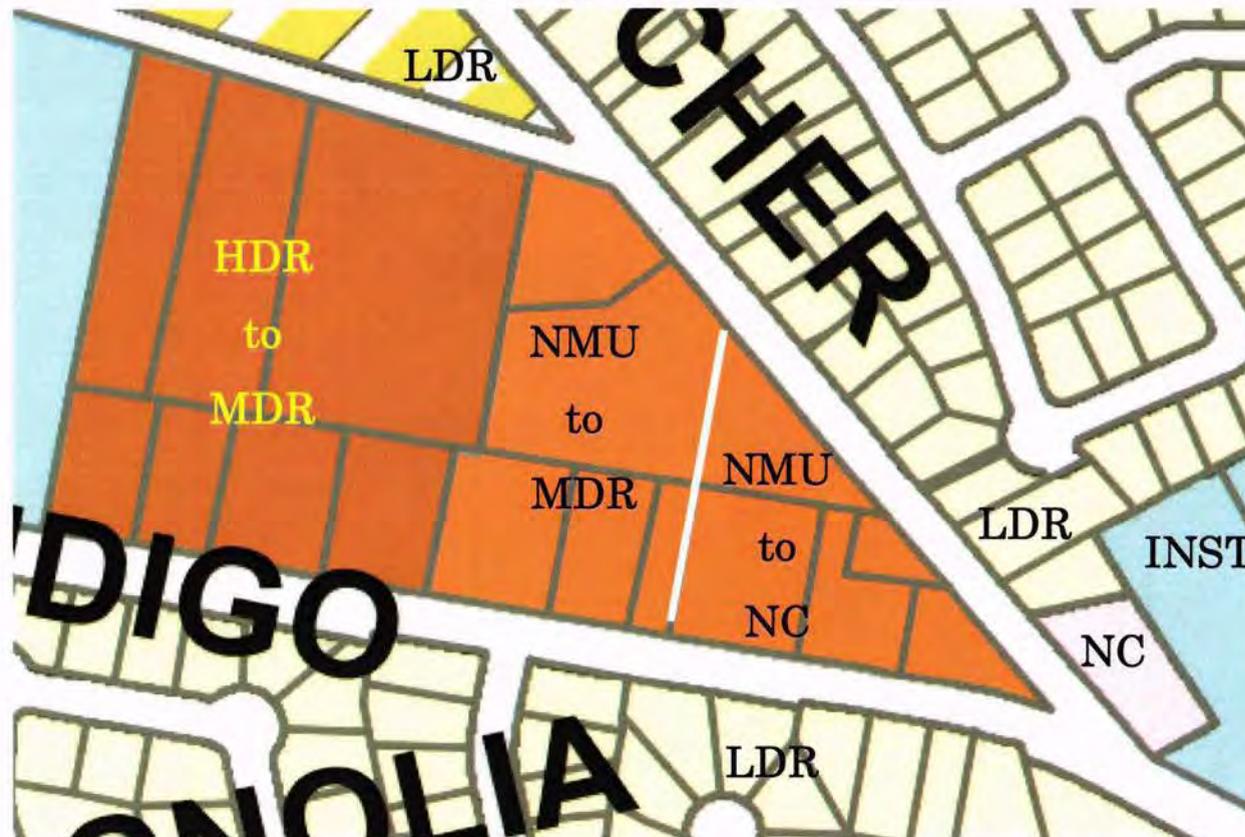
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# Proposed Changes

Based on the Commission's discussions, the proposal would:

- Rezone the RMH district to RML; and
- Rezone a portion of the NMU district to RML; and
- Rezone the balance of the NMU district to NC.

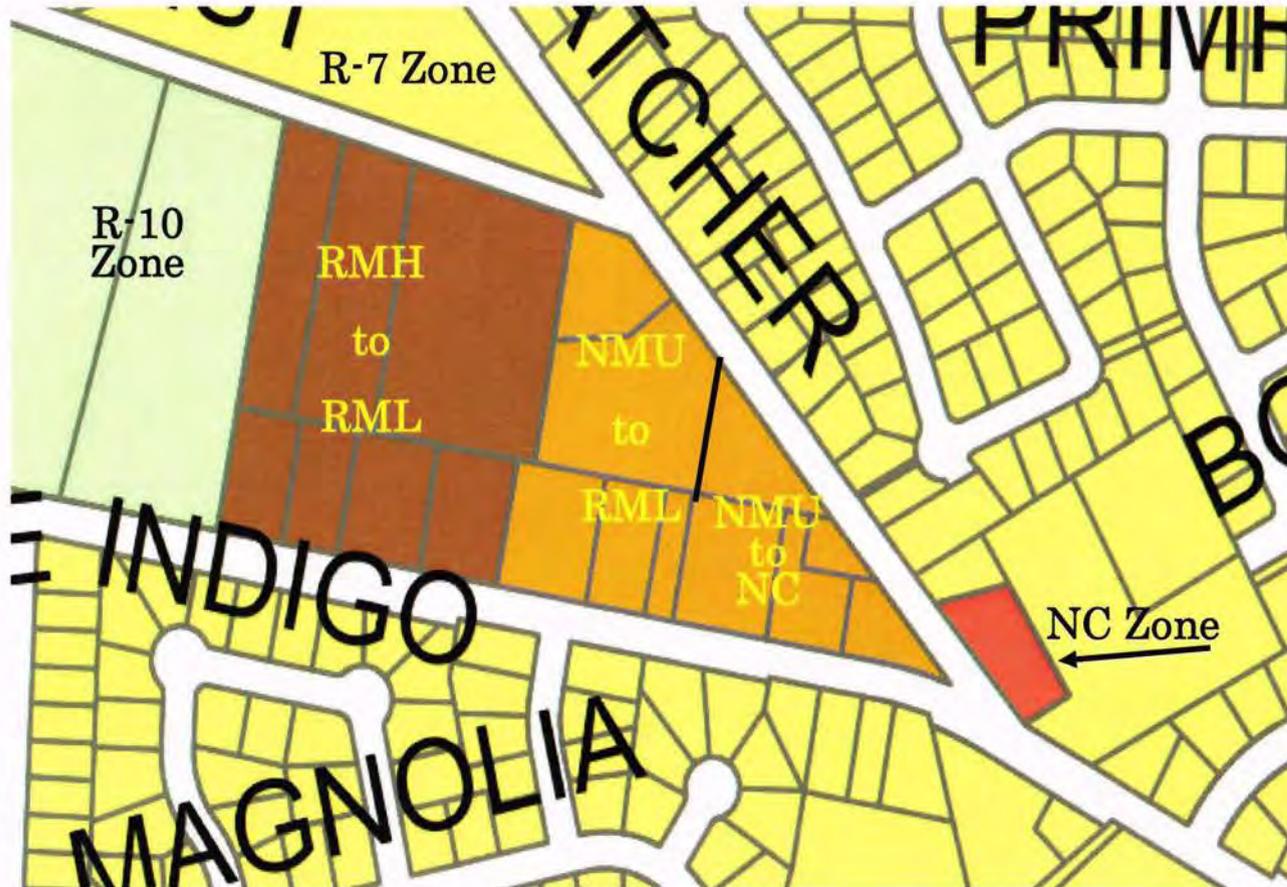
# Proposed Gales Creek Area Comprehensive Plan Map Amendments



HDR = High Density Residential  
NMU = Neighborhood Mixed Use

MDR = Medium Density Residential  
NC = Neighborhood Commercial

# Proposed Gales Creek Area Zoning Map Amendments



RMH = Residential Multi-Unit High Density  
RML = Residential Multi-Unit Low Density

NC = Neighborhood Commercial  
NMU = Neighborhood Mixed Use

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# Residential Yields

Based on Gross Density –

- Under the existing zoning designations, about 225 units could be built overall (assuming mixed use on the NMU-zoned parcels).
- Under the proposed zoning designations, about 170 units could be built.
- A lower yield would better fit the Comprehensive Plan Locational Criteria for multi-family residential density.
- As the area is surrounded by single-family neighborhoods, lower density housing might be a better fit.
- Actual density would be less, based on net developable area (gross area less rights-of-way dedications).
- Residential in NC zones can only be done in mixed use projects.

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# Recommendation

Staff recommends that the Planning Commission endorse the proposed amendments and forward them onto the City Council with a positive recommendation.

EXHIBIT B

THATCHER ROAD LLC LETTER

# Thatcher Road LLC

Po Box 310

[Tim0215@live.com](mailto:Tim0215@live.com)

503-703-7112

Subject: Rezoning of the Thatcher Road triangle

This is in response to the staff report about the potential issues in new zoning for the triangle at the Northwest corner of Thatcher Road and the Gales Creek Highway. The staff report is an excellent summary of the history and the zoning issues at this location. It has many useful facts and possibilities as related to the zoning code of Forest Grove. We would like to expand on some of the report with information we have due to the failed effort to locate the Dollar General project on part of the site.

Most of our comments are related of the size of potential building uses at the location.

The opponents to the Dollar General project suggested they would be very happy if someone like Trader Joe's might locate on this site. Their stores are usually in the size range of 10,000 to 15,000 square feet. So if stores of that type are in fact something the opponents think might be useful adopting a zone that only allows buildings in the 2,000 to 2,500 foot range would preclude them entirely.

I have been advised by staff that the code does not allow the economics of users as a valid criteria. But I think the data we collected from the Dollar General Store is a valid source of information about what is possible at this general location. Here is the data we gathered.

The "fees" that would have been required by current development codes had the Dollar General proposed permit been given would have been \$233,885.77. Let that sink in. They would have paid well over \$200,000 in fees just to get a permit to build. Of those fees \$162,216.60 would have been Traffic Impact Fees. Much testimony was about the lack of curbs, sidewalks and other safety issues where children have to walk to get to local schools. These impact fees are in fact the method that the City and Washington County use to build the needed safety features into locations like this, where 100 years of county development have left roads with no sidewalks and curbs. It is truly a chicken and egg dilemma. Without development, the chicken, no improvements, the egg, ever happen.

Also related are the offsite costs over the fees needed to develop at this location. The extension of Water, Sewer and Storm Sewer and street improvements at this site were estimated to be \$165,000 additional in cost before any activity could be done on the site itself.

So in summary there would have been around \$400,000 in costs before any building was built at the site. The point is that building smaller buildings in the range of 2,000 to 5,000 square feet does not allow the ability to cover costs like this. It will take buildings larger like a Trader Joe's or a Whole Foods or some other use that generates enough income, to pay off these costs.

Finally, the owners of most of the vacant land in the old Town Center-Mixed Use zone met with the planning officials. There was broad consensus that the owners want the area on the east side of the old zone including the current conforming commercial uses to be zoned commercial and the land more to the west to be zoned residential.

We would ask that the landowner's desires be considered and that buildings large enough to be financially viable be included in the zoning adopted. We think the staff suggestion of something like 40% of the area of the site be allowed as a building size limit makes some sense.

Sincerely,

Tim Schauermann  
Thatcher Road LLC Member

**Thatcher Road LLC**  
**Comments re zoning of**  
**1525 Thatcher Road and 1121 Gales Creek Road**

**Short History**

The two properties owned by Thatcher Road, LLC (1525 Thatcher Road and 1121 Gales Creek Road) are part of a nine (9) parcel assemblage that was rezoned Neighborhood Mixed Use (NMU) several years ago. There are three other NMU Zones in the City of Forest Grove. The Thatcher/Gales Creek Road (TRGC) assemblage is by far the smallest, comprised of less than seven acres (<7ac) with nine (9) parcels with eight (8) different owners. The other three NMU zones are larger, up to ~20 acres with much fewer owners. We accepted this zoning years ago based on the understanding, as explained by staff, that the zone would allow flexibility. As property owners, this was extremely important due to the history of failed retail activity on the west side of Forest Grove. In the many discussions with staff, it was agreed by all, that traffic counts and population densities on the west side were unfavorable for retail success. This is evidenced by where the new retail has been located; on the east side – where Forest Grove and Cornelius meet, with most clustered at the intersections of Highway 47 and Pacific Avenue. Our testimony during the zoning hearings to both the Planning Commission and the City Council was that it would be near impossible to attract seven acres worth of retail. However, with a flexible zone that would allow commercial, residential or a mixture of both, we felt the chances of success would be greatly increased.

**Too Small for a Village Center**

The TRGC assemblage is simply too small, with too many different owners to ever justify the expense and risk associated with developing the infrastructure/improvements associated with a Village Center. I have attached a zoning map attempting to interpret what the City Council suggested a Village Center at this site might look like (Attachment A). Trying to connect vehicle right of ways and walking paths will make building anything on a majority of these lots impossible. There will be no room for buildings, setbacks and all the other issues associated with development. These common issues are what made Dollar General offer to buy more than our lot at 1121 Gales Creek Highway, and propose a lot line adjustment in conjunction with their project. Attachment A is my quick attempt to do what I heard the City Council say in their work session. To make Village Centers work with multiple owners, the first development approved might get the driveway but easements would need to be placed on the other parcels within the area. How this would happen is the question. Out of the nine parcels, there are

## **Wrong End of Town**

In presentations that I have been involved with over the years, it has often been mentioned that this is the “wrong end of town” to attract significant commercial/retail activity. Safeway stores and Tradewell Box stores have both abandoned the west end of town in favor of the east end. Traffic counts and population density have dictated that all the recent development has occurred at or close to the intersection of Highway 47 and Pacific Avenue, or even further east in Cornelius where Walmart located. For this the reason we had agreed with the city staff that zoning the TRGC assemblage area as Mixed Use, to allow flexibility in how commercial might migrate to the site. The intent was not to zone it so that a developer would have to buy up all the houses to aggregate enough acreage for a Village Center as envisioned recently by the City Council. We thought the staff suggestion of Mixed Use and letting the market dictate how much might be commercial and how much might be residential was a solution that would bring results. But based on the current interpretation of the NMU code, there is no way to preplan a Village Center when no one knows who or what might show up let alone how much land is needed for those possible future uses.

## **Bad Shape**

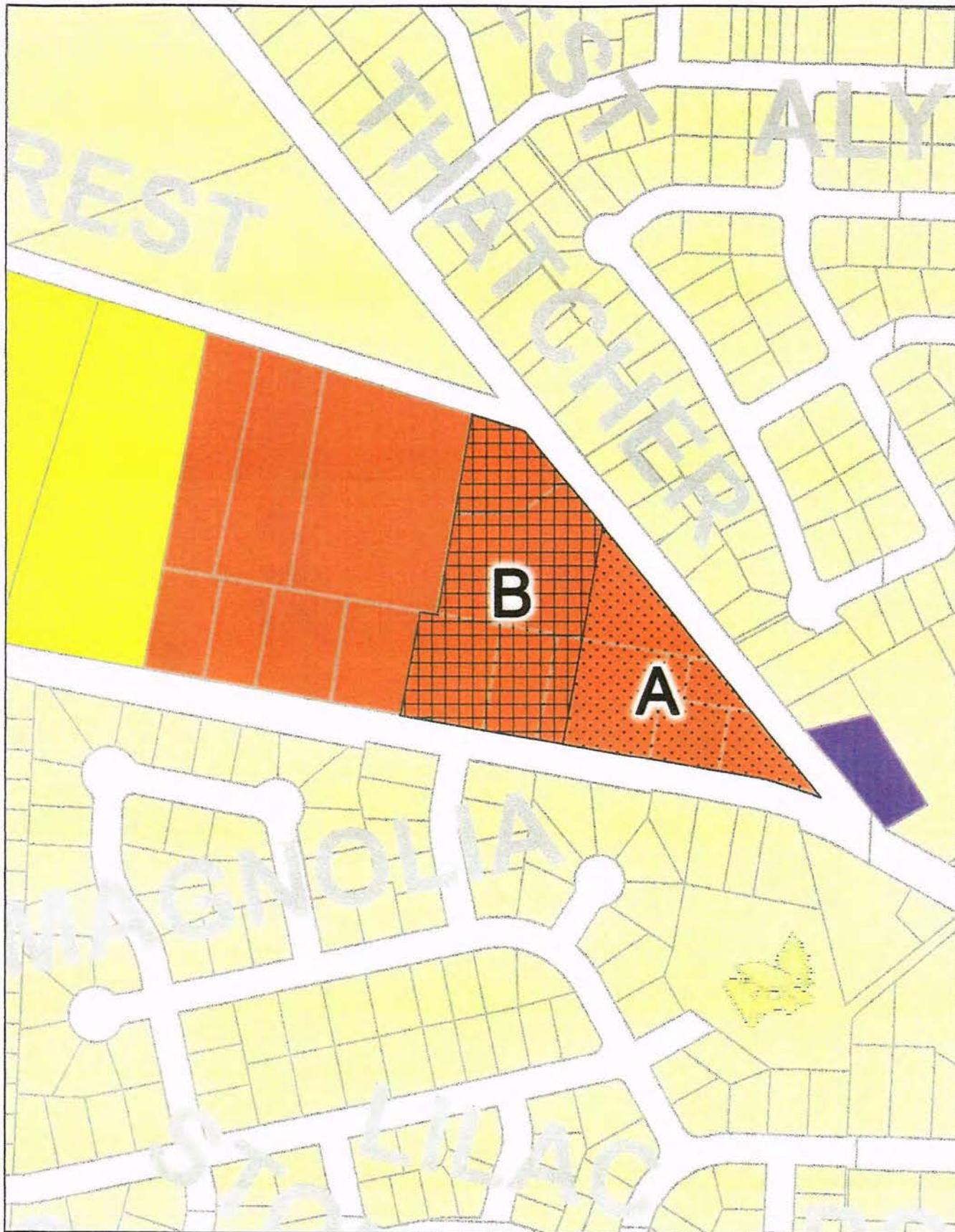
The current NMU is an inherently bad shape for development. It is a triangle and most buildings are rectangular. Buildings, parking lots and other site circulation elements are easier to layout in rectangular shapes. Trying to fit rectangles inside triangles does not make good utilization of land when working with circulation and setbacks, leaving unusable land, even as landscape and open space. Given the two intersecting arterials at the TRGC site, there is little that can be done with the shape of the zone, which makes building it out that much more difficult. Due to the shapes involved, end use buyers have to buy more land than typical to develop a building and meet setbacks, driveways, walkways, required dedications, and other requirements.

## **Roads Lacking Improvements**

The TRGC site is bounded by two Arterial roads which were originally built in the 1940's and have no curbs, sidewalks, sewer, or storm drain. The recently denied Dollar General Store proposal was willing to start addressing this by making improvements to Gales Creek Road along their frontage, adding sidewalks, drainage, sanitary sewer, extending stormdrains, and dedicating additional property for roadway purposes. Unknown to anyone but the city staff, two other developers have looked at this site, made written offers and then cancelled, during due diligence, due to the millions of dollars needed to make the required improvements to the two arterials. Both had planned to build out the site with housing and no commercial.



Attachment B





*A place where families and businesses thrive.*

**DRAFT**

**Planning Commission  
Community Auditorium and Webex  
1915 Main Street, Forest Grove, OR  
Monday, October 5<sup>th</sup>, 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 7:02 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 23 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 October 5<sup>th</sup>, 2020, 3 p.m. to Senior Planner James Reitz.

**Roll Call:**

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

**Planning Commission Excused:** None.

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

**2. PUBLIC MEETING:**

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

None.

**B. PUBLIC HEARING:**

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**(1.) File No. 311-20-000164-PLNG – Amending the City’s Comprehensive Plan and Zoning Map to re-designate certain parcels within the Gales Creek Neighborhood Mixed Use zone**

Chair Phil Ruder opened the quasi-judicial public hearing at 7:03 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 James Reitz gave a Power Point presentation, explaining to the Commissioners that the reason for the re-zone is due to the appealed and denied land use application for Dollar General that was applied for on one of the site parcels. The Forest Grove Development Code failed to provide a definitive definition of Neighborhood Mixed Use (NMU) zoning. A neighborhood meeting was held earlier in the year to figure out a path going forward. The consensus was to replace the NMU zone with a mix of residential and commercial.

The Planning Commission work session was held on July 20<sup>th</sup> to give the City an idea of how to proceed with the re-zoning. Mr. Reitz showed the proposed Comprehensive and Zoning maps, showing the Residential Multi-Unit Low density (RML) zoning to the west, and east portion being zoned as Neighborhood Commercial (NC).

Mr. Reitz reported that the owner of Plaid Pantry called to inquire if the re-zoning would affect their property, and it would not; a homeowner located on Talisman Lane called to inquire if the rezoning would affect their property, and it would not. The Fair Housing Council emailed with concerns about downzoning from Residential Multi-Unit High (RMH) to Residential Multi-Unit Low (RML). Mr. Reitz corresponded back and it was ultimately decided the application was not an issue in regards to density.

Staff recommends that the Planning Commission endorse the proposed amendments and forward them onto the City Council with a positive recommendation.

**CORRESPONDENCE:**

No formal testimony was received.

**APPLICANT:**

None.

**PROPONENTS:**

None.

**OPPONENTS:**

None.

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**OTHER:**

**Tim Schauermann:**

Mr. Schauermann spoke remotely via Webex stating he has no objections to the City's proposal.

**REBUTTAL:**

None.

Chair Ruder closed the public hearing at 7:28 p.m.

**COMMISSIONER DISCUSSION:**

Chair Ruder asked for any questions or discussion regarding the proposal.

Vice Chair Rojas inquired why the residential zoning was moved from high density to medium density. Mr. Reitz stated that no neighbors submitted testimony either way, and at the work session no Commissioners were firm with the area being high density. Chair Ruder agreed that due to the lack of local transit in that area, medium density would fit that area better.

All Commissioners were in agreement that this proposal is more ideal and fits the community better than the previous zoning.

**Commissioner Nakajima moved a motion to recommend approval to City Council file number 311-20-000164-PLNG – Amending the City's Comprehensive Plan and Zoning Map to re-designate certain parcels within the Gales Creek Neighborhood Mixed Use zone. Vice Chair Rojas seconded the motion.**

**Roll Call Vote on Motion: AYES: Chair Ruder; Vice Chair Rojas; Commissioners Sanderson, Redwine, Smith, Nakajima, and Danko. NOES: None. ABSENT: None. MOTION CARRIED 7-0.**

**(2.) File No. 311-20-000165-PLNG – Legislative amendments to the Forest Grove Development Code pertaining to the Neighborhood Commercial zoning district standards, legal noticing requirements, off-street parking, and miscellaneous minor amendments**

Chair Phil Ruder opened the legislative public hearing at 7:34 p.m., reading the hearing procedures and criteria.

Senior Planner James Reitz gave a PowerPoint presentation giving the background as to why the amendments are needed. The Neighborhood Commercial (NC) standards have not been reviewed since 1980 and were overdue for an update including potential building design standards specific to the zone. Other amendments are included in this update for "housekeeping" purposes.

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Mr. Reitz explained the proposed changes to the NC zoning: Reducing setbacks, adopt a floor area ratio of 0.4:1 with a 10,000 square foot floor area cap, increasing the residential density from 4.35 DUA to 8.71 DUA.

Mr. Reitz went over the proposed design standards for a commercial building within the NC zone. These design standards would make it so the building would not be a uniform material finish as architectural variation and glazing would be required on the façade. Mr. Reitz showed the Commissioners examples on slides.

Mr. Reitz went over the other Development Code text amendments: Increasing the public noticing requirement for newspaper publication to seven days, encouraging joint access driveways in all commercial zones, removing the additional parking requirement within an ever-changing multi-tenant development, and reducing the length of a head-in parking stall when the stall is adjacent to a walkway or landscape area.

Staff recommends that the Planning Commission endorse the proposed amendments and forward them onto the City Council with a positive recommendation.

**CORRESPONDENCE:**

None.

**APPLICANT:**

None.

**PROPONENTS:**

None.

**OPPONENTS:**

None.

**OTHER:**

None.

**REBUTTAL:**

None.

Chair Ruder closed the public hearing at 7:56 p.m.

**COMMISSIONER DISCUSSION:**

Chair Ruder asked for any questions or discussion regarding the proposal.

Commissioner Nakajima had some concern regarding the design requirements for commercial buildings within the NC district. Mr. Reitz explained that the application would still come to the Commissioners for site plan approval and could be revised

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then. Commissioner Nakajima had some concern regarding the commercial driveway being shared, and Mr. Reitz explained that this would be an agreement between property owners but the Development Code would allow it.

Vice Chair Rojas wondered if the City only circulates a newspaper publication to notify the public of hearings. Mr. Reitz explained that meetings are also posted online and mailed to residents within 300 feet of the site. Mr. Pohl updated Commissioners about the City Council's discussions regarding future alternatives of notification to the Forest Grove community.

Commissioners agreed that the amendments are appropriate. Chair Ruder asked for a motion.

**Vice Chair Rojas moved a motion recommending to City Council to adopt the amendments within file number 311-20-000165-PLNG – Legislative amendments to the Forest Grove Development Code pertaining to the Neighborhood Commercial zoning district standards, legal noticing requirements, off-street parking, and miscellaneous minor amendments. Commissioner Nakajima seconded the motion.**

**Roll Call Vote on Motion: AYES: Chair Ruder; Vice Chair Rojas; Commissioners Sanderson, Redwine, Smith, Nakajima, and Danko. NOES: None. ABSENT: None. MOTION CARRIED 7-0.**

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 July 20<sup>th</sup>, 2020 meeting. Commissioner Danko seconded. Motion passed 7-0.

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

C. **DIRECTOR'S REPORT:**  
Senior Planner Dan Riordan informed Commissioners that an annexation and partition will be coming to the Planning Commission November 16<sup>th</sup> regarding property north of the Silverstone development.

Mr. Reitz informed Commissioners that a 15-unit apartment complex will be coming to the Planning Commission once the application is complete.

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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 is November 16<sup>th</sup>, 2020 with a possibility of a meeting on November 2<sup>nd</sup>, 2020.

**E. ADJOURNMENT:**

The meeting was adjourned at 8:08 p.m.

Respectfully submitted by:

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Cassi Bergstrom  
Planning Commission Coordinator

# Pamplin Media Group

6605 SE Lake Road, Portland, OR 97222

Phone:(971) 204-7707 Fax:(971) 204-7702 Email:accounting@pamplinmedia.com

Account: 104052	Date: 10/19/20
Name:	Ad Date: 10/14/20
Company: FOREST GROVE, CITY OF	Class: 1201
Address: PO BOX 326	Ad ID: 180521
FOREST GROVE, OR 97116	Ad Taker: CALLSOP
Telephone: (503) 992-3218	Sales Person: FGNT31
Description: Publish October 15, 2020	Words: 5
NT180521	Lines: 2
	Agate Lines: 258
	Depth: 9.5
	Inserts: 2
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Discount:	\$0.00		
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**NOTICE OF PUBLIC HEARING**  
**FOREST GROVE CITY COUNCIL**  
**FILE NUMBER: 21-00-00166-PJ-ND**

**NOTICE BY HEREBY GIVES** that the Forest Grove City Council will hold a Public Hearing on Monday, October 12, 2020, at 7:00 p.m. at the Community Auditorium, 1814 East Street, to consider the following:

**Request:** Amending the City's Comprehensive Plan and Zoning Ordinance Map to re-designate certain areas from Medium Density Residential (MDR) to Medium Density Residential (MDR) and certain other parcels from High Density Residential (HDR) to Medium Density Residential (MDR). The proposed would also amend the City's Zoning Map to re-designate the same groups of parcels as Medium Density Residential (MDR) and Neighborhood Commercial (NC) and Residential Medium-Density Low Density (RML) and Neighborhood Commercial (NC) and Residential Medium-Density Low Density (RML).

Parcel	Address	Current Zoning/Designation	Proposed Zoning/Designation
200000001	804 Westmore Road	MDR / RML	MDR / RML
200000002	804 Westmore Road	MDR / RML	MDR / RML
200000003	804 Westmore Road	MDR / RML	MDR / RML
200000004	804 Westmore Road	MDR / RML	MDR / RML
200000005	804 Westmore Road	MDR / RML	MDR / RML
200000006	804 Westmore Road	MDR / RML	MDR / RML
200000007	804 Westmore Road	MDR / RML	MDR / RML
200000008	804 Westmore Road	MDR / RML	MDR / RML
200000009	804 Westmore Road	MDR / RML	MDR / RML
200000010	804 Westmore Road	MDR / RML	MDR / RML
200000011	804 Westmore Road	MDR / RML	MDR / RML
200000012	804 Westmore Road	MDR / RML	MDR / RML
200000013	804 Westmore Road	MDR / RML	MDR / RML
200000014	804 Westmore Road	MDR / RML	MDR / RML
200000015	804 Westmore Road	MDR / RML	MDR / RML
200000016	804 Westmore Road	MDR / RML	MDR / RML
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200000026	804 Westmore Road	MDR / RML	MDR / RML
200000027	804 Westmore Road	MDR / RML	MDR / RML
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200000050	804 Westmore Road	MDR / RML	MDR / RML
200000051	804 Westmore Road	MDR / RML	MDR / RML
200000052	804 Westmore Road	MDR / RML	MDR / RML
200000053	804 Westmore Road	MDR / RML	MDR / RML
200000054	804 Westmore Road	MDR / RML	MDR / RML
200000055	804 Westmore Road	MDR / RML	MDR / RML
200000056	804 Westmore Road	MDR / RML	MDR / RML
200000057	804 Westmore Road	MDR / RML	MDR / RML
200000058	804 Westmore Road	MDR / RML	MDR / RML
200000059	804 Westmore Road	MDR / RML	MDR / RML
200000060	804 Westmore Road	MDR / RML	MDR / RML
200000061	804 Westmore Road	MDR / RML	MDR / RML
200000062	804 Westmore Road	MDR / RML	MDR / RML
200000063	804 Westmore Road	MDR / RML	MDR / RML
200000064	804 Westmore Road	MDR / RML	MDR / RML
200000065	804 Westmore Road	MDR / RML	MDR / RML
200000066	804 Westmore Road	MDR / RML	MDR / RML
200000067	804 Westmore Road	MDR / RML	MDR / RML
200000068	804 Westmore Road	MDR / RML	MDR / RML
200000069	804 Westmore Road	MDR / RML	MDR / RML
200000070	804 Westmore Road	MDR / RML	MDR / RML
200000071	804 Westmore Road	MDR / RML	MDR / RML
200000072	804 Westmore Road	MDR / RML	MDR / RML
200000073	804 Westmore Road	MDR / RML	MDR / RML
200000074	804 Westmore Road	MDR / RML	MDR / RML
200000075	804 Westmore Road	MDR / RML	MDR / RML
200000076	804 Westmore Road	MDR / RML	MDR / RML
200000077	804 Westmore Road	MDR / RML	MDR / RML
200000078	804 Westmore Road	MDR / RML	MDR / RML
200000079	804 Westmore Road	MDR / RML	MDR / RML
200000080	804 Westmore Road	MDR / RML	MDR / RML
200000081	804 Westmore Road	MDR / RML	MDR / RML
200000082	804 Westmore Road	MDR / RML	MDR / RML
200000083	804 Westmore Road	MDR / RML	MDR / RML
200000084	804 Westmore Road	MDR / RML	MDR / RML
200000085	804 Westmore Road	MDR / RML	MDR / RML
200000086	804 Westmore Road	MDR / RML	MDR / RML
200000087	804 Westmore Road	MDR / RML	MDR / RML
200000088	804 Westmore Road	MDR / RML	MDR / RML
200000089	804 Westmore Road	MDR / RML	MDR / RML
200000090	804 Westmore Road	MDR / RML	MDR / RML
200000091	804 Westmore Road	MDR / RML	MDR / RML
200000092	804 Westmore Road	MDR / RML	MDR / RML
200000093	804 Westmore Road	MDR / RML	MDR / RML
200000094	804 Westmore Road	MDR / RML	MDR / RML
200000095	804 Westmore Road	MDR / RML	MDR / RML
200000096	804 Westmore Road	MDR / RML	MDR / RML
200000097	804 Westmore Road	MDR / RML	MDR / RML
200000098	804 Westmore Road	MDR / RML	MDR / RML
200000099	804 Westmore Road	MDR / RML	MDR / RML
200000100	804 Westmore Road	MDR / RML	MDR / RML

**Community Plan Designations:**  
 HDR = High Density Residential  
 MDR = Medium Density Residential  
 RML = Residential Medium-Density Low Density  
 NC = Neighborhood Commercial

**Subject Designations:**  
 MDL = Medium Density Residential  
 HDL = High Density Residential  
 RML = Residential Medium-Density Low Density  
 NC = Neighborhood Commercial

**Applicant:** City of Forest Grove

**Ordinance:** Oregon Statewide Land Use Planning Goals 2 (Land Use), 8 (Economic Development) and 10 (Housing); State Regional Framework Plan, State Regional Framework Plan Title 1 (Planning Capacity); Forest Grove Comprehensive Plan, and Forest Grove Development Code Section 17.2.779 (State Growth Review Criteria)

**File Number:** 21-00-00166-PJ-ND

All persons will be given reasonable opportunity to give testimony about this proposal regarding to the matter subject. If an issue is not raised in the hearing (by person or by letter) or if the issue is not established 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 testimony are provided in support of the application, they shall be added to a continuation of the hearing. A copy of this report will be available for inspection before the hearing at the Community Development Department or by visiting the City's website at [www.cityofforestgrove.com](http://www.cityofforestgrove.com).

**COVID-19:** The City Council meeting will be conducted remotely by video conferencing. The public may attend and observe in the Community Auditorium (on special allow). However, the Council encourages the public to submit written comments or testimony to Council Planner James Rutz, [jrutz@forestgrove.com](mailto:jrutz@forestgrove.com) or send to PO Box 326, 1814 Council Street, Forest Grove, Oregon 97114, prior to the hearing. For further information pertaining to this proposal, please contact the Community Development Department, 1814 Council Street, (503) 992-3225 between 9 a.m. and 5 p.m.

**Anna D. Duggan, City of Forest Grove**  
 City of Forest Grove  
 Public Hearing 12, 2020

**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

RML = Residential Multi-Unit Low Density

NMU = Neighborhood Mixed Use

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](http://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](mailto: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

## QUASI-JUDICIAL HEARING SCRIPT

Instructional Note: Only read text in **blue**.

### 1. Opening the Public Hearing

The Public Hearing on [File No.311-19-000164-PLNG] is called to order.

### 2. Testimony

Members of the public may present oral or written testimony. If you wish to speak and you have not signed-in, please sign-in with the City Recorder. I will recognize those people wishing to speak. Please state both your name and address for the record when you come to the podium, as the hearing will be taped. Please keep testimony concise and to the point. Also, any questions of staff, the applicant or the City Council should be addressed through me (presiding officer). Written testimony may be submitted to the City Recorder.

### 3. Conduct of Hearing

The hearing tonight will be conducted On-the-Record as follows:

- a. Staff Report, Summary and recommendation will be presented
- b. Additional Correspondence
- c. Public Testimony in the Following Order:
  - i. *Applicants/Appellants* may present their testimony
  - ii. *Proponents* (Testimony in Support)
  - iii. *Opponents* (Testimony Opposing)
  - iv. *Neutral* (Testimony)
  - v. *Applicant Rebuttal* (if any) by the Applicants/Appellants
- d. Close the Public Testimony. After the record is closed for testimony, no other testimony comments will be heard from anyone unless the City Council has a specific question.
- e. Questions for Staff, if any, from the City Council
- f. Discussion by the City Council

The City Council may make a final decision tonight or the matter may be continued to a time and date certain in the future. If the matter is continued to a time and date certain in the future, this will be the only notice of that date you receive.

### 4. Criteria

The criteria that apply to the application in this case are listed in the staff report. These are the criteria the City Council must use to reach a decision. If you testify, please make sure your testimony is directed toward these criteria or other criteria in the City's

## QUASI-JUDICIAL HEARING SCRIPT

Comprehensive Plan, Zoning Map or Development Code that you think apply to the decision. Also, please describe how your comments relate to the criteria.

Again, a decision on this application must be based on these criteria. Despite the importance of other issues or concerns, the City Council can only base its decision on whether the evidence shows the application meets the criteria.

### 5. Raise It or Waive It

Please note, failure to raise an issue in the record with sufficient specificity to allow the City Council and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals on that issue.

Similarly, failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City Council to respond to the issue in the record precludes an action for damages in circuit court.

### 6. Disclosure

Do any members of the City Council need to disclose any ex-parte contacts, bias, or conflicts of interest? If so, please indicate the nature and extent of the contact, bias or conflict and indicate whether you intend to participate in or abstain from the hearing.

Does anyone in the audience wish to challenge a City Councilor's impartiality?

### 7. Staff Report

X will now present the Staff Report.

### 8. Correspondence (question for staff)

Is there additional correspondence beyond those items included in the Staff Report?

### 9. Public Testimony

- a. The Applicant/Appellant may now present the proposal.
- b. Does anyone wish to speak in favor?
- c. Does anyone wish to speak against?
- d. Does anyone have neutral testimony? Does the applicant wish to provide rebuttal?

## QUASI-JUDICIAL HEARING SCRIPT

### 10. Close Hearing

The public testimony portion of the hearing is now closed. [Gavel]

### 11. Staff Response to Testimony

Does staff need to respond to any questions or issues raised by the testimony?

Does the City Council have any questions of staff?

### 12. Council Deliberation

Is there any discussion by the City Council?

### 13. Motion and Decision

**SUMMARY:** The questions before the City Council is –

Does the Council wish to approve (Motion required separately for each ORDER):

- (A) **ORDER 2020-05** AMENDING FOREST GROVE COMPREHENSIVE PLAN 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); FILE NO. 311-20-000164-PLNG
- (B) **ORDER NO. 2020-06** AMENDING FOREST GROVE ZONING MAP TO RE-DESIGNATE CERTAIN PARCELS FROM GALES CREEK NEIGHBORHOOD MIXED USE (NMU) TO RESIDENTIAL MULTI-UNIT LOW DENSITY (RML) AND NEIGHBORHOOD COMMERCIAL (NC); AND CERTAIN OTHER PARCELS FROM RESIDENTIAL MULTI-UNIT HIGH DENSITY (RMH) TO RESIDENTIAL MULTI-UNIT LOW DENSITY (RML); FILE NUMBER: 311-20-000164-PLNG

**OPTIONS:** The Council could take one of following actions:

- 1. Approve as requested;
- 2. Deny the request;
- 3. Continue the matter to date certain.

*Note 1: If there are any amendments to the proposed ORDER(s), the Mayor asks for a motion to amend; if yes, read amendment in full, ask for a second to amend and City Council votes on the amendment.*

*Note 2: It is not necessary to hold the record open on request. The City Council may decide to do so, but it is not required.*

*Note 3: If you wish to continue the matter, the Mayor should announce the time and date of the continued hearing to avoid having to publish notice.*

Date: October 26, 2020

Agenda Item: 6. B.

Subject: PUBLIC HEARING AND ORDER NO. 2020-06 AMENDING FOREST GROVE ZONING MAP AMENDMENT TO RE-DESIGNATE CERTAIN PARCELS FROM GALES CREEK NEIGHBORHOOD MIXED USE (NMU) TO RESIDENTIAL MULTI-UNIT LOW DENSITY (RML) AND NEIGHBORHOOD COMMERCIAL (NC); AND CERTAIN OTHER PARCELS FROM RESIDENTIAL MULTI-UNIT HIGH DENSITY (RMH) TO RESIDENTIAL MULTI-UNIT LOW DENSITY (RML); FILE NUMBER: 311-20-000164-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:**

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**OPPONENTS:** *(Please print legibly)*

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

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**OTHERS:** *(Please print legibly)*

**First & Last Name:**

**Address:**

**City, State & Zip Code:**

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