



Forest Grove Code Text Amendments Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE: June 13, 2022

HEARING DATE: June 21, 2022

REQUEST: Legislative amendments to the Forest Grove Development Code pertaining to standards and procedures for cannabis related uses, commercial lodging, and entertainment-oriented uses, Mixed Use Planned Development standards, fences, off-street parking and loading standards, other miscellaneous provisions, and definitions

FILE NUMBER: 311-22-000018-PLNG

PROPERTY LOCATION: Not applicable

LEGAL DESCRIPTION: Not applicable

APPLICANT: City of Forest Grove

APPLICABLE STANDARDS AND CRITERIA: City of Forest Grove Development Code:
§17.1.700 et. seq. *Legislative Land Use Decision*
§17.2.600 et. seq. *Development Code Text Amendment*

REVIEWING STAFF: Amy Kreimeier, AICP, Senior Planner
Bryan Pohl, Community Development Director

RECOMMENDATION: Staff recommends approval of the proposed amendments listed in attached Exhibits A-E, as well as any revisions found appropriate by the Planning Commission.

I. BACKGROUND

The Development Code was adopted in 2009. It began to be amended later that same year, and amendments have continued up to the present. Amendments to date have included major revisions (e.g. the sign code, HB2001 amendments, floodplain management, and mixed use zones) as well as smaller, more targeted amendments such as accessory dwelling units and revising the allowable width of residential driveways.

From time-to time it is necessary to update the code to address internal textual inconsistencies or ambiguity, revise sections to align with current practices and procedures, and address other minor "housekeeping" items. Furthermore, every code needs periodic updating to reflect changes in local, regional and state policies, codes and definitions. The purpose of the amendments is to address all of those issues.

The proposed amendments include changes to reflect current local, regional and state policies, codes and definitions, revisions to the standards and procedures for cannabis related uses, clarifying inconsistencies regarding the definitions of commercial lodging and entertainment-oriented uses, and the zones in which these uses are permitted, clarifying the Mixed Use Planned Development standards, residential fence heights, off-street parking and loading surfacing requirements, updating and adding definitions, and various typo-graphical corrections.

The Planning Commission reviewed many of the proposed amendments in a work session on May 2, 2022.

Public notice of this proposal was provided to the Department of Land Conservation and Development (DLCD) on May 16, 2022 and published in the *News Times* on June 9, 2022. As of the date of this report, no comments have been received in response to these notices.

II. PROPOSED AMENDMENTS

Each exhibit listed below refers to a specific Development Code Article. Proposed new text in the exhibits is **bolded**, while text proposed to be deleted in the exhibits is ~~struck through~~. Below are summaries of the proposed amendments.

Exhibit A: Article 3 – Zoning Districts

The proposed amendments include the following:

- Correction of a typographical error in Table 3-8.
- Cannabis Related Uses
 - The terminology has been changed from marijuana to cannabis.
 - Note 9 in Table 3-8 has been removed in order to eliminate ambiguity in the code as to whether marijuana retailers could be permitted in residential zones. This is consistent with State Law prohibiting cannabis retailers from locating in residential zones.
 - Amendments would permit cannabis related uses outright and eliminate the requirement to obtain a Conditional Use Permit. Conditional uses are subject to review because they may have adverse effects on the environment, overburden public services, change the desired character of an area or create nuisances. The **conditional use** review provides an opportunity to allow the **use** when there are minimal impacts, to allow the **use** but impose conditions to address identified concerns, or to deny the **use** if the concerns cannot be resolved. Cannabis businesses are required to comply with code requirements for development and on-going operation and no conditions have been placed on the operations of any existing business beyond what the code dictates. To date there have been no issues regarding the operations of cannabis related businesses which have put a burden on public services or be considered a nuisance. In order to receive a state license, a cannabis business must demonstrate compliance with state regulations which are replicated in City Code. Removing the requirement for a Conditional Use Permit eliminates the need for a redundant and costly review.
- Commercial Lodging
 - Note 20 in Table 3-8 and note 17 in Table 3-10 confirm that Entertainment-oriented uses are permitted as an accessory use with Commercial Lodging uses consistent with the definition of Commercial Lodging. The notes also add a requirement that events of 500 or more spectators obtain a Temporary Use Permit. The Temporary Use Permit process provides the City the ability to implement operational conditions that address commonly cited concerns related to items such as hours, noise control, or overflow parking. This would also

provide an extra tool to ensure that Entertainment-oriented uses remain accessory to Commercial Lodging.

- Entertainment-oriented uses
 - Outdoor entertainment is not currently permitted in any zone within the City. Revisions would conditionally permit outdoor entertainment in the TCT and CC zone and major entertainment in the CC zone.

Exhibit B: Article 4 – Overlay Districts

These amendments would clarify requirements for mixed-use development in the Mixed Use Planned Development (MUPD) section of the code (DC § 17.4.300 et. al.). MUPD approval is a requirement of development in the Neighborhood Mixed Use (NMU) zone. The NMU zone was 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. MUPD approval is required in the NMU Zone in order to ensure that the objectives of the Comprehensive Plan are addressed and that sites zoned NMU are developed into pedestrian-friendly mixed-use neighborhoods. However, as currently written an applicant is not required to provide any commercial or institutional development in order to receive approval of a proposed MUPD. It is the provision of commercial and/or institutional uses in conjunction with residential that would make a development mixed-use. Without the such development, Comprehensive Plan objectives are not being sufficiently addressed.

These amendments would clarify the requirement for commercial or institutional development for Mixed Use Planned Developments by removing ambiguous language such as "need", "propose", and "if any", with mandatory words such as "shall" and "provide". Replacing this language will make clear what is optional and what is required. This is necessary to achieve development as intended in the Comprehensive Plan.

Emergency Service uses have also be added to the list of uses permitted to be constructed in a MUPD outside of the Village Center. Currently only Basic Utilities, Major Utilities Transmission Facilities, Daycare, Home Occupations and Community Recreation are permitted commercial uses outside the Village Center. Emergency Services typically have strict development requirements they must meet in order to comply with State or Federal standards. Allowing any needed Emergency Services to be located outside of the Village Center provides greater flexibility to emergency service providers to develop according their standards and ensure the highest quality of service. The operations of Emergency Services such as fire stations, police stations or ambulance services, are often incompatible with the kind of compact, pedestrian friendly commercial development the Village Center envisions. These uses are more suited to be located on the periphery of such development.

Exhibit C: Article 7 – Miscellaneous Provisions

The current maximum fence height for residential uses permitted by the code is 6 feet but shall be reduced to a height of three- and one-half feet in the required front yard. For residential uses which abut the highway, noise due to vehicle traffic is an increasing nuisance for residents who

are limited in their ability to block the noise. This amendment would permit rear yard fences for residential properties abutting Highway 47 to be constructed up to ten feet in height.

Exhibit D: Article 8 – General Development Standards

The proposed amendments include the following:

- Design and Maintenance Standards for Off-street Parking and Loading – Revisions would permit the use of alternative surfacing, such as gravel or other similar semi-pervious surfaces, for vehicular parking or storage areas for community recreation and agriculture/horticulture uses. Alternative surfacing would also be permitted for accessory outdoor storage areas for permitted uses in the LI and GI zones. Accessory outdoor storage areas with alternative surfacing would be required to be screened from view at the property line and maintained for drainage and dust control. Alternative surfacing would be limited to accessory outdoor storage, it would not be permitted for any self-service storage facility nor for any required vehicular parking.
- General Standards for all Cannabis Facilities – Currently, the location of a commercial cannabis retailer is restricted by a site's proximity to a school and the zoning of the property. Commercial cannabis retailers may be permitted in the CC, NMU, TC, and TCT zones and are prohibited from locating within 1,000 feet of any school. This applies to any licensed public or private elementary or secondary school, from kindergarten to twelfth grade, that meets the definition of a school under O.R.S. 339.020 or O.R.S. 339.030(1)(a). Medical cannabis retailers are prohibited from locating within 1,000 feet of any school and within 1,000 feet of any other medical cannabis retailer. The revisions would prohibit commercial cannabis retailers from locating within 1,000 feet of another commercial cannabis retailer, consistent with the requirements for medical retailers.

Amendments to this section would also change the terminology used from marijuana to cannabis and remove the requirement to obtain a Conditional Use Permit. As discussed previously, requiring a Conditional Use Permit has become a redundant and costly process. No additional conditions have been placed on any cannabis related use and no issues or impacts regarding the operations of cannabis related businesses have been identified. These businesses operate in a manner almost indistinguishable from other retail, warehouse, or wholesale uses.

Exhibit E: Article 12 – Use Categories and Definitions

The proposed amendments include the following:

- Commercial Lodging - The definition of Commercial Lodging has been revised to explicitly include entertainment-oriented uses as an accessory use. While the current definition referenced convention facilities as an accessory use, it was silent on the broader category of entertainment-oriented uses that convention facilities fall under. The inclusion of convention facilities makes clear that entertainment-oriented uses were considered as an associated accessory use. However, by not explicitly including entertainment-oriented uses, this has created ambiguity in the application of the code and led to confusion among commercial lodging users. The current definition was not consistent with commercial lodging operations and the many accessory uses that have become standard for many large or destination hotel facilities. It is common for hotels to offer major, outdoor, and/or indoor entertainment facilities including fitness facilities, movie theaters, and golf courses or to host large events. This revision clarifies the definition of commercial lodging consistent with the historical interpretation and application of the code and industry practices.
- Entertainment-oriented – The definitions for the sub-categories of major entertainment and outdoor entertainment have been revised to provide distinction between the two. Facilities provided for large spectator events, whether indoors or outdoors, would fall

under major entertainment, while outdoor facilities provided for more active recreation and entertainment fall under outdoor entertainment.

- Change terminology from marijuana to cannabis and restructure the section as necessary.
- Add a definition for mural.
- Revise the definition of sign consistent with state law.
- Add a definition for Village Center consistent with the purpose and standards for Mixed Use Planned Developments.

III. APPROVAL CRITERIA AND FINDINGS

Development Code §17.2.630 *Review Criteria* lists two standards to be satisfied to adopt a text amendment:

A. The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan; and

Finding: Most of the amendments would simply update and clarify processes and procedures, or update definitions to comply with State codes. These include amendments to §17.3.120 Residential Zones – Use Regulations, §17.3.320 Commercial and Mixed Use Zones – Use Regulations, §17.3.420 Town Center Zones – Use Regulations, §17.3.520 Industrial Zones – Use Regulations, §17.4.300 Mixed Use Planned Development - Purpose, §17.4.315 MUPD Development Standards, §17.4.320 Preliminary Plan Review, §17.7.040 Fences – Standards for Residential Zones, §17.8.525 Design and Maintenance Standards for Off-Street Parking and Loading, §17.8.1100 Marijuana Development Standards et.al., §17.12.130 Commercial Use Category, and §17.12.210 Meaning of Specific Words and Terms. Since the Development Code serves as the principal tool for implementing the City's Comprehensive Plan, actions initiated under the Development Code are deemed consistent with the adopted Comprehensive Plan and applicable federal, state and regional laws.

Finding: Relevant goals and policies related to the changes are addressed as follows:

Forest Grove Comprehensive Plan - Land Use

Commercial Policy #1: *Distribute commercial activity throughout the city to serve existing and planned residential or employment areas.*

Finding: Amendments to §17.3.320 Commercial and Mixed Use Zones – Use Regulations, and §17.3.420 Town Center Zones – Use Regulations would conditionally permit Major Entertainment and Outdoor Entertainment in the Community Commercial zone and Town Center Transition Zone and permit entertainment-oriented uses as an accessory use for commercial lodging. This would allow for entertainment uses to be permitted in the City where they had previously not been permitted in any zone.

Commercial Policy #14: *Improve Adopted standards related to landscaping, access, signing, utility locations and building orientation which minimize the negative features of commercial strip development based on best practices.*

Finding: Amending §17.8.525 will establish standards for the use of alternative surfaces for off-street parking facilities for community recreation and agriculture/horticulture uses. By identifying the standards and uses in which alternative surface materials may be used the

negative features associated with alternatively surfaced off-street parking areas will be minimized and mitigated.

Industrial and Employment Policy #15: *Implement development standards to promote the efficient use of industrially zoned land.*

Finding: Amending §17.8.525 will establish standards for the use of alternative surfaces for off-street parking facilities for accessory outdoor storage in the Limited Industrial and General Industrial zones. This will allow for a more efficient use of industrial zoned land to suit the operational needs of industrial uses.

Forest Grove Comprehensive Plan – Housing

Housing Goal #3: *Promote mixed use development opportunities throughout the community.*

Housing Policy 3.1: *Identify locations on the Comprehensive Plan and Zoning maps for mixed-use development opportunities. Establish standards for residential and commercial densities, desired building mix, and building design for mixed-use areas.*

Finding: Amendments to §17.4.300, §17.4.315, and §17.4.320 would clarify and make explicit the requirement for commercial development for a Mixed Use Planned Development proposal. Replacing ambiguous permissive language with mandatory language will make clear what is optional and what is required. This is necessary to achieve pedestrian-friendly mixed-use neighborhoods that meet the definition of mixed-use. This will ensure that locations that have been identified and promoted for mixed-use development on the Comprehensive Plan and Zoning Maps are developed as such.

Housing Goal #7: Provide for the preservation of neighborhoods, housing types and lot sizes.

Housing Policy #7.1: Maintain the existing residential housing stock in established neighborhoods by retaining single family residential comprehensive plan and zoning designations.

Finding: The amendment to §17.3.120 Residential Zones – Use Regulations would remove General Retail: Sales – Oriented as a conditionally permitted use in residential zones. This will remove any ambiguity in the code as to whether cannabis retailers could be permitted in residential zones. This will preserve established residential neighborhoods and is consistent with State Law prohibiting cannabis retailers from locating in residential zones (ORS 475C.097).

Finding: Amendments to §17.7.040 Fences – Standards for Residential Zones would permit fences to be constructed up to ten feet in height on residential properties adjacent to Highway 47. Noise from Highway 47 has increased significantly with the increase in traffic. Reducing noise conflicts with the adjacent property will preserve these established neighborhoods. A taller fence will help to block traffic noise from the existing adjacent residential neighborhoods and grant property owners the full enjoyment of their property.

Forest Grove Comprehensive Plan – Public Safety

Public Safety Goal #1: *Provide a high level of public safety services including police and fire protection commensurate with development in the community.*

Finding: Amendments to §17.4.315 MUPD Development Standards would allow for the development of Emergency Services uses outside of the Village Center. Allowing any needed Emergency Services to be located outside of the Village Center provides greater flexibility to emergency service providers to develop according their standards and ensure the highest level of public safety service commensurate with development in the community.

B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.

Finding: The City of Forest Grove Comprehensive Plan and implementing regulations have been acknowledged by the Oregon Department of Land Conservation and Development as being in compliance with Statewide Goals. Many of the proposed amendments would simply update and clarify processes and procedures, correct typographical errors, update definitions or bring the Development Code into compliance with State statutes. These include amendments to §17.3.120 Residential Zones – Use Regulations, §17.7.040 Fences – Standards for Residential Zones, §17.12.130 Commercial Use Category, and §17.12.210 Meaning of Specific Words and Terms. As such, they are consistent with relevant statewide and regional planning goals, policies and rules.

Finding: The amendments to §17.3.320, §17.3.420, §17.3.520, §17.4.300, §17.4.315, §17.4.320, §17.8.525, and §17.8.1100 would revise the development standards and procedures for cannabis related uses in commercial and industrial zones, clarify the commercial development standards for mixed use development in the NMU zone, and revise development standards for off-street parking and loading facilities. No Statewide Planning Goal pertains to commercial or industrial zoning district development standards, nor do any regional planning goals, program or rules.

Finding: Relevant statewide and regional goals and policies related to the proposed changes are addressed as follows:

Statewide Planning Goal 9 Economic Development - To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Amendments to the CC and TCT zoning districts to conditionally permit Major Entertainment and Outdoor Entertainment in the Community Commercial zone and Town Center Transition Zone and permit entertainment-oriented uses as an accessory use for commercial lodging would provide adequate variety of economic activities by permitting entertainment uses in the City where they had previously not been permitted in any zone.

IV. ALTERNATIVES

The Planning Commission may recommend that the City Council approve the proposals as submitted, approve them with modifications, or the Commission may continue deliberations to a date certain.

V. RECOMMENDATION

Based on the findings above, staff recommends approval of the proposed amendments listed in attached Exhibits A-E, as well as any revisions found appropriate by the Planning Commission.

VI. LIST OF EXHIBITS

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

Exhibit A	Article 3 Zoning Districts Amendments
Exhibit B	Article 4 Overlay Districts Amendments
Exhibit C	Article 7 Miscellaneous Provisions Amendments
Exhibit D	Article 8 General Development Standards Amendments
Exhibit E	Article 12 Use Categories and Definitions Amendments
Exhibit F	PowerPoint

ORDINANCE NO. 2022-00
EXHIBIT A – ARTICLE 3 AMENDMENTS

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ZONING DISTRICTS

RESIDENTIAL ZONES

§ 17.3.120 USE REGULATIONS

TABLE 3-2 Residential Zones: Use Table

USE CATEGORY	SR	R-7	R-5	RM	RH
General Retail: Sales – Oriented	N	NC ^[9]	NC ^[9]	NC ^[9]	NC ^[9]

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

Table Footnotes:

- [9] ~~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.~~

COMMERCIAL AND MIXED USE ZONES

§ 17.3.320 USE REGULATIONS

TABLE 3-8: Commercial and Mixed Use Zones Use Table

USE CATEGORY	NC	CC	NMU
<u>COMMERCIAL</u>			
Commercial Lodging	N	L[5] <u>[20]</u>	L[16] <u>[20]</u>
Entertainment – Oriented:			
- Major Event Entertainment	N	N <u>C</u>	N
- Outdoor Entertainment	N	N <u>C</u>	N
General Retail:			
- Sales – Oriented	L ^[7]	L ^[7]	L ^[15]
Medical Centers	N	L[12]	N
Office	L[17]	L[17]	L[16][17]

Footnotes:

- [7] ~~Marijuana~~ **Cannabis** 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 § 17.8.1100 of this code.

- [9] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright in the CC zone; sales and rental ~~or of~~ heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted with conditional use approval.
- [12] Medical ~~marijuana~~ **cannabis** 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.~~
- [16] Restricted to uses existing as of 03/28/2016.
- [17] ~~Marijuana~~ **Cannabis** testing laboratories are prohibited in the NC and NMU and are conditional uses in the CC zone.
- [20] Entertainment-oriented facilities may be permitted as an accessory use. Events of 500 or more spectators shall require a Temporary Use Permit.**

TOWN CENTER ZONES

§ 17.3.420 USE REGULATIONS

TABLE 3-10: Town Center Zones Use Table

USE CATEGORY	TC - Core	TC - Transition
<u>COMMERCIAL</u>		
Commercial Lodging	L[4] [17]	L[4] [17]
Entertainment-Oriented:		
- Major Event Entertainment	N	C
- Outdoor Entertainment	N	N C
- Indoor Entertainment	P	P
General Retail:		
- Sales-Oriented	P [7]	P [7]
Medical Centers	N	C /P [7]

Footnotes:

- [7] Medical ~~marijuana~~ **cannabis** dispensaries and ~~marijuana~~ **cannabis** retailers are permitted consistent with the locational requirements of state law and in compliance with the requirements of § 17.8.1100 of this Code.
- [17] Entertainment-oriented facilities may be permitted as an accessory use. Events of 500 or more spectators shall require a Temporary Use Permit.**

INDUSTRIAL ZONES

§ 17.3.520 USE REGULATIONS

TABLE 3-12: Industrial Zones Use Table

USE CATEGORY	LI	GI	BIP
<u>INDUSTRIAL</u>			
Manufacturing and Production:			
- Medical and Recreational Marijuana Cannabis Processors	N	C P	N
Warehouse / Freight Movement	P/ C(X)	P/ C(X)	P/ C(X)
Wholesale Sales	P ^[8] / C(Y)	P ^[8] / C(Y)	C

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.~~

ORDINANCE NO. 2022-00
EXHIBIT B – ARTICLE 4 AMENDMENTS

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MIXED USE PLANNED DEVELOPMENT

§ 17.4.300 PURPOSE

The purpose of the Mixed Use Planned Development is to ensure that sites zoned Neighborhood Mixed Use are developed into pedestrian-friendly mixed use neighborhoods. In order to accomplish that, Mixed Use Planned Developments ~~need to~~ **shall** provide:

- A. Diversity in the mix of housing types including single-family houses, apartments, row houses, cottages, senior housing and residential units above commercial or office space;
- B. Pedestrian-orientation in the arrangement and placement of buildings, parking and circulation systems, land uses and utilities;
- C. Pedestrian and bicycle access to, and through, the site and provide connectivity to adjacent areas for motorized and non-motorized modes of transportation;
- D. Neighborhood-scale retail sales and service, office, civic or recreational uses conveniently located for neighborhood access, thereby contributing to the livability of the area by reducing the amount of vehicle miles traveled to reach goods and services;
- E. Coordinated architectural styles, landscaping building forms and building relationships which help establish a cohesive sense of place;
- F. An urban form that emphasizes the efficient use of land and compact urban form;
- G. The applicant with reasonable assurance of ultimate approval before requiring detailed design and engineering, while providing the city with assurances that the project will retain the character envisioned at the time of approval; and
- H. A basis for discretionary review of an overall plan of development that can subsequently be developed in phases over time with administrative approval.

17.4.315 MUPD DEVELOPMENT STANDARDS

- F. *Village Center*. Commercial Uses and Institutional Uses (other than **Emergency Services**, Basic Utilities, Major Utilities Transmission Facilities, Daycare, Home Occupations and Community Recreation) shall be located within a Village Center.
 - 1. The ~~applicant shall propose designs for the~~ Village Center ~~that~~ **shall** provide services at a neighborhood scale within a compact, pedestrian-friendly environment. The Design and Development Standards and/or Design Guidelines applicable to the Town Center Transition (TCT) zone shall be used as a basis for development within the Village Center unless modified through an approved MUPD.
 - 2. The minimum and maximum floor area of commercial or institutional uses permitted within the Village Center is shown in Table 4-2.
 - 3. The total area of the Village Center shall not exceed 50% of the buildable land within the MUPD or three (3) acres, whichever is greater. For the purposes of this calculation the area of the Village Center shall include the contiguous areas dedicated to commercial and

institutional uses and related parking. Streets and open space shall not be included in the Village Center area calculations.

4. Only one (1) Village Center is permitted within each of the NMU Zoned Areas.
5. Institutional uses shall not exceed 10% of the maximum allowed square footage within the Village Center.
6. Within Area 2 (Davidson), the maximum building footprint is 50,000 square feet. One tenant in Area 2 may occupy up to 50,000 square feet of gross floor area. Multiple tenants in a single building are allowed.

TABLE 4-2: Commercial/Institutional Uses within the Village Center

NMU Zoned Area	Minimum Square Footage	Maximum Square Footage
Area 1 - David Hill/Nixon	None	15,000 SF Gross Floor Area
Area 2 - Davidson	25,000 SF Gross Floor Area	130,000 SF Gross Floor Area ¹
Area 3 - East David Hill Rd	10,000 SF Gross Floor Area	150,000 SF Gross Floor Area ²

1. Maximum building footprint is 50,000 square feet.

2. Maximum building footprint is 50,000 square feet.

§ 17.4.320 PRELIMINARY PLAN REVIEW.

- A. Procedure. Preliminary plan reviews are processed through a Type III procedure.
- B. Submittal requirements. Applications for a preliminary plan review must contain the information stated below in addition to that required by § 17.1.325.
 1. General statement. A statement of how the purpose of § 17.4.300 will be achieved by the proposed MUPD. The statement should include sketches or illustrations of the proposed character of the development, a description of how the MUPD will relate to surrounding land uses and whether other land use reviews are requested.
 2. Summary report. A summary report identifying the different land uses, including the amount of land for housing, Village Center (if any) and other non-residential uses, open areas, streets and parking; the number and type of housing units; and a statement of how necessary services will be provided and whether the services will be publicly or privately owned and operated.

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EXHIBIT C – ARTICLE 7 AMENDMENTS

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MISCELLANEOUS PROVISIONS

FENCES

17.7.040 STANDARDS FOR RESIDENTIAL ZONES

The following standards apply to fences, walls and screens in all residential zones and for residential uses in all other zones:

- B. *Side and rear yards.* Fences within the side and rear yards are limited to a height of six (6) feet. The fence may be placed on the property line but shall be reduced to a height of three and one half (3 ½) feet in the required front yard. **Rear yard fences for residential properties abutting State Highway 47 may be up to ten (10) feet in height.**

ORDINANCE NO. 2022-00
EXHIBIT D – ARTICLE 8 AMENDMENTS

(New text is indicated by **bold - underline** and text being deleted is ~~struck through~~)

GENERAL DEVELOPMENT STANDARDS

OFF STREET PARKING AND LOADING

§ 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 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 8-10 and 8-11.
- 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.
 - 1. 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.
 - 2. 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.
 - 3. Where possible, pervious surfacing should be used for off-street parking areas.
 - 4. **The uses and operations listed below may provide alternative surfacing, such as gravel or other similar semi-pervious surfaces, from the above requirements for vehicular parking or storage areas. Driveways and access aprons which connect to any paved access road and/or public street shall meet the surfacing requirements listed above.**
 - a. **Community recreation**
 - b. **Agriculture/horticulture**
 - c. **Outdoor Storage**

- i. Allowed as an accessory use to a primary use and limited to uses located in the Light Industrial (LI) and General Industrial (GI) zones; and
- ii. Any area intended to be used to meet the off-street parking requirements shall be surfaced according to the requirements of § 17.8.525.F.1 above; and
- iii. Any outdoor storage that would otherwise be visible at the property line shall be screened from view at the abutting property line by a sight obscuring fence or planting not less than six feet in height; and
- iv. The property owner shall maintain outdoor storage areas to ensure continued drainage and dust control; and
- v. Does not include self-service storage provided for rental of storage space to the public for personal vehicles, recreational vehicles, boats or other personal property. Self-service storage shall be subject the surfacing requirements of § 17.8.525.F.1 above.

MARIJUANA CANNABIS DEVELOPMENT STANDARDS

§ 17.8.1100 GENERAL STANDARDS FOR ALL MARIJUANA CANNABIS FACILITIES.

- A. The application shall demonstrate compliance with the locational requirements of O.R.S. Chapter 475B and must maintain State certification at all times.
- B. MarijuanaCannabis-related activities are prohibited on publicly-owned lands.
- C. Entrances and off-street parking areas shall be well-lit and not visually obscured from public view/right-of-way. Landscaping shall be continuously maintained to provide clear lines of sight from public rights-of-way to all building entrances. Interior building lighting, exterior building lighting and parking area lighting shall be of sufficient foot-candles and color rendition so as to allow the ready identification of any individual at a distance of no less than 40 feet. Exterior lighting shall be provided in accordance with required security measures and shall be continuously maintained.
- D. The facility must provide for secure disposal or render impotent ~~marijuana~~ cannabis remnants or byproducts, or items with ~~marijuana~~ cannabis residue of any kind.
- E. All hazardous materials shall be stored and processed in a manner approved by the City Fire Marshal. Hazardous waste shall be disposed of properly through a properly licensed solid waste disposal or recycling facility.
- F. A pre-application conference ~~and conditional use approval~~ (§17.1.200 et. seq.) is required for any ~~marijuana~~ cannabis producer, processor, wholesaler, or testing laboratory. A neighborhood meeting may be required as part of the pre-application process pursuant to §17.1.220 et. seq.
- ~~G. The city shall not issue any other permit for development until final Conditional Use approval has been granted.~~
- H. Any person or property in violation of §§ 17.8.1100 et seq. is subject to abatement and assessment by the city under the abatement procedures set forth in §§ 91.050 through 91.054.

§ 17.8.1110 MEDICAL MARIJUANA CANNABIS DISPENSARIES AND MARIJUANA CANNABIS RETAILERS.

A medical marijuana cannabis dispensary and marijuana cannabis retailer activities shall comply with the following design standards and operational requirements in addition to all other applicable city requirements:

- A. May not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.;
- B. The facility must be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle. Outdoor storage of merchandise, raw materials or other material associated with the facility is prohibited;
- C. Any modification to the site or the exterior of the building housing the facility must be consistent with the Design Standards of §§ 17.8.700 et seq. Security bars or grates on windows and doors are prohibited unless integrated into the design;
- D. The dispensary or retail operation may not have facilities for drive-up use;
- E. The dispensary must provide for secure disposal or render impotent marijuana- cannabis remnants or by-products, or items with marijuana cannabis residue of any kind;
- F. ~~A Medical marijuana cannabis dispensary~~ dispensaries and cannabis retailers may not locate within 1,000 feet from a school (public or private). ~~A medical marijuana cannabis dispensary may not locate within 1,000 feet of another medical marijuana dispensary.~~ Distance shall be measured property line to property line; and
- G. ~~A recreational marijuana retailer may not locate within 1,000 feet of a school (public or private).~~ Medical cannabis dispensaries and cannabis retailers may not locate within 1,000 feet of another medical cannabis dispensary or cannabis retailer. Distances shall be measured property line to property line.

§ 17.8.1120 OTHER MARIJUANA CANNABIS FACILITIES.

The following requirements apply to marijuana cannabis-related wholesaler, processing, producers and testing laboratories.

- A. The facility must be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle. Outdoor storage of merchandise, raw materials or other material associated with the facility is prohibited. Views into a production or processing area or testing laboratory from the exterior of a building are prohibited.
- B. Public access to a marijuana cannabis facility shall be limited to employees, personnel and persons over the age of 21 legally authorized to conduct business with the operator.
- C. All, producers, processors, wholesalers and testing laboratories shall provide a method to control odors. Such facilities shall install and maintain enhanced ventilation systems designed to prevent detection of marijuana cannabis odor from adjacent properties or the public right-of-way. The systems shall include the following features:
 - 1. Installation of activated carbon filters on all exhaust outlets to the building exterior; and

2. Location of exhaust outlets a minimum of ten feet from the property line; three feet from exterior walls; and ten feet above finished grade; and
3. Maintenance of negative air pressure within the facility; or
4. An alternative odor control system approved by the Building Official based on a report by a mechanical engineer licensed in the State of Oregon, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

ORDINANCE NO. 2022-00
EXHIBIT E – ARTICLE 12 AMENDMENTS

(New text is indicated by **bold - underline** and text being deleted is ~~struck through~~)

USE CATEGORIES AND DEFINITIONS

§ 17.12.130 COMMERCIAL USE CATEGORY.

- A. *Commercial lodging.* Residential facilities such as hotels, motels, rooming houses and recreational vehicle parks where tenancy is typically less than one month; may include accessory meeting, ~~and—~~convention, **and entertainment-oriented** facilities and restaurants/bars.
- C. *Entertainment-oriented.*
1. *Major event entertainment.* Facilities such as auditoriums, **amphitheaters, concert halls,** stadiums, convention centers and race tracks which provide athletic, cultural or entertainment events and exhibits for large groups of spectators.
 2. *Outdoor entertainment.* Entertainment uses associated with extensive outdoor facilities **and active recreation** including miniature golf courses, driving ranges, go cart tracks and shooting ranges. **Outdoor facilities provided for the viewing of cultural or entertainment events and exhibits are classified as major event entertainment.**
 3. *Indoor entertainment.* Indoor facilities such as health/fitness clubs, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, indoor shooting ranges and movie theaters.

§ 17.12.210 MEANING OF SPECIFIC WORDS AND TERMS.

~~M8C2.~~**MEDICAL MARIJUANA CANNABIS 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~~ **cannabis**, immature ~~marijuana~~ **cannabis** 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~~ **cannabis** processing facilities. **DISPENSARIES** receive transfers of usable ~~marijuana~~ **cannabis**, immature ~~marijuana~~ **cannabis** plants and seeds from registrants and primary caregivers. ~~MEDICAL MARIJUANA CANNABIS~~ **DISPENSARIES** are classified as Commercial: Medical Centers.

~~M9C3.~~**MARIJUANA CANNABIS FACILITIES.** Facilities including recreational ~~marijuana~~ **cannabis** producers, recreational ~~marijuana~~ **cannabis** processors, recreational ~~marijuana~~ **cannabis** retailers, recreational ~~marijuana~~ **cannabis** wholesalers and medical ~~marijuana~~ **cannabis** dispensaries, medical ~~marijuana~~ **cannabis** producers and medical ~~marijuana~~ **cannabis** processors.

- ~~M10~~**C4. MARIJUANA CANNABIS PROCESSOR.** A facility licensed by the Oregon Liquor Control Commission or registered by the Oregon Health Authority to process, compound or convert ~~marijuana~~ cannabis into cannabinoid products, cannabinoid concentrates or cannabinoid extract. **MARIJUANA CANNABIS PROCESSORS** are classified as Industrial: Manufacturing and Production.
- ~~M11~~**C5. MARIJUANA CANNABIS PRODUCER - MEDICAL.** A specific location registered by the Oregon Health Authority (OHA) used by a medical ~~marijuana~~ cannabis grower to manufacture, plant, cultivate, grow or harvest ~~marijuana~~ cannabis or dry ~~marijuana~~ cannabis leaves or flowers for medical use by a specific patient. **MEDICAL MARIJUANA CANNABIS PRODUCERS** are classified as Other: Agriculture/Horticulture.
- ~~M12~~**C6. MARIJUANA CANNABIS PRODUCER - RECREATIONAL.** A facility that is licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest ~~marijuana~~ cannabis. **RECREATIONAL MARIJUANA CANNABIS PRODUCERS** are classified as Other: Agriculture/Horticulture.
- ~~M13~~**C7. MARIJUANA CANNABIS PRODUCTION - INDOOR.** According to O.A.R. 845-025-2000(2) means producing ~~marijuana~~ cannabis in any manner (a) utilizing artificial light on mature ~~marijuana~~ cannabis plants or (b) other than outdoor production.
- ~~M14~~**C8. MARIJUANA CANNABIS PRODUCTION - OUTDOOR.** According to O.A.R. 845-025-2000(3) means producing ~~marijuana~~ cannabis: (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~~ cannabis plants, including but not limited to electrical lighting sources.
- ~~M15~~**C9. MARIJUANA CANNABIS RETAILER.** A facility licensed by the Oregon Liquor Control Commission to sell ~~marijuana~~ cannabis to a consumer. **MARIJUANA CANNABIS RETAILERS** are classified as General Retail: Sales- Oriented.
- ~~M16~~**C10. MARIJUANA CANNABIS TESTING LABORATORIES.** A state-licensed laboratory for testing of ~~marijuana~~ cannabis items licensed by the Oregon Liquor Control Commission. ~~Marijuana~~ Cannabis testing laboratories are classified as Commercial: Office.
- ~~M17~~**C11. MARIJUANA CANNABIS WHOLESALER.** A facility licensed by the Oregon Liquor Control Commission to purchase ~~marijuana~~ cannabis items in Oregon for resale to a person other than a consumer. Recreational **MARIJUANA CANNABIS WHOLESALERS** are classified as Industrial: Wholesale Sales.
- C212. CARPOOL/VANPOOL.** A group of two or more commuters who share the ride to and from work, school and other destinations.

- C313. **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.
- C414. **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.
- C515. **CHANGE OF USE.** Any use that differs from the previous use as defined in §§ 17.12.100 et seq., Use Categories.
- C616. **CITY.** The area within the territorial limits of the City of Forest Grove.
- C717. **CITY ENGINEER.** The person assigned the title of City Engineer for the City of Forest Grove, Oregon, or designee.
- C818. **CITY OF FOREST GROVE.** The governing structure for the municipality of Forest Grove, Oregon.
- C919. **CLEAR VISION AREA.** A triangular area located at the intersection of two 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.
- C1020. **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.
- C1121. **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.
- C1222. **COMPLEX.** A structure or group of structures developed on one or more contiguous lots of record and developed as part of an overall development plan.
- C1323. **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.
- C1424. **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.

C4525. **CONTIGUOUS**. See **ABUTTING**.

C4626. **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 courtyard.

C4727. **COUNCIL**. The City Council of Forest Grove, Oregon.

C4828. **CUL-DE-SAC**. The circular turnaround at the end of a dead-end street.

M8. MURAL. A picture painted or affixed directly on a wall.

S3.

hh. ~~SIGN. Any device, structure, fixture, placard and any related support structure erected for the purpose of displaying graphics, symbols and/or written designed specifically for the purpose of advertising or identifying any business, , institution, commodity, service, entertainment or activity.~~ **Writing, video projection, pictorial representation, illustration, decoration (including material used to differentiate sign copy from its background), emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that by reason of its form, color, wording, symbol, design, or illumination is designed to communicate or enhance the communication of a message and is a building or any part thereof or written, printed, projected, painted, constructed, transmitted or otherwise placed or displayed upon or designed into a supporting structure or upon any material object or device whatsoever.**

V1. **VILLAGE CENTER**. The core of a Neighborhood Mixed Use zoning district, comprised of a compact, cohesive mix of residential, commercial and mixed use buildings arranged along a main street that are within walking distance of residents who live within and surrounding the core.

V4 **V2**. **VARIANCE**.

V2 **V3**. **VEHICLE PARKING SPACE**.



Development Code Update

Planning Commission

Amy Kreimeier, AICP
Senior Planner

6/21/22

BACKGROUND

- The Development Code was adopted in 2009.
- Its Purpose is to:
 - Implement the Comprehensive Plan
 - Satisfy federal, state, and regional laws, goals and rules
 - Guide planning policies and actions
 - Facilitate review of development proposals

2022 UPDATE

- Minor Amendments:
 - Mixed-use Planned Developments
 - Fences
 - Signs & Murals
- Major Amendments:
 - Entertainment-oriented Uses
 - Gravel Parking Lots
 - Cannabis Uses

MINOR AMENDMENTS

- Mixed Use Planned Development
 - Clarifies the requirement for commercial or institutional development for Mixed Use Planned Developments by removing ambiguous language.
 - Permits emergency service uses outside of the Village Center.
 - Adds a definition for Village Center.
- Fences
 - Rear yard fences for residential properties abutting State Highway 47 may be up to ten (10) feet in height.
- Signs & Murals
 - Updates the definition of a sign to be consistent with state law.
 - Adds a definition for mural.

ENTERTAINMENT-ORIENTED USES

- Commercial lodging. Residential facilities such as hotels, motels, rooming houses and recreational vehicle parks where tenancy is typically less than one month; may include accessory meeting, and convention **and entertainment-oriented facilities** and restaurants/bars.
- Major event entertainment. Facilities such as auditoriums, **amphitheaters, concert halls,** stadiums, convention centers and race tracks which provide athletic, cultural or entertainment events and exhibits for large groups of spectators.
- Outdoor entertainment. Entertainment uses associated with extensive outdoor facilities and **active recreation** including miniature golf courses, driving ranges, go cart tracks and shooting ranges. **Outdoor facilities provided for the viewing of cultural or entertainment events and exhibits are classified as major event entertainment.**

ENTERTAINMENT-ORIENTED USES

- Permitted Zones:

USE CATEGORY	NC	CC	NMU	TC-Core	TC-Transition
<u>COMMERCIAL</u>					
Commercial Lodging	N	L[5] <u>[20]</u>	L[16] <u>[20]</u>	L[4] <u>[17]</u>	L[4] <u>[17]</u>
Entertainment – Oriented:					
- Major Event Entertainment	N	N <u>C</u>	N	N	C
- Outdoor Entertainment	N	N <u>C</u>	N	N	N <u>C</u>
- Indoor Entertainment	N	P	L[15]	P	P

- Note [20], [17]:

- Entertainment-oriented facilities may be permitted as an accessory use. Events of 500 or more spectators shall require a Temporary Use Permit.

GRAVEL PARKING LOTS

- Revises DC § 17.8.525, Design and Maintenance Standards for Off-Street Parking and Loading, to permit the use of alternative surfacing, such as gravel or other similar semi-pervious surfaces.
- Permitted for:
 - Community recreation uses
 - Agriculture/Horticulture uses
 - Accessory outdoor storage in the LI and GI zones

§ 17.8.525.F. Surfacing.

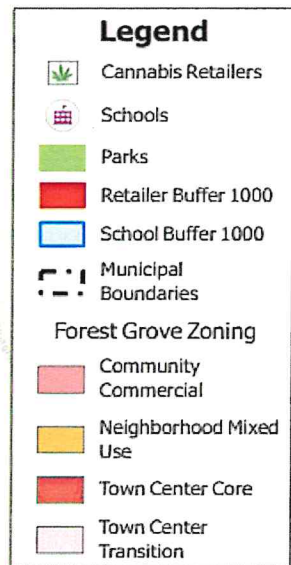
- 4. The uses and operations listed below may provide alternative surfacing, such as gravel or other similar semi-pervious surfaces, from the above requirements for vehicular parking or storage areas. Driveways and access aprons which connect to any paved access road and/or public street shall meet the surfacing requirements listed above.
 - a. Community recreation
 - b. Agriculture/horticulture
 - c. Outdoor Storage
 - i. Allowed as an accessory use to a primary use and limited to uses located in the Light Industrial (LI) and General Industrial (GI) zones; and
 - ii. Any area intended to be used to meet the off-street parking requirements shall be surfaced according to the requirements of § 17.8.525.F.1 above; and
 - iii. Any outdoor storage that would otherwise be visible at the property line shall be screened from view at the abutting property line by a sight obscuring fence or planting not less than six feet in height; and
 - iv. The property owner shall maintain outdoor storage areas to ensure continued drainage and dust control; and
 - v. Does not include self-service storage provided for rental of storage space to the public for personal vehicles, recreational vehicles, boats or other personal property. Self-service storage shall be subject the surfacing requirements of § 17.8.525.F.1 above.

CANNABIS RETAILERS

- Changes term from marijuana to cannabis.
- Restricts commercial cannabis retailers from locating within 1,000 feet of other commercial marijuana retailers.
- Removes the requirement for cannabis uses to obtain a Conditional Use Permit.
- Removes note 9 from Table 3-2 Residential Zones: Use Table
 - ~~[9] 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.~~

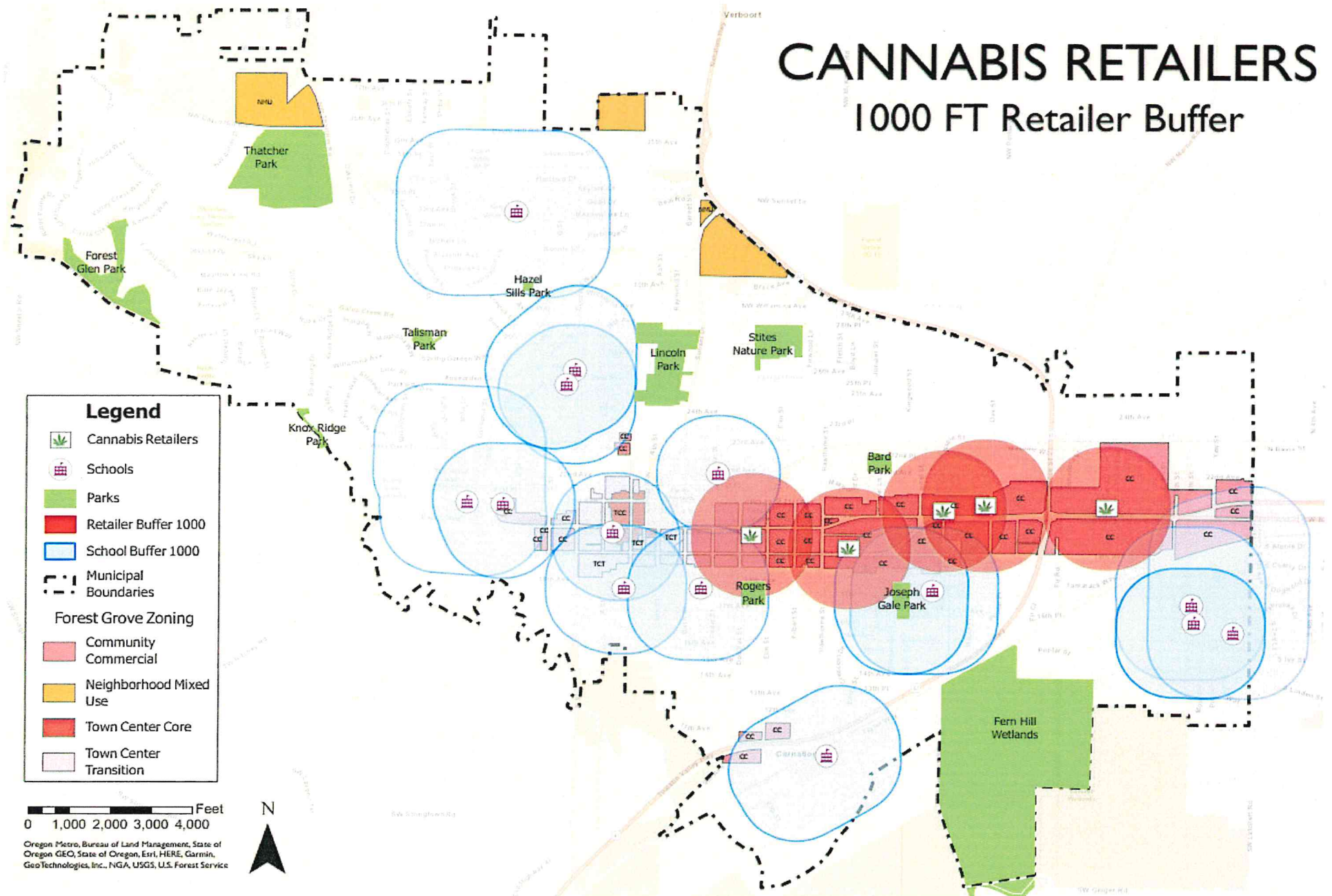
CANNABIS RETAILERS

1000 FT Retailer Buffer



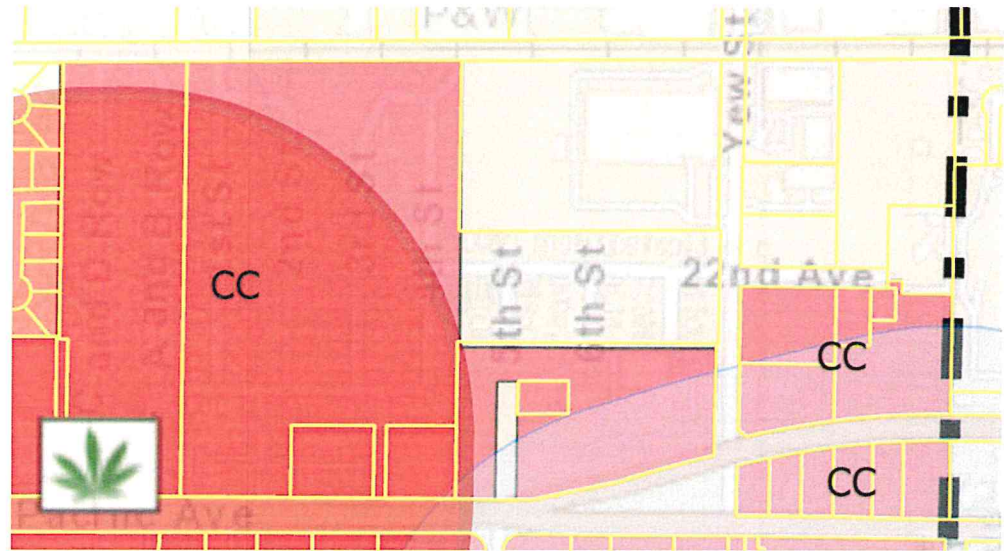
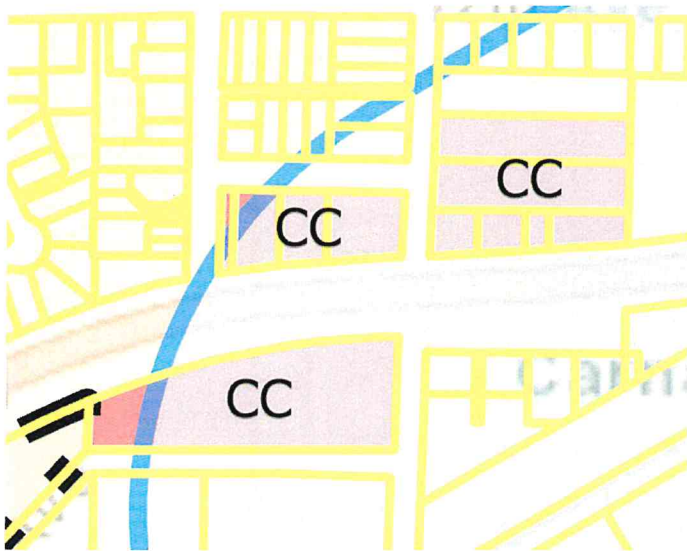
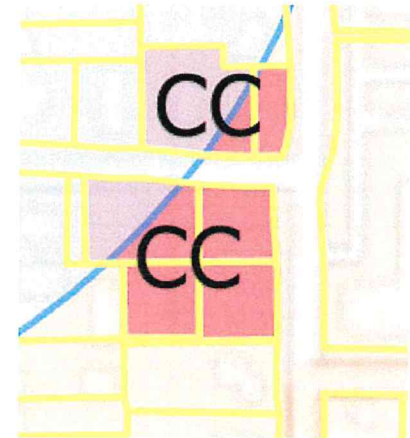
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Oregon Metro, Bureau of Land Management, State of Oregon GEO, State of Oregon, Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS, U.S. Forest Service



CANNABIS RETAILERS

- 1,000 ft. Retailer buffer – 14 available parcels
 - 3 CC parcels at Main & 23rd
 - 2 CC parcels at Adair & Yew
 - 9 NMU parcels – requires MUPD permit
 - 2 parcels on Sunset Dr.
 - 7 parcels at David Hill & Thatcher



CANNABIS RETAILERS
1000 FT Park Buffer

Legend

- Cannabis Retailers
- Schools
- Parks
- Retailer Buffer 1000
- School Buffer 1000
- Park Buffer 1000
- Municipal Boundaries
- Forest Grove Zoning
 - Community Commercial
 - Neighborhood Mixed Use
 - Town Center Core
 - Town Center Transition

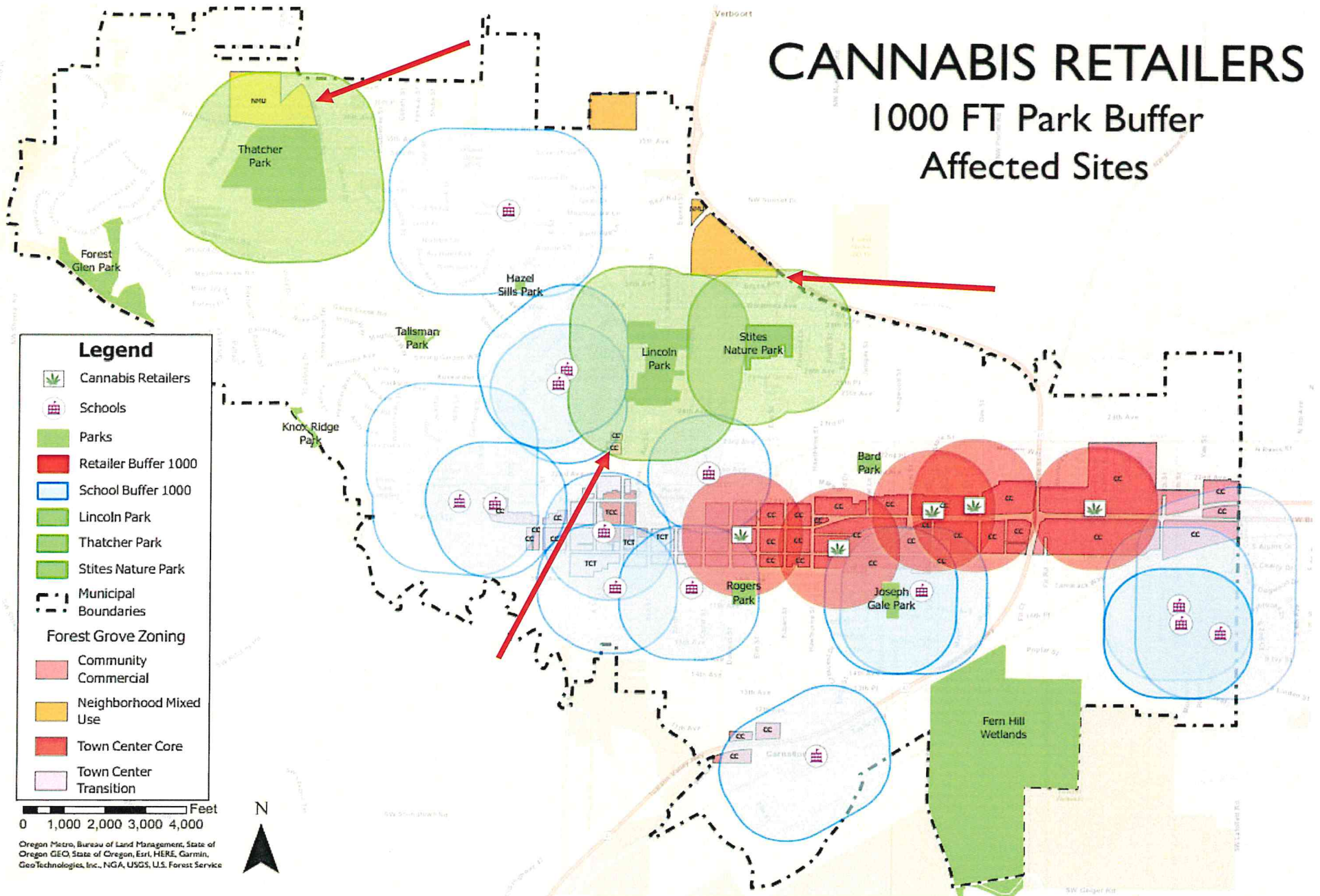
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Oregon Metro, Bureau of Land Management, State of Oregon GEO, State of Oregon, Esri, HERE, Garmin, GeoTechnologies, Inc., NGA, USGS, U.S. Forest Service

CANNABIS RETAILERS

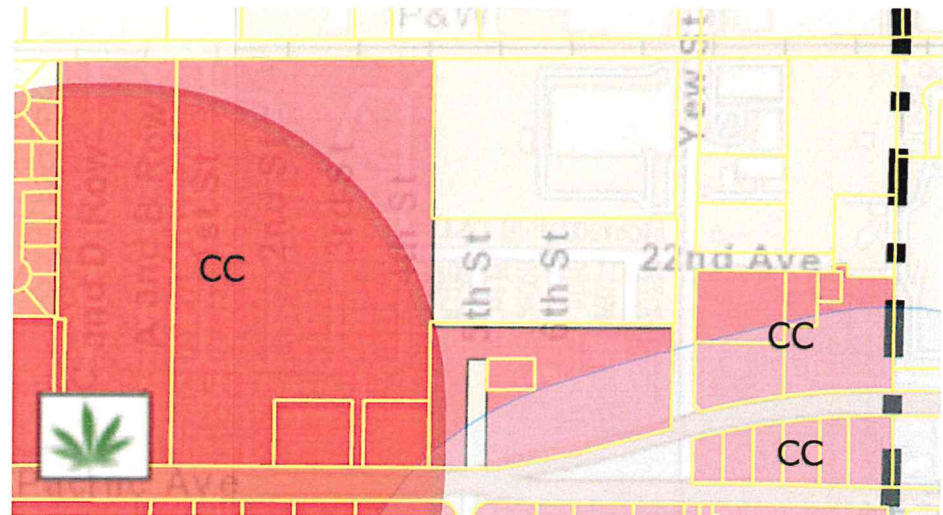
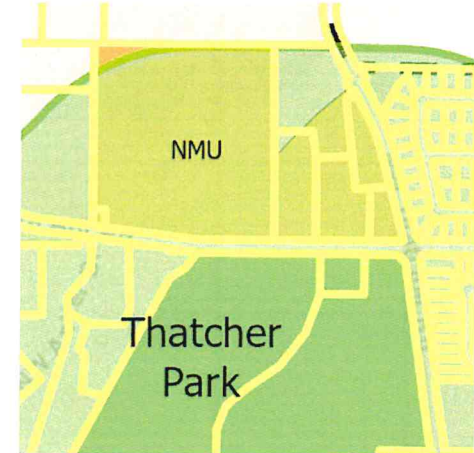
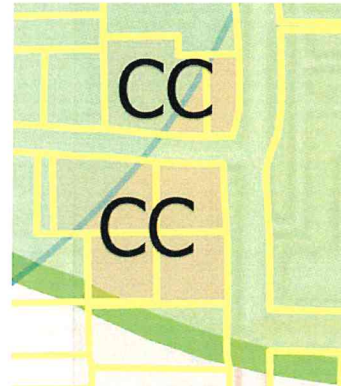
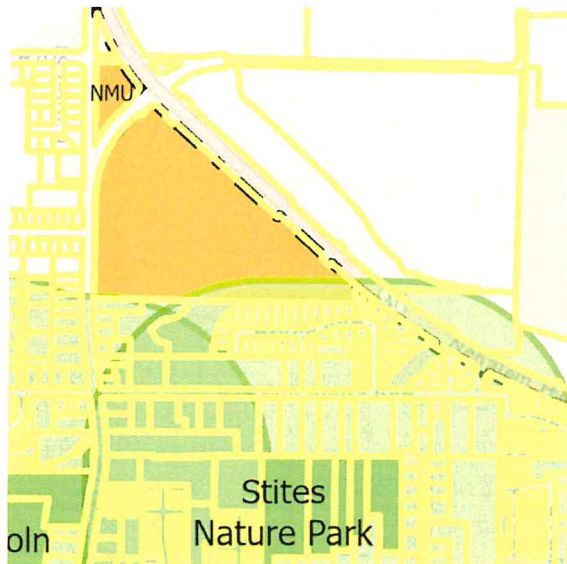
1000 FT Park Buffer

Affected Sites



CANNABIS RETAILERS

- 1,000 ft park buffer & retailer buffer— 3 available parcels
 - 2 CC parcels at Adair & Yew
 - 1 NMU parcel on Sunset Dr.
 - requires MUPD permit



RECOMMENDATION

- Staff recommends:
 - The Planning Commission take public comments on the proposed code amendments; and
 - Approve a motion recommending that City Council adopt an ordinance approving the amendments to the Forest Grove Development Code.

SCHOOLS

- SCHOOL. A public elementary or secondary school for which attendance is compulsory under O.R.S. 339.020, or a private or parochial elementary school, teaching children as described in O.R.S. 339.030(1)(a)
- O.R.S. 339.030(1)(a)
 - (1) In the following cases, children may not be required to attend public full-time schools:(a) Children being taught in a private or parochial school in the courses of study usually taught in kindergarten through grade 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools in the 1994-1995 school year.
- Full-time — 265 days

Planning Commission Findings and Decision Number 2022-06

Recommendation to City Council to Adopt Amendments to Forest Grove Development Code Article 3 *Zoning Districts*, Article 4 *Overlay Districts*, Article 7 *Miscellaneous Provisions*, Article 8 *General Development Standards*, and Article 12 *Use Categories and Definitions* Pertaining to Standards and Procedures for Cannabis Related Uses, Commercial Lodging, and Entertainment-oriented Uses, Mixed Use Planned Development Standards, Fences, Off-street Parking and Loading Standards, Other Miscellaneous Provisions, and Definitions File Number 311-22-000018-PLNG

WHEREAS, the Development Code was adopted in 2009; and

WHEREAS, the purpose of the proposed amendments are to update the code to adopt revised standards and procedures for cannabis related uses, commercial lodging, and entertainment-oriented uses, revise standards for fences and off-street parking and loading facilities, clarify processes and procedures, correct omissions, inconsistencies and typographical errors, update definitions or bring the Development Code into compliance with State statutes; and

WHEREAS, the Planning Commission held a work session to discuss the proposed amendments on May, 2 2022; and

WHEREAS, notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on May 16, 2022; and

WHEREAS, notice of the Planning Commission hearing on this ordinance was published in the *Forest Grove News Times* on June 9, 2022; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on June 21, 2022; and

WHEREAS, the Planning Commission adopted a motion on June 21, 2022, to recommend that City Council adopt an ordinance amending the text of the Forest Grove Development Code as provided in Exhibits A-E; and

NOW, THEREFORE, The City of Forest Grove Planning Commission does hereby recommend that City Council adopt an ordinance amending the text of the Forest Grove Development Code as provided in Exhibits A-E, making the following specific findings in support of this decision:

1. Development Code §17.2.630 *Review Criteria* lists two standards to be satisfied to adopt a text amendment:
 - A. **The text amendment is consistent with relevant goals and policies of the Forest Grove Comprehensive Plan; and**

Finding: Most of the amendments would simply update and clarify processes and procedures, or update definitions to comply with State codes. These include amendments to §17.3.120 Residential Zones – Use Regulations, §17.3.320 Commercial and Mixed Use Zones – Use Regulations, §17.3.420 Town Center Zones – Use Regulations, §17.3.520 Industrial Zones – Use Regulations, §17.4.300 Mixed Use Planned Development - Purpose, §17.4.315 MUPD Development Standards, §17.4.320 Preliminary Plan Review, §17.7.040 Fences – Standards for Residential Zones, §17.8.525 Design and Maintenance Standards for Off-Street Parking and Loading, §17.8.1100 Marijuana Development Standards et.al., §17.12.130 Commercial Use Category, and §17.12.210 Meaning of Specific Words and Terms. Since the Development Code serves as the principal tool for implementing the City's Comprehensive Plan, actions initiated under the Development Code are deemed consistent with the adopted Comprehensive Plan and applicable federal, state and regional laws.

Finding: Relevant goals and policies related to the changes are addressed as follows:

Forest Grove Comprehensive Plan - Land Use

Commercial Policy #1: *Distribute commercial activity throughout the city to serve existing and planned residential or employment areas.*

Finding: Amendments to §17.3.320 Commercial and Mixed Use Zones – Use Regulations, and §17.3.420 Town Center Zones – Use Regulations would conditionally permit Major Entertainment and Outdoor Entertainment in the Community Commercial zone and Town Center Transition Zone and permit entertainment-oriented uses as an accessory use for commercial lodging. This would allow for entertainment uses to be permitted in the City where they had previously not been permitted in any zone.

Commercial Policy #14: *Improve Adopted standards related to landscaping, access, signing, utility locations and building orientation which minimize the negative features of commercial strip development based on best practices.*

Finding: Amending §17.8.525 will establish standards for the use of alternative surfaces for off-street parking facilities for community recreation and agriculture/horticulture uses. By identifying the standards and uses in which alternative surface materials may be used the negative features associated with alternatively surfaced off-street parking areas will be minimized and mitigated.

Industrial and Employment Policy #15: *Implement development standards to promote the efficient use of industrially zoned land.*

Finding: Amending §17.8.525 will establish standards for the use of alternative surfaces for off-street parking facilities for accessory outdoor storage in the Limited

Industrial and General Industrial zones. This will allow for a more efficient use of industrial zoned land to suit the operational needs of industrial uses.

Forest Grove Comprehensive Plan – Housing

Housing Goal #3: *Promote mixed use development opportunities throughout the community.*

Housing Policy 3.1: *Identify locations on the Comprehensive Plan and Zoning maps for mixed-use development opportunities. Establish standards for residential and commercial densities, desired building mix, and building design for mixed-use areas.*

Finding: Amendments to §17.4.300, §17.4.315, and §17.4.320 would clarify and make explicit the requirement for commercial development for a Mixed Use Planned Development proposal. Replacing ambiguous permissive language with mandatory language will make clear what is optional and what is required. This is necessary to achieve pedestrian-friendly mixed-use neighborhoods that meet the definition of mixed-use. This will ensure that locations that have been identified and promoted for mixed-use development on the Comprehensive Plan and Zoning Maps are developed as such.

Housing Goal #7: Provide for the preservation of neighborhoods, housing types and lot sizes.

Housing Policy #7.1: Maintain the existing residential housing stock in established neighborhoods by retaining single family residential comprehensive plan and zoning designations.

Finding: The amendment to §17.3.120 Residential Zones – Use Regulations would remove General Retail: Sales – Oriented as a conditionally permitted use in residential zones. This will remove any ambiguity in the code as to whether cannabis retailers could be permitted in residential zones. This will preserve established residential neighborhoods and is consistent with State Law prohibiting cannabis retailers from locating in residential zones (ORS 475C.097).

Finding: Amendments to §17.7.040 Fences – Standards for Residential Zones would permit fences to be constructed up to ten feet in height on residential properties adjacent to Highway 47. Noise from Highway 47 has increased significantly with the increase in traffic. Reducing noise conflicts with the adjacent property will preserve these established neighborhoods. A taller fence will help to block traffic noise from the existing adjacent residential neighborhoods and grant property owners the full enjoyment of their property.

Forest Grove Comprehensive Plan – Public Safety

Public Safety Goal #1: *Provide a high level of public safety services including police and fire protection commensurate with development in the community.*

Finding: Amendments to §17.4.315 MUPD Development Standards would allow for the development of Emergency Services uses outside of the Village Center. Allowing any needed Emergency Services to be located outside of the Village Center provides greater flexibility to emergency service providers to develop according their standards and ensure the highest level of public safety service commensurate with development in the community.

B. The text amendment is consistent with relevant statewide and regional planning goals, programs and rules.

Finding: The City of Forest Grove Comprehensive Plan and implementing regulations have been acknowledged by the Oregon Department of Land Conservation and Development as being in compliance with Statewide Goals. Many of the proposed amendments would simply update and clarify processes and procedures, correct typographical errors, update definitions or bring the Development Code into compliance with State statutes. These include amendments to §17.3.120 Residential Zones – Use Regulations, §17.7.040 Fences – Standards for Residential Zones, §17.12.130 Commercial Use Category, and §17.12.210 Meaning of Specific Words and Terms. As such, they are consistent with relevant statewide and regional planning goals, policies and rules.

Finding: The amendments to §17.3.320, §17.3.420, §17.3.520, §17.4.300, §17.4.315, §17.4.320, §17.8.525, and §17.8.1100 would revise the development standards and procedures for cannabis related uses in commercial and industrial zones, clarify the commercial development standards for mixed use development in the NMU zone, and revise development standards for off-street parking and loading facilities. No Statewide Planning Goal pertains to commercial or industrial zoning district development standards, nor do any regional planning goals, program or rules.

Finding: Relevant statewide and regional goals and policies related to the proposed changes are addressed as follows:

Statewide Planning Goal 9 Economic Development - To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Amendments to the CC and TCT zoning districts to conditionally permit Major Entertainment and Outdoor Entertainment in the Community Commercial zone and Town Center Transition Zone and permit entertainment-oriented uses as an accessory use for commercial lodging would provide adequate variety of economic activities by permitting entertainment uses in the City where they had previously not been permitted in any zone.

PHIL RUDER, Chair

Date