Conditional Use Permit
Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE:	August 28, 2017
HEARING DATE:	September 5, 2017
LAND USE REQUEST:	Conditional use permit to allow permanent placement of two 1,700-square-foot modular classroom buildings
FILE NUMBER(S):	311-17-000031-PLNG CUP-12-00216 CU-08-02 CU-07-01
PROPERTY LOCATION:	1914 Pacific Avenue
LEGAL DESCRIPTION:	Washington County Tax Lots 1S3 6BB-6800, 6900, and 7100
OWNER/APPLICANT(S):	Applicant: Forest Grove Community School (Karen Torry) 1914 Pacific Avenue, Forest Grove, Oregon 97116 Property Owner: Same
COMPREHENSIVE PLAN MAP AND ZONING MAP DESIGNATIONS:	Town Center Core Town Center Core
APPLICABLE STANDARDS AND CRITERIA:	City of Forest Grove Development Code: §10.1.400 et. seq. Site Development Review §10.2.200 et. seq. Conditional Use §10.3.400 et. seq. Town Center Zones §10.8.000 et. seq. General Development Standards
REVIEWING STAFF:	James Reitz (AICP), Senior Planner
RECOMMENDATION:	Staff recommends approval with conditions

I. LAND USE HISTORY

Development Code (DC) §10.1.200 et. seq. *Conditional Use* (in the Town Center) requires that schools undergo review by the Planning Commission. DC §10.1.210 authorizes the Planning Commission to act on a request for a conditional use permit after holding a public hearing.

The Planning Commission originally approved locating the Forest Grove Community School (FGCS) at this site in July 2007. The applicant subsequently remodeled two floors of the existing building (the basement and ground floor) for use as a school. Early plans to remodel the second floor for school use were scrapped due to the expense of complying with seismic and other building code requirements.

FGCS installed two 1,700-square-foot modular units in 2012. Each has two 850-square-foot classrooms. The Planning Commission approved that use permit subject to these conditions:

To ensure compliance with all of the applicable provisions of the Development Code, the Planning Commission hereby imposes the following conditions of approval:

1. *The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.*

2. *Install Fire Lane markings along the access road serving the modular classroom units. These markings shall be installed prior to August 31, 2012.*

3. *The modular units shall be permitted to remain on-site for school use until September 30, 2017 at which time they shall be removed. If FGCS vacates the site prior to September 30, 2017 the modular units shall be removed from the site within ninety (90) days of the vacation.*

Plans to remodel the main building's second floor are still too expensive to pursue, as is the expense of new construction. Rather than seek another time-limited extension for the modular buildings, the applicant is now seeking Planning Commission approval to retain their use indefinitely.

Public notice for this application was mailed to property owners and residents within 300 feet of the site on August 15, 2017, as required by DC §10.1.610. Notice of this request was also provided to the Plans Review Board, and published in the *News Times.*

The Plans Review Board had no issues with this request. As of the writing of this report, no comments have been received from the public.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Description of Proposal: The proposal would result in the indefinite retention of two 1,700-square-foot modular classroom buildings. No physical changes to the site are proposed.

B. Site Examination: In addition to the existing school building, the site has been improved with a car park, single-family home, two modular classroom buildings, and a yard area. The yard area is enclosed with a chain-link fence and is used for outdoor recreation. Two dumpsters have been set on the east side of the car park, in full view of drivers and pedestrians using "A" Street.

Existing Comprehensive Plan Designation and Zoning of Site and Area

LOCATION	COMPREHENSIVE PLAN DESIGNATION	ZONE DISTRICT	LAND USE
Site	Town Center Core	Town Center Core	Community School Offices
North	Town Center Core	Town Center Core	Commercial (Bank, Theater, Offices, Restaurants
South	Town Center Core	Town Center Core	Public Car Park, Single-Family Residential, Retail
East	Town Center Core	Town Center Core	Commercial (Bank, Retail)
West	Town Center Core	Town Center Core	Commercial (Retail) and Single-Family Residential

C. Site Design: No changes to the site are proposed. The modular classroom buildings each have 1,700 square feet of floor area, and are about 26 feet wide by 64 feet long. The west unit is located approximately 10 feet north of the home at 1921 Ash Street. The east unit is located approximately 20 feet from the south property line. A fire lane is located between the two units and provides a through route from "A" Street to the City car park. The fire lane is chained off so as to prevent cut-through traffic.

D. Architecture: The modular buildings are finished with T1-11 siding. There are two doors and two windows per building (one each for each classroom). None of the doors or windows orient toward the homes or yards of 1917 or 1921 Ash Street.

E. Setbacks and Height Requirements: Permitted uses in the Town Center do not have any setback or height requirements. Because the modular buildings are only one-story in height and do not have any doors or windows facing the homes at 1917 or 1921 Ash Street, staff is not recommending any conditions to modify them.

F. Compatibility: There are a few existing single-family homes to the south and southwest (across "A" Street); the balance of the block and the uses facing the site from the adjacent blocks are all commercial in nature. (It should also be noted that the single-family homes are non-conforming uses in the Town Center, and may eventually be replaced with higher-intensity uses). The classrooms have not created any privacy issues with the residents of those homes as the doors and windows all face the opposite direction, toward the school building.

Two dumpsters have been set on the east side of the car park, in full view of drivers and pedestrians using "A" Street. Staff is proposing a **condition** that the dumpsters be enclosed in compliance with DC §10.7.205 *Solid Waste and Recycling Storage Design Standards.*

The yard area is enclosed with a chain-link fence and is used for outdoor recreation. This play area has been improved with wood chips. These chips are small enough to

work their way through the chain link and onto the car park pavement below. To help keep the wood chips on-site, staff is proposing a **condition** that a physical barrier (such as filter fabric) be installed along the east and south fence line.

G. Density: Not applicable, as this is not a residential project.

H. Traffic and Circulation: Circulation would not change as a result of this proposal. The primary vehicular access would remain on "A" Street. Vehicles would continue to exit onto "A" Street or 19th Avenue, as they do now. The access way to the east is currently gated and would remain so; it also serves as a fire lane.

I. Parking: Non-residential permitted uses in the Town Center are exempt from the off-street parking requirement, as allowed by DC §10.8.505(D) *Parking Exemption for the Town Center Zones*. Conditional uses however, are not exempt. For K-8 schools, DC §10.8.515 Table 8-5 *Parking Requirements* requires a minimum of 2.0 spaces and a maximum of 2.5 spaces per classroom. For 9-12 schools, the minimum is 1.0 space per 5 students and staff, and a maximum of 1.0 space per 3.3 students and staff.

FGCS has 8 classrooms for grades 1-8; there is no kindergarten or 9-12. With 8 classrooms, at least 16 off-street parking spaces are required. The site has 17 spaces overall, 8 in the "A" Street lot and another 9 abutting the play yard.

In addition, the site is adjacent to the City's 19th Avenue public car park. This car park has 24 spaces, about half of which are used by nearby businesses. Two spaces are also available on "A" Street for long-term (up to 3-hour) parking; and three short-term (less than 2-hour) parking spaces are available on Pacific Avenue.

According to the applicant *"Many of our staff live nearby and walk or bike to school. Visitors may use the City lot (we restrict the parking lot to staff, but direct visitors first to the angled spots, then to the free City lots by Hello Market and behind Pac Thai, then to on-street spaces). Things are always tight during pick-up and drop-off times, but that's 20-30 minutes a.m. and p.m. and people are in and out pretty quickly; otherwise the flow of visitors is sporadic enough that (parking demand) hasn't been an issue."*

Because the site has off-street parking in excess of the minimum required, with additional off-street parking available in the adjacent City car park, and because no complaints regarding parking have been filed since the modular units were placed in 2012, staff is not recommending any conditions pertaining to off-street parking.

J. Environmental Quality: There is no City record of any environmental issues. As there would be no increase in impervious surface, staff is not recommending any conditions of approval.

K. Landscaping: The site has been landscaped with lawn and foundation plantings along the Pacific Avenue frontage; some additional landscaping is extant along the "A" Street frontage, and in the yard to the southeast (now an outdoor play area enclosed with a chain link fence). The play area has been surfaced with wood chips. Because the chain link fence does not confine the wood chips – that then drop into the adjacent car park - staff is recommending a **condition** to require the installation of some kind of physical barrier to keep the wood chips on-site.

L. Public Services: The site has existing utility connections. No new connections or upgrades are proposed or required.

III. APPROVAL CRITERIA, FINDINGS AND ANALYSIS

DC §10.2.220 *Conditional Use Review Criteria* requires that the Commission find that the proposal complies with the following:

(A) Physical Compatibility –

1. *The proposed use will be compatible with adjacent developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or*
2. *The proposed use will mitigate differences in appearance or scale through setbacks, screening, landscaping, and other design features*

Applicant's Response: *The proposed use, in place for nearly nine years, is compatible with adjacent developments based on the scale of the buildings, setbacks and landscaping. The one-story modular classroom buildings sit behind the main structure at 1914 Pacific Avenue, one on the site where a storage building/garage previously sat and one directly behind 1910 Pacific Avenue (also owned by FGCS) adjacent to the school parking lot (entered from "A" Street). The modular buildings are not easily visible from many vantage points in the area because of other, taller structure on the property or because of trees and other landscaping features. The buildings are painted in the same color scheme as the main school building. Prospective parents frequently schedule tours of our school and remark that they've lived in Forest Grove for years and did not know the modular buildings were there. We hear the same from delivery people and vendors who visit. We believe that any differences in the appearance or scale of the modular buildings is mitigated by their location, landscaping/screening and the color scheme.*

Finding: Abutting the site along Pacific Avenue is a yoga studio and a bank. To the south are two lots each of which have been developed with single-family homes. Because all of the abutting uses including the home sites are also located in the Town Center, no buffering requirements apply.

Finding: Two dumpsters have been set on the east side of the car park, in full view of pedestrian and drivers using "A" Street. With the condition to house the dumpsters in a roofed enclosure, they would be in compliance with DC §10.7.205 *Solid Waste and Recycling Storage Design Standards.*

Finding: The outdoor play area has been improved with wood chips. These chips are small enough to work their way through the chain link and onto the car park pavement below. With the condition to install a physical barrier (such as filter fabric) along the east and south fence line to keep them on-site, use of the wood chips would be adequately mitigated.

(B) Public Services –

1. *The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street*

capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety; and

Applicant's Response: *The proposed use would not place any greater demands on the local transportation system than has been present the past five years since the Planning Commission reviewed the use. Student enrollment is steady at just over 200 students. FGCS staff are able to park in school-owned off-street spaces in the parking lot off of "A" Street and the diagonal spaces adjacent to our fenced play yard. Traffic impact is primarily during drop-off and pick-up times, about 8:30-9:00 a.m. and 3:00-3:30 p.m. Monday-Thursday and 1:00-1:20 p.m. Fridays. FGCS has a staff or volunteer crossing guard at the corner of Pacific Avenue and "A" Street during arrival and departure daily. Several years ago, the City of Forest Grove provided FGCS with a permitted fluorescent yellow school-crossing sandwich board to make the crosswalk more visible. In addition, in response to a student proposal, the City added two 'crosswalk ahead' signs on either side of Pacific Avenue to alert drivers to the crosswalk. FGCS works with parents to minimize impact downtown by educating parents about free off-street parking locations, encouraging carpools, walking and biking to school. We have never been made aware of a complaint to the City or local police in connection with any traffic concerns. On a handful of occasions when we have observed or been made aware of any conduct by our parents that negatively impacts our neighbors (e.g., one parent who partially blocked a neighbor's driveway), we address it immediately with the parent to make sure the behavior is not repeated.*

Finding: Transportation demand would not change as a result of this proposal. The primary vehicular access would remain on "A" Street. Vehicles would continue to exit onto "A" Street or 19th Avenue, as they do now. The access way to the east is currently gated and would remain so; it also serves as a fire lane.

Finding: The site is located abutting an Arterial street and transit route (Pacific Avenue). For pedestrian safety, sidewalks have been fully improved adjacent to both Pacific Avenue and "A" Street. Because the site has off-street parking in excess of the minimum required by DC §10.8.515, no on-street parking impacts are anticipated or have been documented since the modular classroom buildings were first installed.

2. *Public services for water supply, sanitary sewer, storm water disposal, police and fire protection are capable of serving the proposed use and previously approved uses.*

Applicant's Response: *The proposed use does not place any new demands on public services than have been in place since the structures were originally placed in 2008. Public services are capable of continuing to serve the proposed use in addition to other approved uses. FGCS has a strong working relationship with the Forest Grove Police Department, which does occasional walk-through visits, and the Fire Department, which conducts inspections every 1-2 years.*

Finding: The site is fully improved with access to City-standard water, storm drainage, sanitary, and electrical facilities. Neither the Fire nor Police departments have registered any concerns about this proposal. This criterion is satisfied.

(C) *Livability – The proposed conditional use will not have significant adverse impacts on the livability of nearby lands due to:*

1. *Noise, glare from lights, late-night operations, odors, and litter; and*

   Applicant's Response: *The proposed use does not have significant adverse impacts in any of these categories. FGCS does not have late-night operations other than early-evening open houses or other events 4-5 times over the course of the school year. FGCS has added energy-efficient LED outdoor lighting to improve nighttime visibility for staff who may work late, for our cleaning service, which works after school hours, and for visitors at the occasional evening events. This lighting has little impact beyond the immediate area. We have weekly garbage, recycling and yard waste pick-up. Our cleaning service and students pick up trash periodically as needed.*

   Finding: No noise, glare from lights, or late-night operations are anticipated as a result of this proposal. With the condition to house the dumpsters in an enclosure to minimize potential odors and litter, no additional approval conditions appear necessary.

2. *Privacy and safety issues.*

   Applicant's Response: *The modular classroom buildings are relatively close to several residential homes, including two owned by FGCS at 1910 and 1920 Pacific Avenue, and two others on "A" Street. We have not been made aware of any concerns regarding privacy or safety issues posed by the proposed use. We have received permission from our "A" Street neighbors to enter their back yards as needed to retrieve playground balls. We have a tentative arrangement with one adjacent property owner to clear out black-berries and other invasive vines that are climbing from his yard onto our play yard fence. We installed a fence in our parking lot to provide visual privacy for one of our "A" Street neighbors.*

   As a public school, safety is a primary focus. We have policies and practices in place to address the safety of our students, staff, volunteers and visitors. No significant safety issues have arisen since FGCS was last before the planning commission.

   Finding: Abutting the site along Pacific Avenue is a yoga studio and a bank. To the south are two lots each of which have been developed with single-family homes. Because all of the abutting uses including the home sites are also located in the Town Center, no privacy or safety issues are anticipated, and no buffering requirements apply.

IV. ALTERNATIVES

The Planning Commission may approve as submitted, approve with conditions, continue deliberations to a date certain, or deny this request.

V. RECOMMENDATION

Based on the information provided in the application and the findings above, staff recommends approval of the application to extend the conditional use permit for the Forest Grove Community School modular classroom buildings indefinitely, with the following conditions:

1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.
2. The applicant must comply with all applicable City building and development standards, including all dimensional standards and public works specifications.
3. The dumpsters shall be enclosed within a roofed structure in compliance with DC §10.7.205 *Solid Waste and Recycling Storage Design Standards.*
4. Install a physical barrier along the east and south fence line of the outdoor play area to keep the wood chips on-site.
5. Conditions 3 and 4 shall be completed by March 5, 2018.
6. If FGCS vacates the site, the modular units shall be removed from the site within ninety (90) days of the vacation.

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 Conditional Use Permit narrative and application materials, prepared and submitted by the applicant

Exhibit B Site Photos

EXHIBIT A

Applicant's Narrative

and

Site Plan

To: Forest Grove Planning Commission
From: Forest Grove Community School
Facilities Work Group
Jon Stagnitti, board treasurer
Vanessa Gray, principal
Karen Torry, director of school operations
Re: Conditional use application for modular classroom buildings at 1914 Pacific Ave.
Date: July 7, 2017

History/Overview

Forest Grove Community School (FGCS) is a public charter school sponsored by the Forest Grove School District. FGCS has been before the Planning Commission on three prior occasions in connection with conditional use applications. In 2007, the Planning Commission granted FGCS a conditional use permit to occupy the structure at 1914 Pacific Avenue, then owned by Preston Alexander. That permit was non-time-limited and has never been modified.

In 2008, the Planning Commission granted FGCS a conditional use permit to place two modular classroom buildings on the property at 1914 Pacific Avenue and approved construction of a permanent outdoor restroom facility (that facility was never built because FGCS determined it was not needed). FGCS received two one-year administrative extensions of the conditional use permit for the modular classroom buildings in 2010 and 2012. In 2012, the Planning Commission granted a 5-year conditional use permit for the modular classroom buildings, which house our 5th/6th and 7th/8th grade classrooms. This application seeks a conditional use permit for the modular classroom buildings that is not time limited.

Developments since 2012

FGCS enrollment has grown slightly since 2012 to an expected 204 students for the 2017-18 school year. Our staffing levels have grown only slightly with 18 staff.

FGCS secured financing in 2013 to purchase 1914 Pacific Avenue (the main school building) and the two adjacent residential structures (1910 and 1920 Pacific Avenue), which were owned by Preston Alexander, as well as the modular classroom buildings, which were owned by Pacific Mobile Structures. FGCS has not pursued plans to develop bricks-and-mortar replacements for the modular classroom buildings because the costs of new construction are prohibitive for our public charter school. Similarly, the cost of remodeling 1914 (estimated at $1 million in 2011-12) to house our current student population (currently 205) is out of reach and that reality is unlikely to change.

FGCS receives approximately 58 percent of the total public funding that flows to mainstream public schools when all funding sources are taken into account. FGCS receives 88 percent of Average Daily Membership weighted (ADMw) or per-pupil funding from the State of Oregon; the remaining 12 percent is retained by the Forest Grove School District. Under state law, FGCS and all public charter schools are denied access to any construction bond funds raised by the school district. The only way for FGCS to significantly increase revenue is to increase enrollment, but our current physical spaces make that infeasible. FGCS currently enrolls 204 students in 1st-8th grades, an increase of nine students total since the previous conditional use application. Even substantial enrollment growth would not secure enough net income to make new construction financially feasible. As a point of reference, our 2017-18 budget anticipates $1,526,681 in revenue and $1,501,587 in expenses, 77 percent of which is dedicated to employee salary and benefits.

Proposed Use

FGCS proposes indefinitely retaining two modular classroom buildings that have been on site since October 2008. FGCS requests that the City issue a conditional use permit that, like the CU permit issues for the 1914 Pacific Ave. building, is not time limited.

Approval Criteria and Applicant's Response

1.Physical Compatibility

a. **Criterion: The proposed use will be compatible with adjacent developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or the proposed use will mitigate differences in appearance or scale through setbacks, screening, landscaping and other design elements.** The proposed use, in place for nearly nine years, is compatible with adjacent developments based on the scale of the buildings, setbacks and landscaping. The one-story modular classroom buildings sit behind the main structure at 1914 Pacific Avenue, one on the site where a storage building/garage previously sat and one directly behind 1910 Pacific Avenue (also owned by FGCS) adjacent to the school parking lot (entered from A Street). The modular buildings are not easily visible from many vantage points in the area because of other, taller structure on the property or because of trees and other landscaping features. The buildings are painted in the same color scheme as the main school building. Prospective parents frequently schedule tours of our school and remark that they've lived in Forest Grove for years and did not know the modular buildings were there. We hear the same from delivery people and vendors who visit.We believe that any differences in the appearance or scale of

the modular buildings is mitigated by their location, landscaping/screening and the color scheme.

2. Public Services
   a. **Criterion: The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety.** The proposed use would not place any greater demands on the local transportation system than has been present the past five years since the Planning Commission reviewed the use. Student enrollment is steady at just over 200 students. FGCS staff are able to park in school-owned off-street spaces in the parking lot off of A Street and the diagonal spaces adjacent to our fenced play yard. Traffic impact is primarily during drop-off and pick-up times, about 8:30-9 a.m. and 3-3:30 p.m. Monday-Thursday and 1-1:20 p.m. Fridays. FGCS has a staff or volunteer crossing guard at the corner of Pacific Avenue and A Street during arrival and departure daily. Several years ago, the City of Forest Grove provided FGCS with a permitted? fluorescent yellow school-crossing sandwich board to make the crosswalk more visible. In addition, in response to a student proposal, the City added two 'crosswalk ahead' signs on either side of Pacific Avenue to alert drivers to the crosswalk. FGCS works with parents to minimize impact downtown by educating parents about free off-street parking locations, encouraging carpools, walking and biking to school. We have never been made aware of a complaint to the City or local police in connection with any traffic concerns. On a handful of occasions when we have observed or been made aware of any conduct by our parents that negatively impacts our neighbors (e.g., one parent who partially blocked a neighbor's driveway), we address it immediately with the parent to make sure the behavior is not repeated.
   b. **Criterion: Public services for water supply, sanitary sewer, storm water disposal, police and fire protection are capable of serving the proposed use and previously approved uses.** The proposed use does not place any new demands on public services than have been in place since the structures were originally placed in 2008. Public services are capable of continuing to serve the proposed use in addition to other approved uses. FGCS has a strong working relationship with the Forest Grove Police Department, which does occasional walk-through visits, and the Fire Department, which conducts inspections every 1-2 years.

3. Livability

a. **<u>Criterion</u>: The proposed conditional use will not have significant adverse impacts on the livability of nearby lands due to**:

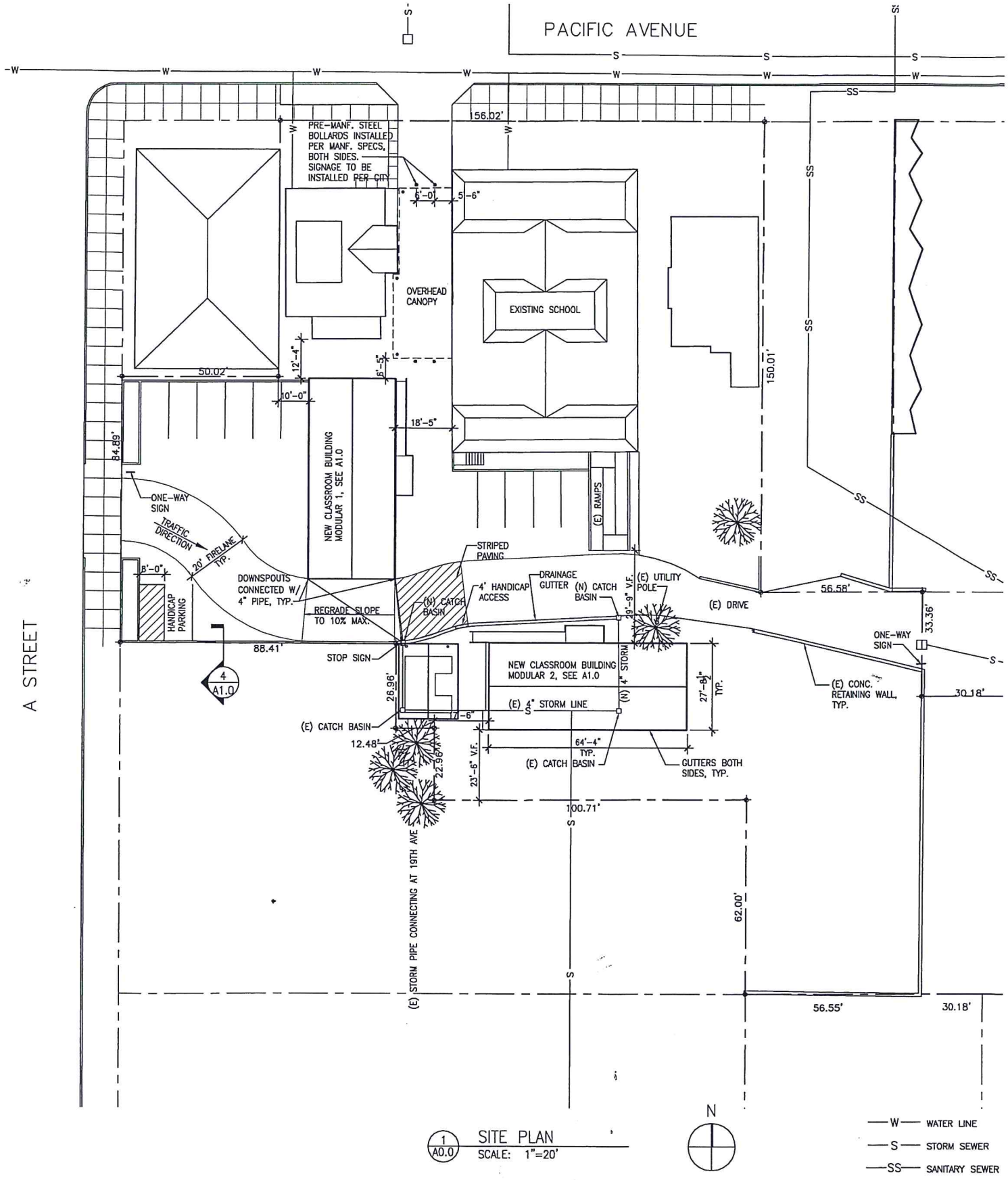
i. **Noise, glare from lights, late-night operations, odors and litter:** The proposed use does not have significant adverse impacts in any of these categories. FGCS does not have late-night operations other than early-evening open houses or other events 4-5 times over the course of the school year. FGCS has added energy-efficient LED outdoor lighting to improve nighttime visibility for staff who may work late, for our cleaning service, which works after school hours, and for visitors at the occasional evening events. This lighting has little impact beyond the immediate area. We have weekly garbage, recycling and yard waste pick-up. Our cleaning service and students pick up trash periodically as needed.

ii. **Privacy and safety issues**: The modular classroom buildings are relatively close to several residential homes, including two owned by FGCS at 1910 and 1920 Pacific Ave., and two others on A Street. We have not been made aware of any concerns regarding privacy or safety issues posed by the proposed use. We have received permission from our A Street neighbors to enter their back yards as needed to retrieve playground balls. We have a tentative arrangement with one adjacent property owner to clear out blackberries and other invasive vines that are climbing from his yard onto our play yard fence. We installed a fence in our parking lot to provide visual privacy for one of our A Street neighbors.

As a public school, safety is a primary focus. We have policies and practices in place to address the safety of our students, staff, volunteers and visitors. No significant safety issues have arisen since FGCS was last before the planning commission.

<u>Compliance with Conditions</u>

The only condition imposed on FGCS by the Planning Commission in the 2012 order, other than adhering to the project description/representations and the time limit, was to install fire lane markings along the access road serving the modular classroom buildings. FGCS installed Fire Lane/No Parking signs shortly after the order was issued in 2012. FGCS welcomes the opportunity to meet with city staff to discuss any questions or concerns about this application, and to provide any additional information that may be needed to make a recommendation to the Planning Commission



1 / A0.0 SITE PLAN
SCALE: 1"=20'

EXHIBIT B

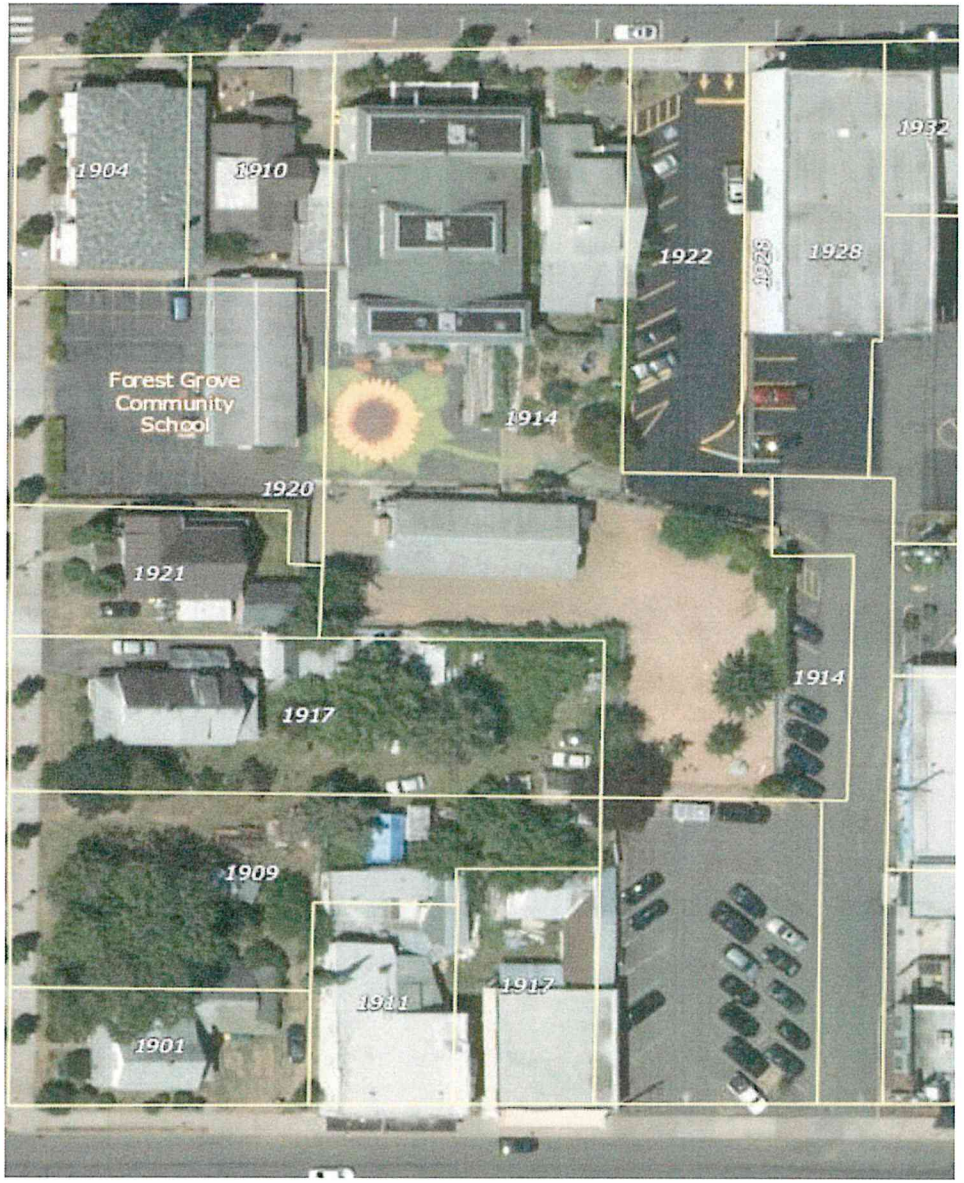
Site Photos

FOREST GROVE OREGON

Aerial View – Site & Neighborhood

Yoga Studio →

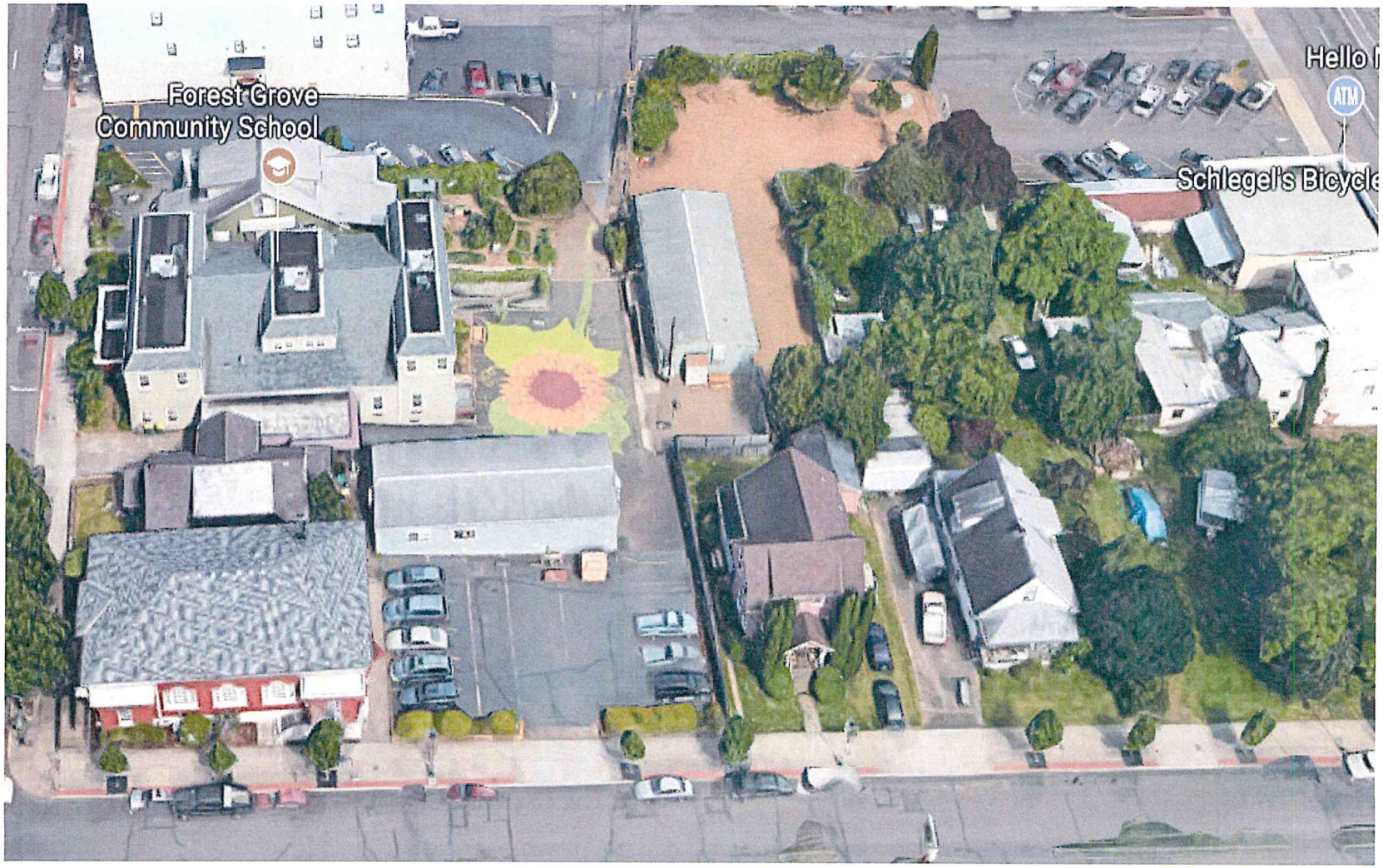
Single-Family Homes →



← Bank

FOREST GROVE OREGON

Site – Oblique View



A place where businesses and families thrive.

FOREST GROVE OREGON

View From "A" Street

A place where businesses and families thrive.

FOREST GROVE OREGON

FGCS Car Park and Play Area

A place where businesses and families thrive.

FOREST GROVE OREGON

FGCS Parking and Play Area

A place where businesses and families thrive.

FOREST GROVE OREGON

Play Area and Wood Chips

A place where businesses and families thrive.