

**Middle Housing Land Division
1631 & 1643 B Street
Findings and Final Administrative Decision
File No. 311-24-000010-PLNG
April 30, 2024**

Property Description and Proposal:

The subject properties, commonly known as Washington County tax lots 1S306BC10200 & 1S306BC10100, are currently assigned the physical addresses 1631 B Street and 1643 B Street, respectively. The subject properties are zoned “R-5” and are developed with properly permitted duplexes, a use which is permitted by right in the zone, pursuant to Forest Grove Development Code (“FGDC”) §17.3.120, specifically; Table 3-2: Residential Zones Use Table. No new physical development or construction is proposed as part of the Middle Housing Land Division. The current duplexes will simply become townhouses as defined by FGDC §17.12.210 (D11)(j) which provides:

*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.”*

Pursuant to Forest Grove Development Code (“FGDC”) §17.3.120, specifically; Table 3-2: Residential Zones Use Table, townhouses are also a use permitted by right in the R-5 zone.

The purpose of Middle Housing Land Divisions is to promote ownership opportunities for housing types identified in O.R.S. 197.758.

O.R.S. 197.758 (2) states:

*“Except as provided in subsection (4) of this section, each city with a population of **25,000 or more** and each county or city within a metropolitan service district **shall** allow the development of:*

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

The population of the City of Forest Grove is greater than 25,000 and the exemptions identified in subsection (4) of O.R.S. 197.758 are not applicable. Therefore, the requirements of the statute as identified in subsection (2) above are applicable. Pursuant to state law, an application for a Middle Housing Land Division may not be subject to procedures, ordinances, or regulations adopted under O.R.S. 92.044 or 92.046 that are inconsistent with this section or O.R.S. 197.360 to 197.380 and the only criteria which may be considered is provided by O.R.S. 92.031. The language of the review criteria of FGDC §17.6.310 addressed herein (adopted by ordinance 2022-01, passed 5-9-2022) is derived from, and nearly identical to that of the language of the Oregon Revised Statute.

§ 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 O.R.S. 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; [O.R.S. 92.031(2)(a)]

FINDING: The only applicable building code which must be satisfied is Oregon Residential Specialty Code (“ORSC”) § R302.2.1 – Townhouse separation wall assemblies, which requires a separation of 2-hour fire resistance rated wall assembly. The City of Forest Grove Building Official conducted a site inspection on April 2, 2024, to verify the as built assemblies in conformance with the requirements of ORSC § R302.2. (4) “MODIFIED” 2 - HOUR FIREWALL PARALLEL TO COMMON LOT LINE (see **Exhibit A**). As constructed, the existing units have been built to the townhouse standard and additional no firewall modification is necessary. This criterion is met.

- B. Separate utilities are provided for each dwelling unit; [O.R.S. 92.031(2)(b)]

FINDING: This criterion could be made a condition of approval, to be verified prior to signature by the planning department on the final plat and will be made an ongoing condition of the approval. Notwithstanding the foregoing, each unit already has separate meters for utilities in place. As evidenced on **Exhibit B**, the preliminary Middle Housing Land Division (Partition and Utility) Site Plan, four (4) water meters (labeled as “8” within the key) are located adjacent to the entrance drive on B Street on proposed Parcels 2-A and 3-A; two (2) electrical meters (labeled as “9” within the key) are located on the northwestern corner of Parcel 2-A and two (2) electrical meters are located on the southwestern corner of proposed Parcel 3-A and their associated easements are shown as required by the section below. This criterion is met.

- 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. [O.R.S. 92.031(2)(c)]

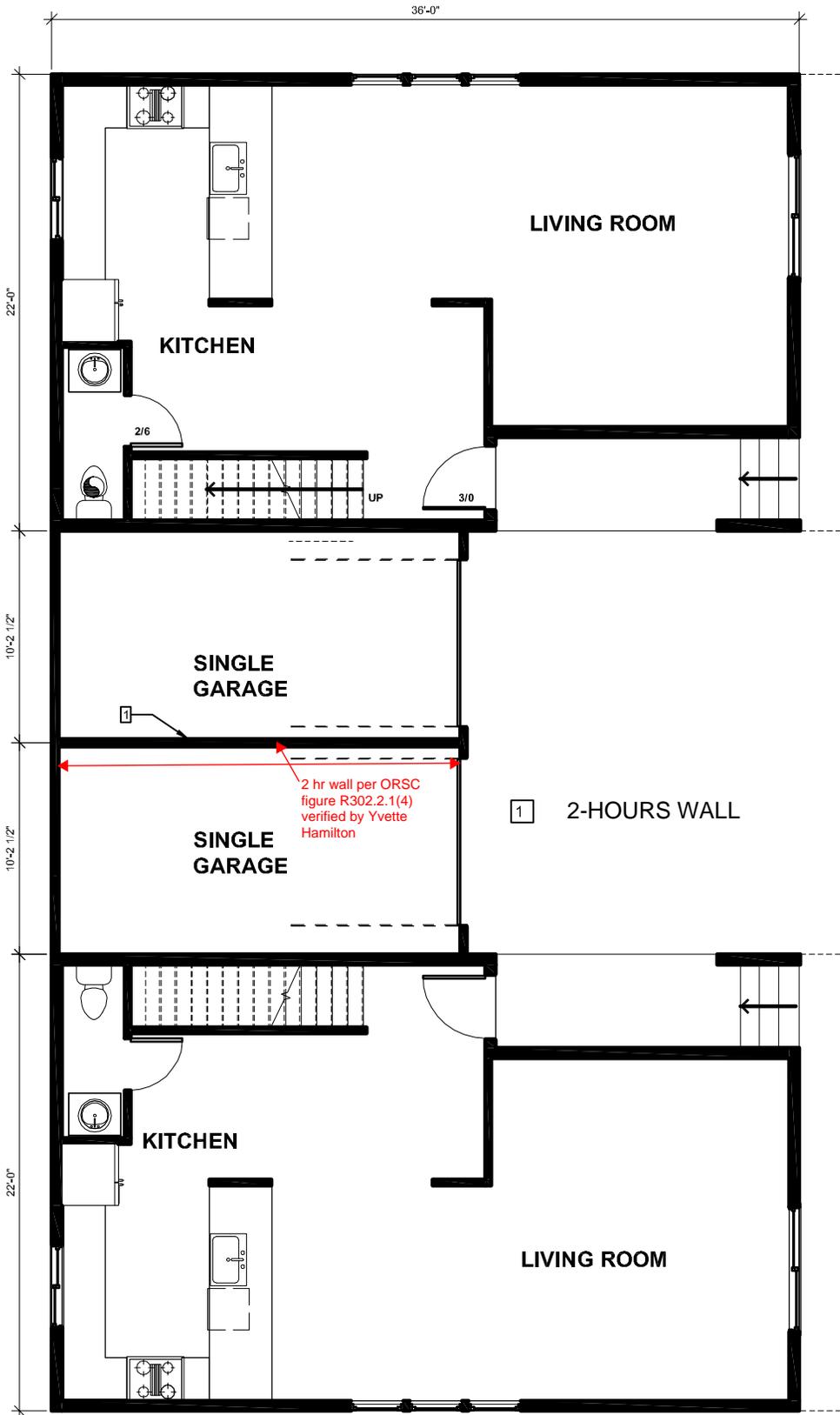
FINDING: The locations of all necessary easements are shown on the preliminary plan. Prior to providing signature on the final Middle Housing Land Division Plat, the planning department representative signing the plat will verify the easements are shown on the plat. This criterion is met.

- 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. [O.R.S. 92.031(2)(d)]

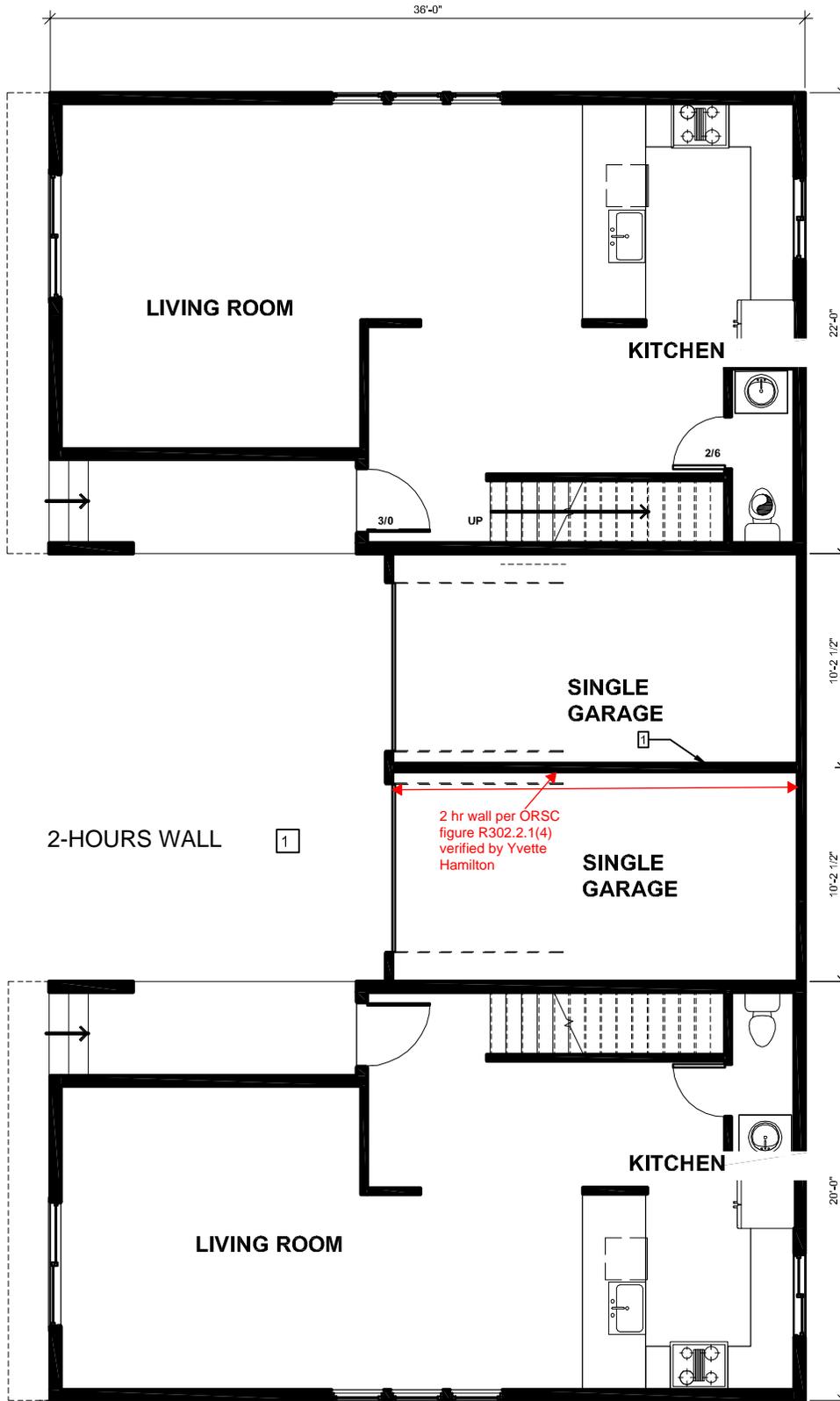
FINDING: The proposal meets this requirement. The two (2) resultant lots created from current Washington County tax lot 1S306BC10200, and the two (2) resultant lots created from current Washington County tax lot 1S306BC10100 will each contain an attached row of two (2) individual units, specifically identified by the Oregon Residential Specialty Code and City of Forest Grove Development Code as “Townhouses”. This criterion is met.

CONDITIONS OF APPROVAL

1. Easements shall be show and recorded on the plat for;
 - a) accessing, replacing and servicing all utilities;
 - b) vehicular access (driveways) and parking areas, and pedestrian access to and from each dwelling on resultant parcels “2-B” and “3-B” (the eastern parcels).
 - c) common areas (if proposed).
2. Prior to signature on the final plat, there shall be evidenced within the plat notes, a prohibition of the further division of the resulting lots or parcels of the Middle Housing Land Division approved through this application, in accordance with FGDC §17.6.315 (A). *[O.R.S. 92.031(3)(a)]*
3. A notation shall appear on the final plat identifying that the partition authorization was granted as a middle housing land division in accordance with FGDC §17.6.315 (B). *[O.R.S. 92.031(3)(b)]*

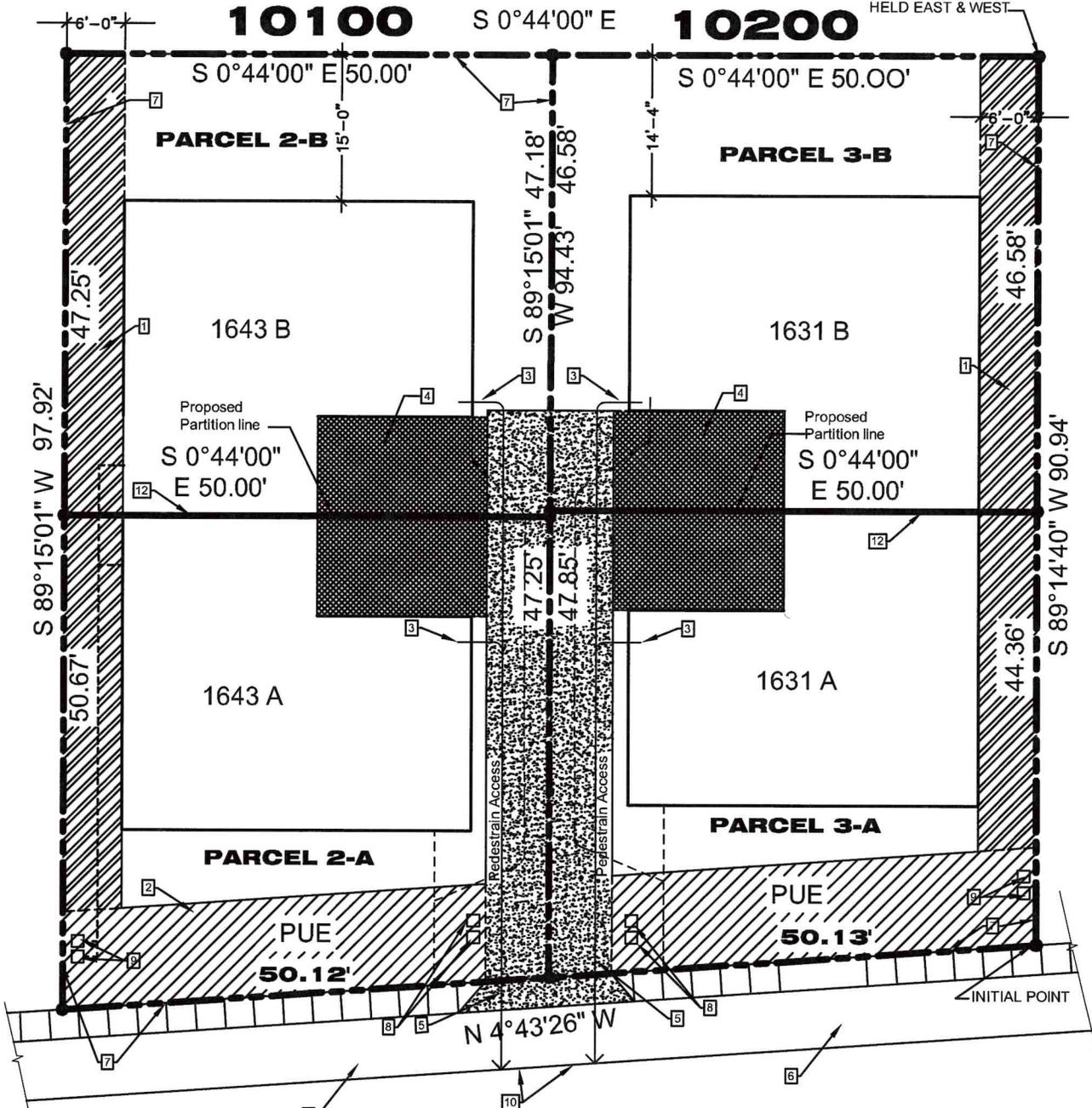



EXISTING 1643 (A & B) FLOOR PLAN
 1/16" = 1'-0"




EXISTING 1631 (A & B) FLOOR PLAN
 1/16" = 1'-0"

"F"
 FND 5/8" I.R
 N 0°44'00" W 0.16'
 NOTED IN SN 5679
 HELD EAST & WEST



- | | |
|--------------------------------------|-----------------------------|
| 1 Utility Easement & 6' Setback | 8 Water Meters |
| 2 10' public Easement | 9 Electrical Meters |
| 3 Pedestrian Access To Public Street | 10 Sewer an Water Line Path |
| 4 Garages Entry | 11 Gas & Electric Line Path |
| 5 Shared Driveway | 12 2 hours fire wall |
| 6 Public Sidewalk | |
| 7 Existing Property Line | |

**B STREET
 FOREST GROVE**



PATITION & UTILITY SITE PLAN

1/16" = 1'-0"

City of Forest Grove
APPROVED

APR 30 2024

[Signature]
 Planning Department