



FOREST GROVE PLANNING COMMISSION MEETING
COMMUNITY AUDITORIUM, 1915 MAIN STREET
MONDAY, FEBRUARY 15, 2010 -- 7:00 P.M.

PLANNING COMMISSION

Tom Beck, Chair

Al Miller, Vice Chair
Carolyn Hymes
Charles Kingston

Lisa Nakajima
Luann Arnott

The Planning Commission welcomes your attendance and participation. If you wish to speak on an agenda item, please feel free to do so. However, in fairness to others, we respectfully ask that you observe the following:

- * Please follow sign-in procedures on the table by the entrance to the auditorium.
- * Please state your name and address clearly for the record.
- * Groups or organizations are asked to designate one speaker in the interest of time and to avoid repetition.
- * When more than one citizen is heard on any matter, please keep your comments to five minutes and avoid repetition in your remarks. Careful attention to the previous speaker's points will help in this regard.
- * The Planning Commission carefully considers all the facts before a decision is made. Brief statements are most helpful in reaching a decision based on sound judgment.

Planning Commission meetings are electronically recorded and are handicap accessible. Assistive Listening Devices (ALD) or qualified sign language interpreters are available for persons with impaired hearing or speech. For any special accommodations, please contact the City Recorder at 503.992.3235, at least 48 hours prior to the meeting.

AGENDA

- (1) Roll Call
- (2) Public Meeting
 1. Public Comment Period for Non-Agenda Items
 2. Public Hearing:
 - A. Proposed Zone Change ZC-09-02 from Washington County zoning designation FD-10 to City of Forest Grove zoning designation R-7 concurrent with the proposed annexation of the property at 2109 Willamina Avenue, Washington County Tax Lot 1N331BB01300.**
 - B. Proposed Comprehensive Plan Amendment CPA-09-01 and Zone Change Map Amendment ZC-09-01 to redesignate 1.11 acres of land from Community Commercial plan and zoning designation to Medium Density Residential for purposes of expanding the Rose Grove Mobile Home Park. The subject site is located adjacent and north of Pacific Avenue at 4015 Pacific Avenue, Washington County Taxlot 1N332D-1400. The applicant's representative has requested a continuance to March 15, 2010.**
 3. Action Item: None Scheduled
 4. Work Session Items:
 - A. Discussion of alternative for the proposed Rose Grove Mobile Home Park**

Comprehensive Plan and Rezone expansion amendment.

- (3) Business Meeting
 - 1. Approval of Minutes
 - 2. Reports from Commissioners/Subcommittees
 - 3. Director's Report
 - 4. Announce next meeting
 - 5. Adjourn

**Zoning Map Amendment
Staff Report and Recommendation**

REPORT DATE: February 8, 2010

HEARING DATE: February 15, 2010

REQUEST: Zoning Map Amendment

FILE NUMBER: ZC 09-02

PROPERTY LOCATION: 2109 Willamina Avenue

LEGAL DESCRIPTION: Washington County Tax Lot 1N331BB01300

APPLICANT: Thomas Harbolt, Monk Living Trust

PLAN DESIGNATION: B-Standard (6.22 dwellings per acre)

**CURRENT
ZONE DESIGNATION:** Washington County FD-10 (Future Development)

**PROPOSED
ZONE DESIGNATION:** R-7 (6.22 dwellings per acre)

APPLICABLE STANDARDS: Consistency with Comprehensive Plan Policies
Compliance with State Planning Goals
Compliance with Metro Functional Plan

REVIEWING STAFF: Daniel Riordan, Senior Planner

RECOMMENDATION: Staff recommends approval of the proposed zone change from Washington County zoning designation FD-10 to City of Forest Grove zoning designation R-7 concurrent with the proposed annexation of the subject property into the City of Forest Grove.

General Background

The City adopted its new Development Code in March 2009. Prior to that date, the City operated under the Zoning Ordinance adopted in 1980. Under the Zoning Ordinance provisions (Section 9.614), property being annexed into the city was automatically rezoned based on the Comprehensive Plan designation. The current Development Code requires a separate rezone hearing process as part of the annexation process. This revision in the process was recommended by the city attorney and is typical in many Oregon communities. This is the first annexation being processed under the new provisions.

Proposal Background

Ms. Nancy Atkinson, for Mr. Thomas P. Harbolt trustee, submitted an annexation petition on behalf of the Monk Living Trust for property located at 2109 Willamina Avenue. The annexation petition was filed on November 18, 2009. A separate zone change application for the subject property was filed with the City of Forest Grove on December 7, 2010. The application for annexation and zone change were deemed complete by Planning Division staff on December 11, 2009.

The City of Forest Grove Development Code (10.2.160) requires the filing of a concurrent zoning map amendment with the annexation petition. The purpose of the zoning map amendment is to bring the zoning of the subject property into conformance with the Forest Grove Comprehensive Plan Map at time of annexation. The annexation petition was submitted to allow for the extension of municipal services, principally sewer service, to the subject property.

Zoning Map amendments are handled through a Type III (Quasi-Judicial) review process under the Forest Grove Development Code. Under the Type III process, zoning map amendments are reviewed by the Planning Commission and approved by City Council. Annexation petitions are reviewed and approved by City Council.

The subject property (Washington County Map and Tax Lot #1N331BB01300) is located north of Willamina Avenue, approximately 500 feet west of the Willamina Avenue/Sunset Drive intersection. The site is approximately 9,583 square feet in area and is characterized by flat terrain. The property was developed with one single family dwelling. The subject property is currently vacant.

Attachment A shows the location of the subject property and immediate vicinity.

As the map indicates, access to the site is from Willamina Avenue a collector street maintained by Washington County. Municipal services are located near the site within the Willamina Street right-of-way.

The area to the north and east of the subject site, along Raymond Street, is in unincorporated Washington County and is characterized by larger lot single family residential development. Areas to the south and west of the subject property are located within the Forest Grove City limits.

Comprehensive Plan Map Designation

The subject property is designated B-Standard on the Forest Grove Comprehensive Plan Map as shown by Attachment B. B-Standard is a single family residential designation with a

target density of 6.22 dwellings per net acre. This translates into lot sizes approximately 7,000 square feet in area.

Property to the west and south of the subject site are designated High Density Residential on the Comprehensive Plan Map. Development within the High Density Residential area is characterized by small lot and attached single family residential development. The Comprehensive Plan designations assigned to unincorporated properties provides the basis for assigning zoning designations when property is annexed into the City.

The applicant proposes R-7 zoning for the subject property. The R-7 zoning designation is consistent with the current B-Standard Comprehensive Plan designation.

Zoning Designations

The zoning immediately to the west of the subject property is Washington County FD-10 and Forest Grove RMH (Multiple Family Residential) Attachment C. The FD-10 designation applies to unincorporated areas within the urban growth boundary. The RMH designation applies within the city limits and allows for high density residential development at a target density of 20.28 dwellings per net acre. Attached residential units are the predominant housing type in the RMH zone.

The zoning to the south of the property is RMH (Multiple Family Residential). The zoning to the east of the site is FD-10 and R-7 (Single Family Residential). The R-7 designation applies within the Forest Grove city limits and allows for single family residential development at a target density of 6.22 dwellings per net acre. The zoning to the north of the site is FD-10.

Criteria for Decision Making

The Forest Grove Development Code (10.2.770) establishes criteria for review of zone map amendment applications. Section 10.2.750 of the Development Code states that changes to the Official Zoning Map may be needed over time to implement the Forest Grove Comprehensive Plan, to assign zoning to recently annexed properties, comply with regional and statewide goals and rules, and to respond to changes in local circumstances and development patterns. This zone change request was made to assign zoning to property proposed for annexation.

The review criteria for a zone change contained in the Forest Grove Development Code include the following:

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

The zone change is consistent with the Forest Grove Comprehensive Plan map. The Comprehensive Plan map designates the subject property B-Standard (single family residential) with an average density of 6.22 dwellings per acre. The proposed zone for the subject property is R-7 (single family residential). The R-7 zoning district establishes an average density of 6.22 dwellings per acre. The proposed zone (R-7) is the most appropriate given the Comprehensive Plan designation applicable to the site, the purpose of the zone (single family residential development), and the zoning pattern of the surrounding land (R-7 to the east of the subject property).

A lack of appropriately zoned sites exists in the vicinity of the subject property. Property to the west and south of the subject site is designated High Density Residential. The site is not suitable for high density residential development given the size of the site which is approximately 9,600 square feet in area and the historic use of the property and pattern of development.

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

Based on the nature of the application staff finds that the relevant goals and policies of the Comprehensive Plan include: Citizen Participation; Land Use; Housing; and Urbanization. This determination is based on the rationale for the zone change which is the application of a city zoning designation for property considered for annexation into the city.

Criterion C: The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary. The factors to be considered in determining suitability are parcel size and location.

The site is suitable for the proposed zone. The subject property is designated B-Standard (Single Family Residential) on the Forest Grove Comprehensive Plan Map. The R-7 zoning designation implements the B-Standard Comprehensive Plan Designation. The R-7 zone establishes a target density of 6.22 dwellings per acre with an average lot size of 7,000 square feet. The subject parcel is 0.22 acre (9,583 square feet) in area. Under the R-7 zoning the subject site could accommodate one dwelling unit. One dwelling unit is suitable for this site given the size of the parcel given the historic use of the property (single family dwelling) and pattern of surrounding land uses.

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

The subject property is located on Willamina Avenue. Willamina Avenue is a two-lane roadway designated as a collector street in the Forest Grove Transportation System Plan. Collector streets are intended to handle less traffic than arterial streets. Willamina Avenue connects Gales Creek Road to Sunset Drive and serves residential uses on both sides of the road. Willamina Avenue is a 40-foot wide roadway with no sidewalks or bike lanes. The street is maintained by Washington County. Traffic volumes are up to 160 vehicles during the PM peak hour with up to 400 vehicles in the morning peak hour between Sunset Drive and B Street. The higher morning volume is related to high school traffic. In the evening peak hour, school traffic is very small compared to morning hours.

Based on ITE trip generation studies, development of the site as a single family dwelling would generate 1 peak hour trip and 10 trips per day. This level of traffic is consistent with the collector street classification and will not have a significant effect or substantially impact the functional classification or operation of transportation facilities. Furthermore, construction of a single family residence will not reduce the level of service of Willamina Avenue below the minimum acceptable level identified in the Transportation System Plan.

Given the type of development anticipated (one single family dwelling) the amendment meets the criterion and a traffic impact study is not required.

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

The subject site is planned for single family residential development on the Forest Grove Comprehensive Plan. The R-7 zone implements the B-Standard Comprehensive Plan single family residential designation. Public facilities and services for water supply, sanitary waste disposal, storm water disposal, and police and fire protection have been planned in this area and are capable of supporting the single family residential use allowed by the R-7 zone. Sewer service is provided within the Willamina Street right-of-way.

The projected service demand of the subject site is one single family residential house. The average household size in Forest Grove is 2.6 persons. Therefore, this zone change could result in a service demand of 2 to 3 additional persons. The Forest Grove Waster and Sewer Master Plans indicate there is sufficient capacity to serve this projected service demand. The Forest Grove Police and Fire Departments already serve nearby development located within the city limits. Police and fire protection services are capable of supporting anticipated development.

Criterion F: Establishment of a zone district is not subject to the meeting of conditions.

The application of the R-7 district to this property will not be subject to conditions. The city zoning will only apply when the property is annexed into the Forest Grove city limits.

Metro Functional Plan Requirements

The proposed zone change is consistent with the Metro Functional Plan. The Metro Functional Plan implements the Metro Regional Framework Plan (Region 2040 Growth Concept). The Functional Plan is divided into various Titles addressing specific policy areas. Titles applicable to this request include Title 1 (Requirements for Housing and Employment Accommodation); Title 7 (Housing Choice); and Title 8 (Compliance Procedures).

Title 1

One goal of the Framework Plan is the efficient use of land. Title 1 promotes the efficient use of land within the urban growth boundary by increasing the capacity of land to accommodate housing and employment.

The proposed Zoning Map Amendment meets the intent of Title 1 by promoting the efficient use of land within the urban growth boundary. Rezoning the property to R-7 will allow for the construction of a single family residential structure on a vacant parcel within the urban growth boundary.

Title 7

Cities within the Metro region must ensure that their comprehensive plans and implementing ordinances, including the Zoning Map, include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.

The proposed zoning map amendment will increase the supply of housing within the urban growth boundary. The subject property is currently vacant.

Title 8

Title 8 requires that amendments to comprehensive plans and implementing ordinances comply with Metro Functional Plan.

The proposed zoning map amendment complies with the Metro Functional Plan for the reasons stated above.

Statewide Land Use Planning Goals

The proposed zone change is consistent with applicable Statewide Land Use Planning Goals. Applicable goals include: Goal 1: Citizen Involvement; Goal 2: Land Use Planning; Goal 10: Housing; Goal 11: Public Facilities and Services; Goal 12: Transportation; and Goal 14: Urbanization.

Goal 1: Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Opportunity for citizen involvement occurred during development of the Forest Grove Comprehensive Plan. The Comprehensive Plan establishes the policy framework for land use decisions within the Forest Grove portion of the Portland regional urban growth boundary. Opportunity for citizen involvement was provided through the zone change public hearing process. Public notices are published in the Forest Grove News Times and mailed to property owners within 300 feet of the subject property. In addition, the property is posted with a public hearing announcement.

Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decision and actions related to the use of land and to assure an adequate factual base for decision and actions.

The Forest Grove Comprehensive Plan and Development Code establish the policy and process framework for land use decisions within the City of Forest Grove. The Forest Grove Development Code includes the criteria for evaluating zone changes.

Goal 10: Housing. To provide for the housing needs of the citizens of the state.

The R-7 zone is intended for development of housing at a target density of 6.22 dwelling units per acre. Detached single family housing is the most common housing type in the R-7 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 approval.

The proposed Zoning Map Amendment meets the intent of Goal 10 by promoting the efficient use of land within the urban growth boundary. Rezoning the property to R-7 will

allow for the construction of a single family residential structure on a vacant parcel within the urban growth boundary.

Goal 11: Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Annexation of the subject property will allow for the extension of a municipal sewer line to serve the subject property. A sewer line exists within the Willamina Street right-of-way adjacent to the property.

Goal 12: Transportation. To provide and encourage a safe, convenient, and economic transportation system.

The proposed R-7 allows for single family residential development. The subject site was previously developed with a single family residence. The site is now vacant. Subsequent to annexation into the City and rezoned the property will likely be redeveloped at a density of 6.22 dwelling units per acre. This translates to one dwelling unit on the site. As discussed above, anticipated development will not have a significant effect on the transportation facility namely Willamina Avenue.

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.

The Urban Planning Area Agreement (UPAA) between Forest Grove and Washington County establishes the process for an orderly and efficient transition from rural to urban land use within the urban growth boundary. The UPAA gives Forest Grove planning responsibilities for unincorporated land within the Forest Grove portion of the Portland regional urban growth boundary. The annexation process promotes the orderly transition since municipal service cannot be extended until land is annexed into the City. The annexation process requires a zone change. In this case the zone change is from Washington County FD-10 to Forest Grove R-7.

Comprehensive Plan Compliance

The proposed zoning map amendment complies with the Forest Grove Comprehensive Plan. If approved, the zoning map amendment will apply a zoning designation (R-7) that is consistent with and implements the B-Standard Comprehensive Plan designation.

Citizen Participation Goals and Policies

The zoning map amendment is consistent with Comprehensive Plan citizen participation goals and policies.

The Comprehensive Plan encourage and facilitate citizen involvement and inter-agency coordination in the development, implementation and updating of the comprehensive plan. Opportunities for citizen involvement are provided through the public hearing process. Public hearings are held with the Planning Commission and City Council. Notice of the public hearing is provided to property owners within 300 feet of the subject property, posted at the property, published in the Forest Grove News Times and posted at City Hall, Library, and at least one other location in the City. Notice was also sent to the Oregon Department of Land Conservation and Development. In addition, the proposal was discussed with Metro.

Land Use Goals and Policies

The zoning map amendment is consistent with Comprehensive Plan land use goals and policies. The land use chapter of the Comprehensive Plan establishes land use map designations for all land use categories based on the findings goals and policies in the Comprehensive Plan. The Forest Grove Development Code implements this provision of the Comprehensive Plan. Article 3 of the Development Code establishes permitted uses for land use designations. The proposed zone designation for the subject property is R-7. The R-7 zone is a single family residential zone providing opportunities for construction of needed housing identified by the Comprehensive Plan.

Housing Goals and Policies

The Housing Chapter of the Comprehensive Plan establishes policies for supply of housing. In particular, the Plan calls for an adequate supply of new housing to avoid shortages and adverse impacts on price, rents, and choice of housing. Zoning property for urban residential development, in combination with the annexation process, expands the supply of land for construction of new housing exists within the Forest Grove portion of the Portland regional urban growth boundary. As result this zone change application meets the intent of the housing goal contained in the Forest Grove Comprehensive Plan.

The plan also calls for establishing minimum density standards in all zones allowing residential development. The Forest Grove Development Code implements this provision of the Comprehensive Plan. The Development Code establishes minimum density standards for all zoning districts. The minimum density of the R-7 zone is 4.98 dwellings per net acre.

Legal Notice

Changes to the Zoning Map are classified as a Type III (Quasi-Judicial) land use decision. Notice of the public hearing on Type III applications are provided in accordance with the provisions of ORS 197 .763 and Section 10.1.610 of the Forest Grove Development Code. Notice must be published in a newspaper of general circulation at least five days before the public hearing. Notice of the public hearing for this request was provided to the Forest Grove News Times for publication on February 10, 2010.

In addition to the published notice a notice must be posted in three conspicuous places in the City at least twenty days before the public hearing. Notice of the public hearing was placed in the Forest Grove City Hall, Forest Grove Community Auditorium and Forest Grove Library on January 25, 2010.

Notice of the hearing must also be sent by mail at least twenty days before the public hearing to interested parties including the applicant and all property owners within 300 feet of the boundaries of the subject property. Notice was sent by mail to interested parties on January 25, 2010.

Finally the subject property must be posted with a notice of application. The property was posted with the required notice on January 26, 2010.

Conclusion

Based on the staff analysis the proposed zone change from Washington County FD-10 to Forest Grove R-7 at 2109 Willamina Avenue meets the review criteria contained in Forest Grove Development Code and policies contained in Forest Grove Comprehensive Plan,

Metro Urban Growth Management Functional Plan, and the Oregon Statewide Land Use Planning Goals.

Alternatives

The Planning Commission has the following alternatives:

1. Recommend approval of the zoning map amendment as proposed;
2. Deny the zoning map amendment as proposed; or
3. Continue the matter for further consideration.

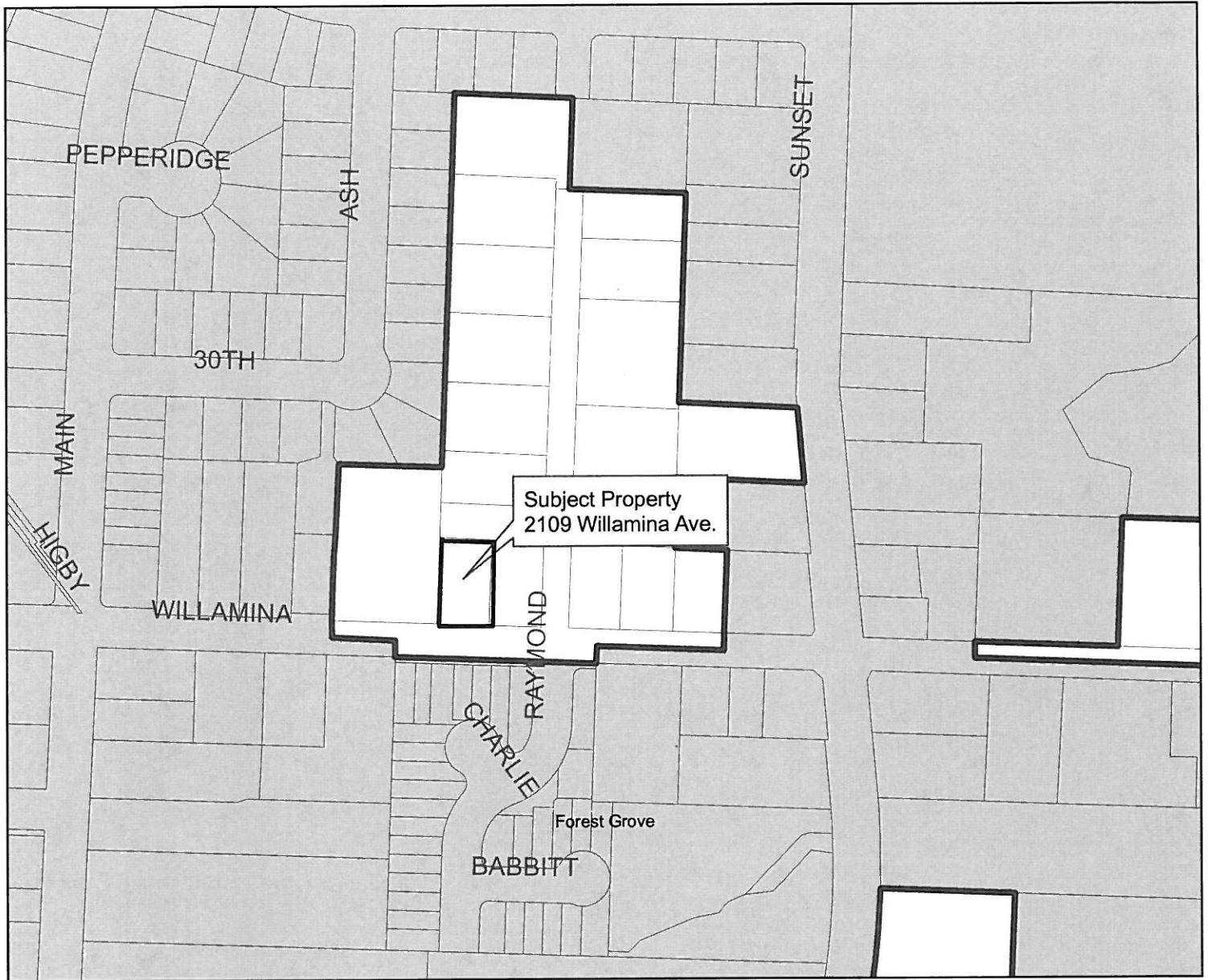
Recommendation

Staff recommends: 1. The Planning Commission adopt a motion approving the zone change from Washington County FD-10 to Forest Grove R-7 for property located at 2109 Willamina Avenue; and 2. The Planning Commission forward the Planning Commission's action to the City Council for final approval.

Attachments

- A. Vicinity Map
- B. Comprehensive Plan Map
- C. Zoning Map

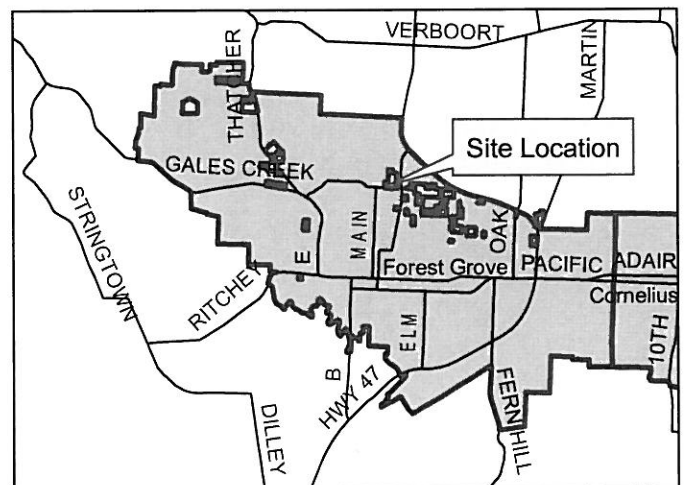
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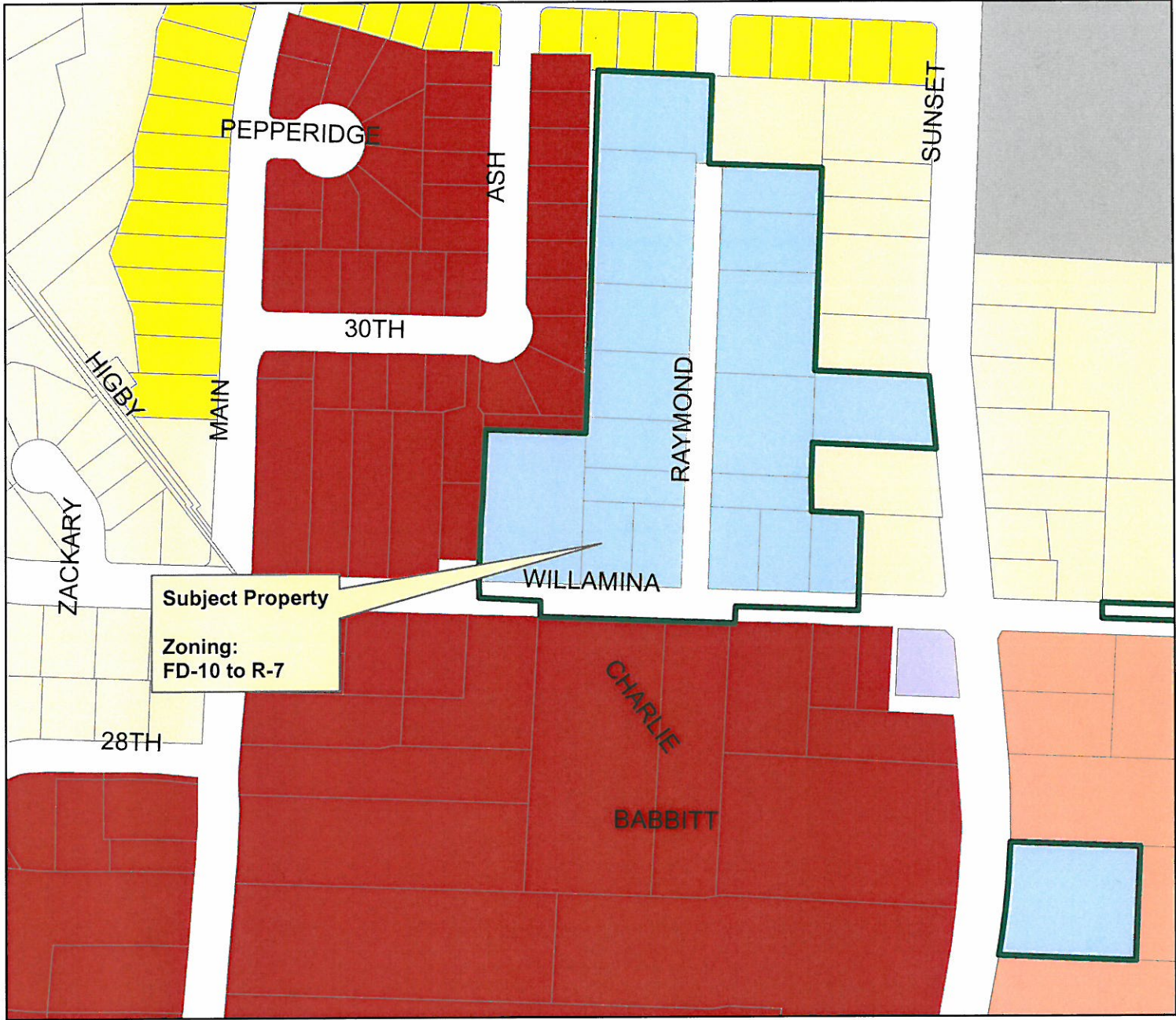
Legend

- City Limit Line
- Incorporated Area

270 135 0 270 Feet

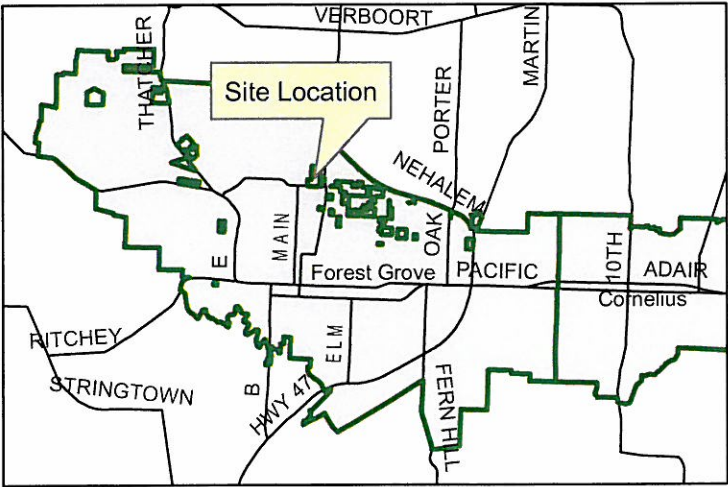


2109 Willamina Avenue Zoning Designations

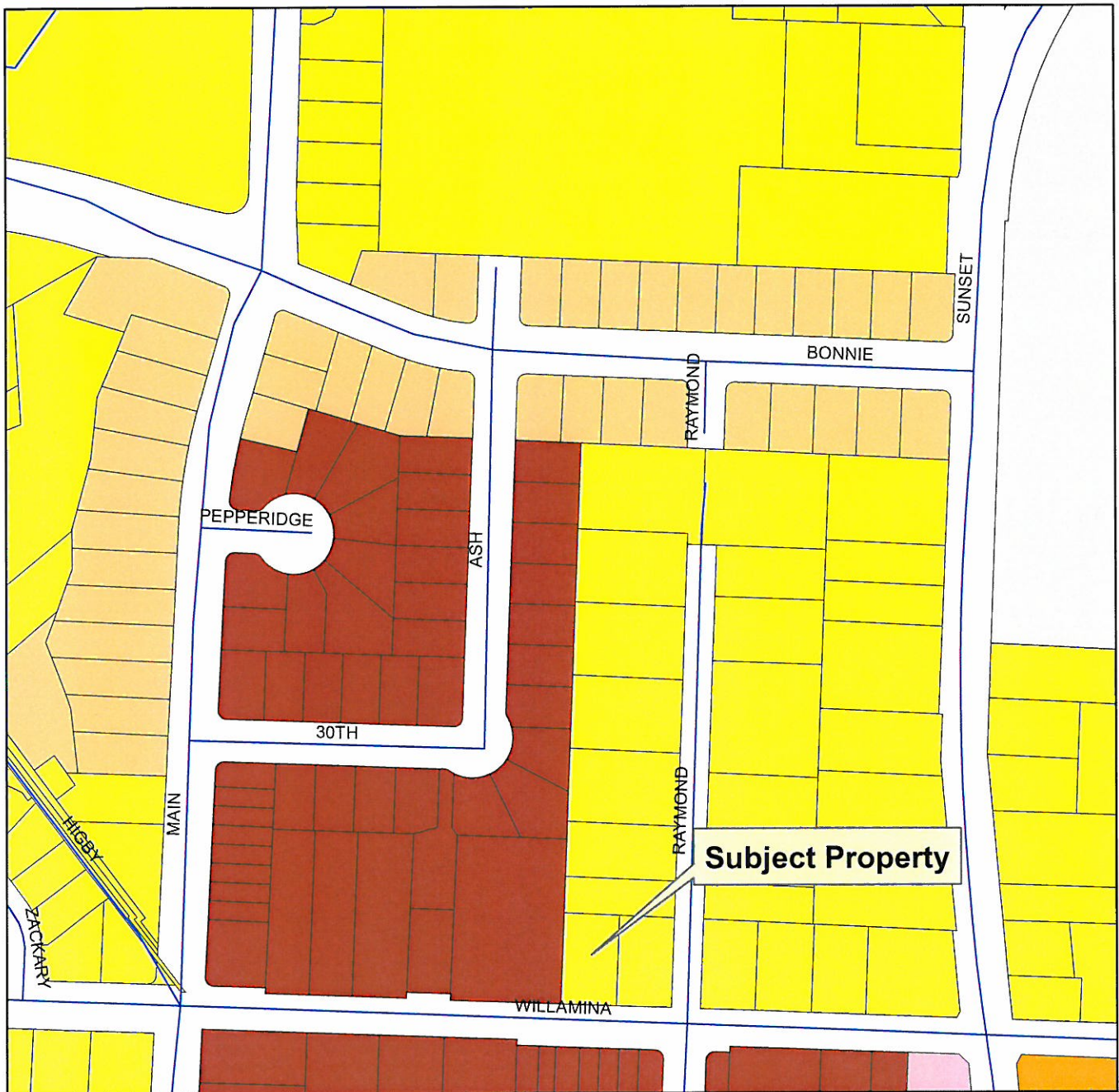


Zoning Designations

- CN
- FD-10
- LI
- R-10
- R-5
- R-7
- RMH
- RML
- City Limits



2109 Willamina Avenue Comprehensive Plan Designations



Comprehensive Plan Designations

COMP_PLAN

- A-Medium
- B-C
- B-Standard
- Commercial Neighborhood
- High Density Residential
- Light Industrial
- Medium Density Residential





TO: Planning Commission
FROM: James Reitz, Senior Planner 
DATE: February 8, 2010
RE: Rose Grove MHP Zone Change Request

ISSUE STATEMENT: The applicant has requested a continuance. This e-mail was received Friday February 5, 2010 from Michael Robinson, the applicant's attorney:

Please continue the public hearing now scheduled for February 15 to March 15. The purpose of the delay is to allow a discussion about whether an alternative means of accomplishing the applicant's purpose might be found. The Planning Commission will need to open the hearing and continue it to the date certain of March 15.

RECOMMENDATION: Staff recommends approval of the continuance to March 15, 2010.

BACKGROUND: Staff met Friday with Mr. Robinson to discuss an alternative to his client's request. He will be present at the February 15 meeting to informally discuss the idea of a text amendment to allow expansion of the Rose Grove MHP within the Community Commercial zone district.

Jon Holan

From: Robinson, Michael C. (Perkins Coie) [MRobinson@perkinscoie.com]
Sent: Friday, February 05, 2010 2:56 PM
To: James Reitz; Jon Holan; Robinson, Michael C. (Perkins Coie)
Subject: Rose Grove Application

Dear James, based on our discussion earlier today, please continue the public hearing now scheduled for February 15 to March 15. The purpose of the delay is to allow a discussion about whether an alternative means of accomplishing the applicant's purpose might be found. The Planning commission will need to open the hearing and continue it to the date certain of March 15.

Also, I understand that you've received nothing in the writing on the application as of now. Would you please send me anything that you receive?

Thanks. Mike

* * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * *

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2/8/2010