



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/03/2014

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Forest Grove Plan Amendment
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, February 19, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Daniel Riordan, City of Forest Grove
Gordon Howard, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.:

30 2014

Received: 001-13 (19727)

[17749]

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OR S 650-014-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Forest Grove

Local file no.: **ZNC-13-00253**

Date of adoption: 1/13/14

Date sent: 1/29/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/6/13

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes ☐ No ☒

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Daniel Riordan

Phone: (503) 992-3226

E-mail: driordan@forestgrove-or.gov

Street address: 1924 Council Street

City: Forest Grove

Zip: 97116-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from FD-10	to R-10	Acres: 5.6 +/-
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 1N42600000400 (3351 NW Thatcher Rd.)

















List affected state or federal agencies, local governments and special districts:

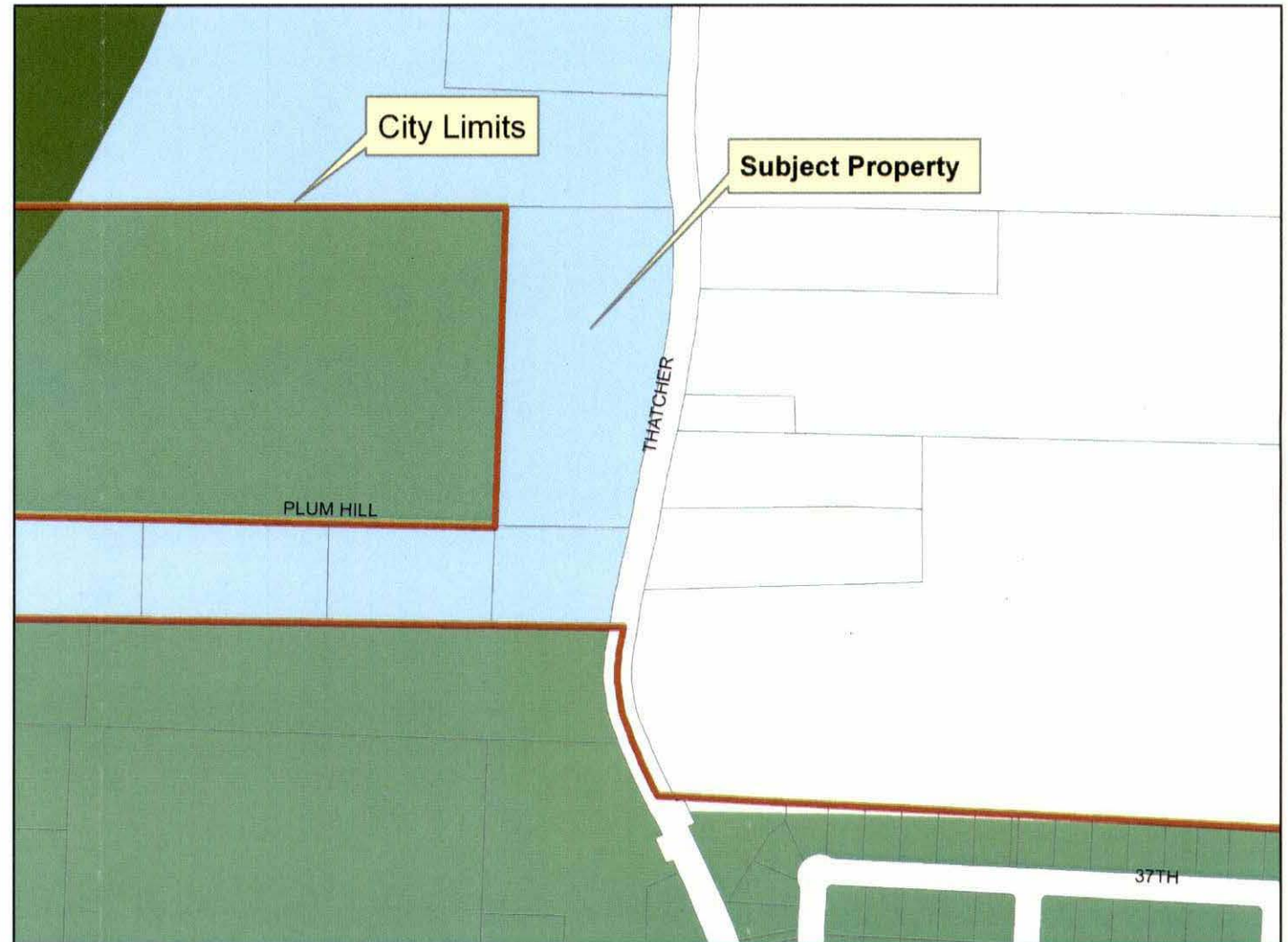
Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

This amendment to the Official Zoning Map was adopted as part of a property owner initiated annexation of the property (ANX-12-01074). As a result of the annexation the zoning was changed from Washington County FD-10 to City of Forest Grove Single Family Residential R-10.

Zoning Designations

ZONING

	CC
	CN
	CPD
	FD-10
	GI
	INST
	LI
	R-10
	R-5
	R-7
	RMH
	RML
	SR
	TCC
	TCS
	TCT



city of
forest
grove

Annexation Petition Tax Lot 1N42600000400 Zoning Designations



Legend

City Limits

Taxlots

UGB

Proposed Zoning

ZONING

TCT

TCS

TCC

SR

RML

RMH

R-7

R-5

R-10

LI

INST

GI

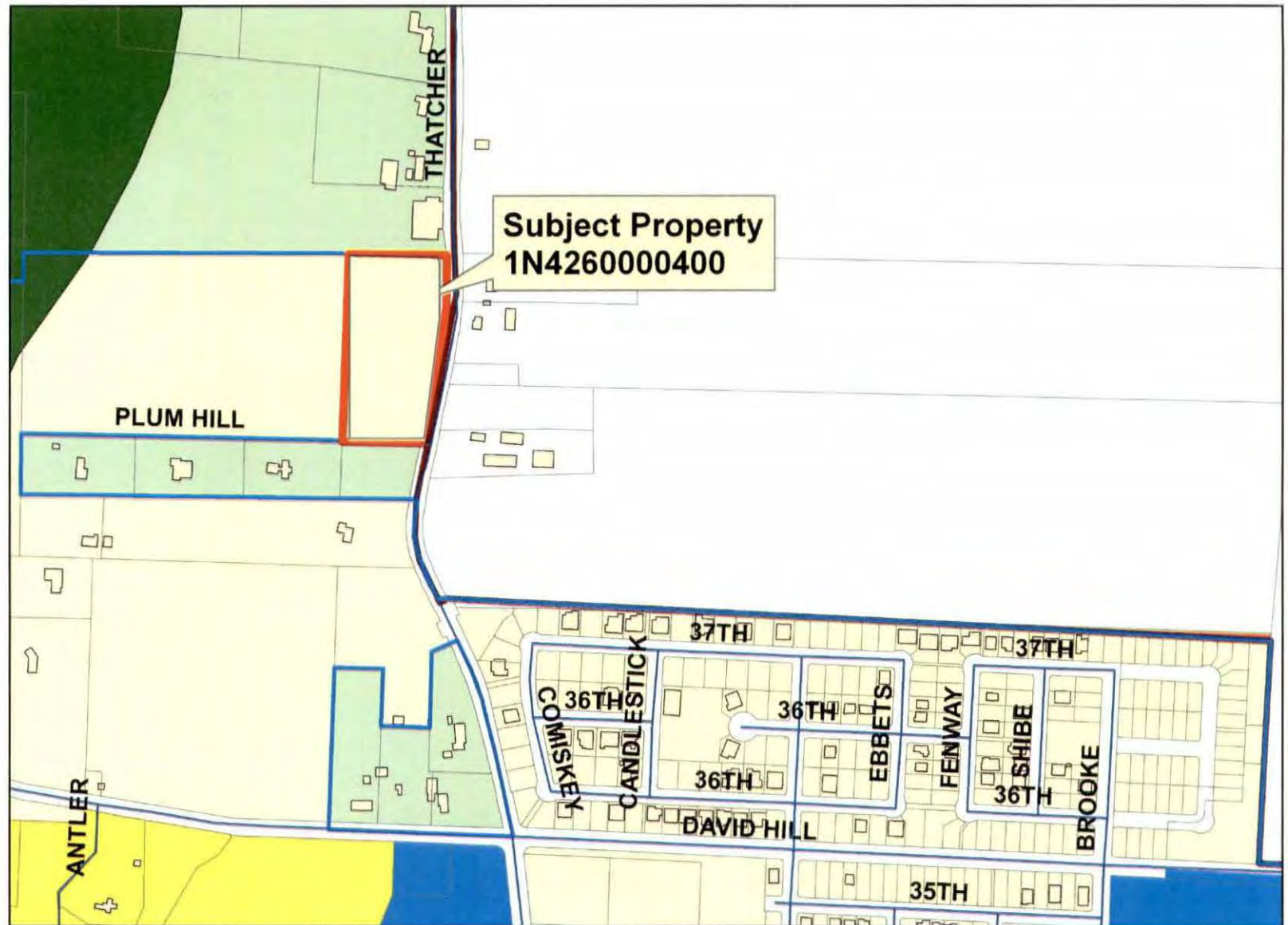
FD-10

EFU

CPD

CN

CC



Zone Change (ZNC-13-00253)
Proposed Zoning



ORDER NO. 2014-01

ORDER ASSIGNING A CITY OF FOREST GROVE ZONING DESIGNATION, CONSISTENT WITH THE FOREST GROVE COMPREHENSIVE PLAN MAP AS REQUIRED BY FOREST GROVE DEVELOPMENT CODE SECTION 10.2.160 AND 10.2.750, TO CERTAIN PROPERTIES ANNEXED BY THE CITY OF FOREST GROVE FILE NO. ZNC-13-00253; REPEALING ORDER NO. 2013-02

WHEREAS, Oregon Revised States Chapter 222.120 and ORS Chapter 222.125 establishes procedures for property owner initiated annexation petitions without election by city electors; and

WHEREAS, the City desires to annex the subject territory as shown on Exhibit A; and

WHEREAS, the zoning of said property is Washington County FD-10 (Future Development – 10 Acre Minimum); and

WHEREAS, the Planning Commission considered and recommended assignment of a zoning designation consistent with the Forest Grove Comprehensive Plan map as required by Forest Grove Development Code Section 10.2.160 and 10.2.750; and

WHEREAS, the Planning Commission findings and decision is attached as Exhibit B; and

WHEREAS, the Forest Grove Comprehensive Plan Map designates the property as C-Low with a target development density of 4.35 dwelling units per net acre; and

WHEREAS, the Planning Commission recommended assignment of the R-10 zoning designation to the subject property upon annexation; and

WHEREAS, the R-10 zoning district has a target development density of 4.35 dwelling units per net acre consistent with the C-Low Comprehensive Plan Map designation; and

WHEREAS, the Planning Commission held a duly-noticed Public Hearing on assigning a City of Forest Grove zoning designation to the subject property; and

WHEREAS, notice of the Planning Commission public hearing was mailed, published and posted as required by Article 1 of the Forest Grove Development Code; and

WHEREAS, a report was prepared as required by law (Exhibit C) and the City Council having considered the report and testimony at the public hearing does hereby favor amendment to the Official Zoning Map as recommended by the Planning Commission.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDERS AS FOLLOWS:

Section 1. The City of Forest Grove City Council hereby approves amending the Official Zoning Map from Washington County FD-10 to City of Forest Grove R-10 as shown on Exhibit A.

Section 2. The Planning Commission findings and conclusions and the staff report dated April 8, 2013, attached as Exhibit B and Exhibit C are hereby adopted with following revised wording:

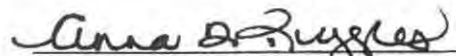
E. Public facilities for water supply, sanitary waste disposal, stormwater disposal, and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of public services to accommodate those demands.

Finding: The subject property is within the Forest grove planning area and urban growth boundary. The Comprehensive Plan and implementing ordinances promote the provision of public facilities in a timely and cost-effective manner to properties within the planning area and urban growth boundary. Police and Fire Protection are adequate to serve the residential uses allowed by the R-10 zone. Although the subject property is currently located more than 300 feet from an available public sewer, the property is located within the urban growth boundary. The water and sewer master plans prepared by the City and Washington County Clean Water Services, identify and provide for the extension of public sewer and water lines to service the property. As described in the master plans, the water and sewer lines are of a size, type and capacity sufficient to serve the projected demand from the property under the R-10 zone designation. Accordingly, based on the acknowledged master plans, public facilities and services are or will be available to serve the site. In addition, and consistent with Forest Grove Development Code Section 10.6.105(D), the City Engineer is required to certify that the public services are available to the site as a condition of subdivision approval, thereby ensuring that the property is served by adequate public facilities at the time the property is subdivided. In addition, Forest Grove Development Code Section 10.6.060 regarding the approval of partitions states that approval of a tentative partition plat will be granted if the Community Development Director finds that adequate public facilities are available or can be provided by the applicant to serve the proposed partition. As such, adequate public facilities will be reviewed if and when the subject property is partitioned. Based on these considerations, the Planning Commission finds the recommended R-10 zoning substantially complies with the Comprehensive Plan. The Planning Commission also finds that the timing of service provision needed for a future development proposal is beyond the purview of the Planning Commission.

Section 3. Order No. 2013-02 is hereby repealed in its entirety.

Section 4. This Order is enacted by the City Council and shall be effective upon the implementation date of Ordinance No. 2013-12, Ordinance approving the annexation, City File ANX-12-01074.

PRESENTED AND PASSED on the 13th day of January, 2014


Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 13th day of January, 2014

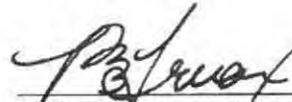
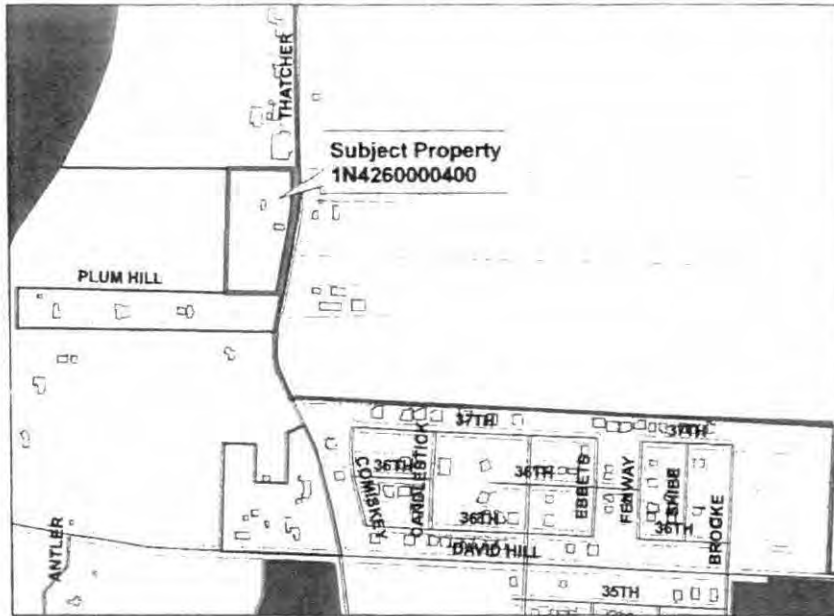

Peter B. Truax, Mayor

EXHIBIT A

city of
forest
grove

- Legend**
- City Limits
 - Taxlots
 - UGB
 - Current Zoning**
 - TCT
 - TCS
 - TCC
 - SR
 - RML
 - RMH
 - R-7
 - R-5
 - R-10
 - LI
 - INST
 - GI
 - FD-10
 - EFU
 - CPD
 - CN
 - CC

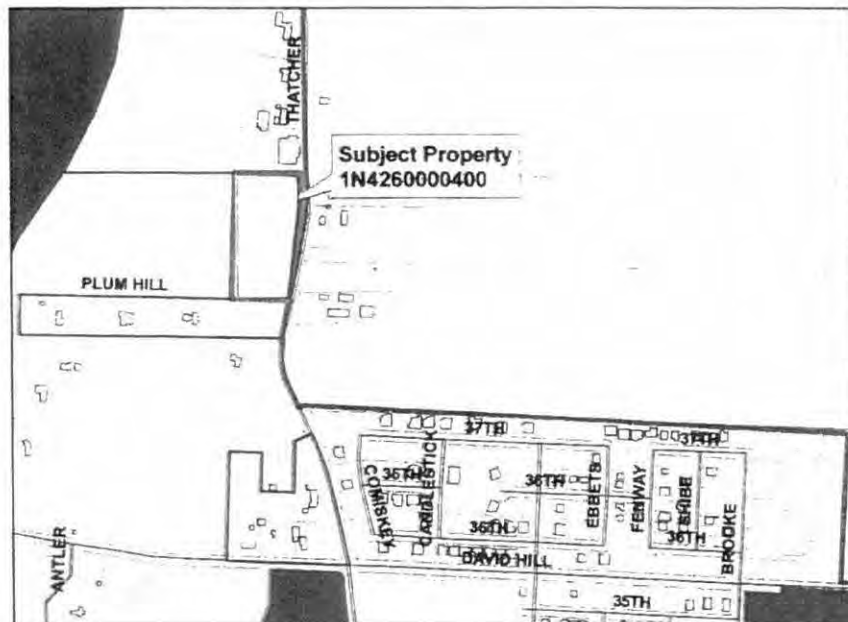


Zone Change (ZNC-13-00253)
Current Zoning



city of
forest
grove

- Legend**
- City Limits
 - Taxlots
 - UGB
 - Proposed Zoning**
 - TCT
 - TCS
 - TCC
 - SR
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 - RMH
 - R-7
 - R-5
 - R-10
 - LI
 - INST
 - GI
 - FD-10
 - EFU
 - CPD
 - CN
 - CC



Zone Change (ZNC-13-00253)
Proposed Zoning



**Planning Commission Findings and Decision Number 2013-03 to assign City of
Forest Grove Zoning Designation to Property Being Considered for Annexation
Zone Change ZNC-13-00253**

WHEREAS, the owner of property located at 3351 Thatcher Road (Washington County Map and Tax Lot 1N4260000400) submitted a property owner initiated annexation application on December 11, 2012, and January 31, 2013; and

WHEREAS, the application was deemed complete on March 6, 2013; and

WHEREAS, the Forest Grove Development Code Section 10.2.160 requires assignment of a zoning designation to property annexed into the City of Forest Grove; and

WHEREAS, the zoning of property must meet the review criteria in Section 10.2.770 of the Forest Grove Development Code; and

WHEREAS, on April 15, 2013, the Forest Grove Planning Commission held a duly-noticed public hearing to consider assigning a City of Forest Grove zoning designation to the subject property; and

WHEREAS, the Planning Commission finds that the proposed zoning designation of R-10 is consistent with the Forest Grove Comprehensive Plan Map and substantially complies with the review criteria of Section 10.2.770 of the Forest Grove Development Code.

The City of Forest Grove Planning Commission does hereby make the following findings and recommends the assignment of the R-10 zoning designation upon annexation of the subject property.

1. The Planning Commission adopts by reference the staff report including findings and recommendations dated April 15, 2013.

2. The zoning recommendation substantially complies with Development Code Section 10.2.770: *Zone Change Review Criteria* as follows:

A. The zone change is consistent with the Comprehensive Plan Map.

Finding: The recommended zoning designation of R-10 is consistent with and implements the C-Low Comprehensive Plan map designation. Therefore, the R-10 zoning is the most appropriate zoning designation for the subject property.

B. The zone change is consistent with the relevant goals and policies of the Comprehensive Plan, as identified by the Director.

Finding: The proposed annexation substantially complies with the urbanization policies of the Forest Grove Comprehensive Plan including the Urban Planning Area Agreement (UPAA) with Washington County. The UPAA requires annexation into the City of Forest Grove prior to development at urban densities.

The Washington County FD-10 (Future Development – 10 Acre Minimum Lot Size) zoning designation precludes urban development within the urban growth boundary until such time annexation occurs and a City zoning designation is assigned. Annexation and assignment of a City zoning designation is the first step toward making land available within the urban growth boundary of urban land use needs consistent with the urbanization policies of the Forest Grove Comprehensive Plan. Assignment of a City of Forest Grove zone change is a necessary part of the annexation of unincorporated territory surrounded by the City.

EXHIBIT B

C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary, the factors to be considered in determining suitability are parcel size and location.

Finding: The subject property is approximately 5.4 gross acres in land area. The subject property could accommodate 19 to 24 dwelling units based on the recommended R-10 zoning designation. Residential development on the subject property is appropriate given the size of the parcel and location within an area of the community planned for future residential development. According to Metro, approximately 94% of the development capacity in the area, including the subject property, is projected to be absorbed by the Year 2025.

D. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed zone change if it impacts transportation facilities.

Finding: The recommended R-10 zoning designation is consistent with the land use designation shown on the Comprehensive Plan Map. Transportation needs, including levels of service, identified in the Forest Grove Transportation System Plan, are based on the land use designations shown on the Comprehensive Plan map and projected future development allowed by the Comprehensive Plan. Assignment of a City zoning designation, consistent with the Comprehensive Plan will not substantially impact the functional classification or operation of transportation facilities or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. The subject property is adjacent to Thatcher Road. Thatcher Road is designated as an Arterial Street in the Forest Grove Transportation System Plan.

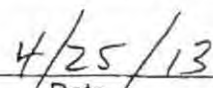
E. Public facilities for water supply, sanitary waste disposal, stormwater disposal, and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of public services to accommodate those demands.

Finding: The subject property is within the Forest Grove planning area and urban growth boundary. The Comprehensive Plan and implementing ordinances promote the provision of public facilities in a timely and cost-effective manner to properties within the planning area and urban growth. Police and Fire protection are adequate to serve the residential uses allowed by the R-10 zone. The subject property is located more than 300 feet of an available sewer line. Although, water and sewer service is not currently available to serve the subject property, the City's water and sewer master plans address future provision of services within the area. Based on the master plans, future services will be adequate to serve the projected demands of the site. In addition, consistent with revisions to the Forest Grove Development Code, the City Engineer must certify the adequacy of services prior to development approval. Based on these considerations, the Planning Commission finds the recommended R-10 zoning substantially complies with the Comprehensive Plan. The Planning Commission also finds that the timing of service provision needed for a future development proposal is beyond the purview of the Planning Commission.

F. The establishment of a zone district is not subject to the meeting of conditions.

Finding: The recommended zoning designation is not subject to the meeting of conditions.


Tom Beck, Chair


Date

PLANNING

forest
grove

CITY OF FOREST GROVE
P.O. Box 326
FOREST GROVE, OR 97116-0326

neopost[®]

01/29/2014

US POSTAGE

\$000.69⁰

FIRST-CLASS MAIL



ZIP 97116
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DEPT C

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

JAN 30 2014

97301254099

