



Forest Grove Code Text Amendments

Staff Report and Recommendation

Community Development Department, Planning Division

REPORT DATE: October 6, 2017

HEARING DATE: October 16, 2017

REQUEST: Legislative amendments to the Forest Grove Development Code pertaining to planned developments, adjustments, definitions, increasing the target density in the RMH zoning district to 30 dwelling units per acre and up to 50 dwelling units per acre for affordable housing, solar access, non-conforming uses, accessory structures.

FILE NUMBER: 311-16-000175-PLNG

PROPERTY LOCATION: Not applicable

LEGAL DESCRIPTION: Not applicable

APPLICANT: City of Forest Grove

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

REVIEWING STAFF: James Reitz, AICP, Senior Planner
Dan Riordan, Acting Community Development Director

RECOMMENDATION: Staff recommends approval of the amendments

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, marijuana facilities, floodplain management, and mixed use zones) as well as smaller, more targeted amendments such as allowing domesticated fowl and revising the allowable width of residential driveways.

Having implemented the code over the past 8 years, staff has noticed a number of internal textual inconsistencies and sections that simply have not worked in the manner intended. 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 Planning Commission reviewed most of the proposed amendments in work sessions on July 17 and August 7, 2017. One additional amendment is included below, to update the definition of Religious Institutions due to recent changes in State law allowing religious institutions to construct housing.

Public notice of this proposal was provided to the Plans Review Board, the Department of Land Conservation and Development (DLCD), and published in the *News Times* on October 11, 2017. As of the date of this report, no comments have been received from the public. ODOT staff contacted City staff to inquire whether the proposed amendments would have any effect on ODOT facilities; they would not, as there are no proposed changes to the *Access and Circulation* section (§10.8.100 et. seq.). In keeping with current practice, proposals for projects on or within a quarter mile of either Highway 8 or Highway 47 will still be routed to ODOT for review and comment.

II. PROPOSED AMENDMENTS AND ANALYSIS

The page references below pertain to attached Exhibit A – *Proposed Amendments*. Proposed new text is in **bold**, while text proposed to be deleted is ~~struck-through~~.

Most of the proposed amendments would simply update and clarify processes and procedures, or update definitions to comply with State codes. These include amendments to §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, §10.12.120 *Daycare Definition*, and §10.12.210 *Residential Density Definitions*. All of these proposed amendments are minor in nature, and would not reflect any significant change in policy or code.

The more substantive amendments proposed include -

- An amendment to §10.3.110 to §10.3.130 *Residential Density* that would increase the target density in the RMH zoning district from 20.28 to 30.00 DUA, and provide Incentive Density of up to 50.00 DUA for affordable housing.
- An amendment to §10.3.320 *Commercial and Mixed Use Zones* that would increase the Incentive Density in the Community Commercial zoning district.
- Amendments to §10.4.200 to §10.4.225 *Planned Developments* would address a variety of concerns about how such projects have been designed and whether the end product could be improved.

The proposed amendments include the following –

§10.1.130 When Land Use Permits Are Required

Page 1 – This amendment to the *General Administration – When Land Use Permits Are Required* section (§10.1.130) would bring the deadline for a planned development in line with most land use permits. At present, subdivisions and planned developments have two different deadlines, and if a subdivision is also a planned development, it is unclear which deadline should be applied. A planned development approval is valid for 3 years (DC §10.4.220(D)) while subdivision approval is valid for 2 years (DC §10.6.120). This amendment would extend the subdivision approval to 3 years, if it is also a planned development.

§10.1.405 Type I Process – Type I Applications and Approval Criteria

Pages 2 & 3 - Final plans for planned developments have historically been reviewed using a Type I process. This amendment would include this action in the list of Type I applications (§10.1.405). At present, the review is listed as a Type II process (§10.1.505), which would require further notice to affected parties (who could then potentially appeal the decision), even though the planned development application would have already been reviewed and approved by the Planning Commission through a Type III process.

§10.2.110 Land Use Reviews – Adjustments

Page 3 - Because an adjustment of 10% or less is minor, this amendment to §10.2.110 would classify such a request as a Type I application (staff review without notice).

Page 3 - “Height” is listed as being eligible for a 10% adjustment in §10.2.110, but is not listed at all for a potential 20% adjustment. This amendment would correct what appears to be an oversight.

§10.3.110 – 10.3.130 Residential Zones – Density

Page 4 - Target density in the RMH zoning district is proposed to increase from 20.28 to 30.00 dwelling units per acre. The City has received testimony in several applications about the need to increase density to make apartment development more feasible. A target density of 30.00 DUA would be consistent with the target density in the Community Commercial zoning district.

On a broader scale, the region has been trying to address issues of homelessness, a tight rental market and housing affordability in general. To begin to address these issues, the City Council appointed an Affordable Housing Ad Hoc Committee to develop options. The committee included representatives from Washington County Housing Services, the Home Builders Association, several City commissions, and citizens at large. Their membership agreed *“that housing should be approached as a continuum ranging from basic shelter, affordable rental housing, market rate rental housing, affordable homeownership opportunities and market rate homeownership.”* Their recommendations included the following:

Goal: Reduce regulatory barriers to expanding the supply of affordable housing in Forest Grove.

Policy: Establish as a priority identification and removal, when appropriate, of regulatory barriers to expanding the supply of affordable housing in Forest Grove.

While not specifically intended to provide affordable housing, increasing the target density in the RMH zoning district would allow for greater economies of scale such that the unit costs would be reduced, which could translate into lower rent.

In work session, the Planning Commission did express some concern about how the increase in density might result in increased traffic. Most of the RMH zoning district is located within a quarter-mile of the Pacific Avenue/19th Avenue TriMet transit corridor out to “B” Street. A quarter-mile distance is a commonly accepted measure of the area within which a pedestrian could be expected to walk to a transit line or to the goods and services located along the corridor. A quarter mile equates to 1,320 feet; as a Forest Grove block is 400 feet on a side, a quarter mile is thus about three blocks on either side of the corridor, or about 16th to 23rd avenues, and out to “E” Street. While it should not be expected that all future residents would

use transit or walk to their destination, they would still have the option not to use their vehicles for every trip.

The remaining RMH zoning districts are located generally around Lincoln Park, northeast of the university along 26th Avenue, and west of the Gales Creek Road/Thatcher Road intersection. While most of these areas would be served by GroveLink, it should not be expected that these residents would routinely use transit; they would most likely drive.

All the RMH zoning districts are located either on or a short distance from designated Arterial or Collector streets, including Gales Creek Road, Sunset Drive, Main Street, Hawthorne Street, and 26th Avenue. These are already constructed to urban standards, or will be as the abutting properties develop, thus the impact of the additional traffic should not be significant. Also, few projects will have been permitted before the next Transportation System Plan update scheduled for 2019, at which time the City will comprehensively review the community's transportation network and consider possible revisions. Should the increase in RMH zoning district target density result in unanticipated traffic generation, the TSP could then be updated to address that increase.

Page 4 - With the recent adoption of the mixed use zones (David Hill, Gales Creek, and Davidson), §10.2.130 Table 3-3 *Residential Zone Density Standards* would be updated to reflect the allowable residential density in each area, consistent with §10.4.315 *Mixed Use Planned Development Standards*. A further amendment to this table would allow an applicant to increase density in the RMH zoning district up to 50.00 dwelling units per acre for affordable housing.

Page 5 - Related to the above, this amendment would create a *Density Bonus* category for affordable housing in the RMH zoning district. Table 7-2 *Density Incentives Tier 2: Density Incentives for Affordable Housing* allows for a density increase of 20 dwelling units per acre when units are set aside for renters or purchasers meeting specified income targets.

As noted above, the City formed an Affordable Housing Ad Hoc Committee to begin to address the issues of homelessness, a tight rental market and housing affordability. The committee adopted this recommended action:

The Development Code provides for a density bonus of up to 20 units per acre when 20% of units are set-aside for renters or purchasers earning no more than 80% of median income and paying no more than 30% of total household income in rent or mortgage. Consider applying the affordable housing density bonus in the Community Commercial zone.

While the committee recommendation pertains to housing in the Community Commercial zone, the issue of affordability is region-wide. Amending the Development Code to allow for an affordable housing density bonus in the RMH zoning district would thus aid in this effort.

§10.3.130(I) Residential Zone Development Standards - Building Height

Page 5 - At present, accessory structures are allowed to be as tall as a lot's primary structure, which in single-family zoning districts is 35 feet. This has resulted in some accessory structures at or near the heights of the primary structure. When the structure is also an accessory dwelling unit (ADU), the result can be a kind of "watchtower" over the rear yards of the adjoining homes, which some abutting residents have found an objectionable invasion of privacy. This amendment to §10.3.130 would reduce the allowable height of an accessory building from 35 feet to 25 feet. This would still allow an ADU over a garage, but the overall height would be

reduced. In practical terms, the accessory structure would be limited to 1 ½ stories tall instead of 2 stories tall.

§10.3.130 Commercial and Mixed Use Zones – Use Table

Page 6 - §10.3.320 Table 3-10 *Commercial and Mixed Use Zones – Use Regulations* would be amended to specifically state that *Marijuana Processing and Production* is not permitted in any of the Commercial or Neighborhood Mixed Use zoning districts. These uses are conditionally permitted in the Light and General industrial zoning districts only.

Page 6 - §10.3.320 Table 3-10 Footnote #19 would be added to allow increased residential density in the Community Commercial zoning district, if a project meets the criteria for the density incentives (affordable housing, energy efficiency, ground floor retail, LEED certification, etc.) listed in Tables 7-2 *Density Incentives* and 7-3 *Amenity Categories and Values*. As noted above, the Affordable Housing Ad Hoc Committee recommended that the Development Code be amended to provide more affordable housing in the Community Commercial zoning district. The proposed amendment would do just that.

§10.4.200 et. seq. Planned Developments

The following would amend the *Planned Developments* section of the Development Code. Since 2004, the City has reviewed 16 planned development projects. Of those, 5 did not proceed, largely due to their approvals just prior to the onset of the Great Recession. Of the remainder, the results have been mixed in terms of meeting the stated purpose of a planned development.

Most of the planned developments were proposed in order to develop small-lot single-family detached subdivisions (the exceptions were Pacific Crossing, Silverstone, and Green Grove). In each of the small-lot PDs, the applicants requested reduced setbacks front, side and rear; reduced street rights-of-way widths; exclusively single-family detached homes in both the RML and RMH zoning districts; and open space in fragmented tracts, among other exceptions.

While these PDs have been successful in the development of single-family detached homes at lower price points, there have been unintended consequences:

- Because the projects have been exclusively for single-family detached homes, they have reduced the ability to construct apartment units in both the RML and RMH zoning districts, thus helping to constrain the rental market.
- The PDs have reduced the yard areas so significantly as to make them almost useless. Many rear yards are only 10 feet deep and 20 to 25 feet wide. Due to the reduced rear yard setback, no other structures like patio covers are permitted. Side yards have been reduced to 3 feet - the minimum required by the building code - which allows for the buildings to be separated but little else. Front yards have been as narrow as 10 feet, which has created conflict with utilities (particularly electrical transformers) located in the front public utility easement.
- Small private yards have not been compensated by the designation of common recreation tracts. While larger open space tracts (usually wetland tracts) have been set aside, they cannot be used for active recreation.
- The size and location of the recreational tracts have not always been integral to the design. Instead, they have been remnant parcels programmed for recreational space simply because they couldn't be developed as home sites due to their shape or area.

- Because the homes are all two-story, residents have views into all their neighbor's back yards, and perhaps into their homes only 20 feet away. While landscaping can provide some visual mitigation, it further reduces the usefulness of the yard for any other purpose.
- Reduced driveway lengths (18 feet instead of 20) are barely sufficient for standard-length vehicles; it is inadequate for anything larger.
- Each single-family detached unit has its own driveway, but because the lot may only be 25 feet wide, the front yard is mostly paved, and on-street parking is also limited.
- Multiple driveways over a short distance have limited the locations available for utilities and street trees.
- The homes are all of similar architecture, form, massing, materials, and color palette, despite being constructed by multiple builders.

The proposed amendments identified below are intended to address all of those issues by more clearly identifying what standards may be relaxed, as well being more specific as to the desired design outcomes.

Page 6 – In §10.4.200 undergoing a Planned Development review process would be required if a site is greater than 2 acres in area and had an average slope of 20% or more. Because such sites have a significant environmental constraint, they should undergo greater scrutiny and perhaps be allowed greater design latitude than would be afforded by a standard subdivision (Type II) process.

Page 6 – In §10.4.200, the *Purpose* statement would be amended to add that a PD is not intended as a work-around to avoid Development Code requirements. As the City has witnessed several times, applicants have proposed projects that have included a series of exceptions to code standards (including setbacks and street widths) but that haven't necessarily resulted in higher-quality projects. This amendment would stipulate that a planned development is not merely a process to avoid code requirements.

Pages 6 & 7 – Also in §10.4.200, the *Purpose* statement would be amended to ensure that a PD provides both a variety and mixture of building types and architectural styles, rather than have similar types and styles clustered together; and to add that a PD is intended to promote flexibility if the intent is to preserve natural features (like a grove of trees, creeks, ponds, etc.) or a view corridor.

Page 8 - The *PD Development Standards - Base Zone Standards* section (§10.4.215) would be expanded to stipulate that a PD must be warranted, and that any exceptions to Development Code standards must be clearly and specifically identified and justified.

Page 8 - The *Calculation of Density* section would be amended to cite the specific relevant code section noted versus the more general Article 3.

Page 8 - The *Multiple Base Zones* section would be amended to clarify that the residential density of the project site could be allocated over the entire project site, and not confined within the underlying zoning districts. This has been applied historically; the amendment would codify the practice.

Page 8 - The *Housing Types Allowed* section would be amended to require a mixture of housing types in the RMH and RML zones, to ensure that PDs proposed in those zoning districts would not be developed exclusively with single-family detached homes.

As noted above, the City formed an Affordable Housing Ad Hoc Committee to begin to address the issues of homelessness, the tight rental market and housing affordability. One of the committee's recommended actions were this:

The planned development provisions of the Development Code provide for flexibility in the application of development standards. Consider amending the Development Code to require a mixture of housing types, including attached single-family dwellings, in planned developments in single-family residential zones.

The proposed amendment is a variation of the above. The issue to date has not been about providing greater housing choices in single-family residential zoning districts, but rather, providing something *other* than single-family detached homes in the RML and RMH zoning districts where most of the planned developments have been sited since 2004. This amendment is intended to broaden housing choices and increase housing affordability, as not everyone can afford to purchase a single-family detached home.

Page 8 - A new *Architectural Pattern Book* section would be added to provide more information to the City and to the eventual builder about the design elements required. As projects may not be constructed by the planned development applicant, this amendment will help ensure that all builders are informed of and adhere to the project's intended architectural design.

Page 9 - The *Building Setback* section would be amended to stipulate that the garage setback requirement is one dimension that may not be modified in a PD (to minimize vehicles overhanging the sidewalk); and that no projections including roofs or foundations are permitted in the front yard public utility easement (to minimize conflicts with the utilities located there, particularly electrical transmission lines and transformers).

Page 9 - A new section would be added to ensure that a PD's *Peripheral Yard* is as required by the underlying zoning district (i.e., reduced rear yard setbacks would not be permitted in those areas). The purpose of this amendment is to ensure that a PD does not crowd the peripheral property line and thus disproportionately impact adjoining properties.

Page 9 - The *Open Space* section would be amended to reduce the area required from 40% of the project site to 20% of the buildable area. Setting aside 40% of a development site for open space has proven problematic: it is a significant percentage of the overall site area and as such has been a disincentive to using the PD process; it often is an area such as a wetland that can't be used for recreational purposes; and it frequently results in multiple small remnant parcels that are only big enough for some landscaping and benches. By reducing the overall area requirement, but also making it a percentage of the buildable area, the land set aside for open space should be more useable and would be less likely to be fragmented into multiple small tracts. Furthermore, the Planning Commission would have explicit authority to determine whether the proposed open space was functional and satisfactory.

Page 9 - A new *Development Regulations and Design Standards not Subject to Modification* section would be added to stipulate that the *Street Standards* listed in Table 8-8 could not be modified in a PD. This would preclude an applicant applying to reduce the platted width of a right-of-way by reducing the width of or eliminating the parkway.

Page 10 - No amendments proposed.

Page 11 - The *Preliminary Plan Review - Phased PD* section (§10.4.220) would be amended to require a phasing plan for any project that would take more than 24 months to complete. The

purpose of this amendment is to ensure that each phase provides sufficient access and utility systems. While this has been required through the final plat and public improvement planning process, this amendment would make the requirement explicit.

Page 11 - The *Time Limit* section would be amended to establish an absolute time limit of 5 years between tentative plat approval of the first and final phase. No extensions would be permitted. A 5-year time limit is generally consistent with past Planning Commission decisions to allow up to three 1-year extensions. This amendment would eliminate the need to apply for annual extensions.

Page 12 – The *Final Plan Review* section (§10.4.225) would be amended to state that the final planned development is reviewed as a Type 1 process.

Page 13 – No amendments proposed.

This ends the recommended amendments to the *Planned Development* section. Following are additional recommended amendments addressing a variety of issues.

§10.5.420 Solar Access – Exemptions From Design Standard

Page 14 - The *Solar Access* section would be amended to include provisions for existing conditions. Similar language was included in the original *Solar Access Ordinance* in effect from 1989 to 2009, but was inadvertently dropped when the current Development Code was adopted.

§10.7.125 Non-Conforming Development – Exceptions

Page 14 - The duplex at 1710 19th Avenue was recently damaged by a fire. The site is located in the General Industrial (GI) zoning district, and the owner would like to replace it with a new duplex. However, new residential uses in the GI zoning district are not permitted (except for security personnel), and the non-conforming use replacement provisions of §10.7.125 do not include duplexes, but only single-family (1 unit) and multi-family (3 or more units). This amendment would include duplexes in the *Non-Conforming Uses - Exception* section in all commercial and industrial zones. Staff estimates this amendment would affect approximately 10 duplexes city-wide in both commercial and industrial zoning districts.

§10.8.515 Off-Street Parking Requirements – Table 8-5

Page 15 - The *Off-Street Parking* requirement in §10.8.51 for self-service storage facilities would be reduced from 1 per 4 storage units to 4 stalls at the office. An additional space would be required if there is an on-site residence. As most visitors to a SSSF park for only a short duration while at their particular unit, there is no apparent need for additional parking.

§10.8.880 Other Development Review Standards – Dwelling Diversity Standard

Page 15 - The proposed language of the *Dwelling Diversity Standard* in §10.8.880 was originally in the Land Division Ordinance (LDO) in effect until 2009. The current language allows replication of a facade up to 5 times along a block face, with no overall cap on the number of replications throughout a project. The LDO established a cap of 10% replication over the entire project site. This amendment would reinstate the LDO text because the production builders currently working in Forest Grove have submitted an increasing number of replicated house plans since the current code language was adopted, thus reducing the architectural variety this section was intended to promote.

§10.8.905 Land Division Standards – Common Recreational Areas

Pages 15 and 16 - The *Recreational Facilities* sections of §10.8.205(C) and §10.8.905(F)(7) would be deleted because they have failed to achieve their intent. These sections were added to the Land Division Ordinance in the late 1990s to require recreational open space in a standard subdivision. While such tracts have been set aside, none have been developed as recreational areas; they are just grass or gravel. At least three such tracts exist, and at least two of those are each large enough that they could be developed with a single-family home.

§10.12.120 Definitions – Civic Use Category

Page 16 - The *Day Care* definition (§10.12.120) would be revised to reflect a change in a State code that now allows up to 16 children in a day care facility; City code limits the number to 12, resulting in the need for a conditional use permit for a facility with more than 12 children. This amendment would align the Development Code with State code.

Page 16 – This amendment would revise the *Religious Institutions* definition to reflect a change in State code that allows such institutions to develop affordable housing on their premises. As all churches in Forest Grove are located in residential or commercial zoning districts where housing is already permitted, this amendment would have no practical effect; it would simply bring the Development Code into compliance with state code. The amendment also includes an expanded list of religious institution types, again to be consistent with state code.

§10.12.210 Definitions – Meaning of Specific Words and Terms

Pages 16 & 17 – The *Density* definition would be amended to clarify how density calculations are rounded.

III. APPROVAL CRITERIA AND FINDINGS

Development Code §10.2.630 *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 proposed amendments would simply update and clarify processes and procedures, or update definitions to comply with State codes. These include amendments to §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, §10.12.120 *Daycare Definition*, and §10.12.210 *Residential Density Definitions*. 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: The proposed amendments to §10.3.110 - 130 *Residential Density* would increase the target density in the RMH zoning district from 20.28 to 30.00 DUA, and provide Incentive

Density of up to 50.00 DUA for affordable housing. Relevant goals and policies related to the proposed changes are addressed as follows:

Forest Grove Comprehensive Plan - Housing Goals and Policies

Goal 2: Provide incentives for increased residential development densities within the Forest Grove Town Center and near high capacity transit corridors.

Policy 2.3 Amend Development Code standards to increase maximum development densities within the Forest Grove Town Center, identified high capacity transit station areas, and mixed use target areas along the Pacific Avenue commercial corridor.

Finding: RMH-zoned districts abut both the Town Center and the Pacific Avenue commercial corridor. Some RMH-zoned districts are within a quarter mile of a high capacity transit corridor. Increasing the target and incentive densities in the RMH zoning district would address both the Goal and Policy to increase maximum development density near high capacity transit corridors generally and the Pacific Avenue commercial corridor specifically.

Finding: The Community Commercial zoning district largely parallels the Pacific Avenue high-capacity transit corridor. Target density in the CC zoning district was recently increased from 20.28 to 30.00 DUA. With the proposed amendment, density along the transit corridor could be increased by up to an additional 20.00 DUA for projects that comply with affordable housing standards.

Forest Grove Comprehensive Plan - Land Use Policies

9. Development regulations shall promote a variety of housing types suitable for owner- and renter-occupants. The Economic Opportunity Analysis indicates a need for 3,859 owner-occupied units and 878 renter-occupied units over the next 20 years.

Finding: Increasing the target density in the RMH zoning district would promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of needed housing types serving this market segment.

Finding: Increasing the incentive densities for affordable housing in the RMH and CC zoning districts would promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types; they could also be set aside specifically for those meeting affordable housing occupancy standards.

10. Ensuring the availability of affordable housing is a priority for the City of Forest Grove. Affordable housing options provided for through planning and development regulations should reflect documented housing needs of current and future residents of the City.

Finding: Increasing the target density in the RMH zoning district would promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types.

Finding: Increasing the incentive densities for affordable housing in the RMH and CC zoning districts would promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types; they could also be set aside specifically for those meeting affordable housing occupancy standards.

11. Develop and implement incentives for the construction of affordable housing meeting documented community needs.

Finding: Increasing the incentive densities for affordable housing in the RMH and CC zoning districts would promote a variety of housing types suitable for renter-occupants because a greater number of units per acre should result in a lower per-unit cost, thus encouraging the development of a greater variety of housing types; they could also be set aside specifically for those meeting affordable housing occupancy standards.

Finding: The proposed amendments to §10.4.200 et. seq. *Planned Developments* will increase housing choices and opportunities by requiring a mixture of housing options in planned developments versus exclusively single-family projects.

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. Because most of the proposed amendments would simply update and clarify processes and procedures, the text amendments to Development Code §10.1.130 *Application Process and Procedures*, §10.1.405 *Type I Applications*, §10.1.505 *Type II Applications*, §10.2.110 *Adjustments*, §10.3.320 *Commercial and Mixed Use Zones – Permitted Uses*, §10.5.420 *Solar Access*, §10.7.125 *Non-Conforming Development Exceptions*, §10.8.515 *Off-Street Parking*, §10.8.880 *Dwelling Diversity Standards*, §10.8.905 *Common Recreational Areas*, and §10.12.210 *Residential Density Definitions* 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 10 Housing – To provide for the housing needs of citizens of the state.

Metro Urban Growth Management Functional Plan - Title 1: Housing Capacity

Finding: Increasing the target density in the RMH zoning district, and increasing the incentive densities in both the RMH and CC zoning districts, would further Statewide Goal 10 and Metro Title 1 by increasing the potential inventory of housing options available, thus helping to ensure that the City continues to meet its regional housing targets.

Metro Regional Framework Plan Policy 1.3 Housing Choices and Opportunities

Finding: Housing choices and opportunities would be improved by increasing the target density in the RMH zoning district by nearly 50% and by increasing the affordable

housing incentive density by nearly 250%, thus increasing the availability of both market rate and affordable housing options.

Finding: The proposed amendments to §10.4.200 et. seq. *Planned Developments* will increase housing choices and opportunities by requiring a mixture of housing options in planned developments versus exclusively single-family projects.

IV. ALTERNATIVES

The Planning Commission may recommend that the City Council approve the proposal as submitted, approve it with modifications, deny it, 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 Exhibit A, 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	Proposed Development Code Amendments
Exhibit B	Affordable Housing Ad Hoc Committee Recommendations

EXHIBIT A
ORDINANCE NO. 2017-

CITY OF FOREST GROVE DEVELOPMENT CODE

GENERAL ADMINISTRATION

§10.1.130 WHEN LAND USE PERMITS ARE REQUIRED

Land use permits are required when a development or lot line adjustment as defined by this Code is proposed unless exempted under specific provision. However, exempt activities and developments may be subject to other applicable provisions of the Code. When a land use permit is required, then:

- A. No person shall initiate a development until a land use permit has been approved.
- B. The City shall not issue any other permit for the development until the land use permit has been approved. Concurrent review of building permit applications and other applications related to the land use permit are allowed under the following conditions:
 - 1. Final approval of building and other permits are not allowed without land use permit approval; and
 - 2. The applicant acknowledges the risk that a land use permit may be denied, the land use permit could change, and/or the outcome of the land use permit could alter other permit requirements.
- C. A land use permit shall not be approved for the division, improvement, or use of land that has been divided or otherwise developed in violation of this Code unless the violation is corrected prior to or concurrent with issuance of a land use permit.
- D. No action may be taken in reliance upon a decision approving a land use permit until all applicable appeal periods have expired or while an appeal to a City review body is pending.
- E. A land use or building permit that would allow for the construction of a structure shall not be issued unless all applicable and needed services including vehicular access, power, sewerage, domestic and fire water supply and storm water drainage are available to the site where the structure is to be built. This provision does not apply to permits for a structure that do not require such services (such as a storage shed).
- F. All land use permits, with the exception of a subdivision **or a planned development**, shall expire one year 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; or
 - 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.
- G. A subdivision is subject to the following time limits:

1. The tentative plat for a subdivision expires two years after the date of approval unless:
 - a. Application for the final plat has been filed with the City; or
 - b. A time extension is approved pursuant to §10.1.135; or
 - c. The tentative plat has been approved with a phasing plan consistent with the provisions of §10.6.005(D); **or**
 - d. **The tentative plat, or an independent phase thereof, has been filed and processed concurrently with a Planned Development pursuant to §10.4.200 et. seq. in which case the tentative plat approval period is valid for three (3) years, pursuant to §10.4.220(D). The applicant must submit final development plans for any subsequent phases within the time limit specified for the phases. A phased PD shall not exceed five years between tentative plat approval of the first and final phases.**
2. The final plat for a subdivision shall be recorded within one year after the plat has been submitted to the City.

TYPE I PROCESS – ADMINISTRATIVE DECISIONS

§10.1.405 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
- Certain projects within an approved Master Plan
- Tree Permit
- Lot Line Adjustment
- 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
- 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.

TYPE II PROCESS – LIMITED LAND USE DECISIONS

§10.1.505 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
- ~~Final Plan for Planned Development~~
- Tentative partition plat
- Tentative subdivision plat
- Adjustments to public improvement requirements

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.

ADJUSTMENT

§10.2.110 PROCEDURE

- A. Requests for changes of less than 10% of the setback, height, or lot coverage standard shall follow the Type ~~H I~~ process.
- B. Requests for changes from 10%-20% of the setback, **height** or lot coverage standard shall follow the Type II process.
- C. Requests for changes to standards other than setback, height, or lot coverage, or which are for more than 20% of the setback, height, or lot coverage standard are processed as variances under §10.2.700.

10.2.120 REVIEW CRITERIA

A. Type I Adjustment Process

1. The requested adjustment is for less than 10% of the setback, height or lot coverage standard; and
2. Granting adjustment shall be consistent with the purpose of the affected zoning.

B. Type II Adjustment Process

1. The requested adjustment is from 10%-20% of the setback, **height** or lot coverage standard;

2. Granting the adjustment will be consistent with the purpose of the affected zoning district or meet or exceed the purpose of the standard to be modified;
3. If in a residential zone, the adjustment will not significantly detract from the livability or appearance of the residential area. If in a commercial or industrial zone, the adjustment will be consistent with the desired character of the area;
4. If more than one adjustment is requested, the cumulative effect of the adjustments shall result in a project which is consistent with the overall purpose of the zone; and
5. Any impacts resulting from the adjustment are mitigated to the extent practical.

RESIDENTIAL ZONES

§10.3.110 LIST OF RESIDENTIAL ZONES

F. Residential RMH

The RMH zone is intended for development at a target density of ~~20.28~~ **30.00** dwelling units per net acre. Multi-unit residential buildings will be the predominant housing type in this zone. RMH zoning is generally applied near transit streets and adjacent to commercial districts. The RMH zone also allows a limited range of non-residential uses to help provide services for residents and enhance the quality of the higher density neighborhood.

§10.3.130 RESIDENTIAL AND NEIGHBORHOOD MIXED USE ZONE DEVELOPMENT STANDARDS

TABLE 3-3: Residential and Neighborhood Mixed Use Zone Density Standards

031Zoning District	Average Lot Size	Target	Minimum	Incentive ^{*[1]}	Bonus
SR	43,560 square feet	1.00	0.80	1.20	--
R-10	10,000 square feet	4.35	3.48	5.22	--
R-7	7,000 square feet	6.22	4.98	7.15	--
R-5	5,000 square feet	8.71	6.97	10.02	--
RML	--	12.00	9.60	13.80	--
RMH	--	20.28 30.00	16.22 24.00	23.32 34.50	50.00^[2]
NMU – David Hill	--	12.00	9.60	13.80	--
NMU – Gales Creek	--	8.71	6.97	10.02	--
NMU - Davidson	--	12.00	9.60	13.80	--
Density = dwelling units / NET ACRE Minimum Density = 80% of Target Incentive Density = 115% of Target except for SR and R-10, which is 120% of Target					

Footnotes:

*[1] Only allowed a part of a Planned Development (see §10.4.200)

[2] **Bonus density in the RMH zoning district may be increased only for affordable housing as defined in §10.7.410 Table 7-2.**

§10.3.130 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

B. Calculating Potential Densities

The number of dwelling units allowed on a parcel in any of the five residential zones is calculated using Table 3-3. Density calculations count dwelling units (not structures), i.e., a duplex is counted as two (2) dwelling units. Accessory dwelling units are not counted as dwelling units for the purpose of calculating density.

1. The Target Density is permitted outright.
2. The Minimum Density is required to ensure:
 - a. Land is being used at the appropriate intensity planned for the area;
 - b. Enough dwelling units can be developed to accommodate the projected need for housing; and
 - c. Compliance with the Metro Functional Plan.
3. The Incentive Density provides the opportunity for a density bonus to reward design features, amenities, and/or other improvements which can be shown to increase the value of the residential development for neighborhood residents and the general public ~~and/or provide affordable housing~~. Incentive Density is only allowed as part of a Planned Development (see §10.4.200).
4. **A Density Bonus is earned if a project in the RMH zoning district provides affordable housing as defined in §10.7.410 Table 7-2. The Density Bonus for affordable housing does not require approval as a Planned Development.**

I. Building Height

Building height standards are used to establish a compatible building scale. This can help to create a harmonious visual setting and helps to bring about a successful mixing of diverse housing types.

1. Buildings in the SR, R-10, R-7, R-5 and RML Zones are limited to a maximum height of two and one-half (2 ½) stories or thirty-five (35) feet, whichever is less. **Accessory buildings are limited to a maximum height of one and one-half (1 ½) stories or twenty-five (25) feet, whichever is less.**

COMMERCIAL AND MIXED USE ZONES

§10.3.320 USE REGULATIONS TABLE 3-10

USE CATEGORY	NC	CC	NMU
<u>RESIDENTIAL</u>			
Household Living	L ^[1]	L ^[2] [19]	P/L ^[15]
Group Living	N	P	N
Transitional Housing	N	C	N
Home Occupation	L ^[3]	L ^[3]	L ^[3]
Bed and Breakfast	L ^[4]	P	L ^[4]
<u>INDUSTRIAL</u>			
Manufacturing and Production:			
- Light Industrial	N	C ^[11]	N
- General Industrial	N	N	N
- Medical and Recreational			
Marijuana Processors and Production	N	N	N
Railroad Yards	N	N	N

Footnotes:

- [1] Residential units are permitted in conjunction with a mixed-use development in the NC zone, at a minimum density of 3.48 and a maximum density of 4.35 dwelling units/net acre.
- [2] Residential units are permitted as a stand-alone use or as part of a mixed-use development in the CC zone, at a minimum density of 16.22 units/net acre and a maximum density of 30.00 units/net acre. Stand-alone residential projects shall have a minimum density of 16.22 units/net acre. There is no minimum density requirement when residential units are constructed over first floor commercial uses.
- [19] **Residential density may be increased pursuant to §10.7.410 Tables 7-2 and 7-3.**

PLANNED DEVELOPMENTS

§10.4.200 PURPOSE

The purpose of the Planned Development (PD) provisions is to provide greater flexibility in the development of land for residential, commercial or industrial purposes than allowed by the conventional standards of the Development Code. **For residential sites over two (2) acres that have an average slope greater than 20%, development is allowed only through approval of a planned development (see §10.3.130 Table 3-4).**

A PD is not intended to be simply a means of avoiding normal Development Code requirements. The PD provisions are intended to:

- A. Promote flexibility and innovation in site design and permit diversity in the location of structures **in order to preserve natural features and view corridors;**
- B. **Promote innovative and creative design by providing a variety and mixture of building types and architectural styles;**

- C. Promote efficient use of land and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities when compared with conventional development patterns;
- D. Preserve to the greatest extent possible existing landscape features and amenities **such as trees, creeks, ponds, floodplains, hills and similar natural assets**, and incorporate such features into the design of the PD;
- E. **To encourage the provision of open space and recreational facilities in a generally central location and within reasonable walking distance of all living units in residential planned developments;**
- F. Combine and coordinate architectural styles, building forms and building relationships within the PD; and
- G. Provide the applicant with reasonable assurance of ultimate approval before requiring detailed design and engineering, while providing the City with assurances that the project will retain the character envisioned at the time of approval.

§10.4.205 PROCEDURES

A planned development is reviewed through a two-step process.

- A. Preliminary plan. The preliminary plan is reviewed under Type III procedures. The preliminary plan review examines the PD plan with respect to items such as density, including the number, type, and location of dwelling units; parking; impacts on surrounding areas; adequacy of services; and conceptual plan for service improvements. Preliminary plan approval will only be granted when there is a reasonable certainty that the PD will fulfill all applicable requirements of the City Codes.
- B. Final plan. The final plan for the PD is reviewed under Type II administrative procedures. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable City standards, requirements, and conditions have been met. Approval will only be granted if the final plan is in substantial conformance with the preliminary plan.
- C. Concurrent land division. A PD may be filed and processed concurrently with a partition or subdivision application. All of the submittal requirements and review standards of Article 6 will apply to a concurrent PD/land division request. The tentative plat will be combined with the preliminary PD review and the final plat will be combined with the final PD review.
- D. Site development/design review. The PD approval may remove the requirement for subsequent site development or design review of individual buildings, if the PD includes building elevations and sufficient information to demonstrate compliance with the applicable site development/design review standards. The PD decision shall expressly state whether individual buildings within the PD (such as commercial or multifamily buildings) require site development or design review approval.

§10.4.210 PROFESSIONAL DESIGN TEAM REQUIRED

The PD applicant must certify, in writing, that a member of each of the following professions will be used in the planning and design process for the proposed PD:

- A. A licensed architect or professional urban designer.

- B. A licensed landscape architect, a certified nurseryman, or landscape designer approved by the Director.
- C. A registered civil engineer or land surveyor.

One of the above professionals shall be designated by the applicant to act as a liaison between the Community Development Department, the design team, and the applicant during the two-step PD review process. The Planning Commission or City Council may require the expertise of other professionals on the design team if it is determined that the site merits special consideration to unique or adverse features or conditions.

§10.4.215 PD DEVELOPMENT STANDARDS

- A. Base Zone Standards. The development standards of the base zone apply unless they are superseded by the standards of this section or the PD approval. **Exceptions from the standards of the underlying zoning district must be warranted based on the unique design and amenities incorporated into the development plan, and shall have a beneficial effect which could not be achieved using the standards of the underlying zoning district. Exceptions shall be clearly and specifically identified in the application, which shall also include an explanation justifying and substantiating the need for each exception.**
- B. Site Size. There are no minimum or maximum size limitations for a PD.
- C. Calculation of Density. The number of dwelling units allowed in residential zone PDs shall be calculated on the basis of **§10.3.130(A)** Table 3-3 ~~in Article 3~~. All residential development shall be at a minimum of 80% of the target density for the parent zone. A request for incentive density may be approved for the PD, based on the criteria in §10.3.130(E).
- D. Multiple Base Zones. When a proposed PD site includes more than one base zone, the uses **and residential density** may be allocated throughout the site without regard to zoning boundaries.
- E. Lot Sizes. There are no required minimum lot sizes.
- F. Housing Types Allowed. Housing types in zones that allow residential uses are not restricted in the PD, **except that housing types in the RML and RMH zones shall include a mixture of single-family, duplex or multi-family units.**
- G. Architectural Pattern Book. In residential PDs, a variety of architectural styles shall be required. For all PDs, a compendium of architectural elevations, details and colors of each building type shall be submitted. The pattern book shall act as the architectural control for the homeowner's association or the commercial owner. The pattern book shall include the following:
 - 1. **An explanation of how the pattern book is organized, and how it is to be used.**
 - 2. **Definitions of specific standards for architecture, color, texture, materials, and other design elements.**
 - 3. **A checklist system to facilitate review of the development for conformity with the pattern book.**
 - 4. **Information for each building type including:**
 - a. **Massing, facades, elevations, roof forms, proportions, materials and color palette.**

- b. Doors, windows and siding, including sash and trim details.
 - c. Porches, chimneys, light fixtures and any other unique details, ornamentation or accents.
 - d. Illustrations of elevations and floor plans.
 - e. A fencing plan with details that addresses the relationship between public and private space, and between the PD site and abutting property.
- H. Height. The height limits of the base zone apply.
- I. Building Setbacks. Building setbacks are established as part of the preliminary development plan approval. **Garage setbacks shall be a minimum of 20 feet. No building projections (roofs or foundations) shall be permitted in the front yard public utility easement required by §10.8.905(E)(1).**
- J. Peripheral Yards. **Along the boundary of any PD, a yard at least as deep as that required in the underlying zone district shall be provided.**
- K. Open Space. ~~In residential zones, a~~ **At least 40% 20% of the buildable portion** of the PD not in streets and driveways must be devoted to open space. ~~In nonresidential zones, at least 20% of the PD not in streets and driveways must be devoted to open space.~~ At least half of the open space ~~in all zones~~ must be in common ownership and at least half of that space **must** be contained in one tract. The tract's configuration shall be 45% of the site's overall length and width with a minimum dimension of 20 feet. **The extent to which any type of open space satisfies the total open space requirement shall be in the sole discretion of the City.**
- L. Parking. The base zone parking requirements apply. Common parking and maneuvering areas must be set back at least twenty (20) feet from the boundary of the PD.
- M. Water Features. Water features such as streams or ponds must be left in a natural state unless altered to improve the natural values of the water feature or to improve storm water drainage. Water features and their edges should be kept in common ownership.
- N. Facilities and Services. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the PD. Service facilities such as streets, water supply facilities, sanitary sewers, and storm water detention facilities must be dedicated to the public if they are to provide service to any property not included in the PD. However, the review body may approve private service facilities with the consent of the appropriate service provider.
- O. Development Regulations and Design Standards not Subject to Modification. **The PD process cannot be used to vary or take an exception from the Street Standards listed in §10.8.610.**
- P. Underground Utilities. All service facilities must be placed underground except those that by their nature must be on or above ground, such as fire hydrants and open water courses. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities.
- Q. Construction to Standards. All service facilities dedicated to the public must be constructed to City standards.

All private service facilities must be designed by a qualified civil engineer to City standards or comparable design life as determined by the City Engineer.

- R. Building Size Standards. For areas designated as Planned Shopping Center by the Comprehensive Plan, commercial retail is limited to 20,000 square feet and commercial office is limited to 10,000 square feet.

§10.4.220 PRELIMINARY PLAN REVIEW

- A. Procedure. Preliminary plan reviews are processed through a Type III procedure.
- B. Submittal Requirements. Applications for a preliminary plan review must contain the information stated below in addition to that required by §10.1.225.
1. General statement. A statement of how the purpose of §10.4.200 will be achieved by the proposed PD. The statement should include sketches or illustrations of the proposed character of the development, a description of how the PD will relate to surrounding land uses and whether other land use reviews are requested.
 2. Summary report. A summary report identifying the different land uses, including the amount of land for housing, non-residential uses, open areas, streets and parking; the number and type of housing units; the amount and type of commercial or industrial areas, if any; and a statement of how necessary services will be provided and whether the services will be publicly or privately owned and operated.
 3. Drawings of existing site conditions. A drawing or drawings must be submitted which display and inventory existing site conditions including the items listed below.
 - a. Ground elevations shown with contour lines at two (2) -foot intervals or less.
 - b. Areas of moderate or severe landslide potential, as identified on City maps or documented by an engineering geologist or geotechnical engineer.
 - c. General soil types as identified on City maps or as documented by an engineering geologist or soils engineer.
 - d. Existing natural features, including rock outcroppings, trees and tree groves, fish and wildlife habitats, ponds, wetlands, and watercourses.
 - e. Existing on-site or abutting sanitary sewage, storm drainage, and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest ones.
 - f. Width, location, and purpose of all existing easements of record on or abutting the site.
 - g. A description of the traffic circulation system on or abutting the site, including street sizes, level of improvements, and condition of the streets.
 - h. A description of areas abutting the PD, indicating zoning districts, land uses, densities, circulation systems, public service facilities, natural features, and approximate locations of nearby structures.
 - i. Any additional information about existing site conditions required for a concurrent subdivision application.
 4. PD Site Plan. The site plan must include the information stated below.
 - a. Setbacks for houses and the placement and bulk of other buildings.
 - b. The traffic circulation system, including connections to existing public rights-of-way, off-street parking, and the ownership of streets and parking areas.

- c. Conceptual plans for pedestrian and bicycle circulation systems.
 - d. Conceptual plans for all necessary services, including their location and whether the services will be publicly or privately owned and maintained.
 - e. Conceptual plans for all facilities for the control and disposal of storm water and groundwater.
 - f. Conceptual plans for the location and design of public and private open areas or structures.
 - g. Treatment proposed for the periphery of the site, including the approximate amount, location, and type of any required landscaping.
 - h. Conceptual guidelines for multi-family and commercial structures, including such things as building heights, sizes, areas, roof shapes, exterior materials, and types of parking areas.
5. Phased PDs. PDs being developed in phases require a description of each phase, including the size, uses, ~~and~~ timing, **and infrastructure phasing. Any PD which will require more than twenty-four (24) months to complete shall be constructed in phases. Each phase shall conform to the phasing plan.**
6. Drawings. Drawings showing the existing site conditions and the proposed site plan must be at a reasonable size and scale to clearly show all required information. The drawings must display the following:
- a. Name of the proposed PD;
 - b. Date, north arrow, and scale of the drawing;
 - c. Legal description of the PD sufficient to define its location and boundaries;
 - d. Names, addresses, and telephone numbers of the owner, applicant, and design team;
 - e. Appropriate identification of the drawing as a preliminary plan.
- C. Approval Criteria. The preliminary plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
- 1. The plan fulfills the purpose for PDs stated in §10.4.200;
 - 2. The plan meets the submittal requirements of §10.4.220(B);
 - 3. Adequate public services exist or can be provided to serve the proposed PD; and
 - 4. Where a tentative subdivision plat is requested, the requirements of Article 8 are met.
- D. Time Limit. Preliminary plan approval is valid for three (3) years and may not be extended. The three (3)-year period will not begin until any appeals beyond the jurisdiction of the City are completed. Within the three (3) year time period, the applicant must submit a final development plan for the entire site, or for the first phase if the PD has been approved for phased development. The applicant must submit final development plans for any subsequent phases within the time limit specified for the phases. **A phased PD shall not exceed five years between tentative plat approval of the first and final phases.**

§10.4.225 FINAL PLAN REVIEW

- A. Final Plan Submittal. The applicant must present detailed plans, which meet the public facility standards of the City. The applicant must present other plans or studies required by the preliminary approval, such as a grading plan, soils engineer report, or detailed landscaping plans.
- B. Procedure. The final plan is reviewed under Type H I procedures.
- C. Requirements. The final development plan will be approved if it meets the requirements stated below and is in substantial conformance with the approved preliminary plan and any conditions of the approval.
 - 1. Drawing quality. The final development plan must be drawn clearly and legibly at a size and scale that clearly shows all required information. The plan must be identified as the final PD plan.
 - 2. Additional information on the final plan. In addition to the information required on preliminary drawings or otherwise specified by law, the following information must be shown:
 - a. Reference points of identified existing surveys by distances and bearings, and referenced to field book or map, including stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the PD;
 - b. The location and width of streets and easements intercepting the boundary of the PD;
 - c. Easements and storm water drainage reserves must be clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement within the PD must be shown. If the easement is being dedicated by the plan, it must be properly referenced in the owner's certificates of dedication; and
 - d. Identification of land to be dedicated to the public.
 - 3. Additional certificates or drawings. The items stated below may be combined where appropriate.
 - a. A certificate signed and acknowledged by all parties having any recorded title interest in the land and consenting to the preparation and recording of the PD.
 - b. A certificate signed and acknowledged as above, dedicating the land intended for public use, if any.
 - c. A title report issued by the title insurance company verifying ownership by the applicant of real property that is to be dedicated to the public.
 - d. A certificate with the seal of, and signed by, the surveyor responsible for the survey.
 - e. Other certificates required by law.
 - f. A copy of any deed restrictions applicable to the PD.
 - 4. Detailed design plan for the PD site. A detailed design plan for the PD is required and must include the items stated below.

- a. The location of proposed buildings and structures, parking areas and, where applicable, the location of allowable building areas of individual lots.
 - b. All building setback lines and height limits that are to be made part of the PD restrictions.
 - c. The location and type of proposed buildings, structures, or improvements in common open areas.
 - d. The location and design information for all proposed streets as required by Article 8.
 - e. A plan for water mains and fire hydrants.
 - f. A plan for sanitary sewage disposal.
 - g. A plan for storm water drainage.
 - h. A plan for additional improvements such as walkways and street lighting.
 - i. Required solar-related information if the PD is also subject to the solar regulations for new subdivisions.
5. Landscaping. A landscaping plan for common open areas, the perimeter of the PD, and other landscaped areas is required.
- a. The plan must show areas that the applicant proposes to retain in natural vegetation. The plan must show the areas, sizes, numbers, and types of plant and other materials to be used for all landscaped areas.
 - b. The plan must address the revegetation of common open areas and perimeter areas disturbed during construction.
 - c. The plan must include a proposed schedule for required perimeter landscaping. A performance guarantee is required if the landscaping cannot be completed prior to the occupancy of buildings, or cannot be completed when required by the conditions of approval.
6. Geotechnical engineer's report. A geotechnical engineer's report consistent with the requirements of §10.8.310 must be submitted if the PD is in a moderate or severe landslide area, or if the report was required as a part of the preliminary approval. The City Engineer or the Building Official must approve the report.
7. CC & Rs. The Declaration of Covenants, Conditions, and Restrictions (CC & Rs) for the PD must be submitted. In addition, any other legal instruments for the protection and maintenance of common open areas, private streets, and private utilities if any, must be submitted. These legal instruments must be approved by the City Attorney to ensure that the City's interests are protected.
8. Concurrent subdivision approval. Simultaneous final plat approval is permitted.

SOLAR ACCESS

10.5.420 EXEMPTIONS FROM DESIGN STANDARDS.

A development is exempt from §10.5.415 if the approval authority finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from §10.5.415 to the extent the approval authority finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with §10.5.415.

- A. Slopes.
- B. Off-Site Shade.
- C. On-Site Shade.
- D. Existing Conditions.
 - 1. **There is a significant natural feature on the site that prevents given streets or lots from being oriented for solar access, and that will continue to exist after the site is developed; or**
 - 2. **Existing road patterns must be continued through the site or must terminate on-site to comply with applicable street standards or street plans in a way that prevents given streets or lots in the development from being oriented for solar access; or**
 - 3. **An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.**

NON-CONFORMING DEVELOPMENT

10.7.125 EXCEPTIONS - The following exceptions to the nonconforming development regulations are allowed by this Code:

- A. Existing single-family dwellings, **duplexes**, and manufactured homes within an existing mobile home park in all commercial and industrial zones may be reconstructed or replaced within one (1) year after being removed or destroyed.
- B. Existing single-family dwellings in the Community Commercial Zone shall be allowed to enlarge or expand despite their nonconforming status. They may also be relocated within the Community Commercial Zone, but only to replace an existing single-family home, provided that the result is a net reduction of nonconforming uses.
- C. Existing multifamily dwellings in all residential and commercial zones may be reconstructed within one (1) year if destroyed by any cause not intended by the owner.
- D. Existing nonresidential structures in the Town Center zone districts may be reconstructed to the same height of the existing building within one (1) year.
- E. Any property use that was classified a non-conforming use under the Forest Grove Zoning Ordinance on December 2, 1982, shall be considered a permitted use.

OFF-STREET PARKING AND LOADING

§10.8.515 OFF-STREET PARKING REQUIREMENTS – TABLE 8-5

LAND USE	MINIMUM REQUIRED	MAX – ZONE A	MAX – ZONE B
Self-Service Storage	1.0 / 4 storage units 4.0 at office	1.0 / 4 storage units None	1.0 / 2 storage units None

OTHER DEVELOPMENT REVIEW STANDARDS

~~§10.8.880(C)(3) Dwelling Diversity Standard. Front elevations shall not be replicated more than five (5) times along a block face on both sides of a street segment. This standard can be met through 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.~~

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.

OPEN SPACE, RECREATIONAL FACILITIES AND COMMON AREAS

10.8.200 PURPOSE **10.8.205 STANDARDS**

- A. Open space areas may be required to avoid placing structures or other improvements either in identified hazard or resource areas as required by §10.5.005 et. seq. and §10.8.300 et. seq.
- B. Areas retained to comply with Clean Water Services (CWS) water quality sensitive area and vegetative corridor requirements of the Design and Construction Standards or surface water quality or quantity facilities requiring over 100 square feet of area shall be considered open space but not be considered a recreational area unless so designed as to be integrated with a development's site design and available for access for residents in the development.
- ~~C. For land divisions:~~
 - ~~1. Each open space and recreational facility shall be placed in separate tracts.~~
 - ~~2. Having a net density of at least 9.60 units per acre, 20% of the entire site in open space with at least one recreational tract having minimum dimension of sufficient~~

~~size to accommodate play equipment targeted for preschool and elementary aged children plus table(s) and bench(es) for passive recreation.~~

LAND DIVISION STANDARDS

§10.8.905 STANDARDS

(F) Lots, Parcels and Common Areas

- ~~7. Common Recreational Areas. Common recreational areas are encouraged for all subdivisions, and shall be required for all subdivisions of twenty (20) or more lots. Public park dedication can satisfy this requirement. Where appropriate, recreational areas shall be connected to the natural resource areas discussed above.~~

DEFINITIONS

§10.12.120 CIVIC USE CATEGORY

F. Day Care: As defined by Oregon Revised Statute:

1. Day care facility. A facility that provides day care for up to ~~twelve (12)~~ **sixteen (16)** children, not including resident children.
2. Day care institution. A facility that provides day care for more than ~~twelve (12)~~ **sixteen (16)** children.

§10.12.120 CIVIC USE CATEGORY

(I) Religious Institutions: Places of religious worship such as synagogues, temples, **mosques, meeting houses, churches and other nonresidential places of worship¹** ~~and churches.~~ May include related accessory uses such as offices, classrooms, auditoriums, social halls, ~~and~~ **gymnasiums, meal programs, child care, affordable housing or space for affordable housing in a building that is detached from the place of worship as defined by ORS 214.441(1)(A), provided the housing or space for housing complies with the applicable land use regulations and meets the standards and criteria for residential development in the underlying zone.**

§10.12.210 MEANING OF SPECIFIC WORDS AND TERMS

D1. Density. The intensity of residential land uses, usually stated as the number of housing units per net acre.

- a. Gross Density. The number of residential dwelling units per acre based on the area of the site found inside the parcel boundary. This includes the building lots, parking and driving areas, sidewalks, public right-of-ways, public and private streets and common driveways, public and private open space areas, and other tracts intended for public

¹ Consistent with ORS 215.441(1)

- use.
- b. Net Density. The number of dwelling units per acre based on the net site acreage, which does not include rights-of-way through or on the edge of the site, environmentally constrained areas, or land intended for public ownership such as park and open space uses.
 - c. Bonus Density. Density bonuses either are granted by the Planning Commission and/or City Council to the developer, to have an overall ratio of dwelling units to the planned development site area greater than would be allowed for a conventional development in the same location; or are applied pursuant to §10.7.400.
 - d. **For density calculation purposes, the final number shall be rounded down to the next whole number if the calculation is less than or equal to 0.49 and rounded up to the next whole number if the calculation is greater than or equal to 0.50.**

EXHIBIT B

AFFORDABLE HOUSING AD HOC COMMITTEE

Key Findings

- Rental vacancy rates in Forest Grove are extremely low
- Increasing cost burden
- Affordable housing supply in Forest Grove
- Unmet demand for affordable housing

Approach to Affordable Housing

Members of the ad-hoc affordable housing committee agree that housing should be approached as a continuum ranging from basic shelter, affordable rental housing, market rate rental housing, affordable homeownership opportunities and market rate homeownership.

Affordable Housing Policy Recommendations

Homelessness

Goal: Ease the burden of homelessness on individuals and families in Forest Grove.

Policy: Take proactive action to ease the burden of homelessness on individuals and families in Forest Grove.

Action: The Ad-hoc Affordable Housing Committee recommends City Council establish a homeless advisory committee to develop strategies for provision of safe and secure shelter and associated services and approaches for linking homeless persons with needed shelter and services.

Regulatory Measures

Goal: Reduce regulatory barriers to expanding the supply of affordable housing in Forest Grove.

Policy: Establish as a priority identification and removal, when appropriate, of regulatory barriers to expanding the supply of affordable housing in Forest Grove.

Action: The Development Code allows for accessory dwelling units in single family residential zones. Consider amending the Development Code to clarify that small homes up to 400 square feet that are compliant with Oregon Building Code are permissible as accessory dwelling units where accessory dwelling units are permitted by zoning. Also consider amending the Development Code to remove burdensome restrictions for accessory dwelling units such as requiring additional parking and limiting the size of an accessory dwelling units to the smaller of 720 square feet or 30% of the primary dwelling unit.

Action: The planned development provisions of the Development Code provide for flexibility in the application of development standards. Consider amending the Development Code to

require a mixture of housing types, including attached single family dwellings, in planned developments in single-family residential zones.

Action: The Development Code does not identify cottage housing or cohousing as a housing type on the permitted use list for residential zones. Consider amending the Development Code to explicitly list cottage housing and cohousing as housing types and add regulations for cottage housing and cohousing in residential zoning districts. Also consider adding a definition to the Development Code for cottage housing.

Action: The Development Code provides for a density bonus of up to 20 units per acre when 20% of units are set-aside for renters or purchasers earning no more than 80% of median income and paying no more than 30% of total household income in rent or mortgage. Consider applying the affordable housing density bonus in the Community Commercial zone.

Action: Currently manufactured dwelling parks are limited to sites at least four acres in area and individuals may not be smaller than 672 square feet. Review the City's Manufactured Dwelling Park regulations and revise to encourage new manufactured dwelling parks as a way to provide opportunities for low and moderately priced single-family housing.

Funding

Goal: Establish a reliable and dedicated funding source of local affordable housing initiatives

Policy: Seek funding through the Washington County Community Development Grant Program and Home Investment Partnership for affordable housing initiatives.

Action: Prepare a list of potential projects eligible for Community Development Grant Program and Home Investment Partnership and seek funding through future grant award cycles.

Policy: Seek funding for incentives to reduce the cost of constructing new housing

Action:

Partnerships

Goal

Policy

Action