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**Planning Commission
Community Auditorium and Zoom
1915 Main Street, Forest Grove, OR
Monday, December 19th, 2022, 7:00 pm**

1. CALL TO ORDER AND ROLL CALL:

Chair Phil Ruder called the Planning Commission public hearing to order at 7:00 p.m. via Zoom Video Conference.

The meeting was held in person in the Community Auditorium and remotely video conferenced by Planning Commission Coordinator Shannon Reynolds. To view the recorded meeting, please visit the City of Forest Grove website. The public was allowed to attend via Zoom or observe in the Community Auditorium.

Roll Call:

Planning Commission Present In Person and via Zoom Remotely: Chair Phil Ruder (in person); Commissioners Lisa Nakajima (in person), Ginny Sanderson (in person), Teri Bjorn (in person), Tim Farrell (in person), and Joel Redwine (in person).

Planning Commission Excused: Commissioner Julie Danko

Staff Present: Bryan Pohl, Community Development Director; Amy Kreimeier, Senior Planner (in the Community Auditorium); Shannon Reynolds, Planning Coordinator (in the Community Auditorium)

2. PUBLIC MEETING:

A. PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:

None.

B. PUBLIC HEARING:

(1.) File No. 311-22-000028-PLNG - Site Development and Design Review of proposed 45-unit multi-family apartment complex.

Chairman Phil Ruder opened the Public Hearing at 7:00 p.m. by reading through the quasi-judicial hearing procedures. Ruder asked if any members of the Planning Commission needed to disclose any ex parte contacts, bias, or conflicts of interest by a roll call vote. None were noted with the exception of Commissioner Bjorn mentioning she has a coworker that is in opposition, however she feels she can provide an unbiased decision.

Mrs. Amy Kreimeier provided the Commissioners with a staff report of the proposed site for development located at 2320 and 2230 26th Avenue, Washington County Tax Lots 1N331CA01500 & 1N331CA01700. This proposal is to construct a 45-unit multi-family apartment project consisting of four buildings. Two (1) bedroom, Forty-one (2) two-bedroom and two (3) bedroom units, and a management office are proposed. Parking is provided along the interior of the site and separated into three parking areas. Open space is provided around the buildings. A bocce ball court is proposed in the southeast corner of the site. Areas will be landscaped with a mix of trees, shrubs and groundcover. A six-foot tall cedar fence is proposed around the perimeter of the site to screen the building from neighboring properties. An adjustment is requested for walkway separation from dwellings. Several conditions of approval have been proposed. Frontage improvements shall be in accordance with code requirements and coordination with the 26th Avenue Project. The western access drive aisle shall be striped and signed as a one-way exit lane only. Pathway separation requirements may be reduced by up to a maximum of two feet adjacent of Building 3 and along the south side of Building 1. A children's play area shall be provided on site. Lastly, a minimum of 20% of the parking area shall be required to have electric vehicle charging infrastructure.

Staff recommends the Planning Commission approve the Design Review and Site Development Review and adjustment application for the West Grove Apartments, as conditioned.

Applicant:

Tony Mills, AKS Engineering & Forestry, 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

Mr. Mills provided a presentation of the site and design of the proposed project. This location is zoned for this type of use and accommodates this project well. They have exceeded the standards in many areas such as set-back requirements, open space and landscaping and children's play structures. They agree with the staff report and conditions of approval.

PROPONENTS:

None

OPPONENTS:

Cynthia Nemeyer, 2232 26th Avenue, Forest Grove, OR 97116

Mrs. Nemeyer mentioned she currently lives in the home that is in the center of this location. She urges the Commissioners to consider denying this request. The proposed three-story apartment complex is not compatible with the existing neighborhood. This will not create a safe living environment for those who currently reside here.

Amy Durham, 2427 Cedar Circle, Forest Grove, OR 97116

Brad Durham spoke on behalf of his mother Amy Durham. His mother has lived at this location for many years. Mr. Durham also mentioned that the proposed apartments are not compatible with the surrounding homes. Compatibility is mentioned in the City's Zoning Code as a requirement for development. Several 100-150 year old Oak trees will be clear cut. The placement of a three-story building directly in front and to the sides of all these existing single level homes is not compatible with this area. He is not against this development however it needs to be constructed in a more appropriate and compatible neighborhood. Please oppose and request a new design and location for this development.

Fredric Firzgearil, 2212 26th Avenue, Forest Grove, OR 97116

Mr. Firzgearil owns property on the northeast corner of the proposed development. aesthetically this apartment unit does not fit with the existing neighborhood. Privacy issues are a concern with views from the proposed apartments looking directly into the existing homes. Parking is also a concern. Seventy-five specified parking spots is not adequate for the 45-unit proposed building. This does not appeal to the existing look of the neighborhood. A six-foot tall fence will not be adequate to keep his property as well as neighboring properties safe.

Laura Andrews, 2229 26th Avenue, Forest Grove OR 97116

Ms. Andrews voiced concerns regarding the aesthetics of the proposed building does not fit within the "rural" type setting that they live in now. Parking and speeding in this area are concerns to which this development will just worsen.

OTHER:

None

REBUTTAL:

Mr. Mills responded to the issue of compatibility the neighbors discussed. The word "compatibility" in the Design Guidelines Handbook for the City of Forest Grove is referring to the context of the proposed "use". This means if the use is allowed you apply those design standards to comply with compatibility of that use. It doesn't take into account the surrounding uses but instead takes into account the zone of the proposed site. He stated they are following the zoning standards to a tee. This zone in particular is meant to be a transition from high density areas of Forest Grove to lower density areas. This proposed plan does fit within the mixed housing types that are in the Forest Grove Comprehensive Plan.

Commissioner Nakajima inquired if other design options had been considered. Mr. Mills stated yes, however to meet the Cities target density goals as well as make sense financially for the developer, this was the best option.

Chair Ruder closed the public hearing at 7:44 pm.

COMMISSIONER DISCUSSION:

Commissioner Bjorn asked if there were any Clean Water Services (CWS) issues with this site. Amy Kreimeier stated CWS has determined that this site is suitable for development. Commissioner Bjorn asked for a brief summary from the applicant on the neighborhood meeting that was previously held.

Chair Ruder reopened the public testimony under the advice of City Attorney Chris Crean at 7:47 p.m.

Mr. Mills responded they had a good turn out for the meeting and considered all neighborhood concerns during the design phase of this site. Comments mostly centered around the same concerns as you are hearing tonight; tree protection, location of the bocce ball court, as well as compatibility issues that have already been expressed. They have oriented the site to protect as many trees as possible and have provided a tree protection plan.

Mr. Durham wanted to clarify the trees that they are protecting are the neighboring trees and not the trees on the specific build site. Most all of the site trees will be removed. He also wanted to point out that other neighborhoods in close proximity do not comply with the 20 units/per acre density requirement.

Public testimony was closed again at 7:51 pm

Chair Ruder requested Attorney Chris Crean to explain and define the City's compatibility requirement standards. Mr. Crean expressed that state law prohibits you from basing your approval for this application on discretionary standards such as "compatibility" to an application for housing. The Land Use Board of Appeals (LUBA) has been coming down hard on local governments who are not correctly applying standards to approve these applications. He is aware of two cases recently that have been overturned by LUBA. We simply don't have the same discretion we used to have to deny or approve applications for housing.

Commissioner Sanderson expressed her appreciation to the public attendees for their comments and concerns. Chair Ruder inquired of staff on the status of public improvements along 26th Avenue as more and more developments move into this area. Amy Kreimeier stated they are currently in the design stage as well as acquiring right of way areas.

Commissioner Nakajima moved a motion to approve file number 311-22-000028-PLNG - The Design Review and Site Development Review application for the Westgrove Apartments located at 2320 & 2230 26th Avenue as stated and conditioned in the staff report. Commissioner Redwine seconded the motion.

Roll Call Vote on Motion: AYES: Chair Ruder; Commissioners Sanderson, Bjorn, Nakajima and Redwine. NOES: Commissioner Farrell ABSTAIN: None

ABSENT: Danko. MOTION CARRIED 5-1.

- C. ACTION ITEMS:**
None.

3. BUSINESS MEETING:

- A. APPROVAL OF MINUTES:**
The October 3rd minutes were approved by acclimation.

- B. DIRECTOR'S REPORT:**
Bryan Pohl provided a brief update. He updated the Planning Commission on the status of the ongoing lawsuit against the State of Oregon. A coalition of thirteen cities and one county have joined together to file a lawsuit to rescind the Climate Friendly and Equitable Communities (CFEC) rules. A "Stay" was also requested. Bryan further explained how the new rules would impact the City of Forest Grove.

Commissioner Chair Phil Ruder's term has completed and he will not be continuing with the Planning Commission. Mr. Pohl presented Chair Ruder with a plaque for his service to the community.

- E. ANNOUNCEMENT OF NEXT MEETING:**
The next meeting is TBD.

- F. ADJOURNMENT:**
The meeting was adjourned at 8:56 p.m.

Respectfully submitted by:

Shannon Reynolds
Planning Commission Coordinator