

FOREST GROVE CITY COUNCIL NOTICE OF SPECIAL MEETING AND HEARING

The Forest Grove City Council is holding a special meeting to reopen a hearing to consider the following:

FOR PURPOSES OF DELIBERATION TO AMEND THE CONDITIONS OF APPROVAL, ATTACHED AS EXHIBIT A TO RESOLUTION NO. 2008-61, APPROVING AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF THE PROPOSED ROSE GROVE RECREATIONAL VEHICLE PARK, LOCATED AT 4015 PACIFIC AVENUE (FILE NO. CU-08-01), AND TO CORRECT PROCEDURAL ERRORS.

This special meeting and hearing will take place before the Forest Grove City Council on **Monday, September 29, 2008**, at **5:30 p.m., or thereafter**, in the Community Auditorium, 1915 Main Street, Forest Grove.

Anna D. Ruggles, CMC, City Recorder

September 26, 2008

FOREST GROVE CITY COUNCIL SPECIAL MEETING

Monday, September 29, 2008

5:30 PM – Special Meeting

Community Auditorium
1915 Main Street
Forest Grove, OR 97116

Thomas L. Johnston
Victoria J. Lowe
Camille Miller

Richard G. Kidd, Mayor

Ronald C. Thompson
Peter B. Truax
Elena Uhing

All meetings of the City Council are open to the public and all persons are permitted to attend any meeting except as otherwise provided by ORS 192. The public may address the Council as follows:

→ **Public Hearings** – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign in for any Public Hearing prior to the meeting. The presiding officer will review the complete hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

→ **Citizen Communications** – Anyone wishing to address the Council on an issue not on the agenda should sign in for Citizen Communications prior to the meeting. The presiding officer will call the individual or group by the name given on the sign in form. When addressing the Council, please use the witness table (center front of the room). Each person should speak clearly into the microphone and must state his or her name and give an address for the record. All testimony is electronically recorded. In the interest of time, Citizen Communications is limited to two minutes unless the presiding officer grants an extension.

The public may not address items on the agenda unless the item is a public hearing. Routinely, members of the public speak during Citizen Communications and Public Hearings. If you have questions about the agenda or have an issue that you would like to address to the Council, please contact the City Recorder at 503-992-3235.

City Council meetings are handicap accessible. Assistive Listening Devices (ALD) or qualified sign language interpreters are available for persons with impaired hearing or speech. For any special accommodations, please contact the City Recorder at 503-992-3235, at least 48 hours prior to the meeting.

A G E N D A

- 5:30 1. **SPECIAL MEETING**: Called to Order and Roll Call
2. **CITIZEN COMMUNICATIONS**: Anyone wishing to speak to Council on an item not on the agenda may be heard at this time. *Please sign-in before the meeting on the Citizen Communications form posted in the foyer.* In the interest of time, please limit comments to two minutes. Thank you.

Jon Holan
Community Development
Director

5:35 3. REOPEN HEARING TO CONSIDER THE FOLLOWING:

FOR PURPOSES OF DELIBERATION TO AMEND THE
CONDITIONS OF APPROVAL, ATTACHED AS EXHIBIT A TO
RESOLUTION NO. 2008-61, APPROVING AN APPEAL OF THE
PLANNING COMMISSION'S DENIAL OF THE PROPOSED ROSE
GROVE RECREATIONAL VEHICLE PARK, LOCATED AT 4015
PACIFIC AVENUE (FILE NO. CU-08-01), AND TO CORRECT
PROCEDURAL ERRORS.

6:00 4. ADJOURNMENT

Memorandum

To: City Council
From: Jon Holan, Community Development Director
Michael Sykes, City Manager
Date: 9/26/2008
Re: Resolution Number 2008-61 - Revised Proposed Conditions of Approval for
Conditional Use Permit Number CU-08-01, Rose Grove RV Park

Attached is Resolution Number 2008-61 with revised Exhibit A that includes the Conditions of Approval as staff understands the revisions made by the Council at their meeting on September 22, 2008. There appears to be procedural errors in the manner the Resolution was adopted and the Conditions of Approval were accepted. As a result, Council will be asked to reopen the hearing only for purposes of deliberation and to correct procedural errors regarding the Conditions of Approval. After the Council deliberates on the Conditions of Approval, Council must entertain a motion to amend the Conditions of Approval. Assuming the Council approves a motion to amend the Conditions of Approval, a second motion must be made to approve the Resolution, including the Conditions of Approval "as amended".

RESOLUTION NO. 2008-61
RESOLUTION APPROVING AN APPEAL OF THE PLANNING COMMISSION'S
DENIAL OF THE PROPOSED ROSE GROVE RECREATIONAL VEHICLE PARK AT
4015 PACIFIC AVENUE, AND ADOPTING CONDITIONS OF APPROVAL
(FILE NO. CU-08-01)

WHEREAS, the applicant filed a conditional use permit request for a proposed 21-unit recreational vehicle park on June 25, 2008; and

WHEREAS, the Planning Commission held a duly-advertised public hearing on July 21, 2008, and continued the hearing to August 4, 2008; and

WHEREAS, the Planning Commission issued Decision Number 2008-04 to deny the conditional use permit on August 13, 2008, finding in part that ORS Chapter 197 superseded the City's ability to limit length of stay and that the recreational vehicle units could be occupied as single-family homes, a use prohibited in the Community Commercial zone; and

WHEREAS, the applicant thereafter filed an appeal of the Planning Commission decision, and notice of the City Council hearing on this appeal was mailed to affected parties on September 9, 2008, as required by Zoning Ordinance Section 9.915. Notice was also published in the *News Times*, as required by Zoning Ordinance Section 9.915; and

WHEREAS, the City Council held a public hearing on the appeal on September 22, 2008; and

WHEREAS, the City Council finds that the length of stay prohibition of ORS Chapter 197 pertains to residential units, not to "camping vehicles" and "recreation parks" as defined by ORS Chapter 446 *Tourist Facilities*; and

WHEREAS, the City Council understands that the use as conditioned is a commercial use in a commercial zone.

NOW, THEREFORE, THE CITY COUNCIL OF FOREST GROVE does hereby find that the action taken by the Planning Commission was incorrect and the Council does hereby APPROVE the appeal, and adopts the Conditions of Approval in the attached Exhibit A.

This Resolution shall be effective on the date it is adopted by the Council and signed by the Mayor.

PRESENTED AND PASSED the 29th day of September, 2008.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 29th day of September, 2008.

Richard G. Kidd, Mayor

**CONDITIONS OF APPROVAL
ROSE GROVE RECREATIONAL VEHICLE PARK
4015 PACIFIC AVENUE
FILE NUMBER: CU-08-01**

1. The applicant is bound to the project description and all representations made by the applicant during the application and decision-making proceeding.
2. The applicant shall comply with all applicable City building and development standards, including all dimensional standards and public works specifications.
3. The applicant shall demonstrate compliance with the applicable provisions of ORS 446.310-446.350 *Tourist Facilities*.
4. The applicant shall demonstrate compliance with the applicable provisions of OAR 918-650-0000 et. seq. *Recreation Parks and Organizational Camps*.
5. Length of stay shall be limited to **not more** than one month (31 days) **cumulative in one calendar year**.
6. Install full street improvements (curb, gutter, sidewalk, drive approach, street trees and parkway landscaping including vegetative ground cover) along Pacific Avenue (Zoning Ordinance Section 9.855 *Site Plan Approval and Compliance with Public Facility Standards Required*).
7. A lighting plan, in accordance with the landscape plan, shall be reviewed and approved by the Community Development Director prior to the issuance of a building permit. Lighting standards shall not exceed fourteen feet in height and shall be shielded to minimize glare into the adjacent residential area and Pacific Avenue (ZO Section 9.963 *General Guidelines for Commercial Design Review/Accessories, Signage and Landscaping*).
8. All underground utilities shall be required.
9. A minimum three-foot-wide landscaped buffer shall be required along the north and east property lines. This buffer shall include landscaping to reduce the massing of the fence. (ZO Section 9.826 *Off-Street Parking and Loading/Parking Lot Design Standards*).
10. A minimum three-foot-wide landscaped buffer **and** fence shall be required along the west property line. **This proposed buffer and fence shall be reviewed with the adjacent landowner to the west for concurrence and the plan shall be submitted for review and approval by the Community Development Director prior to the issuance of a building permit.** This buffer shall include:
 - Vegetative ground cover; and
 - At least five trees within the first 100 feet north of the Pacific Avenue right-of-way (ZO Section 9.826 *Off-Street Parking and Loading/Parking Lot Design Standards*).
11. A minimum eighteen-foot wide landscaped buffer shall be required along the south property line. The water quality facility may be located within this area (ZO Section 9.826 *Off-Street Parking and Loading/Parking Lot Design Standards*).
12. Install a minimum of twenty trees, dispersed throughout the site. These trees shall be "Medium" or "Large" trees from the City's approved street tree list or an equivalent species approved by the Community Development Director. Trees shall have minimum two-inch caliper and six-foot branch height upon installation (ZO Sections 9.826 *Off-Street Parking and Loading/Parking Lot Design Standards*).

EXHIBIT A

13. All landscaping shall comply with Zoning Ordinance Section 9.858(3) *General Landscaping Standards—Development Standards* upon installation.
14. A site-obscuring “good-neighbor” fence or equivalent shall be installed along the north **and** east property lines. This fence shall have a minimum height of six feet. The east and west fences shall terminate at least ten feet north of the Pacific Avenue right-of-way.
15. A landscape plan shall be submitted for review and approval by the Community Development Director prior to the issuance of a building permit. This plan shall include:
 - A **concrete masonry unit (CMU) wall** along the Pacific Avenue frontage, on the south side of the water quality facility. The **wall** shall also extend at least ten feet north of the right-of-way on the east and west property lines. It shall be constructed of durable and attractive materials and shall be at least three-to-four feet tall. Additional height may be required around the water quality facility.
 - High-density landscaping on the north side of the **wall**.
 - Additional landscaping on the south side of the **wall** where appropriate.
16. No more than 25 off-street parking stalls shall be permitted.
17. The applicant shall enforce park rules and regulations.
18. **A restroom, shower and laundry facility shall be installed on the site prior to use inauguration. A facility plan, containing showers, toilets and laundry areas with connected to the city’s sewer utility, and a laundry facility plan shall be submitted for review and approval by the Community Development Director prior to the issuance of a building permit.**
19. **The applicant shall make off-site sidewalk improvements from the east boundary of the site to the crosswalk at the Mountain View Drive intersection, subject to all necessary approvals by the Oregon Department of Transportation. The City and applicant shall each pay 50 percent of the costs for the offsite sidewalk improvements.**