FOREST GROVE OREGON

# Development Code Update

## Planning Commission

Bryan Pohl
Director

5/01/23

# BACKGROUND

- The Development Code was adopted in 2009.

- Its Purpose is to:
  - Implement and codify the Comprehensive Plan
  - Satisfy federal, state, and regional laws, goals and rules
  - Guide planning policies and actions
  - Facilitate review of development proposals

# 2023 UPDATE

- Dwelling Diversity
- Residential Access Drives & Driveways
- Residential Accessory Structures
- Home Occupations
- Type I Site Development Review
- Type I, II, & III applications

# 2023 UPDATE

- Director's Interpretation
- Similar Use Authorization
- Other Amendments:
  - Approval time limit increase
  - Require mylar copies of recorded plats
  - Manufactured homes on lots
  - Root barriers
- Application forms & fee schedule

# DWELLING DIVERISTY

- Intent:
  - Limit the replication of house plans and facades within a project
  - Increase architectural variety

- Previous standard:
  - Arbitrary timelines
  - Not clear and objective
  - Not easily tracked or enforced
  - 50% effective
- Removed as part of HB 2001 code updates

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# DWELLING DIVERISTY

- Previous standard:
  - Arbitrary timelines
  - Not clear and objective
  - Not easily tracked or enforced
  - 50% effective
- Removed as part of HB 2001 code updates

# DWELLING DIVERISTY

- Proposed amendments – replication:

a. *The same building plan, street facing façade, or combination thereof, shall not be replicated for structures that are adjacent and along the same street or face each other across any street. Replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, siding, and paint changes (less than 50%).*

b. *Street facing facades shall not be replicated within a subdivision on more than 45% of the total number of units on the same street or the project as a whole.*

# DWELLING DIVERISTY

- HB 2001 amendments included building design standards for triplexes, quadplexes, townhomes, and cottage clusters
- No building design standards for single-unit detached and duplex
- Proposed amendments – architectural variety:
  - Single-unit detached, duplex, triplex, and quadplex development be subject to the same design standards for:
    - Entry orientation
    - Windows
    - Garage and off-street parking areas

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# RESIDENTIAL ACCESS DRIVES & DRIVEWAYS

- Residential access drives for multi-family
  - Increase required driveway width
    - Sixteen feet – one-way
    - Twenty-four feet – two-way

- Driveway widths
  - Smaller lots mean more of the frontage is dedicated to driveways
  - No room for street trees or street parking
  - Limited area for utility placement

- Proposed amendment – limit driveway widths to:
  - *Twenty-four feet* ***or 50% of the lot frontage, whichever is less,*** *for lots with less than 60 feet of street frontage*

# RESIDENTIAL ACCESSORY STRUCTURES

- Clarify § 17.7.020 – Accessory Structures is applicable only to residential accessory structures

- Attached accessory structures – patio covers
  - Smaller lot sizes & reduced rear setbacks eliminate ability to construct attached patio covers
  - Cannot meet rear setback requirement (same as for existing home)
  - Detached accessory structures only 5-foot setback required

# RESIDENTIAL ACCESSORY STRUCTURES

- Proposed amendment - attached accessory structures – patio covers
  - *Attached accessory structures which are open on three or more sides, such as a patio cover, shall not be located closer than five feet to the rear property line and shall comply with the required side setbacks for the principal building*

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# HOME OCCUPATIONS

- Complete overhaul of § 17.7.055 – Home Occupations
- Ensure that home occupations are conducted as lawful uses subordinate to the residential use of the property
- Update existing requirements to create clear and objective standards for operating a home occupation
  - Number of patron visits per day
  - Number of deliveries per day
  - Operations shall comply with noise ordinance and shall not generate any vibration, smoke, dust, odors, heat or glare detectable at or beyond the property line.

# HOME OCCUPATIONS

- Add new requirements for work vehicles:

- No exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 1-ton pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property in connection with the home occupation provided such parking complies with all parking restrictions

- Prohibit the home occupation location from being used as a headquarters or meeting location for the assembly of off-site employees or subcontractors, including staging or dispatch of off-site employees or subcontractors to other locations

- Off-site employees and subcontractors may not store or park their motor vehicles at the home occupation location.

# HOME OCCUPATIONS

- Create a Home Occupation Permit process
  - Type 1 Process
  - Verify compliance with home occupation standards

- Enforcement
  - Complaints/nuisance
  - Invalidation
  - Revocation

# TYPE I SITE DEVELOPMENT REVIEW

- Clarify planning review process for residential development on individual lot
  - Single-unit detached, middle housing, additions, & accessory structures
  - Creates planning application
  - Ability to track conditions & requirements for entire site rather than per structure
  - Review to remain concurrent with Building Permit

# TYPE I, II, & III APPLICATIONS

- Update lists of Type I, II, & III applications
- Type 1 Process – Administrative Decisions
  - Clarify how to document Type I decisions
  - Not a land use decision – no findings required
- Appeal of Type I applications
  - Only an applicant may appeal
  - Appeal to PC – PC decision is final
  - No appeal to City Council
  - Can appeal to LUBA

# DIRECTOR'S INTERPRETATION & SIMILAR USE AUTHORIZATION

- Clarify process
  - Director's Interpretation – Type 1
    - Resolves ambiguity in Code based on current & historical practices
    - Consistent with § 17.1.120 INTERPRETATION - *The Director shall have the authority and responsibility to interpret terms, provisions and requirements of this Code.*
  - Similar Use Authorization – Type III
    - Quasi-judicial - amends permitted uses, land use table
    - Move section to Article 2 – Land Use Reviews

# OTHER AMENDMENTS

- Approval time limits increased from 1 to 2 years
- Require mylar copies of plats once recorded by County
- Update § 17.7.070 - Manufactured homes on lots to comply with HB 2001 requirements and subsequent code updates
- Require root barriers for all street tree plantings

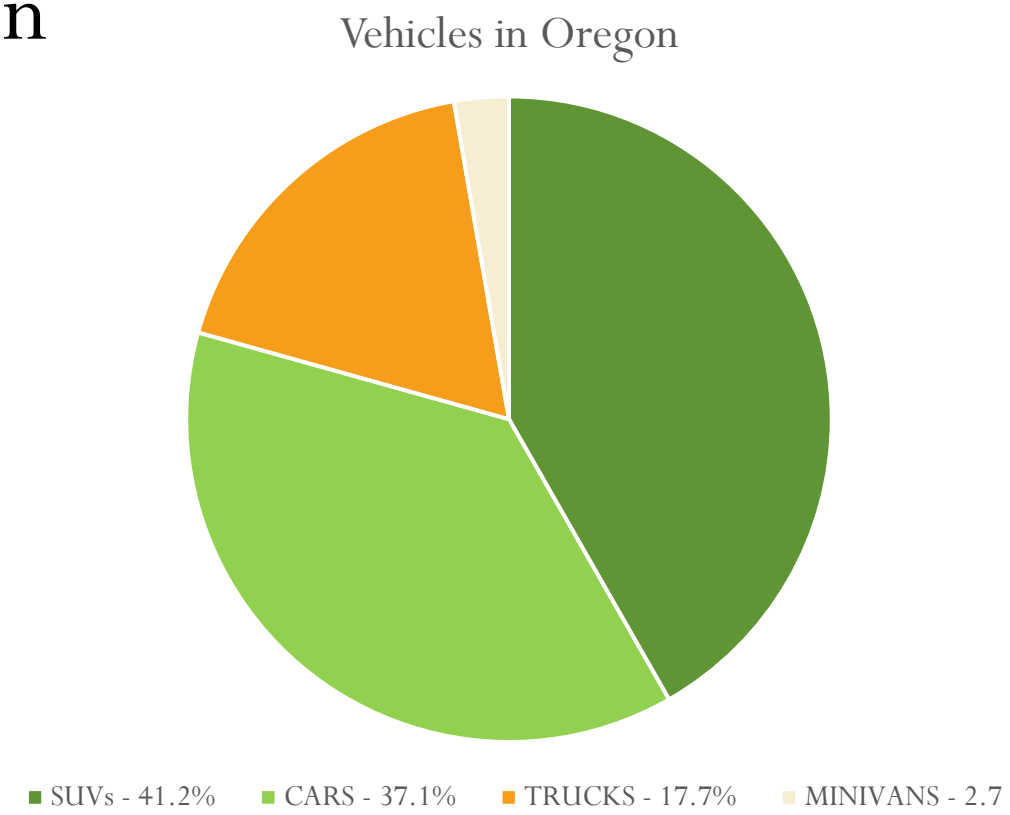
# CONCLUSION

- Questions?

- Future updates
  - Residential access
  - Street standards
  - Parking requirements

# RESIDENTIAL DRIVEWAY LENGTH

- Current requirement – 20 feet long
- SUVs & cars make up 78.3% of all vehicles in Oregon



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# AVERAGE VEHICLE LENGTH

- Average length of top 3 vehicles in each category

- SUVs – 15.4 ft.
  - Most popular in OR – RAV-4, Outback, Forrester
- Cars – 15.43 ft.
  - Most popular in OR – Civic, Accord, Crosstrek
- Trucks – 18.83 ft.
  - Most popular in OR – F-150, Ram 1500, Tacoma
- Minivans – 17 ft.
  - Most popular in OR - Sienna

# AVERAGE VEHICLE LENGTH

- Average length of all vehicles in OR:
  - 16.66 ft.
- Trucks make up 17.7% of all vehicles in OR
- Average length of the most popular trucks is 18.83 ft.

# RESIDENTIAL DRIVEWAY WIDTH

- 20 ft. driveway length is sufficient for the vast majority of vehicles in OR
- Standard does not need to be changed

# Forest Grove Code Text Amendments
# Staff Report and Recommendation

Community Development Department, Planning Division

| | |
|---|---|
| **REPORT DATE:** | April 24, 2023 |
| **HEARING DATE:** | May 1, 2023 |
| **REQUEST:** | Legislative amendments to the Forest Grove Development Code pertaining to land use review procedures, standards for residential accessory structures, street tree planting, home occupations and manufactured homes on lots, access and circulation and building design and development standards, other miscellaneous provisions, and definitions |
| **FILE NUMBER:** | 311-23-000006-PLNG |
| **PROPERTY LOCATION:** | Not applicable |
| **LEGAL DESCRIPTION:** | Not applicable |
| **APPLICANT:** | City of Forest Grove |
| **APPLICABLE STANDARDS AND CRITERIA:** | City of Forest Grove Development Code:<br>§17.1.700 et. seq. *Legislative Land Use Decision*<br>§17.2.600 et. seq. *Development Code Text Amendment* |
| **REVIEWING STAFF:** | Amy Kreimeier, AICP, Senior Planner<br>Bryan Pohl, Community Development Director |
| **RECOMMENDATION:** | Staff recommends approval of the proposed amendments listed in attached Exhibits A-G, 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.

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 Type I, II, & III applications

and increasing approval time limits, clarifying procedures for Type I Site Development Reviews, Director's Interpretations and Similar Use Authorizations, revising standards for street tree plantings, documentation of recorded final plats, residential accessory structures, home occupations, and manufactured homes on lots, revising access and circulation standards and building design and development standards, removal of remaining references to marijuana, and updating and adding definitions.

The Planning Commission reviewed many of the proposed amendments in a work session on April 3, 2023.

Public notice of this proposal was provided to the Department of Land Conservation and Development (DLCD) on March 23, 2023 and published in the *News Times* on April 20, 2023. 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 1 – Introduction and Procedures
The proposed amendments include the following:

- Type I Applications - Amendments are proposed to the Type I process specifying how a decision is to be documented and the appeal process. As Type I applications are not land use or limited land use decisions, no findings are required. Only the applicant may appeal a Type I application and the Planning Commission shall have the final decision on any appeal of a Type I application. The Planning Commission decision could be appeal to LUBA.
- The lists of Type I, II, and III applications are being updated to include all current application types.
- An increase to the approval time limit from 1 to 2 years.

Exhibit B: Article 2 – Land Use Reviews
The proposed amendments include the following:

- Type I Site Development Review - The Site Development Review section of Article 2 is being revised to clarify and codify the process for reviewing residential development on an individual lot consistent with current practices. Type I Site Development review is required for construction of single-unit detached, middle housing, additions, and accessory structures on an individual residential lot. This change now specifies middle housing, additions and accessory structures in addition to single-unit detached. It also clarifies the procedure.

  Review of such development has historically been done during the building permit process. However, building permits are issued per structure not per site. The adopted middle housing code amendments permit construction of middle housing in multiple structures on one residential lot. Staff has identified a need to review and track conditions and requirements for the individual lot as a whole rather than by individual structure. This will allow staff to comprehensively review individual lot development and is intended to prevent site development issues resulting from piecemealed development of structures. Staff will create a new application form for such applications as currently no planning application is required. This will aide in planning review and create a planning record which can be tracked separate from the building permit. Type I Site

Development review for residential development on an individual lot may be processed concurrently with a building permit application.

- § 17.12.160 – Similar Use Authorization is being moved from Article 12 – Definitions to Article 2 – Land Use Review and is being revised to make clear it is a Type III process requiring review of Planning Commission.
- Clarifying the procedure for Director's interpretations. Consistent with § 17.1.120 - Interpretation, the Director has the authority and responsibility to interpret terms, provisions and requirements of the code, a Type I procedure appealable to the Planning Commission.

Exhibit C: Article 3 – Zoning Districts

These amendments remove remaining references to marijuana that were missed with the 2022 Development Code updates. All references to marijuana are replaced with the word cannabis.

Exhibit D: Article 5 – Special Provisions

This amendment would require that root barriers be installed for all street tree plantings.

Exhibit E: Article 6 – Land Divisions

This amendment would codify the requirement for an applicant to provide mylar copies of plats to the city once they have been recorded by the county.

Exhibit F: Article 7 – Miscellaneous Provisions

The proposed amendments include the following:

- Residential Accessory Structures - As residential lot sizes are getting smaller, it is common to have housing built up to the required setback line to maximize the size of the home. This makes construction of an attached patio cover impermissible for a large number of homeowners. Because they are attached, patio covers are subject to the same setback requirement as the existing home. Attached patio covers provide protection from the elements and are increasingly seen as an integral part of the home. To circumvent these requirements many homeowners have built attached patio covers without permits. These amendments would revise the requirement for attached accessory structures to provide homeowners an opportunity to develop their property in a manner consistent with properties of similar uses in the vicinity. It would add language to the code which would allow attached accessory structures, which are open on three or more sides like a patio cover, to be constructed provided they meet required side and front setbacks and are setback 5 feet from the rear property line.

  Additionally, proposed amendments add the word Residential to the accessory structure section of the code. This will make it clear that this section is applicable only to accessory structures on residentially zoned sites and not to new structures or additions on commercial, industrial, or institutionally zoned properties. Land use review and development requirements for new structures or additions on commercial, industrial, or institutionally zoned properties are outlined in other sections of the code.

- Home Occupations – At the request of, and in partnership with, Code Enforcement, staff is proposing a complete overhaul of the home occupation section of the code. The purpose of these amendments is to ensure that home occupations are conducted as lawful uses subordinate to the residential use of the property which do not alter the residential character and livability of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood and homes, or otherwise be detrimental or disruptive in terms of appearance or operation to neighboring properties, residents, or the community at large. The proposed

amendments create clear and objective standards by which home occupations must operate. Most of the standards have been retained from the existing code text but have been revised to be clear and objective, removing vague or subjective language.

Requirements regarding vehicles related to the home occupation have been expanded upon. This includes limiting exterior storage of vehicles of any kind used for the business to one commercially licensed vehicle, which is not larger than a 0.75-ton pick-up, passenger van, or other vehicle of similar size, which may be parked outside on the subject property in connection with the home occupation provided such parking complies with all parking restrictions. Another requirement would prohibit the home occupation location from being used as a headquarters or meeting location for the assembly of off-site employees or subcontractors for any reason, including staging or dispatch of off-site employees or subcontractors to other locations. Off-site employees and subcontractors would be prohibited from storing or parking their motor vehicles at the home occupation location. These requirements are intended to alleviate the large number of complaints and code enforcement actions regarding work related vehicles in residential zones.

Home occupations will be required to obtain approval of a home occupation permit prior to operating a home occupation. An application for a home occupation permit shall be processed according to the Type 1 procedure, using the provisions and standards applicable to home occupations as approval criteria. This permit creates a mechanism by which compliance with home occupation standards can be verified and enforced and establishes procedures to revoke a home occupation permit if necessary.

- Manufactured Homes on Lots – This section is being revised to comply with HB 2001 requirements and code updates.

<u>Exhibit G: Article 8 – General Development Standards</u>
The proposed amendments include the following:

- Residential Access Drives and Driveways - Staff is proposing to increase the width of one-way and two-way residential access drives for multi-family projects to be consistent with street standards and fire access requirements, 16 feet for one-way access and 24 feet for two-way access. Driveway widths for single-family homes and duplexes on lots less than 60 feet wide will be limited to 24 feet or 50% of the lot width, whichever is less. As lots are getting smaller, this change will limit the amount of frontage utilized for vehicles. Limiting driveways widths will preserve space available for street trees and on-street parking.
- Dwelling Diversity - The term Dwelling Diversity is the name used for code standards which increase architectural variety in residential development and limit the replication of house plans and front façade elevations within a project. Diversity in design improves the way that new residential buildings relate to the public right-of-way, which has a positive influence on the livability a neighborhood.

  Both the Development Code and the Land Division Ordinance that preceded it have included requirements for dwelling diversity in various iterations. The most recent iteration of the Dwelling Diversity standard was updated in 2017:

  > *Dwelling Diversity Standard - Front elevations shall not be replicated on adjacent lots nor on lots directly across the street, within any 24-month period or replicated within a subdivision over a 12 month period more than the larger number of a) 5 times or b) 10% of the total number of subdivision lots. These provisions can be met by having the requirements included in the Conditions, Covenants, and*

*Restrictions of the subdivision. For this section the definition of replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, and paint changes.*

The intent of this standard was to prohibit replication of front elevations on adjacent lots and lots directly across the street and restrict replication of any front elevation with a project to no more 10% of the total number of lots. The dwelling diversity standard was not entirely clear and objective and set somewhat arbitrary conditions. This made compliance difficult to track and enforce. In practice, this standard did not achieve its intended purpose.

When the Development Code was updated to comply with HB2001, the middle housing bill, the dwelling diversity standard was removed from the code. This bill required Cities to permit duplexes, triplexes, quadplexes, townhomes, and cottage clusters to be permitted in any zone where single-family dwelling units were permitted and apply the same application review process to middle housing types that also apply to single unit homes. This also required that any design requirements imposed on single-unit and middle housing be clear and objective. The dwelling diversity standard was therefore removed from the code with the intent to come back to the Commission at a work session with proposals for dwelling diversity standards that are clear and objective and able to achieve their intended purpose.

The intent of the previous dwelling diversity standard was to limit the replication of house plans and facades within a project. The proposed amendments create clear and objective requirements which focus on limiting the replication of house plans and facades within a development. These requirements eliminate the arbitrary timelines in the previous dwelling diversity standard. The proposed requirements are:

- *The same building plan, street facing façade, or combination thereof, shall not be replicated for structures that are adjacent and along the same street or face each other across any street. Replication includes mirrored images (where the main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim, siding, and paint changes (less than 50%).*
- *Street facing facades shall not be replicated within a subdivision on more than 45% of the total number of units on the same street or the project as a whole.*

These code amendments would increase architectural variety by limiting the number of times a façade can be replicated on a street or within a subdivision without adding unreasonable cost or delay to projects which may have occurred with the previous, more restrictive requirement. The amendments remove the ability for interpretation by clarifying the amount of trim and paint changes that would be necessary so as not to be considered replicated. The 45% limit on replication of units on the same street or in a project as a whole, represents a reasonable middle ground between the two options in the previous requirement (5 times or 10%). At 45%, a minimum of three different street facing facades would be required in order for a subdivision to comply. This standard ensures variety without adding unreasonable design costs regardless of subdivision size.

The previous dwelling was not accompanied by any building design standards which would dictate how architectural variety could be achieved, such as requirements for specific building features, building articulation or detailed design elements. There are currently no design standards for single-unit detached development, the most common

residential development in the City. HB 2001 amendments included building design standards for triplexes, quadplexes, townhomes, and cottage clusters with requirements for specific building features such as entry orientation, windows, and off-street parking areas. Proposed amendments would subject single-family detached and duplexes to the same design standards for entry orientation, windows, and garage and off-street parking areas as triplexes and quadplexes. Applying these requirements to single-unit detached and duplex development is one simple and straightforward method to achieve architectural variety and improve the way these buildings relate to the public right-of-way.

Exhibit H: Article 12 – Use Categories and Definitions
The proposed amendments include the following:

- Update the residential use category definition of Household Living to remove references to residential structures.
- Update the commercial use category definition of Medical Center to include Psilocybin Service Centers.
- Move § 17.12.160 Unlisted Use: Authorization of Similar Use to Article 2 - Land Use Reviews.
- Add a definition for the term Façade.
- Update the definition of Home Occupation consistent with proposed code changes.
- Add definitions for Psilocybin facilities, psilocybin service center, psilocybin manufacturer, and psilocybin testing laboratory consistent with ORS Chapter 475A.

## 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 § 17.1.130 When Land Use Permits are Required; § 17.1.400 Type I Process – Administrative Decisions et. al.; § 17.1.505 Type II Applications and Approval Criteria; § 17.1.605 Type III Applications and Approval Criteria; § 17.2.400 Site Development Review et. al.; § 17.2.500 Director's Interpretation et. al.; § 17.6.085 Recording of Final Plat; § 17.6.160 Final Plat Time Limits, Approval and Recording; § 17.7.055 Home Occupations et. al.; § 17.7.070 Manufactured Homes on Lots et. al.; § 17.12.110 Residential Use Category; § 17.12.160 Unlisted Use: Authorization of Similar Use; 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: Amendments to § 17.3.120 Residential Use Regulations; § 17.3.210 Institutional Use Regulations; § 17.3.320 Commercial and Mixed-Use Use Regulations; § 17.3.520 Industrial Use Regulations; and § 17.12.130 Commercial Use Category would remove all remaining references to marijuana and replace it with the term cannabis.

Finding: Amendments to § 17.5.120 Street Trees; § 17.7.020 Accessory Structures – Standards; § 17.8.120 Minimum Access Requirements for Residential Uses; § 17.8.130

Widths and Locations of Driveways and Curb Cuts; and § 17.8.710 Building Design and Development Standards would revise the design and development standards for residential accessory structures and residential driveway widths, and would implement design and development standards to achieve diversity in residential design. These amendments will facilitate diversity and excellence in the design and development of residential structures and ensure that new and infill residential development enhances the livability a neighborhood through the use of building materials and design.

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

**Forest Grove Comprehensive Plan – Housing**

**Housing Policy 4.6 Continue policies to allow for manufactured dwellings on individual lots outside of designated historic districts and within manufactured home parks.**

Finding: Amendments to § 17.7.070 Manufactured Homes on Lots et. al. create clear and objective standards to continue permitting manufactured dwellings on individual lots consistent with the requirements of HB 2001.

**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 § 17.1.130 When Land Use Permits are Required; § 17.1.400 Type I Process – Administrative Decisions et. al.; § 17.1.505 Type II Applications and Approval Criteria; § 17.1.605 Type III Applications and Approval Criteria; § 17.2.400 Site Development Review et. al.; § 17.2.500 Director's Interpretation et. al.; § 17.5.120 Street Trees; § 17.6.085 Recording of Final Plat; § 17.6.160 Final Plat Time Limits, Approval and Recording; § 17.7.055 Home Occupations et. al.; 17.7.070 Manufactured Homes on Lots et. al.; § 17.12.110 Residential Use Category; § 17.12.160 Unlisted Use: Authorization of Similar Use; 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: 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 Home Occupations standards support the needs and desires of residents to use their homes to engage in small-scale business ventures and activities. The home occupation provisions would provide adequate variety of economic opportunities by recognizing that many types of occupations can be performed at home and establishing standards and provisions by which those occupations can operate. The amendments ensure that home occupations are conducted as lawful uses subordinate to the residential use of the property and do not alter the residential character and livability of the

neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood and homes, or otherwise be detrimental or disruptive in terms of appearance or operation to neighboring properties, residents, or the community at large.

**Metro Regional Framework Plan Policy 1.10 Urban Design**

Finding: The amendments to § 17.7.020, § 17.8.120, § 17.8.130, and § 17.8.710, would revise the design and development standards for residential accessory structures and residential driveway widths, and would implement design and development standards to achieve diversity in residential design. These amendments will facilitate diversity and excellence in the design and development of residential structures to create a sense of place and ensure that new and infill residential development enhances the livability a neighborhood through the use of building materials and design.

## 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-H, 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 1 Introduction and procedures Amendments |
| **Exhibit B** | Article 2 Land Use Reviews Amendments |
| **Exhibit C** | Article 3 Zoning Districts Amendments |
| **Exhibit D** | Article 5 Special Provisions Amendments |
| **Exhibit E** | Article 6 Land Divisions Amendments |
| **Exhibit F** | Article 7 Miscellaneous Provisions Amendments |
| **Exhibit G** | Article 8 General Development Standards Amendments |
| **Exhibit H** | Article 12 Use Categories and Definitions Amendments |
| **Exhibit I** | PowerPoint |

# ORDINANCE NO. 2023-XX

## EXHIBIT A – ARTICLE 1 AMENDMENTS

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

INTRODUCTION AND PROCEDURES

GENERAL ADMINISTRATION

§ 17.1.130 WHEN LAND USE PERMITS ARE REQUIRED.

F. All land use permits, with the exception of a subdivision or a planned development , shall expire ~~one year~~ **two years** from the date of issuance unless:

1. Substantial construction or operation of the development has begun within that time and has continued toward final completion;
2. Development is proceeding in accordance with an approved phasing plan; or
3. A written extension is granted by the Director under the Type I review process.

TYPE I PROCESS – ADMINISTRATIVE DECISIONS

§ 17.1.405 TYPE I APPLICATIONS AND APPROVAL CRITERIA.

Applications so designated throughout the Development Code are reviewed under the Type I process, based on the requirements and criteria set forth for each application in other sections of this Code.

~~.~~ Examples of actions subject to a Type I application and review process include:

- Certain types of Zoning Standard Adjustments
- **Director's Interpretation**
- Certain projects within an approved Master Plan
- Tree Permit
- **Temporary Use Permit**
- Lot Line Adjustment**, Lot Consolidation, Lot Line Re-establishment**
- Final partition plat
- Final subdivision plat
- Final Plan for planned development
- Accessory Dwelling Units
- Certain Bed and Breakfast Inns
- Home Occupations
- Certain types of Wireless Communication Facilities
- **Certain types of alterations of a Historic Landmark**
- Landscape Review not subject to Site Development or Design Review
- Parking Plan not subject to Site Development or Design Review
- Existing and New Signs

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type I applications , shall be processed as a Type I application .

§ 17.1.410 NOTICE.

A Type I application does not require notice to anyone other than the applicant .

§ 17.1.415 DECISION AUTHORITY.

The Director or his or her designee shall make all Type I decisions. The Director may approve, approve with conditions or deny the application. The Director 's decision shall be based on standards set forth within this Code ~~and shall be accompanied by brief findings as required under § 17.1.305A. through C.,~~ and provided in writing to the applicant.

**The Director shall document the decision on Type I reviews with the following information:**

**A. A statement that explains the criteria and standards considered relevant to the request;**
**B. A statement of the facts relied upon in making the decision; and**
**C. An explanation of the justification for the decision based on the criteria, standards and facts set forth.**

§ 17.1.420 APPEALS OF TYPE I DECISION.

**Only an applicant may appeal a Type I decision.** A Type I decision by the Director is final unless appealed. The appeals will be heard by the Planning Commission, under the following conditions.

A. The applicant must submit a written appeal petition and pay the required fee to the city within 14 calendar days of the written notice of the decision. The written petition shall specifically state the issues being appealed.
B. Notice of the appeal hearing shall be provided as required for quasi-judicial (Type III) public hearings.
C. The Planning Commission shall conduct a de novo appeal hearing.
D. The Planning Commission decision on an appeal is the city 's final decision. ~~,~~ ~~unless an optional second appeal to the City Council is filed by the applicant , as specified in § 17.1.425.~~

~~**§ 17.1.425 SECOND APPEAL OPTION OF TYPE I DECISION**~~

~~A second appeal of an administrative decision can be heard by the City Council , under the following conditions:~~

~~A. The applicant is the only party with standing to file a second appeal . The city must receive an appeal petition in writing and the required fee within 14 calendar days of the written notice of the decision. The written petition shall specifically state the~~

~~issues being appealed and the City Council shall be limited to the consideration of those issues.~~

~~B. Only issues on the record at the Planning Commission hearing submitted in writing or orally can be appealed to the City Council .~~

~~C. Notice of the appeal hearing shall be provided to parties having standing.~~

~~D. The City Council hearing shall be limited only to those issues raised in the appeal petition.~~

~~E. The City Council decision on an appeal is the city 's final decision .~~

TYPE II PROCESS – LIMITED LAND USE DECISIONS

§ 17.1.505 TYPE II APPLICATIONS AND APPROVAL CRITERIA.

Applications so designated throughout the Development Code are reviewed under the Type II process, based on the requirements and criteria set forth for each application in other sections of this Code.

~~.~~ Examples of these applications include:

- Certain types of Zoning Standard adjustments
- Minor Modification to a Conditional Use Permit
- Certain type of Design Review
- Site Development Review
- Certain projects within an approved Master Plan
- **Certain Bed and Breakfast Inns**
- Tentative partition plat
- Tentative subdivision plat
- Adjustments to public improvement requirements
- **Alterations of a nonconforming structure**

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type II applications , shall be processed as a Type II application.

TYPE III PROCESS – QUASI-JUDICIAL LAND USE DECISIONS

§ 17.1.605 TYPE III APPLICATIONS AND APPROVAL CRITERIA.

Applications so designated throughout the Development Code are reviewed under the Type III process based on the requirements and criteria for each application set forth in other sections of this Code. Examples of these applications include:

- Quasi-Judicial Zoning Map Amendments with review by Planning Commission and approval by City Council
- New Conditional Use Permit or Major Modification of Use Permit
- Certain types of Design Review
- Variance
- Elevation by Director of a Type II permit
- Preliminary Plan for Planned Development
- Demolition or relocation of **a** Historic Landmark
- **Certain types of alterations of a Historic Landmark**
- Manufactured Dwelling Parks
- Removal of Registered Tree from the Register
- Certain Types of Wireless Communication Facilities

Any application that is not specifically designated in the Code as being under one of the four review processes, and which the Director determines is similar in impact and scope to other Type III applications , shall be processed as a Type III application .

LAND USE REVIEWS

SITE DEVELOPMENT REVIEW

§ 17.2.420 EXEMPTIONS.

The following development is exempt from site development review:

A. Home occupations; **and**

B. Family day care**.** ~~; and~~

~~C. Accessory structures .~~

§ 17.2.430 PROCEDURE.

Site development review ~~is categorized as a Type I procedure~~ for a single-unit detached dwelling ~~on an individual lot~~ ; ~~townhouse on an individual lot , duplex on an individual lot ; triplex on an individual lot ; cottage cluster project~~ **Middle Housing dwelling**; ~~or~~ manufactured home ~~on an individual lot~~; **accessory dwelling unit; or residential accessory structure on an existing individual lot shall follow the Type I procedure. A Type I Site Development Review may be processed concurrently with a building permit application.**

All other site development reviews shall follow the Type II procedure unless exempt.

§ 17.2.440 SUBMITTAL REQUIREMENTS.

**A Type I application shall be accompanied by all information required by the application form.** In addition to the standard submittal requirements for a **Type I or** Type II application, the following plans and information are required for Site Development Review. The Director may waive specific submittal requirements for a **Type II application** at the pre-application conference, if warranted.

DIRECTOR'S INTERPRETATION

§ 17.2.500 PURPOSE.

It is expected that some terms or phrases within the Code may be ambiguous and may therefore have two or more reasonable meanings. Because it is not possible to identify or remove all ambiguities in the Code, the following process has been established for resolving these ambiguities. This process may be requested as a separate and individual action, or in advance of or concurrent with applying for a land use permit or other action.

~~The Director 's interpretation process is also followed for determining Unlisted Use : Authorization of Similar Use requests (§ 17.12.160).~~

For the purposes of this section, the term "interpretation" applies to all of the Director's formal, written interpretations made consistent with the provisions of this section ~~and Unlisted Use : Authorization of Similar Use requests (§ 17.12.160)~~. Any interpretation may be appealed to the Planning Commission as provided below.

§ 17.2.510 PROCEDURE.

A. Requests. A request for an interpretation shall be made in writing on the proper form and submitted to the Director.
B. Decision to issue. The Director shall have the authority to consider the request for an interpretation. The Director shall respond within 14 days after the request is made and indicate whether or not the Director will issue the requested interpretation.
C. Director may decline. The Director is authorized to issue or decline to issue a requested interpretation. The Director 's decision to issue or decline to issue an interpretation is final when such decision is mailed to the party requesting the interpretation.
D. Written interpretation. If the Director decides to issue an interpretation as requested, it shall be made within 14 days, labeled as a "Director 's Interpretation" and shall be mailed to the person requesting the interpretation and to any other person that has specifically requested, in writing, a copy of such interpretation. Failure to receive the interpretation shall not invalidate the decision if the interpretation was sent to the address provided by the interested party.
E. Appeal to Planning Commission. The applicant and any party who received notice of the interpretation or a determination not to make an interpretation may appeal to the Planning Commission within 14 days after the determination was mailed to the applicant. The appeal may be initiated by filing a notice of appeal with the Director.
F. Final decision. The Planning Commission shall consider the appeal of the interpretation at a public hearing. Notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who has specifically requested notice. The decision of the ~~City Council~~ **Planning Commission** on an appeal of an interpretation shall be final when it is mailed to the applicant.
G. Interpretations on file. The Director shall keep a record of all interpretations on file in the Department of Community Development.

## UNLISTED USE AUTHORIZATION.

### § 17.2.1000 *PURPOSE.*

**It is not possible to contemplate all of the various uses that will be compatible within a zoning district. Therefore, unintentional omissions occur. The purpose of this section is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with the listed uses.**

**§ 17.2.1005 APPLICABILITY**

**An Unlisted Use Authorization may be requested for new or noncategorized uses which are not listed or defined in the Development Code.**

**The Director is authorized to decline an application for an unlisted use in a zoning district if the use is specifically listed in another zone as either a permitted use or a conditional use. Such requests shall be processed as Development Code text amendments under § 17.2.600 of this code.**

**§ 17.2.1010 *PROCEDURE*.**

**The Planning Commission is the review authority and shall render an interpretation, pursuant to the Type III process by § 17.1.600 of this Code.**

**The Director shall maintain a list by zoning district of approved unlisted uses on file in the Community Development Department and the list shall have the same effect as an amendment to the use provisions of the applicable zone.**

**§ 17.2.1015 *REVIEW CRITERIA.***

**Approval or denial of an unlisted use application by the Planning Commission shall be based on the following criteria:**

- **A. The use is consistent with the intent and purpose of the applicable zoning district;**
- **B. The use is similar to and of the same general type as the uses listed in the zoning district;**
- **C. The use has similar intensity, density and off-site impacts as the uses listed in the zoning district; and**
- D. **The use has similar impacts on community facilities as the listed uses. Community facilities include streets , schools , libraries, parks, police and fire stations, and water, sanitary sewer and storm drainage systems.**

RESIDENTIAL ZONES

§ 17.3.120 USE REGULATIONS.

Table 3-2 Residential Zones: Use Table

*Footnotes:*
[9] Agriculture uses such as truck farming and horticulture are permitted. Commercial agriculture uses including but not limited to ~~marijuana~~ **cannabis** grow sites for commercial or medical purposes as regulated by the State, and buildings and the keeping of livestock and poultry (other than ordinary household pets) are not permitted.

INSTITUTIONAL ZONE

§ 17.3.210 USE REGULATIONS.

Table 3-6: Institutional Zone Use Table

*Footnotes:*
[4] Medical ~~marijuana~~ **cannabis** dispensaries are prohibited.

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*** |
| INDUSTRIAL | | | |
| - Medical and Recreational ~~Marijuana~~ **Cannabis** Processors and Production | N | N | N |
| OTHER | | | |
| Agriculture/Horticulture | ~~L~~ **P** | ~~L~~ **P** | ~~L~~ **P** |

INDUSTRIAL ZONES

§ 17.3.520 USE REGULATIONS.

| ***Table 3-12: Industrial Zones*** *Use* ***Table*** |
|---|

| *USE* ***CATEGORY*** | ***LI*** | ***GI*** | ***BIP*** |
|---|---|---|---|
| INDUSTRIAL | | | |
| Manufacturing and Production: | | | |
| - Medical and Recreational ~~Marijuana~~ **Cannabis** Processors | N | C | N |
| OTHER | | | |
| Agriculture/Horticulture | P[8] | P[8] | P |
| - Medical and Recreational ~~Marijuana~~ **Cannabis** Producers (Outdoor) | N | N | N |
| - Medical and Recreational ~~Marijuana~~ **Cannabis** Producers (Indoor) | C | C | N |
| P = Permitted L = Limited C = Conditional Use N = Not Permitted<br>X = ~~Marijuana~~ **Cannabis** facilities including warehousing requires a conditional use permit<br>Y = Wholesale activities for ~~marijuana~~ **cannabis** requires a conditional use permit in the LI and GI zone | | | |

SPECIAL PROVISIONS

TREE PROTECTION

§ 17.5.120 STREET TREES (TREES IN PUBLIC RIGHTS-OF-WAY).

A. *Standards and requirements.*

4. *Size and spacing of street trees.* The specific spacing of street trees by size of tree shall be as follows.
   a. Small or narrow-stature trees under 25 feet tall and less than 16 feet wide branching at maturity shall be spaced no greater than 20 feet apart.
   b. Medium-sized trees 25 to 40 feet tall, 16 to 35 feet wide branching at maturity shall be spaced no greater than 30 feet apart.
   c. Large trees over 40 feet tall and more than 35 feet wide branching at maturity shall be spaced no greater than 40 feet apart.
   d. Except for signalized intersections, trees shall not be planted closer than 20 feet from a street intersection, nor closer than two feet from private driveways (measured at the back edge of the sidewalk), fire hydrants or utility poles to maintain visual clearance.
   e. No new utility pole location shall be established closer than five feet to any existing street tree.
   f. Street trees shall not be planted closer than 20 feet to light standards.
   g. Where there are overhead power lines, the street tree species selected shall be of a type which, at full maturity, will not interfere with the lines.
   **h. Root barriers shall be installed at time of street tree planting.**

   ~~h.~~**i.** Street trees shall not be planted within two feet of any permanent hard surface paving or walkway:

      i. Space between the tree and the hard surface may be covered by a nonpermanent hard surface such as grates, bricks on sand, paver blocks and cobblestones; and
      ii. Sidewalk cuts in concrete for tree planting shall be at least four feet by four feet to allow for air and water into the root area.

# ORDINANCE NO. 2023-XX

## EXHIBIT E – ARTICLE 6 AMENDMENTS

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

LAND DIVISIONS

PARTITIONS

§ 17.6.085 RECORDING OF FINAL PLAT.

When all required signatures have been obtained on the final partition plat, the applicant shall record the plat and any required covenants with the County Recorder. **Mylar copies of the recorded plat shall be returned to the city.**

SUBDIVISIONS

§ 17.6.160 FINAL PLAT TIME LIMITS, APPROVAL AND RECORDING.

When all required signatures have been obtained on the final subdivision plat, the applicant shall record the subdivision plat and any required covenants with the County Recorder.
Consistent with § 17.1.130G.2., recordation shall occur within one year after the plat has been submitted to the city. **Upon recordation with the County, a mylar copy of the recorded plat shall be returned to the city.**

# ORDINANCE NO. 2023-XX
## EXHIBIT F – ARTICLE 7 AMENDMENTS
*(New text is indicated by **bold - underline** and text being deleted is ~~struck through~~)*

MISCELLANEOUS PROVISIONS

**RESIDENTIAL** ACCESSORY STRUCTURES

§ 17.7.020 STANDARDS.

**Residential** ~~A~~ **a**ccessory structures shall comply with all requirements for the principal ~~building~~ **dwelling**, except where specifically modified by this Code, and shall comply with the following limitations:

A. Accessory structures are limited to a maximum ground floor area of 720 square feet;
B. Accessory structures shall not be located in any required front yard;
C. Accessory structures shall not be located closer than five feet to any side or rear property line;
**D. Attached accessory structures which are open on three or more sides such as a patio cover shall not be located closer than five feet to the rear property line and shall comply with the required side and front setbacks for the principal building;**
~~D.~~**E.** Detached accessory structures shall not be located within six feet of the principal building or other accessory building on the same lot;
~~E.~~**F**. Any accessory structure attached to the principal building, **excepting those that are open on three or more sides,** must comply with all setbacks for the principal building (attached means wall-to-wall or any permanent roof attachment such as a breezeway); and
~~F.~~**G**. Portable metal structures that require no assembly, such as shipping containers, are prohibited in residential zones beyond 60 days; and
~~G.~~**H.** No accessory structure shall encroach upon or interfere with the use of adjoining property or public right-of-way, including but not limited to streets, alleys and public and/or private easements.

HOME OCCUPATIONS

~~§ 17.7.055 PURPOSE.~~

~~Home occupations are activities that are accessory and incidental to the primary residential use of a property. Standards ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The home occupation provisions recognize that many types of jobs can be performed in a home with little or no effects on the surrounding neighborhood.~~

~~§ 17.7.060 PROCEDURE.~~

~~A home occupation is permitted in conjunction with any residential use under the Type I procedure, provided it complies with the standards listed below.~~

~~§ 17.7.065 STANDARDS.~~

~~The home occupation shall not change the residential character of the dwelling and shall meet all of the following standards and limitations.~~

~~A. Any product produced on-site for sale must be hand manufactured or grown using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed horsepower or other measurements of power, which would typically be used by a residential homeowner.~~

~~B. There shall be no outdoor storage of material or products on the premises. Indoor storage of material or products shall not exceed the limitations imposed by the Building, Fire, Health and Housing Codes.~~

~~C. The home occupation shall not generate vehicular traffic measurably in excess of that normally associated with single-family uses.~~

~~D. No more than 20% of the floor area of the dwelling shall be used for the home occupation .~~

~~E. One sign shall be permitted, not exceeding six square feet in area, non-illuminated and professionally prepared.~~

~~F. The home occupation shall not cause the elimination of required off-street parking.~~

~~G. The home occupation shall not cause any external effects such as increased noise, excessive lighting or excessive odor that is incompatible with the characteristics of the residential zone, or in violation of any applicable government code.~~

~~H. There shall be no more than two outside paid employees .~~

~~I. A business occupancy permit is required for the home occupation .~~

~~J. All marijuana-related activities are prohibited as a home occupation .~~

**§ 17.7.055 PURPOSE.**

**It is the purpose of this sub-article is to:**

1. **Support the needs or desires of residents to use their homes to engage in small-scale business ventures or activities.**
2. **Recognize that many types of occupations can be performed at home as accessory and incidental to the primary residential use of a property with little or no effects on the surrounding neighborhood.**
3. **Establish standards and provisions by which home occupations operate.**
4. **Ensure that home occupations are conducted as lawful uses subordinate to the residential use of the property and do not alter the residential character**

**and livability of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood and homes, or otherwise be detrimental or disruptive in terms of appearance or operation to neighboring properties, residents, or the community at large.**

**§ 17.7.060 APPLICABILITY**

**The provisions of this sub-article apply to all home occupations as defined § 17.12.210 of this code unless exempt.**

**A. Exemptions. The following activities and uses are exempt from the provisions of this chapter:**
   1. **The noncommercial on-premises sale of used household goods by a person who resides on the premises (a yard or garage sale) so long as the sales are conducted on no more than six days in any 12-month period.**
   2. **Child care facilities for up to 16 children or adult day care for up to 12 adults, pursuant to ORS 657A.440 and ORS 657A.250;**
   3. **Residential homes or adult foster homes providing residential treatment or training for up to five adults who are not related to the provider by blood or marriage under ORS 443.705 (1), pursuant to ORS 197.665.**
   4. **For-profit production of produce or other vegetative agricultural products grown on the premises. This may include the temporary or seasonal sale of produce or other food products grown on premises by a person who resides on the premises or their immediate families.**

**B. Uses not permitted as home occupations. The following uses are not permitted as home occupations:**
   1. **Motor vehicle sales, rental, servicing, repair, or painting**
   2. **Waste related, junk and salvage operations**
   3. **Storage and/or sale of fireworks**
   4. **Cannabis related uses**
   5. **Any use not conducted within a wholly enclosed building**
   6. **Any use that consists of the manufacturing, processing, generation, or storage of materials that constitute a fire, explosion, or health hazard as defined by the Building Code, Fire Code, or both.**
   7. **Any other use with characteristics consistent with home occupations but non-compliant with the standards and provisions of this chapter.**

**§ 17.7.065 GENERAL PROVISIONS**

**A. Zoning. A home occupation shall comply with the requirements of the zoning district for the property upon which the occupation is located upon.**

**B. Compliance. All home occupations must comply with the requirements and standards of this code. No person shall carry on a home occupation, or permit such use to occur on property, which that person owns or is in lawful control, contrary to the provisions of this code.**

**C. Business License Required. Home occupations are required to apply for and maintain a City of Forest Grove business license and comply with all provisions of Title 6 of the Forest Grove City Code.**

**D. Agency Licensing. The home occupation shall maintain all other licenses or permits as required by other agencies for the proposed use.**

**E. Alterations and Classification of Dwelling. A home occupation shall not alter the residential character of the dwelling. The dwelling unit shall not be altered in a manner that changes its primary residential appearance or use. A home occupation may not necessitate a change in the state building code use classification as a dwelling unit. Any accessory building used for a home occupation shall meet building code requirements.**

## § 17.7.070 HOME OCCUPATION STANDARDS.

**A. Home occupations shall be owned and operated by a principal occupant of the dwelling unit residing on premises. The home occupation may employ no more than two on-site employees who are not a resident of the dwelling unit. Off-site employees are permitted.**

**B. The home occupation must be operated wholly within the primary dwelling or accessory structure. Exterior storage of materials or products is prohibited. Indoor storage of material or products shall not exceed the limitations imposed by the Building, Fire, Health and Housing Codes.**

**C. All business operations shall comply with the City of Forest Grove noise ordinance and shall not generate any vibration, smoke, dust, odors, heat or glare detectable at or beyond the property line.**

**D. There shall be no exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 1-ton gross vehicle weight pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property in connection with the home occupation provided such parking complies with all parking restrictions.**

**E. The home occupation location shall not be used as a headquarters or meeting location for the assembly of off-site employees or subcontractors for any reason, including staging or dispatch of off-site employees or subcontractors to other locations. Off-site employees and subcontractors may not store or park their motor vehicles at the home occupation location.**

**F. Any product produced on-site for sale must be hand manufactured or grown using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed horsepower or other measurements of power, which would typically be used by a residential homeowner.**

**G. One sign, not exceeding six square feet in area, non-illuminated and professionally prepared, may be permitted.**

**H. No more than ten customer or client visits per day are permitted. Customers and clients are prohibited from visiting the business between the hours of 10 pm and 7 am.**

**I. Excluding regular U.S. Postal Service delivery, no more than one pick-up or delivery related to the home occupation is permitted per day.**

**§ 17.7.075 HOME OCCUPATION PERMIT**

**Unless specifically listed as exempt, no home occupation shall be established or operated without obtaining city approval. An application for a home occupation permit shall be processed according to the Type 1 procedure, using the applicable provisions and standards of this sub-article as approval criteria. The Director shall approve or approve with conditions a home occupation permit when all of the applicable general provisions in Section 17.7.065 and Section 17.7.070 are met. The Director may impose conditions on the approval of a Home Occupation Permit to ensure compliance with Section 17.7.065 and Section 17.7.070.**

**§ 17.7.080 PERMIT REQUIREMENTS**

**An application for a home occupation permit shall be submitted by a principal resident of the subject property, or their authorized agent, on forms provided by the City. An application for a home occupation permit may be filed prior to or in conjunction with an application for a city business license. The home occupation permit shall be accompanied by the information required by the application form. At a minimum, a home occupation permit application shall include the following:**

- **A. Signatures of the applicant or the applicant's representative and the property owner or the property owner's representative;**
- **B. A detailed description of the business; and**
- **C. Other information as the city determines necessary to demonstrate compliance with this chapter.**

**§ 17.7.085 INVALIDATION OF A HOME OCCUPATION PERMIT**

**A home occupation permit is site-specific to the property and applicant designated on the application form. The permit is invalidated if an applicant moves from the residence.**

**§ 17.7.090 REVOCATION OF A HOME OCCUPATION PERMIT**

- **A. Grounds for Revocation.**
  - **1. The Director may revoke a home occupation permit at any time for the following reasons:**
    - **a. A violation of any provision or standard of this code;**
    - **b. A violation of any term or condition of the permit;**
    - **c. Failure to pay the City of Forest Grove Business License fee in a timely manner.**
  - **2. Complaints. The Director may revoke the home occupation permit, approve the use as it exists, or compel measures to be taken to ensure the use does not infringe upon the right of neighboring residents to the peaceful enjoyment of their residential neighborhood and homes, or otherwise be detrimental or disruptive in terms of appearance or operation to neighboring properties, residents, or the community at large and conformance with this code after reviewing a formal complaint. Complaints may be originated by the City of Forest Grove**

**or the public. Complaints from the public must clearly state the objection to the home occupation.**

3. **Nuisance. A home occupation that is established or operating in violation of this code may be declared to be a nuisance and may be abated as such (Municipal Code §91.050 et. seq. Abatement Procedure). The Director shall revoke a home occupation permit upon declaration of a public nuisance.**
4. **The Director may discontinue the revocation proceeding if the basis for revocation is corrected.**

**B. Procedure. Revocation of a Home Occupation permit shall be considered and decided by the Planning Commission. Type III notice procedures shall be followed. The Director or any private complaining party shall have the burden to prove, based on substantial evidence in the whole record, that the applicant has violated the city's approval or code.**

**C. Cessation of Home Occupation Pending Review. If it is determined by the Director in exercise of reasonable discretion, that the home occupation in question will affect public health, welfare, or safety, the use may be ordered to cease pending review or exhaustion of all appeals. Uses declared a public nuisance shall cease operations pending review or exhaustion of all appeals.**

**D. Waiting Period for Re-application. When a home occupation permit has been revoked due to a violation of the standards and provisions of the code or any condition of approval attached to the permit, a minimum period of 1 year shall elapse before another application for the subject property or applicant will be considered.**

**E. City of Forest Grove Business License. Revocation of a home occupation permit will initiate revocation proceedings for the associated business license.**

**§ 17.7.095 PERMIT FEE**

**The fee for a home occupation permit described above shall be set by City Council by resolution.**

MANUFACTURED HOMES ON LOTS

§ 17.7.~~070~~**100** PURPOSE.

§ 17.7.~~075~~**105** STANDARDS.

A manufactured home may be located on an individual lot outside of a manufactured home park provided:

A. **It complies with the Building Design and Development Standards of § 17.8.710.F**; ~~It is multi-sectional and encloses a space of not less than 1,000 square feet;~~

B. It is placed on an excavated and back-filled foundation that is enclosed at the perimeter such that the manufactured home is not more than 12 inches above grade;

~~C. It has a pitched roof, with a slope of at least three feet in height for each 12 feet in width;~~

~~D. It has exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings;~~

E. **C.** It is certified by the manufacturer to have an exterior thermal envelope meeting performance standard which reduce levels to the performance standards required of single-family dwellings constructed under the State Building Code;

~~F. It has a garage or carport with exterior materials matching the residential unit;~~

G. **D.** It is not sited adjacent to any structure designated as a Historic Landmark; and

~~H. Front doors shall face streets excluding those homes obtaining access from a driveway.~~

NONCONFORMING DEVELOPMENT

§ 17.7.~~100~~**200** PURPOSE.

§ 17.7.~~105~~**205** APPLICABILITY.

§ 17.7.~~110~~**210** LOSS OF NONCONFORMING STATUS.

§ 17.7.~~115~~**215** ALTERATION OF A NONCONFORMING USE.

§ 17.7.~~120~~**220** ALTERATION OF A NONCONFORMING STRUCTURE.

§ 17.7.~~125~~**225** EXCEPTIONS.

SOLID WASTE AND RECYCLING

§ 17.7.~~200~~**300** PURPOSE.

§ 17.7.~~205~~**305** SIZE, LOCATION, DESIGN AND ACCESS STANDARDS FOR STORAGE AREAS.

WIRELESS COMMUNICATION FACILITIES

§ 17.7.~~300~~**400** PURPOSE.

§ 17.7.~~305~~**405** EXEMPTIONS.

§ 17.7.~~310~~**410** PROCEDURE.

§ 17.7.~~315~~**415** HISTORIC DISTRICTS AND STRUCTURES.

§ 17.7.~~320~~**420** SUBMITTAL REQUIREMENTS.

§ 17.7.~~325~~**425** REVIEW CRITERIA.

RESIDENTIAL DENSITY INCENTIVES

§ 17.7.~~400~~**500** PURPOSE.

§ 17.7.~~405~~**505** APPLICABILITY.

§ 17.7.~~410~~**510** STANDARDS.

# ORDINANCE NO. 2023-XX
## EXHIBIT G – ARTICLE 8 AMENDMENTS
*(New text is indicated by **bold - underline** and text being deleted is ~~struck through~~)*

*GENERAL DEVELOPMENT STANDARDS*

ACCESS AND CIRCULATION

§ 17.8.120 MINIMUM ACCESS REQUIREMENTS FOR RESIDENTIAL USES.

A. Direct access to arterial streets from a residential dwelling established after the effective date of this Code is prohibited. The city may permit direct access to an arterial for lots of subdivisions approved prior to the effective date of this Code, and for multi-family residential complexes if the access is designed to local residential street standards.
B. Single-family dwellings and duplexes shall be required to have one driveway, fully improved with hard surface pavement, with a minimum width of ten feet.
C. **Residential access drives and** ~~S~~**s**ervice drives for multi-family dwellings shall be fully improved with hard surface pavement with a minimum width of:
1. ~~Twelve~~ **Sixteen** feet when accommodating one-way traffic; or
2. Twenty**-four** feet when accommodating two-way traffic.

In no case shall the design of said ~~service drive or~~ drives require or facilitate the backward movement or other maneuvering of a vehicle within a street.

§ 17.8.130 WIDTHS AND LOCATIONS OF DRIVEWAYS AND CURB CUTS.

A. Minimum driveway widths at the street right-of-way line shall be 15 feet for institutional, commercial, industrial and multi-family residential uses, and ten feet for single-family and two-family residential uses.
B. Maximum driveway widths at the street right-of-way line shall be as follows.
1. In residential zones:
   a. Twenty-four feet **or 50% of the lot frontage, whichever is less,** for lots with less than 60 feet of street frontage;

BUILDING DESIGN AND DEVELOPMENT STANDARDS

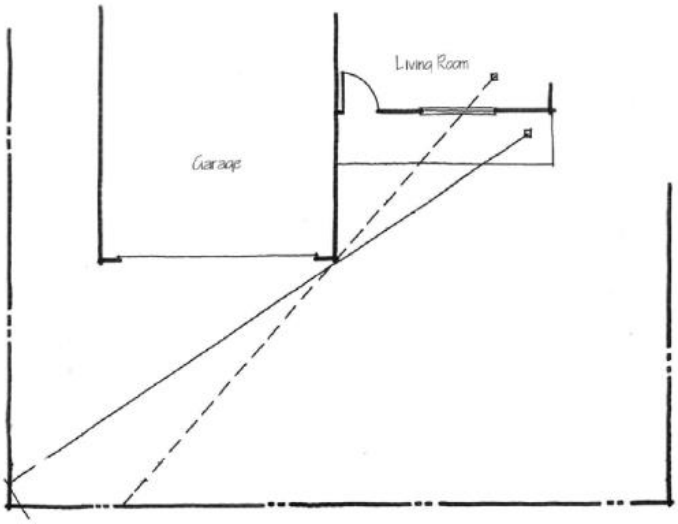
F. Single-Unit and Middle Housing Types
1. Purpose. The purpose of the design standards is to ensure that new residential development has a positive influence on the livability and safety of surrounding neighborhoods. The standards are narrowly focused on improving the way that new residential buildings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

2. Applicability

a. **Unless otherwise noted, the standards in this section apply to all single-unit detached and middle housing dwelling types.**
b. **These standards do not apply to middle housing created through conversion of, or addition to, an existing single-unit detached dwelling or duplex. The internal conversion or addition of an existing detached single-unit structure or duplex is allowed provided the conversion meets building codes and does not create nonconformance with clear and objective development standards.**
c. **Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.**
d. ~~a.~~The standard relating to street connection is applicable to construction of single unit dwellings, townhouses, manufactured homes, duplexes, triplexes, and quadplexes. The intent of the standard is to ensure that dwellings on smaller lots are oriented to and visible from the public street and to enhance the pedestrian environment. ~~Compliance with the design standards is checked during building plan review. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.~~

**Figure 8-18: Visual Surveillance Standard**

**Figure 8-19: Visual Surveillance Standard**




3. General Standards
    a. Street Connection and Visual Surveillance Standard. All habitable rooms facing a street shall have a window.
    b. **The same building plan, street facing façade, or combination thereof, shall not be replicated for structures that are adjacent and along the same street or face each other across any street. Replication includes mirrored images (where the main features such as windows, door**

**location, garage location, roof peak, etc. are reversed), and minor trim, siding, and paint changes (less than 50%).**

~~4.~~ 4. Building Façade and Elevation Standards

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

b. **Street facing facades shall not be replicated on more than 45% of the total number of units on the same street or the project as a whole.**

~~5. Duplex Design Standards~~

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

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

~~6.~~ **5. Single-unit detached, Duplex**, Triplex and Quadplex Design Standards

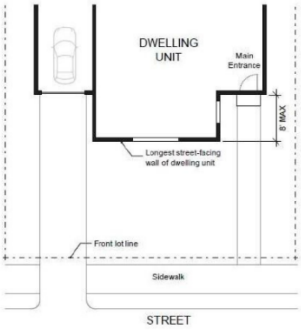
a. Entry Orientation: **An entry is a building opening designed to be used by pedestrians. It does not include any door exclusively designated as an emergency exit, any door that leads to a utility room or closet, or a garage door not designed as a pedestrian entrance.** At least one main entrance for each ~~triplex or quadplex~~ structure **containing at least one dwelling unit** must meet the following standards:

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

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

**Figure 8-20: Dwelling Unit Entrance**

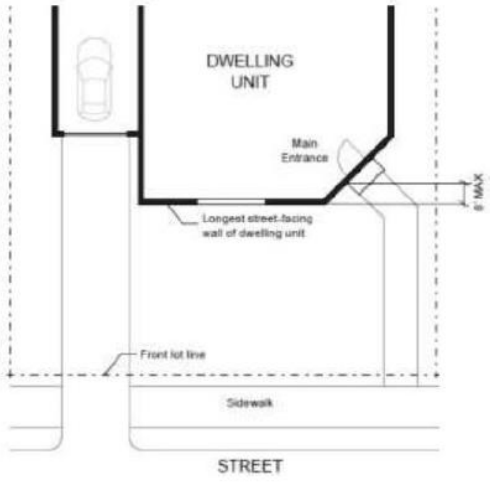
Figure 8-20: Dwelling Unit Entrance




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

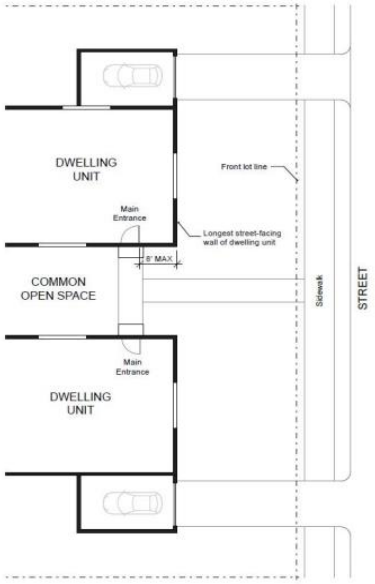
**Figure 8-21: Dwelling Unit Entrance**

**Figure 8-21: Dwelling Unit Entrance**




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

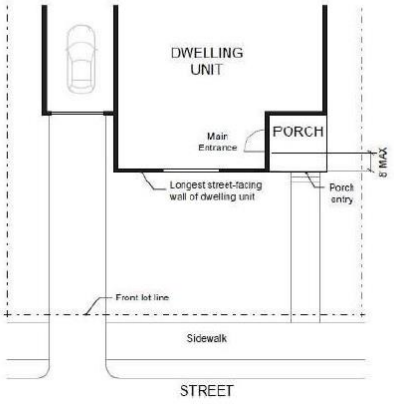
**Figure 8-22: Common Open Space**




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

**Figure 8-23: Front Porch**

**Figure 8-23: Front Porch**




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

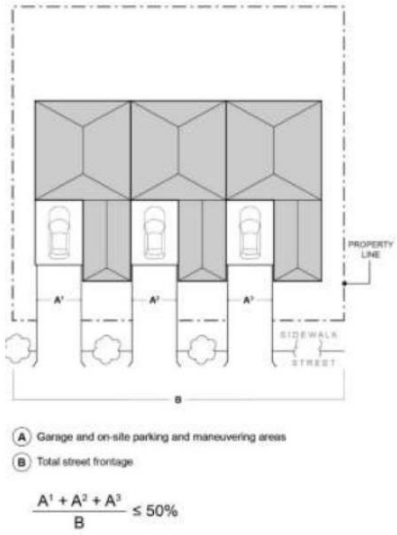
**Figure 8-24: Street Facing Façades**

**Figure 8-24: Street Facing Facades**

c. Garages and Off-Street Parking Areas: The combined width of all garages and outdoor on-site parking and maneuvering area shall not exceed a total of fifty (50) percent of the street frontage, **except those which are accessed from an alley.**

**Figure 8-24: Garages and Off-Street Parking**

**Figure 8-25: Garages and Off-Street Parking**




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

~~7.~~ **6.** Townhouse Design Standards

a. Entry Orientation: **An entry is a building opening designed to be used by pedestrians. It does not include any door exclusively designated as an emergency exit, any door that leads to a utility room or closet, or a garage door not designed as a pedestrian entrance.** At least one main entrance for each townhouse unit must meet the following standards:

1. The entrance must be within eight (8) feet of the longest street-facing wall of the dwelling unit; and the entrance must be either:
   i. Face the street as shown by ~~the figure below~~ **Figure 8-20**;
   ii. Be at an angle up to 45 degrees from the street as shown by Figure 8-2~~0~~**1**;
   iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides **as shown by Figure 8-22**; or
   iv. Open onto a porch. The porch must be at least 25 square feet in area and have at least one entrance facing the street **as shown by Figure 8-23**.

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

c. Driveway Access and Parking:

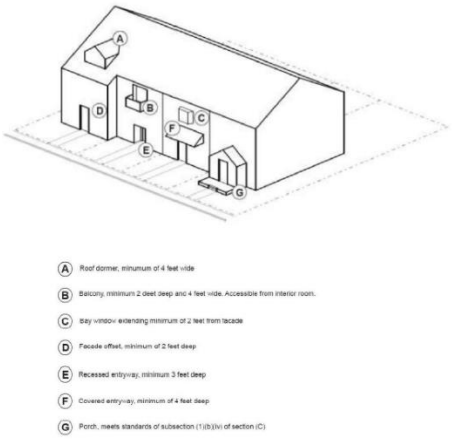
1. A maximum of one (1) driveway approach is allowed for each townhouse unit.

2. Outdoor on-site parking and maneuvering areas shall not exceed the lesser of twelve (12) feet wide on any lot or fifty (50)% of the lot frontage.
3. The width of garage entrances shall not exceed twelve (12) feet as measured from the inside of the garage door frame.
4. A townhouse unit on a corner lot shall take access from a single driveway approach.
5. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access.
6. Townhouses adjacent to an alley shall take vehicular access only from the alley.

d. Unit Definition. Each townhouse must include at least one of the following on at least one street facing façade:
1. A roof dormer a minimum of four (4) feet in width; or
2. A balcony a minimum of two (2) feet in depth and four (4) feet in width and accessible from an interior room; or
3. A bay window that extends from the façade a minimum of two (2) feet; or
4. An offset of the façade a minimum of two (2) feet in depth, either from the neighboring townhouse or with the façade of a single townhouse; or
5. An entryway that is recessed a minimum of three (3) feet; or
6. A covered entryway with a minimum depth of four (4) feet; or
7. A porch of at least 25 square feet in area with at least one entrance facing the street or have a roof.

**Figure 8-26: Unit Definition**

Figure 8-26: Unit Definition




~~8.~~ **7.** Cottages and Cottage Clusters

# ORDINANCE NO. 2022-03
## EXHIBIT H – ARTICLE 12 AMENDMENTS
*(New text is indicated by **bold - underline** and text being deleted is ~~struck through~~)*

USE CATEGORIES AND DEFINITIONS

USE CATAGORIES

§ 17.12.110 RESIDENTIAL USE CATEGORY.

A. *Household living.* Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping and hygiene. Tenancy is longer than one month. ~~Examples include single-family detached and attached dwellings, duplexes, multifamily dwellings and manufactured dwellings.~~ The household living category includes most types of senior housing, e.g., congregate care and assisted living, if residents live in self-contained units. The Uniform Building Code shall determine the maximum number of people who may reside in any given dwelling unit.

**§ 17.12.130 COMMERCIAL USE CATEGORY.**

E. *Medical centers.* Facilities providing inpatient, outpatient and emergency and related ancillary services to the sick and infirm; usually developed in campus setting. Accessory uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities, laundry, housekeeping and maintenance facilities, administrative offices and parking. Medical centers may also include freestanding offices for hospital-based and/or private practice physicians and other allied health care professionals; these medical office buildings are regulated as offices (see § 17.12.130H., Offices). A medical center also includes ~~marijuana~~ **medical cannabis** dispensaries **and Psilocybin Service Centers**, either as part of a medical center campus or as a stand-alone facility.

~~§ 17.12.160 UNLISTED USE: AUTHORIZATION OF SIMILAR USE.~~

~~A. *Purpose.* It is not possible to contemplate all of the various uses that will be compatible within a zoning district. Therefore, unintentional omissions occur. The purpose of this section is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with the listed uses.~~
~~B. *Process.* The Planning Commission shall render an interpretation, pursuant to the Type III process by § 17.1.600 of this Code.~~
~~C. *Approval standards.* Approval or denial of an unlisted use application by the Director shall be based on findings that:~~
~~1. The use is consistent with the intent and purpose of the applicable zoning district;~~
~~2. The use is similar to and of the same general type as the uses listed in the zoning district;~~

3. ~~The use has similar intensity, density and off-site impacts as the uses listed in the zoning district; and~~
4. ~~The use has similar impacts on community facilities as the listed uses. Community facilities include streets , schools , libraries, parks, police and fire stations, and water, sanitary sewer and storm drainage systems.~~

D. ~~*Other provisions.*~~

1. ~~The Director shall not authorize an unlisted use in a zoning district if the use is specifically listed in another zone as either a permitted use or a conditional use.~~
2. ~~The Director shall maintain a list by zoning district of approved unlisted uses and the list shall have the same effect as an amendment to the use provisions of the applicable zone.~~

§ 17.12.210 MEANING OF SPECIFIC WORDS AND TERMS.

**F1. FAÇADE. An exterior face of a building.**

**F2.** ~~F1.~~ FACE
**F3.** ~~F2.~~ FAMILY
**F4.** ~~F3~~. FENCE
**F5.** ~~F4.~~ FINAL ACTION, FINAL DECISION, OR FINAL ORDER
**F6.** ~~F5.~~ FINDINGS
**F7.** ~~F6.~~ FLOOD RELATED DEFINITIONS
**F8.** ~~F7.~~ FLOOR AREA
**F9.** ~~F8.~~ FLOOR AREA RATIO
**F10.** ~~F9.~~ FRONT PORCH, STANDARD

H2. ***HOME OCCUPATION.*** Any occupation or activity which is clearly incidental and secondary to the principal use of the premises or dwelling and which is carried on wholly within the ~~main building~~ **primary dwelling or residential accessory structure on the premises** by a ~~member of the family~~ **principal occupant of the dwelling unit** residing on the premises.

**P13. PSILOCYBIN FACILITIES. The area of a location that is licensed under ORS Chapter 475A, including Psilocybin Manufacturers, Psilocybin Service Centers, and Psilocybin Testing Laboratories.**

**P14. PSILOCYBIN MANUFACTURER. A facility, licensed under ORS 475A.290, used in whole or in part for the manufacture, planting, cultivation, growing, harvesting, production, preparation, propagation, compounding, conversion or processing of a psilocybin product, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the psilocybin product or labeling or relabeling of its**

**container. Psilocybin Manufacturers are classified as Industrial: Manufacturing and Production – Light Industrial.**

**P15. PSILOCYBIN SERVICE CENTER. A facility, licensed under ORS 475A.305, used in whole or in part for psilocybin administration sessions and at which other psilocybin services may be provided. Psilocybin Service Centers are classified as Commercial: Medical Centers.**

**P16. PSILOCYBIN TESTING LABORATORY. A laboratory licensed under ORS 475A.594, used in whole or in part for the testing of psilocybin products. Psilocybin Testing Laboratories are classified as Commercial: Office.**