

**PLANNING COMMISSION MEETING MINUTES
FOREST GROVE COMMUNITY AUDITORIUM**

September 5, 2017–7:00 P.M.

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1. CALL TO ORDER:

Chair Beck called the meeting to order at 7:02 p.m. Roll Call:

Planning Commission Present: Tom Beck, Lisa Nakajima, Dale Smith, Phil Ruder, Carolyn Hymes, and Sebastian Lawler

Planning Commission Excused: Hugo Rojas.

Staff Present: James Reitz, Senior Planner; Dan Riordan, Senior Planner and CD Director Interim; Cassi Bergstrom, Planning Commission Coordinator; Ashley Driscoll, City Attorney

2. PUBLIC MEETING:

2.1 PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS:

John Henry Wright, 2453 26th Ave, Forest Grove, OR 97116:

Mr. John Henry Wright came to the stand, stating that he would like sidewalks installed along 26th Ave so he can ride his bike and walk to school safely.

2.2 PUBLIC HEARING:

A. File No. 311-17-000031-PLNG – Conditional use permit to continue use of the modular classroom buildings located at 1914 Pacific Ave (Washington County tax lots 1S306BB06800, 6900 & 7100).

Chair Beck opened the public hearing at 7:04 p.m., reading the hearing procedures, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. Commissioner Ruder stated that he has a child that attends the community school. There were no challenges of the disclosure.

Senior Planner James Reitz gave a Power Point presentation on the Forest Grove Community School. The presentation included the aerial and oblique site view of the area, the conditions of approval as well as a history of the original conditional use permit (2007) that was granted to the community school location and the modular units (2012).

Mr. Reitz stated that upon inspection of the site, it was noticed that there are wood chips pushed out of the cyclone fence onto the parking area below, as well as dumpsters with no drain nearby. A condition offered was to enclose the wood chips from falling onto the parking area and to build a cover over the dumpsters to prevent rain infiltration creating waste that leaks onto the ground, as required by Clean Water Services.

Chair Beck requested that staff cite the Clean Water Services code stating the need for the cover over the dumpster, and Mr. Reitz agreed.

Commissioner Nakajima suggested that Waste Management be involved in the discussion of the dumpster cover, and Mr. Reitz agreed.

Commissioner Lawler inquired about the options for the barrier for the bark chips and if the deadline for the conditions to be met was discussed with the applicant. Mr. Reitz gave a few suggestions of barrier and stated that the deadline has not yet been discussed.

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Mr. Reitz closed by saying that the modular units will be treated more like permanent units than temporary with this conditional use permit, but will still be required to be moved within 90 days of the school's vacancy.

APPLICANT/PROPONENTS:

Karen Torry, FG Community School Rep, 43578 SW Heike Rd, Forest Grove, OR 97116:

Karen Torry, Forest Grove Community School representative, testified that the two single family home that are part of the school's property are not used by the school for classes, rather rented out and managed by a residential rental group.

Chair Beck asked if they were okay with the conditions discussed. Ms. Torry stated that they are and are working with a contractor in regards to the solutions to the two issues presented and the time frame of six months is workable.

Commissioner Nakajima asked if the modular buildings were leased, and Ms. Torry stated that they own the buildings so the improvements are easy in order to make it classroom ready and are solidly built.

Commissioner Ruder inquired about the roof structure inhibiting the view of the mural, and Ms. Torry said they will look into further. It's a possibility that the dumpsters could be moved.

There were no opponents, so Chair Beck closed the public hearing at 7:24 p.m.

COMMISSIONER DISCUSSION:

Commissioner Lawler stated that was a clean hearing with not much left for discussion.

Commissioner Ruder stated the view issue of the modular to the street is not an issue since they are tucked back from street visibility.

Chair Beck requested a motion.

Commissioner Lawler moved a motion that the Planning Commission approve File Number 311-17-000031-PLNG, Conditional use permit to continue the use of the modular classroom buildings located at 1914 Pacific Ave. Commissioner Smith seconded.

Roll Call Vote: AYES: Chair Beck, Commissioners Ruder, Smith, Nakajima, Hymes, and Lawler. NOES: None. ABSENT: Commissioner Rojas. MOTION CARRIED 6-0.

B. File No. 311-17-000009-PLNG & 311-17-000038-PLNG – Appeal of the Community Development Department's approval of a partition located at 2443 26th Ave (Washington County tax lot 1N331BD02402).

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Chair Beck opened the public hearing on this topic at 7:27 p.m., reading the hearing procedures, and asked for disclosure of any conflicts of interest, ex-parte contacts, bias, or abstentions. There were none.

Mr. Reitz gave a Power Point presentation showing the aerial view of the site and neighborhood, along with a zoning slide showing the RML zoning within the area. The current proposal is a 3-lot partition with no variances, now making the partition compliant with the code. The original application (with variances) was revised to meet the minimal lot requirements. Examples of other flag lots and shared driveways within the city were also shown to the Commissioners.

Chair Beck asked for clarification of the code on the width of driveways, and Mr. Reitz responded that it ranges from 10 feet to 20 feet depending on the zoning. The area is zoned 12 units per acre, but this site in particular is less than a half-acre. If it was more than a half-acre lot, the minimum density would be required. The applicant is proposing 3 units, but up to 4 units can be placed on the site.

Mr. Reitz went on to explain the joint access of the partitions would require easements and maintenance agreements as well as storm drainage plan. Sidewalk construction along 26th Avenue is speculated to begin in 2018; more information on the project can be accessed from the Public Works Department. The partition will be required to have an 8 foot dedication for the future sidewalk and curb construction. Commissioners discussed with staff on how the city negotiates with property owners along 26th Avenue in order to make the street improvements.

Commissioner Ruder asked to clarify what the Commissioners are deciding on when it comes to this appeal. Mr. Reitz stated that the Commission can sustain the partition with conditions noted, modify the conditions, overturn Community Development staff's decision, or direct staff to do further research. City Attorney Ashley Driscoll reiterated what Mr. Reitz said, stating that their decision is de novo.

Chair Beck asked the appellant to come to the stand.

APPLICANT:

Lincoln Wright, 2453 26th Ave, Forest Grove, OR 97116:

Mr. Lincoln Wright testified, and mentioned the requirement of 15 feet of frontage was not met in the first application. The property owner changed tactics, and Mr. Wright believes it is an abuse of the Development Code. There hasn't been any change to the Development Code, and zero significant changes have been made to the plan. Mr. Wright stated that the city admits the frontage requirements are not the norm, so why is this partition an exception to the rule. A required exception to that rule should be required like it was last time [i.e. variance].

Mr. Wright stated that a single lot would be adequate, and the neighborhood still feels the same way that they did before [see Handout 1 with neighborhood petition signatures]. Maximizing the property's profitability isn't an issue for the neighborhood, only the property owner. The property owner should be required to have the exception like they did last time [i.e. variance].

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PROPONENT:

Megan Wright, 2453 26th Ave, Forest Grove, OR 97116:

Mrs. Megan Wright testified, stating she is the wife of Mr. Lincoln Wright. The neighborhood feels the same way they do as how this partition was handled, and not everyone in the neighborhood has a personality to come speak at the public hearing.

Mrs. Wright stated that both Mr. Wright and herself have parents who have been on a Planning Commission and are in agreeance with the abuse of the Development Code. The code is based off the intent behind the code, and needs to be understood.

Mrs. Wright went on to say that none of the flag lot examples Mr. Reitz presented are located on a collector street within a historic neighborhood. The intent of the code is to give a reasonable access to set a level of safety and livability within the neighborhood. Allowing the applicant to skirt around the rules is irresponsible and maximizes profit for developer only. Mrs. Wright stated “if you wouldn’t allow next door to you, please don’t allow it next door to us”.

OPPONENTS:

All opponents came to the stand together.

Dave Hunnicutt, LU Attorney, 11735 SW Queen Elizabeth St #101, King City, OR:

Mr. Dave Hunnicutt stated that the property owner is in approval of the conditions for the partition. The last time they met together this was not a staff decision due to the frontage adjustment. Now that they meet Development Code requirements, the staff decision of approval has now been appealed.

Mr. Hunnicutt gave a Power Point presentation, so that way their argument at Planning Commission can’t be precluded at City Council. The theme for the project is that “we want to do what the City wants and requires us to do.” A slide showing the area zoned as RML and the Development Code definitions of Residential RML (12 units/acre) and Residential RMH. The proposal from the applicant is to bring the property into compliance with the RML zoning. The neighborhood is underdeveloped and inconsistent with the zoning. The appellant indicated in their letter that one new lot and one new home will be fine with the neighbors. The creation of one new lot and one new home is inconsistent with the city’s zoning, making it difficult to reach the density zoning target. Mr. Hunnicutt stated that they shouldn’t be punished for being the first property owner to bring the property up to RML standards

Mr. Hunnicutt went on to say this neighborhood will develop parcel by parcel, and the State of Oregon is in need of housing. He went on to give the Oregon statutes for the needed housing, giving the definition of the ORS provisions and the idea behind the legislative action. The Forest Grove Comprehensive Plan also details the needed housing inventory within the city along with the goals of the city. The proposal brought forth by the applicant provides the needed housing the city and Metro is wanting.

Mr. Hunnicutt showed a site plan with their specific proposal. The neighbor’s concerns were specifically targeted towards traffic on 26th Avenue and the flag lot frontage. The

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Development Code was cited regarding the proposed street plan. The street will remain as LOS A, and a common driveway will be shared by the three parcels. ROW dedication and easements will be provided, and off street parking requirements are met. Each lot and parcel meets the minimal frontage required by Development Code.

Mr. Hunnicutt asked if there were any questions, and the Commission had none.

John Hoshall, Engineer, 2318 Pacific Ave, Ste B, Forest Grove, OR 97116:

Mr. Hoshall, Engineer, spoke in regards to the driveway access for the parcels. The current driveway to the east will be abandoned and a common driveway on the west side will be used with reciprocal easements for each parcel to access the properties. The new driveway will be wide enough to make it where cars can pass by each other.

Nick Blunden, Engineer, 2318 Pacific Ave, Ste B, Forest Grove, OR 97116:

Mr. Nick Blunden, Engineer, stated that the storm water will be piped to drain into 26th Avenue storm piping. It has been designed to city and CWS standards.

Desi Kurtz, Property Owner, 432 Meadowview Rd, Forest Grove, OR 97116:

Ms. Desi Kurtz, property owner, added that the need for housing is required, and the homes will meet that need as well as sell for at least \$230,000.

OTHER:

Chair Beck asked if Katherine Clark, who signed up as 'other', wanted to testify. She declined.

REBUTTAL:

Mr. Lincoln Wright stated that the zoning code shouldn't have to be met. That is a very narrow lot. Mr. Wright clarified himself, stating that he would be happy with one partition instead of the two proposed, and is not anti-development. There are a lot of houses going in that area.

Chair Beck closed the hearing at 8:39 p.m.

COMMISSION DISCUSSION:

Commissioner Lawler opened up the discussion by stating how unique this scenario is, being how it is theory versus practice. In theory, this development works but in practice does it work?

Commissioner Ruder stated that there are no grounds for overturning the staff decision because the development meets the code. Commissioner Hymes agrees, and would have liked to hear others opinions.

Chair Beck reiterated the fact that the proposed partition meets code. The area is zoned high density and this development is reasonable for the area, making there no grounds for opposition.

Commissioner Ruder stated that this project has been planned out well.

Commissioner Ruder moved a motion that the Planning Commission sustains the Community Development Department's action for File Number 311-17-000009-PLNG, Appeal of the Community Development Department's approval of a partition located at 2443 26th Ave (Washington County tax lot 1N331BD02402). Commissioner Smith seconded.

Roll Call Vote: AYES: Chair Beck, Commissioners Ruder, Smith, Nakajima, and Hymes. NOES: Commissioner Lawler. ABSENT: Commissioner Rojas. MOTION CARRIED 5-1.

2.3 ACTION ITEMS:

None.

2.4 WORK SESSION ITEMS:

None.

3.0 BUSINESS MEETING:

3.1 APPROVAL OF MINUTES:

Commissioner Hymes moved a motion to approve the minutes of the August 7, 2017 meeting. Commissioner Lawler seconded. Motion passed 6-0.

3.2 REPORTS FROM COMMISSIONERS/SUBCOMMITTEES:

Chair Beck gave an update on new CD Director, and he is from Tillamook. He has a solid background in sustainability, affordable housing and he speaks Spanish. He will be a great addition, and everyone is excited. His first day will be October 16th. Commissioner Lawler stated that he ran the entire county as CD Director.

3.3 DIRECTOR'S REPORT:

Senior Planner Dan Riordan, interim CD Director, stated that the city did not receive from ODOT grant funding for the Towne Center project. There may be opportunity for funding through the Oregon Department of Land Conservation and Development to tackle the parking and streetscape issues.

Next Planning Commission meeting will be held on September 18th and will focus on the Pacific University Master Plan. Mr. Reitz elaborated about the plan and parking study, stating the need for more than one meeting on this topic due to the revisions that the applicant will need to address first. The next meeting is a public hearing, and residents within 300 feet of the university have been notified. Chair Beck stated he will not be able to make the next meeting.

Mr. Reitz brought up that the Development Code that is in need of future discussion, and one proposal was to increase in the RML and RMH density. He wondered if the Commission would entertain that idea of increasing the density. Commissioner Nakajima stated that Forest Grove is a rural edge community, and would not entertain the increase in density. The Commission was in agreeance.

3.4 ANNOUNCEMENT OF NEXT MEETING:

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Next meeting was announced to be held on September 18, 2017 at 7 p.m.

3.5 ADJOURNMENT:

The meeting was adjourned at 9:00 p.m.

Respectfully submitted by:
Cassi Bergstrom
Planning Commission Coordinator