

ORDINANCE NO. 2022-01

**ORDINANCE AMENDING THE FOREST GROVE DEVELOPMENT CODE THE
AMENDMENTS BEING NECESSARY FOR COMPLIANCE WITH OREGON HOUSE
BILL 2001 (2019) and SENATE BILL 458 (2021)
FILE NUMBER 311-22-000003-PLNG**

WHEREAS, Governor Brown signed into law Oregon House Bill (HB) 2001 (2019) and Oregon Senate Bill (SB) 458 (2021); and

WHEREAS, the legislative intent of HB 2001 is to allow middle housing types including duplexes, triplexes, quadplexes, townhomes and cottages in cottage clusters in areas zoned for single-unit residential development; and

WHEREAS, the primary intent of SB 458 is to allow creating individuals lots for middle housing units to promote homeownership opportunities; and

WHEREAS, the Oregon Land Conservation and Development Commission adopted Oregon Administrative Rules Chapter 600-046 establishing minimum requirements for local compliance with HB 2001; and

WHEREAS, the Oregon Department of Land Conservation and Development prepared a model code for use by municipalities; and

WHEREAS, both the Oregon Administrative Rules and model code provide guidance to municipalities for amendments to municipal development codes needed for HB 2001 compliance; and

WHEREAS, HB 2001 requires that municipalities amend local development codes to comply with the state law; and

WHEREAS, HB 2001 also requires that municipalities amend local development codes so that amendments are effective by June 30, 2022; and

WHEREAS, The City prepared amendments to the Development Code taking into account the applicable Oregon Administrative Rules and model code; and

WHEREAS, the proposed amendments were sent to the Oregon Department of Land Conservation and Development on January 27, 2002; and

WHEREAS, the Forest Grove Planning Commission held a duly-noticed public hearing on March 22, 2022 and continued deliberations to April 4, 2022; and

WHEREAS, the Planning Commission adopted Planning Commission Findings and Decision Number 2022-04 recommending Development Code amendments for approval by the City Council as shown on Exhibit C; and

WHEREAS, the City Council held duly-noticed public hearings on the Planning Commission recommended Development Code amendments on April 11, 2022, and May 9, 2022; and

WHEREAS, the City of Forest Grove desires to adopt an ordinance amending the Forest Grove Development Code to establish procedures and standards necessary for compliance with HB 2001, SB 458 and associated Oregon Administrative Rules.

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

Section 1. The Forest Grove City Council hereby adopts the text amendments as shown on Exhibit A.

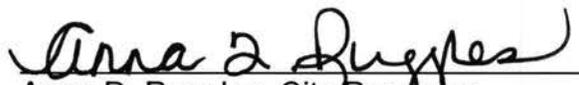
Section 2. The Council hereby finds that the proposed amendments are consistent with and meets the requirements of Oregon Statewide Land Use Planning Goal 1 (Community Involvement), Goal 10 (Housing), Goal 14 (Urbanization) and Development Code §17.2.630 (Development Code Text Amendments Review Criteria) and the Metro Urban Growth Management Functional Plan (Title 1: Housing Capacity and Title 7: Housing Choice) as shown on Exhibit B.

Section 3. The City Manager is hereby authorized to make necessary edits to the Development Code amendments (Exhibit A) for purposes of formatting, correcting scrivener errors and ensuring consistency with City Council's final decision.

Section 4. This ordinance shall be effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 11th day of April, 2022.

PASSED the second reading the 9th day of May, 2022.


Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 9th day of May, 2022.


Peter B. Truax, Mayor

Those notified of the neighborhood meeting shall, at minimum, include all surrounding property owners and residents located at the notification distance of the greatest level permit or 300 feet if the permit type is not known, as well as any other interested parties identified by the Director.

17.1.225 APPLICATION CONTENTS

A land use application shall consist of at least the following:

- A. A completed city application form with the following information:
 - 1. Property description and assessor map parcel number(s);
 - 2. Name, address, telephone number of the applicant(s), property owner(s) or contract purchaser(s), and, if applicable, the same information of the authorized agent of the applicant, property owner or contract purchaser
 - 3. A complete list of the approvals sought by the applicant.
- B. A narrative description of the proposed development, existing site conditions, and pertinent background information.
- C. Findings that discuss how the approval criteria of the Code are or can be met.
- D. A transportation study ~~may be~~ required ~~by the Director~~ when determined by the City at ~~the~~ a pre-application conference the proposed project would have potential traffic circulation or safety impacts, need for off-site street improvements or would increase traffic on City adjacent streets by at least 50 peak hourly trips, or at least 500 average daily trips, or a Transportation Impact Study is required by the Oregon Department of Transportation- or Washington County Department of Land Use and Transportation. ~~The Director may also require a transportation study for any one project or multiple projects where there may be cumulative traffic impacts from two or more projects affecting one or more shall be prepared under the supervision of professional engineer qualified in the traffic engineering field as defined by OAR 820-040-0030. The transportation facilities study shall include the expected trip generation of the proposed development including the weekday AM peak hour, PM peak hour, and daily traffic estimates. The transportation study shall identify all site-access points and intersections (signalized and un-signalized) adjacent to the development site. If the development site fronts an arterial or collector street the analysis shall identify and assess all intersections within ¼ mile of the development site.~~
- E. Duplicates of the above information as required by the Director. (Note: The pre-application conference summary will provide guidance on what specific information is required and how many copies must be submitted.)
- F. All required application fees.
- G. An 8 ½ x 11 copy of the site plan for the public notice.
- H. Additional applicable information required by other sections of this Code.

DESIGN REVIEW

§ 17.2.300 PURPOSE

The purpose of Design Review is to:

- A. Establish guidelines and standards that will promote good neighborhood design;
- B. Encourage development that upholds property values and becomes a long-term asset to the community;
- C. Encourage creative and cost-effective building and site design; and
- D. Provide flexibility in the administration of development standards.

In addition to the requirements of this section, applications subject to design review are also subject to site development review as provided in §17.2.400 (a separate application and fee is not required).

§ 17.2.310 APPLICABILITY

Design review is required for the following:

- A. New ~~single family attached developments;~~
- ~~B. New multi-unit developments with more than five (5) units;~~
- ~~C.~~ New commercial development;
- ~~D.~~ Alterations, remodels, or renovations of commercial development in the Town Center and Neighborhood Commercial zones which result in additional floor area of more than 400 square feet; and
- ~~E.~~ Alterations, remodels, or renovations of commercial development in all other Commercial zones which result in additional floor area of more than 1,000 square feet.
- ~~F.~~ New development in a historic district;
- ~~G.~~ Alterations, remodels, renovations or relocations of a historic landmark; and
- ~~H.~~ Alterations, remodels, renovations or relocations of a historic contributing building.

§ 17.2.320 OVERVIEW OF PROCESS

Design review applications will be processed in one of two tracks: Development Standards or Design Guidelines. The applicant shall identify the desired tract as part of the initial application. The tracks are described as follows:

Track 1 -- Development Standards. Applications are required to meet the clear and objective development standards which are provided in the development code. These requirements are intended to be specific and directive. The purpose is to establish a baseline for site plan design which works in conjunction with other requirements of the development code.

Track 2 -- Design Guidelines. Applications allow more flexibility in terms of design. Under this process the applicant shall be held to the intent of the standards, but is allowed to vary from these standards if demonstrated that related guidelines and objectives are adequately addressed and that the deviation results in a higher quality development than would result under a strict interpretation of the code.

§ 17.2.330 PROCEDURE

The design review applicant must select one of two design review tracks: (1) development standards track or the (2) design guidelines track. Depending upon the tract and specific characteristics of the project, these are reviewed under a Type II or Type III procedure, as described below.

A. Track 1 – Development Standards. Applications shall be reviewed under a Type II or III procedures as outlined below:

1. Type II Review. The Director is the review authority for the following Track 1 – Design Standards applications:

~~a. Multifamily developments with 3–5 units; and~~

~~b.a.~~ Commercial alterations, remodels, renovation, and new construction of less than 10,000 square feet.

2. Type III Review. The Planning Commission is the review authority for the following Track 1 design review applications:

a. Multifamily developments with more than ~~six (6)~~five (5) units;

b. Commercial alterations, remodels, renovation, and new construction of more than 10,000 square feet.; and

c. Any Type II design review application elevated by the Director to the Type III procedure.

B. Track 2 – Design Guidelines. The review standards are intended to be flexible in nature. This process does not allow applicants to avoid any City requirements, but may provide alternative methods for meeting requirements. Track 2 applications shall be reviewed under a Type II or III procedures as outlined below:

1. Type II Review. The Director is the review authority for the following Track 2 design review applications:
 - a. ~~Multifamily developments with 3–5 units; and~~
 - ba. Commercial alterations, remodels, renovation, and new construction of less than 3,000 square feet.
2. Type III Review. The Planning Commission is the review authority for the following Track 2 design review applications:
 - a. Multifamily developments with more than ~~six (6)~~five (5) units;
 - b. Commercial alterations, remodels, renovation, and new construction of more than 3,000 square feet; and
 - c. Any Type II design review application elevated by the Director to the Type III procedure.

§ 17.2.340 SUBMITTAL REQUIREMENTS

In addition to the standard submittal requirements for a Type II or Type III application, and the submittal requirements of a Site Plan in §17.2.440, the following documents are required for Design Review. Plans shall be drawn to scale and fully dimensioned. At the pre-application conference, the Director may specify more detailed submittal requirements or waive specific submittal requirements if warranted.

- A. Architectural drawings, renderings, sketches and a materials board showing all elevations of proposed buildings as they will appear on completion.
- B. All existing and proposed walls and fences, including the location, height, type of design and composition.
- C. An open space plan showing the locations and dimensions of common and private open space, including active and passive recreational areas.

§ 17.2.350 REVIEW CRITERIA

Projects subject to design review by the Director (Type II) or the ~~Design Review~~Planning Commission (Type III) shall be evaluated based on the following:

- A. The development standards of the applicable zoning district and any overlay district;
- B. The general development standards of Article 8.
- C. Departures from code requirements may be permitted as part of a Track 2 Design Review Process, when the following criteria are met:

§ 17.2.430 PROCEDURE

Site development review is categorized as a Type I procedure for ~~one (1) a single-family-unit detached dwelling on an individual lot; one (1) townhouse on an individual lot;~~ duplex on an individual lot; ~~one (1) triplex on an individual lot; cottage cluster project; or~~ manufactured home on an individual lot. All other site development reviews shall follow the Type II procedure unless exempt.

§ 17.2.440 SUBMITTAL REQUIREMENTS

In addition to the standard submittal requirements for a Type II application, the following plans and information are required for Site Development Review. The Director may waive specific submittal requirements at the pre-application conference, if warranted.

Site Development Plans shall be drawn to scale and fully dimensioned, and shall illustrate the following:

- A. Boundaries of the development site, with lot line dimensions and land area in square feet;
- B. Boundaries of lots adjacent to the development site, with general locations of existing buildings and driveways and description of current land uses;
- C. Existing contours of the development site at two (2) foot intervals for slopes of less than 10% and at ten (10) foot intervals for slopes of more than 10%. Additional contour data may be required by the Director for slopes greater than 20%.
- D. Major existing physical and natural features such as perennial and intermittent streams, wooded areas, marshes, rock outcroppings, and vegetative cover types;
- E. Environmental resource areas subject to the provisions in §17.8.305 and, where applicable, §17.5.005 et. seq. and environmental hazard areas subject to the requirements in §17.8.317.
- F. Individual trees or groves of trees subject to the provisions of §17.5.100 et. seq.
- G. Historic Landmarks subject to the provisions of §17.5.200 et. seq.
- H. Location, dimensions and heights of existing and / or proposed structures, including area in square feet and designation of existing and/or proposed use;
- I. Setback dimensions from buildings to lot lines and lot coverage as a percentage of total lot size;
- J. Location and dimensions of existing and/or proposed streets, driveways, transit facilities, sidewalks, trails, off-street parking and loading space, bicycle parking facilities, landscaped areas, recreation areas, and trash storage areas;

- K. Location of existing utilities and fire hydrants adjacent to the site, including the size of storm sewer, sanitary sewer and water lines;
- L. Location and names of public street, parks, utility rights-of-way and easements within or adjacent to the site;
- M. Location and types of proposed drainage, water and sewer facilities to serve the development;
- N. Elevation drawings of proposed buildings;
- O. Landscape plan depicting existing and proposed trees, shrubs, groundcover, irrigation and architectural features such as fences or walls. Proposed plantings shall be designated as to species, quantities, and size at time of planting;
- P. Location, character and dimensions of proposed signs and lighting; and
- Q. Locations and dimensions of all existing and proposed outdoor storage areas, including but not limited to trash storage and recycling areas.

§ 17.2.450 REVIEW CRITERIA

The Director shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:

- A. The applicant demonstrates the site development plan complies with ~~all applicable~~ standards of the base zoning district (Article 3), any overlay district, and the ~~applicable~~ general development standards of Article 8.
- B. The site development plan ~~ensures reasonable compatibility with surrounding uses as it relates to the following factors:~~
 - ~~1. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and~~
 - ~~2. Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or adequately mitigated through other design techniques.~~
- ~~C. The site addresses the~~ development plan ~~preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:~~
 - ~~1. Significant on-site vegetation and trees;~~
 - ~~2. Prominent topographic features; and~~

~~3. Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.~~

~~D. The site standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present on or directly adjacent to the development plan preserves or adequately mitigates impacts to designated historic resources. site.~~

~~E. The site development plan provides adequate right of way and improvements to abutting streets to meet the street standards of the City. This may include, but not be limited to, improvements to the right of way, sidewalks, bikeways, and other facilities needed because of anticipated vehicular and pedestrian traffic generation.~~

~~F. The site development plan promotes safe, attractive and usable pedestrian facilities that connect building entrances, public sidewalks, bicycle and auto parking spaces, transit facilities, and other parts of a site or abutting properties that may attract pedestrians.~~

ZONING MAP

§ 17.3.010 CLASSIFICATION OF ZONES

All areas within the corporate limits of the City of Forest Grove are divided into the following zones:

**TABLE 3-1
Zoning Districts**

<u>Zoning District</u>	<u>Map Symbol</u>
Single Family Residential	R-5
Single Family Residential	R-7
Single Family Residential	R-10
Suburban Residential	SR
Multi-Unit (Low) Residential	RMLRM
Multi-Unit (High) Residential	RMHRH
Institutional	INST
Community Commercial	CC
Commercial – Neighborhood	NC
Town Center Core	TCC
Town Center Transition	TCT
Light Industrial	LI
General Industrial	GI
Business Industrial Park	BIP
<u>Overlay District (Article 4)</u>	<u>Map Symbol</u>
Master Plan	MP
Planned Development	PD
Mixed Use Planned Development	MUPD

RESIDENTIAL ZONES

§ 17.3.100 PURPOSE

The City of Forest Grove has established ~~six~~ five residential zones to implement the Residential designations of the Comprehensive Plan. The zones provide the flexibility for a range of lot sizes and housing types. The six zones are distinguished primarily by the ~~number of dwelling units permitted per net acre. Target densities are established for each zone. The Code also provides an opportunity for a density bonus in each of the zones to encourage special design features and amenities when a Planned Development (PD) process is followed.~~ housing types allowed. The regulations of the residential zones are intended to ~~protect the livability of existing and future residential neighbor hoods by encouraging primarily residential development with compatible non-residential development at appropriate locations and at an appropriate scale. Another purpose of these regulations is to~~ encourage a full range of owner-occupied and rental housing ~~at affordable prices.~~ opportunities.

§ 17.3.110 LIST OF RESIDENTIAL ZONES

A. Suburban Residential SR

The SR zone is intended for development of housing at a target density of 1.0 dwelling unit per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are permitted or allowed with conditional use permit approval.

B. Residential R-~~107~~

The R-~~107~~ zone is intended for development of variety of housing ~~at a target density of 4.35 dwelling units per net acre. Detached types including single-family housing will be the predominant housing type in this zone. Accessory unit detached, accessory~~ dwelling units, duplexes, triplexes, quadplexes, townhomes and ~~attached housing types are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.~~

C. ~~Residential R-7~~

~~The R-7 zone is intended for development of housing at a target density of 6.22 dwelling units per net acre.~~ cottage clusters. Detached single-family housing will likely be the predominant housing type in this zone. ~~Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone.~~ A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.

DC. Residential R-5

The R-5 zone is intended for development of ~~a variety of~~ housing ~~at a target density of 8.71 dwelling units per net acre.~~ ~~types including single unit detached, accessory dwelling units, duplexes, triplexes, quadplexes, townhomes and cottage clusters.~~ Detached single-family housing will likely be the predominant housing type in this zone. ~~Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone.~~ A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.

ED. Residential ~~RML~~Medium RM

The ~~RML~~RM zone is intended for development of ~~housing at a target density of 12 dwelling units per net acre.~~ ~~Small lot single family housing, duplexes, unit detached, single unit attached dwellings and small multi-dwelling residences will be permitted housing types, subject to the density limitations of the zone.~~ unit dwellings. homes on small lots. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval. The ~~RML~~RL zone functions as a transition zone between the lower density residential zones and the higher intensity residential and non-residential zones.

FE. Residential ~~RMH~~High RH

The ~~RMH~~RH zone is intended for development ~~at a target density of 20.28 dwelling units per net acre.~~ ~~Multi-multi-unit residential buildings will be the predominant housing type in this.~~ This zone. ~~RMH also allows small lot single unit homes.~~ RH zoning is generally applied near transit streets and adjacent to commercial districts. The RMH zone also allows a limited range of non-residential uses to help provide services for residents and enhance the quality of the higher density neighborhood.

§ 17.3.120 USE REGULATIONS

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

- A. Permitted Uses. Uses allowed in the Residential zones are listed in Table 3-2 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-2 with an “L”. These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-2 with a “C”. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. The conditional use process and approval criteria are stated in §17.2.200.

- D. Not Permitted Uses. Uses listed in Table 3-2 with an “N” are not permitted or prohibited. Existing uses may be subject to the regulations of §17.7.100 Nonconforming Development.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

**TABLE 3-2
Residential Zones: Use Table**

USE CATEGORY	SR	R-10	R-7	R-5	RML RM	RMH RH
<u>RESIDENTIAL</u>						
Household Living	P		P	P	P	P
Group Living	L ^[1]		L ^[1]	L ^[1]	L ^[1]	L ^[1]
Transitional Housing	N		N	N	C	C
Home Occupation	L ^[2]		L ^[2]	L ^[2]	L ^[2]	L ^[2]
Bed and Breakfast	L ^[3]		L ^[3]	L ^[3]	L ^[3]	L ^[3]
<u>HOUSING TYPES</u>						
Single Units, Detached	P		P	P	P	L ^[4]
<u>Single Units, Attached/Townhouses</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Single Accessory Dwelling Units, Attached</u>	<u>L_A^[5]</u>		<u>L_A^[5]</u>	<u>L_A^[5]</u>	<u>L_A^[5]</u>	<u>P_A^[5]</u>
<u>Duplexes</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Triplexes</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Quadplexes</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Cottages/Cottage Clusters</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Courtyard Dwellings</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Accessory Units Manufactured Homes on Lots</u>	L ^[6]		L ^[6]	L ^[6]	L ^[6]	L ^[6]
<u>Duplexes</u>	<u>L^[5]</u>		<u>L^[5]</u>	<u>L^[5]</u>	<u>L^[5]</u>	<u>P</u>
<u>Manufactured Homes</u>	<u>L^[7]</u>		<u>L^[7]</u>	<u>L^[7]</u>	<u>L^[7]</u>	<u>L^[7]</u>
Manufactured Home Park	N		C	C	C	C
Multi-Family Units (<u>five or more units</u>)	N		N	N	NP	P
<u>CIVIC</u> / <u>INSTITUTIONAL</u>						<u>P</u>
Basic Utilities	P		P	P	P	P
Major Utility Transmission Facilities	C		C	C	C	C
Colleges	C		C	C	C	C
<u>Community Recreation</u>	<u>P/C^[7]</u>		<u>P/C^[7]</u>	<u>P/C^[7]</u>	<u>P/C^[7]</u>	<u>P/C^[7]</u>
<u>Cultural Institutions</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Community Recreation Day Care</u>	<u>P/C_L^[8]</u>		<u>P/C_L^[8]</u>	<u>P/C_L^[8]</u>	<u>P/C_L^[8]</u>	<u>P/C_L^[8]</u>

<u>Cultural Institutions</u>	€	€	€	€	€	€
<u>Day Care</u>	£ ^[9]					
Emergency Services	C	C	C	C	C	€
Postal Services	N	N	N	N	N	€
Religious Institutions	C	C	C	C	C	€
Schools	C	C	C	C	C	€
Social/ Fraternal Clubs / Lodges	N	N	N	N	NC	€
<u>COMMERCIAL</u>						
<u>Commercial Lodging</u>	N	N	N	N	N	
<u>Eating and Drinking Establishments</u>	N	N	N	N	N	
<u>Entertainment – Oriented:</u>						
- <u>Major Event</u>	N	N	N	N	N	
<u>Entertainment</u>						
- <u>Outdoor Entertainment</u>	N	N	N	N	N	
- <u>Indoor Entertainment</u>	N	N	N	N	N	
<u>General Retail:</u>						
- <u>Sales – Oriented</u>	N	C ^[9]	C ^[9]	C ^[9]	C ^[9]	
- <u>Personal Services</u>	N	N	N	N	N	
- <u>Repair – Oriented</u>	N	N	N	N	N	
- <u>Bulk Sales</u>	N	N	N	N	N	
- <u>Outdoor Sales</u>	N	N	N	N	N	
- <u>Animal – Related</u>	N	N	N	N	N	
<u>Medical Centers</u>	N	N	N	N	N	
<u>Motor Vehicle Related:</u>						
- <u>Motor Vehicle Sale / Rental</u>	N	N	N	N	N	
- <u>Motor Vehicle Servicing / Repair</u>	N	N	N	N	N	
- <u>Motor Vehicle Fuel Sales</u>	N	N	N	N	N	
<u>Non-Accessory Parking</u>	N	N	N	N	N	

USE CATEGORY	SR	R-10	R-7	R-5	RML	RMH
COMMERCIAL						
Commercial Lodging	N	N	N	N	N	N
Eating and Drinking Establishments	N	N	N	N	N	N
Entertainment—Oriented:	N	N	N	N	N	N
—Major Event Entertainment	N	N	N	N	N	N
—Outdoor Entertainment	N	N	N	N	N	N
—Indoor Entertainment	N	N	N	N	N	N
General Retail:	N	C₁₀₀	C₁₀₀	C₁₀₀	C₁₀₀	C₁₀₀
—Sales—Oriented	N	N	N	N	N	N
—Personal Services	N	N	N	N	N	N
—Repair—Oriented	N	N	N	N	N	N
—Bulk Sales	N	N	N	N	N	N
—Outdoor Sales	N	N	N	N	N	N
—Animal—Related	N	N	N	N	N	N
Medical Centers	N	N	N	N	N	N
Motor Vehicle Related:	N	N	N	N	N	N
—Motor Vehicle Sale/Rental	N	N	N	N	N	N
—Motor Vehicle Servicing/Repair	N	N	N	N	N	N
—Motor Vehicle Fuel Sales	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	N

INDUSTRIAL						
Industrial Services	N	N	N	N	N	N
Manufacturing and Production:						
- Light Industrial	N	N	N	N	N	N
- General Industrial	N	N	N	N	N	N
Call Centers	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N
Warehouse / Freight Movement	N	N	N	N	N	N
Waste – Related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
OTHER						
Agriculture / Horticulture	L ^[+10]	N				
Cemeteries	P	P	P	P	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Wireless Communication Facilities	L ^[+211]					
Self-Service Storage	N	N	N	N	N	N
Information Centers	N	N	N	N	N	N
Office	N	N	N	N	N	N

P = Permitted L = Limited C = Conditional Use N = Not Permitted

Table Footnotes:

- [1] Group living with five (5) or fewer residents permitted by right; group living with six (6) or more residents requires conditional use approval.
- [2] Home occupation permitted as an accessory use in all residential zones, subject to compliance with the home occupation standards in Article 7.

- [3] Bed & Breakfast Inn limited to five (5) guest rooms in the SR, ~~R-10, RL~~ R-7, R-5 and ~~RMLRM~~ zones and ten (10) guest rooms in the RMHRH zone, subject to compliance with the Bed & Breakfast Inn standards in Article 7.
- [4] To preserve RMHRH land for development of multi-family housing, new detached single-family ~~units~~ unit homes (including manufactured homes) shall only be allowed on existing lots of record smaller than 5,000 square feet.
- ~~[5] For subdivision of twenty (20) or more lots, eight percent (8%) of the lots may be developed as duplex or single family attached lots. An increase of up to maximum of twenty percent (20%) may be approved by the Director if the criteria in §17.3.130(E) are adequately addressed.~~
- ~~[6]~~ [5] Accessory dwelling units –including manufactured homes - are allowed in conjunction with a single-family dwelling in any residential zone, subject to compliance with the accessory dwelling unit standards in Article 7. Manufactured home ADUs are prohibited in historic districts.
- ~~[76]~~ [76] Manufactured homes on individual lots are permitted except within national historic districts, subject to compliance with the standards in Article 7. Manufactured homes are prohibited within a national historic district.
- ~~[87]~~ [87] Commercial recreation uses including trails, parks, playgrounds and open space are permitted uses and require a Type II process. Recreation centers and other facilities used by organized team sports require a Conditional Use Permit.
- ~~[98]~~ [98] A day care facility (care of up to 16 children) is permitted in all residential zones. A day care institution (care of more 16 children) requires approval of a conditional use permit in all residential zones. A non-resident day facility or day care institution requires approval of a conditional use permit in all residential zones.
- ~~[109]~~ [109] A neighborhood store, limited to a size of 2,000 square feet, is permitted with approval of a conditional use permit. No retail outlet regulated by the Oregon Liquor Control Commission - other than those operating under an Off-Premises Sales License - is allowed in any residential zone district. Stores must be located along a collector street.
- ~~[110]~~ [110] Agriculture uses such as truck farming and horticulture are permitted. Commercial agriculture uses including but not limited to marijuana grow sites for commercial or medical purposes as regulated by the State, and buildings and the keeping of livestock and poultry (other than ordinary household pets) are not permitted.
- ~~[1211]~~ [1211] Wireless communication facilities are regulated by the standards in Article 7.

§ 17.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

A. Residential ~~Densities~~Development Intensity/Number of Units

The City of Forest Grove regulates residential development primarily by ~~density rather than minimum lot size. Density is calculated~~lot coverage based on net site area. ~~Within the density limits of each of the five residential zones, a variety of housing types and lot sizes are permitted. This approach allows more sites to be developed with the flexibility of a Planned Development.~~

building setbacks, permissible maximum building height and minimum lot size. . All residential subdivisions in the SR, R-5 and multi-family developmentsR-7 zoning districts are required to develop at a minimum of 80% of the targeted density.

TABLE 3-3: Residential Zone Density Standards

Zoning District	Average Lot Size	Target	Minimum	Incentive*
SR	43,560 square feet	1.00	0.80	1.20
R-10	10,000 square feet	4.35	3.48	5.22
R-7	7,000 square feet	6.22	4.98	7.15
R-5	5,000 square feet	8.71	6.97	17.02
RML	—	12.00	9.60	13.80
RMH	—	20.28	16.22	23.32
Density = dwelling units / NET ACRE Minimum Density = 80% of Target Incentive Density = 115% of Target except for SR and R-10, which is 120% of Target				

* Only allowed a part of a Planned Development (see §17.4.200)

B. ~~Calculating Potential Densities~~

~~The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.~~

- ~~1. The Target Density is permitted outright.~~
- ~~2. The Minimum Density is required to ensure:

 - ~~a. Land is being used at the appropriate intensity planned for the area;~~
 - ~~b. Enough dwelling units can be developed to accommodate the projected need for housing; and~~
 - ~~c. Compliance with the Metro Functional Plan.~~~~
- ~~3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and~~

~~the general public and/or provide affordable housing. Incentive Density is only allowed as part of a Planned Development (see §17.4.200).~~

~~C. Density Reductions Due to Slope~~

~~All densities (target, minimum and incentive) listed in Table 3-3 shall be reduced based on the slope of the property as shown below. Where a parcel has areas of different slopes, the property shall be divided up into areas of like slopes, and the reductions applied to those areas. If the areas of similar slopes do not fit into the categories below, the Director shall use a percentage reduction that is based on the slope to density reduction relationship expressed in Table 3-4 (For example, an area of 13% to 18% slope would receive a reduction of around 25%).~~

TABLE 3-4: Density Reduction for Slopes

Average Slope	Reduction in Density
10% to 14.9%	10%
15% to 24.9%	30%
25% to 34.9%	50%
35% and above	100%

~~For development sites over two (2) acres that have an average slope greater than 20% (see definition), development is only allowed through approval of a Planned Development.~~

~~D. Exemptions from Minimum Density Standards~~

~~1. Small Parcels. The minimum density standards set forth in Table 3-3 focus primarily on subdivisions and multi-family developments. The standards do not apply to individual single family building permits on existing parcels or to partitions or development on parcels smaller than one half (1/2) acre. The City does not want to inhibit infill development or require densities that are out of scale with established neighborhoods with the application of minimum density standards to small parcels. However, this exemption does not reduce the target density allowed outright on parcels smaller than one half (1/2) acre; it only removes the requirement for a minimum number of units.~~

~~E. Incentive Density~~

~~(1) Planned Developments may request a density bonus up to a maximum of the Incentive Density shown in Table 3-3 and shall be based on meet the following discretionary criteria lot averaging requirements:~~

- ~~1. The availability and accessibility of public transportation, and/or connectivity improvements likely to result in reduced vehicular use.~~
- ~~2. How well natural resources such as streams, riparian areas and wetlands are protected, integrated into the design residential development, defined as a common area, and made accessible to as many individual parcels/units as possible.~~

- ~~3. How well common recreational areas are integrated into the design of the residential development, such that there is the maximum number of physical connections to lots and units, and visual connections to future dwelling sites.~~
 - ~~4. Public accessibility and use of the common recreation area where appropriate, given the intended use of the area, linkage to future trails, etc.~~
 - ~~5. Other design features, amenities, and/or improvements which can be shown (by use of built examples) to increase the value of the residential development for neighborhood residents and the general public and/or provide more affordable housing.~~
 - ~~a. FSR zone: Average of 43,560 square feet~~
 - ~~b. R-5 zone: Average of 5,000 square feet~~
 - ~~c. R-7 zone: Average of 7,000 square feet~~
- (2) Maximum density does not apply to accessory dwelling units, duplexes, triplexes and quadplexes, however, the following limits apply to the division of a primary lot:
- a. Accessory Dwelling Units: maximum of one per single-unit detached dwelling
 - b. Duplex: maximum of two units per lot
 - c. Triplex: maximum of three units per lot
 - d. Quadplex: maximum of four units per lot
- (3) Duplex, triplex, and quadplex units may be placed on an individual secondary lot through a middle housing land division. For a middle housing land division only one unit is allowed for each secondary lot.
- (4) Cottage clusters shall have at least three cottage units per cottage cluster lot.
- (5) Townhouses shall have at least two attached units with individual lots created for each unit. The density for townhouse development shall not exceed 25 units per net acre. No more than six units may be attached in a townhouse development.

B. Minimum Lot Size and Dimensions (~~SR, R-10, R-7 Zone~~ and R-5 ~~Zones~~Zone)

Varied lot sizes and housing types are permitted and encouraged within the ~~density ranges established for the SR, R-10, R-7 and R-5 Zones. As described above, the number of units allowed on a parcel is based on the target density allowed for the particular zone (See Table 3-3).~~

The City has established ~~base~~ minimum lot size and dimensional standards ~~that apply after the potential number of units has been determined. These standards ensue to ensure~~ that each lot has enough area for a house, garage, setbacks and private outdoor area. To ensure that development can be built near to and oriented toward the street, a minimum width at the front setback line is required.

The minimum lot size is the smallest permissible size of a building lot. See Article 6 Land Divisions for additional lot development standards.

—TABLE 3-53: Lot Dimensional Requirements (~~Low-Density Residential~~) R-5/R-7 Zones)¹

R-5 Zone

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Size</u>	<u>Minimum Lot Dimensions</u> ^[1]	
Single-Family Detached	70% of average lot size 3,500 square feet	<u>15,000 square feet</u>	Depth: 75 <u>60</u> feet	Width: 50 <u>34</u> feet
Manufactured Home	70% of average lot size 3,500 square feet	<u>15,000 square feet</u>	Depth: 75 <u>60</u> feet	Width: 50 <u>34</u> feet
Duplex	5,000 <u>3,500</u> Square Feet	<u>15,000 square feet</u>	Depth: 75 <u>60</u> feet	Width: 50 <u>34</u> feet
Single- family Unit Attached/ <u>Townhouse</u>	2 <u>1,500 Square Feet</u> square feet	<u>15,000 square feet</u>	Depth: 75 <u>60</u> feet	Width: 25 <u>34</u> feet
<u>Triplex</u>	<u>5,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Cottage Cluster</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Courtyard Housing</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
Other Uses	5,000 Square Feet	<u>15,000 square feet</u>	Depth: 75 <u>60</u> feet	Width: 50 <u>34</u> feet

Footnote: [1] Lot width is measured at the front building line.

¹ Minimum and maximum lot sizes apply to land divisions. Parcels larger than the maximum lot sizes shown in Table 3-5 are allowed for purposes of phasing development or reserving land for open space or undevelopable tracts. Property previously zoned R-10 is subject to the R-7 standards.

GR-7 Zone

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Size</u>	<u>Minimum Lot Dimensions ^[1]</u>	
<u>Single-Family Detached</u>	<u>4,900 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Manufactured Home</u>	<u>4,900 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Duplex</u>	<u>4,900 Square Feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Single-family Attached/Townhouse</u>	<u>1,500 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 25 feet</u>
<u>Triplex</u>	<u>5,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Cottage Cluster</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Courtyard Housing</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Other Uses</u>	<u>5,000 Square Feet</u>	<u>5,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>

C. Minimum Lot Size and Dimensions (RMLRM and RMHRH Zones)

Varied lot sizes and housing types are permitted and encouraged within the density ranges established for the RML and RMH Zones. However, construction of new single family detached units is restricted to existing lots smaller than 5,000 square feet in the RMH Zone in order to retain land for multi-family housing. ~~The following base minimum lot size and dimensional standards apply after the potential number of units has been determined using Table 3-3.~~

**TABLE 3-64: Lot Dimensional Requirements
Moderate-to-High-Density Residential**

RM and RH Zones

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Dimensions ^[1]</u>	
Single-family Detached	3,500 000 Square Feet	Depth: 70 60 feet	Width: 50 35 feet
Manufactured Home	3,500 000 Square Feet	Depth: 70 60 feet	Width: 50 35 feet
Duplex	4,200 3,000 Square Feet	Depth: 70 60 feet	Width: 60 feet
Single-Family Attached/Townhome	2 1,500 Square Feet	Depth: 70 feet/ 65 feet with vehicular access from alley	Width: 25 20 feet
Single-Family Attached (RMH Zone Only) Triplex	2 5,000 Square Feet	Depth: 70 feet/ 65 feet ²	Width: 20 50 feet
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
<u>Cottage Cluster</u>	<u>5,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 35 feet</u>
<u>Courtyard Housing</u>	<u>5,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>

Multi-Unit	7,000 Square Feet	Depth: 70 feet	Width: 100 feet
Other Uses	5,000 Square Feet	Depth: 70 feet	Width: 50 feet

Footnotes: [1] Lot width is measured at the front building line.
[2] Depth allowed when vehicular access from a public alley

HD. Setback Standards

Building setbacks have an important relationship to the character of the street. Because varied lot sizes and housing types are permitted in the residential zones, uniform setbacks are established to provide a consistent streetscape.

TABLE 3-7:5: Minimum Setback Requirements

<u>Housing Type</u>	<u>Front Yard, to Dwelling</u> ^[1,2]	<u>20 feet</u> (possible reduction to <u>Front Yard to Garage/Parking Area</u> ^{14 feet})	<u>Interior Side Yard</u>	<u>Rear Yard</u>
<u>Front Yard, Garage Single Unit Detached</u>	<u>14 feet</u>	20 feet	<u>5 feet</u>	<u>15 feet</u>
<u>Duplex</u>	<u>14 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>15 feet</u>
<u>Single Unit Attached/Townhouse Interior Side Yard</u> ^[3,4]	<u>12 feet</u>	<u>20 feet</u>	<u>Either 5 feet or 1 foot for each 3 feet of building height, whichever is greater</u> <u>0 feet common wall construction</u> <u>5 feet exterior wall at end of structure</u>	<u>0 feet adjacent to alley</u> <u>10 feet no alley</u>
<u>Corner Side Yard Triplex & Quadplex</u>	<u>Same as front yard</u> <u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Cottage Clusters</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>15 feet or 2 feet for every 3 feet in building height at the eave line, whichever is greater.</u> <u>10 feet</u>
<u>Courtyard Housing</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u> ^[5, 6]	
<u>Multi-Unit Structures</u>	<u>12 feet</u>	<u>14 feet</u>	<u>Buffer yard required based on adjacent use reference §17.8.425 (Table 8-2)</u>	<u>Buffer yard required based on adjacent use reference §17.8.425 (Table 8-2)</u>

Footnotes:

- ~~[1] The front yard setback (for the dwelling or dwellings) may be reduced to~~
- ~~[1] The side yard setback for attached single-unit dwellings/townhomes 14 feet when the front facade is designed for orientation to and visibility from the street as follows: The front facade is designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front-facing window such that a person (if there were no vegetation) would be able to see 100% of their front property line.~~
- ~~[2] On an infill lot in a developed neighborhood with established front yard setbacks that are less than the twenty (20) foot standard, the setback for the new dwelling(s) and the location of the garage shall match front yard setback of the existing dwellings and garage location on abutting lots. Setback compatibility shall be determined through building plan check review, and shall not require a land use application or approval of an adjustment.~~
- ~~[3] The side yard setback for attached single family dwellings shall be a minimum of zero (0) feet at common walls and five (5) feet or one (1) foot for each three (3) feet of building height at the eave line, from the end of the unit series. Unless approved by the Director, the dwellings shall be arranged on lots in a manner that the non-zero setback portion for one lot shall be adjacent to the non-zero setback portion on the adjoining lot in order to provide greater continuous open space.~~
- [42] Accessory buildings (including accessory dwellings and detached garages) that do not exceed one (1) story in height shall not be located closer than five (5) feet to any side or rear property line.
- [53] Attached garages which exit to an alley may have a minimum rear yard setback of five (5) feet.
- [64] A larger rear yard setback may be required for multi-family dwellings when the rear yard abuts a lower density residential zone. The need for a larger rear yard setback to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process. The screening and buffering standards of Article 8 will be used as guidelines.

‡

E. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

1. Buildings in the SR, R-~~10~~, R-7, R-5 and ~~RMLRM~~ Zones are limited to a maximum height of two and one half (2 ½) stories or thirty-five (35) feet, whichever is less. Accessory buildings are limited to a maximum height of one and one-half (1 ½) stories or twenty-five (25) feet, whichever is less.
2. Buildings in the ~~RMHRH~~ Zone are limited to a maximum height of three (3) stories or forty-five (45) feet, whichever is less. A step-down in building heights may be required for multi-family building(s) that abut a lower density residential zone. The need for a step down in building heights to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process.
3. A chimney, radio or television antenna, or device designed for the collection and/or generation of energy from the sun and/or wind may exceed the building height limit by a maximum of fifteen (15) feet.
4. Church steeples may exceed 35 feet in height through a Type II process. The maximum height is 15 feet above the building height limit in any location allowed by other requirements of the zone district. Church steeples may go to a maximum total height of 75 feet provided that setbacks of 1 foot for each 1 foot in height from the property line are maintained.

**Figure 3-1
Step-down in Building Height**



17.3.140 RESIDENTIAL DESIGN STANDARDS

All residential development is subject to the design standards found in §17.8.710.

COMMERCIAL AND MIXED-USE ZONES

§ 17.3.300 PURPOSE

The City of Forest Grove has established two commercial zones to implement the Commercial designation of the Comprehensive Plan, and one zone to implement the Mixed-Use designation of the Comprehensive Plan. The Neighborhood Commercial zone provides for limited commercial activities at a neighborhood scale. The Community Commercial zone is established to accommodate commercial uses with a community market focus and promote a concentration of mixed uses along the regional transit corridor. The Neighborhood Mixed Use zone is established to encourage the development of pedestrian-friendly mixed-use neighborhoods. Additional commercial development opportunities are provided in the Town Center Zones.

§ 17.3.310 LIST OF COMMERCIAL AND MIXED-USE ZONES

A. Neighborhood Commercial (NC)

The NC zone is established to provide for small to medium sized shopping and service facilities adjacent to residential neighborhoods. The district is intended to meet the convenience shopping and service needs of the immediate neighborhood and to have minimal negative impacts on surrounding residential uses. NC zones 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 zoned area should be limited to a total size of approximately two (2) acres.

B. Community Commercial (CC)

The CC zone is established to promote a concentration of mixed uses – including retail, service, office and residential uses – along the regional transit corridor. The link between land use and transit is intended to result in an efficient development pattern that supports the regional transit system and makes progress in reducing traffic congestion and air pollution. The location, mix and configuration of land uses are designed to encourage convenient alternatives to the auto, a safe and attractive streetscape, and a more livable community.

C. Neighborhood Mixed Use (NMU)

The Neighborhood Mixed Use zone is established to support the development of pedestrian-friendly mixed-use neighborhoods with a diversity in the mix of housing types and neighborhood-scale retail sales and service, office, civic or recreational uses. Most non-residential uses must be located within a “Village Center”. The Village Center is intended to serve as the center of the neighborhood, providing convenient access to goods and services as well as “third places” where residents can gather. The NMU Zone implements the Comprehensive Plan’s Mixed-Use designation. Mixed Use Planned Development approval is required in the NMU Zone in order to ensure that the objectives of the Comprehensive Plan are addressed.

§ 17.3.320 USE REGULATIONS

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

- A. Permitted Uses. Uses allowed in the Commercial zones are listed in Table 3-10 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-10 with an “L”. These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-10 with a “C”. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. §17.2.200 contains the conditional use process and approval criteria.
- D. Not Permitted Uses. Uses listed in Table 3-10 with an “N” are not permitted or prohibited. Existing uses may be subject to the regulations of §17.7.100 Nonconforming Development.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

TABLE 3-108: Commercial and Mixed-Use Zones Use Table

USE CATEGORY	NC	CC	NMU
<u>RESIDENTIAL</u>			
Household Living	L ^[1]	L ^[2]	P/L ^[14]
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L ^[3]	L ^[3]	L ^[3]
Bed and Breakfast	L ^[4]	P	L ^[4]
<u>HOUSING TYPES</u>			
Single Units, Detached	N	N	L ^[18]
Single Units, Attached/ <u>Townhomes</u>	N	P	P
Accessory <u>Dwelling</u> Units	N	N	NP
Duplexes	N	P	P
<u>Triplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Quadplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Cottages/Cottage Clusters</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Courtyard Housing</u>	<u>N</u>	<u>P</u>	<u>P</u>
Manufactured Dwellings	N	N	N
Manufactured Dwelling Park	N	N	N
Multi-Family Units	P	P	P
<u>Emergency Services</u>			
Emergency Services	C	C	L ^[15]

Postal Services	C	P	L ^[15]
Religious Institutions	C	P	L ^[15]
Schools	C	C	L ^[15]
Seasonal Shelters	N	L ^[19]	N
Social/ Fraternal Clubs / Lodges	C	P	L ^[15]
USE CATEGORY	NC	CC	NMU
<u>COMMERCIAL</u>			
Commercial Lodging	N	L ^[5]	L ^[15]
Eating and Drinking Establishments	L ^[6]	P	L ^[15]
Entertainment – Oriented:			N
- Major Event Entertainment	N	N	
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	P	L ^[15]
General Retail:			
- Sales – Oriented	L ^[7]	L ^[7]	L ^[15]
- Personal Services	P	P	L ^[15]
- Repair – Oriented	P	P	L ^[15]
- Bulk Sales	N	P	N
- Outdoor Sales	L ^[8]	L ^[8]	L ^[15]
- Animal – Related	N	P	N
Medical Centers	N	L ^[12]	N
Motor Vehicle Related:			
- Motor Vehicles Sale / Rental	N	L ^[9]	N
- Motor Vehicle Servicing / Repair	N	P	L ^[16]
- Motor Vehicle Fuel Sales	P ^[10]	P	N
Non-Accessory Parking	N	P	N
Office	L ^[17]	L ^[17]	L ^[16] L ^[17]
Self-Service Storage	N	C	N
<u>INDUSTRIAL</u>			
Industrial Services	N	N	N
Manufacturing and Production:			
- Light Industrial	N	C ^[11]	N
- General Industrial	N	N	N
- Medical and Recreational Marijuana Processors and Production	N	N	N
Railroad Yards	N	N	N
Research and Development	N	N	N
Warehouse / Freight Movement	N	N	N
Waste – Related	N	N	N
Wholesale Sales	N	N	N
<u>OTHER</u>			
Agriculture / Horticulture	L	L	L
Cemeteries	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Wireless Communication Facilities	L ^[13]	L ^[13]	L ^[13]

P = Permitted L = Limited C = Conditional Use N = Not Permitted

Footnotes:

- [1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 6.97 and a maximum density of 8.71 dwelling units/net acre.
- [2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 30.00 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses. Residential density for affordable housing may be increased to 50.00 units/net acre pursuant to §17.7.410 Table 7-2 Tier 2.
- [3] Home occupations permitted as an accessory use to residential development, subject to compliance with the home occupation standards in Article 7.
- [4] Bed & breakfast inn limited to five (5) guest rooms in the NC zone, subject to compliance with the bed & breakfast inn standards in Article 7.
- [5] Recreational Vehicle Parks require obtaining a conditional use permit and compliance with the requirements of §17.5.500 et. seq. All other commercial lodging uses are permitted.
- [6] Restaurants are permitted in the NC zone (drive-through service is prohibited).
- [7] Marijuana retailers are prohibited in the Neighborhood Commercial zone district and conditionally permitted within the Community Commercial zone district, consistent with the locational requirements of State law and compliance with the requirements of Section 17.8.1100 of this code.
- [8] Outdoor sales in the NC zone are limited to plants and produce. Outdoor sales areas in the CC zone must be set back at least ten (10) feet from street lot lines and lot lines abutting residential zones and the setback area must be landscaped.
- [9] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright in the CC zone; sales and rental or heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted with conditional use approval.
- [10] Automobile service station in the NC zone is limited to fuel sales and incidental repair service.
- [11] As a conditional use pursuant to §17.2.200 et. seq., light industrial uses limited within a building no larger than 5,000 square feet in size with no visible emissions or odor outside the building, and with the added criteria that such use does not detract from the commercial viability of the area.
- [12] Medical marijuana dispensaries must be located consistent with the requirements of State law and comply with the provisions of §17.8.1100 of this code. Medical marijuana dispensaries are classified as a conditional use.
- [13] Wireless communication facilities are regulated by the standards in Article 7.
- [14] Residential and day care uses – Existing uses are permitted outright.
- [15] Use is only permitted within a Village Center of a Mixed Use Planned Development approved in accordance with §17.4.300.
- [16] Restricted to uses existing as of 03/28/2016.

- [17] Marijuana testing laboratories are prohibited in the NC and NMU and are conditional uses in the CC zone.
- [18] Lot area per unit shall not exceed 4,000 square feet.
- [19] Seasonal Shelters must be located consistent with the provisions of §17.2.900 et. seq. and §17.5.600 et. seq. of this Code.

§ 17.3.330 COMMERCIAL AND MIXED-USE ZONE DEVELOPMENT STANDARDS

A. Purpose

The development standards for the commercial and mixed-use zones are intended to promote efficient site planning, control the overall scale of buildings, and promote streetscapes that are consistent with the desired character of the zones.

B. Development Standards

Development standards for the NC, CC and NMU zones are summarized below:

TABLE 3-119: Commercial Zones Dimensional Requirements

<u>STANDARD</u>	<u>NC</u>	<u>CC</u>	<u>NMU</u>
Maximum Use Size ^[1]	FAR of 0.4:1 ^[1]	No maximum	No maximum
Minimum Lot Size	5,000 square feet	5,000 square feet	No minimum ^[5]
Minimum Lot Width	50 feet	50 feet	No minimum ^[5]
Minimum Lot Depth	100 feet	None	No minimum ^[5]
Minimum Setbacks ^[2]			No minimum ^[5]
- Front	None	None	No minimum ^[5]
- Interior Side	None	None	No minimum ^[5]
- Corner (street side)	None	None	No minimum ^[5]
- Rear	None	None	No minimum ^[5]
Maximum Setback	14 feet	See footnote [3]	No minimum ^[5]
Maximum Building Height ^[4]	35 feet	45 feet	35 feet 45 feet ^[6]
Minimum Landscaped Area	15% of site	15% of site	No minimum ^[5]

Footnotes:

- [1] Gross floor area per site is capped at 10,000 square feet.
- [2] New development in the NC and CC zones is subject to Design Review and the Screening & Buffering standards in Article 8. Side or rear yard setbacks are required where the NC or CC zone abuts a Residential zone, pursuant to §17.8.425.
- [3] To ensure that new development is oriented to the street, maximum building setback standards are established in the CC zone, as follows:
 - a. For sites with one building, a minimum of twenty feet or 50% of the face of the building, whichever is greater, shall not exceed the maximum front yard setback of 30 feet. The primary entrance shall be contained within that portion of the building meeting the maximum setback requirement.
 - b. For sites with more than one building, the primary entrance of the building with the largest square footage shall be set back no more than 10% of the depth of the average depth of the

D. Not Permitted Uses. Uses listed in Table 3-12 with an “N” are not permitted. Existing uses may be subject to §17.7.100 Nonconforming Development.

E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

TABLE 3-12~~10~~: Town Center Zones Use Table

USE CATEGORY	TC - Core	TC - Transition
<u>RESIDENTIAL</u>		
Household Living	L ^[1]	L ^[1]
Group Living	P ^[1]	P
Transitional Housing	N	C
Home Occupation	L ^[2]	L ^[2]
Bed and Breakfast	C ^[2]	P
<u>HOUSING TYPES</u>		
Single Units, Detached	N	N
Single Units, Attached	N	P
Accessory Units	N	N
Duplexes	N	P
Manufactured Dwellings	N	N
Manufactured Dwelling Park	N	N
Multi-Family Units	P	P
<u>CIVIC / INSTITUTIONAL</u>		
Basic Utilities	P	P
Major Utility Transmission Facilities	C	C
Colleges	C	C
Community Recreation	N	P
Cultural Institutions	P	P
Day Care	P	P
Emergency Services	C	C
Postal Services	C	P
Religious Institutions	C	P
Schools	C	C
Seasonal Shelters	L ^[16]	L ^[16]
Social/ Fraternal Clubs / Lodges	C	P

§ 17.3.430 TOWN CENTER ZONE DEVELOPMENT STANDARDS

A. Purpose

The development standards are intended to promote efficient use of land and more intensive development. The standards establish minimum and maximum building heights and maximum building setbacks to reinforce the scale and storefront character of existing historic buildings and to support a pedestrian-oriented environment.

B. Development Standards

Development standards for the Town Center Core (TCC) and Town Center Transition (TCT) zones are summarized below.

TABLE 3-1311: Town Center Zones Dimensional Requirements

STANDARD	TCC	TCT
Floor Area Ratio ^[1]		
- Minimum	1:1	0.5:1
- Maximum	4:1	4:1
Building Height (all parts)		
- Minimum	2 stories	16 feet
- Maximum	4 stories	4 stories
Residential Density ^[2]		
- Minimum	None	16.22 units / acre
- Maximum	40 units / acre ^[7]	40 units / acre ^[7]
Front Setback ^[3]		
- Minimum	0	0
- Maximum	15 feet	15 feet
Side and Rear Setback ^[4]	0	0
Parking ^[5]	Exempt	Exempt
Landscaping ^[6]	5 % of lot	5 % of lot

Footnotes:

- [1] Floor area ratio is defined as the ratio of building square footage to site square footage. For example, a 5,000 square foot building is required on a 5,000 square foot site (FAR of 1:1); a 20,000 square foot building is allowed (FAR of 4:1).
- [2] All densities are based on net acres.
- [3] A larger front yard setback may be approved through Design Review if the setback area incorporates enhanced pedestrian spaces and amenities such as plazas, arcades, courtyards, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks. No parking is allowed between a building and the public right-of-way.
- [4] Side and rear yard setbacks may be required through Design Review when needed to provide a transition between zones or different land uses. The screening and buffering standards in Article 8 will be used as a guideline.
- [5] Except for multi-family residential uses, off-street parking is not required in the Town Center Zones. When off-street parking is provided, it shall be located to the side or rear of

§ 17.3.520 USE REGULATIONS

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

- A. Permitted Uses. Uses allowed in the Industrial zones are listed in Table 3-14 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-14 with an “L”. These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-14 with a “C”. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. §17.2.200 contains the conditional use process and approval criteria.
- D. Prohibited Uses. Uses listed in Table 3-14 with an “N” are prohibited. Existing uses may be subject to the regulations of §17.7.700 Nonconforming Development.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

TABLE 3-1412: Industrial Zones Use Table

USE CATEGORY	LI	GI	BIP
RESIDENTIAL			
Household Living	L ^[1]	L ^[1]	N
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
Bed and Breakfast	N	N	N
CIVIC / INSTITUTIONAL			
Basic Utilities	P	P	P
Major Utility Transmission Facilities	C	C	C
Colleges	N	N	N
Community Recreation	N	N	C
Cultural Institutions	N	N	C
Day Care	L ^[2]	L ^[2]	L ^[2]
Emergency Services	C	C	C
Postal Services	C	N	C
Religious Institutions	N	N	N
Schools	L ^[3]	L ^[3]	L ^[3]
Social/ Fraternal Clubs / Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	N	N	N
Eating & Drinking Establishments	L ^[4]	L ^[4]	L ^[4]

USE CATEGORY	LI	GI	BIP
COMMERCIAL			
Entertainment – Oriented:			
- Major Event Entertainment	N	N	N
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	N	C
General Retail:			
- Sales – Oriented	N	L ^[4]	L ^[4]
- Personal Services	N	N	L ^[10]
- Repair – Oriented	N	N	P
- Bulk Sales	N	N	N
- Outdoor Sales	N	N	N
- Animal - Related	N	N	N
Medical Centers	N	N	C
Motor Vehicle Related:			
- Motor Vehicles Sale / Rental	N	N	N
- Motor Vehicle Servicing / Repair	N	N	N
- Motor Vehicle Fuel Sales	N	N	N
Non-Accessory Parking	N	N	N
Office	L ^[5]	L ^[5]	L ^[11]
INDUSTRIAL			
Industrial Services	L ^[6]	P	L ^[6]
Manufacturing and Production:			
- Light Industrial	P ^{[7][8]}	P ^{[7][8]}	L ^{[7][8]}
- General Industrial	N	P	L ^{[7][8]}
- Medical and Recreational Marijuana Processors	N	C	N
Call Centers	P	P	P
Railroad Yards	N	P	N
Research and Development	P	P	P
Warehouse / Freight Movement	P/C(X)	P/C(X)	P/C(X)
Waste – Related	C	C	C
Wholesale Sales	P ^[8] /C(Y)	P ^[8] /C(Y)	C
OTHER			
Agriculture / Horticulture	P ^[8]	P ^[8]	P
- Medical and Recreational Marijuana Producers (Outdoor)	N	N	N
- Medical and Recreational Marijuana Producers (Indoor)	C	C	N
Cemeteries	N	N	N
Detention Facilities	C	P	C
Mining	N	C	N
Wireless Communication Facilities	L ^[9]	L ^[9]	L ^[9]
Information	P	P	P

P = Permitted L = Limited C = Conditional Use N = Not Permitted
X = Marijuana facilities including warehousing requires a conditional use permit.
Y = Wholesale activities for marijuana requires a conditional use permit in the LI and GI zone.

§ 17.3.530 INDUSTRIAL ZONE DEVELOPMENT STANDARDS

The development standards listed below are applicable to all development within the Light Industrial, General Industrial, and Business Industrial Park zones. Development within these zones shall also comply with all other applicable requirements of this Code, including the general development standards in Article 8.

TABLE 3-1513: Industrial Zone Dimensional Requirements

STANDARD	LI	GI	BIP
Minimum Lot Size	10,000 square feet	10,000 square feet	20,000 square feet
Minimum Lot Width	100 feet	100 feet	100 feet
Minimum Lot Depth	None	None	None
STANDARD	LI	GI	BIP
Minimum Yard Setbacks ^[1]	None	None	Front: 20 feet Interior Side: 10 feet Rear: 10 feet
Maximum Building Height ^[2]	None	None	45 feet
Maximum Building Coverage			50%
Minimum Landscaping			15%

Footnotes:

- [1] A setback and buffer may be required where a LI or GI boundary abuts a less intensive zone. See screening and buffering standards in Article 8. When an industrial site is separated from a residential zone by either a dedicated public street, or a railroad main line or spur track, no setback shall be required in that yard adjacent to the residential zone.
- [2] Building height unlimited per the Building Code with the installation of a sprinkler system approved by the Forest Grove Fire Department in all buildings over two (2) stories.

All pedestrian connections to the public sidewalk shall include canopy trees spaced at a maximum of 30 feet on-center. Coniferous trees are permitted with approval of the Director. Trees shall be placed within planting beds sized appropriately for the tree species using tree planting best practices adopted by the International Society of Arboriculture or similar professional organization.

- K. Surface Water Management. When required, on-site surface water management facilities, such as detention ponds and swales, shall be incorporated into open space and landscaped areas through the use of unifying landscape elements. The Director shall make a determination as to whether the design meets the intent of this standard. The Director's determination is appealable to the Planning Commission.

ARTICLE 6

LAND DIVISIONS

17.6.000 OVERVIEW OF ARTICLE 6

This Article guides what is often the first major step in the development process, how land is divided into blocks, lots and streets. Land divisions define the pattern of a community, which in turn may shape the character of the community. This Article establishes the procedures for lot line adjustments, expedited land divisions, partitions and subdivisions. The provisions of this Article should be read together with the General Development Standards of Article 8. In particular, the standards for Public Improvements that are applicable to all development, including land divisions, are addressed in Article 8.

Land divisions occur through either a partition or subdivision process.

- A partition procedure is used when three (3) or fewer units (generally referred to as “parcels”) are created in a calendar year and may or may not involve creation of a street. Partitions are reviewed through a two-step process.
- A subdivision is used when four (4) or more units (generally referred to as “lots”) of land are created in a calendar year. Subdivisions are also reviewed through a two-step process. Subdivision applications may include a concurrent request for Planned Development (PD) approval to permit greater flexibility in the design of the subdivision. Provisions for Planned Developments are addressed in Article 4.

The following list summarizes topics covered in this Article:

- General Provisions
- Expedited Land Divisions
- Lot Line Adjustments
- Partitions
- Subdivisions
- Land Division Standards
- [Middle Housing Land Divisions](#)

These headings can assist the user in locating information. The table of contents contains a complete list of the material included in this Article.

MIDDLE HOUSING LAND DIVISIONS

17.6.300 PURPOSE

Middle housing land divisions are established to promote ownership opportunities for duplex, triplex, quadplex and cottage housing units as allowed under ORS 197.758(2) or (3).

17.6.305 PROCEDURE

- A. A tentative plan for a middle housing land division shall be reviewed under the Expedited Land Division process in §17.6.010;
- B. An application for a middle housing land division may be submitted at the same time as the submittal of an application for building permits for middle housing.
- C. An application for a middle housing land division may not be subject to procedures, ordinances, or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.
- D. The tentative approval of a middle housing land division is void if, and only if, a final partition or subdivision plat is not approved within three years from the date of the tentative plan approval.

17.6.310 REVIEW CRITERIA

The Director shall approve or deny an application for a middle housing land division based on the following criteria:

- A. The proposal for development of middle housing complies with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5). Evidence shall be provided by the application demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines and notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code;
- B. Separate utilities are provided for each dwelling unit;
- C. Easements are shown on the site plan for:
 - 1. Locating, accessing, replacing and servicing all utilities;
 - 2. Pedestrian access from each dwelling unit to a private or public street;
 - 3. Any common use areas or shared buildings;
 - 4. Driveways or parking areas.

D. Exactly one dwelling unit is allowed on each resulting lot or parcel. No dwellings are allowed on lots, parcels or tracts used as common areas.

17.6.315 CONDITIONS OF APPROVAL

A. The Director may require a condition of tentative plan approval to prohibit the further division of the resulting lots or parcels.

B. The Director shall require that a notation appear on the final plat indicating that approval was granted under this section as a middle housing land division.

C. The Director may require street frontage improvements where a resulting lot or parcel abuts a street consistent with land use regulations implementing ORS 197.758.

D. The Director may require the dedication of right-of-way if the original parcel did not previously provide such dedication.

E. An application for a middle housing land division may not be subjected to approval criteria or conditions except as described above in this section including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

ARTICLE 7

MISCELLANEOUS PROVISIONS

GENERAL EXCEPTIONS

17.7.050 EXCEPTIONS TO LOT SIZE, YARDS AND PROJECTIONS

- A. Exceptions to Lot Size and Dimension Requirements for Residential Use. If an existing lot in single ownership at the time of adoption of this Code does not meet minimum lot area or dimension requirements of the applicable residential zone, the lot may be occupied by a residential use permitted outright in the respective zone. If there is an area deficiency, the residential use shall be limited to a single-family residence.
- B. Exceptions to Yard Requirements. The following exceptions to the front yard requirement for a single familyunit dwelling or duplex in a residential zone are allowed without the need for an adjustment:
1. If there are dwellings on both abutting lots with front yards less than the required depth for the zone, the front yard for the new dwelling need not exceed the average front yard of the abutting dwellings; and
 2. If there is a dwelling on one (1) abutting lot with a front yard less than the required depth for the zone; the front yard for the new dwelling need not exceed a depth one-half (1/2) way between the depth of the structure on the abutting lot and the required front yard depth.

The Director may require a greater front yard depth than specified in the code when the lot abuts a street that is designated for widening by the City.

- C. Projections into Required Yards. The following structures may project into required yards:
1. Unroofed paved terraces and wood decks less than three (3) feet in height may project into required side or rear yards.
 2. Unroofed landings and stairs may project into required front or rear yards.
 3. Window sills, belt courses, cornices, eaves, canopies, sunshades, gutters, leaders and similar incidental architectural features – excluding balconies and decks more than three (3) feet from ground level – may project not more than two (2) feet into any required yard.
 4. Chimneys shall not project more than two (2) feet into any required yard.
 5. No projections may encroach into or over any utility easement.

17.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS

- A. Minimum Driveway Widths at the street right-of-way line shall be fifteen (15) feet for institutional, commercial, industrial, and multi-family residential ~~uses projects with at least five units,~~ and ten (10) feet for ~~single-family unit detached and two-family residential use townhomes, duplex, triplex, fourplex and cottage clusters.~~
- B. Maximum Driveway Widths at the street right-of-way line shall be as follows:
1. In residential zones –
 - a. 24 feet for lots with less than 60 feet of street frontage
 - b. 30 feet for lots with street frontages of 60 feet or greater
 - c. There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same lot
 - d. Triplex and quadplexes on lots or parcels with frontages only on local streets may have either two driveway approaches not exceeding 32 feet in total or one maximum 16-foot-wide driveway approach per frontage.
 - e. A maximum of one driveway approach is allowed for every single unit attached unit/townhouse. Driveway approaches and driveways may be shared provided reciprocal access easements are recorded.
 2. 36 feet in institutional, town center or commercial zones
 3. 40 feet in industrial zones
- C. Location of Curb Cut. No portion of a curb cut shall be located closer to an intersecting street right-of-way line than:
1. 100 feet on an arterial street with four or more travel lanes
 2. 50 feet on an arterial street with two or three travel lanes
 3. 50 feet on a collector street
 4. 20 feet on a local street
- D. Minimum Distance between Curb Cuts. On arterial and collector streets, minimum distances shall be maintained as follows between adjacent curb cuts on the same side of any such street:
1. 85 feet where the speed limit is 20 mph or less
 2. 105 feet where the speed limit is 25 mph
 3. 125 feet where the speed limit is 30 mph
 4. 150 feet where the speed limit is 35 mph
 5. 185 feet where the speed limit is 40 mph
 6. 230 feet where the speed limit is 45 mph
 7. 275 feet where the speed limit is 50 mph or greater
- E. In measuring the distance between curb cuts on arterial and collector streets, existing curb cuts, or accesses serving single-family and two-family dwellings shall not be considered.

[17.8.335 PROVISIONS FOR FLOOD HAZARD REDUCTION]

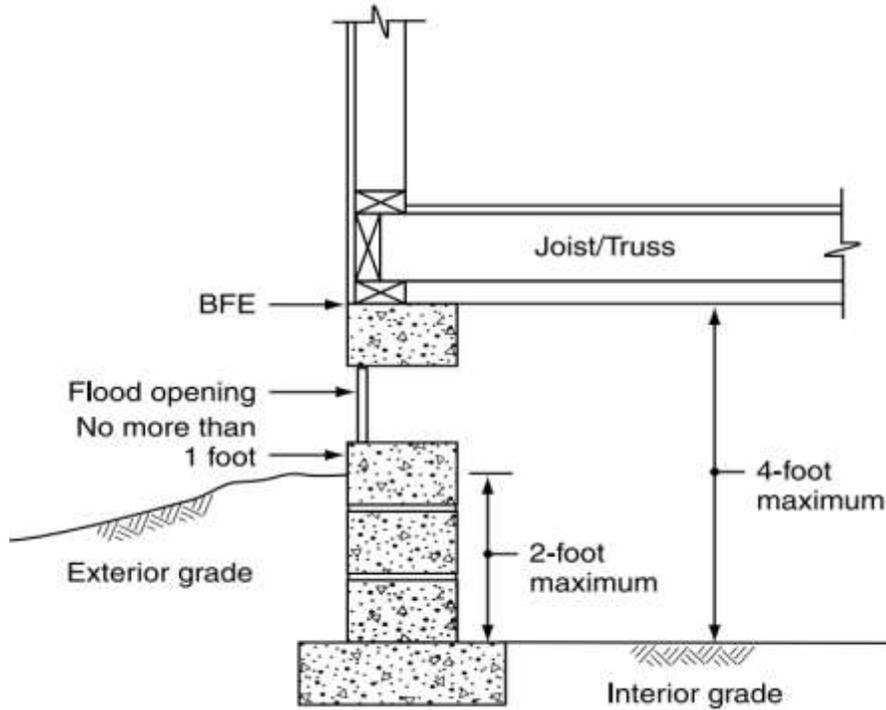
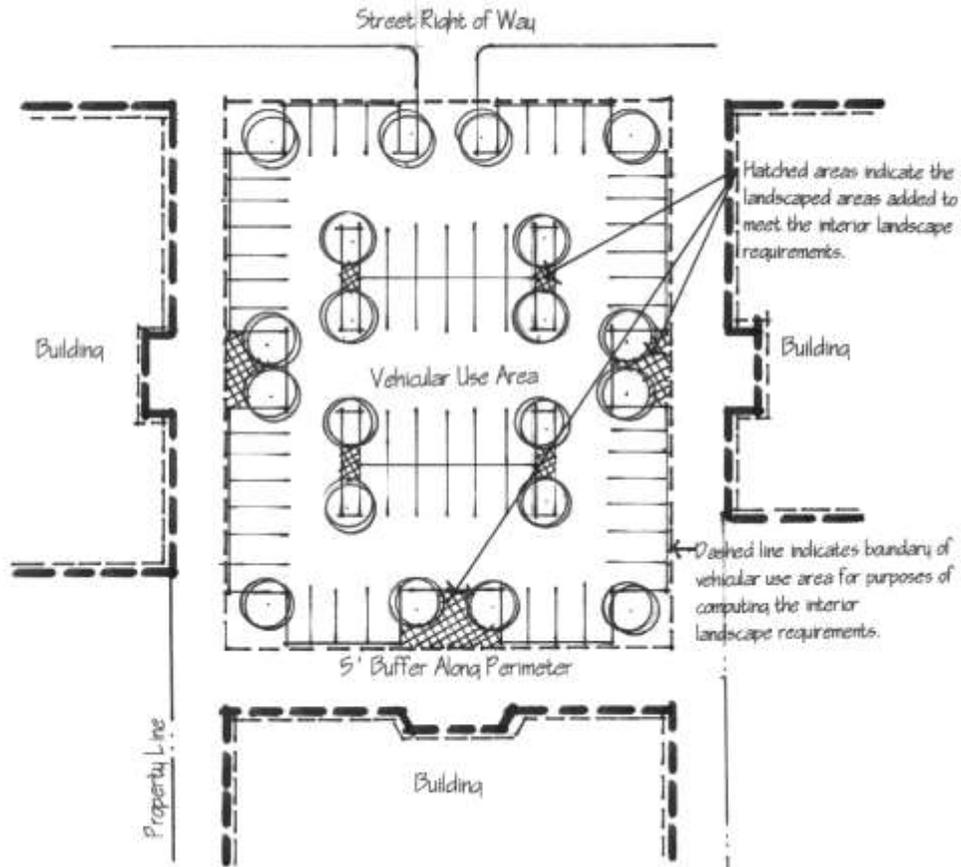


Figure 5-18-6: Limitations on Below-Grade Crawlspaces
Residential Structures must be elevated a minimum of one foot above the Base Flood Elevation (BFE)

Figure 8-67: Parking Lot Landscaping

Interior Landscaping for Vehicular Use Areas



2.

Figure 8-78: Buffer Example – Between Single-Family and Multi-Family



OFF-STREET PARKING AND LOADING

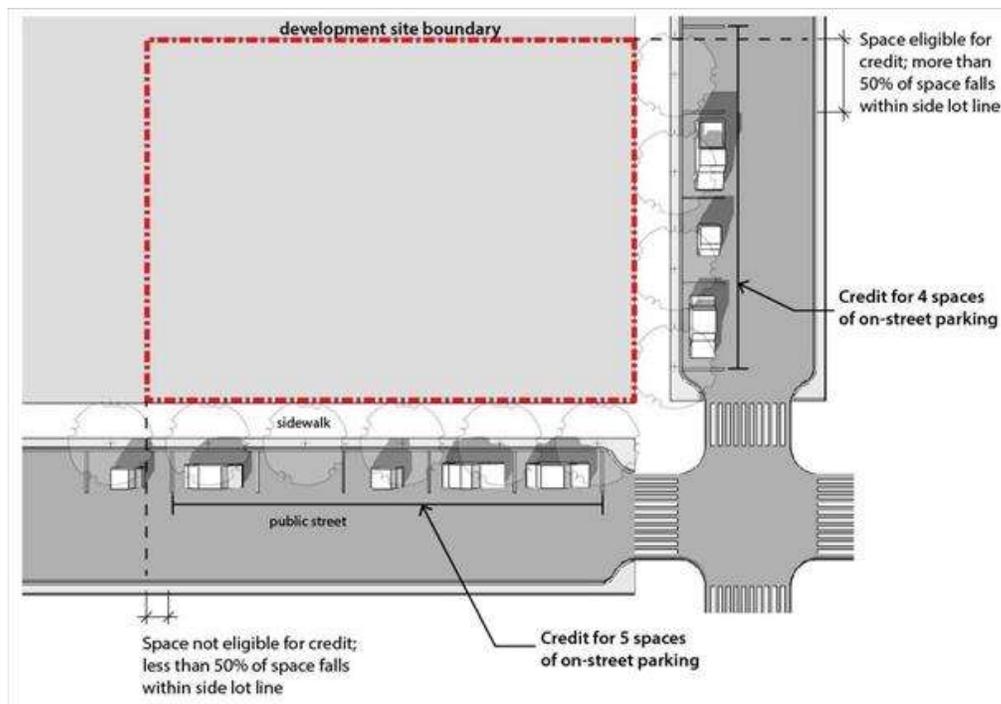
17.8.510 GENERAL PROVISIONS

H. Eligible Parking. Parking spaces available along the public street frontage or alleys are eligible in fulfilling ~~the~~ up to fifty (50) percent of the off-street parking requirements, except for single family dwellings and duplexes requirement if the following standards are met:

1. The space must be abutting the subject site;
2. The space must be in a location where on-street parking is allowed;
3. The space must be a minimum twenty-two (22) feet long; and
4. The space must not obstruct a required sight distance area.

On-street parking spaces credited for a specific development or use may not be used exclusively by that development or use but must be available for the general public. Signs or actions limiting general public use of on-street spaces are prohibited.

Figure 8-9: Credit for On-Street Parking



I. Where improvements subject to these off-street parking and loading provisions result in hard surfaces, pervious surfaces are encouraged to be used. Where improvements are within the public rights-of-way, such surfaces can be used upon approval by the City Engineer.

17.8.515 OFF-STREET PARKING REQUIREMENTS

TABLE 8-5: Parking Requirements

LAND USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING ALLOWED	
		Parking Zone A	Parking Zone B
RESIDENTIAL			
Household Living - Single Units, Attached / <u>Townhomes</u>	<u>1.0 / DU</u> See Multi-Family	None	None
- Single Units, Detached	1.0 / DU	None	None
- Accessory <u>Dwelling</u> Units	None <u>1.0 / DU</u>	None	None
- Duplexes	1.0 / DU	None	None
<u>-Triplexes</u>	<u>3.0 / Development</u>		
<u>-Quadplexes</u>	<u>4.0 / Development</u>		
<u>-Cottage Clusters</u>	<u>1.0 / DU provided for individual units or in shared parking areas.</u>		
<u>-Courtyard Housing</u>	<u>1.0 / DU provided for individual units or in shared parking areas.</u>		
- Multi-Family Units (outside the Town Center)	DU<500 sq. ft: 1.0 / DU 1 bedroom: 1.25 / DU 2 bedroom: 1.50 / DU 3 bedroom: 1.75 / DU	None	None
- Multi-Family Units (Within the Town Center)	DU<500 sq. ft: 0.5 / DU 1 bedroom: 0.75 / DU 2 bedroom: 1.25 / DU 3 bedroom: 1.75 / DU	None	None
- Manufactured Units	1.0 / DU	None	None
- Mobile Home Parks	1.0 / DU	None	None
Group Living	1.0 / room 1.0 / 2.5 beds	None 2.7 / 1,000 ^[2]	None
Transitional Housing	1.0 / 2.5 beds	None	None
Home Occupation	None	None	None
CIVIC			
Basic Utilities	None	None	None
Colleges	1.0 / 5 students / staff	1.0 / 3.3 students / staff	1.0 / 3.3 students / staff
LAND USE			
	MINIMUM PARKING REQUIRED	MAXIMUM PARKING ALLOWED	
		Parking Zone A	Parking Zone B
Community Recreation	2.0 / 1,000 ^[2]	2.5 / 1,000 ^[2]	4.0 / 1,000 ^[2]
Cultural Institutions	2.5 / 1,000 ^[2]	3.5 / 1,000 ^[2]	4.5 / 1000 ^[2]
Day Care - Home	None	None	None
- Commercial	2.0 / classroom	2.7 / 1,000 ^[2]	3.2 / 1,000 ^[2]
Emergency Services	3.0 / 1,000 ^[2]	3.5 / 1,000 ^[2]	4.5 / 1,000 ^[2]
Postal Services	2.5 / 1,000 ^[2]	3.0 / 1,000 ^[2]	4.5 / 1,000 ^[2]
Religious Institutions	1.0 / 4 seats in main assembly area	1.0 / 1.7 seats in main assembly area	1.0 / 1.3 seats in main assembly area
Schools - Preschool	5.0 + 1 / classroom	7.0 + 1 / classroom	17.0 + 1 / classroom

- K-8	2.0 / classroom	2.5 / classroom	3.5 / classroom
- 9-12	1.0 / 5 students / staff	1.0 / 3.3 students / staff	1.0 / 3.3 students / staff
Social / Fraternal Clubs / Lodges	17.0 / 1,000 ^[2] in main assembly area	12.0 / 1,000 ^[2] in main assembly area	14.0 / 1,000 ^[2] in main assembly area
COMMERCIAL			
Commercial Lodging	1.0 / room	1.2 / room	1.4 / room
Eating and Drinking Establishments	Fast food: 9.9 / 1,000 ^[2] Other: 15.3 / 1,000 ^[2]	12.4 / 1,000 ^[2] 19.1 / 1,000 ^[2]	14.9 / 1,000 ^[2] 23.0 / 1,000 ^[2]
Entertainment Oriented: - Major Event	1.0 / 3 seats or 1.0 / 6' bench	1.0 / 2.5 seats or 1.0 / 5' bench	1.0 / 2 seats or 1.0 / 4' bench
Entertainment - Outdoor Entertainment	4.0 / 1,000 ^[2]	4.5 / 1,000 ^[2]	5.0 / 1,000 ^[2]
- Indoor Entertainment -- Theater	4.3 / 1,000 ^[2] 1.0 / 3 seats	5.4 / 1,000 ^[2] 1.0 / 2.5 seats	6.5 / 1,000 ^[2] 1.0 / 2.0 seats
General Retail - Sales Oriented	3.7 / 1,000 ^[2]	5.1 / 1,000 ^[2]	6.2 / 1,000 ^[2]
- Personal Services -- Bank with drive in	2.5 / 1,000 ^[2] 4.3 / 1,000 ^[2]	3.0 / 1,000 ^[2] 5.4 / 1,000 ^[2]	4.5 / 1,000 ^[2] 6.5 / 1,000 ^[2]
- Repair Oriented	3.3 / 1,000 ^[2]	4.0 / 1,000 ^[2]	4.5 / 1,000 ^[2]
- Bulk Sales	1.0 / 1,000 ^[2] but not less than 17.0	1.3 / 1,000 ^[2]	2.0 / 1,000 ^[2]
- Outdoor Sales	1.0 / 1,000 ^[2] sales area	1.3 / 1,000 ^[2] sales area	2.0 / 1,000 ^[2] sales area
- Animal Related	3.3 / 1,000 ^[2]	4.0 / 1,000 ^[2]	4.5 / 1,000 ^[2]
Medical Centers	2.0 / 1,000 ^[2] ^[3]	2.7 / 1,000 ^[2] ^[3]	3.2 / 1,000 ^[2] ^[3]
Motor Vehicle Related - Motor Vehicle Sales/Rental	2.0 / 1,000 ^[2] but no less than 4.0	2.3 / 1,000 ^[2] but no less than 4.0	2.0 / 1,000 ^[2] but no less than 4.0
- Motor Vehicle Servicing/Repair	2.0 / 1,000 ^[2] but no less than 4.0	2.3 / 1,000 ^[2] but no less than 4.0	2.6 / 1,000 ^[2] but no less than 4.0
- Vehicle Fuel Sales	3.0 + 2.0 / service bay	4.0 + 2.0 / service bay	4.0 + 2.5 / service bay
Office	2.7 / 1,000 ^[2]	3.4 / 1,000 ^[2]	4.1 / 1,000 ^[2]
- Medical/Dental Office	3.9 / 1,000 ^[2]	4.9 / 1,000 ^[2]	5.9 / 1,000 ^[2]
LAND USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING ALLOWED	
		Parking Zone A	Parking Zone B
Self-Service Storage	4.0 at office	None	None
Non-Accessory Parking	None	None	None
INDUSTRIAL			
Industrial Services	0.8 / 1,000 ^[2]	1.2 / 1,000 ^[2]	1.8 / 1,000 ^[2]
Manufacturing and Production: - Light Industrial	1.6 / 1,000 ^[2]	None	None
- General Industrial	1.6 / 1,000 ^[2]	None	None
Railroad Yards	None	None	None
Research and Development	2.0 / 1,000 ^[2]	3.0 / 1,000 ^[2]	3.8 / 1,000 ^[2]
Warehouse/ Freight Movement	<150,000 square feet: 0.5/1,000 ^[2] >150,000 square feet 0.3/ 1,000 ^[2]	0.8 / 1,000 ^[2] 0.4 / 1,000 ^[2]	1.2 / 1,000 ^[2] 0.5 / 1,000 ^[2]

Waste-Related	5.0	7.0	17.0
Wholesale Sales	0.8 / 1,000 ^[2]	1.2 / 1,000 ^[2]	1.8 / 1,000 ^[2]
Agriculture / Horticulture	2.5 / 1,000 ^[2] sales area but no less than 4.0	None	None
Cemeteries	Exempt	Exempt	Exempt
Detention Facilities	1.0 / 2.5 beds	None	None
Heliports	None	None	None
Mining	< 5.0	None	None
Wireless Communication Facilities	None	None	None
Rail Lines Utility Corridors	None	None	None

NA: Not Addressed

DU: Dwelling Unit

^[1] To be determined by the City of Forest Grove based on Metro criteria.

^[2] Refers to 1,000 square feet of floor area, unless otherwise stated.

^[3] Does not include outpatient clinics or medical offices; see Medical/Dental Office.

17.8.520 REDUCTION OR MODIFICATION OF OFF-STREET PARKING REQUIREMENT

- A. Parking Reductions Allowed By Right. The following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. The reductions allowed by this section may not be used in conjunction with the reductions allowed by subsection (B) below. In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways, or streets, where side-walks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.
1. Parking for multifamily, commercial and industrial uses may be reduced by 10% providing the development is within 500 feet walking ¼ mile distance of afrequent transit stopservice with at least 20-minute headways.
 - ~~2. Parking for multifamily uses may be reduced by 10% providing the development is within 500 feet walking distance of a transit stop.~~
 32. Parking facilities may be reduced to the extent necessary to accommodate transit stop and shelters.
- B. Modification of Minimum Off-Street Parking Requirements. Minimum parking required may be decreased as follows:
1. For uses requiring a minimum of ten (10) or more parking spaces, inclusive of all uses in the case of mixed use development, required parking may be reduced by up to 15% of the minimum required for sites located in Parking Zone A, upon demonstration that the modification is warranted and meets the following criteria:
 - a. Will not result in undue site congestion;
 - b. Will not result in traffic hazards on the site or adjoining streets; and
 - c. Will not result in an undue reduction in the availability of on street parking or parking located in facilities owned and/or operated by the City.
 2. Subject to §17.2.200 Conditional Uses, a reduction of up to 25% of the total required parking may be granted for new development, redevelopment, and substantial improvements, subject to the other requirements of this Section, in such cases where:
 - a. The project is utilizing shared parking where the amount of shared parking is based on a blended ratio and the land uses are shown to be complimentary and will, by virtue of their proximity, reduce the number of vehicle trips generated and the amount of parking needed.
 - b. For mixed use projects, the site is located within Parking Zone A and no less than one-half (½) of the total gross floor area is dedicated to residential uses.
 - c. For the purposes of this Section, “substantial improvement” shall mean any construction, renovation, or modification where the value of the proposed site and building improvements exceeds 30% of the value of the land and buildings thereon.
- C. Modification of Maximum Off-Street Parking Requirements. Maximum parking allowed may be increased as follows:

1. Maximum parking allowed may be increased up to 15% of the applicable standard, subject to the requirements of this Section and further subject to compliance with all zoning standards and management of related storm water runoff.
 2. Overflow parking areas using “grass-crete” or similar reinforced, drained, and seeded hard surface alternatives may be approved for up to an additional 25% of parking spaces allowed in Table 8-5.
 3. Mitigation of adverse impacts may be required as a condition to make an increase of required parking acceptable.
- D. Procedure for Review. The Director may authorize modifications pursuant to this section; unless the application is under review by the Planning Commission or the Design Commission, in which case the Planning Commission or the Design Commission shall consider the request for modification.
1. Parking and traffic analyses needed to demonstrate the feasibility of modifications requested pursuant to this Section shall be prepared by a qualified professional, using methods generally accepted in the field.
 2. The applicant shall follow procedures and criteria for Adjustments or Variances as described in Article 2.

17.8.525 DESIGN AND MAINTENANCE STANDARDS FOR OFF-STREET PARKING AND LOADING

- A. No Backing Movement. Excluding single family and duplex residences, groups of more than two (2) parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way would be required.
- B. Free Flow Of Traffic. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.
- C. Parking Accessible From Street. Each parking and/or loading space shall be accessible from a street and the access shall be of a width and location as described in §17.8.100 et. seq. for *Access and Circulation*.
- D. Parking Space, Stall and Access Aisle Dimensions. Parking space configuration, stall and access aisle size shall be of sufficient width for all vehicles turning and maneuvering, based on the standards shown in Figures 8-~~810~~ and 8-~~911~~.
- E. Permanent Marking. Except for single family and duplex residences, any area intended to be used to meet the off-street parking requirements shall have all parking spaces clearly marked using permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of traffic flow and maintain vehicular and pedestrian safety.
- F. Surfacing. Except for single family and duplex residences, all areas used for the parking and/or

storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of city streets. Off-street parking spaces for single family and duplex residences shall be improved with an asphalt or concrete surface to specifications as approved by the Building Official. Where possible, pervious surfacing should be used for off-street parking areas.

- G. Wheel Stops. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four (4) inches high located 1 ½ feet back from the front of the parking stall as defined in Figure 8-87.
- H. Drainage. Off-street parking and loading areas shall provide stormwater drainage in accordance with specifications approved by the City Engineer. Off-street parking and loading facilities shall be drained to avoid flow of water across public sidewalks.
- I. Lighting. Artificial lighting on all off-street parking facilities shall be designed to deflect all light away from surrounding residences and so as not to create a glare hazard to the public use of any road or street.
- J. Maintenance. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.
- K. Parking Lots Over 3 Acres in Size. Parking lots over 3 acres in size shall be designed to incorporate curbs and sidewalks along major drive aisles.

Figure 8-810: Parking Stall Dimensions

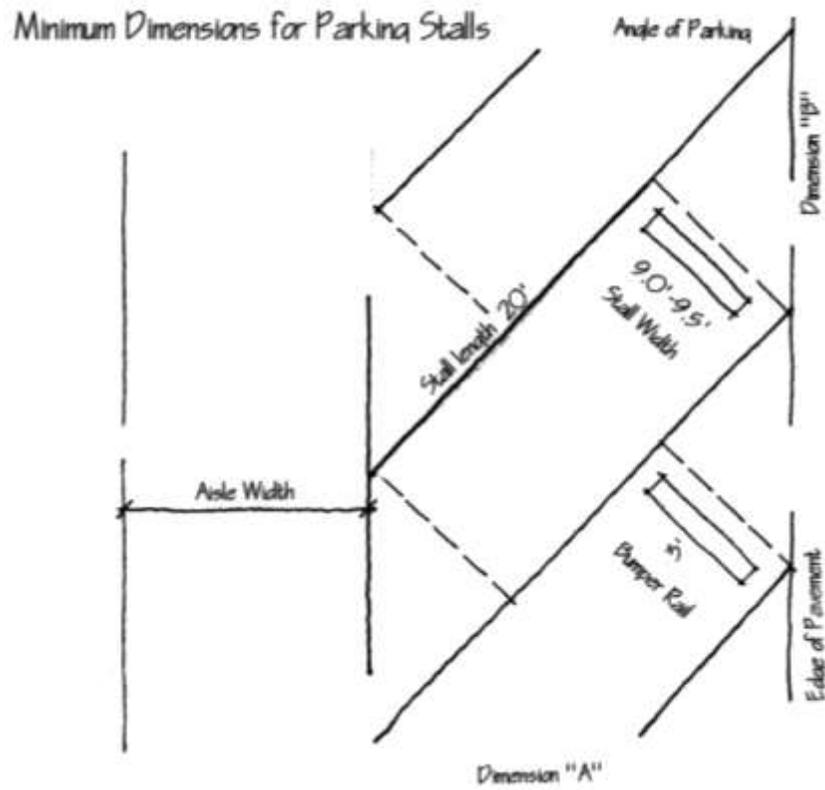
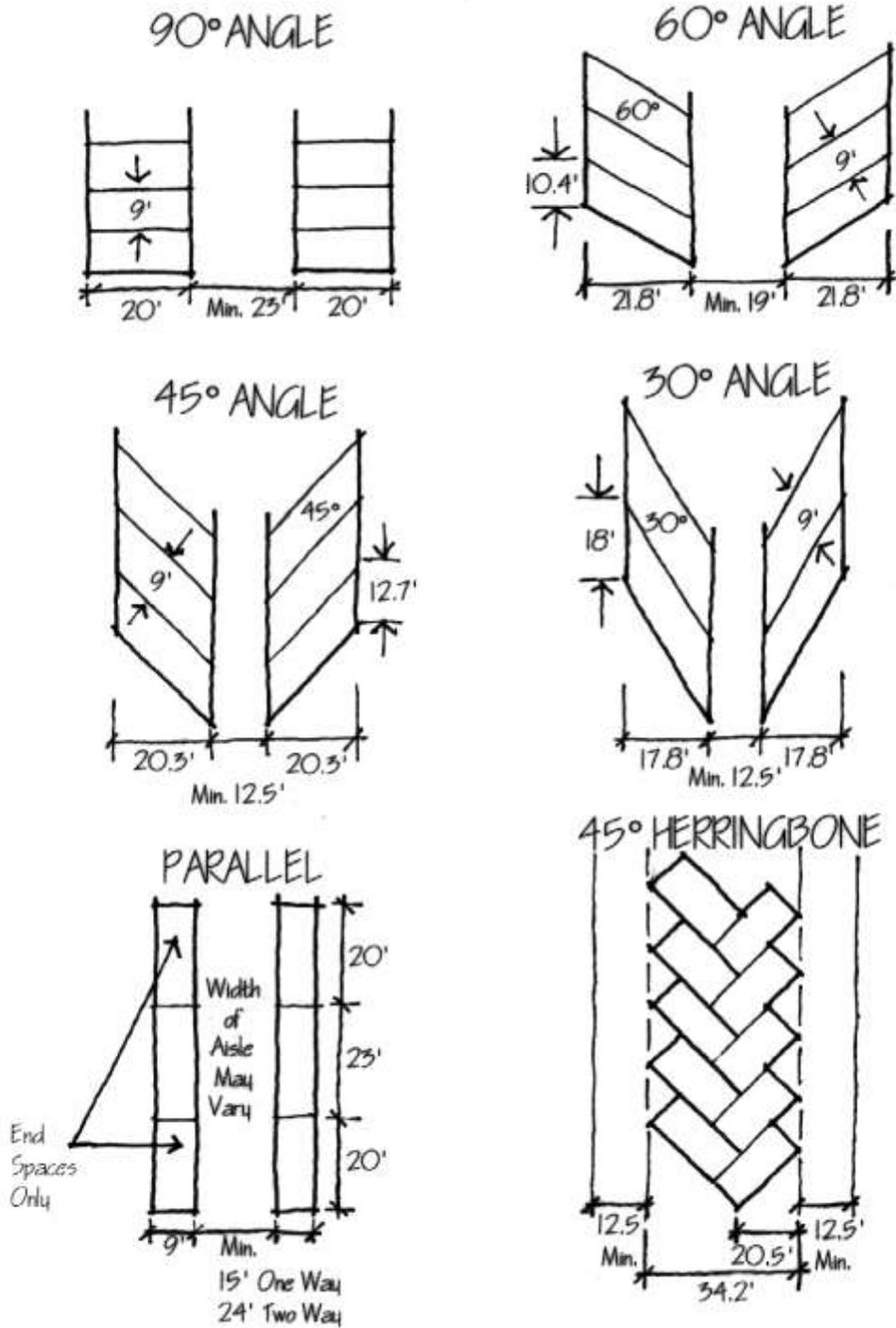


Figure 8-911: Parking Stall and Aisle Dimensions



BUILDING DESIGN AND DEVELOPMENT STANDARDS

17.8.710 STANDARDS

Figure 8-~~10~~12: Examples of Private Multi-Family Open Space

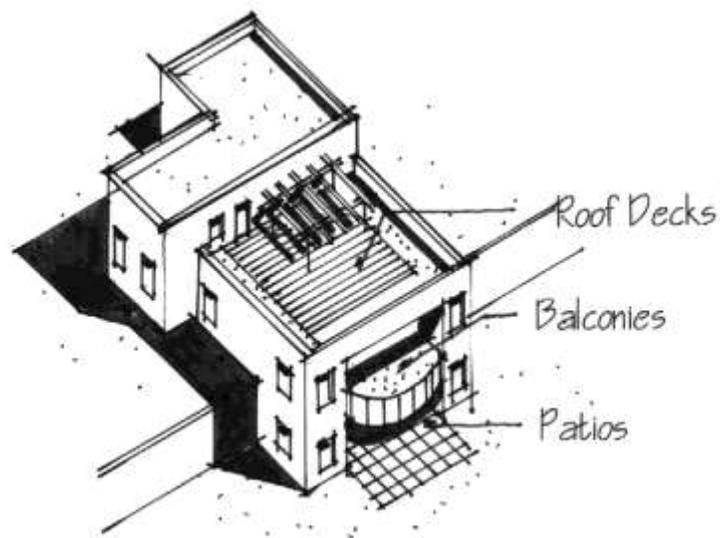


Figure 8-~~44~~13: Commercial Development Massing and Form

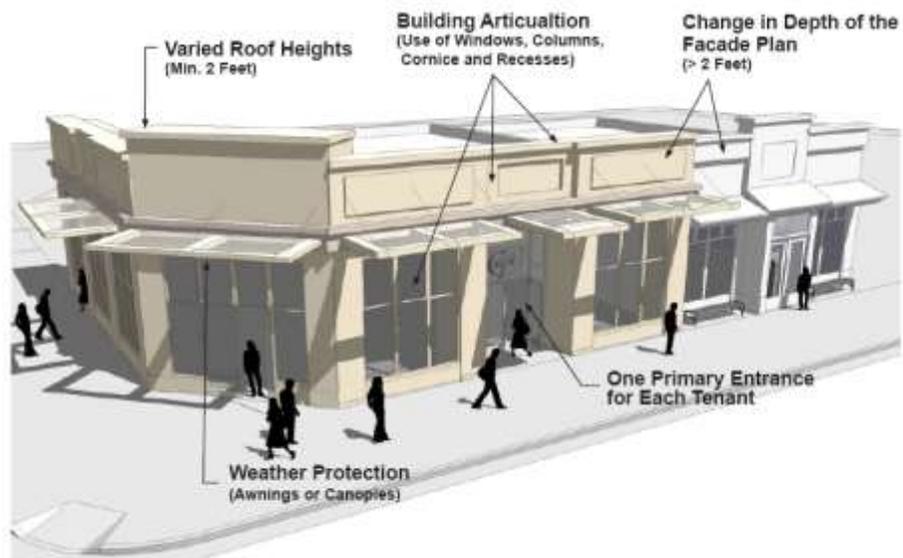


Figure 8-1214: Example of Building Entry Design Elements



Figure 8-1315: Town Center Districts Building Form

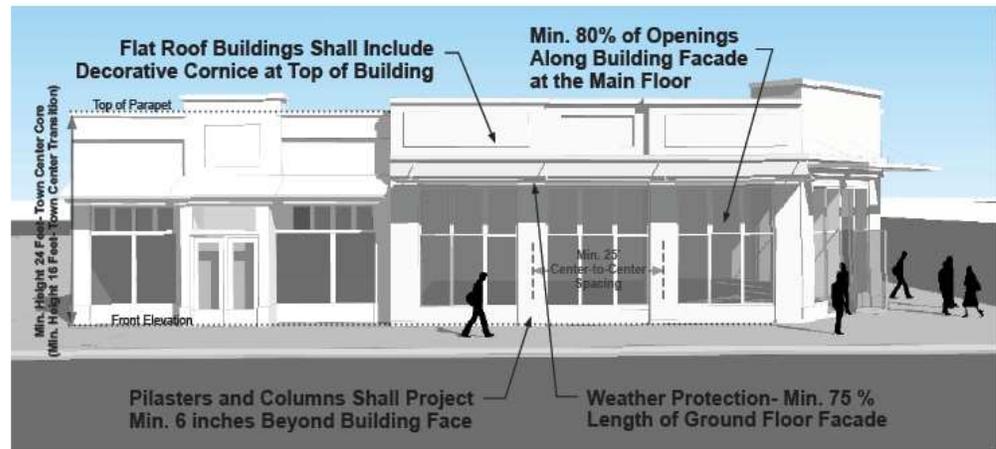


Figure 8-1416: Town Center Districts Retail and Storefront Details

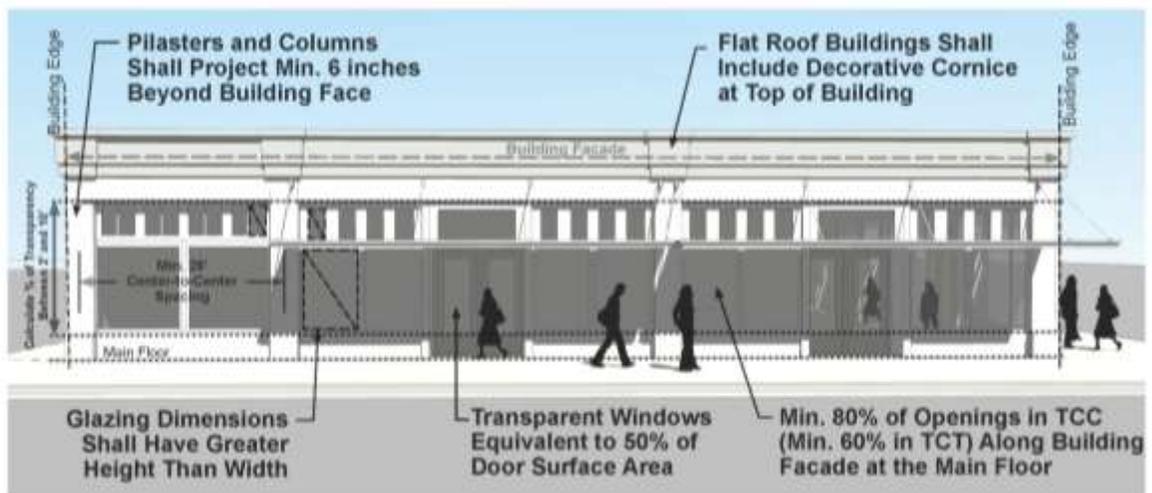
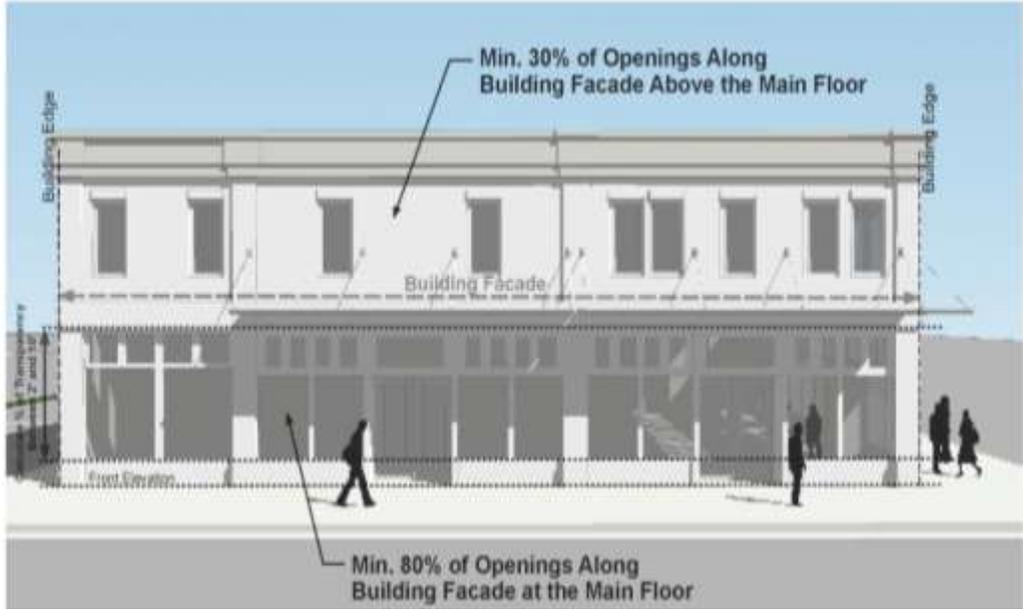


Figure 8-1517: Town Center Districts Window and Door Openings



[17.8.710 STANDARDS]

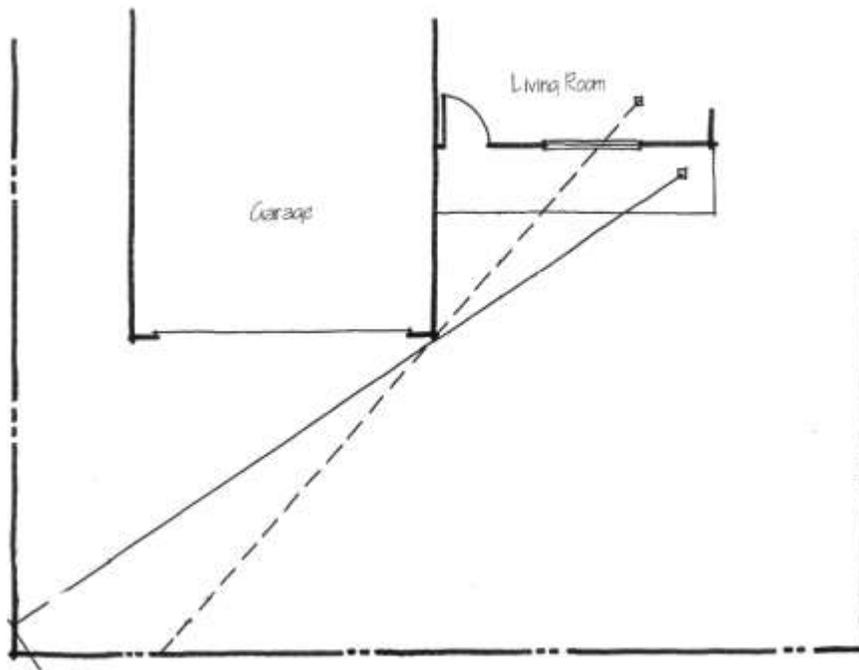
F. Single-Family Unit and Duplex Middle Housing Types

1. Purpose. The purpose of the design standards is to ensure that new residential development has a positive influence on the livability and safety of surrounding neighborhoods. The standards are narrowly focused on improving the way that new residential buildings relate to the public right-of-way (streets, sidewalks and parkways).
2. Applicability

a. The standard relating to street connection is applicable to construction of single-family unit dwellings, townhouses, manufactured homes and duplexes on lots 9,000 square feet or smaller with an average slope of 12% or less, triplexes, and quadplexes. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. The dwelling diversity standard is applicable to new subdivisions. Compliance with the design standards is checked during building plan review. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

~~1. The standard relating to street connection is applicable to construction of single family dwellings, manufactured homes and duplexes on lots 9,000 square feet or smaller with an average slope of 12% or less. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. The dwelling diversity standard is applicable to new subdivisions. Compliance with the design standards is checked during building plan review.~~

Figure 8-1718: Visual Surveillance Standard



3. Standards

- a. ~~Street Connection and Visual Surveillance Standard.~~ The front facade shall be designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front-facing window such that a person, if there were no vegetation, would be able to see 100% of their front property line. The intent is to create a physical connection between the dwelling unit and the public sidewalk and/or street, and to allow the dwelling units occupants to see the public sidewalk and/or street for visual surveillance and crime prevention.
- b. ~~Lot Diversity Requirement.~~ For subdivisions of six (6) lots or more, there shall be a variety of lot sizes, with at least a 50% increase between the smallest and largest lots.

3. General Standards

- a. Street Connection and Visual Surveillance Standard. All habitable rooms facing a street shall have a window.
 - e. ~~Dwelling Diversity Standard.~~ Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.

4. Building Façade and Elevation Standards

- a. No more than six (6) single-family attached units shall be allowed in a series.
- ~~b. 5. Duplex units within single family districts shall be designed and constructed to give the impression from the street of one single family unit or, one corner lots, or two different units facing different directions.~~
- ~~c. No more than thirty five percent (35%) of the front façade area of an attached single family or duplex unit shall be used for garage doors.~~
- ~~d. Front elevations shall provide design variation to avoid repetition and create architectural interest.~~
- ~~e. No building elevation shall have a horizontal or vertical blank wall section greater than fifteen feet (15').~~

5. Duplex Design Standards

New duplexes shall meet all clear and objective standards that apply to detached single unit dwellings in the same zoning

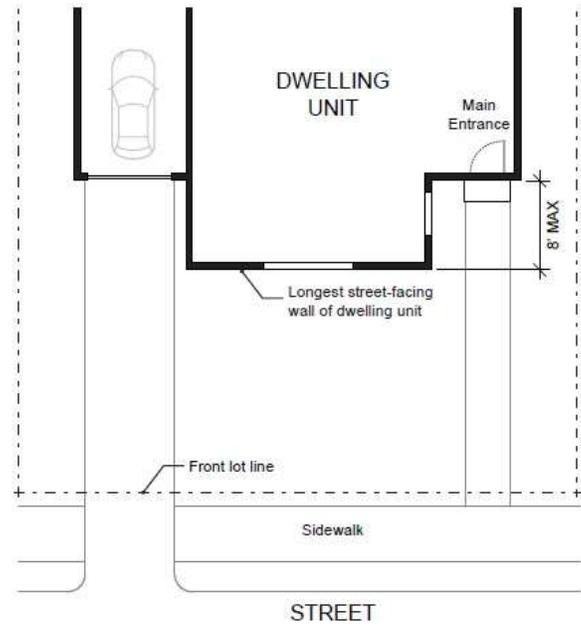
~~5. The Director may approve an increase of the allowable percentage of duplex or single family attached units within SR, R-10, R-7 or R-5 district if the following criteria are adequately addressed:~~

- ~~a. The location and placement of the duplex and townhouse units maintain the appearance and single family character of the subdivision, especially in regards to adjacent single-family development.~~
- ~~b. Proposed duplex designs convey the appearance of single family units. For larger subdivisions, a number of different duplex designs would be required to justify the increase percentage.~~
 - ~~a. The units visibility to district.~~
 - b. Conversion of an existing detached single unit dwelling to a duplex is allowed provided the conversion meets building codes and does not create nonconformance with applicable clear and objective development standards.

6. Triplex and Quadplex Design Standards

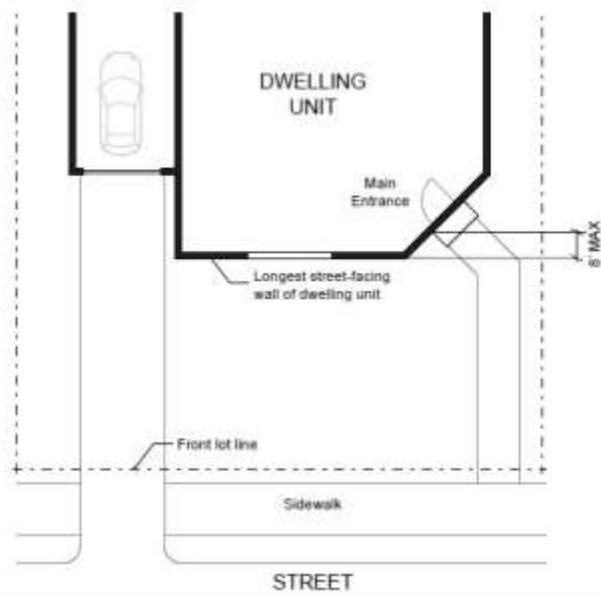
- a. Entry Orientation: At least on main entrance for each triplex or quadplex structure must meet the following standards:
 - 1. The entrance must be within eight (8) feet of the longest street-facing wall of the dwelling unit; and the entrance must either:
 - i. Face the street, for example as shown by the figure below:

Figure 8-19: Dwelling Unit Entrance



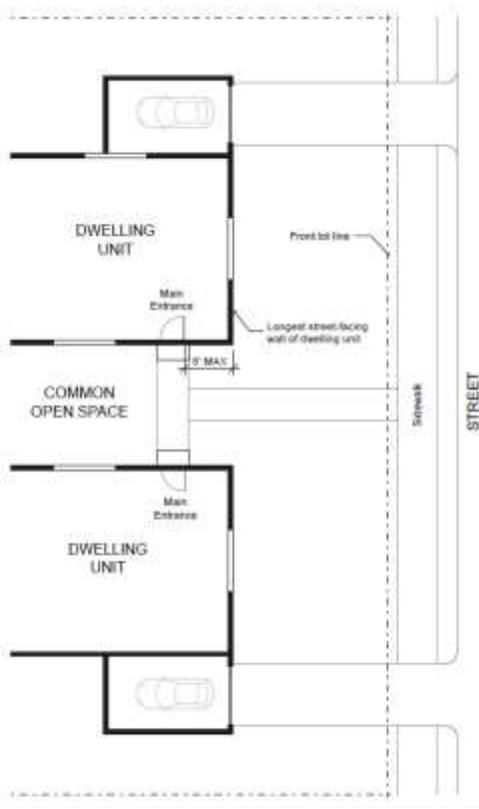
- ii. Be at an angle up to forty-five (45) degrees from the street as shown by the figure below:

Figure 8-20: Dwelling Unit Entrance



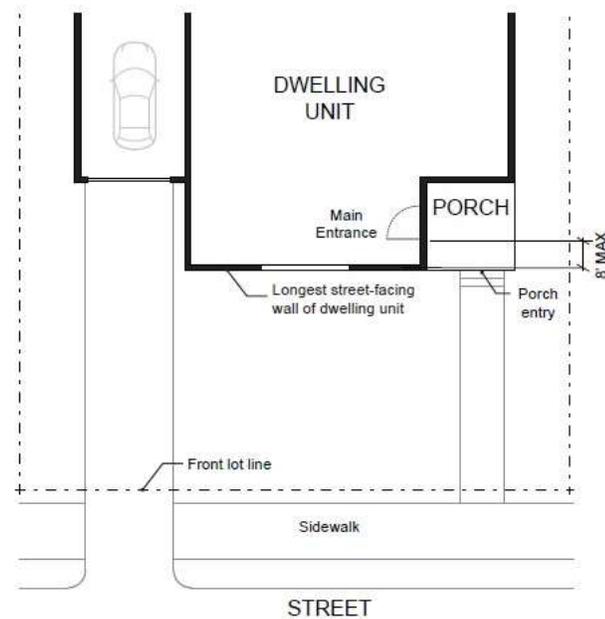
- iii. Face a common space that is adjacent to the street and is abutted by dwellings on at least two sides: or

Figure 8-21: Common Open Space



- iv. Open onto a porch. The porch must be at least twenty-five (25) square feet in area and have at least one entrance facing the streets.

Figure 8-22: Front Porch



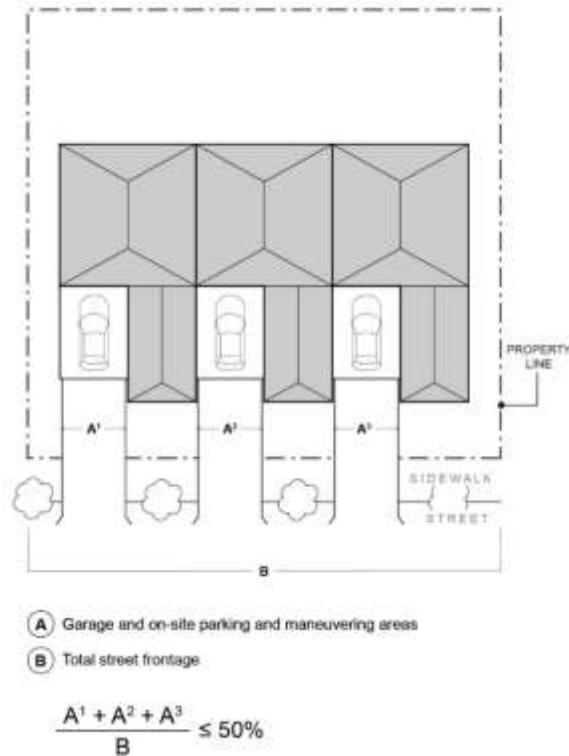
- b. Windows: A minimum fifteen (15) percent of the area of all street facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from this standard.

Figure 8-23: Street Facing Facades



- c. having front porches or provide vehicular or Garages and Off-Street Parking Areas: The combined width of all garages and outdoor on-site parking and maneuvering area shall not exceed a total of fifty (50) percent of the street frontage.

Figure 8-24: Garages and Off-Street Parking



d. Internal conversion of an existing detached single unit structure or duplex is allowed provided the conversion meets building codes and does not create nonconformance with clear and objective development standards.

7. Townhouse Design Standards

a. Entry Orientation: At least one main entrance for each townhouse unit must meet the following standards:

1. The entrance must be within eight (8) feet of the longest street-facing wall of the dwelling unit; and the entrance must be either:

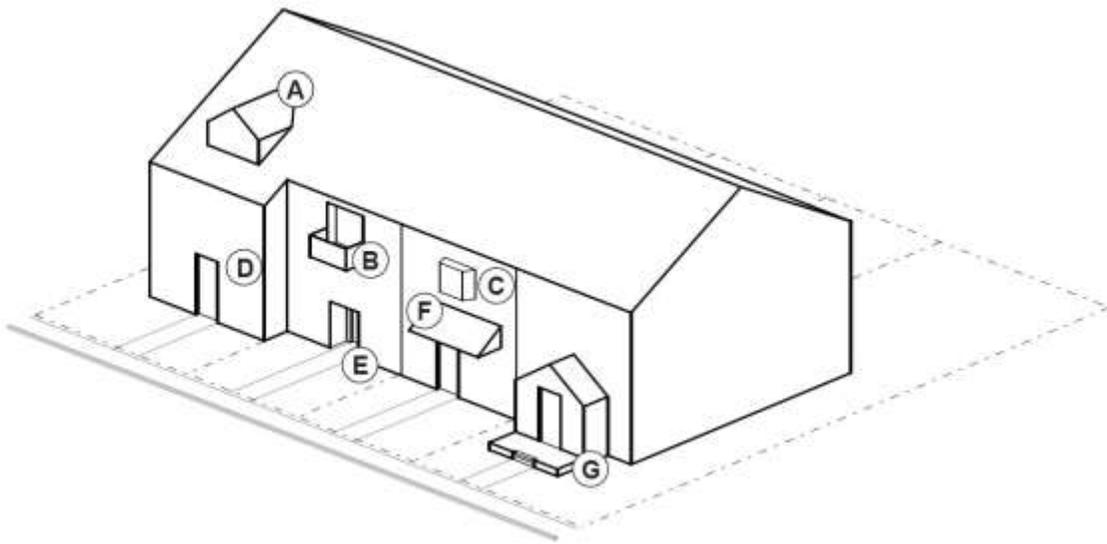
- i. Face the street as shown by the figure below;
- ii. Be at an angle up to 45 degrees from the street as shown by Figure 8-20;
- iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or
- iv. Open onto a porch. The porch must be at least 25 square feet in area and have at least one entrance facing the street.

b. Windows: A minimum 15% of the area of all street facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from this standard.

c. Driveway Access and Parking:

- i. A maximum of one (1) driveway approach is allowed for each townhouse unit.
 - ii. Outdoor on-site parking and maneuvering areas shall not exceed the lesser of twelve (12) feet wide on any lot or fifty (50)% of the lot frontage.
 - iii. The width of garage entrances shall not exceed twelve (12) feet as measured from the inside of the garage door frame.
 - iv. A townhouse unit on a corner lot shall take access from a ~~back~~single driveway approach.
 - v. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access.
 - vi. Townhouses adjacent to an alley shall take vehicular access only from the alley.
- d. Unit Definition. Each townhouse must include at least one of the following on at least one street facing façade:
- i. A roof dormer a minimum of four (4) feet in width; or
 - ii. A balcony a minimum of two (2) feet in depth and four (4) feet in width and accessible from an interior room; or
 - iii. A bay window that extends from the façade a minimum of two (2) feet; or
 - iv. An offset of the façade a minimum of two (2) feet in depth, either from the neighboring townhouse or with the façade of a single townhouse; or
 - v. An entryway that is recessed a minimum of three (3) feet; or
 - vi. A covered entryway with a minimum depth of four (4) feet; or
 - vii. A porch of at least 25 square feet in area with at least one entrance facing the street or have a roof.

Figure 8-25: Unit Definition



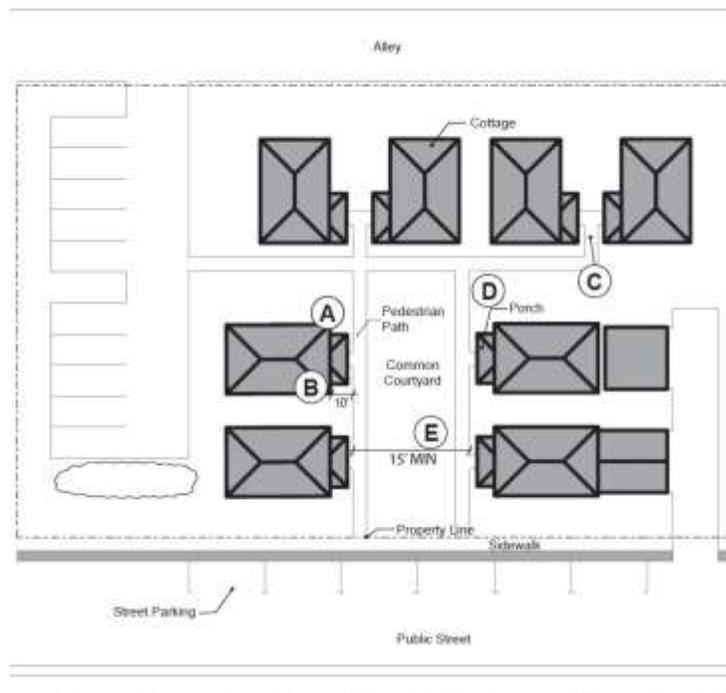
- (A) Roof dormer, minimum of 4 feet wide
- (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C) Bay window extending minimum of 2 feet from facade
- (D) Facade offset, minimum of 2 feet deep
- (E) Recessed entryway, minimum 3 feet deep
- (F) Covered entryway, minimum of 4 feet deep
- (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

8. Cottages and Cottage Clusters

- a. Cottage Orientation: Cottages must be oriented around a common courtyard and must be connected to the courtyard by a pedestrian path at least five (5) feet in width.
- b. A minimum of fifty (50) percent of cottages within a cluster must be oriented toward the common courtyard and must:
 - i. Have a main entrance facing the common courtyard;
 - ii. Be within ten (10) feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path at least five feet in width;
 - iv. Cottages not facing the common courtyard or the street must have their main entrance facing a pedestrian path at least five (5) feet in width that is directly connected to the common courtyard.
- c. Common courtyard design standards: Each cottage cluster must share a common courtyard. Common courtyards must meet the following standards:
 - i. The common courtyard must be a single, contiguous piece;
 - ii. Cottages must abut the common courtyard on at least two sides of the courtyard;
 - iii. The common courtyard must contain a minimum of 150 square feet per cottage;
 - iv. The common courtyard must be a minimum of fifteen (15) feet wide at its narrowest dimension.
 - v. The common courtyard shall be improved with a mix of landscaping, lawn area, pedestrian paths, and/or paved area. The common courtyard may also

- include recreational amenities. Impervious elements of a common courtyard shall not exceed seventy-five (75) percent of the total common courtyard area.
- vi. Pedestrian paths must be included in a common courtyard area. Paths that are contiguous to a courtyard may count toward the courtyard's minimum dimension and area. Parking areas, required setback areas, and driveways do not qualify as part of a common courtyard.

Figure 8-26: Common Courtyard Design



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

d. Community Buildings.

1. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community building must meet the following standards:

- i. Each cottage cluster is permitted one community building;
- ii. A community building that meets the Development Code's definition of a dwelling unit must meet the maximum 900 square foot building footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

e. Pedestrian Access.

1. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

- i. The common courtyard;
- ii. Shared parking areas;
- iii. Community buildings; and
- iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

2. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

f. Windows.

1. Cottages within twenty (20) feet of a shared property line must meet any window coverage requirement that applies to detached single unit dwellings in the same zone.

g. Parking Design

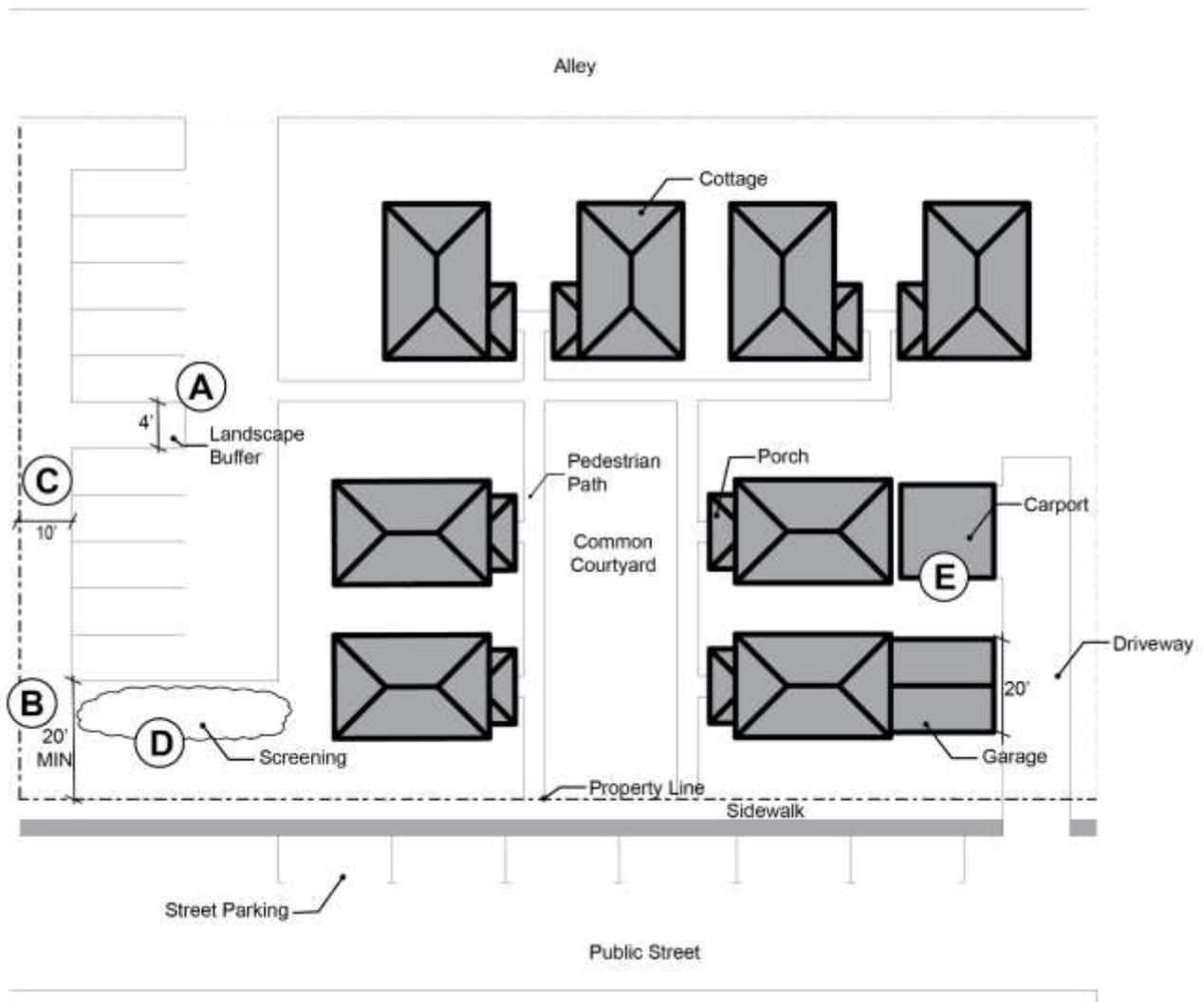
1. Clustered Parking. Off-street parking may be arranged in clusters, subject to the following standards:

- i. Cottage cluster projects with fewer than sixteen (16) cottages are permitted parking clusters of not more than five (5) contiguous spaces.
- ii. Cottage cluster projects with sixteen (16) cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
- iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
- iv. Clustered parking areas may be covered.

2. Parking Location and Access:

- i. Off-street parking spaces and vehicle maneuvering areas shall not be located within twenty (20) feet from any street property line, except alley property lines; or between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- ii. Off-street parking spaces shall not be located within ten (10) feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within ten (10) feet of other property lines.

Figure 8-27: Cottage Cluster Parking Design



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

3. Screening, landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

4. Garages and carports.

i. Garages and carports (whether shared or individual) must not abut common courtyards.

ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

iii. Individual detached garages must not exceed 400 square feet in floor area.

iv. Garage doors for attached and detached individual garages must not exceed twenty (20) feet in width.

h. Accessory Structures. Accessory structures with a cottage cluster must not exceed 400 square feet in floor area.

i. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single unit home on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

1. The existing dwelling may be nonconforming with respect to the requirements of this code.

2. The existing dwelling may be expanded up to the maximum height in subsection allowed by this Code or the maximum building footprint; however, existing dwellings that exceed the maximum height and/or footprint of the Code may not be expanded.

3. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

4. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard.

Figure 8-1728: Signs in the Town Center



LAND DIVISION STANDARDS

17.8.900 PURPOSE

This section contains many of the standards for land division intended to preserve, protect, and promote the public health, safety, convenience, and general welfare of the community. These standards are to be used in conjunction with the land division procedural requirements provided in Article 6.

17.8.905 STANDARDS

A. Block Design

1. The length, width and shape of blocks shall be designed with due regard to providing ~~adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.~~ building sites that comply with the lot dimensional standards in Article 3 and development standards in Article 8.
2. Blocks ~~shall have sufficient width to provide for two tiers of lots of appropriate depths, except where blocks are adjacent to an arterial, a railroad, or waterway, and shall~~ meet the following standards:

B. Block Length and Perimeter

- ~~1. The layout of streets shall not create excessive travel lengths.~~ 1. Block lengths shall be a maximum of 500 feet and block perimeters shall be a maximum of 1,200 to 1,600 feet. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Block perimeter is defined as the sum of the block lengths of all sides of a block.
2. In residential subdivisions and mixed-use developments, no block shall be more than 330 feet in length. This length can be exceeded up to a maximum length of 660 feet under Block Length Exceptions below.

C. Block Length Exceptions. An exception to the block length standard may be permitted during the land division review when one of more of the following conditions exists:

1. Physical conditions ~~that~~ preclude development of a public street. ~~In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made.~~ Such conditions ~~may include, but are not limited to,~~ topography, wetlands, mature trees, creeks, drainages, and rock outcroppings.
2. Buildings or ~~other~~ existing development on adjacent lands ~~that~~ preclude a street connection ~~now or in the future, considering the potential for redevelopment.~~
3. ~~Barriers such as freeways~~ Highways or railroads preclude street connections.
4. Average slope of the block exceeds 15%, ~~the additional block length is the minimum necessary to address characteristics of the site,~~ and the tangent of the roadway centerline does not vary more than 30 degrees transverse to the slope contours.
5. Where an existing public street or streets terminating at the boundary of the development site have a block length exceeding 500 feet, or are situated such that the extension of the

street(s) into the development site would create a block length exceeding 500 feet. ~~In such cases, the block length shall be as close to 500 feet as practical.~~

D. Pedestrian Ways

1. Off-street pedestrian ways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a street is not ~~feasible~~provided. In cases where a street connection is ~~feasible~~provided, off-street pedestrian ways shall not be permitted in lieu of a ~~traditional~~standard street with sidewalks.
2. When block lengths exceed 500 feet, a pedestrian way of not less than ten (10) feet in width shall be dedicated to provide pedestrian access thorough the block, or to provide access to schools, parks, designated open areas, or other public areas. Such pedestrian ways shall be improved with hard surface material with an appropriate base to a minimum width of five (5) feet prior to issuance of any building permit for construction within the subdivision.
3. Sidewalks and/or pedestrian ways shall be designed according to City standards or specifications on file at the City.
4. Designated crosswalks across streets may also be required by the Director near the center of blocks that are over 500 feet in length.

E. Easements

1. Easements of ten (10) feet in width shall be provided along the front lines of all lots or parcels for public utilities and sidewalks. Larger easements may be ~~required where~~ necessary to comply with adopted agency policies. The City or other appropriate public agency shall be empowered to enter upon such easement for construction or maintenance of public utilities, and to remove, if necessary, any fence, tree, shrubbery or other obstruction, which may have been located within the easement.
2. Where a land division contains a watercourse or area serving for the accumulation or retention of surface water, easements shall be provided for such watercourses or retention area to ensure that no building or structure shall be erected therein.
3. Where the alignment of a utility easement (other than required perimeter easements) is such that it would also serve as suitable~~an~~ easement for originating or continuing a pedestrian/bicycle path, ~~the Director may require that such~~such an easement be designated on the plat as serving both functions. In such cases, the minimum easement width shall be ten (10) feet and the pedestrian/bicycle path shall be improved with a hard surface to a minimum width of eight (8) feet.

F. Lots, Parcels and Common Areas

The size, dimensions, and orientation of lots and parcels shall be ~~appropriate for the location of the subdivision or partition, for the type of development and use contemplated, and shall be~~ consistent with all applicable standards of this Code and the following:

1. Lot and Parcel Side Lines. The side lines of parcels in partitions shall run at right angles to the street upon which they face ~~to the maximum extent feasible~~, and on curved streets shall be radial to the curve ~~wherever possible~~. The side lines of lots in subdivisions need not run at right angles to the abutting street, but may be laid out at any suitable angle to satisfy the solar access standards of §17.5.400, ~~and to allow for a suitable subdivision design for the type of development and use contemplated.~~

2. Frontage. Each lot and parcel shall have a minimum frontage on a public or private street of at least ~~twenty (20)~~fifteen (15) feet with ~~two exceptions~~the following exception:
 - a. A lot or parcel on the radius of a curved street or on the circular end of a cul-de-sac shall have frontage of not less than thirty (30) feet upon the abutting street right-of-way measured on the arc.
 - ~~b. Where a flag lot is proposed and the access strip is serving only one lot, the frontage shall be not less than fifteen (15) feet.~~
3. Through Lots and Parcels. Through lots and parcels are prohibited, except ~~where they are necessary~~ to provide separation of development from arterial streets or adjacent ~~incompatible~~ activities or developments. In such cases, the Director ~~may~~shall require ~~that~~ evergreen screening, a masonry wall, a landscaped earth berm, and/or a non-access easement ~~be provided~~ along the line of lots or parcels abutting ~~such~~ an arterial street or other ~~incompatible~~ uses.
4. Future Subdivision or Partition of Lots or Parcels. Where a subdivision or partition will result in a lot or parcel of one-half (1/2) acre or larger in size which ~~in the judgment of the Director is likely to~~could be further divided ~~in the future, the Director may require that~~ the location of lot and parcel lines ~~and other details~~must allow for efficient future division without violating the requirements of this Code and without interfering with the ~~orderly extension of adjacent and abutting streets. The Director may also require that restrictions concerning locations of buildings within future street locations and vehicular access to lots or parcels be made a matter of record if deemed necessary for permitting the efficient subsequent division of the land~~extension of adjacent and abutting streets.
5. Subsequent Flag Lots. Land partitions are prohibited within subdivisions for a period of five (5) years after the date of final plat approval, unless the land is shown as a future development area on the final plat.
6. Lot Access to Resource Areas. For subdivisions, ~~significant~~protected natural resources ~~such as streams, riparian areas, and wetlands~~ shall be ~~protected,~~ integrated into the design of the subdivision, and platted as a common area, ~~and made accessible to as many individual parcels as possible.~~

G. Public Use Areas

1. Dedication Requirements.

- a. Where a proposed park, playground or other public use shown in a ~~development~~master plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of such area within the subdivision.
- b. Where ~~considered desirable by the City in accordance~~consistent with adopted comprehensive plan policies, and where a ~~development~~master plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision ~~or sites of a character, extent and location suitable~~ for the development of parks and other public use.

2. Acquisition By Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within eighteen (18) months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.

[ARTICLE 12]

- A1. Approved Plan. A plan that has been granted final approval by the appropriate approval authority.
- A2. Assessed Valuation. The value at which property is appraised for tax purposes.
- A3. Awning. Any stationary structure, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one (1) wall or storage cabinet substituting for a wall.
- B1. Basement. Any area of the building having its floor subgrade (below ground level) on all sides.
- B2. Bed and Breakfast Inn. A single-family dwelling unit where lodging and meals are provided to a limited number of paying guests who are prohibited from staying for longer than fifteen (15) days.
- B3. Berm. A mound of earth.
- B4. Bike Lane. Lanes on an improved street which are designated for use by cyclists and separated from vehicular traffic either by striping or small concrete barrier.
- B5. Bikeway. A pathway, paved and separated from streets and sidewalks, designed to be used by cyclists.
- B6. Bio-swale. One type of stormwater management technique that uses chemical, biological and physical properties of plants, microbes and soils to remove, or retain, pollutants from stormwater runoff. It is distinguished from other types of bioretention techniques in that it is designed as part of a stormwater conveyance system that has relatively gentle slopes and flow depths that are generally less than 12 inches.
- B7. Buildable Area. The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance has been met.
- B8. Building. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- B9. Building Code. The building code presently adopted by the State of Oregon and the City of Forest Grove, and enforced by the City.
- B10. Building Envelope. That portion of a buildable area exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.
- B11. Building Footprint. Means the horizontal area as seen in plan view, measured from the outside of all exterior walls and supporting columns. Building footprint includes dwelling and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony

less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.

~~B11-B12.~~ Building, Primary. A building in which the primary use of the property is conducted.

~~B12-B13.~~ Building Height. The vertical distance from the average elevation of the finished grade to the highest point of the structure, excluding steeples, chimneys and/or antennas attached to the principal structure.

~~B13-B14.~~ Building Line. A line parallel to the front lot line and passing through the most forward point or plane of a building foundation.

~~B14-B15.~~ Building Official. Person appointed by the City Manager to enforce the provisions of the State Building Code.

~~B15-B16.~~ Building Permit. Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

C1. Caliper. The diameter of a tree trunk measured at a prescribed height.

C2. Carpool/Vanpool. A group of two (2) or more commuters who share the ride to and from work, school, and other destinations.

~~C3.~~ Carport. A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

~~€3-C4.~~ Car-Share Organization. A car-share organization is any public or private entity that provides a membership-based car-share service to the public and manages, maintains, and insures motor vehicles for shared use by individuals and group members.

~~€4-C5.~~ Change of Use. Any use that differs from the previous use as defined in the §17.12.005, Use Categories.

~~€5-C6.~~ City. The area within the territorial limits of the City of Forest Grove.

~~€6-C7.~~ City Engineer. The person assigned the title of City Engineer for the City of Forest Grove, Oregon, or designee.

~~€7-C8.~~ City of Forest Grove. The governing structure for the municipality of Forest Grove, Oregon.

~~€8-C9.~~ Clear Vision Area. A triangular area located at the intersection of two (2) streets, a street and a railroad, or a street and driveway; defined by a line across the corners, the ends of which are on the street or alley lines, an equal and specified distance from the corner.

~~C10.~~ Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

C11. Common Wall. A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25% of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

~~C9~~C12. Complex. A structure or group of structures developed on one (1) or more contiguous lots of record and developed as part of an overall development plan.

~~C10~~C13. Comprehensive Plan. The generalized, coordinated land use map and policy statement of the governing body of the City of Forest Grove that interrelates all functional and natural systems and activities relating to the use of land, including, but not limited to: sewer and water systems, transportation systems, educational facilities, natural resources, and air and water quality management systems.

~~C11~~C14. Conditional Use. A use which may be permitted by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

~~C12~~C15. Contiguous. See “Abutting.”

C16. Cottage Cluster Project. A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

C17. Council. The City Council of Forest Grove, Oregon.
~~C13.~~

~~C14~~C18. Cul-de-sac. The circular turnaround at the end of a dead-end street.

D1. Dedication. The limited grant by a property owner allowing the use of property by the public for specified purposes.

D2. Deed. A legal document conveying ownership of real property.

D3. Demolish. To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated historic structure or resource.

D4. Density. The intensity of residential land uses, usually stated as the number of housing units per net acre.

a. Gross Density. The number of residential dwelling units per acre based on the area of the site found inside the parcel boundary. This includes the building lots, parking and driving areas, sidewalks, public right-of-ways, public and private streets and common driveways, public and private open space areas, and other tracts intended for public use.

b. Net Density. The number of dwelling units per acre based on the net site acreage, which does not include rights-of-way through or on the edge of the site, environmentally constrained areas, or land intended for public ownership such as park and open space uses.

c. Bonus Density. Density bonuses either are granted by the Planning Commission and/or City Council to the developer, to have an overall ratio of dwelling units to the planned

development site area greater than would be allowed for a conventional development in the same location; or are applied pursuant to §17.7.400.

- d. For density calculation purposes, the final number shall be rounded down to the next whole number if the calculation is less than or equal to 0.49 and rounded up to the next whole number if the calculation is greater than or equal to 0.50.

D5. Density Transfer. The transfer of all or part of the permitted density from one part of a development site to another part.

~~D7~~D6. Development. 1) Any man-made change to improved or unimproved estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or material located within the area of special flood hazard; or 2) division of land into two or more parcels, including partitions and subdivisions as provided in Oregon Revised Statutes Chapter 92.

~~D8~~D7. Development Site. A lot or combination of lots upon which one (1) or more buildings and/or other improvements are constructed.

~~D9~~D8. Director. The Director of Community Development for the City of Forest Grove, Oregon, or designee.

~~D10~~D9. Drive-Through Facility, Drive-In Use. A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

~~D11~~D10. Driveway. A private way providing ingress and egress from one (1) or two (2) lots, parcels or tracts to a public or private street.

~~D12~~D11. Dwelling-Related Definitions:

a. ~~a.~~ Dwelling - A structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.

b. ~~b.~~ Accessory Dwelling Unit – An interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

c. ~~c.~~ Apartment Or Multiple-Family Dwelling - A structure containing at least ~~three~~ (3) five (5) dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single-family attached building types on two (2) or more contiguous lots.

d. ~~d.~~ Cottage – An individual dwelling unit that is part of a cottage cluster.

e. Cottage Cluster – means a grouping of no fewer than three detached dwelling units per net acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

f. Courtyard Housing – Single detached dwellings oriented around a common courtyard with a building footprint between 900 square feet and 1,400 square feet.

- g. Duplex - Two (2) dwelling units on a lot or parcel in any configuration.
- h. Middle Housing – Duplexes, triplexes, quadplexes, cottage clusters, and townhouses.
- i. Single-Family Unit Dwelling:
 - (1) Attached Dwelling - Two (2) or more dwelling units, including townhouses, attached side by side on two (2) or more contiguous, separate lots with some structural parts in common at a common property line.
 - (2) Detached Dwelling - One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot.
 - (3) Manufactured Dwelling - Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. §5401), commonly known as the U.S. Department of Housing and Urban Development (HUD) code.
- j. Townhouse – A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” or “common-wall house.”
- k. Triplex – Three dwelling units on a lot or parcel in any configuration.
- l. Quadplex – Four dwelling units on a lot or parcel in any configuration.

- E1. Easement. A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.
- E2. Egress. An exit.
- E3. Employees. All persons, including proprietors, working on the premises during the largest shift at peak season.
- E4. Enlargement. An increase in size of an existing structure or use, affecting the physical size of the property, building, parking and other improvements.
- E5. Exception. Permission to depart from a specific design standards in the Development Code.
- F1. Face. The wall of a building as measured from the ground level to roof line and from each corner of the building, creating a plane perpendicular to the horizon.
- F2. Family. One (1) or more persons occupying premises and living as a single housekeeping unit provided that, unless all members are related by blood or marriage, or are legally adopted or court appointed guardian, that number of persons shall not exceed five (5).
- F3. Fence. A barrier grown, placed or constructed for the purpose of obstructing movement or vision.
- F4. Final Action, Final Decision or Final Order. A determination reduced to writing, signed and filed by the appropriate approval authority.
- L1. Lot-Related Definitions.

- a. Lot - A unit of land that is created by a subdivision or partition of land and is owned by or under the lawful control and in the lawful possession of one ownership.
- b. Corner Lot - A lot situated at the intersection of two (2) streets where the interior angle of such intersection does not exceed 135°.
- c. Flag Lot - A lot located behind a frontage lot, plus a strip of land out to the street for an access drive. A flag lot results from the subdivision or partitioning of a residential lot or parcel which is more than twice as large as the minimum allowed in the underlying zone, but without sufficient frontage to allow two dwellings to front along a street. There are two (2) distinct parts to a flag lot: the “flag” which comprises the actual building site located at the rear portion of the original lot, and the “pole” which provides access from a street to the flag lot. The flag pole can either be part of the rear lot or granted as an easement from the front lot.
- d. Front Lot Line - In the case of an interior lot, a property line which abuts the street; in the case of a corner lot, the shortest of the two property lines which abut the street; except where the narrowest side of a lot is a minimum of 75 feet there may be a choice of frontage.
- e. Improved Lot - (1) A lot upon which a building can be constructed and occupied; (2) a lot with buildings or structures.
- f. Interior Lot - A lot other than a corner lot and having frontage on only one street.
- g. Lot Area - The total horizontal area within the lot lines of a lot exclusive of public and private roads, and access easements to other property or the private driveway area of a flag lot.
- h. Lot Averaging - A design technique permitting one or more lots in a subdivision to be undersized, providing that the average lot size is no less than that required in the underlying zone.
- i. Lot Coverage - The percent of a lot area covered by the horizontal projection of any structures or buildings.
- j. Lot Depth - The distance from the midpoint of the front lot line to the midpoint of the rear lot line.
- k. Lot Line - The property line bounding a lot.
- l. Primary Lot – The original lot or parcel subject to a partition or subdivision application.
- m. Secondary Lot – A lot created through a middle housing land division.

M1. Manufactured Dwelling. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured dwelling” does not include a “recreational vehicle”.

M2. Middle Housing Land Division. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under Oregon Revised Statutes 197.758(2) or 197.758(3).

M2-M3. Mitigation. Methods used to alleviate or lessen the impact of development.

M3-M4. Mixed-Use Development. The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form.

M4-M5. Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

M5-M6. Manufactured Dwelling Park. A parcel (or contiguous parcels) or land divided into two or more manufactured home lots for rent or sale.

“Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190. ORS 446.003 (27)

M6-M7. Manufactured Dwelling Space. A plot of ground within a manufactured dwelling park designed for the accommodation of one (1) manufactured dwelling.

M7-M8. Medical Marijuana Dispensary. A facility registered with the Oregon Health Authority or for which an application has been submitted to the Oregon Health Authority that transfers usable marijuana, immature marijuana plants, seeds, and cannabinoid products, concentrates and extracts to registrants and primary caregivers. Dispensaries also receive transfers of cannabinoid products, concentrates and extracts from marijuana processing facilities. Dispensaries receive transfers of usable marijuana, immature marijuana plants and seeds from registrants and primary caregivers. Medical marijuana dispensaries are classified as Commercial: Medical Centers.

M8-M9. Marijuana Facilities. Facilities including recreational marijuana producers, recreational marijuana processors, recreational marijuana retailers, recreational marijuana wholesalers and medical marijuana dispensaries, medical marijuana producers, and medical marijuana processors.

- M9-M10. Marijuana Processor. A facility licensed by the Oregon Liquor Control Commission or registered by the Oregon Health Authority to process, compound or convert marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extract. Marijuana processors are classified as Industrial: Manufacturing and Production.
- M10-M11. Medical Producer - Medical. A specific location registered by the Oregon Health Authority (OHA) used by a medical marijuana grower to manufacture, plant, cultivate, grow, or harvest marijuana or dry marijuana leaves or flowers for medical use by a specific patient. Medical marijuana producers are classified as Other: Agriculture/Horticulture.
- M11-M12. Marijuana Producer - Recreational. A facility that is licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana. Recreational Marijuana Producers are classified as Other: Agriculture/Horticulture.
- M12-M13. Marijuana Production - Indoor. According to OAR 845-025-2000(2) means producing marijuana in any manner (a) utilizing artificial light on mature marijuana plants or (b) other than outdoor production.
- M13-M14. Marijuana Production - Outdoor. According to OAR 845-025-2000(3) means producing marijuana (a) in an expanse of open or cleared ground or (b) in a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial light on mature marijuana plants, including but not limited to electrical lighting sources.
- M14-M15. Marijuana Retailer. A facility licensed by the Oregon Liquor Control Commission to sell marijuana to a consumer. Marijuana retailers are classified as General Retail: Sales-Oriented.
- M15-M16. Marijuana Testing Laboratories. A state-licensed laboratory for testing of marijuana items licensed by the Oregon Liquor Control Commission. Marijuana testing laboratories are classified as Commercial: Office.
- M16-M17. Marijuana Wholesaler. A facility licensed by the Oregon Liquor Control Commission to purchase marijuana items in Oregon for resale to a person other than a consumer. Recreational marijuana wholesalers are classified as Industrial: Wholesale Sales.
- N1. Natural Resource Area. The area defined by Metro as Riparian Wildlife Habitat Class I and II and Upland Wildlife Habitat Area A and B as shown on the Regionally Significant Fish and Wildlife Habitat Inventory Map dated at the time of adoption of this section or as amended in the future excluding those portions within Sensitive Areas and Vegetative Corridors as determined by Clean Water Services Design and Construction Standards.
- N2. Neighborhood Store. A commercial structure of 2,000 square feet or less providing goods and services to a neighborhood area. Such store is intended to provide convenience items to reduce the need for longer trips, and is not intended to provide goods and services which would encourage trips from throughout the community.

- N3. New Construction. Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by Forest Grove and includes any subsequent improvements to such structures.
- N4. Nonconforming. A use, structure, or lot of record that lawfully existed prior to the adoption of this code but which does not meet the requirements of this code, or any amendment thereof.
- O1. Occupancy Permit. A required permit allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.
- O2. Off-Site Impact. A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities.
- O3. Off-Site Improvement. Improvements required to be made off-site as a result of an application for development and including, but not limited to, road widening and upgrading, storm water facilities, and traffic improvements.
- O4. Open Space. A space on a lot that is open and without artificial obstruction to the sky and not occupied by parking lots, structures, or portions of structures.
- O5. Outdoor Storage. The keeping, not within a building area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.
- P1. Parking Space. An area within a private or public parking area, building, or structure for the parking of one vehicle.
- ~~P1~~.P2. Party. A person who makes an appearance in a proceeding through the submission of either written or verbal evidence.
- ~~P2~~.P3. Pedestrian/Bicycle Accessway. Any off-street path or way which is intended for the primary use of pedestrians and/or bicycles.
- ~~P3~~.P4. Pedestrian Walkway. A hard-surface facility for pedestrians within a development or between developments, distinct from surfaces used for motor vehicles. A pedestrian walkway is distinguished by a sidewalk by its location on private property outside the public right-of-way and from a pedestrian/bicycle accessway by the function it serves.
- ~~P4~~.P5. Perimeter. The boundaries or borders of a lot, tract, or parcel of land.
- ~~P5~~.P6. Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district as provided in the development code.
- ~~P6~~.P7. Person. An individual, corporation, governmental agency, official advisory committee of the City, business trust, estate, trust, partnership, association, or two or more people having a joint or common interest or any other legal entity.
- ~~P7~~.P8. Plat. A final map, diagram or other writing containing all the descriptions, specifications

and provisions concerning a subdivision.

~~P8.P9.~~ Previously Approved Use. Any proposed project having received approval of a land use or building permit but is not generating impact on services or public facilities from the operation of the use.

~~P9.P10.~~ Primary Entrance. The principal entry through which people enter a building. A building may have more than one (1) primary entry.

~~P10.P11.~~ Projection. Part of a building or structure that is exempt from the bulk requirements of the Development Code.

one or two supports above ground level. Also referred to as a pole sign.

a. Frontage. The length of the property line of a lot or parcel along a public right-of-way on which it borders.

b. Hazardous Sign. A sign which is detrimental to the public safety, including but not limited to: any sign that has a design, color, or lighting which may be mistaken for a traffic light, signal, or directional sign; any sign which is located in such a manner as to obstruct free and clear vision to motorists or pedestrians at intersections and driveways; any sign which, because of its location, would prevent free ingress to or egress from any door, window, or fire escape; any sign that is attached to a standpipe or fire escape; any sign which has lighting which temporarily blinds or impairs one's

~~S1.~~ Site Area. The total area of a development site calculated after subtracting any required planned dedication of public rights-of-way and/or designation of private rights-of-way.

~~S1.S2.~~ Slope. The deviation of a surface from the horizontal, usually expressed in percent or degrees.

~~S2.S3.~~ Site Plan. A plan, prepared to scale showing accurately the location and dimensions of all the uses and structures proposed for a parcel of land, and other information as required by specific sections of this code.

~~S3.S4.~~ Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement occurred within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

~~S5.~~ S9Story. A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

(1) A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finished floor elevation above is six (6) feet or less for at least fifty (50) Percent of the perimeter and does not exceed twelve (12) feet above grade at any point;

(2) An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

S11. Structure. A walled and roofed building including a gas or liquid storage tank that is principally above ground.

S10S12. Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

S11S13. Street. A public or private way that is created to provide ingress or egress for persons to three (3) or more lots, parcels or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

S12S14. Subdivision. To divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. The term “subdivision” also applies to an area or tract of land which has been subdivided.

S13S15. Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred. “Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

T1. Temporary Use. A use that is 1) seasonal or directed toward a specific event; 2) occasioned by an unforeseen event; or 3) sales offices and model homes for the sale of homes.

T2. Temporary Use Permit. A permit for a use that is temporary in nature. Temporary Use Permits are required for uses such as seasonal shelters and seasonal businesses (including Christmas tree lots and firework stands).

T3. Transit Street. Any street identified as an existing or planned bus or light rail route.

~~T4.~~ Townhouse Project. One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

~~T4-T5.~~ Transit-Oriented Uses. Includes multi-family residential development, retail, office, and institutional uses of sufficient intensity to support transit operations, and transit-supportive features such as bus stops and pullouts, bus shelters, park-and-ride stations, and pedestrian spaces.

~~T5-T6.~~ Tree Related Definitions. The following terms apply.

~~W2.~~ Window Area. The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

Y1. Yard-Related Definitions:

- a. Yard. An open space unobstructed from the ground upward except as otherwise provided in this title.
- b. Corner Side. A yard extending from the front yard to the rear lot line on the street side of a corner lot.
- c. Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.
- d. Rear. A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.
- e. Side. A yard between the main building and the side lot line extending from the front yard or front lot line where not front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.

~~Z1.~~ Zoned For Residential Use. A zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation. This excludes lands zoned primarily for commercial, industrial, agricultural, public or mixed uses, even if those zones allow for the development of detached single-family dwellings.

~~Z2.~~ Zoning District. An area of land within the Forest Grove city limits designated for specific types of permitted developments, subject to the development requirements of the district.

EXHIBIT B
Required Findings
Statewide Planning Goal 1 (Involvement) Findings

Goal 1: To develop an involvement program that ensures the opportunity for involvement in all phases of the planning process.

Under Goal 1, the general public, through the local public involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land use plan. In addition, Goal 1 states the public shall have the opportunity to be involved in the preparation of plans and implementation measures, plan content, plan adoption, minor changes and major revisions in the plan and implementation measures.

The Forest Grove Development Code implements the Forest Grove Comprehensive Plan which implements the Oregon Statewide Land Use Planning applicable to urban areas. To guide the City's approach to Code amendments needed to comply with HB 2001 and SB 458, the Forest Grove Planning Commission established a subcommittee. The subcommittee included three Planning Commission members, a City Councilor, a non-profit home builder, a market-rate homebuilder, and an architect. The subcommittee held three meetings providing an opportunity for in-depth review of HB 2001, the applicable Oregon Administrative Rules, the HB 2001 mode code prepared by the Oregon Department of Land Conservation and Development and approved by the Land Conservation and Development Commission, and SB 458. Through the process the subcommittee reached consensus on draft Development Code amendments to comply with HB 2001 and SB 458.

In addition to the Planning Commission subcommittee the City provided opportunities for broader community input into the Code amendments. Outreach included:

- A virtual open house with information on the City's webpage.
- Online survey
- Written materials in English and Spanish
- Social media announcements
- Online comment form
- Televised work sessions with the Forest Grove Planning Commission and City Council.

The draft code amendment package was also circulated to homebuilders working in Forest Grove and Portland Metropolitan Homebuilders Association to gain their perspective before presenting the amendments to the Planning Commission and City Council for adoption.

Statewide Planning Goal 10 (Housing) Findings

Goal 10: To provide for the state's housing needs.

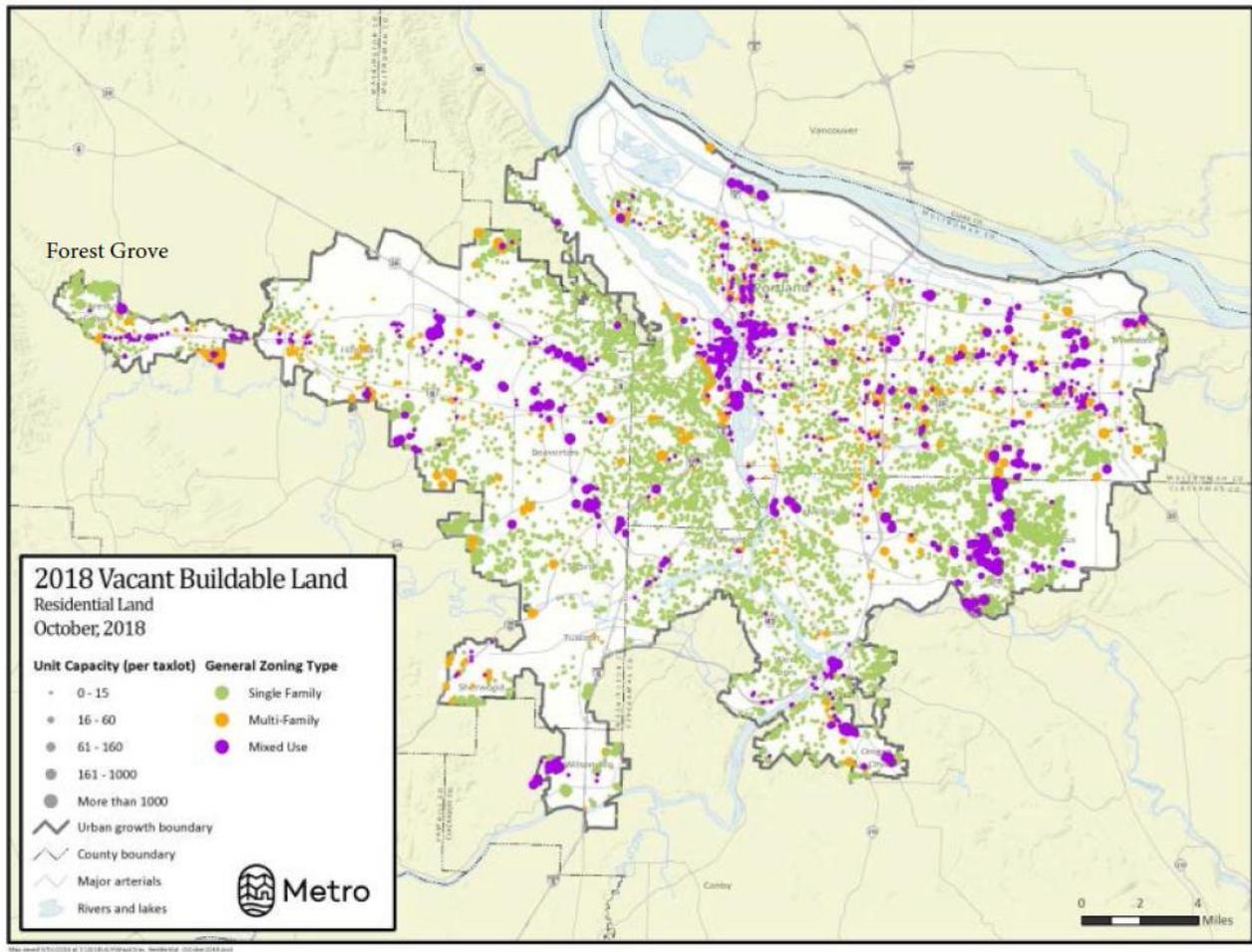
Goal 10 and associated Oregon Administrative Rules and Oregon Revised Statutes. As stated in the Oregon Administrative Rules (OAR 660-008) The purpose of Goal 10 is to assure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing. This is what HB 2001 and the recommended Forest Grove Development Code amendments strive to achieve.

The administrative rules and statutes establish requirements for compliance with Goal 10. This includes a buildable land inventory (BLI). The BLI identifies lands in urban and urbanizable areas suitable, available and necessary for residential use. The Forest Grove BLI was completed in 2018. An overview of the Forest Grove BLI is provided below.

Buildable Land Inventory (BLI) Findings

The most recent buildable land inventory (BLI) for the City was completed in 2018. At that time approximately 240 acres of vacant land were designated for residential development. The map below prepared for the Metro Urban Growth Report shows vacant buildable land for single-family, multifamily and mixed use development.

Vacant Residential Map



Since 2019 the City issued a total of 574 building permits for residential development. Of this total, 341 permits were issued for single-unit homes, 227 permits for multi-unit homes, 4 permits for manufactured homes and 2 permits for accessory dwelling units.

Based on the number and type of permits issued the City estimates approximately 48 acres have been absorbed for residential development since the most recent Housing Needs Assessment was adopted. This leaves approximately 192 acres of land in the Buildable Land Inventory for residential development. This amount of land could potentially accommodate

approximately 2,300 housing units. The potential increase to housing capacity allowed by HB 2001 of one percent in infill areas and three percent in new urban growth areas could increase capacity by 69 units.

Housing Needs Analysis

The administrative rules and statutes also require a local Housing Needs Analysis (HNA). The HNA identifies the housing types determined to meet the need for housing within an urban growth boundary at particular price ranges and rent levels. The Forest Grove Needs Analysis was adopted in 2019. An overview of the Forest Grove HNA is provided below.

Housing Needs Analysis (HNA) Findings

The City adopted the most recent Housing Needs Analysis (HNA) in June 2019 (Ordinance 2019-12). Since that time 547 units have been approved. This represents approximately 16% of the net new dwelling units needed identified in the HNA and shown on the table below.

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

Of the 547 building permits issued, 341 permits were issued for single-unit homes, 227 permits for multi-unit homes, 4 permits for manufactured homes and 2 permits for accessory dwelling units. This represents 27% of the net new housing units needed for single-unit homes and 32.3% of the net new units needed for multi-unit dwellings.

Affordable Housing Incentives

HB 2001 requires that when cities or counties adopt regulations or amend a comprehensive plan to comply with the law, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

- Waiving or deferring system development charges
- Adopting or amending criteria for property tax exemptions under ORS 307.515
- Assessing a construction tax under ORS 320.192

Forest Grove considered ordinances and policies to increase the affordability of middle housing as required by HB 2001. A summary of this is provided below.

The City established a Planning Commission subcommittee with outside representation to prepare recommendations for local implementation of HB 2001. The subcommittee discussed incentives on December 7, 2021. The City Council discussed House Bill 2001 including the

requirements of Section 3, chapter 639, Oregon Laws 2019 during a work session held on January 24, 2022. During the work session, City staff presented an overview of the various housing property tax exemptions available for adoption.

Waiving or Deferring System Development Charges

The Planning Commission discussed aspects of waiving or deferring system development charges (SDCs) for certain affordable housing developments. The subcommittee discussed that SDCs must be based on a methodology consistent with state law. During the discussion it was noted that foregone revenue due to waiving SDCs should be offset by other funding sources. It was also noted that the City only controls two system development charges: water and parks. The transportation development tax and sanitary sewer SDC rates and administrative procedures are established by Washington County.

The Planning Commission subcommittee supported the idea of the City working with partner agencies to reduce system development charge rates for affordable housing as the rates are updated over time. The subcommittee also supported the concept of right-sizing system development charges for smaller housing units such as cottages and accessory dwelling units to better reflect true system impacts.

The City of Forest Grove adopted an ordinance allowing deferral of SDCs for regulated affordable housing to issuance of occupancy permit rather than building permit issuance. The West Tuality Habitat for Humanity has taken advantage of the deferral.

Low Income Housing Property Tax Exemption

The Planning Commission subcommittee discussed aspects of the Low Income Housing Property Tax Exemption including the exemption applies to landlords and the property must be offered for rent or held for development low income rental housing for households earning at or below 60% of the area's median income. The Planning Commission subcommittee also considered that this exemption only applies to taxing districts approving the exemption unless other taxing districts representing 51% of the total rate applied to the property also approves the exemption in which case all property taxes are exempt.

Non-Profit Corporation Low Income Housing Tax Exemption

The Planning Commission subcommittee reviewed the Non-Profit Corporation Low Income Housing Tax Exemption Program. The City of Forest Grove, Washington County and Forest Grove School district adopted the program. As a result, entities eligible for the tax exemption receive a 100% property tax exemption for up to six years. The subcommittee learned that several non-profit corporations providing housing in Forest Grove have received this property tax exemption. This includes apartments managed by Bienestar, Covey Run Duplexes, Willow Park apartments, and Garden Grove apartments.

Single Unit Housing Property Tax Exemption

The Planning Commission subcommittee discussed the purpose of the Single Unit Housing Property Tax Exemption to stimulate the purchase, rehabilitation and construction of single unit housing for homeownership by low and moderate income households through a limited property tax exemption. The subcommittee discussed that the program applies to single unit homes with a market value for land and improvements of no more than 120 percent of the median sales price of dwelling units in the city at time of application.

Rehabilitated Residential Property

The Planning Commission subcommittee discussed aspects of the Rehabilitated Residential Property Tax Exemption including that the program encourages the rehabilitation of existing units in substandard condition and conversion of transient accommodations to permanent residential units and the conversion of nonresidential units to permanent housing. The subcommittee discussed that the project eligibility area must be designated by the City as a distressed area that is characterized by deterioration, inadequate public facilities, or unsafe or abandoned structures including a significant number of vacant or abandoned single unit or multiple family units.

Construction Excise Tax

Establishing a construction excise tax was discussed by the City Council on several occasions including during the Council's annual goal setting work session in 2018. The City Council noted the construction excise tax program has merits but effectiveness is diminished at the individual city level. The Council discussed that the program would be more effective and efficient if adopted at the county level. This is because Washington County has a housing program with dedicated staff and financial resources.

Goal 14 (Urbanization)

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

In determining land need, local governments may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Forest Grove Development Code Text Amendments §§17.2.630 (Review Criteria)

The Forest Grove Development Code establishes review criteria for Forest Grove Development Code text amendments. The review criteria includes:

- A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan.
- B. The text amendment is consistent with relevant statewide and regional planning goals, program and rules.

HB 2001 is consistent with several Comprehensive Plan elements including community involvement and housing as explained below. HB 2001 supersedes the land use designations

contained in the Land Use chapter of the Comprehensive Plan including land use designation and development density policies. The Comprehensive Plan will be amended in the future for consistency with the Development Code after the HB 2001 Development Code amendments are approved by the City Council.

The proposed Development Code text amendments are consistent with the following Oregon Statewide Land Use Planning Goals:

- Goal 1: Public Involvement
- Goal 10: Housing
- Goal 14: Urbanization

The process leading to the adoption of the Development Code amendments needed to comply with HB 2001 and SB 458 provided opportunities for public involvement. This included establishing a Planning Commission subcommittee with outside members involved in the housing industry. Other opportunities for public involvement included a virtual online open house, online survey, online comment form, and televised Planning Commission and City Council work sessions. Information was provided in both English and Spanish.

The Development Code amendments will expand housing choices by allowing a variety of housing types in zoning districts that also allow single unit homes. Consistent with HB 2001, the housing types that will be allowed in these zoning districts include duplexes, triplexes, quadplexes, townhomes, cottages and cottage clusters. Consistent with HB 2001 it is expected that housing capacity in Forest Grove will increase by one percent in infill area and three percent in new urban growth areas.

The Development Code amendments are consistent with Statewide Land Use Planning Goal 14: Urbanization. Consistent with Goal 14, expanding housing choices and increasing housing capacity in the City accommodates urban population inside the urban growth boundary in a land efficient manner. This is achieved through reducing required lot sizes for most housing types and expanding where higher density development is allowed within the city.

Metro Urban Growth Management Functional Plan

Title 1: Housing Capacity. The Metro Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to generally maintain or increase its housing capacity. If adopted, the Development Code adoption package implementing HB 2001 will reduce the minimum required lot size in the low density residential zone to 3,500 square feet. The Code amendments also identify duplexes, triplexes, quadplexes, townhomes, cottages and cottage clusters as allowed housing types in the low density residential zone. Under HB 2001, cities are allowed to assume a one percent increase to capacity for infill areas and a three percent increase to capacity for new urban growth areas. Amending the Forest Grove Development Code to allow duplexes, triplexes, quadplexes, cottages and cottage clusters along with the potential to increase housing capacity as allowed by HB 2001 the Code amendments are consistent with Title 1 which requires each city and county to generally maintain or increase its housing capacity.

Title 7: Housing Choice. Title 7 requires that cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances ensure a diverse range of

housing types within their jurisdictional boundaries. HB 2001 requires that the City of Forest Grove allow duplexes, triplexes, quadplexes, townhomes, cottages and cottage clusters in areas that allow single-unit detached dwellings on individual lots. If adopted, the Development Code amendment adoption package will allow these housing types in low density residential areas that allow for single-unit homes on individual lots. This provides opportunities for a diverse range of housing types in Forest Grove. Therefore, the Development Code amendments comply with Title 7 of the Metro Urban Growth Management Functional Plan.

EXHIBIT C
Planning Commission Findings and Decision Number 2022-04

**Recommended Development Code Amendments Needed to Implement Oregon
House Bill 2001 (2019) and SB 458 (2021)
File Number: 311-22-000003-PLNG**

WHEREAS, the Oregon legislature passed and the Governor signed Oregon House Bill 2001 (2019) (HB 2001), also known as the Middle Housing law; and

WHEREAS, HB 2001 requires that the City amend the Forest Grove Development Code to implement the law; and

WHEREAS, the Oregon legislature passed and the Governor signed Senate Bill 458, also known as the Middle Housing Land Division law; and

WHEREAS, the City prepared legislative (Type IV) Development Code amendments for consideration by the Planning Commission, City Council and public; and

WHEREAS, the proposed Development Code amendments were prepared with assistance from a Planning Commission technical subcommittee including three Planning Commission members, one City councilor, and individuals with expertise in the housing construction industry; and

WHEREAS, the City sought additional input from the community through an online survey and online open house; and

WHEREAS, the Planning Commission participated in a joint work session with the City Council on January 24, 2022, to review draft Development Code amendments; and

WHEREAS, the Planning Commission conducted an additional work session on March 7, 2022; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on the proposed Development Code amendments on March 22, 2022; and.

WHEREAS, the Planning Commission closed the public hearing on March 22, 2022, and continued deliberations on the matter to April 4, 2022; and

WHEREAS, the Planning Commission deliberated on April 4, 2022, considering the testimony provided; and

WHEREAS, the Planning Commission adopted a motion, on a 5-0 vote, to recommend City Council adoption of amendments to the text of the Forest Grove Development Code necessary to implement Oregon House Bill 2001 and Senate Bill 458.

NOW THEREFORE, The City of Forest Grove Planning Commission does hereby recommend that City Council adopt an ordinance amending the text of the Development Code consistent with the Planning Commission decision as needed to implement HB 2001 and SB 458, making the following specific findings and conclusions in support of this decision:

- 1) The Planning Commission considered the staff reports dated March 22, 2022, and April 4, 2022.
- 2) The Planning Commission adopts the findings of fact attached to the staff report dated March 22, 2022, demonstrating the proposed Development Code amendments comply with Oregon Land Use Planning Goal 1 (Community Involvement), Goal 10 (Housing), Goal 14 (Urbanization), Forest Grove Development Code Section 17.2.630 (Development Code Text Amendments Review Criteria, and the Metro Urban Growth Management Functional Plan.
- 3) The Planning Commission approved a motion on April 4, 2022, to recommend City Council approval of Development Code amendments including:
 1. Retaining the R-5 zoning district and consolidating the R-7 and R-10 zoning districts into one zone with the R-7 development standards.
 2. Setting minimum lot sizes for residential development as shown on the table below:

R-5 Zone

Housing Type	Minimum Lot Size	Maximum Lot Size
Single Unit Detached	3,500 square feet	15,000 square feet
Manufactured Home	3,500 square feet	15,000 square feet
Duplex	3,500 square feet	15,000 square feet
Single-Unit Attached/Townhouse	1,500 square feet	15,000 square feet
Triplex	5,000 square feet	15,000 square feet
Quadplex	7,000 square feet	15,000 square feet
Cottage Cluster and Courtyard Housing	7,000 square feet	15,000 square feet
Other Uses	5,000 square feet	

R-7 Zone

Housing Type	Minimum Lot Size	Maximum Lot Size
Single Unit Detached	4,900 square feet	15,000 square feet
Manufactured Home	4,900 square feet	15,000 square feet
Duplex	4,900 square feet	15,000 square feet
Single-Unit Attached/Townhouse	1,500 square feet	15,000 square feet
Triplex	5,000 square feet	15,000 square feet
Quadplex	7,000 square feet	15,000 square feet
Cottage Cluster and Courtyard Housing	7,000 square feet	15,000 square feet
Other Uses	5,000 square feet	

- Setting minimum lot widths in the R-5 and consolidated R-7/R-10 zoning district as shown below consistent with the current standard contained in the Development Code:

R-5 Zone

Housing Type	Minimum Width	Minimum Lot Depth
Single Unit Detached	34 feet	60 feet
Manufactured Home	34 feet	60 feet
Duplex	34 feet	60 feet
Single-Unit Attached/Townhouse	34 feet	60 feet
Triplex	34 feet	60 feet
Quadplex	34 feet	60 feet
Cottage Cluster and Courtyard Housing	34 feet	60 feet
Other Uses	34 feet	60 feet

R-7 Zone

Housing Type	Minimum Width	Minimum Lot Depth
Single Unit Detached	50 feet	75 feet
Manufactured Home	50 feet	75 feet
Duplex	50 feet	75 feet
Single-Unit Attached/Townhouse	50 feet	75 feet
Triplex	50 feet	75 feet
Quadplex	50 feet	75 feet
Cottage Cluster and Courtyard Housing	50 feet	75 feet
Other Uses	50 feet	75 feet

- Modifying the definition for duplexes in Development Code Article 12 to allow both attached and detached duplexes consistent with the Oregon Administrative Rules section 660-046-0020(6).
- Adding a new housing type to the residential use table to allow courtyard housing units with a maximum building footprint of 1,400 square feet.
- Delete the dwelling diversity standard in Development Code subsection 17.8.710(F)(3)(c) since the Planning Commission finds the standard is not clear and objective. The Planning Commission supports revising the standard consistent with recent planned development approval to require that at least (2) two house plans be required for each housing type in a subdivision and that no one house plan comprise more than 45% of the total dwelling units on the same street or the subdivision as a whole.

7. Setting building setbacks in the R-5 and consolidated R-7/R-10 zone as shown below:

Housing Type	Front Yard to Dwelling	Front yard to Garage//Parking Area	Interior Side Yard	Rear Yard
Single Unit Detached	14 feet	20 feet	5 feet	15 feet
Manufactured Home	14 feet	20 feet	5 feet	15 feet
Duplex	14 feet	20 feet	5 feet	15 feet
Single-Unit Attached/Townhouse	12 feet	20 feet	0 feet common wall 5 feet exterior wall at end of structure	0 feet adjacent to alley 10 feet no alley
Triplex	12 feet	20 feet	5 feet	10 feet
Quadplex	12 feet	20 feet	5 feet	10 feet
Cottage Cluster and Courtyard Housing	12 feet	20 feet	5 feet	10 feet

8. Modifying the Development Code to remove maximum density requirements in the R-5 and consolidated R-7/R-10 zone and regulate development intensity by building setbacks and maximum building height.
9. Retain the current limit of six attached homes in a single-unit attached/townhouse structure consistent with Development Code Section 17.8.710(F)(4)(a).
10. Allow a 50% off-street parking credit for on-street parking adjacent to a development site.
11. Require that a cottage cluster include a minimum of three units as allowed by Oregon Administrative Rules Section 660-046-0205(4)(d)(A).
12. All other proposed Development Code amendments contained in Exhibit C to the March 22, 2022, staff report, incorporated herein by reference, unaffected by the recommendations above are recommended for City Council approval.

Phil Ruder, Chair

Date



A place where businesses and families thrive

CITY RECORDER USE ONLY:

AGENDA ITEM #: F. 1.
MEETING DATE: 05/09/2022
FINAL ACTION: 2nd Reading
ORD 2022-01

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *May 9, 2022*

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

SUBJECT TITLE: *Second Reading of Ordinance to Amendment the Development Code to Implement Oregon House Bill 2001 (Middle Housing) and Senate Bill 458 (Middle Housing Land Divisions); File No. 311-22-000003-PLNG*

ACTION REQUESTED: Ordinance Order Resolution Motion Informational

X all that apply

ISSUE STATEMENT: On April 11th City Council opened the public hearing and held first reading of an ordinance with proposed amendments to the Forest Grove Development Code. The amendments are needed for compliance with Oregon’s middle housing laws (HB 2001 and SB 458). On April 11th Council also deferred second reading of the ordinance to May 9th to allow more time for Council review and allow for final housekeeping edits. The ordinance provided for second reading corrects formatting and scrivener errors and is edited to fully incorporate the Planning Commission April 5th decision and recommendation to City Council on desired Development Code amendments.

Second reading of the ordinance is the last step in the adoption process. The ordinance must be adopted and go into effect before the end of June or the Oregon Model Code for middle housing will apply to local development decisions.

BACKGROUND:

Affordable Housing

During the public hearing on April 11th comments were presented about affordable housing in the context of HB 2001. The term affordable housing often refers to regulated affordable housing that requires income qualification (typically 80% or 60% below are median income) and is required to remain affordable for a specific period of time. Usually, such housing is built or managed by a public housing agency or non-profit community development corporation. Regulated affordable housing is currently allowed in all zones where residential uses are permitted if consistent with zoning rules for housing type and development intensity. Based on current laws, the City cannot establish home sales

or rental prices as a condition of development approval. This is one reason for less expensive housing types in low density residential zones.

Diversity and Equity

While HB 2001 doesn't include requirements for regulated affordable housing the laws does address diversity and equity head on. It's clear that zoning has historically been used a tool to keep persons of color, certain ethnicities, and low-income individuals and households out of many neighborhoods. This is well documented in books such as the Color of Law by Richard Rothstein.

HB 2001 addresses the zoning barrier described in the Color of Law by doing away with single-unit zoning throughout Oregon and making it easier to create diverse and equitable neighborhoods. However, promoting a variety of housing types is only one piece of the puzzle for addressing diversity and equity in our community. HB 2003 is a companion law to HB 2001 that requires more frequent update to local Housing Needs Analysis (HNA) and requires formal adoption of a Housing Production Strategy (HPS). The HPS process must engage housing consumers and housing providers in crafting local production strategies. Forest Grove must update the City's 2019 HNA no later than December 2025. The HPS must be completed by December 2026 although it can be done at the same time as the HNA update.

Ordinance Revisions

The ordinance prepared for second reading is Attachment A. The ordinance includes several clarifications as summarized below:

- Clarify residential development intensity requirements in Development Code §§17.3.130. This includes specifying required lot averaging in subdivisions consistent with current code, specifying the maximum number of units allowed on a lot and lots created through a middle housing land division, minimum number of required units in a cottage cluster and maximum density for townhomes consistent with the Oregon Model Code.
- Deferring revision of the dwelling diversity standard to the next round of Development Code updates as suggested by the Planning Commission.
- Adding definitions for "courtyard housing" which are units larger than cottages. Under HB 2001 cottages in a cottage cluster cannot have a building footprint larger than 900 square feet. Courtyard housing as defined in the proposal would be homes oriented around a common courtyard with a building footprint larger than 900 square feet but smaller than 1,400 square feet.
- Adding definitions for middle housing "primary" and "secondary" lots created under a middle housing land division.
- Add wording to clarify the current lot size averaging requirements within subdivisions as recommended by the Planning Commission.

STAFF RECOMMENDATION: Staff recommends:

- City Council continue the public hearing on May 9th and accept additional public testimony, if any.
- After the public hearing is closed, consider a motion to approve the ordinance amendment the Development Code as desired by City Council.

ATTACHMENT(s):

- A. Oregon Department of Land Conservation and Development Email, May 3, 2022
- B. Redline copy of proposed Development Code amendments
- C. PowerPoint presentation for May 9, 2022, public hearing
- D. Ordinance 2022-01 with Exhibits A, B and C, second reading

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EXHIBIT A

APPLICATION CONTENTS

17.1.225 APPLICATION CONTENTS

- D. A transportation study ~~is may be~~ required ~~by the Director~~ when determined ~~by the City~~ at ~~the a~~ pre-application conference the proposed project would have ~~potential traffic~~ circulation or safety impacts, need for off-site street improvements or would increase traffic on ~~City adjacent~~ streets by at least 50 peak hourly trips, ~~or at least 500 average daily trips,~~ or a Transportation Impact Study is required by the Oregon Department of Transportation ~~or Washington County Department of Land Use and Transportation.~~ The transportation study shall be prepared under the supervision of professional engineer qualified in the traffic engineering field as defined by OAR 820-040-0030. The transportation study shall include the expected trip generation of the proposed development including the weekday AM peak hour, PM peak hour, and daily traffic estimates. The transportation study shall identify all site-access points and intersections (signalized and un-signalized) adjacent to the development site. If the development site fronts an arterial or collector street the analysis shall identify and assess all intersections within ¼ mile of the development site. ~~The Director may also require a transportation study for any one project or multiple projects where there may be cumulative traffic impacts from two or more projects affecting one or more transportation facilities.~~

Revised to remove non-clear and objective wording and describe methodology.

DESIGN REVIEW

§ 17.2.300 PURPOSE

The purpose of Design Review is to:

- A. Establish guidelines and standards that will promote good neighborhood design;
- B. Encourage development that upholds property values and becomes a long-term asset to the community;
- C. Encourage creative and cost-effective building and site design; and
- D. Provide flexibility in the administration of development standards.

In addition to the requirements of this section, applications subject to design review are also subject to site development review as provided in §17.2.400 (a separate application and fee is not required).

§ 17.2.310 APPLICABILITY

Design review is required for the following:

- A. ~~New single family attached developments;~~
- B. New multi-unit developments with more than six (6) units;
- C. New commercial development;
- D. Alterations, remodels, or renovations of commercial development in the Town Center and Neighborhood Commercial zones which result in additional floor area of more than 400 square feet; and
- E. Alterations, remodels, or renovations of commercial development in all other Commercial zones which result in additional floor area of more than 1,000 square feet.
- F. New development in a historic district;
- G. Alterations, remodels, renovations or relocations of a historic landmark; and
- H. Alterations, remodels, renovations or relocations of a historic contributing building.

HB 2001 does not allow additional requirements for middle housing types beyond what is required for a single unit detached home on the same lot.

§ 17.2.320 OVERVIEW OF PROCESS

Design review applications will be processed in one of two tracks: Development Standards or Design Guidelines. The applicant shall identify the desired tract as part of the initial application. The tracks are described as follows:

Track 1 -- Development Standards. Applications are required to meet the clear and objective development standards which are provided in the development code. These requirements are intended to be specific and directive. The purpose is to establish a baseline for site plan design which works in conjunction with other requirements of the development code.

Track 2 -- Design Guidelines. Applications allow more flexibility in terms of design. Under this process the applicant shall be held to the intent of the standards, but is allowed to vary from these standards if demonstrated that related guidelines and objectives are adequately addressed and that the deviation results in a higher quality development than would result under a strict interpretation of the code.

§ 17.2.330 PROCEDURE

The design review applicant must select one of two design review tracks: (1) development standards track or the (2) design guidelines track. Depending upon the tract and specific characteristics of the project, these are reviewed under a Type II or Type III procedure, as described below.

A. Track 1 – Development Standards. Applications shall be reviewed under a Type II or III procedures as outlined below:

1. Type II Review. The Director is the review authority for the following Track 1 – Design Standards applications:

~~a. Multifamily developments with 3–5 units; and~~

~~b.a.~~ Commercial alterations, remodels, renovation, and new construction of less than 10,000 square feet.

2. Type III Review. The Planning Commission is the review authority for the following Track 1 design review applications:

a. Multifamily developments with more than ~~six (6)~~ five (5) units;

b. Commercial alterations, remodels, renovation, and new construction of more than 10,000 square feet.; and

c. Any Type II design review application elevated by the Director to the Type III procedure.

HB 2001 requires review of middle housing types under the same process as detached single unit homes in the same zone. Middle housing includes triplexes, quadplexes which are technically multifamily developments. The result of this change is middle housing will be reviewed through a Type I administrative review process. Unlike the Type II process a Type I process does not require providing notice to property owners and residents within 300 feet of the project site and a 14-day comment period.

B. Track 2 – Design Guidelines. The review standards are intended to be flexible in nature. This process does not allow applicants to avoid any City requirements, but may provide alternative methods for meeting requirements. Track 2 applications shall be reviewed under a Type II or III procedures as outlined below:

1. Type II Review. The Director is the review authority for the following Track 2 design review applications:

a. ~~Multifamily developments with 3–5 units; and~~

See comment above.

b. Commercial alterations, remodels, renovation, and new construction of less than 3,000 square feet.

2. Type III Review. The Planning Commission is the review authority for the following Track 2 design review applications:
 - a. Multifamily developments with more than six (6) units;
 - b. Commercial alterations, remodels, renovation, and new construction of more than 3,000 square feet; and
 - c. Any Type II design review application elevated by the Director to the Type III procedure.

§ 17.2.340 SUBMITTAL REQUIREMENTS

In addition to the standard submittal requirements for a Type II or Type III application, and the submittal requirements of a Site Plan in §17.2.440, the following documents are required for Design Review. Plans shall be drawn to scale and fully dimensioned. At the pre-application conference, the Director may specify more detailed submittal requirements or waive specific submittal requirements if warranted.

- A. Architectural drawings, renderings, sketches and a materials board showing all elevations of proposed buildings as they will appear on completion.
- B. All existing and proposed walls and fences, including the location, height, type of design and composition.
- C. An open space plan showing the locations and dimensions of common and private open space, including active and passive recreational areas.

§ 17.2.350 REVIEW CRITERIA

Projects subject to design review by the Director (Type II) or the ~~Design Review Planning~~ Commission (Type III) shall be evaluated based on the following:

- A. The development standards of the applicable zoning district and any overlay district;
- B. The general development standards of Article 8.
- C. Departures from code requirements may be permitted as part of a Track 2 Design Review Process, when the following criteria are met:
 1. The design guidelines contained in the applicable section of the “Design Guideline Handbook” are adequately addressed.
2. The applicant demonstrates that the overall development would result in a development that better meets the intent of the design guidelines than a design that simply meets the Code.

SITE DEVELOPMENT REVIEW

§ 17.2.430 PROCEDURE

Site development review is categorized as a Type I procedure for a ~~one (1)~~ single-unit family detached dwelling on an individual lot; townhouse on an individual lot, ~~one (1)~~ duplex on an individual lot; triplex on an individual lot, quadplex on an individual lot, cottage cluster project, or ~~one (1)~~ manufactured home on an individual lot. All other site development reviews shall follow the Type II procedure unless exempt.

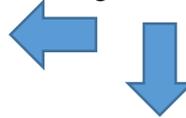
The purpose of this change is to clarify that the site development review process for a single unit detached dwelling also applies to middle housing types.

§ 17.2.450 REVIEW CRITERIA

The Director shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:

- A. The applicant demonstrates ~~The site development plan complies with all applicable standards of the base zoning district (Article 3), any overlay district, and the applicable general development standards of Article 8.~~
- B. ~~The site development plan ensures reasonable compatibility with surrounding uses as it relates to the following factors:~~
- ~~1. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and~~
 - ~~2. Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or adequately mitigated through other design techniques.~~
- C. The site development plan addresses the development standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present on or directly adjacent to the development site. ~~preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:~~
- ~~1. Significant on-site vegetation and trees;~~
 - ~~2. Prominent topographic features; and~~
 - ~~3. Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.~~

These changes remove non-clear and objective wording.



- D. ~~The site development plan preserves or adequately mitigates impacts to designated historic resources.~~
- E. ~~The site development plan provides adequate right-of-way and improvements to abutting streets to meet the street standards of the City. This may include, but not be limited to, improvements to the right-of-way, sidewalks, bikeways, and other facilities needed because of anticipated vehicular and pedestrian traffic generation.~~
- F. ~~The site development plan promotes safe, attractive and usable pedestrian facilities that connect building entrances, public sidewalks, bicycle and auto parking spaces, transit facilities, and other parts of a site or abutting properties that may attract pedestrians.~~

ZONING DISTRICTS

ZONING MAP

§ 17.3.010 CLASSIFICATION OF ZONES

All areas within the corporate limits of the City of Forest Grove are divided into the following zones:

**TABLE 3-1
Zoning Districts**

<u>Zoning District</u>	<u>Map Symbol</u>
Single-Family Residential	R-5
Single-Family Residential	R-7
Single-Family Residential	R-10
Suburban Residential	SR
Multi-Unit (Low) Residential	RML <u>RM</u>
Multi-Unit (High) Residential	RMH <u>RH</u>
Institutional	INST
Community Commercial	CC
Commercial – Neighborhood	NC
Town Center Core	TCC
Town Center Transition	TCT
Light Industrial	LI
General Industrial	GI
Business Industrial Park	BIP
<u>Overlay District (Article 4)</u>	<u>Map Symbol</u>
Master Plan	MP
Planned Development	PD
Mixed Use Planned Development	MUPD

This change results in consolidating the single-family residential districts into one district RL (Residential Low)

This change creates the RM (Multi-Unit Residential Medium) and RH (Multi-Unit High) zoning districts consistent with the Medium Density Residential and High Density Residential Comprehensive Plan Map designations.

RESIDENTIAL ZONES

§ 17.3.100 PURPOSE

The City of Forest Grove has established ~~six~~ four residential zones to implement the Residential designations of the Comprehensive Plan. The zones provide the flexibility for a range of lot sizes and housing types. The six zones are distinguished primarily by the housing types allowed number of dwelling units permitted per net acre. ~~Target densities are established for each zone. The Code also provides an opportunity for a density bonus in each of the zones to encourage special design features and amenities when a Planned Development (PD) process is followed.~~ The regulations of the residential zones are intended to ~~protect the livability of existing and future residential neighbor-hoods by encouraging primarily residential development with compatible non-residential development at appropriate locations and at an appropriate scale. Another purpose of these regulations is to~~ encourage a full range of owner-occupied and rental housing opportunities ~~at affordable prices.~~

§ 17.3.110 LIST OF RESIDENTIAL ZONES

A. Suburban Residential SR

The SR zone is intended for development of housing at a target density of 1.0 dwelling unit per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are permitted or allowed with conditional use permit approval.

~~B. Residential R-10~~

~~The R-10 zone is intended for development of housing at a target density of 4.35 dwelling units per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.~~

Revise to reflect zoning district consolidation.



~~C. Residential R-7~~

~~The R-7 zone is intended for development of housing at a target density of 6.22 dwelling units per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.~~

The R-7 zone is intended for development of variety of housing types including single unit detached, accessory dwelling units, duplexes, threeplexes, quadplexes, townhomes and cottage clusters. Detached single-family housing will likely be the predominant housing type in this zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.

D. Residential R-5

The R-5 zone is intended for development of variety of housing types at a target density of 8.71 dwelling units per net acre including single unit detached, accessory dwelling units, duplexes, threeplexes, quadplexes, townhomes and cottage clusters. Detached single-family housing will likely be the predominant housing type in this zone. ~~Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone.~~ A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.

E. Residential Medium RML

The RML zone is intended for development of single unit detached, single unit attached and small multi-unit dwellings. homes on small lots. housing at a target density of 12 dwelling units per net acre. Small lot single family housing, duplexes, attached dwellings and small multi dwelling residences will be permitted housing types, subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval. The RML zone functions as a transition zone between the lower density residential zones and the higher intensity residential and non-residential zones.

F. Residential High RMH

The RMH zone is intended for development of multi-unit residential buildings. This zone also allows small lot single unit homes. at a target density of 20.28 dwelling units per net acre. Multi-unit residential buildings will be the predominant housing type in this zone. RMH zoning is generally applied near transit streets and adjacent to commercial districts. The RMH zone also allows a limited range of non-residential uses to help provide services for residents and enhance the quality of the higher density neighborhood.

§ 17.3.120 USE REGULATIONS

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

- A. Permitted Uses. Uses allowed in the Residential zones are listed in Table 3-2 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-2 with an “L”. These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-2 with a “C”. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. The conditional use process and approval criteria are stated in §17.2.200.
- D. Not Permitted Uses. Uses listed in Table 3-2 with an “N” are not permitted or prohibited. Existing uses may be subject to the regulations of §17.7.100 Nonconforming Development.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

**TABLE 3-2
Residential Zones: Use Table**

Revised table to reflect zoning district consolidation and add middle housing types. Accessory dwelling units changed from Limited use to Accessory use. Multifamily is shown as five or more units instead of three or more units as currently defined.

USE CATEGORY	SR	R-10	R-7	R-5	RML RM	RMH RH
<u>RESIDENTIAL</u>						
Household Living	P	P	P	P	P	P
Group Living	L ^[1]	L^[1]	L^[1]	L ^[1]	L ^[1]	L ^[1]
Transitional Housing	N	N	N	N	C	C
Home Occupation	L ^[2]	L^[2]	L^[2]	L ^[2]	L ^[2]	L ^[2]
Bed and Breakfast	L ^[3]	L^[3]	L^[3]	L ^[3]	L ^[3]	L ^[3]
<u>HOUSING TYPES</u>						
Single Units, Detached	P	P	P	P	P	L ^[4]
Single Units, Attached/ <u>Townhouses</u>	L ^[5]	L^[5]	L^[5]	L ^[5]	P	P
Accessory <u>Dwelling</u> Units	L A ^[6]	L A ^[6]	L A ^[6]	A ^[6]	A ^[6]	A ^[6]
Duplexes	L ^[5]	L^[5]	L^[5]	L ^[5]	P	P
<u>Triplexes</u>	P			P	P	P
<u>Quadplexes</u>	P			P	P	P
<u>Cottages/Cottage Clusters</u>	P			P	P	P
<u>Courtyard Dwellings</u>	P		P	P	P	P
Manufactured Homes <u>on Lots</u>	L ^[7]	L^[7]	L^[7]	L ^[7]	L ^[7]	L ^[7]
Manufactured Home Park	N	C	C	C	C	C
Multi-Family Units (<u>five or more units</u>)	N	N	N	N	P	P
<u>CIVIC / INSTITUTIONAL</u>						
Basic Utilities	P	P	P	P	P	P
Major Utility Transmission Facilities	C	C	C	C	C	C
Colleges	C	C	C	C	C	C
Community Recreation	P/C ^[8]	P/C^[8]	P/C^[8]	P/C ^[8]	P/C ^[8]	P/C ^[8]
Cultural Institutions	C	C	C	C	C	C
Day Care	L ^[9]	L^[9]	L^[9]	L ^[9]	L ^[9]	L ^[9]

Emergency Services	C	€	€	C	C	C
Postal Services	N	N	N	N	N	N
Religious Institutions	C	€	€	C	C	C
Schools	C	€	€	C	C	C
Social/ Fraternal Clubs / Lodges	N	N	N	N	N	C
<u>COMMERCIAL</u>						
Commercial Lodging	N	N	N	N	N	N
Eating and Drinking Establishments	N	N	N	N	N	N
Entertainment – Oriented:						
- Major Event Entertainment	N	N	N	N	N	N
- Outdoor Entertainment	N	N	N	N	N	N
- Indoor Entertainment	N	N	N	N	N	N
General Retail:						
- Sales – Oriented	N	€ ^[10]	€ ^[10]	C ^[10]	C ^[10]	C ^[10]
- Personal Services	N	N	N	N	N	N
- Repair – Oriented	N	N	N	N	N	N
- Bulk Sales	N	N	N	N	N	N
- Outdoor Sales	N	N	N	N	N	N
- Animal – Related	N	N	N	N	N	N
Medical Centers	N	N	N	N	N	N
Motor Vehicle Related:						
- Motor Vehicle Sale / Rental	N	N	N	N	N	N
- Motor Vehicle Servicing / Repair	N	N	N	N	N	N
- Motor Vehicle Fuel Sales	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	N

INDUSTRIAL						
Industrial Services	N	N	N	N	N	N
Manufacturing and Production:						
- Light Industrial	N	N	N	N	N	N
- General Industrial	N	N	N	N	N	N
Call Centers	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N
Warehouse / Freight Movement	N	N	N	N	N	N
Waste – Related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
OTHER						
Agriculture / Horticulture	L ^[11]	N				
Cemeteries	P	P	P	P	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Wireless Communication Facilities	L ^[12]					
Self-Service Storage	N	N	N	N	N	N
Information Centers	N	N	N	N	N	N
Office	N	N	N	N	N	N

P = Permitted L = Limited C = Conditional Use N = Not Permitted

Table Footnotes:

- [1] Group living with five (5) or fewer residents permitted by right; group living with six (6) or more residents requires conditional use approval.
- [2] Home occupation permitted as an accessory use in all residential zones, subject to compliance with the home occupation standards in Article 7.
- [3] Bed & Breakfast Inn limited to five (5) guest rooms in the SR, ~~R-10, R-7, R-5~~ RL and ~~RMH~~ zones and ten (10) guest rooms in the ~~RMH~~ zone, subject to compliance with the Bed & Breakfast Inn standards in Article 7.
- [4] To preserve ~~RMH~~ land for development of multi-family housing, new detached single-~~family units~~ unit homes (including manufactured homes) shall only be allowed on existing lots of record smaller than 5,000 square feet.
- [5] ~~For subdivision of twenty (20) or more lots, eight percent (8%) of the lots may be developed as duplex or single family attached lots. An increase of up to maximum of twenty percent (20%) may be approved by the Director if the criteria in §17.3.130(E) are adequately addressed.~~
- [6] Accessory dwelling units –including manufactured homes - are allowed in conjunction with a single-family dwelling in any residential zone, subject to compliance with the accessory dwelling unit standards in Article 7. Manufactured home ADUs are prohibited in historic districts.

Under HB 2001, duplexes are permitted outright on lots or parcels where detached single unit homes are allowed. To comply with HB 2001 footnote 5 should be deleted. ↓

- [7] Manufactured homes on individual lots are permitted except within national historic districts, subject to compliance with the standards in Article 7. Manufactured homes are prohibited within a national historic district.
- [8] Commercial recreation uses including trails, parks, playgrounds and open space are permitted uses and require a Type II process. Recreation centers and other facilities used by organized team sports require a Conditional Use Permit.
- [9] A day care facility (care of up to 16 children) is permitted in all residential zones. A day care institution (care of more 16 children) requires approval of a conditional use permit in all residential zones. A non-resident day facility or day care institution requires approval of a conditional use permit in all residential zones.
- [10] A neighborhood store, limited to a size of 2,000 square feet, is permitted with approval of a conditional use permit. No retail outlet regulated by the Oregon Liquor Control Commission - other than those operating under an Off-Premises Sales License - is allowed in any residential zone district. Stores must be located along a collector street.
- [11] Agriculture uses such as truck farming and horticulture are permitted. Commercial agriculture uses including but not limited to marijuana grow sites for commercial or medical purposes as regulated by the State, and buildings and the keeping of livestock and poultry (other than ordinary household pets) are not permitted.
- [12] Wireless communication facilities are regulated by the standards in Article 7.

**§17.3.320 Table 3-10
Commercial and Mixed Use Zone Use Table**

USE CATEGORY	NC	CC	NMU
<u>RESIDENTIAL</u>			
Household Living	L ^[1]	L ^[2]	P/L ^[14]
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L ^[3]	L ^[3]	L ^[3]
Bed and Breakfast	L ^[4]	P	L ^[4]
HOUSING TYPES			
Single Units, Detached	N	N	L ^[18]
Single Units, Attached/ <u>Townhomes</u>	N	P	P
Accessory <u>Dwelling</u> Units	N	N	NP
Duplexes	N	P	P
<u>Triplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Quadplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Cottages/Cottage Clusters</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Courtyard Housing</u>	<u>N</u>	<u>P</u>	<u>P</u>
Manufactured Dwellings	N	N	N
Manufactured Dwelling Park	N	N	N
Multi-Family Units	P	P	P
EMERGENCY SERVICES			
Emergency Services	C	C	L ^[15]
Postal Services	C	P	L ^[15]
Religious Institutions	C	P	L ^[15]
Schools	C	C	L ^[15]
Seasonal Shelters	N	L ^[19]	N
Social/ Fraternal Clubs / Lodges	C	P	L ^[15]
USE CATEGORY			
<u>COMMERCIAL</u>			
Commercial Lodging	N	L ^[5]	L ^[15]
Eating and Drinking Establishments	L ^[6]	P	L ^[15]
Entertainment – Oriented: - Major Event Entertainment	N	N	

			N
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	P	L ^[15]
General Retail: - Sales – Oriented	L ^[7]	L ^[7]	L ^[15]
- Personal Services	P	P	L ^[15]
- Repair – Oriented	P	P	L ^[15]
- Bulk Sales	N	P	N
- Outdoor Sales	L ^[8]	L ^[8]	L ^[15]
- Animal – Related	N	P	N
Medical Centers	N	L ^[12]	N
Motor Vehicle Related: - Motor Vehicles Sale / Rental	N	L ^[9]	N
- Motor Vehicle Servicing / Repair	N	P	L ^[16]
- Motor Vehicle Fuel Sales	P ^[10]	P	N
Non-Accessory Parking	N	P	N
Office	L ^[17]	L ^[17]	L ^{[16] [17]}
Self-Service Storage	N	C	N
<u>INDUSTRIAL</u>			
Industrial Services	N	N	N
Manufacturing and Production: - Light Industrial	N	C ^[11]	N
- General Industrial	N	N	N
- Medical and Recreational Marijuana Processors and Production	N	N	N
Railroad Yards	N	N	N
Research and Development	N	N	N
Warehouse / Freight Movement	N	N	N
Waste – Related	N	N	N
Wholesale Sales	N	N	N
<u>OTHER</u>			
Agriculture / Horticulture	L	L	L
Cemeteries	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Wireless Communication Facilities	L ^[13]	L ^[13]	L ^[13]

§ 17.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

A. Residential Development Intensity~~Densities~~

The City of Forest Grove regulates residential development primarily by lot coverage based on building setbacks, permissible maximum building height and minimum lot size. ~~density rather than minimum lot size. Density is calculated based on net site area. Within the density limits of each of the five residential zones, a variety of housing types and lot sizes are permitted. This approach allows more sites to be developed with the flexibility of a Planned Development.~~

Residential development density has been regulated based on minimum and maximum development density. Under this approach, the maximum number of units permissible on a lot or parcel is determined by multiplying the size of the lot, measured in acres or fraction of acres, and the stated maximum density.

HB 2001 essentially does away with density since HB 2001 stipulates maximum density requirements cannot result in prohibiting the development of a middle housing type on the subject lot or parcel.

An alternative approach for regulating development density is floor area ratio, described in this section, which is permissible under HB 2001.

~~All residential subdivisions and multi-family developments are required to develop at a minimum of 80% of the targeted density.~~

~~B. Calculating Potential Densities~~

~~The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.~~

~~1. The Target Density is permitted outright.~~

~~2. The Minimum Density is required to ensure:~~

~~a. Land is being used at the appropriate intensity planned for the area;~~

~~b. Enough dwelling units can be developed to accommodate the projected need for housing; and~~

~~c. Compliance with the Metro Functional Plan.~~

~~3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and the general public and/or provide affordable housing. Incentive Density is only allowed as part of a Planned Development (see §17.4.200).~~

A minimum density should be established to ensure the City meets the Metropolitan Housing Rule (OAR 660-007). The Metropolitan Housing Rule requires that Forest Grove provide opportunity for residential development at an overall density of eight or more dwellings per net buildable acre.

Without a minimum density, there would be no restriction to creating large lots in subdivisions at the upper end of the allowed maximum lot size. If this occurs it could be difficult to ensure that the City complies with the Metropolitan Housing Rule.

~~C.B Density Reductions Due to Slope~~

All densities (target, minimum and incentive) listed in Table 3-3 shall be reduced based on the slope of the property as shown below. Where a parcel has areas of different slopes, the property shall be divided up into areas of like slopes, and the reductions applied to those areas. If the areas of similar slopes do not fit into the categories below, the Director shall use a percentage reduction that is based on the slope-to-density reduction relationship expressed in Table 3-4 (For example, an area of 13% to 18% slope would receive a reduction of around 25%).

TABLE 3-4: Density Reduction for Slopes

Average Slope	Reduction in Density
10% to 14.9%	10%

15% to 24.9%	30%
25% to 34.9%	50%
35% and above	100%

For development sites over two (2) acres that have an average slope greater than 20% (see definition), development is only allowed through approval of a Planned Development.

D. Exemptions from Minimum Density Standards

- Small Parcels. The minimum density standards set forth in Table 3-3 focus primarily on subdivisions and multi-family developments. The standards do not apply to individual single family building permits on existing parcels or to partitions or development on parcels smaller than one-half (1/2) acre. The City does not want to inhibit infill development or require densities that are out of scale with established neighborhoods with the application of minimum density standards to small parcels. However, this exemption does not reduce the target density allowed outright on parcels smaller than one-half (1/2) acre; it only removes the requirement for a minimum number of units.

E. Incentive Density

Planned Developments may request a density bonus up to a maximum of the Incentive Density shown in Table 3-3 and shall be based on the following discretionary criteria:

- The availability and accessibility of public transportation, and/or connectivity improvements likely to result in reduced vehicular use.
- How well natural resources such as streams, riparian areas and wetlands are protected, integrated into the design residential development, defined as a common area, and made accessible to as many individual parcels/units as possible.
- How well common recreational areas are integrated into the design of the residential development, such that there is the maximum number of physical connections to lots and units, and visual connections to future dwelling sites.
- Public accessibility and use of the common recreation area where appropriate, given the intended use of the area, linkage to future trails, etc.
- Other design features, amenities, and/or improvements which can be shown (by use of built examples) to increase the value of the residential development for

Incentive density is not needed for the single unit residential zone since density will be replaced by floor area ratio. The incentive density provisions could be retained for multi-unit zones but very few projects seek incentive density approval.

~~neighborhood residents and the general public and/or provide more affordable housing.~~

F. Minimum Lot Size and Dimensions (SR, R-10, R-7 and R-5 Zones)

Varied lot sizes and housing types are permitted and encouraged within the ~~density ranges established for the SR, R-10, R-7 and R-5 Zones. As described above, the number of units allowed on a parcel is based on the target density allowed for the particular zone (See Table 3-3).~~

The City has established ~~base~~ minimum lot size and dimensional standards ~~that apply after the potential number of units has been determined. These standards~~ to ensure that each lot has enough area for a house, garage, setbacks and private outdoor area. To ensure that development can be built near to and oriented toward the street, a minimum width at the front setback line is required.

The minimum lot size is the smallest permissible size of a building lot. See Article 6 Land Divisions for additional lot development standards.

TABLE 3-5: Lot Dimensional Requirements (Low Density Residential R-5/R-7 Zones)¹

R-5 Zone

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Size</u>	<u>Minimum Lot Dimensions</u> ^[1]	
Single-Family Detached	<u>70% of average lot size</u> <u>3,500 square feet</u>	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
Manufactured Home	<u>70% of average lot size</u> <u>3,500 square feet</u>	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
Duplex	<u>5,000</u> <u>3,500</u> Square Feet	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
Single-family Attached/ <u>Townhouse</u>	<u>2,500 Square Feet</u> <u>1,500 square feet</u>	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
<u>Triplex</u>	<u>5,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Cottage Cluster</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Courtyard Housing</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
Other Uses	5,000 Square Feet		Depth: 60 feet	Width: 34 feet

Footnote: [1] Lot width is measured at the front building line.

R-7 Zone

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Size</u>	<u>Minimum Lot Dimensions</u> ^[1]	
<u>Single-Family Detached</u>	<u>4,900 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Manufactured Home</u>	<u>4,900 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Duplex</u>	<u>4,900 Square Feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Single-family Attached/Townhouse</u>	<u>1,500 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 25 feet</u>

¹ Minimum and maximum lot sizes apply to land divisions. Parcels larger than the maximum lot sizes shown in Table 3-5 are allowed for purposes of phasing development or reserving land for open space or undevelopable tracts.

<u>Triplex</u>	<u>5,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Cottage Cluster</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Courtyard Housing</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Other Uses</u>	<u>5,000 Square Feet</u>		<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>

A maximum lot size should be established since a maximum density will no longer apply to the SR and RL zones.

The proposed maximum lot size for single family attached/townhouse homes is 2,500 square feet. This will allow for 6 townhouse units on lots of 2,500 square feet each. Currently, the code limits single family attached homes to a maximum of six units in series.

The proposed minimum lot size for a triplex is 7,500 square feet. The proposed maximum lot size of 15,000 square feet would allow for construction of a triplex.

The DLCD Model Code requires that cottage clusters meet the minimum lot size, width, and depth standards that apply to detached single family dwellings in the same zone. The administrative rules state a City is not required to apply minimum lot sizes to new cottage clusters. However, if a City applies standards to regulate minimum lot sizes, the minimum lot size for a cottage cluster may be no greater than 7,000 square feet if the minimum lot size for detached single unit home is 7,000 square feet or less.

Under the administrative rules a City may not apply density maximums to the development of cottage clusters.

G. Minimum Lot Size and Dimensions (RML and RMH Zones)

Varied lot sizes and housing types are permitted and encouraged within the density ranges established for the RML and RMH Zones. However, construction of new single family detached units is restricted to existing lots smaller than 5,000 square feet in the RMH Zone in order to retain land for multi-family housing. The following base minimum lot size and dimensional standards apply after the potential number of units has been determined using Table 3-3.

HB 2001 would apply to the RM zone since single unit dwellings are allowed. In the RH zone single unit homes are also allowed but only on existing lots of record smaller than 5,000 square feet unless approved as a planned development. It appears HB 2001 applies to the RM and RH zones since these zones are zoned for residential use and the development of detached single unit dwellings are allowed.

TABLE 3-6: Lot Dimensional Requirements
Moderate to High Density Residential RM and RH Zones

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Dimensions</u> ^[1]	
Single-family Detached	3,500 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 50 <u>35</u> feet
Manufactured Home	3,500 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 50 <u>35</u> feet
Duplex	4,200 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 60 feet
Single-Family Attached/ <u>Townhome</u>	2,500 <u>1,500</u> Square Feet	Depth: 70 feet/ <u>65 feet with vehicular access from alley</u>	Width: 25 <u>20</u> feet
Single-Family Attached (RMH Zone Only)	2,000 Square Feet	Depth: 70 feet/ <u>65 feet</u> ²	Width: 20 feet
<u>Triplex</u>	<u>5,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
<u>Cottage Cluster</u>	<u>5,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
<u>Courtyard Housing</u>	<u>5,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
Multi-Unit	7,000 Square Feet	Depth: 70 feet	Width: 100 feet
Other Uses	5,000 Square Feet	Depth: 70 feet	Width: 50 feet

Footnotes:

- [1] Lot width is measured at the front building line.
- [2] Depth allowed when vehicular access from a public alley

H. Setback Standards

Building setbacks have an important relationship to the character of the street. Because varied lot sizes and housing types are permitted in the residential zones, uniform setbacks are established to provide a consistent streetscape.

TABLE 3-7: Minimum Setback Requirements

Front Yard, Dwelling^{[1], [2]}	20 feet (possible reduction to 14 feet)
Front Yard, Garage	20 feet
Interior Side Yard^{[3], [4]}	Either 5 feet or 1 foot for each 3 feet of building height, whichever is greater
Corner Side Yard	Same as front yard
Rear Yard^{[5], [6]}	15 feet or 2 feet for every 3 feet in building height at the eave line, whichever is greater.

*Setbacks revised consistent with HB
2001 Model Code*



<u>Housing Type</u>	<u>Front Yard to Dwelling</u>	<u>Front Yard to Garage/Parking Area</u>	<u>Interior Side Yard</u>	<u>Rear Yard</u>
<u>Single Unit Detached</u>	<u>14 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>15 feet</u>
<u>Duplex</u>	<u>14 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>15 feet</u>
<u>Single Unit Attached/ Townhouse</u>	<u>12 feet</u>	<u>20 feet</u>	<u>0 feet common wall construction</u> <u>5 feet exterior wall at end of structure</u>	<u>0 feet adjacent to alley</u> <u>10 feet no alley</u>
<u>Triplex & Quadplex</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Cottage Clusters</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Courtyard Housing</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Multi-Unit Structures</u>	<u>12 feet</u>	<u>14 feet</u>	<u>Buffer yard required based on adjacent use reference §17.8.425 (Table 8-2)</u>	<u>Buffer yard required based on adjacent use reference §17.8.425 (Table 8-2)</u>

Footnotes:

[1] ~~The front yard setback (for the dwelling or dwellings) may be reduced to 14 feet when the front facade is designed for orientation to and visibility from the street as follows: The front facade is designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front facing window such that a person (if there were no vegetation) would be able to see 100% of their front property line.~~

[2] ~~On an infill lot in a developed neighborhood with established front yard setbacks that are less than the twenty (20) foot standard, the setback for the new dwelling(s) and the location of the garage~~

~~shall match front yard setback of the existing dwellings and garage location on abutting lots. Setback compatibility shall be determined through building plan check review, and shall not require a land use application or approval of an adjustment.~~

- [3] The side yard setback for attached single-unit family dwellings/townhomes shall be a minimum of zero (0) feet at common walls and five (5) feet or one (1) foot for each three (3) feet of building height at the eave line, from the end of the unit series. Unless approved by the Director, the dwellings shall be arranged on lots in a manner that the non-zero setback portion for one lot shall be adjacent to the non-zero setback portion on the adjoining lot in order to provide greater continuous open space.
- [4] Accessory buildings (including accessory dwellings and detached garages) that do not exceed one (1) story in height shall not be located closer than five (5) feet to any side or rear property line.
- [5] Attached garages which exit to an alley may have a minimum rear yard setback of five (5) feet.
- [6] A larger rear yard setback may be required for multi-family dwellings when the rear yard abuts a lower density residential zone. The need for a larger rear yard setback to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process. The screening and buffering standards of Article 8 will be used as guidelines.

I. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

- 1. Buildings in the SR, ~~R-10~~, R-7, R-5 and ~~RML~~ Zones are limited to a maximum height of two and one half (2 ½) stories or thirty-five (35) feet, whichever is less. Accessory buildings are limited to a maximum height of one and one-half (1 ½) stories or twenty-five (25) feet, whichever is less.
- 2. Buildings in the ~~RML~~ MH Zone are limited to a maximum height of three (3) stories or forty-five (45) feet, whichever is less. A step-down in building heights may be required for multi-family building(s) that abut a lower density residential zone. The need for a step down in building heights to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process.
- 3. A chimney, radio or television antenna, or device designed for the collection and/or generation of energy from the sun and/or wind may exceed the building height limit by a maximum of fifteen (15) feet.
- 4. Church steeples may exceed 35 feet in height through a Type II process. The maximum height is 15 feet above the building height limit in any location allowed by other requirements of the zone district. Church steeples may go to a maximum total height of 75 feet provided that setbacks of 1 foot for each 1 foot in height from the property line are maintained.

Figure 3-1
Step-down in Building Height



17.3.140 RESIDENTIAL DESIGN STANDARDS

All residential development is subject to the design standards found in §17.8.710.

LAND DIVISIONS

17.6.000 OVERVIEW OF ARTICLE 6

This Article guides what is often the first major step in the development process, how land is divided into blocks, lots and streets. Land divisions define the pattern of a community, which in turn may shape the character of the community. This Article establishes the procedures for lot line adjustments, expedited land divisions, partitions and subdivisions. The provisions of this Article should be read together with the General Development Standards of Article 8. In particular, the standards for Public Improvements that are applicable to all development, including land divisions, are addressed in Article 8.

Land divisions occur through either a partition or subdivision process.

- A partition procedure is used when three (3) or fewer units (generally referred to as “parcels”) are created in a calendar year and may or may not involve creation of a street. Partitions are reviewed through a two-step process.

- A subdivision is used when four (4) or more units (generally referred to as “lots”) of land are created in a calendar year. Subdivisions are also reviewed through a two-step process. Subdivision applications may include a concurrent request for Planned Development (PD) approval to permit greater flexibility in the design of the subdivision. Provisions for Planned Developments are addressed in Article 4.

The following list summarizes topics covered in this Article:

- General Provisions
- Expedited Land Divisions
- Lot Line Adjustments
- Partitions
- Subdivisions
- Land Division Standards
- Middle Housing Land Divisions

Add Middle Housing Land Division section to implement Senate Bill 458.



MIDDLE HOUSING LAND DIVISIONS

17.6.300 PURPOSE

Middle housing land divisions are established to promote ownership opportunities for duplex, triplex, quadplex and cottage housing units as allowed under ORS 197.758(2) or (3).

17.6.305 PROCEDURE

(A) A tentative plan for a middle housing land division shall be reviewed under the Expedited Land Division process in §17.6.010;

(B) An application for a middle housing land division may be submitted at the same time as the submittal of an application for building permits for middle housing.

(C) An application for a middle housing land division may not be subject to procedures, ordinances, or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

(D) The tentative approval of a middle housing land division is void if, and only if, a final partition or subdivision plat is not approved within three years from the date of the tentative plan approval.

17.6.310 REVIEW CRITERIA

The Director shall approve or deny an application for a middle housing land division based on the following criteria:

(A) The proposal for development of middle housing complies with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5). Evidence shall be provided by the application demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines and notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code;

(B) Separate utilities are provided for each dwelling unit;

(C) Easements are shown on the site plan for:

1. Locating, accessing, replacing and servicing all utilities;
2. Pedestrian access from each dwelling unit to a private or public street;
3. Any common use areas or shared buildings;
4. Driveways or parking areas.

(D) Exactly one dwelling unit is allowed on each resulting lot or parcel. No dwellings are allowed on lots, parcels or tracts used as common areas.

17.6.315 CONDITIONS OF APPROVAL

(A) The Director may require a condition of tentative plan approval to prohibit the further division of the resulting lots or parcels.

(B) The Director shall require that a notation appear on the final plat indicating that approval was granted under this section as a middle housing land division.

(C) The Director may require street frontage improvements where a resulting lot or parcel abuts a street consistent with land use regulations implementing ORS 197.758.

(D) The Director may require the dedication of right-of-way if the original parcel did not previously provide such dedication.

(E) An application for a middle housing land division may not be subjected to approval criteria or conditions except as described above in this section including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

GENERAL EXCEPTIONS

17.7.050 EXCEPTIONS TO LOT SIZE, YARDS AND PROJECTIONS

- A. Exceptions to Lot Size and Dimension Requirements for Residential Use. If an existing lot in single ownership at the time of adoption of this Code does not meet minimum lot area or dimension requirements of the applicable residential zone, the lot may be occupied by a residential use permitted outright in the respective zone. If there is an area deficiency, the residential use shall be limited to a single-family residence.
- C. Projections into Required Yards. The following structures may project into required yards:
1. Unroofed paved terraces and wood decks less than three (3) feet in height may project into required side or rear yards.
 2. Unroofed landings and stairs may project into required front or rear yards.
 3. Window sills, belt courses, cornices, eaves, canopies, sunshades, gutters, leaders and similar incidental architectural features – excluding balconies and decks more than three (3) feet from ground level – may project not more than two (2) feet into any required yard.
 4. Chimneys shall not project more than two (2) feet into any required yard.
 3. No projections may encroach into or over any utility easement.



Added to reduce conflicts between structures and utilities.

GENERAL DEVELOPMENT STANDARDS

17.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS

A. Minimum Driveway Widths at the street right-of-way line shall be fifteen (15) feet for institutional, commercial, industrial, and multi-family residential ~~uses projects more than five units~~, and ten (10) feet for single-family ~~and two family residential uses duplex, triplex, fourplex and cottage clusters~~.

B. Maximum Driveway Widths at the street right-of-way line shall be as follows:

1. In residential zones –

a. 24 feet for lots with less than 60 feet of street frontage

b. 30 feet for lots with street frontages of 60 feet or greater

~~c.~~ There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same lot

~~e.~~d. Triplex and quadplexes on lots or parcels with frontages only on local streets may have either two driveway approaches not exceeding 32 feet in total or one maximum 16-foot wide driveway approach per frontage.

Model code wording for driveway approaches.

~~d.~~e. A maximum of one driveway approach is allowed for every single unit attached unit/townhouse. Driveway approaches and driveways may be shared provided reciprocal access easements are recorded.

BUILDING DESIGN AND DEVELOPMENT STANDARDS

SECTION 17.8.710

~~E. Single-Family and Duplex~~ E. Single-Unit and Middle Housing Types

1. Purpose. The purpose of the design standards is to ensure that new residential development has a positive influence on the livability and safety of surrounding neighborhoods. The standards are narrowly focused on improving the way that new residential buildings relate to the public right-of-way (streets, sidewalks and parkways).

2. Applicability

a. The standard relating to street connection is applicable to construction of single-family dwellings, townhouses, manufactured homes, ~~and duplexes,~~ triplexes, an quadplexes on lots 9,000 square feet or smaller with an average slope of 12% or less. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. ~~The dwelling diversity standard is applicable to new subdivisions.~~ Compliance with the design standards is checked during building plan review. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

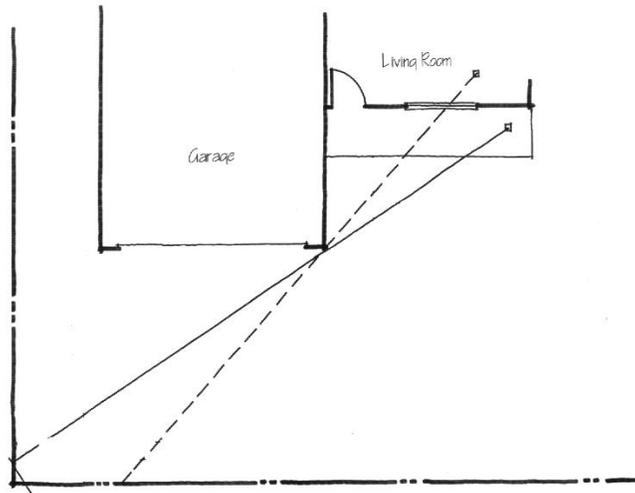
Revised to include middle housing types and add Model Code wording that facades separated from the street by another dwelling are exempt from meeting the building design standards in this section.

~~1. The standard relating to street connection is applicable to construction of single family dwellings, manufactured homes and duplexes on lots 9,000 square feet or smaller with an average slope of 12% or less. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. The dwelling diversity standard is applicable to new subdivisions. Compliance with the design standards is checked during building plan review.~~

This subsection is redundant with 2.a. above.



Figure 8-17: Visual Surveillance Standard



4. General Standards

- a. Street Connection and Visual Surveillance Standard. ~~All habitable rooms facing a street shall have a window. The front facade shall be designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front-facing window such that a person, if there were no vegetation, would be able to see 100% of their front property line. The intent is to create a physical connection between the dwelling unit and the public sidewalk and/or street, and to allow the dwelling units occupants to see the public sidewalk and/or street for visual surveillance and crime prevention.~~
- b. Lot Diversity Requirement. ~~For subdivisions of six (6) lots or more, there shall be a variety of lot sizes, with at least a 50% increase between the smallest and largest lots.~~

*Moved to §17.8.905 Land
Division Standards*

- e. ~~Dwelling Diversity Standard. Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.~~

This requirements seems better suited to planned developments. Replication of facades more than 5 times or 10% of the total number of subdivision lots seems arbitrary. Replication is open to interpretation and the description provided is not clear an objective.

- c. Dwelling Diversity Standard: At least two house plans shall be provided for each housing type in a subdivision and no one house plan shall comprise more than 45% of the total dwelling units in the same street or the subdivision as a whole.

5. Building Façade and Elevation Standards

- a. No more than six (6) single family attached/townhouse units shall be allowed in series.

~~e.b. Duplex units within single family districts shall be designed and constructed to give the impression from the street of one single family unit or, one corner lots, or two different units facing different directions.~~

~~e.c. No more than thirty five percent (35%) of the front façade area of an attached single family or duplex unit shall be used for garage doors.~~

~~f.d. Front elevations shall provide design variation to avoid repetition and create architectural interest.~~

~~—No building elevation shall have a horizontal or vertical blank wall section greater than fifteen feet (15').~~

HB 2001 does not allow applying requirements to duplex units that do not apply to single unit detached units.

Same comment as above plus the City has never reviewed this.

This requirement is not clear and objective.

The City has never reviewed this.

~~5. The Director may approve an increase of the allowable percentage of duplex or single family attached units within SR, R-10, R-7 or R-5 district if the following criteria are adequately addressed:~~

No longer applicable due to passage of HB 2001 since duplexes will now be allowed on any lot that allows a single unit detached home.

- ~~a. The location and placement of the duplex and townhouse units maintain the appearance and single family character of the subdivision, especially in regards to adjacent single family development.~~
- ~~b. Proposed duplex designs convey the appearance of single family units. For larger subdivisions, a number of different duplex designs would be required to justify the increase percentage.~~
- ~~c.a. The units visibility to the street, for example by having front porches or provide vehicular or parking access from a back alley.~~

4. Duplex Design Standards

a. New duplexes shall meet all clear and objective standards that apply to detached single unit dwellings in the same zoning district.

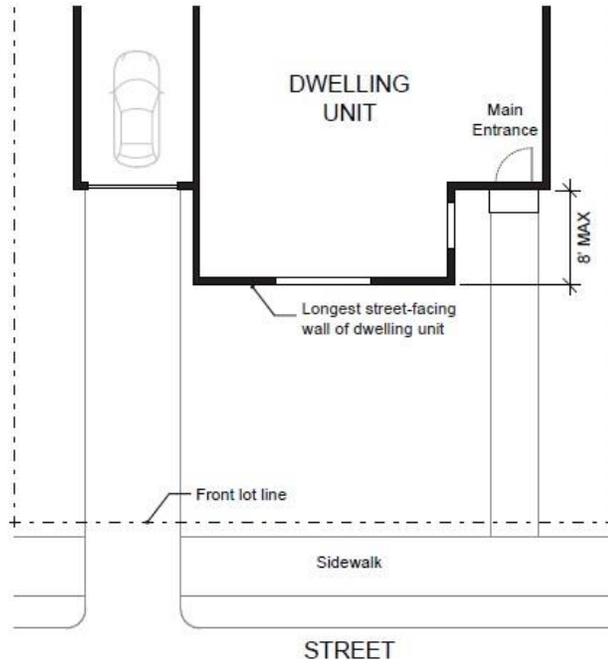
b. Conversion of an existing detached single unit dwelling to a duplex is allowed provided the conversion meets building codes and does not create nonconformance with applicable clear and objective development standards.

5. Triplex and Quadplex Design Standards

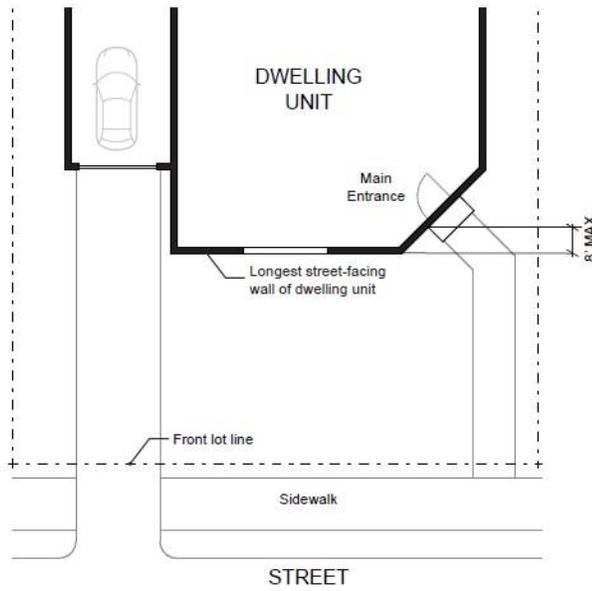
a. Entry Orientation: At least one main entrance for each triplex or quadplex structure must meet the following standards:

1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and the entrance must either:

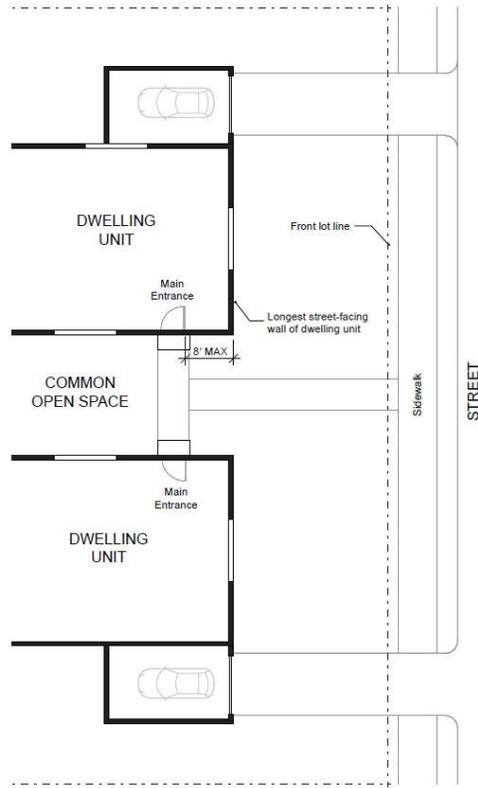
- i. Face the street as shown by the figure below



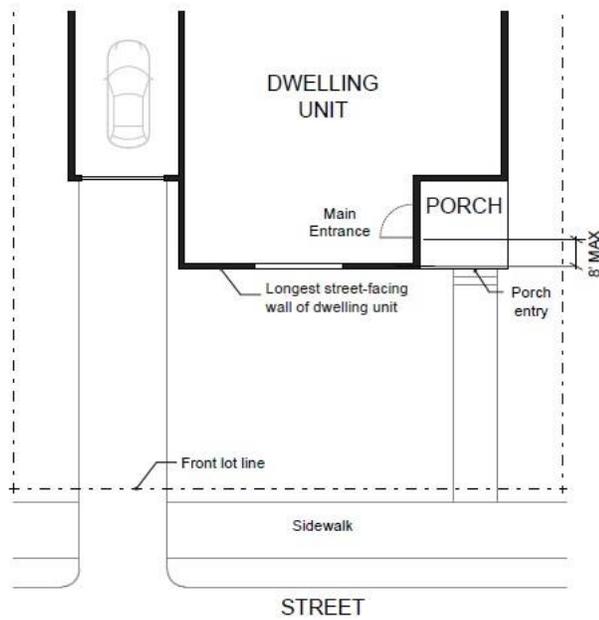
ii. Be at an angle up to 45 degrees from the street as shown by the figure below.



iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or



iv. Open onto a porch. The porch must be at least 25 square feet in area and have at least one entrance facing the street.



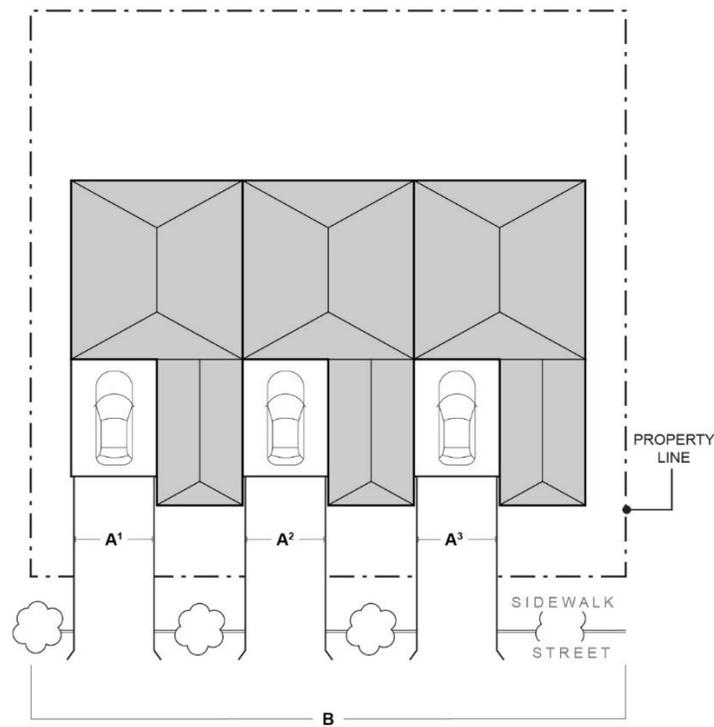
b. Windows: A minimum 15% of the area of all street facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from this standard.



STREET-FACING FACADE

- Area subject to 15% window & entrance door coverage requirement
- ▨ Qualifying window coverage
- ▩ Qualifying entrance door coverage

c. Garages and Off-Street Parking Areas: The combined width of all garages and outdoor on-site parking and maneuvering area does not exceed a total of 50 percent of the street frontage.



- Ⓐ Garage and on-site parking and maneuvering areas
- Ⓑ Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

d. Internal conversion of an existing detached single unit structure or duplex is allowed provided the conversion meets building codes and does not create nonconformance with clear and objective development standards.

6. Townhouse Design Standards

a. Entry Orientation: At least one main entrance for each townhouse unit must meet the following standards:

1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and the entrance must either:

i. Face the street as shown by the figure below

ii. Be at an angle up to 45 degrees from the street as shown by the figure below.

iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or

iv. Open onto a porch. The porch must be at least 25 square feet in area and have at least one entrance facing the street.

b. Windows: A minimum 15% of the area of all street facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from this standard.

c. Driveway Access and Parking:

i. A maximum of one (1) driveway approach is allowed for each townhouse unit.

ii. Outdoor on-site parking and maneuvering areas shall not exceed the lesser of 12 feet wide on any lot or 50% of the lot frontage.

iii. The width of garage entrances shall not exceed 12 feet as measured from the inside of the garage door frame.

iv. A townhouse unit on a corner lot shall take access from a single driveway approach.

v. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access.

vi. Townhouses adjacent to an alley shall take vehicular access only from the alley.

d. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade:

i. A roof dormer a minimum of 4 feet in width, or

ii. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or

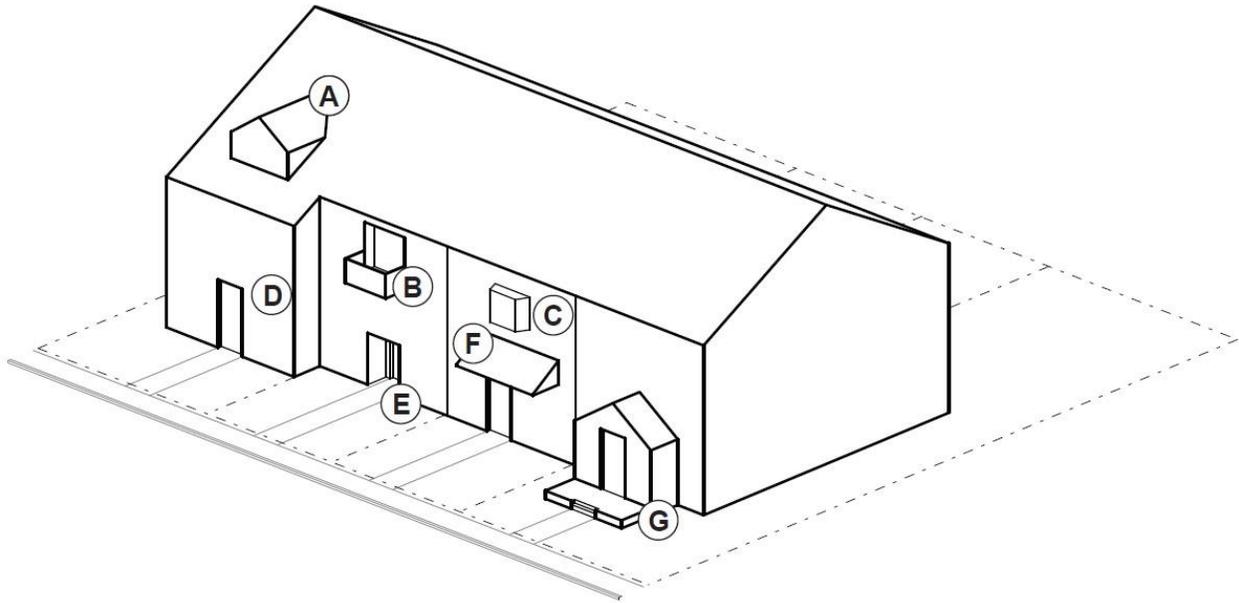
iii. A bay window that extends from the façade a minimum of 2 feet, or

iv. An offset of the façade a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or

v. An entryway that is recessed a minimum of 3 feet, or

vi. A covered entryway with a minimum depth of 4 feet, or

vii. A porch of at least 25 square feet in area with at least one entrance facing the street or have a roof.



- (A) Roof dormer, minimum of 4 feet wide
- (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C) Bay window extending minimum of 2 feet from facade
- (D) Facade offset, minimum of 2 feet deep
- (E) Recessed entryway, minimum 3 feet deep
- (F) Covered entryway, minimum of 4 feet deep
- (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

7. Cottages and Cottage Clusters

a; Cottage Orientation: Cottages must be oriented around a common courtyard or must be connected to the courtyard by a pedestrian path at least five feet in width.

b. A minimum of 50 percent of cottages with a cluster must be oriented toward the common courtyard and must:

i. Have a main entrance facing the common courtyard;

ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

iii. Be connected to the common courtyard by a pedestrian path at least five feet in width.

iv. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path at least five feet in width that is directly connected to the common courtyard.

c. Common Courtyard Design Standards: Each cottage cluster must share a common courtyard. Common courtyards must meet the following standards:

i. The common courtyard must be a single, contiguous piece.

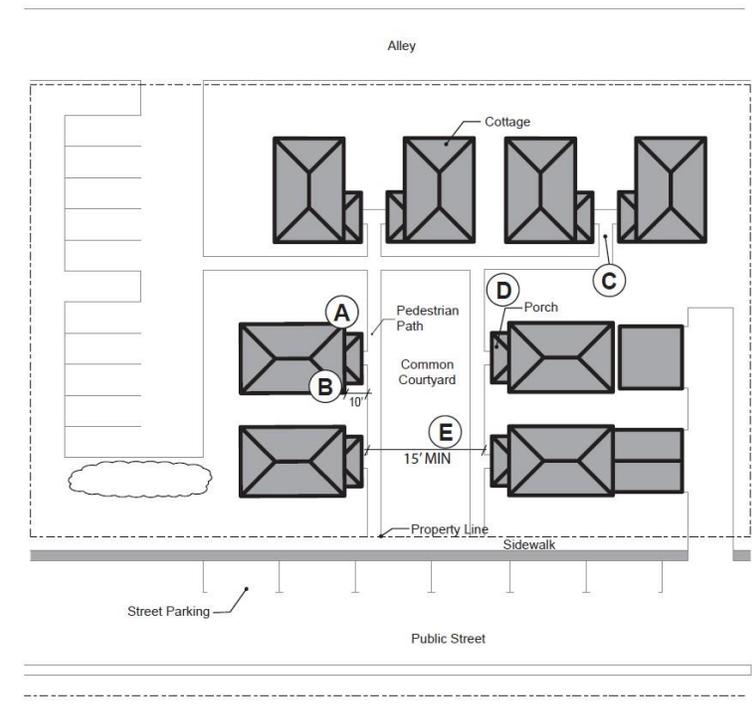
ii. Cottages must abut the common courtyard on at least two sides of the courtyard.

iii. The common courtyard must contain a minimum of 150 square feet per cottage.

iv. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

v. The common courtyard shall be improved with a mix of landscaping, lawn area, pedestrian paths and/or paved area. The common courtyard may also include recreational amenities. Impervious elements of a common courtyard shall not exceed 75 percent of the total common courtyard area.

vi. Pedestrian paths must be included in a common courtyard area. Paths that are contiguous to a courtyard may count toward the courtyard's minimum dimension and area. Parking areas, required setback areas, and driveways do not qualify as part of a common courtyard.



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
 - (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
 - (C)** Cottages must be connected to the common courtyard by a pedestrian path.
 - (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
 - (E)** The common courtyard must be at least 15 feet wide at its narrowest width.
-

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

- a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).
- b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

4. Pedestrian Access.

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

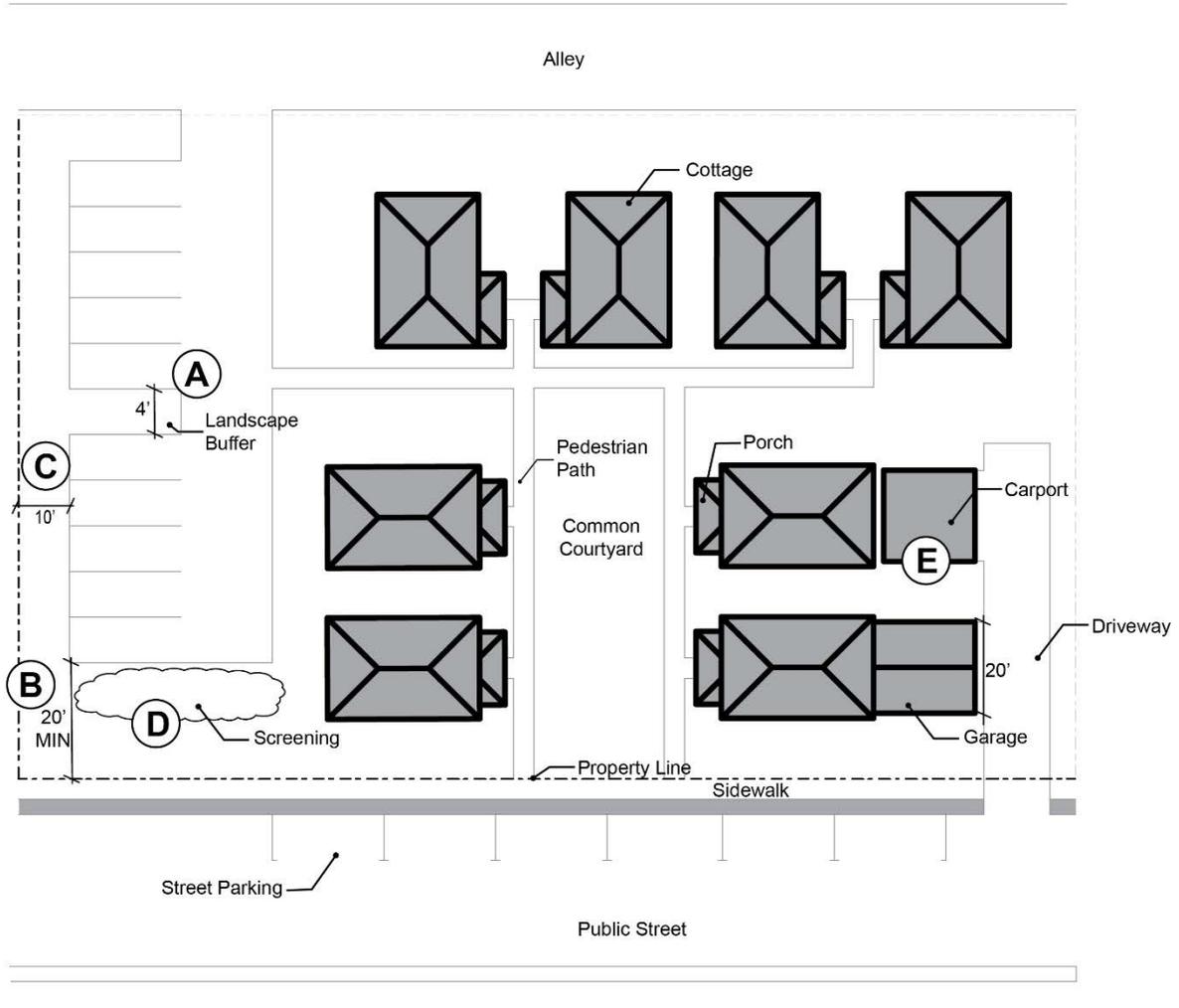
5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.

6. Parking Design (see **Error! Reference source not found.**).

- a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (C).

Cottage Cluster Parking Design Standards



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

PARKING REQUIREMENTS
TABLE 8-4: Parking Requirements

Revised to comply with the administrative rules implementing HB 2001.

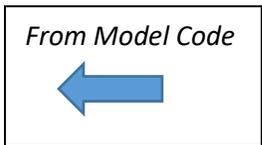
LAND USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING ALLOWED	
		Parking Zone A	Parking Zone B
RESIDENTIAL			
Household Living - Single Units, Attached/ <u>Townhomes</u>	See Multi-Family <u>1.0 / DU</u>	None	None
- Single Units, Detached	1.0 / DU	None	None
- Accessory <u>Dwelling</u> Units	1.0 / DU <u>None</u>	None	None
- Duplexes	1.0 / DU	None	None
<u>-Triplexes</u>	<u>3.0 / development</u>		
<u>-Quadplexes</u>	<u>4.0 / development</u>		
<u>-Cottage Clusters</u>	<u>1.0 / DU may be provided for individual units or in shared parking areas.</u>		
<u>Courtyard Housing</u>	<u>1.0/DU may be provided for individual units or in shared parking areas.</u>		
- Multi-Family Units (outside the Town Center)	DU<500 sq. ft: 1.0 / DU 1 bedroom: 1.25 / DU 2 bedroom: 1.50 / DU 3 bedroom: 1.75 / DU	None	None
- Multi-Family Units (Within the Town Center)	DU<500 sq. ft: 0.5 / DU 1 bedroom: 0.75 / DU 2 bedroom: 1.25 / DU 3 bedroom: 1.75 / DU	None	None
- Manufactured Units	1.0 / DU	None	None
- Mobile Home Parks	1.0 / DU	None	None

Group Living	1.0 / room 1.0 / 2.5 beds	None 2.7 / 1,000 ^[2]	None
Transitional Housing	1.0 / 2.5 beds	None	None
Home Occupation	None	None	None

17.8.515 OFF-STREET PARKING REQUIREMENTS

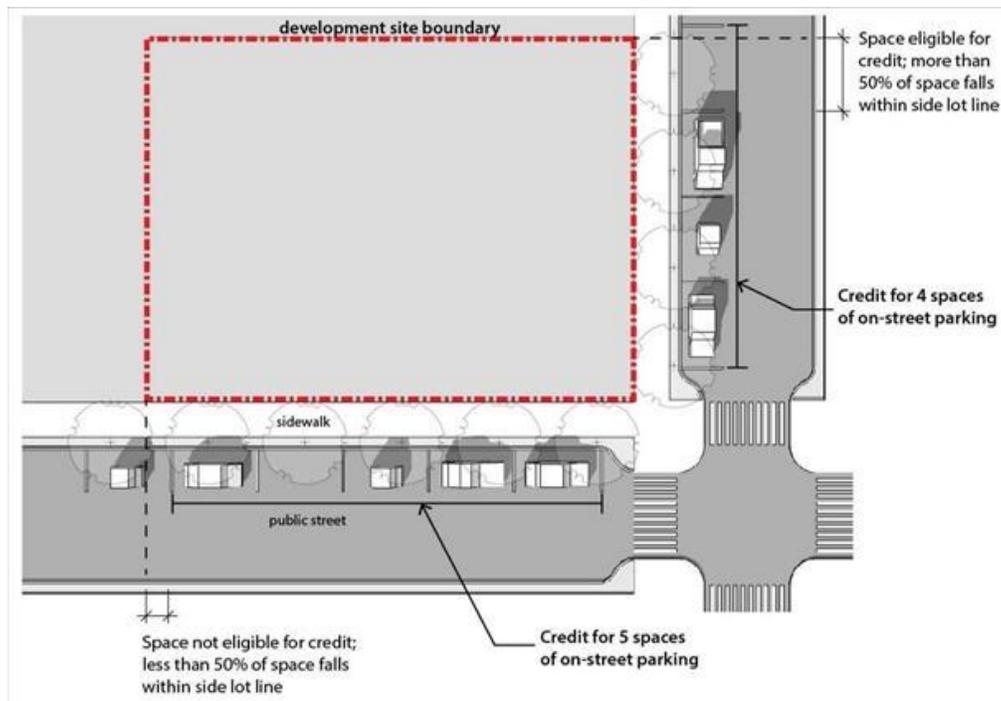
H. Eligible Parking. Parking spaces available along the public street frontage or alleys are eligible in fulfilling up to 50% of the off-street parking requirements, except for single-family dwellings and duplexes, if the following standards are met:

- i. The space must be abutting the subject site
- ii. The space must be in a location where on-street parking is allowed
- iii. The space must be a minimum 22 feet long; and
- iv. The space must not obstruct a required sight distance area.



On-street parking spaces credited for a specific development or use may not be used exclusively by that development or use but must be available for the general public. Signs or actions limiting general public use of on-street spaces are prohibited.

Figure 8-10A: Credit for On-Street Parking



17.8.520 REDUCTION OR MODIFICATION OF OFF-STREET PARKING REQUIREMENT

A. Parking Reductions Allowed By Right. The following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. The reductions allowed by this section may not be used in conjunction with the reductions allowed by subsection (B) below. In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways, or streets, where side-walks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

1. Parking for multifamily, commercial and industrial uses may be reduced by 10% providing the development is within ~~500 feet~~ ¼ mile walking distance of a transit stop frequent transit service with at least 20 minute headways.
2. ~~Parking for multifamily uses may be reduced by 10% providing the development is within 500 feet walking distance of a transit stop.~~
3. Parking facilities may be reduced to the extent necessary to accommodate transit stop and shelters.

Revised to make include multifamily developments near frequent transit service eligible for a parking reduction.

Revised to allow for parking reduction if the site is near a frequent transit service line. The current standard is tied to bus stop locations which can change and doesn't allow a reduction beyond 500 feet even if a site is within comfortable walking distance.

LAND DIVISION STANDARDS

17.8.905 STANDARDS

A. Block Design

The land division standards are proposed for revision to make wording clear and objective.

1. The length, width and shape of blocks shall be designed with due regard to providing ~~adequate~~ building sites that comply with the lot dimensional standards in Article 3~~for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography and development standards in Article 8.~~
2. Blocks ~~shall have sufficient width to provide for two tiers of lots of appropriate depths, except where blocks are adjacent to an arterial, a railroad, or waterway, and~~ shall meet the following standards:

B. Block Length and Perimeter

1. ~~The layout of streets shall not create excessive travel lengths.~~ Block lengths shall be a maximum of 500 feet and block perimeters shall be a maximum of 1,200 to 1,600 feet. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Block perimeter is defined as the sum of the block lengths of all sides of a block.
2. In residential subdivisions and mixed-use developments, no block shall be more than 330 feet in length. This length can be exceeded up to a maximum length of 660 feet under Block Length Exceptions below.

C. Block Length Exceptions. An exception to the block length standard may be permitted during the land division review when one of more of the following conditions exists:

1. Physical conditions ~~that~~ preclude development of a public street. ~~In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made.~~ Such conditions ~~may~~ include, ~~but are not limited to,~~ topography, wetlands, mature trees, creeks, drainages, and rock outcroppings.
2. Buildings or ~~other~~ existing development on adjacent lands ~~that~~ preclude a street connection, ~~now or in the future, considering the potential for redevelopment.~~
3. ~~Barriers such as freeways~~Highways or railroads preclude street connections.

Revised to remove wording that is not clear and objective.

4. Average slope of the block exceeds 15%, ~~the additional block length is the minimum necessary to address characteristics of the site~~, and the tangent of the roadway centerline does not vary more than 30 degrees transverse to the slope contours.
5. Where an existing public street or streets terminating at the boundary of the development site have a block length exceeding 500 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 500 feet. ~~In such cases, the block length shall be as close to 500 feet as practical.~~

D. Pedestrian Ways

1. Off-street pedestrian ways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a street is not ~~feasible provided~~. In cases where a street connection is ~~feasible provided~~, off-street pedestrian ways shall not be permitted in lieu of a ~~traditional standard~~ streets with sidewalks.

Revised to remove wording that is not clear and objective.
2. When block lengths exceed 500 feet, a pedestrian way of not less than ten (10) feet in width shall be dedicated to provide pedestrian access thorough the block, or to provide access to schools, parks, designated open areas, or other public areas. Such pedestrian ways shall be improved with hard surface material with an appropriate base to a minimum width of five (5) feet prior to issuance of any building permit for construction within the subdivision.
3. Sidewalks and/or pedestrian ways shall be designed according to City standards or specifications on file at the City.
4. Designated crosswalks across streets may also be required by the Director near the center of blocks that are over 500 feet in length.

E. Easements

1. Easements of ten (10) feet in width shall be provided along the front lines of all lots or parcels for public utilities and sidewalks. Larger easements may be ~~required necessary to comply with adopted agency policies. where necessary~~. The City or other appropriate public agency shall be empowered to enter upon such easement for construction or maintenance of public utilities, and to remove, if necessary, any fence, tree, shrubbery or other obstruction, which may have been located within the easement.

Revised to remove wording that is not clear and objective.
2. Where a land division contains a watercourse or area serving for the accumulation or retention of surface water, easements shall be provided for such watercourses or retention area to ensure that no building or structure shall be erected therein.
3. Where the alignment of a utility easement (other than required perimeter easements) is such that it would also serve as ~~suitable an~~ easement for originating

or continuing a pedestrian/bicycle path, ~~the Director may require that~~ such an easement shall be designated on the plat as serving both functions. In such cases, the minimum easement width shall be ten (10) feet and the pedestrian/bicycle path shall be improved with a hard surface to a minimum width of eight (8) feet.

F. Lots, Parcels and Common Areas

The size, dimensions, and orientation of lots and parcels shall be ~~appropriate for the location of the subdivision or partition, for the type of development and use contemplated, and shall be~~ consistent with all applicable standards of this Code and the following:

Revised to remove wording that is not clear and objective.

1. Lot and Parcel Side Lines. The side lines of parcels in partitions shall run at right angles to the street upon which they face, ~~to the maximum extent feasible, and on curved streets shall be radial to the curve, wherever possible.~~ The side lines of lots in subdivisions need not run at right angles to the abutting street, but may be laid out at any suitable angle to satisfy the solar access standards of §17.5.400, ~~and to allow for a suitable subdivision design for the type of development and use contemplated.~~
2. Frontage. Each lot and parcel shall have a minimum frontage on a public or private street of at least twenty ~~(20)~~ (15) feet with the following exception two exceptions:
 - a. A lot or parcel on the radius of a curved street or on the circular end of a cul-de-sac shall have frontage of not less than thirty (30) feet upon the abutting street right-of-way measured on the arc.
~~a. Where a flag lot is proposed and the access strip is serving only one lot, the frontage shall be not less than fifteen (15) feet.~~
3. Through Lots and Parcels. Through lots and parcels are prohibited, except ~~where they are necessary~~ to provide separation of development from arterial streets or adjacent ~~incompatible~~ activities or developments. In such cases, the Director ~~may~~ shall require ~~that~~ evergreen screening, a masonry wall, a landscaped earth berm, and/or a non-access easement ~~be provided~~ along the line of lots or parcels abutting ~~such~~ an arterial street or other ~~incompatible~~ uses.
4. Future Subdivision or Partition of Lots or Parcels. Where a subdivision or partition will result in a lot or parcel of one-half (½) acre or larger in size which ~~in the judgment of the Director is likely to could~~ be further divided ~~in the future, the Director may require that~~ the location of lot and parcel lines ~~and other details~~ must allow for efficient future division without violating the requirements of this Code and without interfering with the ~~orderly~~ extension of adjacent and abutting streets. ~~The Director may also require that restrictions concerning locations of buildings within future street locations and vehicular access to lots or parcels be made a matter of record if deemed necessary for permitting the efficient subsequent division of the land.~~

5. Subsequent Flag Lots. Land partitions are prohibited within subdivisions for a period of five (5) years after the date of final plat approval, unless the land is shown as a future development area on the final plat.
6. Lot Access to Resource Areas. For subdivisions, ~~significant-protected~~ natural resources ~~such as streams, riparian areas, and wetlands~~ shall be ~~protected,~~ integrated into the design of the subdivision, and platted as a common area, ~~and made accessible to as many individual parcels as possible.~~

G. Public Use Areas

1. Dedication Requirements.

Revised to remove wording that is not clear and objective.

- a. Where a proposed park, playground or other public use shown in a ~~development~~ master plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of such area within the subdivision.
 - b. Where ~~considered desirable by the City in accordance with consistent with~~ adopted comprehensive plan policies, and where a ~~development~~ master plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision ~~or sites of a character, extent and location suitable~~ for the development of parks and other public use.
2. Acquisition By Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within eighteen (18) months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.

USE CATEGORIES & DEFINITIONS

§ 17.12.210 MEANING OF SPECIFIC WORDS AND TERMS

The Definitions section is proposed for revision to add middle housing terms from the administrative rules and Model Code and to revise current definitions for consistency.

B. 11 Building footprint. Means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.

C3. Carport. A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

C10. Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

C11 Common wall. A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

C 18 Cottage cluster. A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

C19 Cottage cluster project. A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

D8. Dwelling-Related Definitions:

- a. Dwelling - A structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.
- b. Accessory Dwelling Unit – An interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.
- c. Apartment Or Multiple-Family Dwelling - A structure containing at least ~~three (3)~~ five (5) dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single-family attached building types on two (2) or more contiguous lots.
- d. Cottage – An individual dwelling unit that is part of a cottage cluster
- e. Cottage cluster – means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”
- df. Duplex – Two dwellings on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meet the definition of a primary dwelling unit with an accessory dwelling unit (ADU) the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. Duplexes may be on individual lots if approved through a middle housing land division.
- eg. Single-Family Unit Dwelling:
 - (1) Attached Dwelling - Two (2) or more dwelling units, including townhouses, attached side by side on two (2) or more contiguous, separate lots with some structural parts in common at a common property line.
 - (2) Detached Dwelling - One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot.
 - (3) Manufactured Dwelling - Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. §5401), commonly known as the U.S. Department of Housing and Urban Development (HUD) code.
- h. Townhouse - A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a

“rowhouse,” “attached house,” or “common-wall house.”

i. Triplex - Three dwelling units on a lot or parcel in any configuration.

j. Quadplex - Four dwelling units on a lot or parcel in any configuration.

M2 Middle housing. Duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

M3 Middle housing land division. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under Oregon Revised Statutes 197.758(2) or 197.758(3).

S6 Site area. The total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.

S10 Story. A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story: (1) A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point; (2) An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

T4 Townhouse project. One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

W5 Window area. The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

Z1 Zoned for residential use. A zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation. This excludes lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.

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HB 2001 & SB 458 Middle Housing Code Amendments

Ordinance Second Reading

Dan Riordan, Senior Planner

**Bryan Pohl, Director of Community
Development**

5/9/2022

Recap

- ❑ Council Goal – Support housing stability by implementing middle housing legislation.
- ❑ On April 11th City Council opened the public hearing and held first reading of an ordinance identifying proposed amendments to the Forest Grove Development Code.
- ❑ The amendments are needed to comply with Oregon’s middle housing laws (HB 2001 & SB 458).
- ❑ On April 11th Council deferred second reading of the ordinance to May 9th to allow more time for Council review and final editing.
- ❑ Second reading of the Ordinance is the last step in the adoption process. The ordinance must be adopted and become effective before the end of

Public Testimony

- ❑ During the April 11th public hearing, comments were made about affordable housing in the context of HB 2001.
- ❑ The next few slides speak to affordable housing in the context of HB 2001 and how the law promotes diversity and equity.

Affordable Housing

- ❑ HB 2001 promotes less expensive housing options produced by private developers.
- ❑ The term *affordable housing* often refers to *regulated* affordable housing that requires income qualification (ie - 0-80% of area median income) and is required to remain affordable for a specific period of time.
- ❑ Typically, regulated affordable housing is built and/or managed by the public or non-profit sector such as a housing agency or community development corporation. Washington County is the housing agency for Forest Grove.

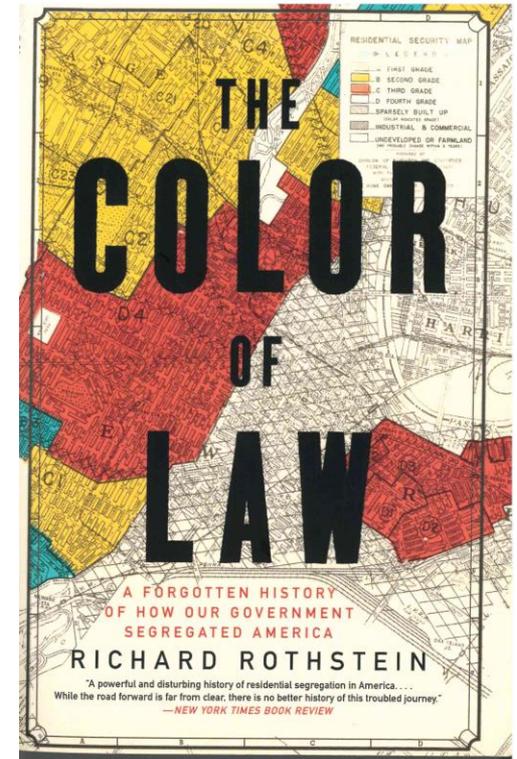
Affordable Housing

- ❑ Regulated affordable housing is not restricted in the City and is currently allowed in all zones where residential uses are permitted. This includes all residential zones, the Community Commercial, Neighborhood Mixed Use and Town Center zones.

- ❑ Regulated affordable housing in the City includes a mix of housing types: Examples include:
 - ❑ Covey Run Duplexes (Main St. near 26th Ave.)
 - ❑ Kidd Court Single-unit Detached and Townhomes (22nd Pl near E St.)
 - ❑ Coopers Corner Duplexes (19th Ave. near Poplar St.)
 - ❑ Bienestar Single-unit Home (Nichols Ln.)
 - ❑ Juniper Gardens Apartments (26th Ave. & Juniper St.)
 - ❑ The Valfre Apartments (Main St. near 26th Ave.)
 - ❑ Jose Arciga Apartments (19th Avenue near Juniper St.)

Promoting Diversity & Equity

- ❑ Zoning has been used as a tool to keep persons of color, certain ethnicities, and low income individuals and households out of many neighborhoods.
- ❑ This is well documented in books such as **The Color of Law: A Forgotten History of How Our Government Segregated America**, by Richard Rothstein.
- ❑ HB 2001 addresses the zoning barrier described in the Color of Law by doing away with single-unit zoning throughout Oregon and making it easier to create diverse and equitable neighborhoods.



Promoting Diversity & Equity

- ❑ However, doing away with single-unit zoning is only one piece of the puzzle for addressing diversity and equity in our community. Housing production is the other piece.
- ❑ HB 2003 is a companion law to HB 2001 that requires more frequent updates to the local Housing Needs Analysis (HNA) and requires that cities adopt a Housing Production Strategy (HPS).
- ❑ The HPS must identify the needs of current and future residents and include specific actions to make sure needed housing is produced.
- ❑ Forest Grove must update the City's 2019 HNA no later than December 2025. The HPS must be completed by December 2026 although it can be done at the same time as the HNA update.

Ordinance Revisions

- ❑ The Ordinance for second reading tonight, corrects formatting and scrivener errors, and is edited to clarify the Planning Commission's April 5th decision.
- ❑ The revised ordinance includes several clarifications:
 - ❑ Clarifying residential development intensity requirements (Sec. 17.3.130).
 - ❑ Removing the dwelling standard and deferring revision to the next round of Development Code updates to allow in-depth review as suggested by the Planning Commission.
 - ❑ Adding definitions for “courtyard housing” and middle housing “primary” and “secondary” lots (technical detail).

Staff Recommendation

- ❑ In conclusion, staff recommends:
 - ❑ City Council continue the public hearing tonight and accept additional public testimony, if any.
 - ❑ Upon conclusion of the public hearing, consider a motion to approve the ordinance amending the Development Code to comply with HB 2001 and SB 458 as desired by City Council.

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From: [KELLY Laura * DLCD](#)
To: [Daniel Riordan](#)
Cc: [STUCKMAYER Ethan * DLCD](#); [VALENCIA-AGUILAR Mari * DLCD](#)
Subject: Forest Grove HB 2001 code- DLCD review
Date: Tuesday, May 3, 2022 11:05:00 AM

Good morning, Dan,

I want to first start by apologizing for the delay in getting you comments on your HB 2001 code work. Unfortunately, your proposal slipped through the cracks as it came in right after Anne retired and our PAPA assignments were not yet sorted out. We recognize that your hearings are nearly complete and that it may be challenging to incorporate edits at this late stage. Fortunately, our review of your proposed code amendments did not result in very many concerns. We also know that some of these items may have already been addressed during your proceedings. In any case, we wanted to be sure to pass along these comments. We would be happy to discuss these with you if it would be helpful; please just let me know.

DLCD staff review based on Revision Draft uploaded 3/14/22:

1. Pg.13 Table 3-2: It appears that the city is proposing to remove footnote 5, which was the limitation placed on some middle housing types in these zones. DLCD staff note that the removal of this footnote would appear to change the Limited status of duplexes and townhouses to Permitted, which would comply with the OARs, but the corresponding notation "L⁵" appears to be unchanged. For clarity, DLCD staff recommend changing the L⁵ to P for all middle housing types in zones that allow detached single-family dwellings.
2. p. 26 In the RM and RH zones, larger middle housing types are proposed to have a minimum of 70 ft lot depth and 50 ft lot width (except townhouses, which would be 20 ft). However, SFD would be required to have a minimum of 60 ft depth and 35 ft width. DLCD staff note that the minimum lot dimensions for cottage clusters can be no greater than for SFD in the same zone OAR 660-046-0220(4)(b). Please note that DLCD staff were unable to locate/review the lot dimensional requirements for the SR zone.
3. Pg. 49 The proposed minimum lot sizes for triplexes and quadplexes in some residential zones (e.g. RL) falls between 3,000-5,000 sf. As such, a lower minimum parking requirement for triplex and quadplex applies (OAR 660-046-0220 (2)(e)): the minimum parking requirement cannot be greater than 2 spaces per triplex or quadplex. Please note that DLCD staff were unable to locate/review the lot dimensional requirements for the SR zone.

If it is indeed too late to make these edits at this time, please know that should the city find itself in an application review situation where any of the above requirements would be invoked, the OARs should be utilized instead. For example, if the city received a quadplex application in the RL zone, the city should use the parking standard of OAR 660-046-0220(2)(e) (2 spaces/quadplex), rather than its adopted standard (4 spaces/quadplex), for compliance with HB 2001/ Div 46.

Again, my sincere apologies for the timing of these comments. Please let me know if you have any questions or if you'd like to set up a time to discuss.

Thanks,
Laura



Laura Kelly

Metro, Clackamas and Multnomah County &
Interim Washington County and City of Portland Regional Representative
Oregon Department of Land Conservation and Development
Cell: 503-798-7587 | Main: 503-373-0050
laura.kelly@dlcd.oregon.gov | www.oregon.gov/LCD

From: VALENCIA-AGUILAR Mari * DLCD <Mari.VALENCIA-AGUILAR@dlcd.oregon.gov>
Sent: Tuesday, May 3, 2022 9:25 AM
To: KELLY Laura * DLCD <Laura.KELLY@dlcd.oregon.gov>
Subject: FW: Forest Grove HB 2001 code review

Hi Laura,

Please see Ethan's response below regarding Forest Grove's PAPA.

I believe most my comments are related to clear and objective standards. He suggests only sending those comments to the city and/or just saving comments to the PAPA folder. Perhaps we only send them the comments below for their consideration? Were there other items you found?

Standing by! Thanks,



Mari Valencia-Aguilar

Pronouns: She / They
Housing Planner | Community Services Division
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Cell: 503-930-9739 | Main: 503-373-0050
mari.valencia-aguilar@dlcd.oregon.gov | www.oregon.gov/LCD

From: STUCKMAYER Ethan * DLCD <Ethan.STUCKMAYER@dlcd.oregon.gov>
Sent: Monday, May 2, 2022 5:03 PM
To: VALENCIA-AGUILAR Mari * DLCD <Mari.VALENCIA-AGUILAR@dlcd.oregon.gov>
Subject: RE: Forest Grove HB 2001 code review

Hi Mari,

Laura is right about the timing – it is very difficult to change things now. I watched their hearing and it seemed like the staff were pretty closely following where they were bound by the OARs.

Did you find any major issues with their code? If not, then maybe we just save our HB 2001 comments in the PAPA folder and only send any comments we had on things like clear and objective standards, HB 4064, and HB 2583 to give the city a heads up for future work.

No sweat!



Ethan Stuckmayer

Senior Planner of Housing Programs | Community Services Division

Pronouns: he/him/his

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Work Phone: 503-302-0937 (*Preferred*) | Main DLCD Office: 503-373-0050

ethan.stuckmayer@dlcd.oregon.gov | www.oregon.gov/LCD

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Forest Grove Middle Housing Development Code Review

Page #	Code Section	Concern/Issue
7	Table 3-1	Notes reflect the original code language.
8	17.3.100	References four residential zones. With the update there will be five separate residential zones.
8	17.3.110	Suburban Residential Description identifies a target density. Other references to density are removed from the code.
11	Table 3-2	In the R-7 list of permitted uses all the use categories are removed. Assuming this is based on the original plan to consolidate all residential zones into one.
11	Table 3-2	In the R-5 list of permitted uses, Single Units, Attached and Duplexes are listed as a "Limited Use" with a reference to footnote 5. Footnote 5 is removed. These uses should be Permitted.
13	Table 3-2 Footnote 5	Footnote is referenced but appears to be deleted.
17-19	17.3.130.A-B	<p>Notes in this section identify that HB 2001 essentially does away with maximum density requirements as justification for removing density and regulating through FAR or dimensional standards. Notes then go on to accurately identify that a minimum density (8 units/net buildable area) is required for Forest Grove by OAR 660-007-0035 (2). Section <i>17.3.130.B Density Reductions Due to Slope</i> is a section that specifically refers to density reductions due to slopes. If there are no maximum densities, is this section still relevant?</p> <p>Comments on Page 19 identify that density will be replaced by FAR. Without some form of an incentive density, how will a PD be assessed? Without some form of an average or target density, how will reduced lot sizes in a PD be measured?</p>

Page #	Code Section	Concern/Issue
20	17.3.130.F <i>should be C</i>	Code section should be “C” instead of “F”. The original language calls the minimum lot size, “... <i>the smallest permissible size of a building lot.</i> ” All references to a PD have been removed from this section. This language does not qualify that lots can be smaller if created through the PD process. This could create confusion in the future.
21-22	Table 3-5, Table 3-6 Minimum Lot Dimensions	<p>The lot dimensions are inconsistent and do not make sense. Consider revising for consistency.</p> <p>Lot dimensions in R-5 All development types Minimum width of 34 feet Minimum depth of 60 feet</p> <p>In R-7: Minimum depth is 75 feet Minimum width is 50 feet</p> <p>Except for single family attached/ townhomes Minimum width is 25 feet Minimum depth is 75 feet</p> <p>In the RM and RH zones: Single family detached, and manufactured homes Minimum width is 35 feet Minimum depth is 60 feet</p> <p>Townhome/Attached Minimum width of 20 feet Minimum Depth is 70 feet</p> <p>The remaining middle housing development types have the same dimensional standards as R-7. If R-5 is meant to the higher density, there should be more consistency between R-5 and RM/RH.</p>

Page #	Code Section	Concern/Issue
21-22	Table 3-5, Table 3-6 Minimum Lot Size	If lot size will be the mechanism for regulating density, we recommend re-instituting the average lot size standards for single family detached.
24	Table 3-7	Increasing the front setback without addressing properties that have multiple frontages will limit the efficient use of urban land. It is common for jurisdictions to have a “street side-setback” to allow for a setback reduction for one of the two frontages of a corner lot. Please consider reducing the setbacks to be consistent with the HB 2001 model code and consider an additional provision for side street setbacks to allow relief to corner lots. Our recommendation is for an 11-foot side street setback.



May 9, 2022

VIA EMAIL

Dan Riordan, Senior Planner
 City of Forest Grove
 1924 Council Street
 PO Box 326
 Forest Grove, Oregon 97116

RE: Development Code Update: Middle Housing

Dear Mr. Riordan,

This letter is to express concerns over the revised draft Forest Grove Development Code regarding middle housing that will be before the Forest Grove City Council on May 9, 2022 (File No. 311-21-000003-PLNG). AKS Engineering and Forestry, LLC (AKS) is testifying on behalf of Allied Development on this matter.

AKS testified at the April 27, 2022, City Council hearing on this matter and raised concerns about how density is calculated under the draft provisions, as well as the dimensional lot standards. We appreciate City staff's efforts to address these concerns in the updated draft; however, additional revisions are needed.

The revised draft of Section 17.3.130 of the Development Code returns to a "minimum average lot size" standard that exists today. We have two concerns with this approach. First, the City has historically used "net site area" to calculate density. Net site area includes buildable land that may not be included in the lots, such as stormwater facilities and parks/open space. We recommend that the ordinance be revised to list a minimum square footage of net site area per lot instead of a minimum average lot size.

Second, the new code removes provisions for "incentive density". The existing Development Code allows applicants to request increased density of approximately 10 percent through the Planned Development (PD) process. This 10 percent increase could be added to the PD code provisions, but with the housing shortage and affordability challenges currently facing the City and region, we recommend building the 10 percent density increase into the base provisions currently under review.

We request that the City Council update the ordinance with the revisions below (shown in red):

§ 17.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

A. Residential Development Intensity/Number of Units

(1). The City of Forest Grove regulates residential development primarily by lot coverage based on building setbacks, permissible maximum building height and minimum lot size. All residential subdivisions in the SR, R-5 and R-7 zoning districts are required to meet the following lot ~~averaging area~~ requirements:

a. SR zone: ~~Average of 43,560~~ square feet of net site area per lot

b. R-5 zone: ~~Average of 5,000~~ 4,500 square feet of net site area per lot

c. R-7 zone: ~~Average of 7,000~~ 6,300 square feet of net site area per lot

Thank you for taking our comments under advisement.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Mimi Doukas, AICP, RLA – Principal
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
(503) 563-6151 | mimid@aks-eng.com

Date: May 9, 2022

Agenda Item: F. 1.

Subject: PUBLIC HEARING & SECOND READING: ORDINANCE NO. 2022-01 AMENDING FOREST GROVE DEVELOPMENT CODE SECTION 17 THE AMENDMENTS BEING NECESSARY FOR COMPLIANCE WITH OREGON HOUSE BILL 2001 (2019) AND SENATE BILL 458 (2021); FILE NO. 311-22-000003-PLNG

CITY COUNCIL MEETING

Request to Testify at Public Hearing

Public Hearings: Hearings are held on each matter required by state law or City policy. Sign in before the meeting on the Public Hearing form posted in the foyer. The presiding officer will review the 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 use the witness table (center front of the room), provide your full name and please limit your remarks to three (3) minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action. All testimony is electronically recorded. Written testimony may be submitted by 3:00 p.m. the day of the meeting to: CityCouncilors@forestgrove-or.gov.

Please sign-in below to testify:

PROPONENTS: (Please print legibly)

First & Last Name:

Mimi Douglas

Address:

12965 SW Herman Rd Tualatin OR 97062

OPPONENTS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

OTHERS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

Please continue on Page 2:



A place where businesses and families thrive

CITY RECORDER USE ONLY:

AGENDA ITEM #: F. 1.
MEETING DATE: 4/11/2022
1st Reading
FINAL ACTION: ORD 2022-01

CITY COUNCIL STAFF REPORT

Hearing Continued to 05/09/2022

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

MEETING DATE: *April 11 and April 25, 2022*

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

SUBJECT TITLE: *Development Code Amendments to Implement Oregon House Bill 2001 (Middle Housing) and Senate Bill 458 (Middle Housing Land Divisions); File No. 311-22-000003-PLNG*

ACTION REQUESTED: Ordinance Order Resolution Motion Informational

X all that apply

ISSUE STATEMENT: The Planning Commission held a public hearing on March 22, 2022, on proposed amendments to the Forest Grove Development Code needed to comply with Oregon Housing Bill 2001 (Middle Housing) and Senate Bill 458 (Middle Housing Land Divisions). On March 22nd the Planning Commission approved a motion to continue deliberations to April 4, 2022. The Planning Commission approved a motion on April 4th recommending specific amendments to the Forest Grove Development Code needed to implement HB 2001 and SB 458.

BACKGROUND: The Governor signed into law Oregon House Bill 2001 (2019), also known as the Oregon middle housing law. The Governor also signed into law Senate Bill 458 (2021), also known as the middle housing land division law. Both laws apply to Forest Grove and as such Forest Grove must adopt amendments to the Forest Grove Development Code needed for compliance.

HB 2001 requires that cities in the Metro boundary, and large cities elsewhere in the state, allow “middle housing types” in areas zones that allow single-unit homes. Middle housing types include:

- Duplexes
- Triplexes
- Quadplexes
- Townhomes
- Cottages in cottage clusters

Process

In 2019, the legislature passed and the Governor signed into law HB 2001. HB 2001 was followed by SB 458 which was signed into law in 2021. Following enactment of the laws the Oregon

Department of Land Conservation and Development drafted administrative rules and prepared a model code for use by cities. The Land Conservation and Development Commission adopted the administrative rules and model code in December 2020.

Cities subject to the middle housing laws are required to modify their local development code to implement the laws. Amendments to the local development code must be effective by June 30, 2022. If this deadline is missed the state's model code will apply to local development review decisions.

The Planning Commission formed a subcommittee to provide input into draft code amendments for adoption by City Council. The Planning Commission subcommittee included a City Councilor; three Planning Commission members, a market rate housing developer, an affordable housing developer, and a local architect.

The draft code amendments were available for review on the City's webpage. An online open house with background information, survey and comment form were made available. Information was provided in both English and Spanish. The survey was open from late-January through April 1, 2022. Staff coordinated with Adelante Mujeres to get the word out and seek comment from Spanish speakers.

Ninety-five surveys were completed. General themes emerging from the comments included the need for smaller housing to allow residents to downsize and remain in Forest Grove. Concerns were expressed about possible impacts of development on property values, traffic and neighborhood appeal. Proposed design standards included in the recommended Development Code amendments are intended to address neighborhood appeal in particular.

Prior to holding public hearings on the code amendments work sessions were held with the City Council and Planning Commission. The work sessions provided an opportunity to get into the details and brief the Planning Commission and City Council on possible code amendments before the formal adoption process.

HB 2001 requires that affected cities consider approaches to promote affordable housing. The City Council considered incentives to promote affordable middle housing options during a work session on January 24, 2022. Options discussed included waiving or deferring system development charges for affordable housing projects, establishing a construction excise tax, property tax exemptions or tax freezes, including the Oregon Low Income Rental Housing Tax Exemption, Nonprofit Corporation Low Income Housing property tax exemption, Single-unit housing tax exemption, Oregon Rehabilitated Residential Property tax exemption, and Vertical Housing Development Zone program. The City has adopted the Nonprofit Corporation Property Tax Exemption, Vertical Housing Development Zone and deferral of system development charges for affordable housing projects. In addition, the City adopted density incentives for affordable housing projects in the downtown area and in the Community Commercial zone.

On March 22, 2022, the Planning Commission held a public hearing on proposed Development Code amendments. Planning Commission deliberations were continued to April 4th. On April 4th, the Planning Commission made a motion recommending Code amendments for City Council's consideration. The recommended code amendments are summarized below.

Planning Commission Recommendation

The Planning Commission held a public hearing on the proposed Development Code amendments on March 22, 2022 and continued deliberations to April 4, 2022. The Planning Commission focused their review on areas where HB 2001 allows local flexibility:

- Whether to consolidate the R-5, R-7, and R-10 zoning districts into one low density residential zoning district. The Planning Commission recommends retaining the R-5 zone and consolidating the R-7 and R-10 zoning districts into one zone.
- Minimum lot sizes and dimensions. The Planning Commission recommends establishing minimum lot size requirements for single-unit and middle housing types in the R-5 and R-7/R-10 zones:

R-5 Zone

Housing Type	Minimum Width	Minimum Lot Depth
Single Unit Detached	34 feet	60 feet
Manufactured Home	34 feet	60 feet
Duplex	34 feet	60 feet
Single-Unit Attached/Townhouse	34 feet	60 feet
Triplex	34 feet	60 feet
Quadplex	34 feet	60 feet
Cottage Cluster and Courtyard Housing	34 feet	60 feet
Other Uses	34 feet	60 feet

R-7 Zone

Housing Type	Minimum Width	Minimum Lot Depth
Single Unit Detached	50 feet	75 feet
Manufactured Home	50 feet	75 feet
Duplex	50 feet	75 feet
Single-Unit Attached/Townhouse	50 feet	75 feet
Triplex	50 feet	75 feet
Quadplex	50 feet	75 feet
Cottage Cluster and Courtyard Housing	50 feet	75 feet
Other Uses	50 feet	75 feet

- Development intensity. The Planning Commission recommends regulating development intensity by building setback, maximum building height and minimum lot size.

- Whether or not to allow detached duplexes as an allowed housing type. The Planning Commission recommends amending the definition of duplex in the Development Code to allow detached duplexes.
- Whether or not to allow large courtyard housing units. The Planning Commission recommends creating a housing type for courtyard housing units larger than cottages in a cottage cluster. The Oregon Administrative Rules limits the building footprint for cottages to 900 square feet. The Planning Commission recommends a maximum building footprint for larger courtyard housing units to 1,400 square feet. This will allow projects such as the Green Grove co-housing without need for planned development approval by the Planning Commission and creating condominiums.
- Whether to delete the dwelling design diversity standard. The Development Code states:

“Front elevations shall not be replicated on adjacent lots nor directly across the street within any 24-month period or replicated within a subdivision over a 12-month period more than the larger number of a) five times, or b) 10% of the total number of subdivision lots. Replication includes mirrored images (where the main features, such as windows, door location, garage location, roof peak, etc. are reversed and minor trim and paint changes.”

The Planning Commission recommends deleting the dwelling diversity standard because it's not clear and objective and causes and is often a point of conflict during building permit review. The Planning Commission supports revising the standard consistent with recent planned development approval to require that at least (2) two house plans be required for each housing type in a subdivision and that no one house plan comprise more than 45% of the total dwelling units on the same street or the subdivision as a whole.

- Building setbacks. The Planning Commission recommends the following building setbacks from property lines for single unit detached homes, manufactured homes and duplexes: front yard: 14 feet to living space/20 feet to garage, side-yard setback: 5 feet, rear-yard setback: 15 feet. Recommended building setbacks for Encroachments into or above a public easement won't be allowed.
- Attached townhome restrictions. Currently the Development Code limits attached townhomes to no more than six. HB 2001 requires at least four attached units. The Planning Commission recommends retaining the six-unit limit.
- On-street parking credit. The Planning Commission recommends allowing for up to a 50% credit for on-street parking spaces adjacent to property being developed.
- Design standards. The Planning Commission recommends adopting the design standards for middle housing types contained in the model code approved by the Oregon Land Conservation and Development Commission.

- Minimum number of units in a cottage cluster. HB 2001 allows requiring a minimum number homes in a cottage cluster. If a minimum is required it must be either three, four or five units. The Planning Commission recommends requiring a minimum of three units per cottage cluster.

The ordinance with exhibits (Attachment B) includes the complete recommended Development Code amendments. Additional information available for Council's information includes the Planning Commission decision (Attachment C), Planning Commission record (Attachment D) and general HB 2001 implementation project information (Attachment E).

FISCAL IMPACT: Adoption of Development Code amendments necessary to implement HB 2001 and SB 458 will not have fiscal impacts on the City other than budgeted staff costs for processing development applications.

STAFF RECOMMENDATION: Staff recommends:

- City Council open the public hearing on April 11th and accept comments on the proposed Development Code amendments.
- Keep the public hearing open until April 25th and conduct second reading of the proposed ordinance amending the Development Code.
- Close the public hearing on April 25th and consider a motion to approve the ordinance amending the Development Code.
- Council discussion on the motion and vote on ordinance adoption.

ATTACHMENT(s):

- A. PowerPoint presentation for April 11, 2022, public hearing
- B. Ordinance with Exhibits A & B
- C. Planning Commission Decision 2022-04
- D. Planning Commission record: <https://www.forestgrove-or.gov/bc-pc/page/planning-commission-public-hearing-file-no-311-22-000003-plng-oregon-house-bill-hb-2001>
- E. HB 2001 implementation project Information: <https://www.forestgrove-or.gov/planning/page/middle-housing-hb-2001-implementation>

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HB 2001 & SB 458 Middle Housing Public Hearing

Dan Riordan, Senior Planner

**Bryan Pohl, Director of Community
Development**

THE SUBJECT

- ❑ Staff is asking that City Council adopt an ordinance to amend the Forest Grove Development Code for compliance with Oregon House Bill 2001 and Senate Bill 458.

- ❑ The laws promote housing choices throughout Oregon, encourage lower cost, market-rate housing options and create homeownership opportunities.

- ❑ HB 2001 requires that cities in the Metro boundary, and large cities elsewhere in the state, allow “middle housing types” in zones that allow single-unit homes:

- ❑ Middle housing types include:
 - ❑ Duplexes
 - ❑ Triplexes
 - ❑ Quadplexes
 - ❑ Townhomes
 - ❑ Cottages in cottage clusters

THE SUBJECT

- ❑ SB 458 created a process for dividing land for middle housing types.
- ❑ The idea is to promote ownership by allowing the sale of both the land and the middle housing unit together.
- ❑ Middle housing land divisions must be expedited and completed within 63 days after an application is deemed complete.
- ❑ Public notice is required for a middle housing land division and must be provided to property owners within 150 feet of the subject property. The standard notice for quasi-judicial applications is 300 feet.

PROCESS

- ❑ After the laws were enacted, the Oregon Department of Land Conservation and Development drafted administrative rules and prepared a model code for adoption by the Oregon Land Conservation and Development Commission.
- ❑ The Planning Commission formed a subcommittee to provide guidance and feedback on code amendments.
- ❑ Community outreach included providing information in both Spanish and English on the City's website, social media announcements including postings on the City's and Adelante Mujeres Facebook pages, an online open house with background information, and an online survey and comment form.

SURVEY

- ❑ The survey was open from late-January through the end of March.

- ❑ Getting the word out:
 - ❑ Newspaper advertisements.
 - ❑ Social media posts on City's and Adelante Mujeres Facebook pages.
 - ❑ Postcards in English and Spanish with a QR code were distributed at the Library, City Hall and businesses.

- ❑ 95 responses received.

- ❑ General themes included:
 - ❑ Support for smaller homes so residents can downsize and remain in Forest Grove.
 - ❑ Concerns about possible impacts of development on property values, traffic and neighborhood appeal.

PROCESS

- ❑ Work sessions were held with the City Council and Planning Commission to allow in-depth discussion about the code amendments.
- ❑ The Planning Commission held a public hearing on March 22nd and on April 4th, The Commission approved a motion recommending Development Code amendments for consideration by City Council.
- ❑ The legislative approval process requires that City Council hold public hearings and adopt an ordinance amending the City's Development Code.
- ❑ If approved by Council on April 25th, the ordinance will go into effect 30-days after adoption.
- ❑ The ordinance must be effective by June 30th or the state's model code will apply to development applications subject to HB 2001 and SB 458.

FLEXIBILITY

- ❑ There are only a few areas where HB 2001 allows local flexibility.

- ❑ The Planning Commission focused on these areas:
 - ❑ Zoning district consolidation.
 - ❑ Allowing detached duplexes.
 - ❑ Allowing cottage dwellings larger than allowed by HB 2001.
 - ❑ Removing the current dwelling diversity standard since it's not clear and objective.
 - ❑ Reviewing the maximum number of attached homes in a townhouse configuration. Currently it is six.
 - ❑ Allowing a 50% credit for on-street parking.
 - ❑ Deleting the current dwelling design diversity requirements.

FLEXIBILITY

- ❑ Planning Commission focus areas (continued):
 - ❑ Establishing minimum lot sizes for each dwelling type.
 - ❑ Regulating development intensity by floor area ratio (FAR), maximum density, average lot size in a subdivision, or simply by minimum building setbacks from property lines and maximum building height.
 - ❑ Requiring a minimum number of homes in a cottage cluster. A city subject to HB 2001 is not required to set a minimum, but if a minimum is set it must be either three, four or five dwelling units per cottage cluster.

PC RECOMMENDATIONS

- ❑ Key Planning Commission recommendations include:
 - ❑ Removing wording from the Development Code that is ambiguous or not clear and objective including the current dwelling diversity standard.
 - ❑ Consolidating the R-5 and R-7 zoning districts. This will require adopting a new zoning map.
 - ❑ Regulating development intensity by building setbacks, building height and minimum lot sizes rather than maximum density or floor area ratio.
 - ❑ Modifying minimum required lot size for single unit homes, duplexes and townhomes.
 - ❑ Adding minimum lot sizes for threeplexes, quadplexes, and cottage clusters.

PC RECOMMENDATIONS

- ❑ Key recommendations (continued):
 - ❑ Requiring a minimum of three homes within a cottage cluster.
 - ❑ Adding a new housing type to the Development Code for courtyard housing to allow homes with a footprint larger than a cottage which is a maximum footprint of 900 square feet.
 - ❑ Expanding the definition of duplex to include detached duplexes consistent with HB 2001.
 - ❑ Adding design standards for middle housing types consistent with the state's model code.
 - ❑ Adding or modifying definitions for middle housing types consistent with HB 2001 and the model code.

STAFF RECOMMENDATION

- ❑ Staff recommends:
 - ❑ The City Council open the public hearing on April 11th and accept comments on the proposed Development Code amendments.
 - ❑ Keep the public hearing open until April 25th and conduct second reading of the proposed ordinance amending the Development Code.
 - ❑ Close the public hearing on April 25th and consider a motion to approve the ordinance amending the Development Code.
 - ❑ Council discussion on the motion and vote on ordinance adoption.

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FIRST READING:

ORDINANCE NO. 2022-01

**ORDINANCE AMENDING FOREST GROVE DEVELOPMENT CODE SECTION 17
THE AMENDMENTS BEING NECESSARY FOR COMPLIANCE WITH OREGON
HOUSE BILL 2001 (2019) and SENATE BILL 458 (2021)
FILE NUMBER 311-22-000003-PLNG**

WHEREAS, Governor Brown signed into law Oregon House Bill (HB) 2001 (2019) and Oregon Senate Bill (SB) 458 (2021); and

WHEREAS, the legislative intent of HB 2001 is to allow middle housing types including duplexes, triplexes, quadplexes, townhomes and cottages in cottage clusters in areas zoned for single-unit residential development; and

WHEREAS, the primary intent of SB 458 is to allow creating individuals lots for middle housing units to promote homeownership opportunities; and

WHEREAS, the Oregon Land Conservation and Development Commission adopted Oregon Administrative Rules Chapter 600-046 establishing minimum requirements for local compliance with HB 2001; and

WHEREAS, the Oregon Department of Land Conservation and Development prepared a model code for use by municipalities; and

WHEREAS, both the Oregon Administrative Rules and model code provide guidance to municipalities for amendments to municipal development codes needed for HB 2001 compliance; and

WHEREAS, HB 2001 requires that municipalities amend local development codes to comply with the state law; and

WHEREAS, HB 2001 also requires that municipalities amend local development codes so that amendments are effective by June 30, 2022; and

WHEREAS, The City prepared amendments to the Development Code taking into account the applicable Oregon Administrative Rules and model code; and

WHEREAS, the proposed amendments were sent to the Oregon Department of Land Conservation and Development on January 27, 2002; and

WHEREAS, the Forest Grove Planning Commission held a duly-noticed public hearing on March 22, 2022 and continued deliberations to April 4, 2022; and

WHEREAS, the Planning Commission adopted Planning Commission Findings and Decision Number 2022-04 recommending Development Code amendments for approval by the City Council as shown on Exhibit C; and

WHEREAS, the City Council held duly-noticed public hearings on the Planning Commission recommended Development Code amendments on April 11, 2022, and April 25, 2022; and

WHEREAS, the City of Forest Grove desires to adopt an ordinance amending the Forest Grove Development Code to establish procedures and standards necessary for compliance with HB 2001, SB 458 and associated Oregon Administrative Rules.

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

Section 1. The Forest Grove City Council hereby adopts the text amendments as shown on Exhibit A.

Section 2. The Council hereby finds that the proposed amendments are consistent with and meets the requirements of Oregon Statewide Land Use Planning Goal 1 (Community Involvement), Goal 10 (Housing), Goal 14 (Urbanization) and Development Code §17.2.630 (Development Code Text Amendments Review Criteria) and the Metro Urban Growth Management Functional Plan (Title 1: Housing Capacity and Title 7: Housing Choice) as shown on Exhibit B.

Section 3. The City Manager is hereby authorized to make necessary edits to the Development Code Section 17 amendments (Exhibit A) for purposes of formatting, correcting scrivener errors and ensuring consistency with City Council's final decision.

Section 4. This ordinance shall be effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 11th day of April, 2022.

PASSED the second reading the 25th day of April, 2022.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 25th day of April, 2022.

Peter B. Truax, Mayor

EXHIBIT A

APPLICATION CONTENTS

17.1.225 APPLICATION CONTENTS

- D. A transportation study ~~is may be~~ required ~~by the Director~~ when determined by the City at ~~the a~~ pre-application conference the proposed project would have ~~potential traffic~~ circulation or safety impacts, need for off-site street improvements or would increase traffic on City adjacent streets by at least 50 peak hourly trips, or at least 500 average daily trips, or a Transportation Impact Study is required by the Oregon Department of Transportation or Washington County Department of Land Use and Transportation. The transportation study shall be prepared under the supervision of professional engineer qualified in the traffic engineering field as defined by OAR 820-040-0030. The transportation study shall include the expected trip generation of the proposed development including the weekday AM peak hour, PM peak hour, and daily traffic estimates. The transportation study shall identify all site-access points and intersections (signalized and un-signalized) adjacent to the development site. If the development site fronts an arterial or collector street the analysis shall identify and assess all intersections within ¼ mile of the development site. ~~The Director may also require a transportation study for any one project or multiple projects where there may be cumulative traffic impacts from two or more projects affecting one or more transportation facilities.~~

Revised to remove non-clear and objective wording and describe methodology.

DESIGN REVIEW

§ 17.2.300 PURPOSE

The purpose of Design Review is to:

- A. Establish guidelines and standards that will promote good neighborhood design;
- B. Encourage development that upholds property values and becomes a long-term asset to the community;
- C. Encourage creative and cost-effective building and site design; and
- D. Provide flexibility in the administration of development standards.

In addition to the requirements of this section, applications subject to design review are also subject to site development review as provided in §17.2.400 (a separate application and fee is not required).

§ 17.2.310 APPLICABILITY

Design review is required for the following:

- A. ~~New single family attached developments;~~
- B. New multi-unit developments with more than six (6) units;
- C. New commercial development;
- D. Alterations, remodels, or renovations of commercial development in the Town Center and Neighborhood Commercial zones which result in additional floor area of more than 400 square feet; and
- E. Alterations, remodels, or renovations of commercial development in all other Commercial zones which result in additional floor area of more than 1,000 square feet.
- F. New development in a historic district;
- G. Alterations, remodels, renovations or relocations of a historic landmark; and
- H. Alterations, remodels, renovations or relocations of a historic contributing building.

HB 2001 does not allow additional requirements for middle housing types beyond what is required for a single unit detached home on the same lot.

§ 17.2.320 OVERVIEW OF PROCESS

Design review applications will be processed in one of two tracks: Development Standards or Design Guidelines. The applicant shall identify the desired tract as part of the initial application. The tracks are described as follows:

Track 1 -- Development Standards. Applications are required to meet the clear and objective development standards which are provided in the development code. These requirements are intended to be specific and directive. The purpose is to establish a baseline for site plan design which works in conjunction with other requirements of the development code.

Track 2 -- Design Guidelines. Applications allow more flexibility in terms of design. Under this process the applicant shall be held to the intent of the standards, but is allowed to vary from these standards if demonstrated that related guidelines and objectives are adequately addressed and that the deviation results in a higher quality development than would result under a strict interpretation of the code.

§ 17.2.330 PROCEDURE

The design review applicant must select one of two design review tracks: (1) development standards track or the (2) design guidelines track. Depending upon the tract and specific characteristics of the project, these are reviewed under a Type II or Type III procedure, as described below.

A. Track 1 – Development Standards. Applications shall be reviewed under a Type II or III procedures as outlined below:

1. Type II Review. The Director is the review authority for the following Track 1 – Design Standards applications:

~~a. Multifamily developments with 3–5 units; and~~

~~b.a.~~ Commercial alterations, remodels, renovation, and new construction of less than 10,000 square feet.

2. Type III Review. The Planning Commission is the review authority for the following Track 1 design review applications:

a. Multifamily developments with more than ~~six (6)~~ five (5) units;

b. Commercial alterations, remodels, renovation, and new construction of more than 10,000 square feet.; and

c. Any Type II design review application elevated by the Director to the Type III procedure.

HB 2001 requires review of middle housing types under the same process as detached single unit homes in the same zone. Middle housing includes triplexes, quadplexes which are technically multifamily developments. The result of this change is middle housing will be reviewed through a Type I administrative review process. Unlike the Type II process a Type I process does not require providing notice to property owners and residents within 300 feet of the project site and a 14-day comment period.

B. Track 2 – Design Guidelines. The review standards are intended to be flexible in nature. This process does not allow applicants to avoid any City requirements, but may provide alternative methods for meeting requirements. Track 2 applications shall be reviewed under a Type II or III procedures as outlined below:

1. Type II Review. The Director is the review authority for the following Track 2 design review applications:

a. ~~Multifamily developments with 3–5 units; and~~

See comment above.

b. Commercial alterations, remodels, renovation, and new construction of less than 3,000 square feet.

2. Type III Review. The Planning Commission is the review authority for the following Track 2 design review applications:
 - a. Multifamily developments with more than six (6) units;
 - b. Commercial alterations, remodels, renovation, and new construction of more than 3,000 square feet; and
 - c. Any Type II design review application elevated by the Director to the Type III procedure.

§ 17.2.340 SUBMITTAL REQUIREMENTS

In addition to the standard submittal requirements for a Type II or Type III application, and the submittal requirements of a Site Plan in §17.2.440, the following documents are required for Design Review. Plans shall be drawn to scale and fully dimensioned. At the pre-application conference, the Director may specify more detailed submittal requirements or waive specific submittal requirements if warranted.

- A. Architectural drawings, renderings, sketches and a materials board showing all elevations of proposed buildings as they will appear on completion.
- B. All existing and proposed walls and fences, including the location, height, type of design and composition.
- C. An open space plan showing the locations and dimensions of common and private open space, including active and passive recreational areas.

§ 17.2.350 REVIEW CRITERIA

Projects subject to design review by the Director (Type II) or the ~~Design Review Planning~~ Commission (Type III) shall be evaluated based on the following:

- A. The development standards of the applicable zoning district and any overlay district;
- B. The general development standards of Article 8.
- C. Departures from code requirements may be permitted as part of a Track 2 Design Review Process, when the following criteria are met:
 1. The design guidelines contained in the applicable section of the “Design Guideline Handbook” are adequately addressed.
2. The applicant demonstrates that the overall development would result in a development that better meets the intent of the design guidelines than a design that simply meets the Code.

SITE DEVELOPMENT REVIEW

§ 17.2.430 PROCEDURE

Site development review is categorized as a Type I procedure for a ~~one (1)~~ single-unit family detached dwelling on an individual lot; townhouse on an individual lot, ~~one (1)~~ duplex on an individual lot; triplex on an individual lot, quadplex on an individual lot, cottage cluster project, or ~~one (1)~~ manufactured home on an individual lot. All other site development reviews shall follow the Type II procedure unless exempt.

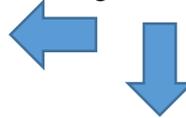
The purpose of this change is to clarify that the site development review process for a single unit detached dwelling also applies to middle housing types.

§ 17.2.450 REVIEW CRITERIA

The Director shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:

- A. The applicant demonstrates ~~The site development plan complies with all applicable standards of the base zoning district (Article 3), any overlay district, and the applicable general development standards of Article 8.~~
- B. ~~The site development plan ensures reasonable compatibility with surrounding uses as it relates to the following factors:~~
 - 1. ~~Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and~~
 - 2. ~~Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or adequately mitigated through other design techniques.~~
- C. The site development plan addresses the development standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present on or directly adjacent to the development site. ~~preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:~~
 - 1. ~~Significant on-site vegetation and trees;~~
 - 2. ~~Prominent topographic features; and~~
 - 3. ~~Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.~~

These changes remove non-clear and objective wording.



- D. ~~The site development plan preserves or adequately mitigates impacts to designated historic resources.~~
- E. ~~The site development plan provides adequate right-of-way and improvements to abutting streets to meet the street standards of the City. This may include, but not be limited to, improvements to the right-of-way, sidewalks, bikeways, and other facilities needed because of anticipated vehicular and pedestrian traffic generation.~~
- F. ~~The site development plan promotes safe, attractive and usable pedestrian facilities that connect building entrances, public sidewalks, bicycle and auto parking spaces, transit facilities, and other parts of a site or abutting properties that may attract pedestrians.~~

ZONING DISTRICTS

ZONING MAP

§ 17.3.010 CLASSIFICATION OF ZONES

All areas within the corporate limits of the City of Forest Grove are divided into the following zones:

**TABLE 3-1
Zoning Districts**

<u>Zoning District</u>	<u>Map Symbol</u>
Single-Family Residential	R-5
Single-Family Residential	R-7
Single-Family Residential	R-10
Suburban Residential	SR
Multi-Unit (Low) Residential	RML <u>RM</u>
Multi-Unit (High) Residential	RMH <u>RH</u>
Institutional	INST
Community Commercial	CC
Commercial – Neighborhood	NC
Town Center Core	TCC
Town Center Transition	TCT
Light Industrial	LI
General Industrial	GI
Business Industrial Park	BIP
<u>Overlay District (Article 4)</u>	<u>Map Symbol</u>
Master Plan	MP
Planned Development	PD
Mixed Use Planned Development	MUPD

This change results in consolidating the single-family residential districts into one district RL (Residential Low)

This change creates the RM (Multi-Unit Residential Medium) and RH (Multi-Unit High) zoning districts consistent with the Medium Density Residential and High Density Residential Comprehensive Plan Map designations.

RESIDENTIAL ZONES

§ 17.3.100 PURPOSE

The City of Forest Grove has established ~~six~~ four residential zones to implement the Residential designations of the Comprehensive Plan. The zones provide the flexibility for a range of lot sizes and housing types. The six zones are distinguished primarily by the housing types allowed number of dwelling units permitted per net acre. ~~Target densities are established for each zone. The Code also provides an opportunity for a density bonus in each of the zones to encourage special design features and amenities when a Planned Development (PD) process is followed.~~ The regulations of the residential zones are intended to ~~protect the livability of existing and future residential neighbor-hoods by encouraging primarily residential development with compatible non-residential development at appropriate locations and at an appropriate scale. Another purpose of these regulations is to~~ encourage a full range of owner-occupied and rental housing opportunities. ~~at affordable prices.~~

§ 17.3.110 LIST OF RESIDENTIAL ZONES

A. Suburban Residential SR

The SR zone is intended for development of housing at a target density of 1.0 dwelling unit per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are permitted or allowed with conditional use permit approval.

~~B. Residential R-10~~

~~The R-10 zone is intended for development of housing at a target density of 4.35 dwelling units per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.~~

Revise to reflect zoning district consolidation.



~~C. Residential R-7~~

~~The R-7 zone is intended for development of housing at a target density of 6.22 dwelling units per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.~~

The R-7 zone is intended for development of variety of housing types including single unit detached, accessory dwelling units, duplexes, threeplexes, quadplexes, townhomes and cottage clusters. Detached single-family housing will likely be the predominant housing type in this zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.

D. Residential R-5

The R-5 zone is intended for development of variety of housing types at a target density of 8.71 dwelling units per net acre including single unit detached, accessory dwelling units, duplexes, threeplexes, quadplexes, townhomes and cottage clusters. Detached single-family housing will likely be the predominant housing type in this zone. ~~Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone.~~ A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.

E. Residential Medium RML

The RML zone is intended for development of single unit detached, single unit attached and small multi-unit dwellings. homes on small lots. housing at a target density of 12 dwelling units per net acre. Small lot single family housing, duplexes, attached dwellings and small multi-dwelling residences will be permitted housing types, subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval. The RML zone functions as a transition zone between the lower density residential zones and the higher intensity residential and non-residential zones.

F. Residential High RMH

The RMH zone is intended for development of multi-unit residential buildings. This zone also allows small lot single unit homes. at a target density of 20.28 dwelling units per net acre. Multi-unit residential buildings will be the predominant housing type in this zone. RMH zoning is generally applied near transit streets and adjacent to commercial districts. The RMH zone also allows a limited range of non-residential uses to help provide services for residents and enhance the quality of the higher density neighborhood.

§ 17.3.120 USE REGULATIONS

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

- A. Permitted Uses. Uses allowed in the Residential zones are listed in Table 3-2 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-2 with an “L”. These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-2 with a “C”. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. The conditional use process and approval criteria are stated in §17.2.200.
- D. Not Permitted Uses. Uses listed in Table 3-2 with an “N” are not permitted or prohibited. Existing uses may be subject to the regulations of §17.7.100 Nonconforming Development.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

**TABLE 3-2
Residential Zones: Use Table**

Revised table to reflect zoning district consolidation and add middle housing types. Accessory dwelling units changed from Limited use to Accessory use. Multifamily is shown as five or more units instead of three or more units as currently defined.

USE CATEGORY	SR	R-10	R-7	R-5	RML RM	RMH RH
RESIDENTIAL						
Household Living	P	P	P	P	P	P
Group Living	L ^[1]	L^[1]	L^[1]	L ^[1]	L ^[1]	L ^[1]
Transitional Housing	N	N	N	N	C	C
Home Occupation	L ^[2]	L^[2]	L^[2]	L ^[2]	L ^[2]	L ^[2]
Bed and Breakfast	L ^[3]	L^[3]	L^[3]	L ^[3]	L ^[3]	L ^[3]
HOUSING TYPES						
Single Units, Detached	P	P	P	P	P	L ^[4]
Single Units, Attached/ <u>Townhouses</u>	L ^[5]	L^[5]	L^[5]	L ^[5]	P	P
Accessory <u>Dwelling</u> Units	L A ^[6]	L A ^[6]	L A ^[6]	A ^[6]	A ^[6]	A ^[6]
Duplexes	L ^[5]	L^[5]	L^[5]	L ^[5]	P	P
<u>Triplexes</u>	P			P	P	P
<u>Quadplexes</u>	P			P	P	P
<u>Cottages/Cottage Clusters</u>	P			P	P	P
<u>Courtyard Dwellings</u>	P		P	P	P	P
Manufactured Homes <u>on Lots</u>	L ^[7]	L^[7]	L^[7]	L ^[7]	L ^[7]	L ^[7]
Manufactured Home Park	N	C	C	C	C	C
Multi-Family Units <u>(five or more units)</u>	N	N	N	N	P	P
CIVIC / INSTITUTIONAL						
Basic Utilities	P	P	P	P	P	P
Major Utility Transmission Facilities	C	C	C	C	C	C
Colleges	C	C	C	C	C	C
Community Recreation	P/C ^[8]	P/C^[8]	P/C^[8]	P/C ^[8]	P/C ^[8]	P/C ^[8]
Cultural Institutions	C	C	C	C	C	C
Day Care	L ^[9]	L^[9]	L^[9]	L ^[9]	L ^[9]	L ^[9]

Emergency Services	C	€	€	C	C	C
Postal Services	N	✘	✘	N	N	N
Religious Institutions	C	€	€	C	C	C
Schools	C	€	€	C	C	C
Social/ Fraternal Clubs / Lodges	N	✘	✘	N	N	C
<u>COMMERCIAL</u>						
Commercial Lodging	N	✘	✘	N	N	N
Eating and Drinking Establishments	N	✘	✘	N	N	N
Entertainment – Oriented:						
- Major Event Entertainment	N	✘	✘	N	N	N
- Outdoor Entertainment	N	✘	✘	N	N	N
- Indoor Entertainment	N	✘	✘	N	N	N
General Retail:						
- Sales – Oriented	N	€ ^[10]	€ ^[10]	C ^[10]	C ^[10]	C ^[10]
- Personal Services	N	✘	✘	N	N	N
- Repair – Oriented	N	✘	✘	N	N	N
- Bulk Sales	N	✘	✘	N	N	N
- Outdoor Sales	N	✘	✘	N	N	N
- Animal – Related	N	✘	✘	N	N	N
Medical Centers	N	✘	✘	N	N	N
Motor Vehicle Related:						
- Motor Vehicle Sale / Rental	N	✘	✘	N	N	N
- Motor Vehicle Servicing / Repair	N	✘	✘	N	N	N
- Motor Vehicle Fuel Sales	N	✘	✘	N	N	N
Non-Accessory Parking	N	✘	✘	N	N	N

INDUSTRIAL						
Industrial Services	N	N	N	N	N	N
Manufacturing and Production:						
- Light Industrial	N	N	N	N	N	N
- General Industrial	N	N	N	N	N	N
Call Centers	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N
Warehouse / Freight Movement	N	N	N	N	N	N
Waste – Related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
OTHER						
Agriculture / Horticulture	L ^[11]	N				
Cemeteries	P	P	P	P	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Wireless Communication Facilities	L ^[12]					
Self-Service Storage	N	N	N	N	N	N
Information Centers	N	N	N	N	N	N
Office	N	N	N	N	N	N

P = Permitted L = Limited C = Conditional Use N = Not Permitted

Table Footnotes:

- [1] Group living with five (5) or fewer residents permitted by right; group living with six (6) or more residents requires conditional use approval.
- [2] Home occupation permitted as an accessory use in all residential zones, subject to compliance with the home occupation standards in Article 7.
- [3] Bed & Breakfast Inn limited to five (5) guest rooms in the SR, ~~R-10, R-7, R-5~~ RL and ~~RMH~~ zones and ten (10) guest rooms in the ~~RMH~~ zone, subject to compliance with the Bed & Breakfast Inn standards in Article 7.
- [4] To preserve ~~RMH~~ land for development of multi-family housing, new detached single-~~family units~~ unit homes (including manufactured homes) shall only be allowed on existing lots of record smaller than 5,000 square feet.
- [5] ~~For subdivision of twenty (20) or more lots, eight percent (8%) of the lots may be developed as duplex or single family attached lots. An increase of up to maximum of twenty percent (20%) may be approved by the Director if the criteria in §17.3.130(E) are adequately addressed.~~
- [6] Accessory dwelling units –including manufactured homes - are allowed in conjunction with a single-family dwelling in any residential zone, subject to compliance with the accessory dwelling unit standards in Article 7. Manufactured home ADUs are prohibited in historic districts.

Under HB 2001, duplexes are permitted outright on lots or parcels where detached single unit homes are allowed. To comply with HB 2001 footnote 5 should be deleted. 

- [7] Manufactured homes on individual lots are permitted except within national historic districts, subject to compliance with the standards in Article 7. Manufactured homes are prohibited within a national historic district.
- [8] Commercial recreation uses including trails, parks, playgrounds and open space are permitted uses and require a Type II process. Recreation centers and other facilities used by organized team sports require a Conditional Use Permit.
- [9] A day care facility (care of up to 16 children) is permitted in all residential zones. A day care institution (care of more 16 children) requires approval of a conditional use permit in all residential zones. A non-resident day facility or day care institution requires approval of a conditional use permit in all residential zones.
- [10] A neighborhood store, limited to a size of 2,000 square feet, is permitted with approval of a conditional use permit. No retail outlet regulated by the Oregon Liquor Control Commission - other than those operating under an Off-Premises Sales License - is allowed in any residential zone district. Stores must be located along a collector street.
- [11] Agriculture uses such as truck farming and horticulture are permitted. Commercial agriculture uses including but not limited to marijuana grow sites for commercial or medical purposes as regulated by the State, and buildings and the keeping of livestock and poultry (other than ordinary household pets) are not permitted.
- [12] Wireless communication facilities are regulated by the standards in Article 7.

**§17.3.320 Table 3-10
Commercial and Mixed Use Zone Use Table**

USE CATEGORY	NC	CC	NMU
<u>RESIDENTIAL</u>			
Household Living	L ^[1]	L ^[2]	P/L ^[14]
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L ^[3]	L ^[3]	L ^[3]
Bed and Breakfast	L ^[4]	P	L ^[4]
<u>HOUSING TYPES</u>			
Single Units, Detached	N	N	L ^[18]
Single Units, Attached/ <u>Townhomes</u>	N	P	P
Accessory <u>Dwelling</u> Units	N	N	NP
Duplexes	N	P	P
<u>Triplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Quadplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Cottages/Cottage Clusters</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Courtyard Housing</u>	<u>N</u>	<u>P</u>	<u>P</u>
Manufactured Dwellings	N	N	N
Manufactured Dwelling Park	N	N	N
Multi-Family Units	P	P	P
Emergency Services	C	C	L ^[15]
Postal Services	C	P	L ^[15]
Religious Institutions	C	P	L ^[15]
Schools	C	C	L ^[15]
Seasonal Shelters	N	L ^[19]	N
Social/ Fraternal Clubs / Lodges	C	P	L ^[15]
USE CATEGORY	NC	CC	NMU
<u>COMMERCIAL</u>			
Commercial Lodging	N	L ^[5]	L ^[15]
Eating and Drinking Establishments	L ^[6]	P	L ^[15]
Entertainment – Oriented: - Major Event Entertainment	N	N	

			N
- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	P	L ^[15]
General Retail: - Sales – Oriented	L ^[7]	L ^[7]	L ^[15]
- Personal Services	P	P	L ^[15]
- Repair – Oriented	P	P	L ^[15]
- Bulk Sales	N	P	N
- Outdoor Sales	L ^[8]	L ^[8]	L ^[15]
- Animal – Related	N	P	N
Medical Centers	N	L ^[12]	N
Motor Vehicle Related: - Motor Vehicles Sale / Rental	N	L ^[9]	N
- Motor Vehicle Servicing / Repair	N	P	L ^[16]
- Motor Vehicle Fuel Sales	P ^[10]	P	N
Non-Accessory Parking	N	P	N
Office	L ^[17]	L ^[17]	L ^{[16] [17]}
Self-Service Storage	N	C	N
<u>INDUSTRIAL</u> Industrial Services	N	N	N
Manufacturing and Production: - Light Industrial	N	C ^[11]	N
- General Industrial	N	N	N
- Medical and Recreational Marijuana Processors and Production	N	N	N
Railroad Yards	N	N	N
Research and Development	N	N	N
Warehouse / Freight Movement	N	N	N
Waste – Related	N	N	N
Wholesale Sales	N	N	N
<u>OTHER</u>			
Agriculture / Horticulture	L	L	L
Cemeteries	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Wireless Communication Facilities	L ^[13]	L ^[13]	L ^[13]

§ 17.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

A. Residential Development Intensity~~Densities~~

The City of Forest Grove regulates residential development primarily by lot coverage based on building setbacks, permissible maximum building height and minimum lot size. ~~density rather than minimum lot size. Density is calculated based on net site area. Within the density limits of each of the five residential zones, a variety of housing types and lot sizes are permitted. This approach allows more sites to be developed with the flexibility of a Planned Development.~~

Residential development density has been regulated based on minimum and maximum development density. Under this approach, the maximum number of units permissible on a lot or parcel is determined by multiplying the size of the lot, measured in acres or fraction of acres, and the stated maximum density.

HB 2001 essentially does away with density since HB 2001 stipulates maximum density requirements cannot result in prohibiting the development of a middle housing type on the subject lot or parcel.

An alternative approach for regulating development density is floor area ratio, described in this section, which is permissible under HB 2001.

~~All residential subdivisions and multi-family developments are required to develop at a minimum of 80% of the targeted density.~~

~~B. Calculating Potential Densities~~

~~The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.~~

~~1. The Target Density is permitted outright.~~

~~2. The Minimum Density is required to ensure:~~

~~a. Land is being used at the appropriate intensity planned for the area;~~

~~b. Enough dwelling units can be developed to accommodate the projected need for housing; and~~

~~c. Compliance with the Metro Functional Plan.~~

~~3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and the general public and/or provide affordable housing. Incentive Density is only allowed as part of a Planned Development (see §17.4.200).~~

A minimum density should be established to ensure the City meets the Metropolitan Housing Rule (OAR 660-007). The Metropolitan Housing Rule requires that Forest Grove provide opportunity for residential development at an overall density of eight or more dwellings per net buildable acre.

Without a minimum density, there would be no restriction to creating large lots in subdivisions at the upper end of the allowed maximum lot size. If this occurs it could be difficult to ensure that the City complies with the Metropolitan Housing Rule.

~~C.B Density Reductions Due to Slope~~

All densities (target, minimum and incentive) listed in Table 3-3 shall be reduced based on the slope of the property as shown below. Where a parcel has areas of different slopes, the property shall be divided up into areas of like slopes, and the reductions applied to those areas. If the areas of similar slopes do not fit into the categories below, the Director shall use a percentage reduction that is based on the slope-to-density reduction relationship expressed in Table 3-4 (For example, an area of 13% to 18% slope would receive a reduction of around 25%).

TABLE 3-4: Density Reduction for Slopes

Average Slope	Reduction in Density
10% to 14.9%	10%

15% to 24.9%	30%
25% to 34.9%	50%
35% and above	100%

For development sites over two (2) acres that have an average slope greater than 20% (see definition), development is only allowed through approval of a Planned Development.

~~D. Exemptions from Minimum Density Standards~~

- ~~1. Small Parcels. The minimum density standards set forth in Table 3-3 focus primarily on subdivisions and multi-family developments. The standards do not apply to individual single family building permits on existing parcels or to partitions or development on parcels smaller than one-half (1/2) acre. The City does not want to inhibit infill development or require densities that are out of scale with established neighborhoods with the application of minimum density standards to small parcels. However, this exemption does not reduce the target density allowed outright on parcels smaller than one-half (1/2) acre; it only removes the requirement for a minimum number of units.~~

~~E. Incentive Density~~

~~Planned Developments may request a density bonus up to a maximum of the Incentive Density shown in Table 3-3 and shall be based on the following discretionary criteria:~~

- ~~1. The availability and accessibility of public transportation, and/or connectivity improvements likely to result in reduced vehicular use.~~
- ~~2. How well natural resources such as streams, riparian areas and wetlands are protected, integrated into the design residential development, defined as a common area, and made accessible to as many individual parcels/units as possible.~~
- ~~3. How well common recreational areas are integrated into the design of the residential development, such that there is the maximum number of physical connections to lots and units, and visual connections to future dwelling sites.~~
- ~~4. Public accessibility and use of the common recreation area where appropriate, given the intended use of the area, linkage to future trails, etc.~~
- ~~5. Other design features, amenities, and/or improvements which can be shown (by use of built examples) to increase the value of the residential development for~~

Incentive density is not needed for the single unit residential zone since density will be replaced by floor area ratio. The incentive density provisions could be retained for multi-unit zones but very few projects seek incentive density approval.

~~neighborhood residents and the general public and/or provide more affordable housing.~~

F. Minimum Lot Size and Dimensions (SR, R-10, R-7 and R-5 Zones)

Varied lot sizes and housing types are permitted and encouraged within the ~~density ranges established for the SR, R-10, R-7 and R-5 Zones. As described above, the number of units allowed on a parcel is based on the target density allowed for the particular zone (See Table 3-3).~~

The City has established ~~base~~ minimum lot size and dimensional standards ~~that apply after the potential number of units has been determined. These standards~~ to ensure that each lot has enough area for a house, garage, setbacks and private outdoor area. To ensure that development can be built near to and oriented toward the street, a minimum width at the front setback line is required.

The minimum lot size is the smallest permissible size of a building lot. See Article 6 Land Divisions for additional lot development standards.

TABLE 3-5: Lot Dimensional Requirements (Low Density Residential R-5/R-7 Zones)¹

R-5 Zone

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Size</u>	<u>Minimum Lot Dimensions</u> ^[1]	
Single-Family Detached	<u>70% of average lot size</u> <u>3,500 square feet</u>	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
Manufactured Home	<u>70% of average lot size</u> <u>3,500 square feet</u>	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
Duplex	<u>5,000</u> <u>3,500</u> Square Feet	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
Single-family Attached/ <u>Townhouse</u>	<u>2,500 Square Feet</u> <u>1,500 square feet</u>	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
<u>Triplex</u>	<u>5,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Cottage Cluster</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Courtyard Housing</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
Other Uses	5,000 Square Feet		Depth: 60 feet	Width: 34 feet

Footnote: [1] Lot width is measured at the front building line.

R-7 Zone

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Size</u>	<u>Minimum Lot Dimensions</u> ^[1]	
<u>Single-Family Detached</u>	<u>4,900 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Manufactured Home</u>	<u>4,900 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Duplex</u>	<u>4,900 Square Feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Single-family Attached/Townhouse</u>	<u>1,500 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 25 feet</u>

¹ Minimum and maximum lot sizes apply to land divisions. Parcels larger than the maximum lot sizes shown in Table 3-5 are allowed for purposes of phasing development or reserving land for open space or undevelopable tracts.

<u>Triplex</u>	<u>5,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Cottage Cluster</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Courtyard Housing</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Other Uses</u>	<u>5,000 Square Feet</u>		<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>

A maximum lot size should be established since a maximum density will no longer apply to the SR and RL zones.

The proposed maximum lot size for single family attached/townhouse homes is 2,500 square feet. This will allow for 6 townhouse units on lots of 2,500 square feet each. Currently, the code limits single family attached homes to a maximum of six units in series.

The proposed minimum lot size for a triplex is 7,500 square feet. The proposed maximum lot size of 15,000 square feet would allow for construction of a triplex.

The DLCD Model Code requires that cottage clusters meet the minimum lot size, width, and depth standards that apply to detached single family dwellings in the same zone. The administrative rules state a City is not required to apply minimum lot sizes to new cottage clusters. However, if a City applies standards to regulate minimum lot sizes, the minimum lot size for a cottage cluster may be no greater than 7,000 square feet if the minimum lot size for detached single unit home is 7,000 square feet or less.

Under the administrative rules a City may not apply density maximums to the development of cottage clusters.

G. Minimum Lot Size and Dimensions (RML and RMH Zones)

Varied lot sizes and housing types are permitted and encouraged within the density ranges established for the RML and RMH Zones. However, construction of new single family detached units is restricted to existing lots smaller than 5,000 square feet in the RMH Zone in order to retain land for multi-family housing. The following base minimum lot size and dimensional standards apply after the potential number of units has been determined using Table 3-3.

HB 2001 would apply to the RM zone since single unit dwellings are allowed. In the RH zone single unit homes are also allowed but only on existing lots of record smaller than 5,000 square feet unless approved as a planned development. It appears HB 2001 applies to the RM and RH zones since these zones are zoned for residential use and the development of detached single unit dwellings are allowed.

TABLE 3-6: Lot Dimensional Requirements
Moderate to High Density Residential RM and RH Zones

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Dimensions</u> ^[1]	
Single-family Detached	3,500 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 50 <u>35</u> feet
Manufactured Home	3,500 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 50 <u>35</u> feet
Duplex	4,200 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 60 feet
Single-Family Attached/ <u>Townhome</u>	2,500 <u>1,500</u> Square Feet	Depth: 70 feet/ <u>65 feet with vehicular access from alley</u>	Width: 25 <u>20</u> feet
Single-Family Attached (RMH Zone Only)	2,000 Square Feet	Depth: 70 feet/ <u>65 feet</u> ²	Width: 20 feet
<u>Triplex</u>	<u>5,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
<u>Cottage Cluster</u>	<u>5,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
<u>Courtyard Housing</u>	<u>5,000 square feet</u>	<u>Depth: 70 feet</u>	<u>Width: 50 feet</u>
Multi-Unit	7,000 Square Feet	Depth: 70 feet	Width: 100 feet
Other Uses	5,000 Square Feet	Depth: 70 feet	Width: 50 feet

Footnotes:

- [1] Lot width is measured at the front building line.
- [2] Depth allowed when vehicular access from a public alley

H. Setback Standards

Building setbacks have an important relationship to the character of the street. Because varied lot sizes and housing types are permitted in the residential zones, uniform setbacks are established to provide a consistent streetscape.

TABLE 3-7: Minimum Setback Requirements

Front Yard, Dwelling^{[1], [2]}	20 feet (possible reduction to 14 feet)
Front Yard, Garage	20 feet
Interior Side Yard^{[3], [4]}	Either 5 feet or 1 foot for each 3 feet of building height, whichever is greater
Corner Side Yard	Same as front yard
Rear Yard^{[5], [6]}	15 feet or 2 feet for every 3 feet in building height at the eave line, whichever is greater.

Setbacks revised consistent with HB
2001 Model Code



<u>Housing Type</u>	<u>Front Yard to Dwelling</u>	<u>Front Yard to Garage/Parking Area</u>	<u>Interior Side Yard</u>	<u>Rear Yard</u>
<u>Single Unit Detached</u>	<u>14 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>15 feet</u>
<u>Duplex</u>	<u>14 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>15 feet</u>
<u>Single Unit Attached/Townhouse</u>	<u>12 feet</u>	<u>20 feet</u>	<u>0 feet common wall construction</u> <u>5 feet exterior wall at end of structure</u>	<u>0 feet adjacent to alley</u> <u>10 feet no alley</u>
<u>Triplex & Quadplex</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Cottage Clusters</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Courtyard Housing</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Multi-Unit Structures</u>	<u>12 feet</u>	<u>14 feet</u>	<u>Buffer yard required based on adjacent use reference §17.8.425 (Table 8-2)</u>	<u>Buffer yard required based on adjacent use reference §17.8.425 (Table 8-2)</u>

Footnotes:

[1] — ~~The front yard setback (for the dwelling or dwellings) may be reduced to 14 feet when the front facade is designed for orientation to and visibility from the street as follows: The front facade is designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front facing window such that a person (if there were no vegetation) would be able to see 100% of their front property line.~~

[2] — ~~On an infill lot in a developed neighborhood with established front yard setbacks that are less than the twenty (20) foot standard, the setback for the new dwelling(s) and the location of the garage~~

~~shall match front yard setback of the existing dwellings and garage location on abutting lots. Setback compatibility shall be determined through building plan check review, and shall not require a land use application or approval of an adjustment.~~

- [3] The side yard setback for attached single-unit family dwellings/townhomes shall be a minimum of zero (0) feet at common walls and five (5) feet or one (1) foot for each three (3) feet of building height at the eave line, from the end of the unit series. Unless approved by the Director, the dwellings shall be arranged on lots in a manner that the non-zero setback portion for one lot shall be adjacent to the non-zero setback portion on the adjoining lot in order to provide greater continuous open space.
- [4] Accessory buildings (including accessory dwellings and detached garages) that do not exceed one (1) story in height shall not be located closer than five (5) feet to any side or rear property line.
- [5] Attached garages which exit to an alley may have a minimum rear yard setback of five (5) feet.
- [6] A larger rear yard setback may be required for multi-family dwellings when the rear yard abuts a lower density residential zone. The need for a larger rear yard setback to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process. The screening and buffering standards of Article 8 will be used as guidelines.

I. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

- 1. Buildings in the SR, ~~R-10~~, R-7, R-5 and ~~RML~~ Zones are limited to a maximum height of two and one half (2 ½) stories or thirty-five (35) feet, whichever is less. Accessory buildings are limited to a maximum height of one and one-half (1 ½) stories or twenty-five (25) feet, whichever is less.
- 2. Buildings in the ~~RMH~~ Zone are limited to a maximum height of three (3) stories or forty-five (45) feet, whichever is less. A step-down in building heights may be required for multi-family building(s) that abut a lower density residential zone. The need for a step down in building heights to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process.
- 3. A chimney, radio or television antenna, or device designed for the collection and/or generation of energy from the sun and/or wind may exceed the building height limit by a maximum of fifteen (15) feet.
- 4. Church steeples may exceed 35 feet in height through a Type II process. The maximum height is 15 feet above the building height limit in any location allowed by other requirements of the zone district. Church steeples may go to a maximum total height of 75 feet provided that setbacks of 1 foot for each 1 foot in height from the property line are maintained.

Figure 3-1
Step-down in Building Height



17.3.140 RESIDENTIAL DESIGN STANDARDS

All residential development is subject to the design standards found in §17.8.710.

LAND DIVISIONS

17.6.000 OVERVIEW OF ARTICLE 6

This Article guides what is often the first major step in the development process, how land is divided into blocks, lots and streets. Land divisions define the pattern of a community, which in turn may shape the character of the community. This Article establishes the procedures for lot line adjustments, expedited land divisions, partitions and subdivisions. The provisions of this Article should be read together with the General Development Standards of Article 8. In particular, the standards for Public Improvements that are applicable to all development, including land divisions, are addressed in Article 8.

Land divisions occur through either a partition or subdivision process.

- A partition procedure is used when three (3) or fewer units (generally referred to as “parcels”) are created in a calendar year and may or may not involve creation of a street. Partitions are reviewed through a two-step process.
- A subdivision is used when four (4) or more units (generally referred to as “lots”) of land are created in a calendar year. Subdivisions are also reviewed through a two-step process. Subdivision applications may include a concurrent request for Planned Development (PD) approval to permit greater flexibility in the design of the subdivision. Provisions for Planned Developments are addressed in Article 4.

The following list summarizes topics covered in this Article:

- General Provisions
- Expedited Land Divisions
- Lot Line Adjustments
- Partitions
- Subdivisions
- Land Division Standards
- Middle Housing Land Divisions

Add Middle Housing Land Division section to implement Senate Bill 458.



MIDDLE HOUSING LAND DIVISIONS

17.6.300 PURPOSE

Middle housing land divisions are established to promote ownership opportunities for duplex, triplex, quadplex and cottage housing units as allowed under ORS 197.758(2) or (3).

17.6.305 PROCEDURE

(A) A tentative plan for a middle housing land division shall be reviewed under the Expedited Land Division process in §17.6.010;

(B) An application for a middle housing land division may be submitted at the same time as the submittal of an application for building permits for middle housing.

(C) An application for a middle housing land division may not be subject to procedures, ordinances, or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

(D) The tentative approval of a middle housing land division is void if, and only if, a final partition or subdivision plat is not approved within three years from the date of the tentative plan approval.

17.6.310 REVIEW CRITERIA

The Director shall approve or deny an application for a middle housing land division based on the following criteria:

(A) The proposal for development of middle housing complies with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5). Evidence shall be provided by the application demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines and notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code;

(B) Separate utilities are provided for each dwelling unit;

(C) Easements are shown on the site plan for:

1. Locating, accessing, replacing and servicing all utilities;
2. Pedestrian access from each dwelling unit to a private or public street;
3. Any common use areas or shared buildings;
4. Driveways or parking areas.

(D) Exactly one dwelling unit is allowed on each resulting lot or parcel. No dwellings are allowed on lots, parcels or tracts used as common areas.

17.6.315 CONDITIONS OF APPROVAL

(A) The Director may require a condition of tentative plan approval to prohibit the further division of the resulting lots or parcels.

(B) The Director shall require that a notation appear on the final plat indicating that approval was granted under this section as a middle housing land division.

(C) The Director may require street frontage improvements where a resulting lot or parcel abuts a street consistent with land use regulations implementing ORS 197.758.

(D) The Director may require the dedication of right-of-way if the original parcel did not previously provide such dedication.

(E) An application for a middle housing land division may not be subjected to approval criteria or conditions except as described above in this section including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

GENERAL EXCEPTIONS

17.7.050 EXCEPTIONS TO LOT SIZE, YARDS AND PROJECTIONS

- A. Exceptions to Lot Size and Dimension Requirements for Residential Use. If an existing lot in single ownership at the time of adoption of this Code does not meet minimum lot area or dimension requirements of the applicable residential zone, the lot may be occupied by a residential use permitted outright in the respective zone. If there is an area deficiency, the residential use shall be limited to a single-family residence.
- C. Projections into Required Yards. The following structures may project into required yards:
1. Unroofed paved terraces and wood decks less than three (3) feet in height may project into required side or rear yards.
 2. Unroofed landings and stairs may project into required front or rear yards.
 3. Window sills, belt courses, cornices, eaves, canopies, sunshades, gutters, leaders and similar incidental architectural features – excluding balconies and decks more than three (3) feet from ground level – may project not more than two (2) feet into any required yard.
 4. Chimneys shall not project more than two (2) feet into any required yard.
 3. No projections may encroach into or over any utility easement.



Added to reduce conflicts between structures and utilities.

GENERAL DEVELOPMENT STANDARDS

17.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS

A. Minimum Driveway Widths at the street right-of-way line shall be fifteen (15) feet for institutional, commercial, industrial, and multi-family residential ~~uses projects more than five units~~, and ten (10) feet for single-family, ~~and two family residential uses duplex, triplex, fourplex and cottage clusters~~.

B. Maximum Driveway Widths at the street right-of-way line shall be as follows:

1. In residential zones –

a. 24 feet for lots with less than 60 feet of street frontage

b. 30 feet for lots with street frontages of 60 feet or greater

~~c.~~ There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same lot

~~e.~~d. Triplex and quadplexes on lots or parcels with frontages only on local streets may have either two driveway approaches not exceeding 32 feet in total or one maximum 16-foot wide driveway approach per frontage.

Model code wording for driveway approaches.

~~d.~~e. A maximum of one driveway approach is allowed for every single unit attached unit/townhouse. Driveway approaches and driveways may be shared provided reciprocal access easements are recorded.

BUILDING DESIGN AND DEVELOPMENT STANDARDS

SECTION 17.8.710

~~E. Single-Family and Duplex~~ E. Single-Unit and Middle Housing Types

1. Purpose. The purpose of the design standards is to ensure that new residential development has a positive influence on the livability and safety of surrounding neighborhoods. The standards are narrowly focused on improving the way that new residential buildings relate to the public right-of-way (streets, sidewalks and parkways).

2. Applicability

a. The standard relating to street connection is applicable to construction of single-family dwellings, townhouses, manufactured homes, ~~and duplexes,~~ triplexes, an quadplexes on lots 9,000 square feet or smaller with an average slope of 12% or less. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. ~~The dwelling diversity standard is applicable to new subdivisions.~~ Compliance with the design standards is checked during building plan review. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

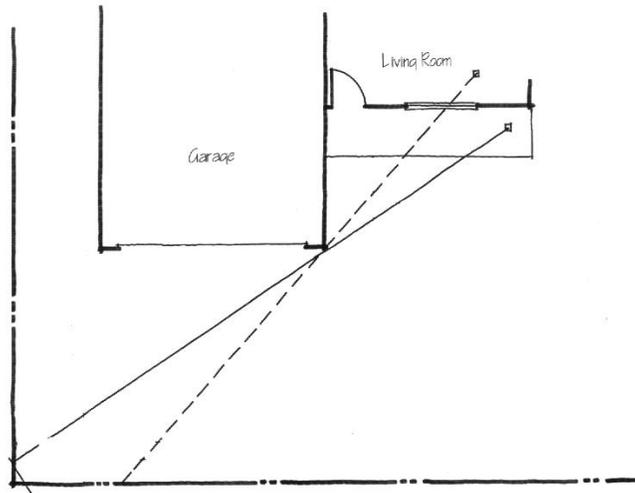
Revised to include middle housing types and add Model Code wording that facades separated from the street by another dwelling are exempt from meeting the building design standards in this section.

~~1. The standard relating to street connection is applicable to construction of single family dwellings, manufactured homes and duplexes on lots 9,000 square feet or smaller with an average slope of 12% or less. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. The dwelling diversity standard is applicable to new subdivisions. Compliance with the design standards is checked during building plan review.~~

This subsection is redundant with 2.a. above.



Figure 8-17: Visual Surveillance Standard



4. General Standards

- a. Street Connection and Visual Surveillance Standard. ~~All habitable rooms facing a street shall have a window. The front facade shall be designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front-facing window such that a person, if there were no vegetation, would be able to see 100% of their front property line. The intent is to create a physical connection between the dwelling unit and the public sidewalk and/or street, and to allow the dwelling units occupants to see the public sidewalk and/or street for visual surveillance and crime prevention.~~
- b. Lot Diversity Requirement. ~~For subdivisions of six (6) lots or more, there shall be a variety of lot sizes, with at least a 50% increase between the smallest and largest lots.~~

*Moved to §17.8.905 Land
Division Standards*

- e. ~~Dwelling Diversity Standard. Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.~~

This requirements seems better suited to planned developments. Replication of facades more than 5 times or 10% of the total number of subdivision lots seems arbitrary. Replication is open to interpretation and the description provided is not clear an objective.

- c. Dwelling Diversity Standard: At least two house plans shall be provided for each housing type in a subdivision and no one house plan shall comprise more than 45% of the total dwelling units in the same street or the subdivision as a whole.

5. Building Façade and Elevation Standards

- a. No more than six (6) single family attached/townhouse units shall be allowed in series.

~~e.b. Duplex units within single family districts shall be designed and constructed to give the impression from the street of one single family unit or, one corner lots, or two different units facing different directions.~~

~~e.c. No more than thirty five percent (35%) of the front façade area of an attached single family or duplex unit shall be used for garage doors.~~

~~f.d. Front elevations shall provide design variation to avoid repetition and create architectural interest.~~

~~—No building elevation shall have a horizontal or vertical blank wall section greater than fifteen feet (15').~~

HB 2001 does not allow applying requirements to duplex units that do not apply to single unit detached units.

Same comment as above plus the City has never reviewed this.

This requirement is not clear and objective.

The City has never reviewed this.

~~5. The Director may approve an increase of the allowable percentage of duplex or single family attached units within SR, R-10, R-7 or R-5 district if the following criteria are adequately addressed:~~

No longer applicable due to passage of HB 2001 since duplexes will now be allowed on any lot that allows a single unit detached home.

- ~~a. The location and placement of the duplex and townhouse units maintain the appearance and single family character of the subdivision, especially in regards to adjacent single family development.~~
- ~~b. Proposed duplex designs convey the appearance of single family units. For larger subdivisions, a number of different duplex designs would be required to justify the increase percentage.~~
- ~~c.a. The units visibility to the street, for example by having front porches or provide vehicular or parking access from a back alley.~~

4. Duplex Design Standards

a. New duplexes shall meet all clear and objective standards that apply to detached single unit dwellings in the same zoning district.

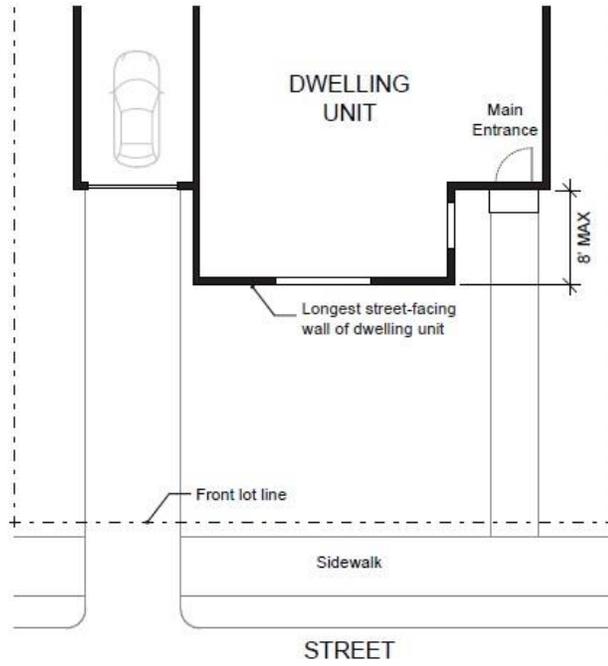
b. Conversion of an existing detached single unit dwelling to a duplex is allowed provided the conversion meets building codes and does not create nonconformance with applicable clear and objective development standards.

5. Triplex and Quadplex Design Standards

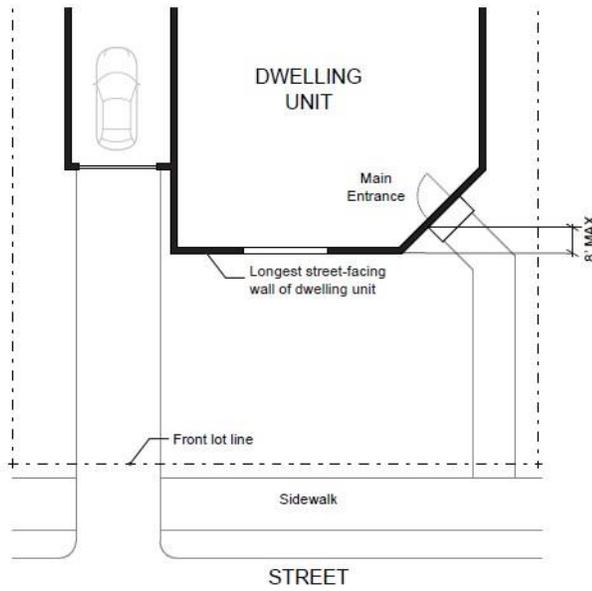
a. Entry Orientation: At least one main entrance for each triplex or quadplex structure must meet the following standards:

1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and the entrance must either:

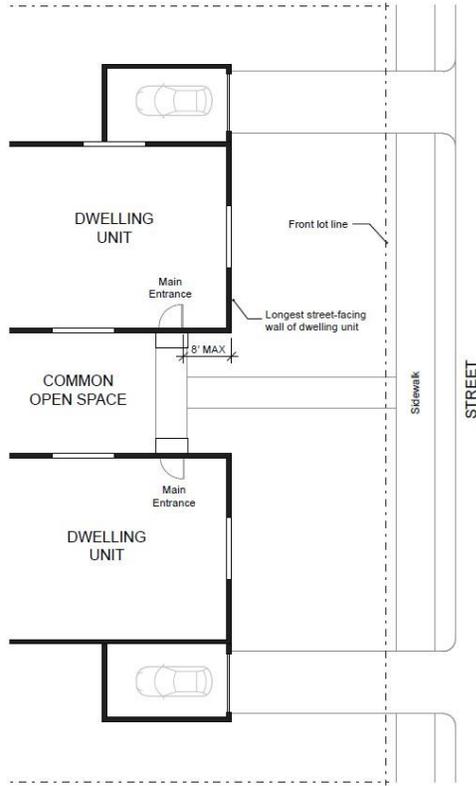
- i. Face the street as shown by the figure below



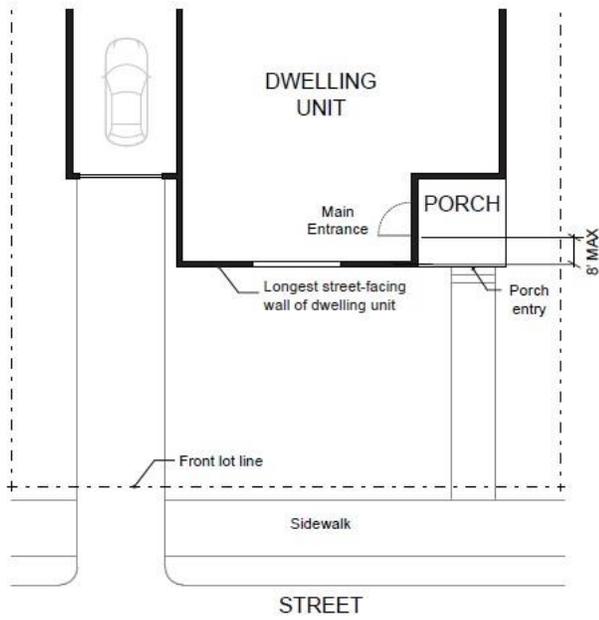
ii. Be at an angle up to 45 degrees from the street as shown by the figure below.



iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or



iv. Open onto a porch. The porch must be at least 25 square feet in area and have at least one entrance facing the street.



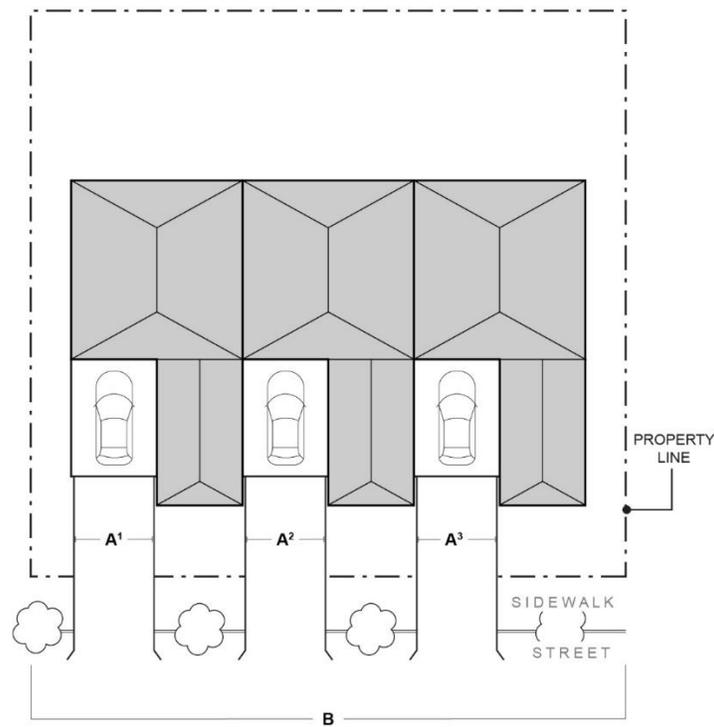
b. Windows: A minimum 15% of the area of all street facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from this standard.



STREET-FACING FACADE

- Area subject to 15% window & entrance door coverage requirement
- ▨ Qualifying window coverage
- ▩ Qualifying entrance door coverage

c. Garages and Off-Street Parking Areas: The combined width of all garages and outdoor on-site parking and maneuvering area does not exceed a total of 50 percent of the street frontage.



- Ⓐ Garage and on-site parking and maneuvering areas
- Ⓑ Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

d. Internal conversion of an existing detached single unit structure or duplex is allowed provided the conversion meets building codes and does not create nonconformance with clear and objective development standards.

6. Townhouse Design Standards

a. Entry Orientation: At least one main entrance for each townhouse unit must meet the following standards:

1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and the entrance must either:

i. Face the street as shown by the figure below

ii. Be at an angle up to 45 degrees from the street as shown by the figure below.

iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or

iv. Open onto a porch. The porch must be at least 25 square feet in area and have at least one entrance facing the street.

b. Windows: A minimum 15% of the area of all street facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from this standard.

c. Driveway Access and Parking:

i. A maximum of one (1) driveway approach is allowed for each townhouse unit.

ii. Outdoor on-site parking and maneuvering areas shall not exceed the lesser of 12 feet wide on any lot or 50% of the lot frontage.

iii. The width of garage entrances shall not exceed 12 feet as measured from the inside of the garage door frame.

iv. A townhouse unit on a corner lot shall take access from a single driveway approach.

v. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access.

vi. Townhouses adjacent to an alley shall take vehicular access only from the alley.

d. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade:

i. A roof dormer a minimum of 4 feet in width, or

ii. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or

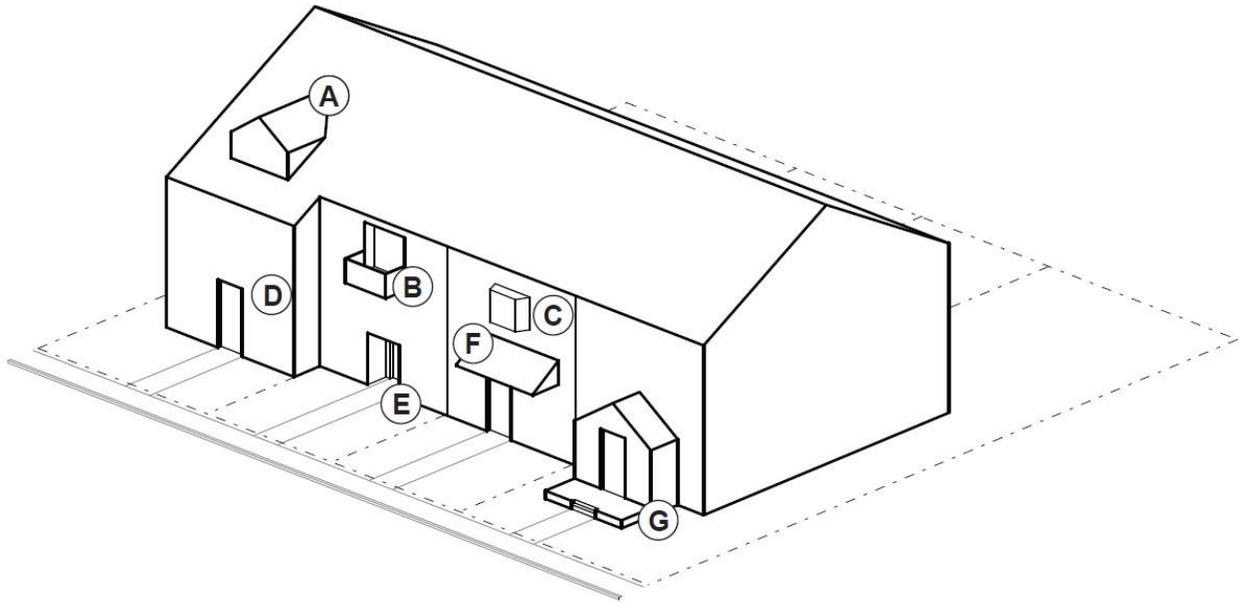
iii. A bay window that extends from the façade a minimum of 2 feet, or

iv. An offset of the façade a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or

v. An entryway that is recessed a minimum of 3 feet, or

vi. A covered entryway with a minimum depth of 4 feet, or

vii. A porch of at least 25 square feet in area with at least one entrance facing the street or have a roof.



- (A) Roof dormer, minimum of 4 feet wide
- (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C) Bay window extending minimum of 2 feet from facade
- (D) Facade offset, minimum of 2 feet deep
- (E) Recessed entryway, minimum 3 feet deep
- (F) Covered entryway, minimum of 4 feet deep
- (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)

7. Cottages and Cottage Clusters

a; Cottage Orientation: Cottages must be oriented around a common courtyard or must be connected to the courtyard by a pedestrian path at least five feet in width.

b. A minimum of 50 percent of cottages with a cluster must be oriented toward the common courtyard and must:

i. Have a main entrance facing the common courtyard;

ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

iii. Be connected to the common courtyard by a pedestrian path at least five feet in width.

iv. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path at least five feet in width that is directly connected to the common courtyard.

c. Common Courtyard Design Standards: Each cottage cluster must share a common courtyard. Common courtyards must meet the following standards:

i. The common courtyard must be a single, contiguous piece.

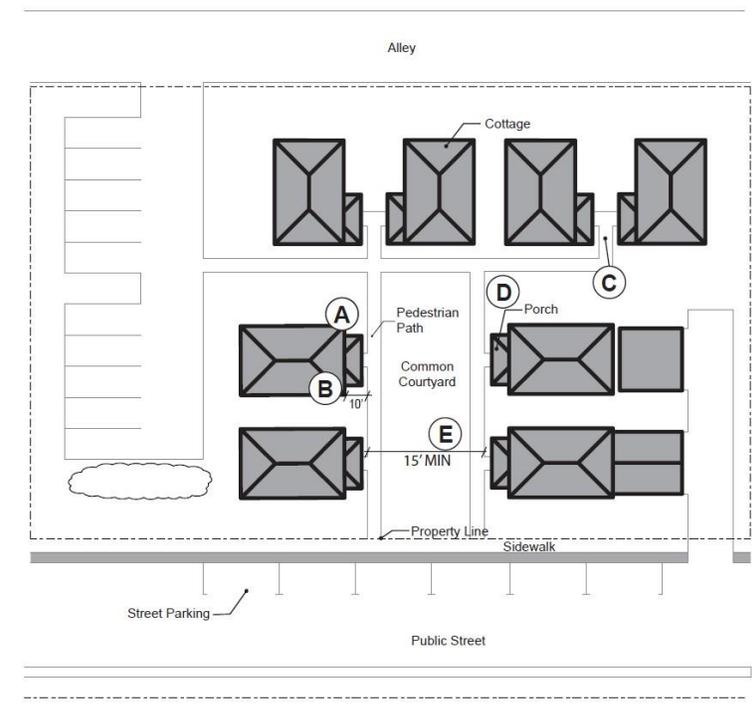
ii. Cottages must abut the common courtyard on at least two sides of the courtyard.

iii. The common courtyard must contain a minimum of 150 square feet per cottage.

iv. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

v. The common courtyard shall be improved with a mix of landscaping, lawn area, pedestrian paths and/or paved area. The common courtyard may also include recreational amenities. Impervious elements of a common courtyard shall not exceed 75 percent of the total common courtyard area.

vi. Pedestrian paths must be included in a common courtyard area. Paths that are contiguous to a courtyard may count toward the courtyard's minimum dimension and area. Parking areas, required setback areas, and driveways do not qualify as part of a common courtyard.



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
 - (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
 - (C)** Cottages must be connected to the common courtyard by a pedestrian path.
 - (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
 - (E)** The common courtyard must be at least 15 feet wide at its narrowest width.
-

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

- a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).
- b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

4. Pedestrian Access.

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

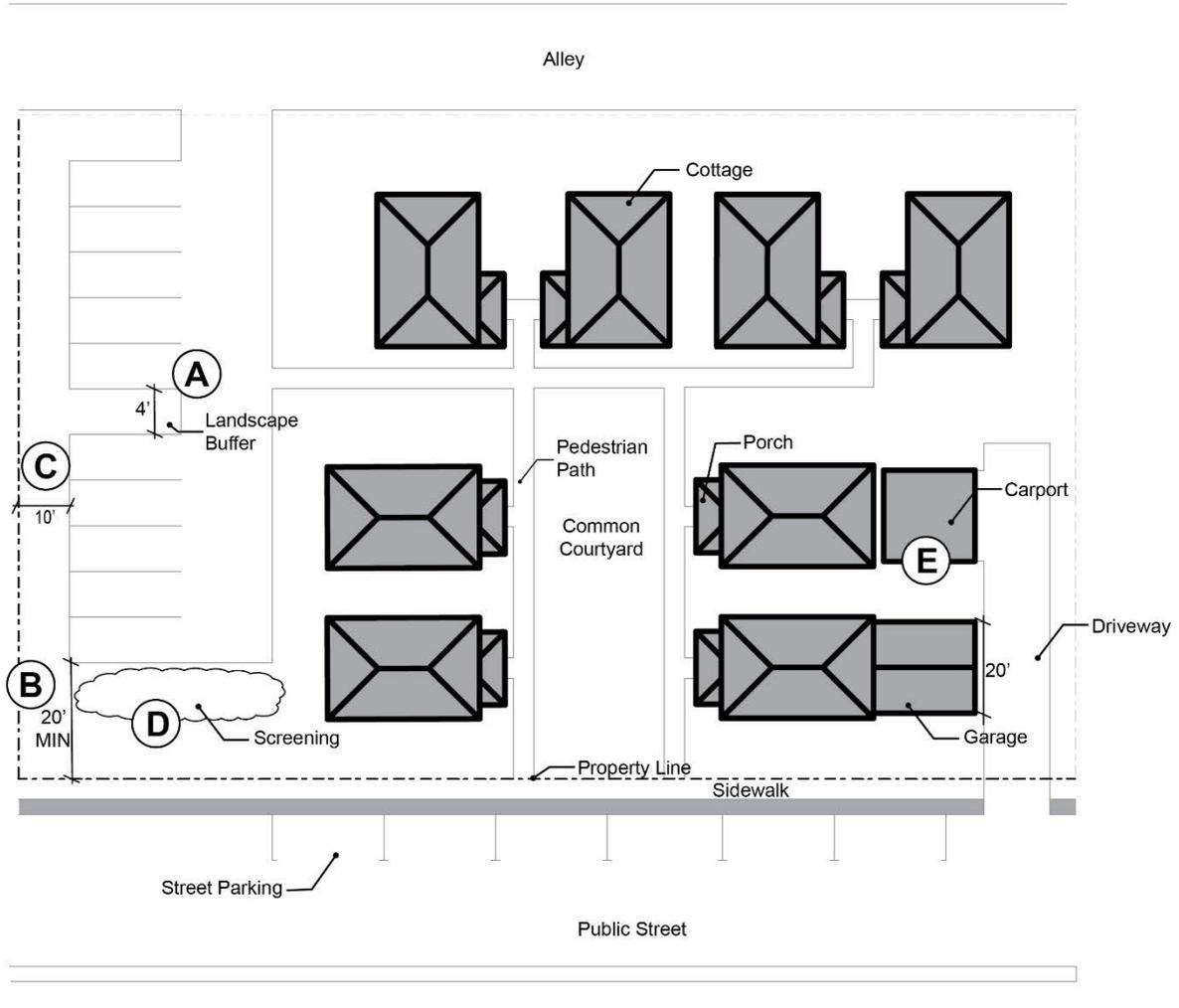
5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.

6. Parking Design (see **Error! Reference source not found.**).

- a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (C).

Cottage Cluster Parking Design Standards



- A** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- B** No parking or vehicle area within 20 feet from street property line (except alley).
- C** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- D** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- E** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

PARKING REQUIREMENTS
TABLE 8-4: Parking Requirements

Revised to comply with the administrative rules implementing HB 2001.

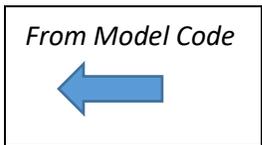
LAND USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING ALLOWED	
		Parking Zone A	Parking Zone B
RESIDENTIAL			
Household Living - Single Units, Attached/ <u>Townhomes</u>	See Multi-Family <u>1.0 / DU</u>	None	None
- Single Units, Detached	1.0 / DU	None	None
- Accessory <u>Dwelling</u> Units	1.0 / DU <u>None</u>	None	None
- Duplexes	1.0 / DU	None	None
<u>-Triplexes</u>	<u>3.0 / development</u>		
<u>-Quadplexes</u>	<u>4.0 / development</u>		
<u>-Cottage Clusters</u>	<u>1.0 / DU may be provided for individual units or in shared parking areas.</u>		
<u>Courtyard Housing</u>	<u>1.0/DU may be provided for individual units or in shared parking areas.</u>		
- Multi-Family Units (outside the Town Center)	DU<500 sq. ft: 1.0 / DU 1 bedroom: 1.25 / DU 2 bedroom: 1.50 / DU 3 bedroom: 1.75 / DU	None	None
- Multi-Family Units (Within the Town Center)	DU<500 sq. ft: 0.5 / DU 1 bedroom: 0.75 / DU 2 bedroom: 1.25 / DU 3 bedroom: 1.75 / DU	None	None
- Manufactured Units	1.0 / DU	None	None
- Mobile Home Parks	1.0 / DU	None	None

Group Living	1.0 / room 1.0 / 2.5 beds	None 2.7 / 1,000 ^[2]	None
Transitional Housing	1.0 / 2.5 beds	None	None
Home Occupation	None	None	None

17.8.515 OFF-STREET PARKING REQUIREMENTS

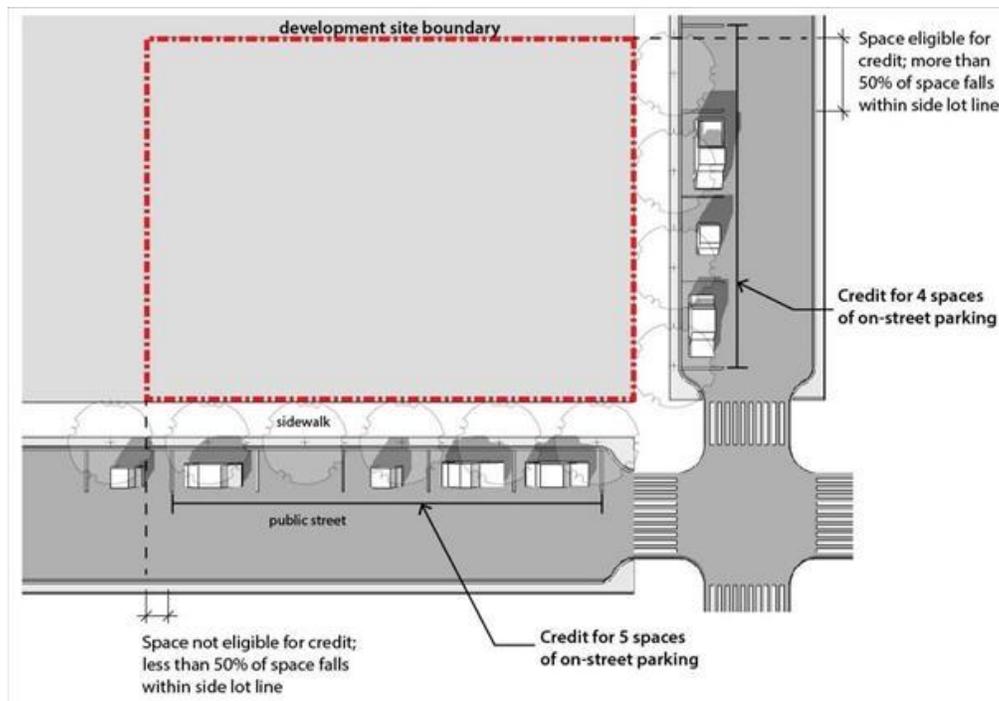
H. Eligible Parking. Parking spaces available along the public street frontage or alleys are eligible in fulfilling up to 50% of the off-street parking requirements, except for single-family dwellings and duplexes, if the following standards are met:

- i. The space must be abutting the subject site
- ii. The space must be in a location where on-street parking is allowed
- iii. The space must be a minimum 22 feet long; and
- iv. The space must not obstruct a required sight distance area.



On-street parking spaces credited for a specific development or use may not be used exclusively by that development or use but must be available for the general public. Signs or actions limiting general public use of on-street spaces are prohibited.

Figure 8-10A: Credit for On-Street Parking



17.8.520 REDUCTION OR MODIFICATION OF OFF-STREET PARKING REQUIREMENT

A. Parking Reductions Allowed By Right. The following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. The reductions allowed by this section may not be used in conjunction with the reductions allowed by subsection (B) below. In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways, or streets, where side-walks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

1. Parking for multifamily, commercial and industrial uses may be reduced by 10% providing the development is within ~~500 feet~~ ¼ mile walking distance of ~~a transit stop~~ frequent transit service with at least 20 minute headways.
2. ~~Parking for multifamily uses may be reduced by 10% providing the development is within 500 feet walking distance of a transit stop.~~
3. Parking facilities may be reduced to the extent necessary to accommodate transit stop and shelters.

Revised to make include multifamily developments near frequent transit service eligible for a parking reduction.

Revised to allow for parking reduction if the site is near a frequent transit service line. The current standard is tied to bus stop locations which can change and doesn't allow a reduction beyond 500 feet even if a site is within comfortable walking distance.

LAND DIVISION STANDARDS

17.8.905 STANDARDS

A. Block Design

The land division standards are proposed for revision to make wording clear and objective.

1. The length, width and shape of blocks shall be designed with due regard to providing ~~adequate~~ building sites that comply with the lot dimensional standards in Article 3~~for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography and development standards in Article 8.~~
2. Blocks ~~shall have sufficient width to provide for two tiers of lots of appropriate depths, except where blocks are adjacent to an arterial, a railroad, or waterway, and~~ shall meet the following standards:

B. Block Length and Perimeter

1. ~~The layout of streets shall not create excessive travel lengths.~~ Block lengths shall be a maximum of 500 feet and block perimeters shall be a maximum of 1,200 to 1,600 feet. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Block perimeter is defined as the sum of the block lengths of all sides of a block.
2. In residential subdivisions and mixed-use developments, no block shall be more than 330 feet in length. This length can be exceeded up to a maximum length of 660 feet under Block Length Exceptions below.

C. Block Length Exceptions. An exception to the block length standard may be permitted during the land division review when one of more of the following conditions exists:

1. Physical conditions ~~that~~ preclude development of a public street. ~~In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made.~~ Such conditions ~~may~~ include, ~~but are not limited to,~~ topography, wetlands, mature trees, creeks, drainages, and rock outcroppings.
2. Buildings or ~~other~~ existing development on adjacent lands ~~that~~ preclude a street connection, ~~now or in the future, considering the potential for redevelopment.~~
3. ~~Barriers such as freeways~~Highways or railroads preclude street connections.

Revised to remove wording that is not clear and objective.

4. Average slope of the block exceeds 15%, ~~the additional block length is the minimum necessary to address characteristics of the site,~~ and the tangent of the roadway centerline does not vary more than 30 degrees transverse to the slope contours.
5. Where an existing public street or streets terminating at the boundary of the development site have a block length exceeding 500 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 500 feet. ~~In such cases, the block length shall be as close to 500 feet as practical.~~

D. Pedestrian Ways

1. Off-street pedestrian ways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a street is not ~~feasible provided~~. In cases where a street connection is ~~feasible provided~~, off-street pedestrian ways shall not be permitted in lieu of a ~~traditional standard~~ streets with sidewalks.

Revised to remove wording that is not clear and objective.
2. When block lengths exceed 500 feet, a pedestrian way of not less than ten (10) feet in width shall be dedicated to provide pedestrian access thorough the block, or to provide access to schools, parks, designated open areas, or other public areas. Such pedestrian ways shall be improved with hard surface material with an appropriate base to a minimum width of five (5) feet prior to issuance of any building permit for construction within the subdivision.
3. Sidewalks and/or pedestrian ways shall be designed according to City standards or specifications on file at the City.
4. Designated crosswalks across streets may also be required by the Director near the center of blocks that are over 500 feet in length.

E. Easements

1. Easements of ten (10) feet in width shall be provided along the front lines of all lots or parcels for public utilities and sidewalks. Larger easements may be ~~required necessary to comply with adopted agency policies. where necessary~~. The City or other appropriate public agency shall be empowered to enter upon such easement for construction or maintenance of public utilities, and to remove, if necessary, any fence, tree, shrubbery or other obstruction, which may have been located within the easement.

Revised to remove wording that is not clear and objective.
2. Where a land division contains a watercourse or area serving for the accumulation or retention of surface water, easements shall be provided for such watercourses or retention area to ensure that no building or structure shall be erected therein.
3. Where the alignment of a utility easement (other than required perimeter easements) is such that it would also serve as ~~suitable an~~ easement for originating

or continuing a pedestrian/bicycle path, ~~the Director may require that~~ such an easement shall be designated on the plat as serving both functions. In such cases, the minimum easement width shall be ten (10) feet and the pedestrian/bicycle path shall be improved with a hard surface to a minimum width of eight (8) feet.

F. Lots, Parcels and Common Areas

The size, dimensions, and orientation of lots and parcels shall be ~~appropriate for the location of the subdivision or partition, for the type of development and use contemplated, and shall be~~ consistent with all applicable standards of this Code and the following:

Revised to remove wording that is not clear and objective.

1. Lot and Parcel Side Lines. The side lines of parcels in partitions shall run at right angles to the street upon which they face, ~~to the maximum extent feasible, and on curved streets shall be radial to the curve, wherever possible.~~ The side lines of lots in subdivisions need not run at right angles to the abutting street, but may be laid out at any suitable angle to satisfy the solar access standards of §17.5.400, ~~and to allow for a suitable subdivision design for the type of development and use contemplated.~~
2. Frontage. Each lot and parcel shall have a minimum frontage on a public or private street of at least twenty ~~(20)~~ (15) feet with the following exception two exceptions:
 - a. A lot or parcel on the radius of a curved street or on the circular end of a cul-de-sac shall have frontage of not less than thirty (30) feet upon the abutting street right-of-way measured on the arc.
~~a. Where a flag lot is proposed and the access strip is serving only one lot, the frontage shall be not less than fifteen (15) feet.~~
3. Through Lots and Parcels. Through lots and parcels are prohibited, except ~~where they are necessary~~ to provide separation of development from arterial streets or adjacent ~~incompatible~~ activities or developments. In such cases, the Director ~~may~~ shall require ~~that~~ evergreen screening, a masonry wall, a landscaped earth berm, and/or a non-access easement ~~be provided~~ along the line of lots or parcels abutting ~~such~~ an arterial street or other ~~incompatible~~ uses.
4. Future Subdivision or Partition of Lots or Parcels. Where a subdivision or partition will result in a lot or parcel of one-half (½) acre or larger in size which ~~in the judgment of the Director is likely to could~~ be further divided ~~in the future, the Director may require that~~ the location of lot and parcel lines ~~and other details~~ must allow for efficient future division without violating the requirements of this Code and without interfering with the ~~orderly~~ extension of adjacent and abutting streets. ~~The Director may also require that restrictions concerning locations of buildings within future street locations and vehicular access to lots or parcels be made a matter of record if deemed necessary for permitting the efficient subsequent division of the land.~~

5. Subsequent Flag Lots. Land partitions are prohibited within subdivisions for a period of five (5) years after the date of final plat approval, unless the land is shown as a future development area on the final plat.
6. Lot Access to Resource Areas. For subdivisions, ~~significant-protected~~ natural resources ~~such as streams, riparian areas, and wetlands~~ shall be ~~protected,~~ integrated into the design of the subdivision, and platted as a common area, ~~and made accessible to as many individual parcels as possible.~~

G. Public Use Areas

1. Dedication Requirements.

Revised to remove wording that is not clear and objective.

- a. Where a proposed park, playground or other public use shown in a ~~development~~ master plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of such area within the subdivision.
 - b. Where ~~considered desirable by the City in accordance with consistent with~~ adopted comprehensive plan policies, and where a ~~development~~ master plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision ~~or sites of a character, extent and location suitable~~ for the development of parks and other public use.
2. Acquisition By Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within eighteen (18) months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.

USE CATEGORIES & DEFINITIONS

§ 17.12.210 MEANING OF SPECIFIC WORDS AND TERMS

The Definitions section is proposed for revision to add middle housing terms from the administrative rules and Model Code and to revise current definitions for consistency.

B. 11 Building footprint. Means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.

C3. Carport. A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

C10. Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

C11 Common wall. A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

C 18 Cottage cluster. A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

C19 Cottage cluster project. A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

D8. Dwelling-Related Definitions:

- a. Dwelling - A structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.
- b. Accessory Dwelling Unit – An interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.
- c. Apartment Or Multiple-Family Dwelling - A structure containing at least ~~three (3)~~ five (5) dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single-family attached building types on two (2) or more contiguous lots.
- d. Cottage – An individual dwelling unit that is part of a cottage cluster
- e. Cottage cluster – means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”
- df. Duplex – Two dwellings on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meet the definition of a primary dwelling unit with an accessory dwelling unit (ADU) the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. Duplexes may be on individual lots if approved through a middle housing land division.
- eg. Single-Family Unit Dwelling:
 - (1) Attached Dwelling - Two (2) or more dwelling units, including townhouses, attached side by side on two (2) or more contiguous, separate lots with some structural parts in common at a common property line.
 - (2) Detached Dwelling - One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot.
 - (3) Manufactured Dwelling - Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. §5401), commonly known as the U.S. Department of Housing and Urban Development (HUD) code.
- h. Townhouse - A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a

“rowhouse,” “attached house,” or “common-wall house.”

i. Triplex - Three dwelling units on a lot or parcel in any configuration.

j. Quadplex - Four dwelling units on a lot or parcel in any configuration.

M2 Middle housing. Duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

M3 Middle housing land division. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under Oregon Revised Statutes 197.758(2) or 197.758(3).

S6 Site area. The total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.

S10 Story. A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story: (1) A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point; (2) An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

T4 Townhouse project. One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

W5 Window area. The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

Z1 Zoned for residential use. A zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation. This excludes lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.

From: [KELLY Laura * DLCD](#)
To: [Daniel Riordan](#)
Cc: [STUCKMAYER Ethan * DLCD](#); [VALENCIA-AGUILAR Mari * DLCD](#)
Subject: Forest Grove HB 2001 code- DLCD review
Date: Tuesday, May 3, 2022 11:05:00 AM

Good morning, Dan,

I want to first start by apologizing for the delay in getting you comments on your HB 2001 code work. Unfortunately, your proposal slipped through the cracks as it came in right after Anne retired and our PAPA assignments were not yet sorted out. We recognize that your hearings are nearly complete and that it may be challenging to incorporate edits at this late stage. Fortunately, our review of your proposed code amendments did not result in very many concerns. We also know that some of these items may have already been addressed during your proceedings. In any case, we wanted to be sure to pass along these comments. We would be happy to discuss these with you if it would be helpful; please just let me know.

DLCD staff review based on Revision Draft uploaded 3/14/22:

1. Pg.13 Table 3-2: It appears that the city is proposing to remove footnote 5, which was the limitation placed on some middle housing types in these zones. DLCD staff note that the removal of this footnote would appear to change the Limited status of duplexes and townhouses to Permitted, which would comply with the OARs, but the corresponding notation "L⁵" appears to be unchanged. For clarity, DLCD staff recommend changing the L⁵ to P for all middle housing types in zones that allow detached single-family dwellings.
2. p. 26 In the RM and RH zones, larger middle housing types are proposed to have a minimum of 70 ft lot depth and 50 ft lot width (except townhouses, which would be 20 ft). However, SFD would be required to have a minimum of 60 ft depth and 35 ft width. DLCD staff note that the minimum lot dimensions for cottage clusters can be no greater than for SFD in the same zone OAR 660-046-0220(4)(b). Please note that DLCD staff were unable to locate/review the lot dimensional requirements for the SR zone.
3. Pg. 49 The proposed minimum lot sizes for triplexes and quadplexes in some residential zones (e.g. RL) falls between 3,000-5,000 sf. As such, a lower minimum parking requirement for triplex and quadplex applies (OAR 660-046-0220 (2)(e)): the minimum parking requirement cannot be greater than 2 spaces per triplex or quadplex. Please note that DLCD staff were unable to locate/review the lot dimensional requirements for the SR zone.

If it is indeed too late to make these edits at this time, please know that should the city find itself in an application review situation where any of the above requirements would be invoked, the OARs should be utilized instead. For example, if the city received a quadplex application in the RL zone, the city should use the parking standard of OAR 660-046-0220(2)(e) (2 spaces/quadplex), rather than its adopted standard (4 spaces/quadplex), for compliance with HB 2001/ Div 46.

Again, my sincere apologies for the timing of these comments. Please let me know if you have any questions or if you'd like to set up a time to discuss.

Thanks,
Laura



Laura Kelly

Metro, Clackamas and Multnomah County &
Interim Washington County and City of Portland Regional Representative
Oregon Department of Land Conservation and Development
Cell: 503-798-7587 | Main: 503-373-0050
laura.kelly@dlcd.oregon.gov | www.oregon.gov/LCD

From: VALENCIA-AGUILAR Mari * DLCD <Mari.VALENCIA-AGUILAR@dlcd.oregon.gov>
Sent: Tuesday, May 3, 2022 9:25 AM
To: KELLY Laura * DLCD <Laura.KELLY@dlcd.oregon.gov>
Subject: FW: Forest Grove HB 2001 code review

Hi Laura,

Please see Ethan's response below regarding Forest Grove's PAPA.

I believe most my comments are related to clear and objective standards. He suggests only sending those comments to the city and/or just saving comments to the PAPA folder. Perhaps we only send them the comments below for their consideration? Were there other items you found?

Standing by! Thanks,



Mari Valencia-Aguilar

Pronouns: She / They
Housing Planner | Community Services Division
Oregon Department of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Cell: 503-930-9739 | Main: 503-373-0050
mari.valencia-aguilar@dlcd.oregon.gov | www.oregon.gov/LCD

From: STUCKMAYER Ethan * DLCD <Ethan.STUCKMAYER@dlcd.oregon.gov>
Sent: Monday, May 2, 2022 5:03 PM
To: VALENCIA-AGUILAR Mari * DLCD <Mari.VALENCIA-AGUILAR@dlcd.oregon.gov>
Subject: RE: Forest Grove HB 2001 code review

Hi Mari,

Laura is right about the timing – it is very difficult to change things now. I watched their hearing and it seemed like the staff were pretty closely following where they were bound by the OARs.

Did you find any major issues with their code? If not, then maybe we just save our HB 2001 comments in the PAPA folder and only send any comments we had on things like clear and objective standards, HB 4064, and HB 2583 to give the city a heads up for future work.

No sweat!



Ethan Stuckmayer

Senior Planner of Housing Programs | Community Services Division

Pronouns: he/him/his

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Work Phone: 503-302-0937 (*Preferred*) | Main DLCD Office: 503-373-0050

ethan.stuckmayer@dlcd.oregon.gov | www.oregon.gov/LCD

ATTACHMENT B DEVELOPMENT CODE AMENDMENTS

APPLICATION CONTENTS

17.1.225 APPLICATION CONTENTS

- D. A transportation study ~~is may be~~ required ~~by the Director~~ when determined ~~by the City~~ at ~~the a~~ pre-application conference the proposed project would have ~~potential traffic~~ circulation or safety impacts, need for off-site street improvements or would increase traffic on ~~City adjacent~~ streets by at least 50 peak hourly trips, ~~or at least 500 average daily trips,~~ or a Transportation Impact Study is required by the Oregon Department of Transportation ~~or Washington County Department of Land Use and Transportation.~~ The transportation study shall be prepared under the supervision of professional engineer qualified in the traffic engineering field as defined by OAR 820-040-0030. The transportation study shall include the expected trip generation of the proposed development including the weekday AM peak hour, PM peak hour, and daily traffic estimates. The transportation study shall identify all site-access points and intersections (signalized and un-signalized) adjacent to the development site. If the development site fronts an arterial or collector street the analysis shall identify and assess all intersections within ¼ mile of the development site. ~~The Director may also require a transportation study for any one project or multiple projects where there may be cumulative traffic impacts from two or more projects affecting one or more transportation facilities.~~

DESIGN REVIEW

§ 17.2.300 PURPOSE

The purpose of Design Review is to:

- A. Establish guidelines and standards that will promote good neighborhood design;
- B. Encourage development that upholds property values and becomes a long-term asset to the community;
- C. Encourage creative and cost-effective building and site design; and
- D. Provide flexibility in the administration of development standards.

In addition to the requirements of this section, applications subject to design review are also subject to site development review as provided in §17.2.400 (a separate application and fee is not required).

§ 17.2.310 APPLICABILITY

Design review is required for the following:

- ~~A.~~ ~~New single family attached developments~~
- ~~BA.~~ New multi-unit developments with more than six (6) five (5) units;
- ~~CB.~~ New commercial development;
- ~~DC.~~ Alterations, remodels, or renovations of commercial development in the Town Center and Neighborhood Commercial zones which result in additional floor area of more than 400 square feet; and
- ~~ED.~~ Alterations, remodels, or renovations of commercial development in all other Commercial zones which result in additional floor area of more than 1,000 square feet.
- ~~FE.~~ New development in a historic district;
- ~~GF.~~ Alterations, remodels, renovations or relocations of a historic landmark; and
- ~~HG.~~ Alterations, remodels, renovations or relocations of a historic contributing building.

§ 17.2.320 OVERVIEW OF PROCESS

Design review applications will be processed in one of two tracks: Development Standards or Design Guidelines. The applicant shall identify the desired tract as part of the initial application. The tracks are described as follows:

Track 1 -- Development Standards. Applications are required to meet the clear and objective development standards which are provided in the development code. These requirements are intended to be specific and directive. The purpose is to establish a baseline for site plan design which works in conjunction with other requirements of the development code.

Track 2 -- Design Guidelines. Applications allow more flexibility in terms of design. Under this process the applicant shall be held to the intent of the standards, but is allowed to vary from these standards if demonstrated that related guidelines and objectives are adequately addressed and that the deviation results in a higher quality development than would result under a strict interpretation of the code.

§ 17.2.330 PROCEDURE

The design review applicant must select one of two design review tracks: (1) development standards track or the (2) design guidelines track. Depending upon the tract and specific characteristics of the project, these are reviewed under a Type II or Type III procedure, as described below.

A. Track 1 – Development Standards. Applications shall be reviewed under a Type II or III procedures as outlined below:

1. Type II Review. The Director is the review authority for the following Track 1 – Design Standards applications:

~~a. Multifamily developments with 3–5 units; and~~

~~b.~~a. Commercial alterations, remodels, renovation, and new construction of less than 10,000 square feet.

1. Type III Review. The Planning Commission is the review authority for the following Track 1 design review applications:

a. Multifamily developments with more than ~~six (6)~~ five (5) units;

b. Commercial alterations, remodels, renovation, and new construction of more than 10,000 square feet.; and

c. Any Type II design review application elevated by the Director to the Type III procedure.

B. Track 2 – Design Guidelines. The review standards are intended to be flexible in nature. This process does not allow applicants to avoid any City requirements, but may provide alternative methods for meeting requirements. Track 2 applications shall be reviewed under a Type II or III procedures as outlined below:

1. Type II Review. The Director is the review authority for the following Track 2 design review applications:

~~a. Multifamily developments with 3–5 units; and~~

b. Commercial alterations, remodels, renovation, and new construction of less than 3,000 square feet.

2. Type III Review. The Planning Commission is the review authority for the following Track 2 design review applications:

a. Multifamily developments with more than six (6) units;

- b. Commercial alterations, remodels, renovation, and new construction of more than 3,000 square feet; and
- c. Any Type II design review application elevated by the Director to the Type III procedure.

§ 17.2.340 SUBMITTAL REQUIREMENTS

In addition to the standard submittal requirements for a Type II or Type III application, and the submittal requirements of a Site Plan in §17.2.440, the following documents are required for Design Review. Plans shall be drawn to scale and fully dimensioned. At the pre-application conference, the Director may specify more detailed submittal requirements or waive specific submittal requirements if warranted.

- A. Architectural drawings, renderings, sketches and a materials board showing all elevations of proposed buildings as they will appear on completion.
- B. All existing and proposed walls and fences, including the location, height, type of design and composition.
- C. An open space plan showing the locations and dimensions of common and private open space, including active and passive recreational areas.

§ 17.2.350 REVIEW CRITERIA

Projects subject to design review by the Director (Type II) or the ~~Design Review Planning~~ Commission (Type III) shall be evaluated based on the following:

- A. The development standards of the applicable zoning district and any overlay district;
- B. The general development standards of Article 8.
- C. Departures from code requirements may be permitted as part of a Track 2 Design Review Process, when the following criteria are met:
 - 1. The design guidelines contained in the applicable section of the “Design Guideline Handbook” are adequately addressed.
 - 2. The applicant demonstrates that the overall development would result in a development that better meets the intent of the design guidelines than a design that simply meets the Code.

SITE DEVELOPMENT REVIEW

§ 17.2.430 PROCEDURE

Site development review is categorized as a Type I procedure for ~~a one (1) single-unit family detached dwelling on an individual lot; townhouse on an individual lot, one (1) duplex on an individual lot; triplex on an individual lot, quadplex on an individual lot, cottage cluster project, or one (1) manufactured home on an individual lot.~~ All other site development reviews shall follow the Type II procedure unless exempt.

§ 17.2.450 REVIEW CRITERIA

The Director shall review and approve, conditionally approve, or deny the site development plan based on the following criteria:

- A. The applicant demonstrates ~~The~~ site development plan complies with ~~all applicable~~ standards of the base zoning district (Article 3), any overlay district, and the ~~applicable~~ general development standards of Article 8.
- ~~B. The site development plan ensures reasonable compatibility with surrounding uses as it relates to the following factors:~~
- ~~1. Building mass and scale do not result in substantial visual and privacy impacts to nearby residential properties; and~~
 - ~~2. Proposed structures, parking lots, outdoor use areas or other site improvements that could cause substantial off-site impacts such as noise, glare and odors are oriented away from nearby residential uses and/or adequately mitigated through other design techniques.~~
- CB. The site development plan addresses the development standards in Article 5 (Natural Resource Areas, Tree Protection and Historic Resources) when such resources are present on or directly adjacent to the development site. ~~preserves or adequately mitigates impacts to unique or distinctive natural features including, but not limited to:~~
- ~~1. Significant on-site vegetation and trees;~~
 - ~~2. Prominent topographic features; and~~
 - ~~3. Sensitive natural resource areas such as wetlands, creek corridors and riparian areas.~~
- DC. ~~The site development plan preserves or adequately mitigates impacts to designated historic resources.~~

~~ED. The site development plan provides adequate right-of-way and improvements to abutting streets to meet the street standards of the City. This may include, but not be limited to, improvements to the right of way, sidewalks, bikeways, and other facilities needed because of anticipated vehicular and pedestrian traffic generation.~~

~~FE. The site development plan promotes safe, attractive and usable pedestrian facilities that connect building entrances, public sidewalks, bicycle and auto parking spaces, transit facilities, and other parts of a site or abutting properties that may attract pedestrians.~~

ZONING DISTRICTS

ZONING MAP

§ 17.3.010 CLASSIFICATION OF ZONES

All areas within the corporate limits of the City of Forest Grove are divided into the following zones:

**TABLE 3-1
Zoning Districts**

<u>Zoning District</u>	<u>Map Symbol</u>
Single-Family Residential	R-5
Single-Family Residential	R-7
Single-Family Residential	R-10
Suburban Residential	SR
Multi-Unit (Low) Residential	RM <u>RM</u>
Multi-Unit (High) Residential	RMH <u>RH</u>
Institutional	INST
Community Commercial	CC
Commercial – Neighborhood	NC
Town Center Core	TCC
Town Center Transition	TCT
Light Industrial	LI
General Industrial	GI
Business Industrial Park	BIP
<u>Overlay District (Article 4)</u>	<u>Map Symbol</u>
Master Plan	MP
Planned Development	PD
Mixed Use Planned Development	MUPD

RESIDENTIAL ZONES

§ 17.3.100 PURPOSE

The City of Forest Grove has established ~~six~~ ~~four~~ five residential zones to implement the Residential designations of the Comprehensive Plan. The zones provide the flexibility for a range of lot sizes and housing types. The six zones are distinguished primarily by the housing types allowed number of dwelling units permitted per net acre. ~~Target densities are established for each zone. The Code also provides an opportunity for a density bonus in each of the zones to encourage special design features and amenities when a Planned Development (PD) process is followed.~~ The regulations of the residential zones are intended to ~~protect the livability of existing and future residential neighbor hoods by encouraging primarily residential development with compatible non-residential development at appropriate locations and at an appropriate scale. Another purpose of these regulations is to~~ encourage a full range of owner-occupied and rental housing opportunities, at affordable prices.

§ 17.3.110 LIST OF RESIDENTIAL ZONES

A. Suburban Residential SR

The SR zone is intended for development of housing at a target density of 1.0 dwelling unit per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are permitted or allowed with conditional use permit approval.

B. Residential R-10

~~The R-10 zone is intended for development of housing at a target density of 4.35 dwelling units per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.~~

C. Residential R-7

~~The R-7 zone is intended for development of housing at a target density of 6.22 dwelling units per net acre. Detached single-family housing will be the predominant housing type in this zone. Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.~~

The R-7 zone is intended for development of variety of housing types including single unit detached, accessory dwelling units, duplexes, threeplexes, quadplexes, townhomes and cottage clusters. Detached single-family housing will likely be the predominant housing

type in this zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.

D. Residential R-5

The R-5 zone is intended for development of a variety of housing types at a target density of 8.71 dwelling units per net acre including single unit detached, accessory dwelling units, duplexes, threeplexes, quadplexes, townhomes and cottage clusters. Detached single-family housing will likely be the predominant housing type in this zone. ~~Accessory dwelling units, duplexes and attached housing types are also permitted subject to the density limitations of the zone.~~ A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval.

E. Residential Medium RML

The ~~RML~~ zone is intended for development of single unit detached, single unit attached and small multi-unit dwellings. homes on small lots. housing at a target density of 12 dwelling units per net acre. Small lot single family housing, duplexes, attached dwellings and small multi-dwelling residences will be permitted housing types, subject to the density limitations of the zone. A limited range of compatible non-residential uses such as parks and schools are also permitted or allowed with conditional use permit approval. The ~~RML~~ zone functions as a transition zone between the lower density residential zones and the higher intensity residential and non-residential zones.

F. Residential High RMH

The ~~RMH~~ zone is intended for development of multi-unit residential buildings. This zone also allows small lot single unit homes. at a target density of 20.28 dwelling units per net acre. Multi-unit residential buildings will be the predominant housing type in this zone. ~~RMH~~ zoning is generally applied near transit streets and adjacent to commercial districts. The RMH zone also allows a limited range of non-residential uses to help provide services for residents and enhance the quality of the higher density neighborhood.

§ 17.3.120 USE REGULATIONS

Refer to Article 12 for information on the characteristics of uses included in each of the Use Categories.

- A. Permitted Uses. Uses allowed in the Residential zones are listed in Table 3-2 with a “P”. These uses are allowed if they comply with the development standards and other regulations of this Code.
- B. Limited Uses. Uses that are allowed subject to specific limitations are listed in Table 3-2 with an “L”. These uses are allowed if they comply with the limitations listed in the footnotes to the table and the development standards and other regulations of this Code.
- C. Conditional Uses. Uses that are allowed if approved through the conditional use process are listed in Table 3-2 with a “C”. These uses are allowed provided they comply with the conditional use approval criteria, the development standards, and other regulations of this Code. The conditional use process and approval criteria are stated in §17.2.200.
- D. Not Permitted Uses. Uses listed in Table 3-2 with an “N” are not permitted or prohibited. Existing uses may be subject to the regulations of §17.7.100 Nonconforming Development.
- E. Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for accessory uses and all development standards.

**TABLE 3-2
Residential Zones: Use Table**

USE CATEGORY	SR	R-10	R-7	R-5	RML RM	RMH RH
RESIDENTIAL						
Household Living	P	P	PP	P	P	P
Group Living	L ^[1]	L^[1]	L^[1]	L ^[1]	L ^[1]	L ^[1]
Transitional Housing	N	N	NN	N	C	C
Home Occupation	L ^[2]	L^[2]	L^[2]	L ^[2]	L ^[2]	L ^[2]
Bed and Breakfast	L ^[3]	L^[3]	L^[3]	L ^[3]	L ^[3]	L ^[3]
HOUSING TYPES						
Single Units, Detached	P	P	P P	P	P	L ^[4]
Single Units, Attached/ <u>Townhouses</u>	L ^[5]	L^[5]	P L^[5]	P L^[5]	P	P
Accessory <u>Dwelling</u> Units	L^[6]	L^[6]	P L^[6]	A L^[6]	A L^[6]	A L^[6]
Duplexes	P L^[5]	L^[5]	P L^[5]	P L^[5]	P	P
<u>Triplexes</u>	P	--	P	P	P	P
<u>Quadplexes</u>	P	--	P	P	P	P
<u>Cottages/Cottage Clusters</u>	P	--	P	P	P	P
<u>Courtyard Dwellings</u>	P	--	P	P	P	P
Manufactured Homes <u>on Lots</u>	L ^[7]	L^[7]	L^[7]	L ^[7]	L ^[7]	L ^[7]
Manufactured Home Park	N	C	CC	C	C	C
Multi-Family Units <u>(five or more units)</u>	N	N	NN	N	P	P
CIVIC / INSTITUTIONAL						
Basic Utilities	P	P	PP	P	P	P
Major Utility Transmission Facilities	C	C	CC	C	C	C
Colleges	C	C	CC	C	C	C
Community Recreation	P/C ^[8]	P/C^[8]	P/C/P/C^[8]	P/C ^[8]	P/C ^[8]	P/C ^[8]
Cultural Institutions	C	C	CC	C	C	C
Day Care	L ^[9]	L^[9]	L^[9]	L ^[9]	L ^[9]	L ^[9]
Emergency Services	C	C	CC	C	C	C
Postal Services	N	N	NN	N	N	N
Religious Institutions	C	C	CC	C	C	C
Schools	C	C	CC	C	C	C
Social/ Fraternal Clubs / Lodges	N	N	NN	N	N	C

<u>COMMERCIAL</u>	N	N	N	N	N	N
Commercial Lodging	N	N	N	N	N	N
Eating and Drinking Establishments	N	N	N	N	N	N
Entertainment – Oriented:	N	N	N	N	N	N
- Major Event Entertainment	N	N	N	N	N	N
- Outdoor Entertainment	N	N	N	N	N	N
- Indoor Entertainment	N	N	N	N	N	N
General Retail:	N	C^[10]	C^[10]	C ^[10]	C ^[10]	C ^[10]
- Sales – Oriented	N	N	N	N	N	N
- Personal Services	N	N	N	N	N	N
- Repair – Oriented	N	N	N	N	N	N
- Bulk Sales	N	N	N	N	N	N
- Outdoor Sales	N	N	N	N	N	N
- Animal – Related	N	N	N	N	N	N
Medical Centers	N	N	N	N	N	N
Motor Vehicle Related:	N	N	N	N	N	N
- Motor Vehicle Sale / Rental	N	N	N	N	N	N
- Motor Vehicle Servicing / Repair	N	N	N	N	N	N
- Motor Vehicle Fuel Sales	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	N

INDUSTRIAL						
Industrial Services	N	N	N	N	N	N
Manufacturing and Production:						
- Light Industrial	N	N	N	N	N	N
- General Industrial	N	N	N	N	N	N
Call Centers	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N
Warehouse / Freight Movement	N	N	N	N	N	N
Waste – Related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
OTHER						
Agriculture / Horticulture	L ^[11]	N				
Cemeteries	P	P	P	P	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Wireless Communication Facilities	L ^[12]					
Self-Service Storage	N	N	N	N	N	N
Information Centers	N	N	N	N	N	N
Office	N	N	N	N	N	N

P = Permitted L = Limited C = Conditional Use N = Not Permitted

Table Footnotes:

- [1] Group living with five (5) or fewer residents permitted by right; group living with six (6) or more residents requires conditional use approval.
- [2] Home occupation permitted as an accessory use in all residential zones, subject to compliance with the home occupation standards in Article 7.
- [3] Bed & Breakfast Inn limited to five (5) guest rooms in the SR, ~~R-10, R-7, R-5~~ ~~RL~~ ~~R-7, R-5~~ and ~~RM~~ zones and ten (10) guest rooms in the ~~RMH~~ zone, subject to compliance with the Bed & Breakfast Inn standards in Article 7.
- [4] To preserve ~~RMH~~ land for development of multi-family housing, new detached single-family units unit homes (including manufactured homes) shall only be allowed on existing lots of record smaller than 5,000 square feet.
- ~~[5] For subdivision of twenty (20) or more lots, eight percent (8%) of the lots may be developed as duplex or single family attached lots. An increase of up to maximum of twenty percent (20%) may be approved by the Director if the criteria in §17.3.130(E) are adequately addressed.~~
- ~~[5][6]~~ Accessory dwelling units –including manufactured homes - are allowed in conjunction with a single-family dwelling in any residential zone, subject to compliance with the accessory dwelling unit standards in Article 7. Manufactured home ADUs are prohibited in historic districts.
- ~~[6][7]~~ Manufactured homes on individual lots are permitted except within national historic districts, subject to compliance with the standards in Article 7. Manufactured homes are prohibited within a national historic district.

| ~~[7]~~~~[8]~~ Commercial recreation uses including trails, parks, playgrounds and open space are permitted uses and require a Type II process. Recreation centers and other facilities used by organized team sports require a Conditional Use Permit.

| ~~[8]~~~~[9]~~ A day care facility (care of up to 16 children) is permitted in all residential zones. A day care institution (care of more 16 children) requires approval of a conditional use permit in all residential zones. A non-resident day facility or day care institution requires approval of a conditional use permit in all residential zones.

| ~~[9]~~~~[10]~~ A neighborhood store, limited to a size of 2,000 square feet, is permitted with approval of a conditional use permit. No retail outlet regulated by the Oregon Liquor Control Commission - other than those operating under an Off-Premises Sales License - is allowed in any residential zone district. Stores must be located along a collector street.

| ~~[10]~~~~[11]~~ Agriculture uses such as truck farming and horticulture are permitted. Commercial agriculture uses including but not limited to marijuana grow sites for commercial or medical purposes as regulated by the State, and buildings and the keeping of livestock and poultry (other than ordinary household pets) are not permitted.

| ~~[11]~~~~[12]~~ Wireless communication facilities are regulated by the standards in Article 7.

**Table 3-10
Commercial and Mixed Use Zone Use Table**

USE CATEGORY	NC	CC	NMU
<u>RESIDENTIAL</u>			
Household Living	L ^[1]	L ^[2]	P/L ^[14]
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L ^[3]	L ^[3]	L ^[3]
Bed and Breakfast	L ^[4]	P	L ^[4]
<u>HOUSING TYPES</u>			
Single Units, Detached	N	N	L ^[18]
Single Units, Attached/ <u>Townhomes</u>	N	P	P
Accessory <u>Dwelling</u> Units	N	N	NP
Duplexes	N	P	P
<u>Triplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Quadplexes</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Cottages/Cottage Clusters</u>	<u>N</u>	<u>P</u>	<u>P</u>
<u>Courtyard Housing</u>	<u>N</u>	<u>P</u>	<u>P</u>
Manufactured Dwellings	N	N	N
Manufactured Dwelling Park	N	N	N
Multi-Family Units	P	P	P
Emergency Services	C	C	L ^[15]
Postal Services	C	P	L ^[15]
Religious Institutions	C	P	L ^[15]
Schools	C	C	L ^[15]
Seasonal Shelters	N	L ^[19]	N
Social/ Fraternal Clubs / Lodges	C	P	L ^[15]
USE CATEGORY	NC	CC	NMU
<u>COMMERCIAL</u>			
Commercial Lodging	N	L ^[5]	L ^[15]
Eating and Drinking Establishments	L ^[6]	P	L ^[15]
Entertainment – Oriented: - Major Event Entertainment	N	N	<u>N</u>

- Outdoor Entertainment	N	N	N
- Indoor Entertainment	N	P	L ^[15]
General Retail: - Sales – Oriented	L ^[7]	L ^[7]	L ^[15]
- Personal Services	P	P	L ^[15]
- Repair – Oriented	P	P	L ^[15]
- Bulk Sales	N	P	N
- Outdoor Sales	L ^[8]	L ^[8]	L ^[15]
- Animal – Related	N	P	N
Medical Centers	N	L ^[12]	N
Motor Vehicle Related: - Motor Vehicles Sale / Rental	N	L ^[9]	N
- Motor Vehicle Servicing / Repair	N	P	L ^[16]
- Motor Vehicle Fuel Sales	P ^[10]	P	N
Non-Accessory Parking	N	P	N
Office	L ^[17]	L ^[17]	L ^{[16] [17]}
Self-Service Storage	N	C	N
INDUSTRIAL			
Industrial Services	N	N	N
Manufacturing and Production: - Light Industrial	N	C ^[11]	N
- General Industrial	N	N	N
- Medical and Recreational Marijuana Processors and Production	N	N	N
Railroad Yards	N	N	N
Research and Development	N	N	N
Warehouse / Freight Movement	N	N	N
Waste – Related	N	N	N
Wholesale Sales	N	N	N
OTHER			
Agriculture / Horticulture	L	L	L
Cemeteries	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Wireless Communication Facilities	L ^[13]	L ^[13]	L ^[13]

§ 17.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

A. Residential Development Intensity/Densities/Number of Units

- (1) The City of Forest Grove regulates residential development primarily by lot coverage based on building setbacks, permissible maximum building height and minimum lot size. Density is calculated based on net site area. Within the density limits of each of the five residential zones, a variety of housing types and lot sizes are permitted. This approach allows more sites to be developed with the flexibility of a Planned Development. All residential subdivisions in the SR, R-5 and R-7 zoning districts are required to meet the following lot averaging requirements:

 - a. SR zone: Average of 43,560 square feet
 - b. R-5 zone: Average of 5,000 square feet
 - c. R-7 zone: Average of 7,000 square feet
- (2) Maximum density does not apply to accessory dwelling units, duplexes, triplexes and quadplexes, however, the following limits apply to the division of a primary lot:

 - a. Accessory Dwelling Units: maximum of one per single-unit detached dwelling
 - b. Duplex: maximum of two units per lot
 - c. Triplex: maximum of three units per lot
 - d. Quadplex: maximum of four units per lot
- (3) Duplex, triplex, and quadplex units may be placed on an individual secondary lot through a middle housing land division. For a middle housing land division only one unit is allowed for each secondary lot.
- (4) Cottage clusters shall have at least three cottage units per cottage cluster lot.
- (5) Townhouses shall have at least two attached units with individual lots created for each unit. The density for townhouse development shall not exceed 20 units per net acre. No more than six units may be attached in a townhouse development.

All residential subdivisions and multi-family developments are required to develop at a minimum of 80% of the targeted density.

~~B. Calculating Potential Densities~~

~~The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.~~

- ~~1. The Target Density is permitted outright.~~
- ~~2. The Minimum Density is required to ensure:~~
 - ~~a. Land is being used at the appropriate intensity planned for the area;~~
 - ~~b. Enough dwelling units can be developed to accommodate the projected need for housing; and~~
 - ~~c. Compliance with the Metro Functional Plan.~~
- ~~3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and the general public and/or provide affordable housing. Incentive Density is only allowed as part of a Planned Development (see §17.4.200).~~

Density Reductions Due to Slope

All densities (target, minimum and incentive) listed in Table 3-3 shall be reduced based on the slope of the property as shown below. Where a parcel has areas of different slopes, the property shall be divided up into areas of like slopes, and the reductions applied to those areas. If the areas of similar slopes do not fit into the categories below, the Director shall use a percentage reduction that is based on the slope to density reduction relationship expressed in Table 3-4 (For example, an area of 13% to 18% slope would receive a reduction of around 25%).

TABLE 3-4: Density Reduction for Slopes

For development sites over two (2) acres that have an average slope greater than 20% (see definition), development is only allowed through approval of a Planned Development.

~~D. Exemptions from Minimum Density Standards~~

- ~~1. Small Parcels. The minimum density standards set forth in Table 3-3 focus primarily on subdivisions and multi-family developments. The standards do not apply to individual single family building permits on existing parcels or to partitions or development on parcels smaller than one half (1/2) acre. The City does not want to inhibit infill development or require densities that are out of scale with~~

~~established neighborhoods with the application of minimum density standards to small parcels. However, this exemption does not reduce the target density allowed outright on parcels smaller than one-half (1/2) acre; it only removes the requirement for a minimum number of units.~~

~~E. Incentive Density~~

~~Planned Developments may request a density bonus up to a maximum of the Incentive Density shown in Table 3-3 and shall be based on the following discretionary criteria:~~

- ~~1. The availability and accessibility of public transportation, and/or connectivity improvements likely to result in reduced vehicular use.~~
- ~~2. How well natural resources such as streams, riparian areas and wetlands are protected, integrated into the design residential development, defined as a common area, and made accessible to as many individual parcels/units as possible.~~
- ~~3. How well common recreational areas are integrated into the design of the residential development, such that there is the maximum number of physical connections to lots and units, and visual connections to future dwelling sites.~~
- ~~4. Public accessibility and use of the common recreation area where appropriate, given the intended use of the area, linkage to future trails, etc.~~
- ~~5. Other design features, amenities, and/or improvements which can be shown (by use of built examples) to increase the value of the residential development for neighborhood residents and the general public and/or provide more affordable housing.~~

F. Minimum Lot Size and Dimensions (SR, R-10, R-7 and R-5 Zones)

~~Varied lot sizes and housing types are permitted and encouraged within the density ranges established for the SR, R-10, R-7 and R-5 Zones. As described above, the number of units allowed on a parcel is based on the target density allowed for the particular zone (See Table 3-3).~~

The City has established ~~base~~ minimum lot size and dimensional standards ~~that apply after the potential number of units has been determined. These standards~~ to ensure that each lot has enough area for a house, garage, setbacks and private outdoor area. To ensure that development can be built near to and oriented toward the street, a minimum width at the front setback line is required.

The minimum lot size is the smallest permissible size of a building lot. See Article 6 Land Divisions for additional lot development standards.

TABLE 3-5: Lot Dimensional Requirements (Low Density Residential R-5/R-7 Zones)¹

R-5 Zone

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Size</u>	<u>Minimum Lot Dimensions</u> ^[1]	
Single-Family Detached	<u>70% of average lot size</u> <u>3,500 square feet</u>	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
Manufactured Home	<u>70% of average lot size</u> <u>3,500 square feet</u>	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
Duplex	<u>5,000</u> <u>3,500</u> Square Feet	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
Single-family Attached/ <u>Townhouse</u>	<u>2,500 Square Feet</u> <u>1,500 square feet</u>	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet
<u>Triplex</u>	<u>5,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Cottage Cluster</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
<u>Courtyard Housing</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 60 feet</u>	<u>Width: 34 feet</u>
Other Uses	5,000 Square Feet	<u>15,000 square feet</u>	Depth: 60 feet	Width: 34 feet

Footnote: [1] Lot width is measured at the front building line.

R-7

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Maximum Lot Size</u>	<u>Minimum Lot Dimensions</u> ^[1]	
<u>Single-Family Detached</u>	<u>4,900 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Manufactured Home</u>	<u>4,900 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Duplex</u>	<u>4,900 Square Feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Single-family Attached/Townhouse</u>	<u>1,500 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 25 feet</u>

¹ Minimum and maximum lot sizes apply to land divisions. Parcels larger than the maximum lot sizes shown in Table 3-5 are allowed for purposes of phasing development or reserving land for open space or undevelopable tracts.

<u>Triplex</u>	<u>5,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Quadplex</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Cottage Cluster</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Courtyard Housing</u>	<u>7,000 square feet</u>	<u>15,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>
<u>Other Uses</u>	<u>5,000 Square Feet</u>	<u>5,000 square feet</u>	<u>Depth: 75 feet</u>	<u>Width: 50 feet</u>

G. Minimum Lot Size and Dimensions (RML and RMH Zones)

Varied lot sizes and housing types are permitted and encouraged within the density ranges established for the RML and RMH Zones. However, construction of new single family detached units is restricted to existing lots smaller than 5,000 square feet in the RMH Zone in order to retain land for multi-family housing. The following base minimum lot size and dimensional standards apply after the potential number of units has been determined using Table 3-3.

TABLE 3-6: Lot Dimensional Requirements
Moderate-to-High Density Residential RM and RH Zones

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Dimensions</u> ^[1]	
Single-family Detached	3,500 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 50 <u>35</u> feet
Manufactured Home	3,500 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 50 <u>35</u> feet
Duplex	4,200 <u>3,000</u> Square Feet	Depth: 70 feet <u>60 feet</u>	Width: 60 feet
Single-Family Attached/ <u>Townhome</u>	2,500 <u>1,500</u> Square Feet	Depth: 70 feet/ <u>65 feet with vehicular access from alley</u>	Width: 25 <u>20</u> feet
Single Family Attached (RMH Zone Only)	2,000 <u>2,000</u> Square Feet	Depth: 70 feet <u>65 feet</u> ²	Width: 20 feet
<u>Triplex</u>	<u>5,000 square feet</u>	Depth: 70 feet	Width: 50 feet
<u>Quadplex</u>	<u>7,000 square feet</u>	Depth: 70 feet	Width: 50 feet
<u>Cottage Cluster</u>	<u>5,000 square feet</u>	Depth: 70 <u>60</u> feet	Width: 50 <u>35</u> feet
<u>Courtyard Housing</u>	<u>5,000 square feet</u>	Depth: 70 feet	Width: 50 feet
Multi-Unit	7,000 Square Feet	Depth: 70 feet	Width: 100 feet
Other Uses	5,000 Square Feet	Depth: 70 feet	Width: 50 feet

Footnotes:

[1]

Lot width is measured at the front building line.

[2]

Depth allowed when vehicular access from a public alley

H. Setback Standards

Building setbacks have an important relationship to the character of the street. Because varied lot sizes and housing types are permitted in the residential zones, uniform setbacks are established to provide a consistent streetscape.

TABLE 3-7: Minimum Setback Requirements

<u>Housing Type</u>	<u>Front Yard to Dwelling</u>	<u>Front Yard to Garage/Parking Area</u>	<u>Interior Side Yard</u>	<u>Rear Yard</u>
<u>Single Unit Detached</u>	<u>14 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>15 feet</u>
<u>Duplex</u>	<u>14 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>15 feet</u>
<u>Single Unit Attached/Townhouse</u>	<u>12 feet</u>	<u>20 feet</u>	<u>0 feet common wall construction</u> <u>5 feet exterior wall at end of structure</u>	<u>0 feet adjacent to alley</u> <u>10 feet no alley</u>
<u>Triplex & Quadplex</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Cottage Clusters</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Courtyard Housing</u>	<u>12 feet</u>	<u>20 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Multi-Unit Structures</u>	<u>12 feet</u>	<u>14 feet</u>	<u>Buffer _____ yard required based on adjacent _____ use reference §17.8.425 (Table 8-2)</u>	<u>Buffer _____ yard required based on adjacent use reference §17.8.425 (Table 8-2)</u>

Footnotes:[1] ~~_____ The front yard setback (for the dwelling or dwellings) may be reduced to 14 feet when the front facade is designed for orientation to and visibility from the street as follows: The front facade is designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front facing window such that a person (if there were no vegetation) would be able to see 100% of their front property line.~~

[2] ~~On an infill lot in a developed neighborhood with established front yard setbacks that are less than the twenty (20) foot standard, the setback for the new dwelling(s) and the location of the garage shall match front yard setback of the existing dwellings and garage location on abutting lots. Setback compatibility shall be determined through building plan check review, and shall not require a land use application or approval of an adjustment.~~

[3] The side yard setback for attached single-unit family dwellings/townhomes shall be a minimum of zero (0) feet at common walls and five (5) feet or one (1) foot for each three (3) feet of building height at the eave line, from the end of the unit series. Unless approved by the Director, the dwellings shall be arranged on lots in a manner that the non-zero setback portion for one lot shall be adjacent to the non-zero setback portion on the adjoining lot in order to provide greater continuous open space.

[4] Accessory buildings (including accessory dwellings and detached garages) that do not exceed one (1) story in height shall not be located closer than five (5) feet to any side or rear property line.

[5] Attached garages which exit to an alley may have a minimum rear yard setback of five (5) feet.

- [6] A larger rear yard setback may be required for multi-family dwellings when the rear yard abuts a lower density residential zone. The need for a larger rear yard setback to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process. The screening and buffering standards of Article 8 will be used as guidelines.

I. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

1. Buildings in the SR, ~~R-10~~, R-7, R-5 and ~~RML~~ Zones are limited to a maximum height of two and one half (2 ½) stories or thirty-five (35) feet, whichever is less. Accessory buildings are limited to a maximum height of one and one-half (1 ½) stories or twenty-five (25) feet, whichever is less.
2. Buildings in the ~~R~~MH Zone are limited to a maximum height of three (3) stories or forty-five (45) feet, whichever is less. A step-down in building heights may be required for multi-family building(s) that abut a lower density residential zone. The need for a step down in building heights to provide privacy, access to sunlight and a transition between zones shall be evaluated in the Design Review Process.
3. A chimney, radio or television antenna, or device designed for the collection and/or generation of energy from the sun and/or wind may exceed the building height limit by a maximum of fifteen (15) feet.
4. Church steeples may exceed 35 feet in height through a Type II process. The maximum height is 15 feet above the building height limit in any location allowed by other requirements of the zone district. Church steeples may go to a maximum total height of 75 feet provided that setbacks of 1 foot for each 1 foot in height from the property line are maintained.

Figure 3-1
Step-down in Building Height



17.3.140 RESIDENTIAL DESIGN STANDARDS

All residential development is subject to the design standards found in §17.8.710.

LAND DIVISIONS

17.6.000 OVERVIEW OF ARTICLE 6

This Article guides what is often the first major step in the development process, how land is divided into blocks, lots and streets. Land divisions define the pattern of a community, which in turn may shape the character of the community. This Article establishes the procedures for lot line adjustments, expedited land divisions, partitions and subdivisions. The provisions of this Article should be read together with the General Development Standards of Article 8. In particular, the standards for Public Improvements that are applicable to all development, including land divisions, are addressed in Article 8.

Land divisions occur through either a partition or subdivision process.

- A partition procedure is used when three (3) or fewer units (generally referred to as “parcels”) are created in a calendar year and may or may not involve creation of a street. Partitions are reviewed through a two-step process.
- A subdivision is used when four (4) or more units (generally referred to as “lots”) of land are created in a calendar year. Subdivisions are also reviewed through a two-step process. Subdivision applications may include a concurrent request for Planned Development (PD) approval to permit greater flexibility in the design of the subdivision. Provisions for Planned Developments are addressed in Article 4.

The following list summarizes topics covered in this Article:

- General Provisions
- Expedited Land Divisions
- Lot Line Adjustments
- Partitions
- Subdivisions
- Land Division Standards
- Middle Housing Land Divisions

MIDDLE HOUSING LAND DIVISIONS

17.6.300 PURPOSE

——Middle housing land divisions are established to promote ownership opportunities for duplex, triplex, quadplex and cottage housing units as allowed under ORS 197.758(2) or (3).

17.6.305 PROCEDURE

(A) A tentative plan for a middle housing land division shall be reviewed under the Expedited Land Division process in §17.6.010;

(B) An application for a middle housing land division may be submitted at the same time as the submittal of an application for building permits for middle housing.

(C) An application for a middle housing land division may not be subject to procedures, ordinances, or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.

(D) The tentative approval of a middle housing land division is void if, and only if, a final partition or subdivision plat is not approved within three years from the date of the tentative plan approval.

17.6.310 REVIEW CRITERIA

——The Director shall approve or deny an application for a middle housing land division based on the following criteria:

(A) The proposal for development of middle housing complies with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758(5). Evidence shall be provided by the application demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines and notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code;

(B) Separate utilities are provided for each dwelling unit;

(C) Easements are shown on the site plan for:

1. Locating, accessing, replacing and servicing all utilities;
2. Pedestrian access from each dwelling unit to a private or public street;
3. Any common use areas or shared buildings;
4. Driveways or parking areas.

(D) Exactly one dwelling unit is allowed on each resulting lot or parcel. No dwellings are allowed on lots, parcels or tracts used as common areas.

17.6.315 CONDITIONS OF APPROVAL

(A) The Director may require a condition of tentative plan approval to prohibit the further division of the resulting lots or parcels.

(B) The Director shall require that a notation appear on the final plat indicating that approval was granted under this section as a middle housing land division.

(C) The Director may require street frontage improvements where a resulting lot or parcel abuts a street consistent with land use regulations implementing ORS 197.758.

(D) The Director may require the dedication of right-of-way if the original parcel did not previously provide such dedication.

(E) An application for a middle housing land division may not be subjected to approval criteria or conditions except as described above in this section including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

GENERAL EXCEPTIONS

17.7.050 EXCEPTIONS TO LOT SIZE, YARDS AND PROJECTIONS

- A. Exceptions to Lot Size and Dimension Requirements for Residential Use. If an existing lot in single ownership at the time of adoption of this Code does not meet minimum lot area or dimension requirements of the applicable residential zone, the lot may be occupied by a residential use permitted outright in the respective zone. If there is an area deficiency, the residential use shall be limited to a single-family residence.
- C. Projections into Required Yards. The following structures may project into required yards:
1. Unroofed paved terraces and wood decks less than three (3) feet in height may project into required side or rear yards.
 2. Unroofed landings and stairs may project into required front or rear yards.
 3. Window sills, belt courses, cornices, eaves, canopies, sunshades, gutters, leaders and similar incidental architectural features – excluding balconies and decks more than three (3) feet from ground level – may project not more than two (2) feet into any required yard.
 4. Chimneys shall not project more than two (2) feet into any required yard.
 5. No projections may encroach into or over any utility easement.

GENERAL DEVELOPMENT STANDARDS

17.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS

- A. Minimum Driveway Widths at the street right-of-way line shall be fifteen (15) feet for institutional, commercial, industrial, and multi-family residential ~~uses projects with at least five units~~, and ten (10) feet for ~~single-family single-unit detached and townhomes, and two-family residential uses duplex, triplex, fourplex and cottage clusters~~.
- B. Maximum Driveway Widths at the street right-of-way line shall be as follows:
1. In residential zones –
 - a. 24 feet for lots with less than 60 feet of street frontage
 - b. 30 feet for lots with street frontages of 60 feet or greater
 - c. There shall be a minimum distance of 30 feet between any two adjacent curb cuts on the same lot
 - e.d. Triplex and quadplexes on lots or parcels with frontages only on local streets may have either two driveway approaches not exceeding 32 feet in total or one maximum 16-foot wide driveway approach per frontage.
 - d.e. A maximum of one driveway approach is allowed for every single unit attached unit/townhouse. Driveway approaches and driveways may be shared provided reciprocal access easements are recorded.

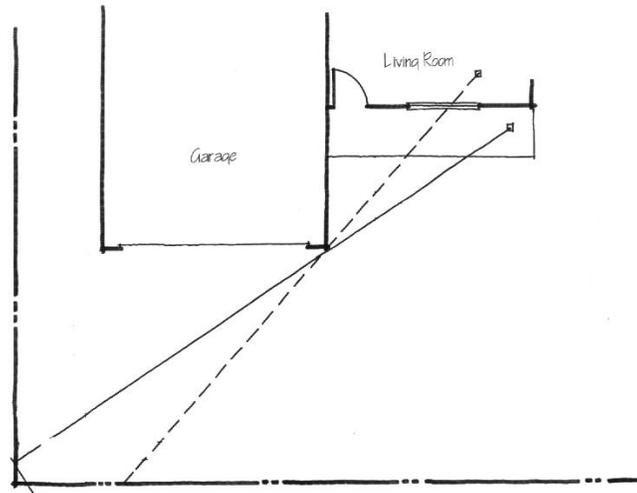
BUILDING DESIGN AND DEVELOPMENT STANDARDS

SECTION 17.8.710

~~Single-Family and Duplex~~ F. Single-Unit and Middle Housing Types E.—

1. Purpose. The purpose of the design standards is to ensure that new residential development has a positive influence on the livability and safety of surrounding neighborhoods. The standards are narrowly focused on improving the way that new residential buildings relate to the public right-of-way (streets, sidewalks and parkways).
2. Applicability
 - a. The standard relating to street connection is applicable to construction of ~~single-unit family~~ dwellings, townhouses, manufactured homes, ~~and duplexes, triplexes, and quadplexes on lots 9,000 square feet or smaller with an average slope of 12% or less.~~ The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. ~~The dwelling diversity standard is applicable to new subdivisions. Compliance with the design standards is checked during building plan review. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards. The standard relating to street connection is applicable to construction of single family dwellings, manufactured homes and duplexes on lots 9,000 square feet or smaller with an average slope of 12% or less. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. The dwelling diversity standard is applicable to new subdivisions. Compliance with the design standards is checked during building plan review.~~

Figure 8-17: Visual Surveillance Standard



3. General Standards

- a. Street Connection and Visual Surveillance Standard. ~~All habitable rooms facing a street shall have a window. The front facade shall be designed to provide a line of sight starting at a point five (5) feet above the floor and two (2) feet directly back from any Standard Front Porch (see definitions) or front-facing window such that a person, if there were no vegetation, would be able to see 100% of their front property line. The intent is to create a physical connection between the dwelling unit and the public sidewalk and/or street, and to allow the dwelling units occupants to see the public sidewalk and/or street for visual surveillance and crime prevention.~~
- b. Lot Diversity Requirement. ~~For subdivisions of six (6) lots or more, there shall be a variety of lot sizes, with at least a 50% increase between the smallest and largest lots.~~
- e. Dwelling Diversity Standard. ~~Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24 month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.~~

4. Building Façade and Elevation Standards

- a. No more than six (6) single family attached/townhouse units shall be allowed in series.

~~Duplex units within single family districts shall be designed and constructed to give the impression from the street of one single family unit or, one corner lots, or two different units facing different directions.~~

~~No more than thirty five percent (35%) of the front façade area of an attached single family or duplex unit shall be used for garage doors. Front elevations shall provide design variation to avoid repetition and create architectural interest. No building elevation shall have a horizontal or vertical blank wall section greater than fifteen feet (15').~~

~~5The Director may approve an increase of the allowable percentage of duplex or single family attached units within SR, R-10, R-7 or R-5 district if the following criteria are adequately addressed:~~

~~The location and placement of the duplex and townhouse units maintain the appearance and single-family character of the subdivision, especially in regards to adjacent single family development. Proposed duplex designs convey the appearance of single family units. For larger subdivisions, a number of different duplex designs would be required to justify the increase percentage. The units visibility to the street, for example by having front porches or provide vehicular or parking access from a back alley.~~

4. Duplex Design Standards

a. New duplexes shall meet all clear and objective standards that apply to detached single unit dwellings in the same zoning district.

b. Conversion of an existing detached single unit dwelling to a duplex is allowed provided the conversion meets building codes and does not create nonconformance with applicable clear and objective development standards.

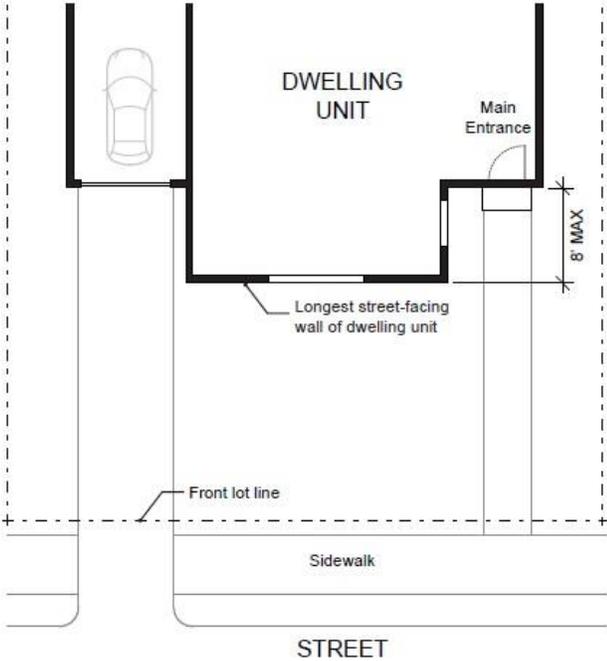
5. Triplex and Quadplex Design Standards

a. Entry Orientation: At least one main entrance for each triplex or quadplex structure must meet the following standards:

1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and the entrance must either:

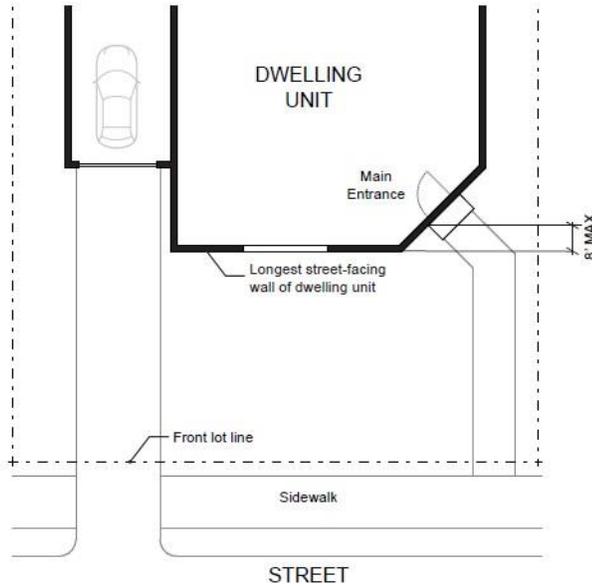
i. Face the street as shown by the figure below

Figure 8-17: Dwelling Unit Entrance



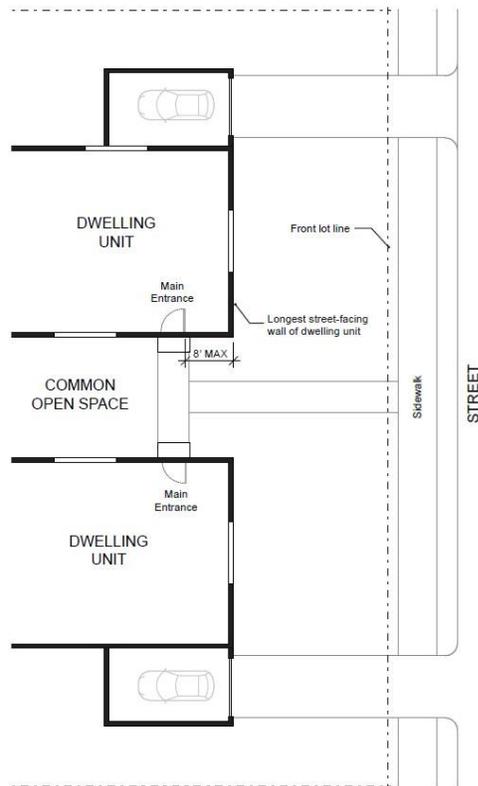
ii. Be at an angle up to 45 degrees from the street as shown by the figure below.

Figure 8-18: Dwelling Unit Entrance



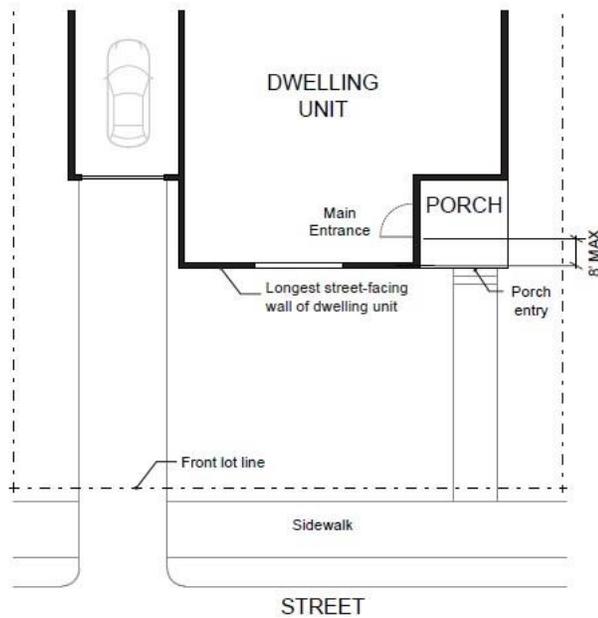
iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or

Figure 8-19: Common Open Space



iv. Open onto a porch. The porch must be at least 25 square feet in area and have at least one entrance facing the street.

Figure 8-20: Front Porch



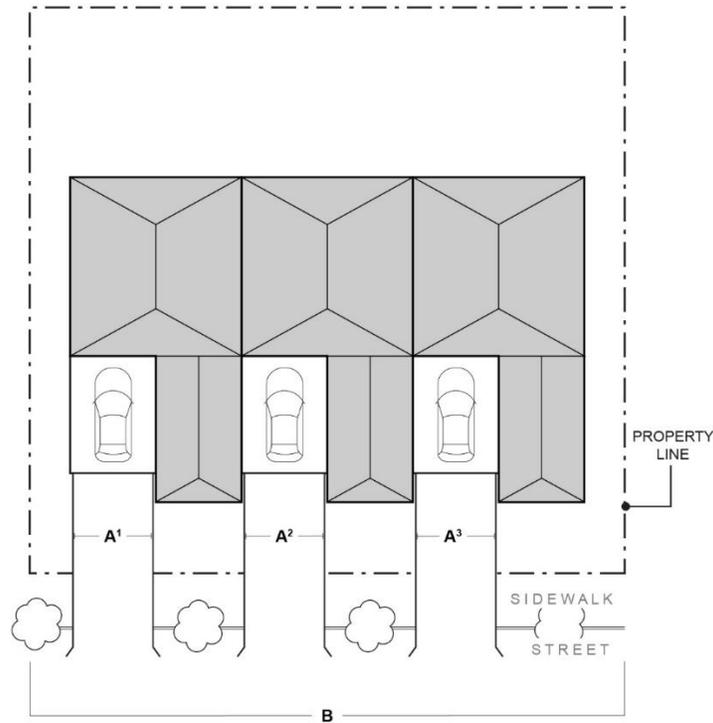
b. Windows: A minimum 15% of the area of all street facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from this standard.

Figure 8-21: Street Facing Façades



c. Garages and Off-Street Parking Areas: The combined width of all garages and outdoor on-site parking and maneuvering area does not exceed a total of 50 percent of the street frontage.

Figure 8-22: Garages and Off-Street Parking



- A** Garage and on-site parking and maneuvering areas
- B** Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

d. Internal conversion of an existing detached single unit structure or duplex is allowed provided the conversion meets building codes and does not create nonconformance with clear and objective development standards.

6. Townhouse Design Standards

a. Entry Orientation: At least one main entrance for each townhouse unit must meet the following standards:

1. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and the entrance must either:

i. Face the street as shown by the figure below

ii. Be at an angle up to 45 degrees from the street as shown by the figure below.

iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or

iv. Open onto a porch. The porch must be at least 25 square feet in area and have at least one entrance facing the street.

b. Windows: A minimum 15% of the area of all street facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from this standard.

c. Driveway Access and Parking:

i. A maximum of one (1) driveway approach is allowed for each townhouse unit.

ii. Outdoor on-site parking and maneuvering areas shall not exceed the lesser of 12 feet wide on any lot or 50% of the lot frontage.

iii. The width of garage entrances shall not exceed 12 feet as measured from the inside of the garage door frame.

iv. A townhouse unit on a corner lot shall take access from a single driveway approach.

v. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access.

vi. Townhouses adjacent to an alley shall take vehicular access only from the alley.

d. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade:

i. A roof dormer a minimum of 4 feet in width, or

ii. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or

iii. A bay window that extends from the façade a minimum of 2 feet, or

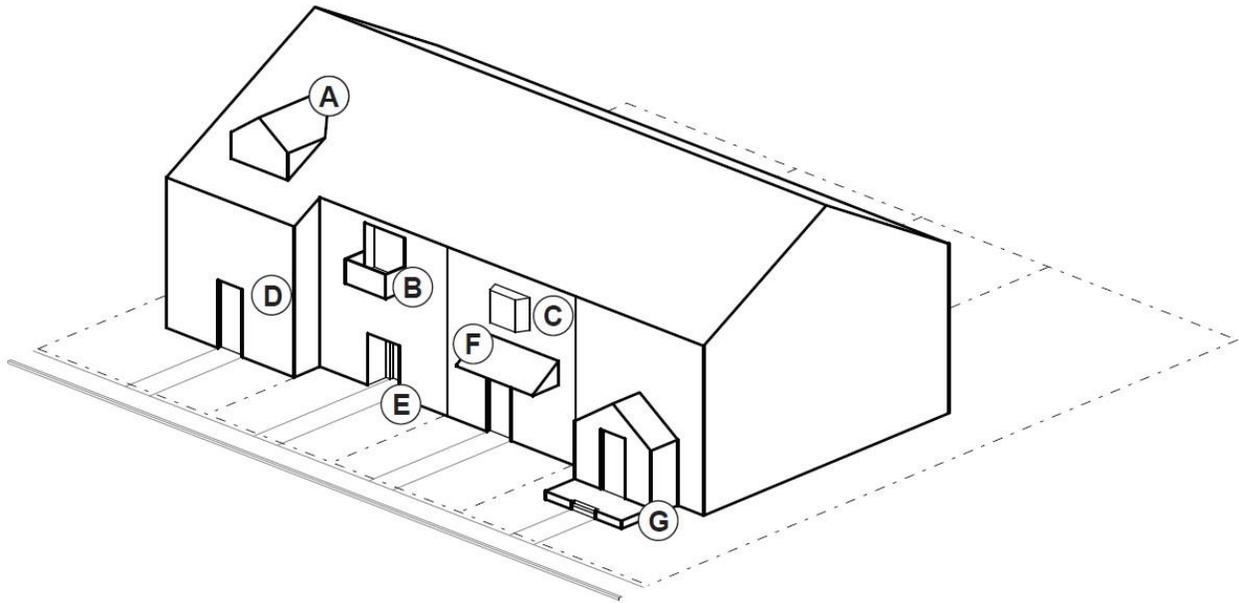
iv. An offset of the façade a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or

v. An entryway that is recessed a minimum of 3 feet, or

vi. A covered entryway with a minimum depth of 4 feet, or

~~i.~~vii. A porch of at least 25 square feet in area with at least one entrance facing the street or have a roof.

Figure 8-23: Unit Definition



- Ⓐ Roof dormer, minimum of 4 feet wide
- Ⓑ Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- Ⓒ Bay window extending minimum of 2 feet from facade
- Ⓓ Facade offset, minimum of 2 feet deep
- Ⓔ Recessed entryway, minimum 3 feet deep
- Ⓕ Covered entryway, minimum of 4 feet deep
- Ⓖ Porch, meets standards of subsection (1)(b)(iv) of section (C)

7. Cottages and Cottage Clusters

a; Cottage Orientation: Cottages must be oriented around a common courtyard or must be connected to the courtyard by a pedestrian path at least five feet in width.

b. A minimum of 50 percent of cottages with a cluster must be oriented toward the common courtyard and must:

i. Have a main entrance facing the common courtyard;

ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

iii. Be connected to the common courtyard by a pedestrian path at least five feet in width.

iv. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path at least five feet in width that is directly connected to the common courtyard.

c. Common Courtyard Design Standards: Each cottage cluster must share a common courtyard. Common courtyards must meet the following standards:

i. The common courtyard must be a single, contiguous piece.

ii. Cottages must abut the common courtyard on at least two sides of the courtyard.

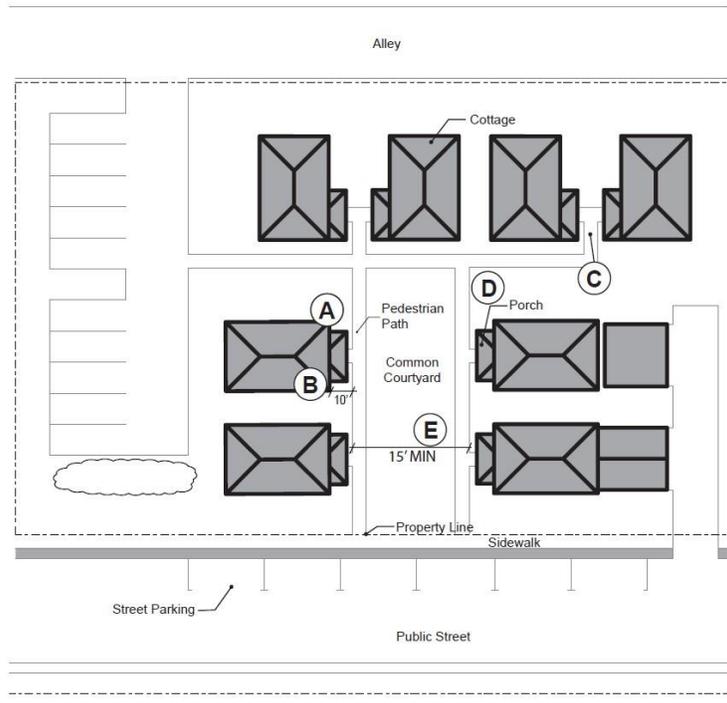
iii. The common courtyard must contain a minimum of 150 square feet per cottage.

iv. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

v. The common courtyard shall be improved with a mix of landscaping, lawn area, pedestrian paths and/or paved area. The common courtyard may also include recreational amenities. Impervious elements of a common courtyard shall not exceed 75 percent of the total common courtyard area.

vi. Pedestrian paths must be included in a common courtyard area. Paths that are contiguous to a courtyard may count toward the courtyard's minimum dimension and area. Parking areas, required setback areas, and driveways do not qualify as part of a common courtyard.

Figure 8-24: Common Courtyard Design



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at it narrowest width.

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

- a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area.
- b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to

cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

4. Pedestrian Access.

a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

i. The common courtyard;

ii. Shared parking areas;

iii. Community buildings; and

iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.

6. Parking Design.

a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.

iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.

iv. Clustered parking areas may be covered.

b. Parking location and access.

i. Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street property line, except alley property lines;
- Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

c. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

d. Garages and carports.

i. Garages and carports (whether shared or individual) must not abut common courtyards.

ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

iii. Individual detached garages must not exceed 400 square feet in floor area.

iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

7. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

8. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

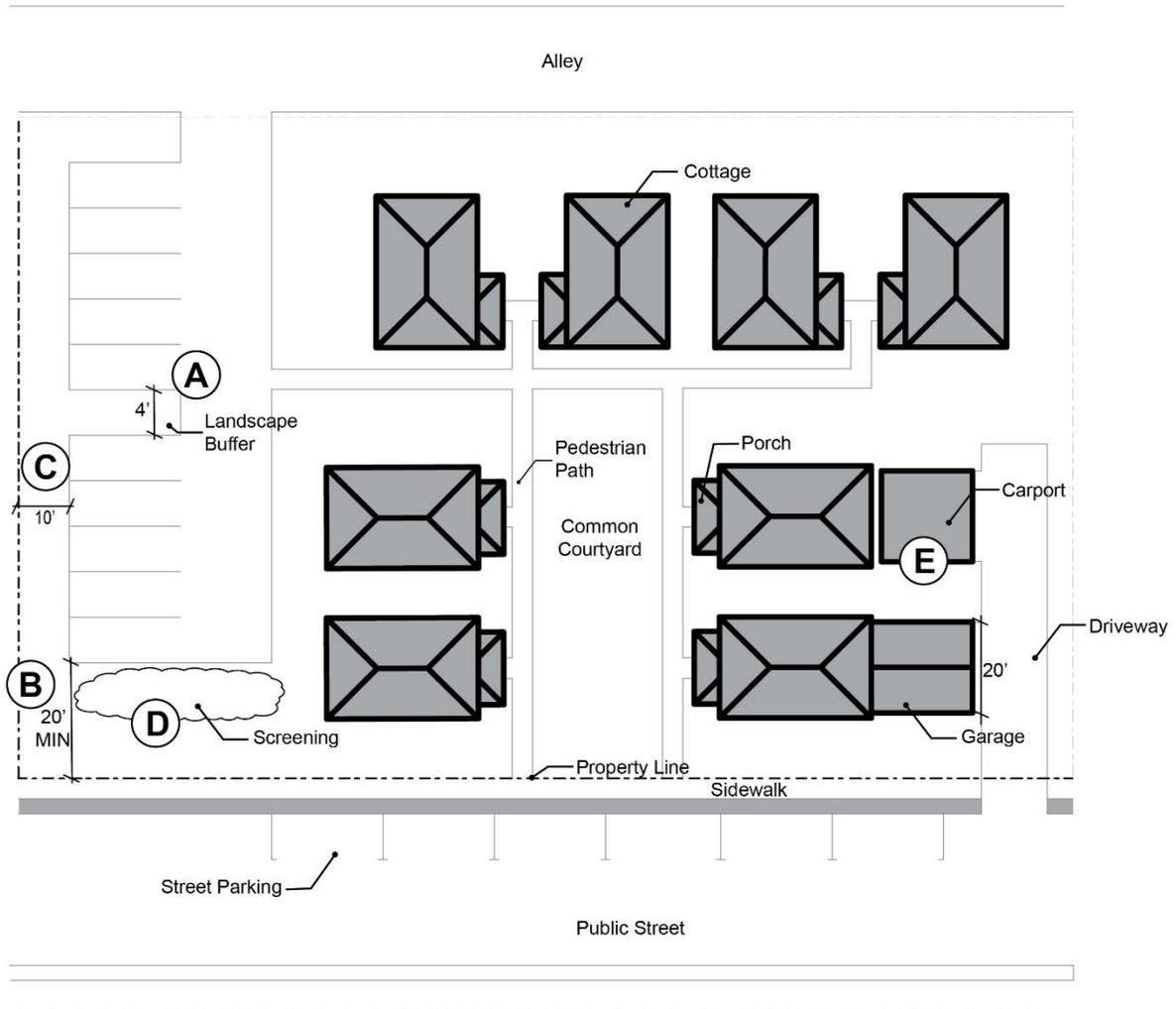
a. The existing dwelling may be nonconforming with respect to the requirements of this code.

b. The existing dwelling may be expanded up to the maximum height in subsection (B)(4) or the maximum building footprint in Chapter 1, subsection (B)(1); however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.

c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (C).

Figure 8-25: Cottage Cluster Parking Design



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

TABLE 8-4: Parking Requirements

LAND USE	MINIMUM PARKING REQUIRED	MAXIMUM PARKING ALLOWED	
		Parking Zone A	Parking Zone B
RESIDENTIAL			
Household Living - Single Units, Attached/ <u>Townhomes</u>	See Multi-Family <u>1.0 / DU</u>	None	None
- Single Units, Detached	1.0 / DU	None	None
- Accessory <u>Dwelling</u> Units	1.0 / DU <u>None</u>	None	None
- Duplexes	1.0 / DU	None	None
<u>-Triplexes</u>	<u>3.0 / development</u>		
<u>-Quadplexes</u>	<u>4.0 / development</u>		
<u>-Cottage Clusters</u>	<u>1.0 / DU may be provided for individual units or in shared parking areas.</u>		
<u>Courtyard Housing</u>	<u>1.0/DU may be provided for individual units or in shared parking areas.</u>		
- Multi-Family Units (outside the Town Center)	DU<500 sq. ft: 1.0 / DU 1 bedroom: 1.25 / DU 2 bedroom: 1.50 / DU 3 bedroom: 1.75 / DU	None	None
- Multi-Family Units (Within the Town Center)	DU<500 sq. ft: 0.5 / DU 1 bedroom: 0.75 / DU 2 bedroom: 1.25 / DU 3 bedroom: 1.75 / DU	None	None
- Manufactured Units	1.0 / DU	None	None
- Mobile Home Parks	1.0 / DU	None	None
Group Living	1.0 / room	None	None

	1.0 / 2.5 beds	2.7 / 1,000 ^[2]	
Transitional Housing	1.0 / 2.5 beds	None	None
Home Occupation	None	None	None

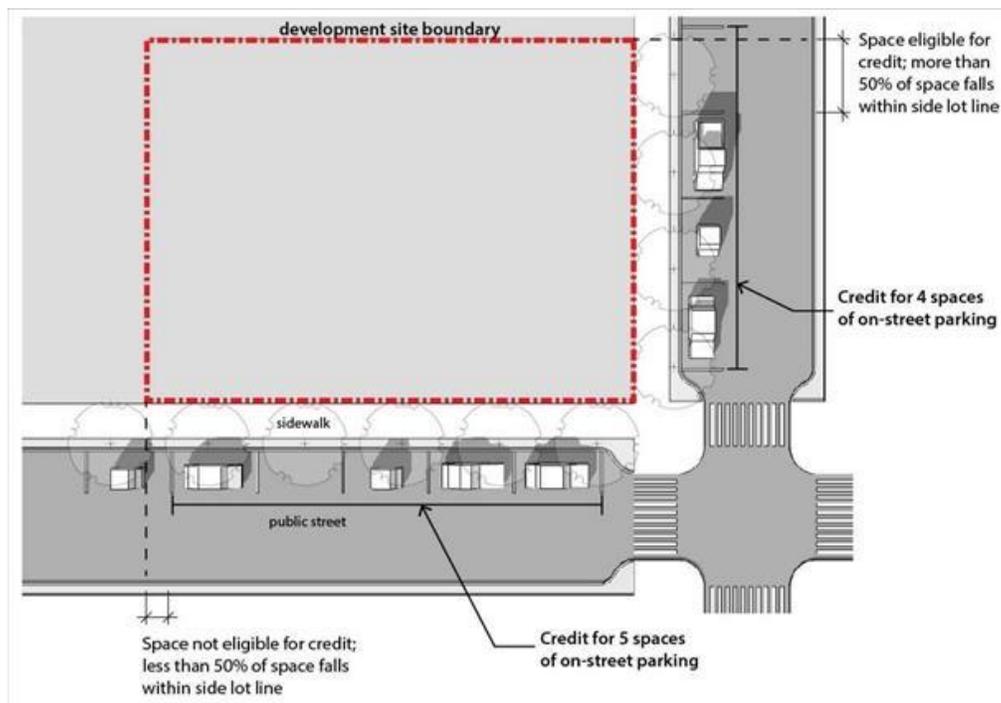
17.8.515 OFF-STREET PARKING REQUIREMENTS

H. Eligible Parking. Parking spaces available along the public street frontage or alleys are eligible in fulfilling up to 50% of the off-street parking requirements, except for single-family dwellings and duplexes, if the following standards are met:

- i. The space must be abutting the subject site
- ii. The space must be in a location where on-street parking is allowed
- iii. The space must be a minimum 22 feet long; and
- iv. The space must not obstruct a required sight distance area.

On-street parking spaces credited for a specific development or use may not be used exclusively by that development or use but must be available for the general public. Signs or actions limiting general public use of on-street spaces are prohibited.

Figure 8-26: Credit for On-Street Parking



17.8.520 REDUCTION OR MODIFICATION OF OFF-STREET PARKING REQUIREMENT

A. Parking Reductions Allowed By Right. The following reductions of minimum required parking may be taken by right. Reductions provided below may not be taken jointly. The reductions allowed by this section may not be used in conjunction with the reductions allowed by subsection (B) below. In determining walking distance, the shortest distance measured along sidewalks, improved pedestrian ways, or streets, where side-walks or improved pedestrian ways are not present, shall be used. Walking distance shall be measured from the point on the subject lot located nearest to the transit stop along the shortest course.

1. Parking for multifamily, commercial and industrial uses may be reduced by 10% providing the development is within 500-foot ¼ mile walking distance of a transit stop frequent transit service with at least 20 minute headways.
2. ~~Parking for multifamily uses may be reduced by 10% providing the development is within 500-foot walking distance of a transit stop.~~ Parking facilities may be reduced to the extent necessary to accommodate transit stop and shelters.

LAND DIVISION STANDARDS

17.8.905 STANDARDS

A. Block Design

1. The length, width and shape of blocks shall be designed with due regard to providing ~~adequate~~ building sites that comply with the lot dimensional standards in Article 3 for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography and development standards in Article 8.
2. Blocks ~~shall have sufficient width to provide for two tiers of lots of appropriate depths, except where blocks are adjacent to an arterial, a railroad, or waterway, and~~ shall meet the following standards:

B. Block Length and Perimeter

1. ~~The layout of streets shall not create excessive travel lengths.~~ Block lengths shall be a maximum of 500 feet and block perimeters shall be a maximum of 1,200 to 1,600 feet. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Block perimeter is defined as the sum of the block lengths of all sides of a block.
2. In residential subdivisions and mixed-use developments, no block shall be more than 330 feet in length. This length can be exceeded up to a maximum length of 660 feet under Block Length Exceptions below.

C. Block Length Exceptions. An exception to the block length standard may be permitted during the land division review when one of more of the following conditions exists:

1. Physical conditions ~~that~~ preclude development of a public street. ~~In certain situations where the physical features of the land create severe constraints, or natural features should be preserved, exceptions may be made.~~ Such conditions ~~may~~ include, ~~but are not limited to,~~ topography, wetlands, mature trees, creeks, drainages, and rock outcroppings.
2. Buildings or ~~other~~ existing development on adjacent lands ~~that~~ preclude a street connection. ~~now or in the future, considering the potential for redevelopment.~~
3. ~~Barriers such as freeways~~ Highways or railroads preclude street connections.
4. Average slope of the block exceeds 15%, ~~the additional block length is the minimum necessary to address characteristics of the site,~~ and the tangent of the roadway centerline does not vary more than 30 degrees transverse to the slope contours.

5. Where an existing public street or streets terminating at the boundary of the development site have a block length exceeding 500 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 500 feet. ~~In such cases, the block length shall be as close to 500 feet as practical.~~

D. Pedestrian Ways

1. Off-street pedestrian ways shall be connected to the street network and used to provide pedestrian and bicycle access in situations where a street is not ~~feasible~~ provided. In cases where a street connection is feasible provided, off-street pedestrian ways shall not be permitted in lieu of a ~~traditional standard~~ streets with sidewalks.
2. When block lengths exceed 500 feet, a pedestrian way of not less than ten (10) feet in width shall be dedicated to provide pedestrian access thorough the block, or to provide access to schools, parks, designated open areas, or other public areas. Such pedestrian ways shall be improved with hard surface material with an appropriate base to a minimum width of five (5) feet prior to issuance of any building permit for construction within the subdivision.
3. Sidewalks and/or pedestrian ways shall be designed according to City standards or specifications on file at the City.
4. Designated crosswalks across streets may also be required by the Director near the center of blocks that are over 500 feet in length.

E. Easements

1. Easements of ten (10) feet in width shall be provided along the front lines of all lots or parcels for public utilities and sidewalks. Larger easements may be ~~required~~ necessary to comply with adopted agency policies. ~~where necessary~~. The City or other appropriate public agency shall be empowered to enter upon such easement for construction or maintenance of public utilities, and to remove, if necessary, any fence, tree, shrubbery or other obstruction, which may have been located within the easement.
2. Where a land division contains a watercourse or area serving for the accumulation or retention of surface water, easements shall be provided for such watercourses or retention area to ensure that no building or structure shall be erected therein.
3. Where the alignment of a utility easement (other than required perimeter easements) is such that it would also serve as suitable an easement for originating or continuing a pedestrian/bicycle path, ~~the Director may require that~~ such an easement shall be designated on the plat as serving both functions. In such cases, the minimum easement width shall be ten (10) feet and the pedestrian/bicycle path shall be improved with a hard surface to a minimum width of eight (8) feet.

F. Lots, Parcels and Common Areas

The size, dimensions, and orientation of lots and parcels shall be ~~appropriate for the location of the subdivision or partition, for the type of development and use contemplated, and shall be~~ consistent with all applicable standards of this Code and the following:

1. Lot and Parcel Side Lines. The side lines of parcels in partitions shall run at right angles to the street upon which they face, ~~to the maximum extent feasible~~, and on curved streets shall be radial to the curve, ~~wherever possible~~. The side lines of lots in subdivisions need not run at right angles to the abutting street, but may be laid out at any ~~suitable~~ angle to satisfy the solar access standards of §17.5.400, ~~and to allow for a suitable subdivision design for the type of development and use contemplated~~.
2. Frontage. Each lot and parcel shall have a minimum frontage on a public ~~or private~~ street of at least twenty ~~(20)~~ (15) feet with ~~the following exception~~ two exceptions:
 - a. A lot or parcel on the radius of a curved street or on the circular end of a cul-de-sac shall have frontage of not less than thirty (30) feet upon the abutting street right-of-way measured on the arc.
~~a. Where a flag lot is proposed and the access strip is serving only one lot, the frontage shall be not less than fifteen (15) feet.~~
3. Through Lots and Parcels. Through lots and parcels are prohibited, except ~~where they are necessary~~ to provide separation of development from arterial streets or adjacent ~~incompatible~~ activities or developments. In such cases, the Director ~~may shall~~ require ~~that~~ evergreen screening, a masonry wall, a landscaped earth berm, and/or a non-access easement ~~be provided~~ along the line of lots or parcels abutting ~~such~~ an arterial street or other ~~incompatible~~ uses.
4. Future Subdivision or Partition of Lots or Parcels. Where a subdivision or partition will result in a lot or parcel of one-half (½) acre or larger in size which ~~in the judgment of the Director is likely to could~~ be further divided ~~in the future, the Director may require that~~ the location of lot and parcel lines ~~and other details must~~ allow for efficient future division without violating the requirements of this Code and without interfering with the ~~orderly~~ extension of adjacent and abutting streets. ~~The Director may also require that restrictions concerning locations of buildings within future street locations and vehicular access to lots or parcels be made a matter of record if deemed necessary for permitting the efficient subsequent division of the land.~~
5. Subsequent Flag Lots. Land partitions are prohibited within subdivisions for a period of five (5) years after the date of final plat approval, unless the land is shown as a future development area on the final plat.

6. Lot Access to Resource Areas. For subdivisions, ~~significant-protected~~ natural resources ~~such as streams, riparian areas, and wetlands~~ shall be ~~protected~~, integrated into the design of the subdivision, and platted as a common area, ~~and made accessible to as many individual parcels as possible~~.

G. Public Use Areas

1. Dedication Requirements.

- a. Where a proposed park, playground or other public use shown in a ~~development master~~ plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of such area within the subdivision.
- b. Where ~~considered desirable by the City in accordance with consistent with~~ adopted comprehensive plan policies, and where a ~~development master~~ plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision ~~or sites of a character, extent and location suitable~~ for the development of parks and other public use.

2. Acquisition By Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, such land shall be acquired by the appropriate public agency within eighteen (18) months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.

USE CATEGORIES & DEFINITIONS

§ 17.12.210 MEANING OF SPECIFIC WORDS AND TERMS

B. 11 Building footprint. Means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.

C3. Carport. A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.

C10. Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

C11 Common wall. A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

C18 Cottage cluster project. A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

D8. Dwelling-Related Definitions:

- a. Dwelling - A structure or portion thereof that is used for human habitation including permanent provisions for living, sleeping, eating, cooking and sanitation.
- b. Accessory Dwelling Unit – An interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.
- c. Apartment Or Multiple-Family Dwelling - A structure containing at least ~~three (3)~~ five (5) dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single-family attached building types on two (2) or more contiguous lots.
- d. Cottage – An individual dwelling unit that is part of a cottage cluster
- e. Cottage cluster – means a grouping of no fewer than three detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster

housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

f. Courtyard housing. Single-unit detached dwellings oriented around a common courtyard with a building footprint between 900 square feet and 1,400 square feet.

dg. Duplex – Two dwellings on a lot or parcel in any configuration. In instances where a development can meet the definition of a duplex and also meet the definition of a primary dwelling unit with an accessory dwelling unit (ADU) the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU. Duplexes may be on individual lots if approved through a middle housing land division.

h. Middle housing. Duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

ej. Single-Family Unit Dwelling:

(1) Attached Dwelling - Two (2) or more dwelling units, including townhouses, attached side by side on two (2) or more contiguous, separate lots with some structural parts in common at a common property line.

(2) Detached Dwelling - One (1) dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot.

(3) Manufactured Dwelling - Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. §5401), commonly known as the U.S. Department of Housing and Urban Development (HUD) code.

j. Townhouse - A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” or “common-wall house.”

k. Triplex - Three dwelling units on a lot or parcel in any configuration.

l. Quadplex - Four dwelling units on a lot or parcel in any configuration.

L2 Primary Lot: The original lot or parcel subject to a partition or subdivision application.

L2 Secondary Lot: A lot created through a middle housing land division.

M4 Middle housing land division. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under Oregon Revised Statutes 197.758(2) or 197.758(3).

S6 Site area. The total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.

S10 Story. A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story: (1) A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point; (2) An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

T4 Townhouse project. One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

W5 Window area. The aggregate area of the glass within each window, including any interior grids, mullions, or transoms.

Z1 Zoned for residential use. A zoning district in which residential dwellings are the primary use and which implements a residential Comprehensive Plan map designation. This excludes lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single family dwellings.

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EXHIBIT B
Required Findings
Statewide Planning Goal 1 (Involvement) Findings

Goal 1: To develop an involvement program that ensures the opportunity for involvement in all phases of the planning process.

Under Goal 1, the general public, through the local public involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land use plan. In addition, Goal 1 states the public shall have the opportunity to be involved in the preparation of plans and implementation measures, plan content, plan adoption, minor changes and major revisions in the plan and implementation measures.

The Forest Grove Development Code implements the Forest Grove Comprehensive Plan which implements the Oregon Statewide Land Use Planning applicable to urban areas. To guide the City's approach to Code amendments needed to comply with HB 2001 and SB 458, the Forest Grove Planning Commission established a subcommittee. The subcommittee included three Planning Commission members, a City Councilor, a non-profit home builder, a market-rate homebuilder, and an architect. The subcommittee held three meetings providing an opportunity for in-depth review of HB 2001, the applicable Oregon Administrative Rules, the HB 2001 mode code prepared by the Oregon Department of Land Conservation and Development and approved by the Land Conservation and Development Commission, and SB 458. Through the process the subcommittee reached consensus on draft Development Code amendments to comply with HB 2001 and SB 458.

In addition to the Planning Commission subcommittee the City provided opportunities for broader community input into the Code amendments. Outreach included:

- A virtual open house with information on the City's webpage.
- Online survey
- Written materials in English and Spanish
- Social media announcements
- Online comment form
- Televised work sessions with the Forest Grove Planning Commission and City Council.

The draft code amendment package was also circulated to homebuilders working in Forest Grove and Portland Metropolitan Homebuilders Association to gain their perspective before presenting the amendments to the Planning Commission and City Council for adoption.

Statewide Planning Goal 10 (Housing) Findings

Goal 10: To provide for the state's housing needs.

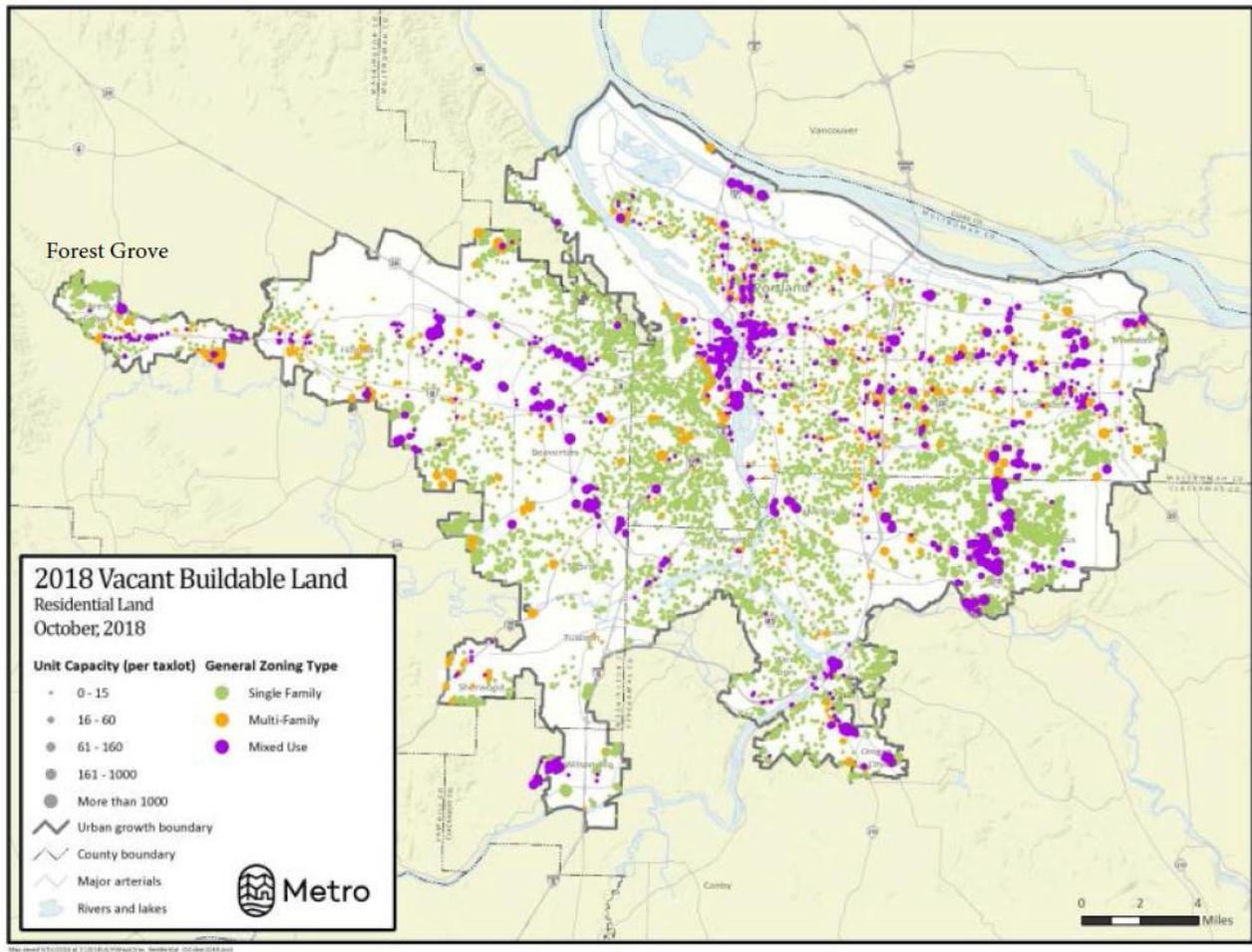
Goal 10 and associated Oregon Administrative Rules and Oregon Revised Statutes. As stated in the Oregon Administrative Rules (OAR 660-008) The purpose of Goal 10 is to assure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing. This is what HB 2001 and the recommended Forest Grove Development Code amendments strive to achieve.

The administrative rules and statutes establish requirements for compliance with Goal 10. This includes a buildable land inventory (BLI). The BLI identifies lands in urban and urbanizable areas suitable, available and necessary for residential use. The Forest Grove BLI was completed in 2018. An overview of the Forest Grove BLI is provided below.

Buildable Land Inventory (BLI) Findings

The most recent buildable land inventory (BLI) for the City was completed in 2018. At that time approximately 240 acres of vacant land were designated for residential development. The map below prepared for the Metro Urban Growth Report shows vacant buildable land for single-family, multifamily and mixed use development.

Vacant Residential Map



Since 2019 the City issued a total of 574 building permits for residential development. Of this total, 341 permits were issued for single-unit homes, 227 permits for multi-unit homes, 4 permits for manufactured homes and 2 permits for accessory dwelling units.

Based on the number and type of permits issued the City estimates approximately 48 acres have been absorbed for residential development since the most recent Housing Needs Assessment was adopted. This leaves approximately 192 acres of land in the Buildable Land Inventory for residential development. This amount of land could potentially accommodate

approximately 2,300 housing units. The potential increase to housing capacity allowed by HB 2001 of one percent in infill areas and three percent in new urban growth areas could increase capacity by 69 units.

Housing Needs Analysis

The administrative rules and statutes also require a local Housing Needs Analysis (HNA). The HNA identifies the housing types determined to meet the need for housing within an urban growth boundary at particular price ranges and rent levels. The Forest Grove Needs Analysis was adopted in 2019. An overview of the Forest Grove HNA is provided below.

Housing Needs Analysis (HNA) Findings

The City adopted the most recent Housing Needs Analysis (HNA) in June 2019 (Ordinance 2019-12). Since that time 547 units have been approved. This represents approximately 16% of the net new dwelling units needed identified in the HNA and shown on the table below.

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

Of the 547 building permits issued, 341 permits were issued for single-unit homes, 227 permits for multi-unit homes, 4 permits for manufactured homes and 2 permits for accessory dwelling units. This represents 27% of the net new housing units needed for single-unit homes and 32.3% of the net new units needed for multi-unit dwellings.

Affordable Housing Incentives

HB 2001 requires that when cities or counties adopt regulations or amend a comprehensive plan to comply with the law, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

- Waiving or deferring system development charges
- Adopting or amending criteria for property tax exemptions under ORS 307.515
- Assessing a construction tax under ORS 320.192

Forest Grove considered ordinances and policies to increase the affordability of middle housing as required by HB 2001. A summary of this is provided below.

The City established a Planning Commission subcommittee with outside representation to prepare recommendations for local implementation of HB 2001. The subcommittee discussed incentives on December 7, 2021. The City Council discussed House Bill 2001 including the

requirements of Section 3, chapter 639, Oregon Laws 2019 during a work session held on January 24, 2022. During the work session, City staff presented an overview of the various housing property tax exemptions available for adoption.

Waiving or Deferring System Development Charges

The Planning Commission discussed aspects of waiving or deferring system development charges (SDCs) for certain affordable housing developments. The subcommittee discussed that SDCs must be based on a methodology consistent with state law. During the discussion it was noted that foregone revenue due to waiving SDCs should be offset by other funding sources. It was also noted that the City only controls two system development charges: water and parks. The transportation development tax and sanitary sewer SDC rates and administrative procedures are established by Washington County.

The Planning Commission subcommittee supported the idea of the City working with partner agencies to reduce system development charge rates for affordable housing as the rates are updated over time. The subcommittee also supported the concept of right-sizing system development charges for smaller housing units such as cottages and accessory dwelling units to better reflect true system impacts.

The City of Forest Grove adopted an ordinance allowing deferral of SDCs for regulated affordable housing to issuance of occupancy permit rather than building permit issuance. The West Tuality Habitat for Humanity has taken advantage of the deferral.

Low Income Housing Property Tax Exemption

The Planning Commission subcommittee discussed aspects of the Low Income Housing Property Tax Exemption including the exemption applies to landlords and the property must be offered for rent or held for development low income rental housing for households earning at or below 60% of the area's median income. The Planning Commission subcommittee also considered that this exemption only applies to taxing districts approving the exemption unless other taxing districts representing 51% of the total rate applied to the property also approves the exemption in which case all property taxes are exempt.

Non-Profit Corporation Low Income Housing Tax Exemption

The Planning Commission subcommittee reviewed the Non-Profit Corporation Low Income Housing Tax Exemption Program. The City of Forest Grove, Washington County and Forest Grove School district adopted the program. As a result, entities eligible for the tax exemption receive a 100% property tax exemption for up to six years. The subcommittee learned that several non-profit corporations providing housing in Forest Grove have received this property tax exemption. This includes apartments managed by Bienestar, Covey Run Duplexes, Willow Park apartments, and Garden Grove apartments.

Single Unit Housing Property Tax Exemption

The Planning Commission subcommittee discussed the purpose of the Single Unit Housing Property Tax Exemption to stimulate the purchase, rehabilitation and construction of single unit housing for homeownership by low and moderate income households through a limited property tax exemption. The subcommittee discussed that the program applies to single unit homes with a market value for land and improvements of no more than 120 percent of the median sales price of dwelling units in the city at time of application.

Rehabilitated Residential Property

The Planning Commission subcommittee discussed aspects of the Rehabilitated Residential Property Tax Exemption including that the program encourages the rehabilitation of existing units in substandard condition and conversion of transient accommodations to permanent residential units and the conversion of nonresidential units to permanent housing. The subcommittee discussed that the project eligibility area must be designated by the City as a distressed area that is characterized by deterioration, inadequate public facilities, or unsafe or abandoned structures including a significant number of vacant or abandoned single unit or multiple family units.

Construction Excise Tax

Establishing a construction excise tax was discussed by the City Council on several occasions including during the Council's annual goal setting work session in 2018. The City Council noted the construction excise tax program has merits but effectiveness is diminished at the individual city level. The Council discussed that the program would be more effective and efficient if adopted at the county level. This is because Washington County has a housing program with dedicated staff and financial resources.

Goal 14 (Urbanization)

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

In determining land need, local governments may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Forest Grove Development Code Text Amendments §§17.2.630 (Review Criteria)

The Forest Grove Development Code establishes review criteria for Forest Grove Development Code text amendments. The review criteria includes:

- A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan.
- B. The text amendment is consistent with relevant statewide and regional planning goals, program and rules.

HB 2001 is consistent with several Comprehensive Plan elements including community involvement and housing as explained below. HB 2001 supersedes the land use designations

contained in the Land Use chapter of the Comprehensive Plan including land use designation and development density policies. The Comprehensive Plan will be amended in the future for consistency with the Development Code after the HB 2001 Development Code amendments are approved by the City Council.

The proposed Development Code text amendments are consistent with the following Oregon Statewide Land Use Planning Goals:

- Goal 1: Public Involvement
- Goal 10: Housing
- Goal 14: Urbanization

The process leading to the adoption of the Development Code amendments needed to comply with HB 2001 and SB 458 provided opportunities for public involvement. This included establishing a Planning Commission subcommittee with outside members involved in the housing industry. Other opportunities for public involvement included a virtual online open house, online survey, online comment form, and televised Planning Commission and City Council work sessions. Information was provided in both English and Spanish.

The Development Code amendments will expand housing choices by allowing a variety of housing types in zoning districts that also allow single unit homes. Consistent with HB 2001, the housing types that will be allowed in these zoning districts include duplexes, triplexes, quadplexes, townhomes, cottages and cottage clusters. Consistent with HB 2001 it is expected that housing capacity in Forest Grove will increase by one percent in infill area and three percent in new urban growth areas.

The Development Code amendments are consistent with Statewide Land Use Planning Goal 14: Urbanization. Consistent with Goal 14, expanding housing choices and increasing housing capacity in the City accommodates urban population inside the urban growth boundary in a land efficient manner. This is achieved through reducing required lot sizes for most housing types and expanding where higher density development is allowed within the city.

Metro Urban Growth Management Functional Plan

Title 1: Housing Capacity. The Metro Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to generally maintain or increase its housing capacity. If adopted, the Development Code adoption package implementing HB 2001 will reduce the minimum required lot size in the low density residential zone to 3,500 square feet. The Code amendments also identify duplexes, triplexes, quadplexes, townhomes, cottages and cottage clusters as allowed housing types in the low density residential zone. Under HB 2001, cities are allowed to assume a one percent increase to capacity for infill areas and a three percent increase to capacity for new urban growth areas. Amending the Forest Grove Development Code to allow duplexes, triplexes, quadplexes, cottages and cottage clusters along with the potential to increase housing capacity as allowed by HB 2001 the Code amendments are consistent with Title 1 which requires each city and county to generally maintain or increase its housing capacity.

Title 7: Housing Choice. Title 7 requires that cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances ensure a diverse range of

housing types within their jurisdictional boundaries. HB 2001 requires that the City of Forest Grove allow duplexes, triplexes, quadplexes, townhomes, cottages and cottage clusters in areas that allow single-unit detached dwellings on individual lots. If adopted, the Development Code amendment adoption package will allow these housing types in low density residential areas that allow for single-unit homes on individual lots. This provides opportunities for a diverse range of housing types in Forest Grove. Therefore, the Development Code amendments comply with Title 7 of the Metro Urban Growth Management Functional Plan.

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EXHIBIT C
Planning Commission Findings and Decision Number 2022-04

**Recommended Development Code Amendments Needed to Implement Oregon
House Bill 2001 (2019) and SB 458 (2021)
File Number: 311-22-000003-PLNG**

WHEREAS, the Oregon legislature passed and the Governor signed Oregon House Bill 2001 (2019) (HB 2001), also known as the Middle Housing law; and

WHEREAS, HB 2001 requires that the City amend the Forest Grove Development Code to implement the law; and

WHEREAS, the Oregon legislature passed and the Governor signed Senate Bill 458, also known as the Middle Housing Land Division law; and

WHEREAS, the City prepared legislative (Type IV) Development Code amendments for consideration by the Planning Commission, City Council and public; and

WHEREAS, the proposed Development Code amendments were prepared with assistance from a Planning Commission technical subcommittee including three Planning Commission members, one City councilor, and individuals with expertise in the housing construction industry; and

WHEREAS, the City sought additional input from the community through an online survey and online open house; and

WHEREAS, the Planning Commission participated in a joint work session with the City Council on January 24, 2022, to review draft Development Code amendments; and

WHEREAS, the Planning Commission conducted an additional work session on March 7, 2022; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on the proposed Development Code amendments on March 22, 2022; and.

WHEREAS, the Planning Commission closed the public hearing on March 22, 2022, and continued deliberations on the matter to April 4, 2022; and

WHEREAS, the Planning Commission deliberated on April 4, 2022, considering the testimony provided; and

WHEREAS, the Planning Commission adopted a motion, on a 5-0 vote, to recommend City Council adoption of amendments to the text of the Forest Grove Development Code necessary to implement Oregon House Bill 2001 and Senate Bill 458.

NOW THEREFORE, The City of Forest Grove Planning Commission does hereby recommend that City Council adopt an ordinance amending the text of the Development Code consistent with the Planning Commission decision as needed to implement HB 2001 and SB 458, making the following specific findings and conclusions in support of this decision:

- 1) The Planning Commission considered the staff reports dated March 22, 2022, and April 4, 2022.
- 2) The Planning Commission adopts the findings of fact attached to the staff report dated March 22, 2022, demonstrating the proposed Development Code amendments comply with Oregon Land Use Planning Goal 1 (Community Involvement), Goal 10 (Housing), Goal 14 (Urbanization), Forest Grove Development Code Section 17.2.630 (Development Code Text Amendments Review Criteria, and the Metro Urban Growth Management Functional Plan.
- 3) The Planning Commission approved a motion on April 4, 2022, to recommend City Council approval of Development Code amendments including:
 1. Retaining the R-5 zoning district and consolidating the R-7 and R-10 zoning districts into one zone with the R-7 development standards.
 2. Setting minimum lot sizes for residential development as shown on the table below:

R-5 Zone

Housing Type	Minimum Lot Size	Maximum Lot Size
Single Unit Detached	3,500 square feet	15,000 square feet
Manufactured Home	3,500 square feet	15,000 square feet
Duplex	3,500 square feet	15,000 square feet
Single-Unit Attached/Townhouse	1,500 square feet	15,000 square feet
Triplex	5,000 square feet	15,000 square feet
Quadplex	7,000 square feet	15,000 square feet
Cottage Cluster and Courtyard Housing	7,000 square feet	15,000 square feet
Other Uses	5,000 square feet	

R-7 Zone

Housing Type	Minimum Lot Size	Maximum Lot Size
Single Unit Detached	4,900 square feet	15,000 square feet
Manufactured Home	4,900 square feet	15,000 square feet
Duplex	4,900 square feet	15,000 square feet
Single-Unit Attached/Townhouse	1,500 square feet	15,000 square feet
Triplex	5,000 square feet	15,000 square feet
Quadplex	7,000 square feet	15,000 square feet
Cottage Cluster and Courtyard Housing	7,000 square feet	15,000 square feet
Other Uses	5,000 square feet	

- Setting minimum lot widths in the R-5 and consolidated R-7/R-10 zoning district as shown below consistent with the current standard contained in the Development Code:

R-5 Zone

Housing Type	Minimum Width	Minimum Lot Depth
Single Unit Detached	34 feet	60 feet
Manufactured Home	34 feet	60 feet
Duplex	34 feet	60 feet
Single-Unit Attached/Townhouse	34 feet	60 feet
Triplex	34 feet	60 feet
Quadplex	34 feet	60 feet
Cottage Cluster and Courtyard Housing	34 feet	60 feet
Other Uses	34 feet	60 feet

R-7 Zone

Housing Type	Minimum Width	Minimum Lot Depth
Single Unit Detached	50 feet	75 feet
Manufactured Home	50 feet	75 feet
Duplex	50 feet	75 feet
Single-Unit Attached/Townhouse	50 feet	75 feet
Triplex	50 feet	75 feet
Quadplex	50 feet	75 feet
Cottage Cluster and Courtyard Housing	50 feet	75 feet
Other Uses	50 feet	75 feet

- Modifying the definition for duplexes in Development Code Article 12 to allow both attached and detached duplexes consistent with the Oregon Administrative Rules section 660-046-0020(6).
- Adding a new housing type to the residential use table to allow courtyard housing units with a maximum building footprint of 1,400 square feet.
- Delete the dwelling diversity standard in Development Code subsection 17.8.710(F)(3)(c) since the Planning Commission finds the standard is not clear and objective. The Planning Commission supports revising the standard consistent with recent planned development approval to require that at least (2) two house plans be required for each housing type in a subdivision and that no one house plan comprise more than 45% of the total dwelling units on the same street or the subdivision as a whole.

7. Setting building setbacks in the R-5 and consolidated R-7/R-10 zone as shown below:

Housing Type	Front Yard to Dwelling	Front yard to Garage//Parking Area	Interior Side Yard	Rear Yard
Single Unit Detached	14 feet	20 feet	5 feet	15 feet
Manufactured Home	14 feet	20 feet	5 feet	15 feet
Duplex	14 feet	20 feet	5 feet	15 feet
Single-Unit Attached/Townhouse	12 feet	20 feet	0 feet common wall 5 feet exterior wall at end of structure	0 feet adjacent to alley 10 feet no alley
Triplex	12 feet	20 feet	5 feet	10 feet
Quadplex	12 feet	20 feet	5 feet	10 feet
Cottage Cluster and Courtyard Housing	12 feet	20 feet	5 feet	10 feet

8. Modifying the Development Code to remove maximum density requirements in the R-5 and consolidated R-7/R-10 zone and regulate development intensity by building setbacks and maximum building height.
9. Retain the current limit of six attached homes in a single-unit attached/townhouse structure consistent with Development Code Section 17.8.710(F)(4)(a).
10. Allow a 50% off-street parking credit for on-street parking adjacent to a development site.
11. Require that a cottage cluster include a minimum of three units as allowed by Oregon Administrative Rules Section 660-046-0205(4)(d)(A).
12. All other proposed Development Code amendments contained in Exhibit C to the March 22, 2022, staff report, incorporated herein by reference, unaffected by the recommendations above are recommended for City Council approval.

Phil Ruder, Chair

Date

**CITY OF FOREST GROVE
CITY COUNCIL
LEGISLATIVE HEARING SCRIPT**

**AGENDA ITEM F.1
PUBLIC HEARING FIRST READING OF ORDINANCE NO. 2022-01 AMENDING
FOREST GROVE DEVELOPMENT CODE SECTION 17 NECESSARY FOR
COMPLIANCE WITH OREGON HOUSE BILL 2001 AND SENATE BILL 458
FILE NO. 311-22-000003-PLNG**

Instructional Note: Please read text in blue.

Agenda Title: Public hearing and first reading of ordinance of Ordinance 2202-01 amending Forest Grove Development Code Section 17 necessary for compliance with Oregon House Bill 2001 and Senate Bill 458; File number 311-22-000003-PLNG.

Opening the Public Hearing:

I will now open the public hearing on proposed Ordinance 2022-01. This is a legislative hearing requiring City Council consideration at two meetings. Second reading of the proposed ordinance will be at 7:00 pm, or thereafter, on April 25th. The record will remain open until that time. After the public hearing is closed on April 25th, City Council will deliberate and consider a motion approving, modifying or denying the ordinance.

Staff Report:

Senior Planner Dan Riordan will now present the staff report and state if any correspondence has been received after publication of the written report.

After Staff Report - Public Testimony:

Members of the audience may now present testimony on this matter. If you wish to testify, please provide your name and address for the record and limit comments to three minutes. City Recorder has anyone signed-up to testify?

After individual testimony: Do any City Councilors have clarifying questions of the testimony provided?

Continue Public Hearing:

After the allotted time for this agenda item (30 minutes) continue the public hearing: Having reached the allotted time for this matter, I will now continue the public hearing on Ordinance 2022-01 to the April 25th City Council meeting.

Date: April 11, 2022

Agenda Item: F. 1.

Subject: PUBLIC HEARING FIRST READING: ORDINANCE NO. 2022-01 AMENDING FOREST GROVE DEVELOPMENT CODE SECTION 17 THE AMENDMENTS BEING NECESSARY FOR COMPLIANCE WITH OREGON HOUSE BILL 2001 (2019) and SENATE BILL 458 (2021); FILE NO. 311-22-000003-PLNG

CITY COUNCIL MEETING

Request to Testify at Public Hearing

Public Hearings: Hearings are held on each matter required by state law or City policy. Sign in before the meeting on the Public Hearing form posted in the foyer. The presiding officer will review the 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 use the witness table (center front of the room), provide your full name and please limit your remarks to three (3) minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action. All testimony is electronically recorded. Written testimony may be submitted by 3:00 p.m. the day of the meeting to: CityCouncilors@forestgrove-or.gov.

Please sign-in below to testify:

PROPONENTS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

OPPONENTS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

OTHERS: (Please print legibly)

First & Last Name:

Address:

City, State & Zip Code:

Charlotte Luma

1904 22nd Ave. FG 97116

Please continue on Page 2:

NOTICE OF PUBLIC HEARINGS
FOREST GROVE CITY COUNCIL
FOREST GROVE DEVELOPMENT CODE AMENDMENTS
FILE NUMBER 311-22-000003-PLNG

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold public hearings on April 11, 2022, and April 25, 2022, at 7:00 p.m. or thereafter, at the Community Auditorium, 1915 Main Street and via Zoom video conferencing, to consider **the Planning Commission's recommendation for** Development Code Amendments necessary to comply with Oregon House Bill 2001 (2019), also known as the missing middle housing law, and Senate Bill 458 (2021) pertaining to middle housing land divisions. The proposed Development Code amendments affect the following Code sections:

- §17.1.225 (Application Contents): Revise wording to remove non-clear and objective wording for a required development transportation study and to describe the methodology.
- §17.2.310 (Design Review Applicability): Revise wording consistent with HB 2001 that approval processes for middle housing must be the same as for single unit detached homes.
- §17.2.430 (Site Development Review): Clarify that the site development review process for a single unit detached dwelling also applies to middle housing consistent with HB 2001.
- §17.3.010 (Classification of Zones): Consolidate the R-10, R-7, and R-5, single-unit housing zoning districts into one district Residential Low (RL).
- §17.3.100 (Residential Zones): Revise to reflect consolidation of zoning districts.
- §17.3.120, Table 3-2 (Residential Zones Use Table): Revise table to reflect zoning district consolidation and add middle housing types. Specify that multifamily is five or more units instead of three or more as currently defined). Remove restriction on the number of duplexes within a subdivision consistent with HB 2001.
- §17.3.130, Table 3-5 (Lot Dimensional Requirements): Reduce minimum required lot size for single-unit detached homes, add minimum required lot sizes for duplexes, townhouses, triplexes, quadplexes, and cottage clusters, specify minimum lot width and depth requirements.
- §17.3.130 (Residential Zone Development Standards): Add wording for floor area ratio and add floor area ratio standards. Add minimum density requirements and delete maximum density requirements.
- §17.3.130, Table 3-6 (Lot Dimensional Requirements – (Residential Medium (RM) and Residential High (RH) Zone): Add minimum lot size and minimum lot dimensional requirements for the medium and high density residential zones.
- §17.3.320, Table 3-10 (Commercial and Mixed Use Zone Use Table): Revise table to include middle housing types as permitted uses in the Neighborhood Mixed Use (NMU) zone.
- §17.6.300 (Article 6 – Land Divisions): Add wording for SB 458, Middle Housing Land Divisions.
- §17.7.050 (Exceptions to Lot Size, Yards, and Projections): Add wording to prohibit encroachment of projections into or over utility easements.
- §17.8.130 (Widths and Locations of Driveway and Curb Cuts): Add Oregon Department of Land Conservation and Development Model Code wording for middle housing driveway approaches.
- §17.8.710 (Building Design and Development Standards): Revised to include middle housing types and add DLCD Model Code wording.
- §17.8.515 (Off-street Parking Requirements, Table 8-4 (Parking Requirements): Add wording for minimum required off-street parking for middle housing types and add wording to allow up to 50% credit for on-street parking to satisfy required parking requirements.

- §17.8.520 (Reduction or Modification of Off-street Parking Requirement): Revised wording to make multifamily development near frequent transit service eligible for a 10% reduction in the off-street parking requirement. Current the reduction is only allowed for commercial and industrial uses.
- §17.8.905 (Land Division Standards): Revise wording to remove non-clear and objective wording.
- §17.12.210 (Meaning of Specific Words and Terms): Revise the definitions section to add middle housing terms from the HB 2001 administrative rules and Oregon Department of Land Conservation and Development Model Code.

The City Council will consider this proposal and base their decisions on the following laws and policies. Comments in response to this proposal must address the applicable laws and policies:

- Oregon House Bill 2001 (2019)
- Oregon Administrative Rules Chapter 660, Division 46 (Middle Housing in Medium and Large Cities)
- Oregon Statewide Planning Goal 10 (Housing)
- Senate Bill 458 (2021)

All persons will be given reasonable opportunity to give testimony about this proposal responding to the review criteria above. If an issue is not raised in the hearing (by person or by letter) or if the issue is not explained in sufficient detail to allow the City Council to respond to the issue, then that issue cannot be used for an appeal to the Land Use Board of Appeals. 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. Additional information regarding this proposal is available for viewing at <https://www.forestgrove-or.gov/planning/page/middle-housing-hb-2001-implementation> or the Forest Grove Community Development Department office at 1924 Council Street. A copy of the staff report will be 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, (503) 992-3226, between 8 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 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, 2nd Floor, Forest Grove, OR 97116, aruggles@forestgrove-or.gov. For assistance, please call the City Recorder's Office at 503.992.3235.

#

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

Publish FG NewsTimes: April 7 & 21, 2022



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 PO Box 22109 Portland, OR 97269-2169
 Phone: 503-684-0360 Fax: 503-620-3433
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AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, Clackamas, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the **News Times**, a newspaper of general circulation, serving Forest Grove in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

**City of Forest Grove
 NOTICE OF PUBLIC HEARINGS
 Ad#: 238306**

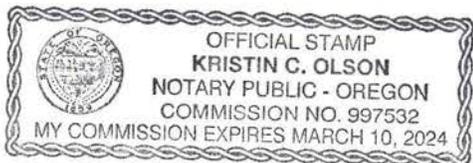
A copy of which is hereto annexed, was published in the entire issue of said newspaper(s) for 2 week(s) in the following issue(s):
04/07/2022, 04/21/2022

Charlotte Allsop
 Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this 04/21/2022.

Kristin C. Olson
 NOTARY PUBLIC FOR OREGON

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



**NOTICE OF PUBLIC HEARINGS
 FOREST GROVE CITY COUNCIL
 FOREST GROVE DEVELOPMENT CODE AMENDMENTS
 FILE NUMBER 311-22-000003-PLNG**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold public hearings on **April 11, 2022**, and **April 25, 2022**, at 7:00 p.m. or thereafter, at the Community Auditorium, 1915 Main Street and via Zoom video conferencing, to consider the Planning Commission's recommendation for Development Code Amendments necessary to comply with Oregon House Bill 2001 (2019), also known as the missing middle housing law, and Senate Bill 458 (2021) pertaining to middle housing land divisions. The proposed Development Code amendments affect the following Code sections:

- o§17.1.225 (Application Contents): Revise wording to remove non-clear and objective wording for a required development transportation study and to describe the methodology.
- o§17.2.310 (Design Review Applicability): Revise wording consistent with HB 2001 that approval processes for middle housing must be the same as for single unit detached homes.
- o§17.2.430 (Site Development Review): Clarify that the site development review process for a single unit detached dwelling also applies to middle housing consistent with HB 2001.
- o§17.3.010 (Classification of Zones): Consolidate the R-10, R-7, and R-5, single-unit housing zoning districts into one district Residential Low (RL).
- o§17.3.100 (Residential Zones): Revise to reflect consolidation of zoning districts.
- o§17.3.120, Table 3-2 (Residential Zones Use Table): Revise table to reflect zoning district consolidation and add middle housing types. Specify that multifamily is five or more units instead of three or more as currently defined). Remove restriction on the number of duplexes within a subdivision consistent with HB 2001.
- o§17.3.130, Table 3-5 (Lot Dimensional Requirements): Reduce minimum required lot size for single-unit detached homes, add minimum required lot sizes for duplexes, townhouses, triplexes, quadplexes, and cottage clusters, specify minimum lot width and depth requirements.
- o§17.3.130 (Residential Zone Development Standards): Add wording for floor area ratio and add floor area ratio standards. Add minimum density requirements and delete maximum density requirements.
- o§17.3.130, Table 3-6 (Lot Dimensional Requirements – Residential Medium (RM) and Residential High (RH) Zone): Add minimum lot size and minimum lot dimensional requirements for the medium and high density residential zones.
- o§17.3.320, Table 3-10 (Commercial and Mixed Use Zone Use Table): Revise table to include middle housing types as permitted uses in the Neighborhood Mixed Use (NMU) zone.
- o§17.6.300 (Article 6 – Land Divisions): Add wording for SB 458, Middle Housing Land Divisions.
- o§17.7.050 (Exceptions to Lot Size, Yards, and Projections): Add wording to prohibit encroachment of projections into or over utility easements.
- o§17.8.130 (Widths and Locations of Driveway and Curb Cuts): Add Oregon Department of Land Conservation and Development Model Code wording for middle housing driveway approaches.
- o§17.8.710 (Building Design and Development Standards): Revised to include middle housing types and add DLCD Model Code wording.
- o§17.8.515 (Off-street Parking Requirements, Table 8-4 (Parking Requirements): Add wording for minimum required off-

- Add wording to prohibit encroachment or projections over utility easements.
- o§17.8.130 (Widths and Locations of Driveway and Curb Cuts): Add Oregon Department of Land Conservation and Development Model Code wording for middle housing driveway approaches.
- o§17.8.710 (Building Design and Development Standards): Revised to include middle housing types and add DLCDC Model Code wording.
- o§17.8.515 (Off-street Parking Requirements, Table 8-4 (Parking Requirements): Add wording for minimum required off-street parking for middle housing types and add wording to allow up to 50% credit for on-street parking to satisfy required parking requirements.
- o§17.8.520 (Reduction or Modification of Off-street Parking Requirement): Revised wording to make multifamily development near frequent transit service eligible for a 10% reduction in the off-street parking requirement. Current the reduction is only allowed for commercial and industrial uses.
- o§17.8.905 (Land Division Standards): Revise wording to remove non-clear and objective wording.
- o§17.12.210 (Meaning of Specific Words and Terms): Revise the definitions section to add middle housing terms from the HB 2001 administrative rules and Oregon Department of Land Conservation and Development Model Code.

The City Council will consider this proposal and base their decisions on the following laws and policies. Comments in response to this proposal must address the applicable laws and policies:

- Oregon House Bill 2001 (2019)
- Oregon Administrative Rules Chapter 660, Division 46 (Middle Housing in Medium and Large Cities)
- Oregon Statewide Planning Goal 10 (Housing)
- Senate Bill 458 (2021)

All persons will be given reasonable opportunity to give testimony about this proposal responding to the review criteria above. If an issue is not raised in the hearing (by person or by letter) or if the issue is not explained in sufficient detail to allow the City Council to respond to the issue, then that issue cannot be used for an appeal to the Land Use Board of Appeals. 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. Additional information regarding this proposal is available for viewing at <https://www.forestgrove-or.gov/planning/page/middle-housing-hb-2001-implementation> or the Forest Grove Community Development Department office at 1924 Council Street. A copy of the staff report will be 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, (503) 992-3226, between 8 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 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, 2nd Floor, Forest Grove, OR 97116, aruggles@forestgrove-or.gov. For assistance, please call the City Recorder's Office at 503.992.3235.