

**ORDER NO. 2021-02**

**ORDER AMENDING FOREST GROVE ZONING MAP  
FOR PROPERTY SUBJECT TO ANNEXATION; WASHINGTON COUNTY  
TAX LOT 1N330000100; FILE NO. 311-21-000037-PLNG**

**WHEREAS**, Ryan O'Brien., representing the property owner, Davis Family Trust, and the applicant, Chad E. Davis Construction, submitted an annexation petition on August 13, 2021; and

**WHEREAS**, as authorized by Forest Grove Development Code §17.1.210(D), the applicant initiated a consolidated land use application for property subject to annexation; and

**WHEREAS**, the consolidated application includes a request for approval of amendments to the Forest Grove Comprehensive Plan Map as shown on Exhibit A and Exhibit B; and

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

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

**WHEREAS**, as required by Forest Grove Development §17.1.610(A) notice of the Planning Commission and City Council public hearing to consider this application was published in the Forest Grove News Times on October 28, November 4 and November 18, 2021; and

**WHEREAS**, the Planning Commission held the duly-noticed Public Hearing on this matter on November 1, 2021; and

**WHEREAS**, the Planning Commission closed the public hearing and voted unanimously to recommend City Council approval of the amendments to the Forest Grove Comprehensive Plan Map as described by Planning Commission Decision No. 2021-04, Exhibit C; and

**WHEREAS**, Planning Commission Decision No. 2021-04 was forwarded to City Council for Public Hearing on December 13, 2021; and

**WHEREAS**, the City Council deferred the duly-noticed Public Hearing on December 13, 2021, to January 24, 2022.

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

**Section 1.** The City Council hereby orders approval of the amendments to the Forest Grove Zoning Map.

**Section 2.** The map amendment is supported by the findings of fact and conclusions described in Exhibit C and Exhibit D.

**Section 3.** This Order is effective immediately upon the effective date of the annexation of the subject territory.

**TABLED (MOTION 4-2)**, this 13<sup>th</sup> day of December, 2021.

**PRESENTED AND PASSED**, this 24<sup>th</sup> day of January, 2022.

  
Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 24<sup>th</sup> day of January, 2022.

  
Peter B. Truax, Mayor

**EHIBIT A**

<b>PROPOSED ZONING MAP AMENDMENTS</b>	
<b>From</b>	<b>To</b>
Washington County Future Development	City of Forest Grove Neighborhood Mixed Use Residential Multifamily Low

# EXHIBIT B

## PROPOSED ZONING MAP



## EXHIBIT C

### **Planning Commission Findings and Decision Number 2021-04 Annexation of 24.5 +/- acres and Concurrent Comprehensive Plan Map Amendment and Zoning Map Amendment File Number 311-21-000037-PLNG**

WHEREAS, on August 13, 2021, the Davis Family Trust submitted an annexation petition and land use application for concurrent Comprehensive Plan Map and Zoning Map amendments for property adjacent to the Forest Grove city limits north of David Hill Road and west of Highway 47; and

WHEREAS, the application was deemed complete on September 15, 2021; and

WHEREAS, as required by Oregon Administrative Rules Chapter 660-018-0022, notice of this application was provided to the Oregon Department of Land Conservation and Development on September 14, 2021, being at least 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Metro Code §3.07.820, notice of the application was provided to the Metro on September 14, 2021, being at least 35 days prior to the Planning Commission's public hearing on this matter; and

WHEREAS, as required by Forest Grove Development Code §17.1.610(A), notice of the Planning Commission's public hearing to consider this application was published in the Forest Grove News Times on October 28, 2021, being at least five days prior to the public hearing; and

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

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

WHEREAS, as required by Forest Grove Development Code §17.1.610(C), notice of said notice was mailed on October 12, 2021, being at least 20 days before the Planning Commission's public hearing on this matter; and

WHEREAS, the Planning Commission held the duly noticed public hearing on this matter on November 1, 2021; and

WHEREAS, the Planning Commission approved a motion on a 6 to 0 vote to recommend City Council approve the annexation, Comprehensive Plan Map amendment, and Zoning Map amendment as proposed by the applicant.

NOW THEREFORE, the City of Forest Grove Planning Commission does hereby recommend that City Council adopt an ordinance annexing the subject property, and orders to approve the proposed Comprehensive Plan Map amendment, and Zoning Map amendment as

shown in the staff report dated November 1, 2021, making the following specific findings in support of the decision.

1. The Planning Commission finds there is substantial evidence in the record to support a Planning Commission recommendation to City Council that the City Council to approve the annexation and concurrent map amendments. The evidence relied upon includes:
  - a. The land use application dated August 13, 2021, and received by the City on August 13, 2021;
  - b. The written staff report and attachments dated November 1, 2021 provided to the Planning Commission including:
    - Attachment A: Findings for Annexation Approval
    - Attachment B: Findings for Comprehensive Plan Map and State Land Use Planning Goal and Metro Compliance
    - Attachment C: Findings for Zoning Map Amendment Approval
    - Attachment D: Land Use Application
  - c. Testimony provided to the Planning Commission during the public hearing on November 1, 2021, to support a Planning Commission recommendation to City Council to approve the proposals subject to certain conditions.
2. The Planning Commission finds the evidence relied upon including the land use application and written staff report dated November 1, 2021 demonstrates the land use application meets the applicable review criteria and considerations including:
  - a. Oregon Revises Statutes Chapter 222 (Boundary Changes, Mergers and Consolidation).
  - b. Metro Code Chapter 3.09 (Local Government Boundary Changes)
  - c. Oregon Statewide Land Use Planning Goal 2 (Land Use), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation)
  - d. Metro Urban Growth Management Plan
  - e. Forest Grove Comprehensive Plan Policies
  - f. Oregon Transportation Planning Rule (OAR 660-12)
  - g. Development Code §17.2.150 (Annexation)
  - h. Development Code §17.2.770 (Zoning Change)
3. The Planning Commission finds the annexation of the subject property meets the applicable review criteria described in the written staff report dated November 1, 2021.
4. The Planning Commission finds the proposal to amend the Forest Grove Comprehensive Plan Map to redesignate property designated Public to Medium Density Residential as proposed in the land use application meets the applicable review criteria and considerations as described in the written staff report dated November 1, 2021.
5. The Planning Commission finds the proposal to amend the Forest Grove Zoning Map to redesignate property zoned Washington County Future Development to Forest Grove Neighborhood Mixed Use and Residential Multifamily Low consistent with the Comprehensive Plan Map as Comprehensive Plan Map amendment meets the applicable review criteria and considerations as described in the written staff report dated November 1, 2021.

## EXHIBIT D

### REQUIRED APPROVALS AND FINDINGS FOR ZONING MAP AMENDMENTS

The following criteria apply to the proposed Zoning Map amendment (DC §17.2.770):

- A. The zone change is consistent with the Comprehensive Plan Map. When the Comprehensive Plan has more than one implementing zone as shown on the Classification Table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.
- B. The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.
- C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary. The factors to be considered in determining suitability are parcel size and location.
- D. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed zone change if it may impact transportation facilities.
- E. Public facilities and services for water supply, sanitary waste disposal, storm water disposal, and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands.
- F. The establishment of a zone district is not subject to the meeting of conditions.

Finding for (§17.2.770(A)): This applications includes a request for a Comprehensive Plan Map amendment to redesignate approximately 1.5 acres +/- of land from Public to Medium Density Residential. The proposed zoning for the remaining portion of the subject property is consistent with the Comprehensive Plan Map. Approximately 12.26 acres is proposed for Neighborhood Mixed Use zoning and approximately 10.67 acres is proposed for Residential Multiple Low consistent with the Neighborhood Mixed Use and Medium Density Residential Comprehensive Plan Map designations. If the requested Comprehensive Plan Map amendment is approved the entire property will be zoned consistent with the Comprehensive Plan Map.

Finding for (§17.2.770(B)): As explained in Attachment B, the zone change is consistent with the applicable Comprehensive Plan policies.

Finding for (§17.2.770(C)): The subject property is approximately 24.5 acres in area. The site is suitable for mixed use or residential development. The property is subject to annexation and under Development Code §17.2.160, property subject to annexation requires an

assignment of City zoning designations. Section 17.2.160 stipulates zoning of the property must meet the review criteria in §17.2.770.

Finding for (§17.2.770(D)): The assignment of City zoning designations to property subject to annexation is consistent with the adopted Transportation System Plan. The transportation analysis submitted by the applicant indicates the proposed zone change from Public/Institutional to Medium Density Residential/Residential Multifamily Low will not substantially impact the functional classification or operation of transportation facilities or reduce the level of service below the minimum acceptable level identified in the Transportation System Plan. This is because the transportation analysis indicates the proposed zone change will result in a decrease in trips as shown below:

	<b>Morning Peak Hour</b>			<b>Evening Peak Hour</b>			<b>Daily</b>
	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>Total</b>
Proposed RML Zoning (19 homes)	4	10	14	12	7	19	180
-Institutional Zoning (17,000sf gov't office)	-43	-14	-57	-7	-22	-29	-384
<b>Net Increase in Site Trips</b>	<b>-39</b>	<b>-4</b>	<b>-43</b>	<b>5</b>	<b>-15</b>	<b>-10</b>	<b>-204</b>

The proposed zoning for the remainder of the property is consistent with the City of Forest Grove Comprehensive Plan Map acknowledged by the Oregon Department of Land Conservation and Development. Therefore, it is deemed to not have a significant impact on the transportation system.

Finding for (§17.2.770(E)): The property subject to annexation is within the urban growth boundary and is subject to Urban Planning Area Agreement (UPAA) between the City of Forest Grove and Washington County. The UPAA stipulates the City is the primary provider of public facilities within the urban growth boundary. As such, the City has committed to ensuring 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 zoning within the City. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands. Any future development application for the subject property will be reviewed to ensure adequacy of service based on projected service demands.

Finding for (§17.2.770(F)): The assignment of City zoning to the property subject to annexation is not subject to any conditions.



<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	F. 1. ORDER 2021-01 F. 2. ORDER 2021-02
MEETING DATE:	01/24/2022
FINAL ACTION:	

**CITY COUNCIL STAFF REPORT**

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *January 24, 2022*

**PROJECT TEAM:** *Dan Riordan, Senior Planner; Bryan Pohl, Community Development Director*

**SUBJECT TITLE:** *Public Hearings on Orders 2021-01 and 2021-02 Amending the Forest Grove Comprehensive Plan and Zoning Maps for Property Subject to Annexation; Washington County Tax Lot 1N330000100; File No. 311-21-000037-PLNG*

**ACTION REQUESTED:**

<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Motion	<input checked="" type="checkbox"/>	Informational
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*X all that apply*

**ISSUE STATEMENT:** At the December 13, 2021, City Council meeting, the Council received staff reports on Order 2021-01 and Order 2021-02 related to property annexed into the City pursuant to Ordinance 2021-05. No motions were made by City Council regarding approval of the Orders.

After receiving the staff report on December 13<sup>th</sup>, City Council asked that a work session be scheduled on January 10<sup>th</sup>, to generally discuss planning and zoning for annexation areas and a possible north side fire station. Also on December 13<sup>th</sup>, Council decided to defer the public hearing on the orders to January 24, 2022.

**BACKGROUND:** On January 24<sup>th</sup>, Council will consider Order 2021-01 amending the Comprehensive Plan Map designation for property annexed into the City by Ordinance 2021-05. The property owner, through their representative, requested the Plan map amendment to change approximately 1.5 acres from Public to Residential Multifamily Low to allow for housing. Council approval to change the Comprehensive Plan map designation is needed before the zoning of the property can change. Approval of Order 2021-02 will change the zoning map and make it consistent with the Comprehensive Plan Map as amended by Order 2021-01. This is needed to ensure consistency between the Comprehensive Plan Map (policy) and Zoning Map (regulations).

Since the Orders pertain to only one property owner the approval process is classified as quasi-judicial. In a quasi-judicial process the burden is on the property to justify their proposal. The quasi-judicial process also requires rigorous findings. Findings are included as exhibits to the Orders. Please refer to the December 13, 2021 staff report as well as the Orders and exhibits provided to Council in advance of the January 24<sup>th</sup> Council meeting for more information.

On January 24<sup>th</sup>, the Mayor will formally declare the public hearings for the Orders open. The public hearing will be conducted as follows:

- 1) The Mayor will formally declare the public hearing open.
- 2) The Mayor will ask Council members to disclose any ex-parte comments, bias, or conflicts of interest. This is required for quasi-judicial proceedings.
- 3) Staff will present any written testimony not in the public hearing record, the staff analysis and staff recommendation;
- 4) The applicant will be called to present their request;
- 5) Proponent's will be called to provide testimony, if any;
- 6) Opponent's will be called to provide testimony, if any;
- 7) Neutral parties will be called to provide testimony, if any;
- 8) The applicant will be provided an opportunity to rebut the testimony provided;
- 9) The Mayor will close the public testimony portion of the public hearing;
- 10) Staff will have an opportunity to respond to the public testimony;
- 11) City Council will ask questions of staff, If any;
- 12) Council will deliberate;
- 13) The Mayor will ask for a motion to approve, deny, or amend the Orders as presented; and
- 14) The Mayor will ask for a roll call vote.

# QUASI-JUDICIAL PUBLIC HEARING SCRIPT

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

1. **Call to order and open the hearing** – The public hearing on case file 311-21-000037-PLNG to amend the Comprehensive Plan Map and assign Zoning Assignment (Orders 2021-01 and 2021-02, respectively) for property recently annexed under Ordinance 2021-05, and more commonly known as the Davis Property is now open.
2. **Purpose of hearing and action** – The purpose of this hearing is to consider an applicant initiated request to amend the Comprehensive Plan map to change 1.5 acres from Public to Medium Density Residential and to amend the City’s zoning map to assign zoning to the entire 24.5 acre site recently annexed by the City. Council’s decision on the approving the Orders must be based on the following criteria:

<b>Comprehensive Plan Map Amendment:</b>
Oregon State-Wide Lane Use Planning Goals
Metro Urban Growth Management Functional Plan policies
Forest Grove Comprehensive Plan Policies

<b>Zoning Assignment - City of Forest Grove Development Code:</b>
§ 17.2.160 Assignment of zoning designations
§ 17.2.770 Zone change review criteria

3. **Sign-up** - Persons wishing to provide testimony are asked to print your name and address on the Public Hearing Sign-up Sheet located in the Community Auditorium foyer *or* raise their hand in Zoom during the public testimony period. I will recognize those people wishing to speak. When called, please come to the table in the Auditorium as the hearing is recorded *or* wait until you are called upon by the Chair to speak via Zoom. Please state your name and address for the record and keep testimony concise, addressing the applicable decision criteria. Any questions for the Council or City staff should be directed to me.
4. **Hearing procedure** - Tonight’s public hearing will be conducted as follows:
  - a. Individual Council members will be asked to disclose any ex-parte comments, bias, or conflicts of interest
  - b. Staff will provide a report briefly summarizing the proposal, correspondence received, applicable decision criteria and staff recommendation.
  - c. The applicant will present their proposal and respond to Councilors’ questions about the proposal.
  - d. Persons in support, opposition, and neutral about the proposal will be called to the podium or via Zoom to testify in that order. If you

testify, speak into the microphone, state your name and address, and direct your comments to the criteria previously stated. The Council must base its recommendation on these criteria.

- e. Following public testimony, the applicant will be asked to provide a rebuttal on issues raised, if any.
5. **Hearing procedure** - The Council may act on this proposal tonight. However, prior to the conclusion of the hearing, any participant may request an opportunity to present additional evidence. The Council may grant continuation of the public hearing to a time and date certain that is at least seven days from tonight's hearing or leave the record open for additional written evidence. If the record is left open, the record shall remain open for at least seven days for the purpose of responding to new written evidence.
6. **LUBA statement** - Failure to raise an issue with sufficient detail to allow the Council, applicant, or staff to respond precludes an appeal to the Oregon Land Use Board of Appeals on that issue.
7. **Circuit Court statement** - Failure to raise constitutional issues relating to proposed conditions of approval with sufficient specificity to all the Council, applicant, or staff to respond precludes an action of damages in circuit court.

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

8. **Disclosure challenge** - Does anyone in the audience wish to challenge a Councilor's impartiality?
9. **Question for staff (staff report)** - Senior Planner Dan Riordan will now present the staff report, staff recommendation and state if additional correspondence has been received.
10. **Question for the applicant** - Does the applicant wish to present the proposal? Please state your name and address for the record.
11. **Question for staff** - Has anyone signed-up to speak in favor of the proposal? Please state your name and address for the record.
12. **Question for staff** - Has anyone signed-up to speak in opposition of the proposal? Please state your name and address for the record.
13. **Question for staff** - Has anyone signed-up to provide neutral testimony? Please state your name and address for the record.

14. **Question for the applicant** - Does the applicant wish to rebut any of the testimony presented?
15. **Close the public hearing** - The public testimony portion of the hearing is now closed.
16. **Question for Council** - Do Councilors have any questions of staff?
17. **Question for Council (deliberations)** - Would any Councilors like to comment on the Orders?
18. **Question for Council (Motion)** - Is there a motion to approve **Order 2021-01** amending the Comprehensive Plan Map.? Is there a second?
19. **City Manager to read by Title-** City Manager please read Order 2021-01 by title only.
20. **Vote** – The City Recorder will now call the roll.
21. **The motion on Order 2021-01 (PASSES/FAILS)**
22. **Question for Council (Motion)** - Is there a motion to approve **Order 2021-02** amending the Zoning map to assign City zoning to the property annexed? Is there a second?
23. **City Manager to read by Title-** City Manager, please read Order 2021-02 by title only.
24. **Vote** – The City Recorder will now call the roll.
25. **The motion on Order 2021-01 (PASSES/FAILS)**

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

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

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

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**2617 NW HWY 47  
TAX LOT 1N330 1100**

**FILE NO.  
311-21-000037-PLNG**

**DAVIS ANNEXATION**

**COMPREHENSIVE PLAN &  
ZONING MAP  
AMENDMENTS**

Dan Riordan, Senior Planner  
Community Development Dept.

1/24/2022

# PURPOSE OF AGENDA ITEMS

- ❑ Staff is asking that City Council take actions on two related matters:
- ❑ Adopt Order 2021-01, approving the property owner's request to amend the City's Comprehensive Plan map for property subject to annexation, and
- ❑ Adopt Order 2021-02, to assign City zoning to property approved for annexation in December (Ordinance 2021-05).

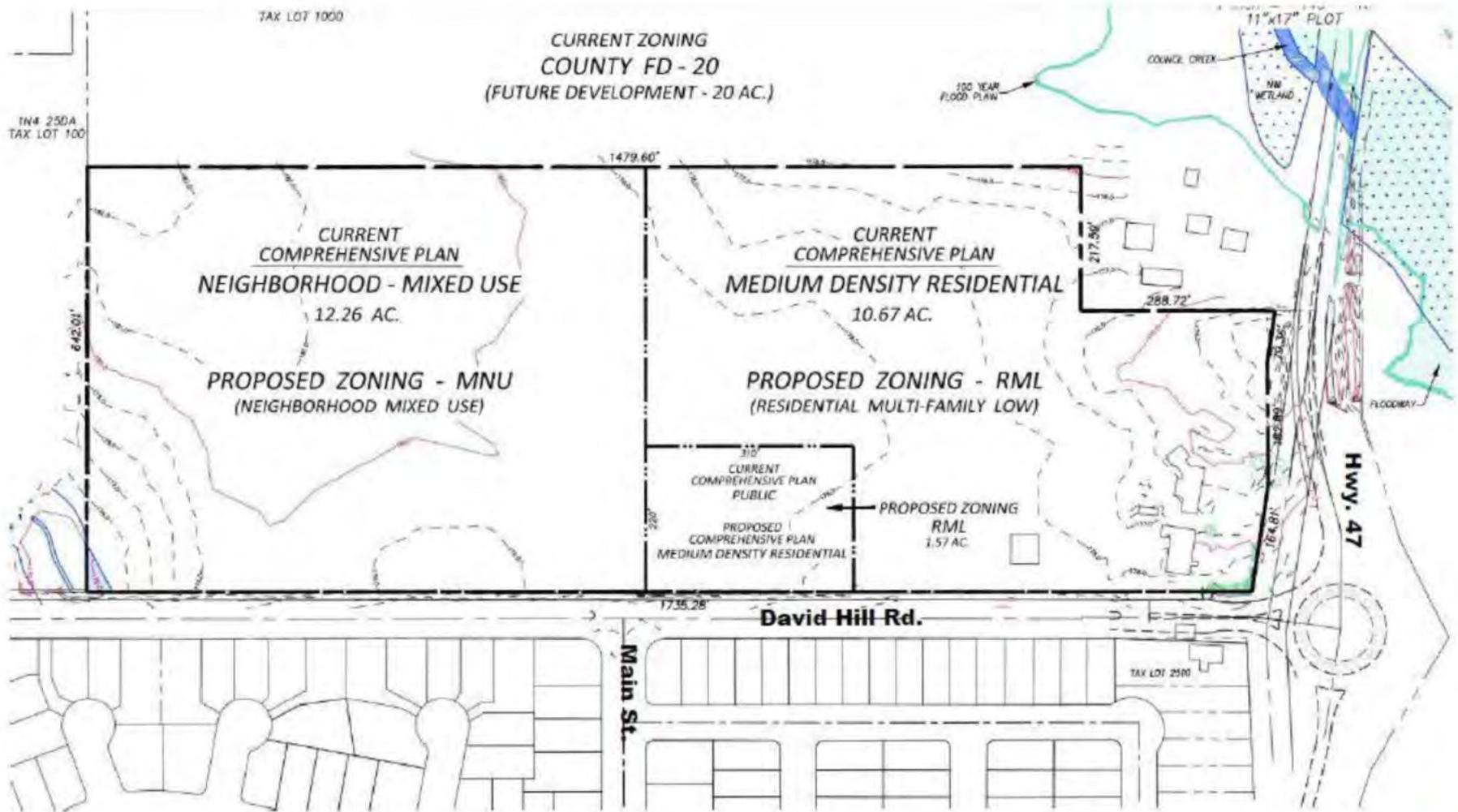
# SUBJECT PROPERTY

Annexation and Map Amendments  
311-21-000037-PLNG





# ZONING MAP AMENDMENT (ORDER 2021-02)



# COUNCIL ALTERNATIVES

- ❑ Adopt Order 2021-01, approving the Comprehensive Plan Map amendment:
  - ❑ Change 1.5 acres of land from Public to Medium Density Residential.
  - ❑ Keep Neighborhood Mixed Use and Medium Density Residential elsewhere.
  
- ❑ Adopt a motion denying the map amendment:
  - ❑ Keep Neighborhood Mixed Use, Public and Medium Density Residential.
  
- ❑ Depending in the outcome of Order 2021-01, approve Order 2021-02, assigning NMU and RML zoning to property recently annexed by Ordinance 2021-05.
  
- ❑ If Order 2021-01 is not approved, adopt a motion modifying Order 2021-02 to assign NMU, Institutional and RML zoning to the property.

# STAFF RECOMMENDATION

- ❑ Based on the evidence submitted into the record, staff finds the applicant addressed the applicable review criteria supporting the map amendments.
- ❑ Therefore, staff recommends City Council approve both Orders (2020-01 and 2020-02).

# Questions of Staff?



*A place where families and businesses thrive.*

**CITY COUNCIL STAFF REPORT**

<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	TABLED
MEETING DATE:	12/13/2021
FINAL ACTION:	ORDER 2021-01 ORDER 2021-02
MOTION PASSED 4-2 on 12/13/2021 to: Schedule Work Session on 01/10/2022 to discuss Comprehensive Plan Amendments; and TABLED ORDERS to 01/24/2022.	

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *December 13, 2021*

**PROJECT TEAM:** *Dan Riordan, Senior Planner; and Bryan Pohl, Community Development Director*

**SUBJECT TITLE:** *Public Hearing and First Reading of two Orders Amending the Forest Grove Comprehensive Plan Map and City Zoning Map for property subject to annexation; Washington County Tax Lot 1N330000100; File Number 311-20-000037-PLNG*

<b>ACTION REQUESTED:</b>	<input type="checkbox"/>	<b>Ordinance</b>	<input checked="" type="checkbox"/>	<b>Order</b>	<input type="checkbox"/>	<b>Resolution</b>	<input checked="" type="checkbox"/>	<b>Motion</b>	<input type="checkbox"/>	<b>Informational</b>
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*X all that apply*

**ISSUE STATEMENT:** On August 13, 2021, the owner of 2627 NW Highway 47, submitted a petition requesting City Council add/annex 24.5 +/- acres of land into the city limits. The property is located north of David Hill Road north of the Silverstone development. In addition to the annexation petition the applicant concurrent applications to amend the Forest Grove Comprehensive Plan map and City zoning map. The Forest Grove Development requires that the City assign zoning designations that will apply to property upon the effective date of the annexation.

The requested Comprehensive Plan map amendments affects about 1.5 acres. The entire site subject to the annexation is about 24.5 acres. The Comprehensive Plan map provides guidance as to how property is zoned when annexed. Typically, the zoning designations that apply are those that most closely correspond the Comprehensive Plan designations.

The area subject to the map amendment request is a placeholder site for a possible future fire station. The applicant requests changing the designation to allow for residential development consistent with the remainder of the property owned by the applicant. More discussion about the fire station site and map amendment follows below.

**BACKGROUND:** The property involved with this annexation is adjacent to the city limits and was added to the urban growth boundary by the State of Oregon in 2014. Since the property is adjacent to the city limits and within the urban growth boundary it is eligible for addition to the city limits.

## Comprehensive Plan Map Amendment

The area subject to the map amendments is shown in blue below. The site is at the corner of Main Street and David Hill Road and is adjacent to areas designated for mixed use (orange area) and medium density residential (brown area).



During the Westside planning process, completed in 2014, identified the site for a future fire station. Another site was previously identified for a fire station next to Thatcher Park. The Thatcher Park site is now the dog park area.

The Westside planning process provided an opportunity to identify another possible location for a fire station. At the time the Westside plan was done not much detail was known about the scope of the fire station including whether or not the site should include training facilities and how much land area will be needed. Although the Fire Department desires a fire station to serve the developing areas of Forest Grove, higher elevation areas west of Thatcher Road and Highway 47, funding has not been allocated property acquisition.

The applicant's annexation petition, and expected development application, raised the question of whether the fire station location shown on the Comprehensive Plan map is the best location, now, considering emergency service delivery needs and property owner interests. Based on preliminary discussions with the applicant, the property owner desires to development the property for residential uses (single unit detached and attached homes) and associated required open space.



### Comprehensive Plan Map Amendment Decision Criteria

The applicable review criteria for the requested Comprehensive Plan map amendment include:

- Consistency with the Oregon Statewide Land Use Planning Goals;
- Consistency with other applicable Comprehensive Plan goals and policies; and
- Consistency with applicable Metro planning policies

The applicant's statements and staff findings addressing the applicable criteria area attached.

### Zoning Map Amendment Decision Criteria

The applicable review criteria for zoning map amendments are included in Development Code §17.2.770 and summarized below:

- The zone change is consistent with the Comprehensive Plan map;
- The zone change is consistent with the relevant goals and policies contained in the Comprehensive Plan;
- The site is suitable for the proposed use and there is a lack of appropriately designated alternative sites within the vicinity;
- The zone change is consistent with the Transportation System Plan;
- Public services are capable of supporting uses in the proposed zone; and
- The establishment of the zone is not subject to conditions.

The applicant's statements and staff findings addressing the applicable criteria area attached.

Based on the evidence submitted into the record by the applicant, staff finds the applicant provides a basis supporting the map amendments. A summary of the applicant's statement is provided below.

- The Comprehensive Plan's Housing Location Factors for site suitability indicating the site is suitable for residential development.
- Adding land to the housing inventory will address housing needs. The site could accommodate about 20 homes.
- The site is near areas identified for mixed use and homes near mixed use supports planning policies for creating complete communities.
- The map amendment supports Metro policies that land use regulations allow a diverse range of housing types including small lot detached and attached homes.

Additional information provided by the applicant is included in the record. Staff's analysis and findings and Planning Commission decision are also in the record for the public hearing.

To approve the applicant's request Council must determine the applicant provided sufficient justification for the map amendment considering the applicable decision criteria.

## **REQUIRED PUBLIC NOTICE**

Notice of the Planning Commission public hearing was mailed to property owners within 300 feet of the subject property 20-days in advance of the November 1<sup>st</sup> hearing date. The notice also included the scheduled City Council hearing dates. Notice was also published in the Forest Grove News-Times on October 28<sup>th</sup>, November 4<sup>th</sup>, and November 18<sup>th</sup>.

**FISCAL IMPACT:** Without further refinement to the scope of the fire station project including facility design the fiscal impacts related to alternative locations are uncertain. If the Council desires to retain the 1.5 acre placeholder fire station location the City must acquire the property within 18 months following final approval of a development application or the reservation must be released to the developer. In addition, the purchase price must be agreed upon prior to final land use approval or the placeholder site must be released to the developer.

**PLANNING COMMISSION REVIEW:** The Planning Commission held a public hearing on this request on November 1, 2021. The Planning Commission staff report and decision are available for viewing at <https://www.forestgrove-or.gov/planning/project/davis-annexation-and-map-amendments>.

During the public hearing one person testified as a neutral participant and commented on potential future development and possible traffic impacts at the David Hill Road and Main Street intersection. A homeowner from the Silverstone neighborhood submitted an email in advance of the public hearing. Future development impacts will be addressed as part of the development review process that will occur after the property is annexed.

After Planning Commission consideration of the annexation petition and subsequent deliberations, the Planning Commission approved a motion recommending City Council approve the annexation. The motion carried on a 6-0 vote.

**ALTERNATIVES:** The following alternatives are available to City Council:

- Accept the Planning Commission recommendation and adopt separate orders approving the Comprehensive Plan map amendment as Zoning map amendment as requested by the applicant. This action would designate the property Neighborhood Mixed Use and Medium Density Residential; or
- Request additional information from the applicant and keep the public hearing open to a date certain; or
- Adopt a motion denying the applicant's requested Comprehensive Plan map amendment stating the reasons why. This action results in retaining the current Comprehensive plan map designations (Neighborhood Mixed Use, Public and Medium Density Residential). This action also requires amending the Zoning map order to assign zoning districts to the property subject to annexation based on the Comprehensive Plan map as it is now without the amendment.

If the Comprehensive Plan map designations are retained, adopt a motion assigning the corresponding Zoning Map designations (Neighborhood Mixed Use, Institutional, and Residential

Multifamily Low. If the Council approves the requested Comprehensive Plan map amendment about an order to assign the Neighborhood Mixed Use and Residential Multifamily Low zoning designations to the subject property as requested by the applicant.

**STAFF RECOMMENDATION:** Based on the evidence submitted into the record, staff finds the applicant addressed the applicable review criteria supporting the map amendments. Therefore, staff recommends City Council:

*Accept the Planning Commission's recommendation and approve the orders amending the Comprehensive Plan map and zoning map as requested by the applicant.*

Staff also recommend Council consider initiating a process at a later date to refine the scope of the fire station project, identify alternative locations with the Rural Fire Protection District, and prepare a strategy for funding property acquisition.

**ATTACHMENTS:**

- A. Applicant's Narrative
- B. Map amendment orders and exhibits
- C. PowerPoint Presentation

**Application and Findings  
for  
Annexation into the City of Forest Grove  
And  
Comprehensive Plan Amendment  
And  
Zone Change 8-13-21**

<b>Applicant:</b>	Matt Weatherdon Chad E. Davis Construction 12700 NW Cornell Road Portland, OR 97229 503-250-3055 mattweatherdon@gmail.com
<b>Owner:</b>	Davis Family Trust 2627 NW Highway 47 Forest Grove, OR 97116
<b>Applicant's Representative:</b>	Ryan O'Brien Planning & Land Design 1862 NE Estate Drive Hillsboro, OR 97124 503-780-4061 ryanobrien1@frontier.com
<b>Location:</b>	2627 NW Highway 47 1N330 TL 1100 24.50 Acres Northwest corner of David Hill Road and Highway 47, adjacent to City Limits
<b>Current Zoning:</b>	FD-20 (Washington County)
<b>City Comprehensive Plan Designations:</b>	Neighborhood Mixed Use; Medium Density Residential; Public
<b>Request:</b>	Annexation into the City of Forest Grove; Comprehensive Plan Amendment from Public to Medium Density Residential for a small portion of the site, with corresponding zone change from FD-20 to RML (Residential Multifamily Low) for the eastern 12.24 acres, and NMU (Neighborhood Mixed Use) for the wester 12.26 acres.

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## Proposal

The application requests approval to annex approximately 24.50 acres of land into the incorporated boundary of the City of Forest Grove, with a zone change from the County FD-20 zone to the City designations of Neighborhood Mixed Use and Residential Multifamily Low. Also, a Comprehensive Plan Amendment for a small 1.57-acre portion of the site designated as Public is proposed to be changed to Medium Density Residential. This 1.57-acre site was originally intended to be a location for a new fire station. According to Fire Department staff, this site is no longer considered for a new fire station. Therefore, it can be rezoned to RML to be compatible with adjacent property.

## Site and Vicinity

The subject property is inside the Urban Growth Boundary with County FD-20 zoning. The site contains a single family dwelling with outbuildings and farmland, and is located on the northwest corner of the intersection of Highway 47 and David Hill Road, at the roundabout. Across David Hill Road to the south is urban density residential development inside the City, with R-5 zoning. To the north and west are farmed properties containing dwellings, also zoned FD-20, inside the UGB.

## Applicable Regulations

- City of Forest Grove Development Code
  - Annexation
  - Zone Change
- Forest Grove Comprehensive Plan
  - Comprehensive Plan Amendments
  - Goals/Policies
- Metro Code
  - Chapter 3
  - Metro Urban Growth Management Functional Plan
  - Metro Regional Framework Plan
- Statewide Land Use Planning Goals

## Exhibits

1. Map of entire site with existing and proposed zoning and comprehensive plan designations
2. Potential development of 1.57 acres currently designated Public on the Comp. Plan
3. Traffic engineer memo addressing the Oregon Transportation Planning Rule (TPR)

**City of Forest Grove Development Code**  
**Article 2: Land Use Reviews**

***Annexation***

**17.2.150 Procedure**

*Annexation shall be reviewed according to procedures in Chapter 3.09 of the Metro Code, Local Government Boundary Changes and applicable State of Oregon annexation regulations.*

**Response:** Metro Chapter 3.09.050.D states that in order to approve a boundary change, the review entity shall apply the criteria in 3.09.045.D and .E.

**3.09.045.D:**

1. *Find that the change is consistent with expressly applicable provisions in:*
  - a. *Any applicable urban service agreement adopted pursuant to ORS195.205;*

**Response:** The site is within Forest Grove's Urban Growth Boundary, and adjacent to the City limits. Urban service agreements expect that upon annexation, the City will take over responsibility for planning and provision of public services and facilities.

- b. *Any applicable annexation plan adopted pursuant to ORS 195.205;*

**Response:** There is no known adopted annexation plan pertaining to the subject site.

- c. *Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*

**Response:** ORS 195.020(2) pertains to cooperative agreements between Metro and Counties or special service districts. A planning agreement exists between Washington County and Forest Grove which requires urban development to occur only within the city limits. The site is rural property within the City of Forest Grove Urban Growth Boundary, it is expected that upon annexation, the City will take over responsibility for planning and provision of public services and facilities, consistent with the applicable planning agreement.

- d. *Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and*

**Response:** Annexation and subsequent development of the site will allow for implementation of the City's Westside Enhancement Plan, which includes transportation and utility plans for the area.

- e. *Any applicable comprehensive plan; and*

**Response:** Specific Comprehensive Plan goals that are met by annexing the site include:

***Housing***

*Goal 1: Ensure an adequate supply of developable land to support needed housing types and a complete community*

*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.*

***Urbanization***

- Goal 2: *Land shall be made available within the urban growth boundary to meet all local urban land use needs.*
- Goal 12: *Promote the efficient delivery of public services through annexation of land into the City of Forest Grove.*
- Goal 13: *The City will avoid approving annexations that create unincorporated islands within the Forest Grove planning area.*

The proposed annexation is consistent with the Forest Grove Comprehensive Plan. The site has been through the process to be annexed into the City's Urban Growth Boundary, which included applying Comprehensive Plan land use designations appropriate for the site. Both zones add to the City's available residential lands, which, according to the Westside Area Refinement Plan, have been depleted in recent years. The NMU zone allows mixed use, contributing to a 'complete neighborhood'. The site is inside the UGB, is adjacent to the City limits, and all urban services are available to serve the site, in full compliance with the stated CP goals.

Except for a small portion of the site designated Public, for which a Comprehensive Plan Amendment is requested, all areas of the site will be rezoned with the corresponding City zone, consistent with the Comprehensive Plan.

*f. Any applicable concept plan; and*

**Response:** The City has adopted the Westside Area Refinement Plan, which includes the subject site. The Plan includes future transportation and utility expansion in the area, annexation and subsequent development of the site to City standards will allow for implementation of the Plan.

- 2. *Consider where the boundary change would:*
  - a. *Promote the timely, orderly and economic provision of public facilities and services;*
  - b. *Affect the quality and quantity of urban services; and*
  - c. *Eliminate or avoid unnecessary duplication of services.*

**Response:** All public facilities and services are available to serve the site. Annexation itself does not increase the need for services. Future development on the site will upgrade or construct facilities as necessary to adequately serve any proposed use. Upon annexation, the City will be the primary service provider and will replace other providers to avoid duplication of services.

**3.09.045.E:**

*A City may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB.*

**Response:** The subject site is fully within the Forest Grove Urban Growth Boundary.

**17.2.160 Assignment of Zoning Designations**

*Before an annexation application is deemed complete, the applicant shall initiate a zone change pursuant to 17.2.750. Zoning of the property shall meet the review criteria in 17.2.770.*

**Response:** The Zone Change criteria are addressed in this document.

**Zone Change**

**17.2.770 Review Criteria**

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

**Response:** The zone change is consistent with the CP map. The western portion of the site has a CP designation of Neighborhood Mixed Use, the requested zone is Neighborhood Mixed Use. The eastern portion of the site is designated Medium Density Residential, the requested zone is Residential Multi-Family Low. Both requested zones are consistent with the Classification Table in Article 3. A Comprehensive Plan Amendment is concurrently requested for the small portion of the site designated Public to MDR, with RML zoning, as addressed later in this document.

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

**Response:** For the majority of the site, the requested zone is the corresponding City zone for the Comprehensive Plan designation, which has already been deemed consistent through the process of annexing into the City's UGB and applying that Plan designation. Except for a small portion of the site designated Public, for which a Comprehensive Plan Amendment is requested, all areas of the site will be rezoned with the corresponding City zone consistent with the Comprehensive Plan.

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.*

**Response:** The current zoning is County FD-20, which is a 'holding zone' for lands outside a city limit but inside the UGB. Upon annexation into the City, a City zone must be applied. The requested zone change is from FD-20 to NMU and RML, which are the corresponding City zones for the plan designations that were applied to the site through the Comprehensive Planning process. The small portion of the site designated Public is proposed to change to MDR, for which the RML zone will be the appropriate City zone.

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.*

**Response:** The requested zones are the corresponding City zones for the Comprehensive Plan designations that have been applied to the site by the City. It is expected that future development proposals will include a traffic impact study to determine the impacts from a specific use. The City has included these lands and applied particular plan designations to them based on suitability of transportation facilities and opportunity for upgrades to serve future uses. A traffic study memo was prepared by a traffic engineer (See Exhibit 3). Since the 1.57-acre Public Designated site is very small. Traffic generation would be limited with RML zoning. Only about 13 residential units can be developed as shown by Exhibit 2. This

exhibit is a portion of the proposed development plan for the Davis 24.50 acres. With Institutional Zoning, the site could be developed with a government building with significantly higher traffic generation compared to 13 residential units. Therefore, this rezone and comprehensive plan amendment produces less traffic which complies with the Oregon TPR (Transportation Planning Rule). This is explained further in the traffic memo.

*E. Public facilities and services for water supply, sanitary waste disposal, stormwater disposal and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands.*

**Response:** All services are available or can be made available to serve the site. By themselves, annexation and zone change do not increase the current need for services. Once annexed, any development proposal will be required to extend/upgrade services as needed to provide services that meet City standards for a specific use.

### ***Comprehensive Plan Amendments***

*Amendments to Comprehensive Plan Map are processed through either a legislative (Type IV) or quasi-judicial process (Type III) depending on whether the map amendment affects a small group of properties or large area. The Type III process is also described in Forest Grove Development Code Article 1. A Type III process requires notice to surrounding property owners, publication of the notice in the local newspaper and public hearings with the Planning Commission and City Council. Amendments to the Comprehensive Plan map will be adopted by City Council ordinance.*

### ***Decision Considerations***

*Amendments to the comprehensive plan will be considered by the Planning Commission and City Council based on:*

- *Consistency with applicable Comprehensive Plan policies;*

**Response:** Specific Comprehensive Plan goals that applicable to the proposed change include:

### ***Housing Location Factors***

**Response:** The housing location factors specified in the CP for Medium Density Residential lands include:

- Hazard free location suitable for home sites
- 10% or less slope
- Location bounded but not penetrated by major arterials or railroads
- Convenient driving distance to schools and neighborhood commercial
- Availability of full urban services

The area proposed for the CPA meets all of the specified criteria – the site is fairly level, hazard free, fronts onto David Hill Road, an arterial, in an area developing to provide schools and commercial, and full urban services are available to serve the site.

### ***Housing***

**Goal 1:**

*Ensure an adequate supply of developable land to support needed housing types and a complete community*

*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.*

**Response:** The proposal includes amending the Comprehensive Plan map from Public to Medium Density Residential for approximately 1.57 acres along the southern boundary of the site. According to the City documents, including the Westside Area Refinement Plan and the Housing Needs Analysis, development in Forest Grove has been robust, depleting the City's supply of residential lands, at the same time of significant housing demand that is outstripping supply in the entire Portland area, and driving up home and rent prices. Adding the 1.57 acres to the residential inventory will help alleviate the shortage. The area was originally designated as Public to accommodate a fire station, but a plan to staff and equip a new station has not been completed. Therefore, the City and Fire District have determined that the need can be met elsewhere. The area to be re-designated is adjacent to the portion of the site that is designated Neighborhood Mixed Use, therefore the amended map area will be part of a 'complete' neighborhood in close proximity to other uses that are complimentary to residential uses.

### **Urbanization**

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

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

*Goal 13: The City will avoid approving annexations that create unincorporated islands within the Forest Grove planning area.*

**Response:** As previously stated, Forest Grove's residential lands are being depleted by robust development, additional residential land meets a land use need. All public services are available to serve the site, and the site is within the City's Urban Growth Boundary, adjacent to the City limits – no 'islands' are created.

- *Consistency with the Metro Regional Framework Plan;*

**Response:** Among other elements, the MRFP calls for local governments to ensure that land use regulations allow a diverse range of housing types and make housing available to households of all income levels. The proposed change from Public to Medium Density Residential, and the corresponding zone change to Residential Multifamily Low, will allow a target density of 12 dwelling units per acre, with a variety of housing types, including small-lot single family detached housing, duplexes, attached dwelling and small multi-dwelling residences, permitted in the zone.

- *Consistency with the Metro Urban Growth Management Functional Plan (Metro Code Chapter 3.07) or Regional Transportation Functional Plan as applicable; and*

**Response:** The MUGMFP implements the policies of the Metro Regional Framework Plan. The Forest Grove Comprehensive plan is required to be consistent with both Metro plans. The proposed comprehensive plan amendment is consistent with both Metro plans, because it is consistent with the City's adopted Comprehensive Plan, as addressed in this document.

- *Consistency with the Oregon Statewide Land Use Planning Goals*

**Response:** The applicable Statewide Goals include:

**Goal 1 Citizen Involvement:**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Response:** The comprehensive plan amendment process includes public hearings before the Planning Commission and the City Council, both of which offer opportunities for citizen involvement.

**Goal 2 Land Use Planning:**

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Response:** The City's Comprehensive Plan includes the subject site based on availability of services and logical development patterns. The Comprehensive Plan incorporates the Statewide Planning Goals, and the Comp Plan is implemented by the City's Development Code.

**Goal 10 Housing**

*To provide for the housing needs of citizens of the state.*

**Response:** The proposed CPA is to re-designate approximately 1.5 acres of land from Public to Medium Density Residential. The City has a process for accommodating needed revisions to the Comprehensive Plan to meet housing needs. The City has determined that the public need for the 1.5 acres can be met elsewhere, and re-designating the area as residential increases the inventory of available residential lands in the City. According the Housing Needs Analysis, there is more demand than supply for both affordable housing units as well as market-rate rental housing in Forest Grove. The proposed amendment will allow the City to provide for of housing needs of the citizens, consistent with Goal 10.

**Goal 11 Public Facilities and Services:**

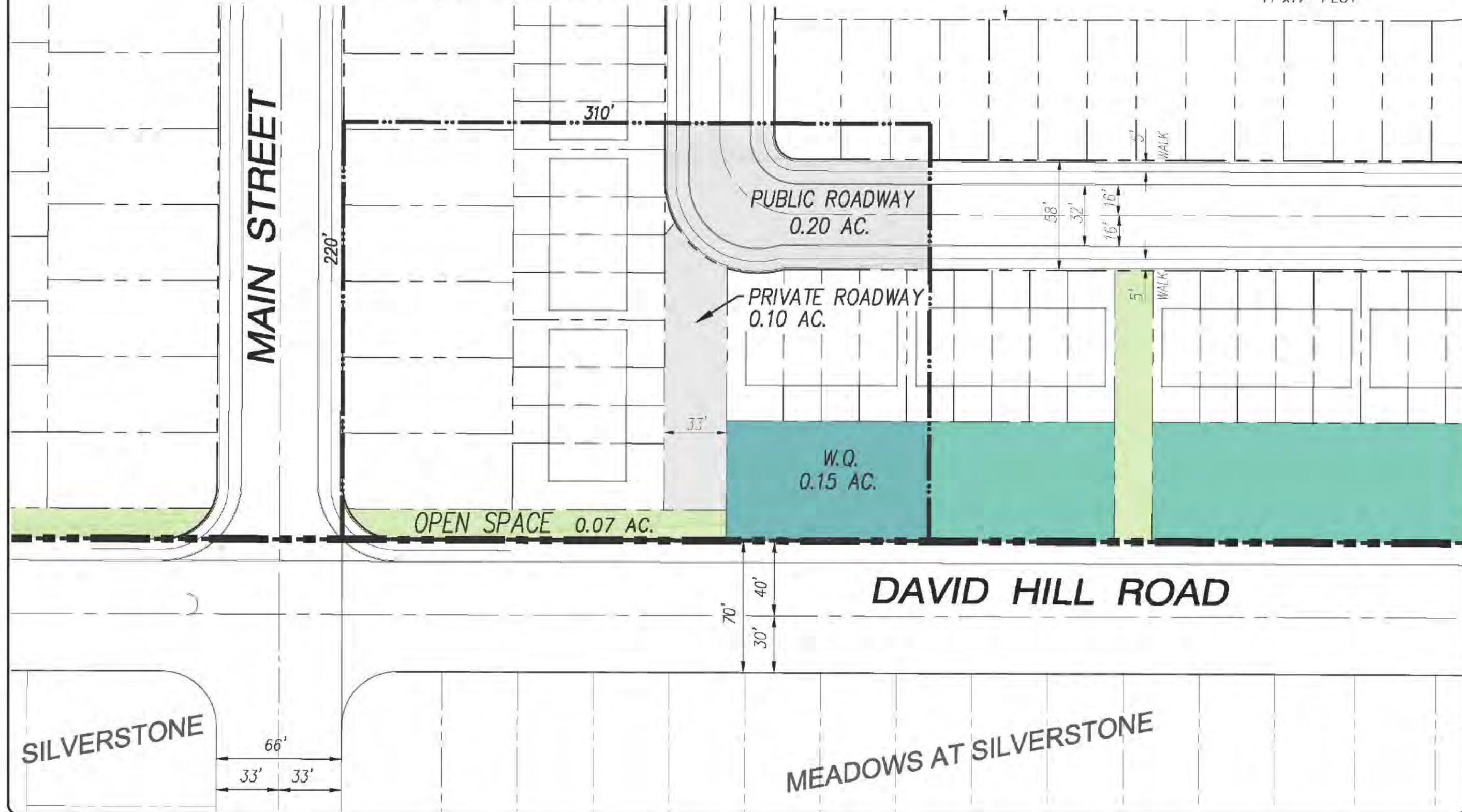
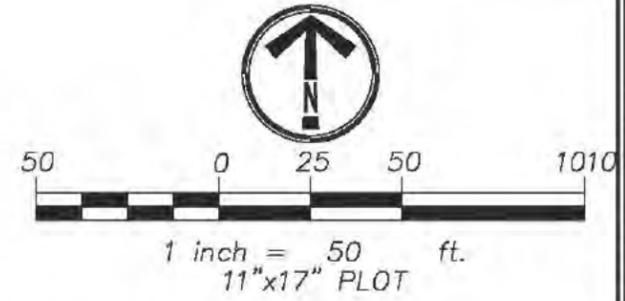
*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Response:** All public facilities are available to serve the site. Conceptual transportation, water, sewer and storm system plans for the area are included in the Westside Area Refinement Plan. The area for which the CPA is requested is approximately 1.5 acres that will be included in the development plan for the entire 25 acre piece, thereby implementing the WARP.

**Application Contents**

*A non-City initiated application for a Comprehensive Plan Map or Text amendment shall be made on forms provided by the City. The plan amendment application shall be accompanied with a deposit to cover processing costs as prescribed by City Council resolution. The application form shall also be accompanied by a narrative with text and supporting maps describing how the proposed amendment complies with the Comprehensive Plan Amendment Decision Considerations identified above. A public hearing on the proposed amendment with the Planning Commission and City Council will be set once the application is deemed complete by the Community Development Director or designee. The Community Development Director shall render a decision on application completeness within 30- days of submittal to the City. Rejection by the Director for incompleteness*

- 1.57 AC - NEW RML SITE
  - 0.20 AC - PUBLIC ROADWAY
  - 0.10 AC - PRIVATE ROADWAY
  - 0.15 AC - WATER QUALITY
- 
- 1.12 AC x 12 UN/AC = 13 UNITS



**DAVID HILL**  
SUBDIVISION PLAN  
TAX MAP T1S, R3W, SEC. 30, TAX LOT 1100  
FOREST GROVE, OREGON 97118

**ZONE CHANGE**  
**DENSITY CALCULATION**

NO.	DATE	REVISIONS DESCRIPTION

**PLANNING & LAND DESIGN, LLC**  
1862 NE ESTATE DRIVE  
HILLSBORO, OREGON 97124  
**RYAN O'BRIEN**  
(503) 780-4061



**Kerry W. VanderZanden**  
Architect P.C.

December 2, 2021

Davis Estates  
Planned Unit Development  
T1S,R3W,Sec. 30 Tax Lot 1100

I wish to add to the discussion concerning the pending annexation and planned development of the Davis Estates on David Hill Road.

I have no concerns with the Annexation or planned development but my concern is the amount of increased traffic that will be forced to enter and exit on to David Hill Road from Main Street with 90% either wanting to turn east onto David Hill or 90% wanting to turn east from Main Street from both directions.

Adding to the traffic from the subdivision on the west end of David Hill Road that is under construction will be the new Davis Estates development with four phases (221 homes) and 3 other future developments to the north that will be soon be brought before the city for annexation and will all exit from Main Street onto David Hill Road. When all are annexed and developed there will be an additional 600 to 800 units with twice the number of cars and three to four times the number of adults and children using one main intersection.

All these developments will be funneled onto Main Street and then onto David Hill Road that has not been designed for this capacity of cars and pedestrians. Turning in any direction needs to be addressed.

The speeding on this road has been noted by the police and those who are adjacent to this road for many years. With the increase traffic and the existing speed, it will only get worse and with it getting worse there will be accidents to come.

This new intersection will need either traffic lights with pedestrian lights and cross walks, lower speed limits with active speed indicators and or warning lights, speed bumps, a defined turning lane from the West or something else to solve the existing and new traffic problems that will occur.

I believe further discussions should take place with the planning staff, the engineering staff, the police and the owners and certainly by the City Council and Planning Commission before any development is approved by the city.

Thank You.

Kerry W. VanderZanden  
2603 NW Hwy 47  
Forest Grove, Oregon

**2617 NW HWY 47  
TAX LOT 1N330 1100**

**FILE NO.  
311-21-000037-PLNG**

**DAVIS ANNEXATION**

**COMPREHENSIVE PLAN &  
ZONING MAP  
AMENDMENTS**

Dan Riordan, Senior Planner  
Community Development Dept.

12/13/2021



# PURPOSE OF AGENDA ITEM

- ❑ Staff is asking that City Council take actions on two related matters:
- ❑ Hold a public hearing and take action on the property owner's request to amend the City's Comprehensive Plan map for property subject to annexation, and
- ❑ Hold a separate public hearing on amending the City's zoning map to assign zoning designations that will apply to the property after the annexation is effective. The zoning that will apply to property will be based on the outcome of the first public hearing depending on whether or not Council approves the applicant's request to amend the Comprehensive Plan map.

# OVERVIEW

- ❑ As related to annexation, the Comprehensive Plan Map shows how property within the urban growth boundary could be used in the future when added to the City.
- ❑ The property retains Washington County zoning until annexation after which time City zoning applies. The Comprehensive Plan Map provides guidance as to which City zoning designations to apply.
- ❑ Unlike the Comprehensive Plan which establishes broad policy direction about land use, zoning includes specific rules that apply to development proposals.

# SUBJECT PROPERTY

Annexation and Map Amendments  
311-21-000037-PLNG

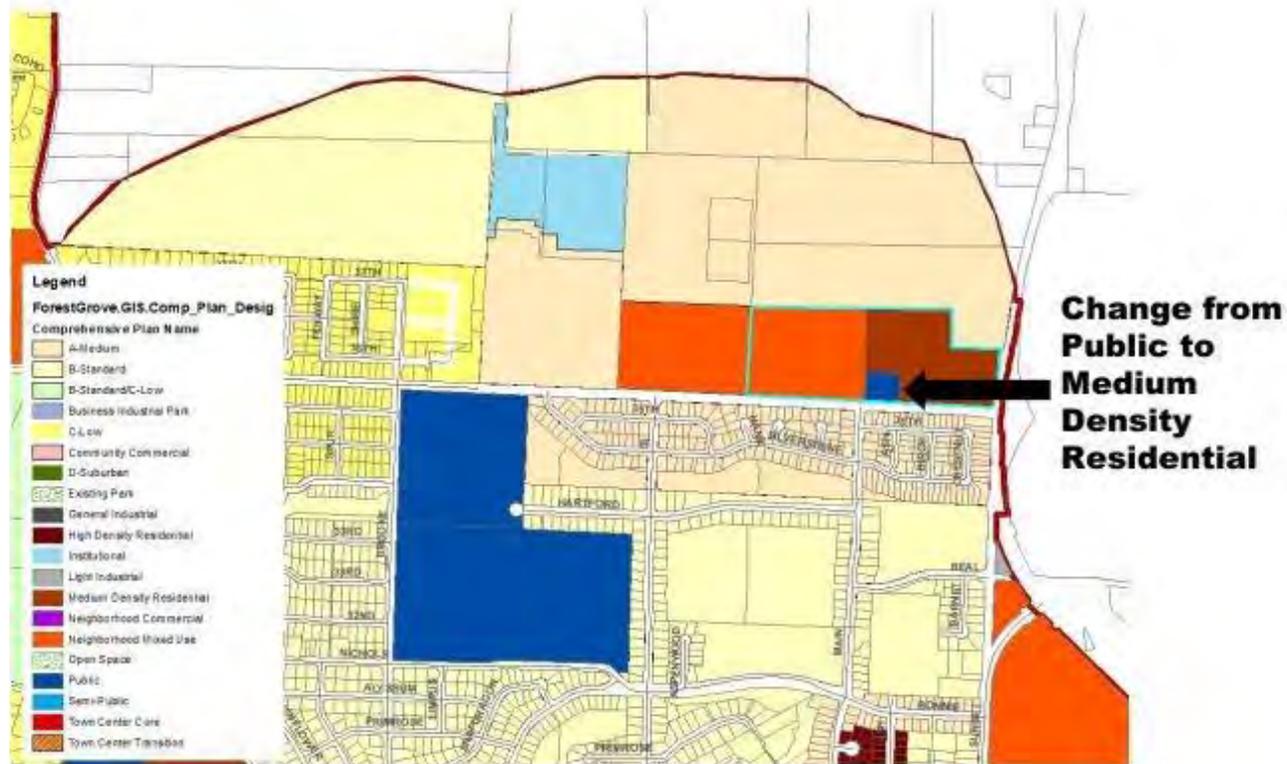


# OVERVIEW

- ❑ The Comprehensive Plan Map request, if approved, would affect just over 1.5 acres of land subject to annexation.
- ❑ The entire area annexation area is about 24.5 acres and the majority of the area is not affected by the requested Comprehensive Plan Map amendment.

# COMP. PLAN AMENDMENT

- ❑ The area subject to the 1.5 acre Comp. Plan map amendment is show in blue on the map below and is designated Public/Institutional as a placeholder location for a possible future fire station.
- ❑ The site is at corner of Main Street and David Hill Road and is adjacent to areas designated for mixed use (orange area) and medium density residential (brown area).



# COMP. PLAN AMENDMENT

- ❑ Another site was previously identified for a future fire station next to Thatcher Park. That site is now the dog park area.
- ❑ The Westside refinement planning process completed in 2014 provided an opportunity to identify another possible location for a fire station.
- ❑ At the time the Westside plan was done not much detail was known about the scope of the fire station including whether or not the site should include training facilities and how much land area will be needed.

# COMP. PLAN AMENDMENT

- ❑ The applicant's annexation petition, and expected land development application, raised the question of whether the fire station location shown on the Comprehensive Plan Map is the best location, now, considering emergency service delivery needs and property owner interests.
- ❑ The Fire Department desires a fire station to serve the developing areas of Forest Grove, higher elevations west of Thatcher Road and Highway 47.
- ❑ Based on preliminary discussions with the applicant the applicant desires to develop the property for residential uses (single unit detached and attached homes) and associated required open space areas.

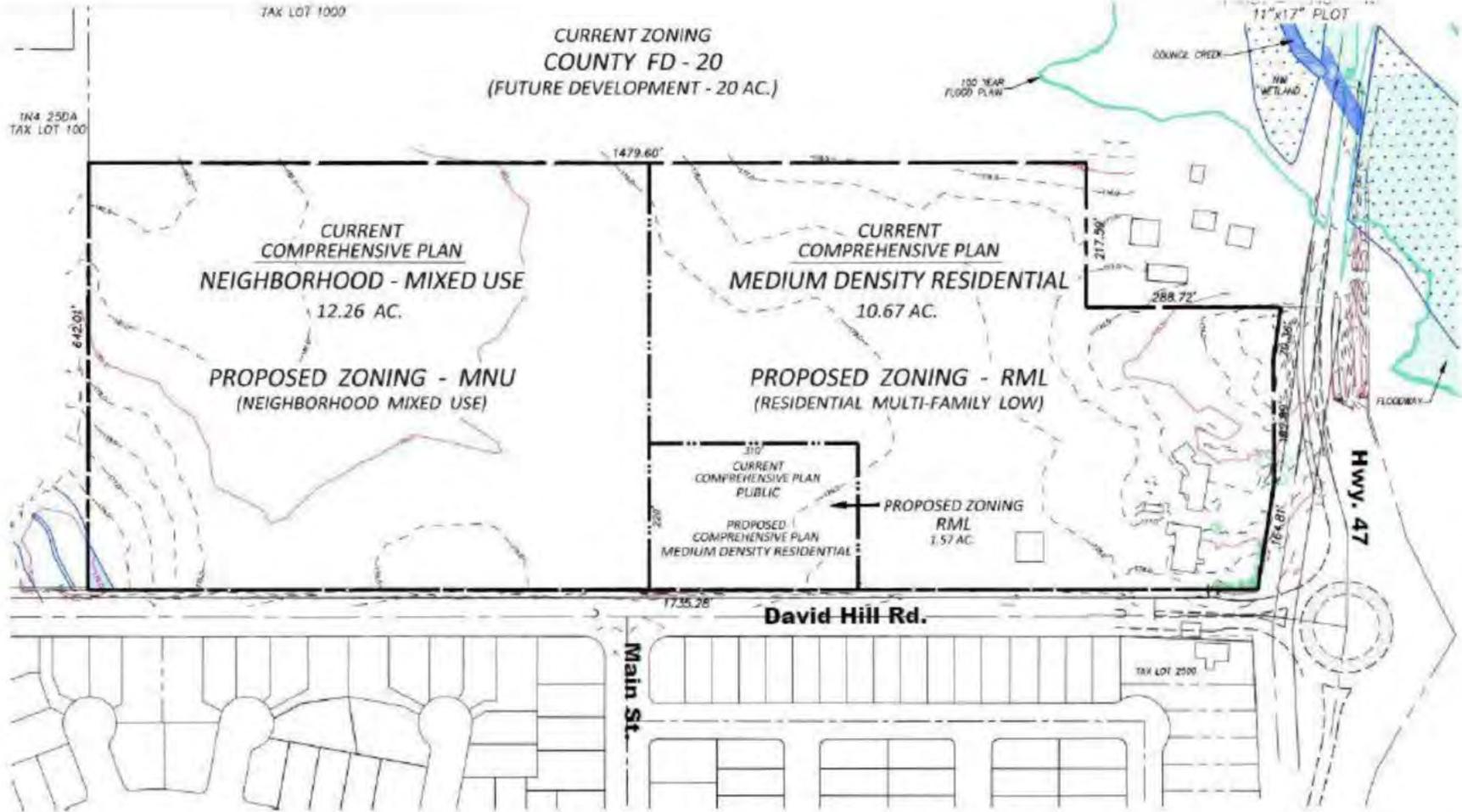
# COMP. PLAN AMENDMENT

- ❑ Emergency services, such as a fire station, are allowed as conditional uses in areas zoned Institutional as well as areas zoned for residential development.
- ❑ Any future application to build a fire station would be reviewed considering compatibility with adjacent developments and livability concerns such as noise, lights and late night operations.

# ZONING MAP AMENDMENT

- ❑ Transitioning to the requested zoning map amendment, the City must assign zoning to property within the City.
- ❑ The zoning map implements the Comprehensive Plan Map designations.
- ❑ A zoning map amendment is required by the Development Code for annexation.
- ❑ The zoning map designations assigned by City Council could be based on the current Comprehensive Plan Map or the Comprehensive Plan Map as amended provided Council approves the applicant's request.

# ZONING MAP AMENDMENT



# DECISION CRITERIA

- ❑ The applicable review criteria for this application are:
  - ❑ Comprehensive Plan Policies (Map Amendments)
    - ❑ Consistency with Oregon Statewide Land Use Planning Goals.
    - ❑ Consistency with other applicable Comprehensive Plan goals and policies.
    - ❑ Consistency with applicable Metro planning policies.
  - ❑ Zoning Map Amendments (DC 17.2.770)
    - ❑ The zone change is consistent with the Comprehensive Plan map.
    - ❑ The zone change is consistent with the relevant goals and policies contained in the Comprehensive Plan.
    - ❑ The site is suitable for the proposed zone and there is a lack of appropriately zoned alternative sites.
    - ❑ The zone change is consistent with the Transportation System Plan.
    - ❑ Public services are capable of supporting uses in the zone.
    - ❑ The establishment of the zone is not subject to conditions.

# DECISION CRITERIA

- ❑ Based on the evidence submitted into the record by the applicant, staff finds the applicant provides a basis supporting the map amendments.
  
- ❑ A summary of the applicant's statement is below:
  - ❑ The Comprehensive Plan's Housing Location Factors for site suitability indicating the site is suitable for residential development.
  - ❑ Adding land to the housing inventory will address housing needs. The site could accommodate about 20 homes.
  - ❑ The site is near areas identified for mixed use and homes near mixed use supports planning policies for creating complete communities.
  - ❑ The map amendment supports Metro policies that land use regulations allow a diverse range of housing types including small lot detached and attached homes.

# DECISION CRITERIA

- ❑ Additional information provided by the applicant is included in the application and has been provided to City Council for tonight's meeting.
- ❑ To approve the applicant's request Council must determine the applicant provided sufficient justification for the change considering the applicable decision criteria.
- ❑ During the public hearing, the applicant will be provided an opportunity to expand further on the application and map request.

# PLANNING COMMISSION REVIEW

- ❑ The Planning Commission considered the applicant's request on November 1, 2021.
- ❑ The Planning Commission adopted a motion on a 6-0 vote to recommend that City Council approve the requested map amendments.
- ❑ The Planning Commission's decision is included for review in the materials for the City Council meeting.

# COUNCIL ALTERNATIVES

- ❑ Accept the Planning Commission recommendation and adopt orders approving the Comprehensive Plan Map 1.5 acre Com. Plan map amendment and Zoning Map amendment as requested by the applicant.
- ❑ Request additional information from the applicant and keep the public hearing open to a date certain.
- ❑ Adopt a motion denying the applicant's map amendment requests stating the reasons why. This action results in retaining the current Comprehensive Plan Map designations (Neighborhood Mixed Use, Public and Medium Density Residential).
- ❑ If the Council desires to retain the 1.5 acre placeholder fire station location, the City must agree to a price and take possession within 18 months following development approval or the reservation must be released to the developer.

# COUNCIL ALTERNATIVES

- ❑ If the Council approves the applicant's requested Comprehensive Plan amendment Council should adopt the Zoning map order in the Council's packet to assign the Neighborhood Mixed Use and Residential Multifamily Low zoning designations to the subject property as requested by the applicant.
- ❑ If Council does not approve the applicant's requested Comprehensive Plan Map amendment, and therefore retains the current Comp. Plan map designations. Council should approve an amendment to the Zoning map order to assign Zoning designations that correspond to the current Comp. Plan map (Neighborhood Mixed Use, Institutional, and Residential Multifamily Low).

# STAFF RECOMMENDATION

- ❑ Based on the evidence submitted into the record, staff finds the applicant addressed the applicable review criteria supporting the map amendments.
- ❑ Therefore, staff recommends City Council accept the Planning Commission's recommendation and approve the orders amending the Comprehensive Plan Map and Zoning Map as requested by the applicant.
- ❑ Staff also recommends Council consider initiating a process, at a later date, to refine the scope of the fire station project, identify alternative locations with the Rural Fire Protection District, and prepare a strategy for funding property acquisition.



*A place where families and businesses thrive.*

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NOTICE OF PUBLIC HEARINGS  
FOREST GROVE PLANNING COMMISSION  
FOREST GROVE CITY COUNCIL  
FILE NUMBER 311-21-000037-PLNG  
WASHINGTON COUNTY TAX LOT 1N330000100

NOTICE IS HEREBY GIVEN that the Forest Grove Planning Commission will hold a Public Hearing on Monday, November 1, 2021, at 7:00 p.m. or thereafter, at the Community Auditorium, 1915 Main Street and via Zoom video conferencing, and the Forest Grove City Council will hold Public Hearings on Monday, November 22, 2021 and Monday, December 13, 2021, at 7:00 p.m. or thereafter, at the Community Auditorium, 1915 Main Street and via Zoom video conferencing, to review the following proposal:

- Ordinance annexing approximately 24.5 acres of land into the City limits of Forest Grove and Clean Water Services District and withdrawing the tract from the Forest Grove Rural Fire Protection District;
- Order adopting an amendment to the Forest Grove Comprehensive Plan Map to redesignate property subject to annexation from Public to Medium Density Residential at David Hill Road and Main Street;
- Order adopting an amendment to the Forest Grove Zoning Map to designate property subject to annexation from Washington County Future Development to Forest Grove Neighborhood Mixed Use and Residential Multifamily Low (RML); Washington County Tax Lot 1N330000100.

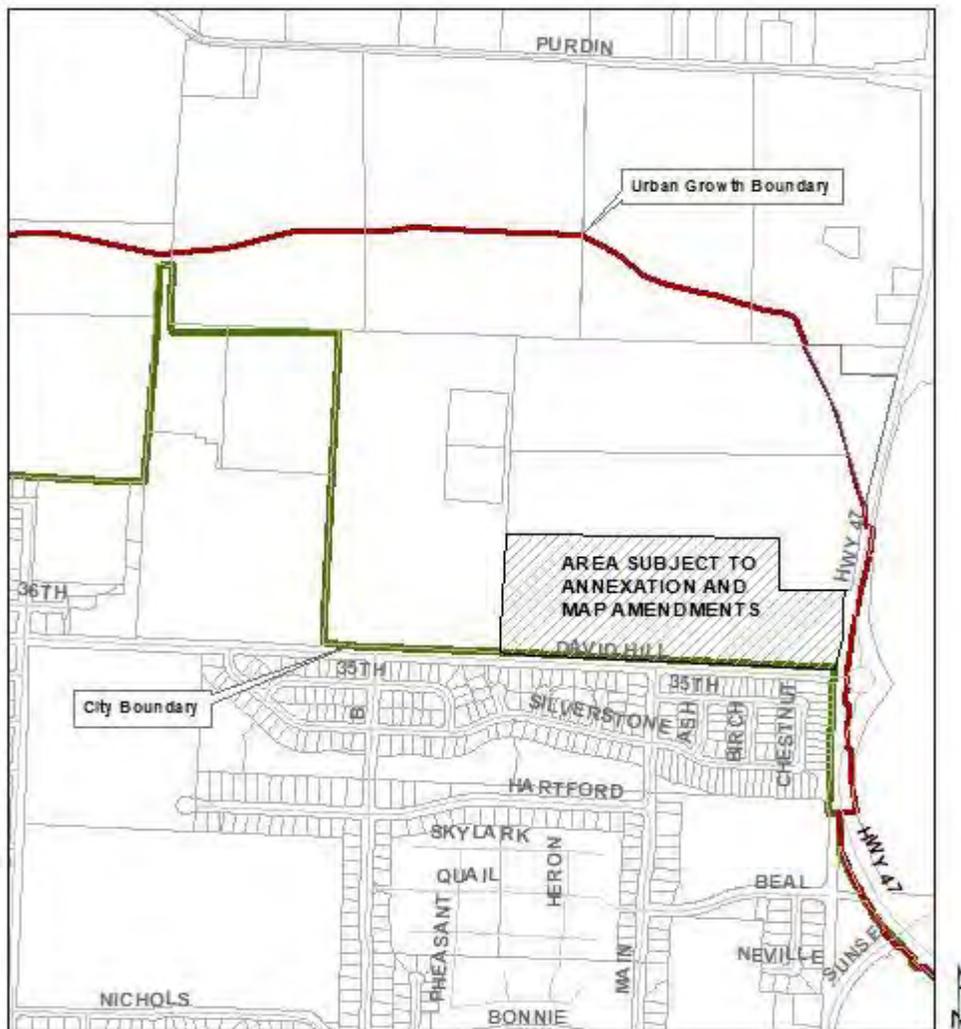
The Planning Commission and City Council will consider these proposals and base their decisions on the following review criteria. Comments in response to this proposal must address the criteria:

- Oregon Revised Statutes Chapter 222.111 & .112 (Boundary Changes)
- Oregon Statewide Land Use Planning Goals 2 (Land Use), 10 (Housing), Goal 11 (Public Facilities), Goal 12 (Transportation) and Goal 14 (Urbanization)
- Forest Grove Comprehensive Plan Community Sustainability, Land Housing, Public Facilities and Urbanization chapters
- Metro Code Chapter 3.09 (Local Government Boundary Changes)
- Metro Urban Growth Management Functional Plan
- Forest Grove Development Code Sections 17.2.770 (Zone Change Criteria)

All persons will be given reasonable opportunity to give testimony about this proposal responding to the review criteria above. If an issue is not raised in the hearing (by person or by letter) or if the issue is not explained in sufficient detail to allow the Planning Commission or 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. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. A copy of the staff report is available seven days prior to the hearing and is published on the City's website at <https://www.forestgrove-or.gov/meetings>. For further information pertaining to this proposal, please contact Senior Planner Dan Riordan, [driordan@forestgrove-or.gov](mailto:driordan@forestgrove-or.gov), Community Development Department, 1924 Council Street, (503) 992-3226, between 9 a.m. and 5 p.m.

The hearings will be held in a “hybrid” format allowing the public to attend the meetings virtual via Zoom and in-person. The Community Auditorium, 1915 Main Street, is open and has limited availability and social distancing measures. A copy of the meeting agendas with Zoom instructions and staff reports are available and published on the City's website at <https://www.forestgrove-or.gov/meetings>. To provide testimony via Zoom, please email [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov) at least 24 hours prior to the hearing. Written comments or testimony be submitted at the hearings or sent prior to the hearings to the attention of the City Recorder's Office, P.O. Box 326, 1924 Council Street, 2<sup>nd</sup> Floor, Forest Grove, OR 97116, [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov). For assistance, please call the City Recorder's Office at 503.992.3235.

### Annexation and Map Amendments 311-21-000037-PLNG



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

Publish FG NewsTimes: October 28, November 4, and November 18, 2021

Date: Jan 24, 2022

Agenda Item: F.1 & F.2.

Subject: ORDER 2021-01 Comp Plan: 202102 zoning

# 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 presiding officer will review the complete hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign-in form. When addressing the Council, please move to the witness table (center front of the room). Each person should speak clearly into the microphone and must state name and an address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the 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:** Ryan O'Brien, representing Applicant **Address:** \_\_\_\_\_ **City, State & Zip Code:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OPPONENTS:** (Please print legibly)

**First & Last Name:** \_\_\_\_\_ **Address:** \_\_\_\_\_ **City, State & Zip Code:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OTHERS:** (Please print legibly)

**First & Last Name:** \_\_\_\_\_ **Address:** \_\_\_\_\_ **City, State & Zip Code:** \_\_\_\_\_

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