

**FOREST GROVE CITY COUNCIL REGULAR MEETING
NOVEMBER 24, 2014 – 7:00 P.M.
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*Minutes are unofficial until approved by Council.
Council approved minutes as presented January 12, 2015.*

1. ROLL CALL:

Mayor Peter Truax called the regular City Council meeting to order at 7:02 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL**

PRESENT: Thomas Johnston, Council President; Richard Kidd; Victoria Lowe; Ronald Thompson; Elena Uhing; Malynda Wenzl; and Mayor Peter Truax. **STAFF PRESENT:** Michael Sykes, City Manager; Chris Crean, City Attorney; Paul Downey, Administrative Services Director; Rob Foster, Public Works Director; Jon Holan, Community Development Director; Dan Riordan, Senior Planner; Tom Gamble, Parks and Recreation Director (in the audience); George Cress (in the audience); and Anna Ruggles, City Recorder.

Mayor Truax introduced and welcomed newly-elected Councilor Malynda Wenzl, who filled Councilor Camille Miller's seat on Council, and congratulated Council President Johnston and Councilor Thompson who were re-elected, noting they were sworn-in at the Swearing-In Ceremony held prior to the Council meeting. Mayor Truax was re-elected and sworn-in as well.

2. CITIZEN COMMUNICATIONS: None.

3. CONSENT AGENDA: Items under the Consent Agenda are considered routine and will be adopted with a single motion, without separate discussion. Council members who wish to remove an item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda item(s).

- A. Approve City Council Work Session (B&C Interviews) Meeting Minutes of November 10, 2014.
- B. Accept Library Commission Meeting Minutes of October 13, 2014.
- C. Accept Planning Commission Meeting Minutes of October 20, 2014.
- D. Accept Public Arts Commission Meeting Minutes of October 9, 2014.

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- E. Fire Chief Report from October 25 – November 7, 2014.
- F. **RESOLUTION NO. 2014-85 MAKING APPOINTMENT TO COMMITTEE FOR CITIZEN INVOLVEMENT (APPOINTING MARTHA OCHOA, TERM EXPIRING JANUARY 31, 2016).**
- G. **RESOLUTION NO. 2014-86 MAKING APPOINTMENT TO PUBLIC ARTS COMMISSION (APPOINTING YASMINE WEIL-POURFARD, STUDENT ADVISORY, TERM EXPIRING DECEMBER 31, 2015).**
- H. *Accept Abstract of Votes for November 4, 2014, General Election (Added to Consent Agenda).*

MOTION: Councilor Lowe moved, seconded by Councilor Kidd, to approve the Consent Agenda as amended (Item 3. H. added to Consent Agenda). **MOTION CARRIED 7-0 by voice vote.**

4. ADDITIONS/DELETIONS:

3. H. ACCEPT ABSTRACT OF VOTES FOR NOVEMBER 4, 2014, GENERAL ELECTION:

Ruggles added Consent Agenda Item 3. H., in accordance with ORS 255.295, Abstract of Votes for November 4, 2014, General Election, noting Forest Grove’s summary report shows the official Election results as follows:

MAYOR (Vote for 1):

Name:	Votes:	Percent:
Timothy Marble	3,301	48.75
Peter B. Truax (Incumbent)	3,408	50.33
Write-In	62	.92

City Councilor (Vote for 3):

Name:	Votes:	Percent:
Ron Thompson (Incumbent)	2,737	15.89
Aldie Howard	2,039	11.84
Tom (TJ) Johnston (Incumbent)	2,893	16.80
Tom Beck	2,699	15.67
Nathan Thomas Paul Seable	1,930	11.21
Alexander E LaFollett	1,758	10.21
Malynda Wenzl	3,017	17.52
Write-In	148	.86

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The above-noted Abstract of Votes for November 4, 2014, General Election, was accepted by Council as Consent Agenda Item 3. H., as noted above.

5. PRESENTATIONS:

5. A. Washington County Land Use and Transportation Update:

Foster reported Washington County Land Use and Transportation is requesting input from the City about its potential closure of Porter Road to motor vehicle traffic, both northbound and southbound, at Bridge 1296 over Council Creek on Porter Road. Foster introduced Dave Schamp, Washington County Operations and Maintenance Division Manager, who presented a PowerPoint presentation highlighting the deteriorating condition of the Porter Road bridge, noting Washington County officials are looking at options, including the potential closure of the nearly 65-year old bridge because the structure is at the end of its useful life; ongoing repairs are not cost effective; and funding for its replacement is not readily available. Schamp referenced a County Road Maintenance Priority Matrix showing the efficiency rating and priority classifications, noting Porter Road scores an efficiency rating of 19.5 out of 100 and is classified as a local road, which is the lowest use classification in the County and lowest priority for reconstruction funding. In response to Council inquiries pertaining to reclassifying Porter Road as a collector, Schamp noted road reclassification is unlikely anytime soon as the County just updated its transportation plan this fall. In response to Council inquiries pertaining to bridge replacement costs, Schamp estimated bridge replacement costs at \$860,000, which is \$100,000 more than the County's total bridge maintenance budget, noting the bottom line is the County does not have funding to pay for bridge replacement costs. Schamp reported if the bridge is closed to motor vehicles, emergency vehicles, local residents and businesses would have access up to the bridge but not across the bridge and bicyclists and pedestrians would continue having access across the bridge. In conclusion of the above-noted presentation, Council collectively voiced concerns of closing Porter Road bridge to motor vehicles and instead supported bridge replacement as the only acceptable option for Forest Grove. Council voiced concerns that closing Porter Road bridge to motorized vehicles would further limit transportation access into Forest Grove. In response to Council comments and concerns voiced, Schamp encouraged Councilmembers to contact County Commissioners directly to share their concerns, noting if County officials

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move forward with a recommendation of potentially closing Porter Road bridge to motor vehicle traffic, County officials will hold a community open house and gather public input before make a recommendation to County Commissioners.

5. B. Metro Quarterly Exchange Update:

Kathryn Harrington, Metro Councilor District 4, presented a PowerPoint presentation highlighting District 4 Quarterly Exchange Report. Harrington reported on Metro's Urban Growth Boundary; Powell-Division Corridor; Southwest Corridor; Vibrant Community Investments; Climate Smart Communities; Scouters Mountain; Nature in Neighborhoods Restoration and Community Stewardship Grants – District 4; Council Creek Regional Trail; Solid Waste Roadmap; Portland's Centers for Art; Expo Center; and distributed various Metro-related handouts.

6. CONTINUE (DE NOVO) PUBLIC HEARING FROM NOVEMBER 10, 2014: ORDER NO. 2014-06 APPROVING GALES CREEK TERRACE PLANNED RESIDENTIAL DEVELOPMENT (FILE NO. PRD-14-00181). APPLICANT: GALES CREEK DEVELOPMENT, LLC (MORGAN WILL AND TRIPTI KENZER)

Staff Report:

Holan and Riordan reported the staff report dated November 24, 2014, addresses several aspects, which were heard during public testimony on November 10, 2014, and edits to the proposed Conditions of Approval as outlined in the staff report, pertaining to the proposed Gales Creek Terrace Planned Residential Development, including overall site and design plans; amount of off-street and on-street parking demonstrating the applicant exceeds the minimum off-street parking requirements as required by Article 8 of the Forest Grove Development Code; aspects of neighborhood impact considered during the development review process (e.g., traffic, screening, building height, density); fire protection and access is consistent with Fire Code requirements; though, Fire Department has expressed concern about the Dee Court hammerhead, the City Engineer has determined that a cul-de-sac at the end of Dee Court would result in a 12' high retaining wall at the property line and would result in the elimination of two lots; zoning designation has remained unchanged since at least 1980; location of attached units in Phase 4 are based on the topography of the site, street system, adjacent land uses, impact to adjacent developed areas, marketability and other factors; City Engineer reviewed proposed street designs and accepted the

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street layout as reasonable given the topographic constraints of the site, potential grade of street, and desire to minimize necessary cut-and-fill; although, street rights-of-way are narrow compared to standard design, pavement/roadway widths are consistent with the typical local street cross-section; planned development criteria has been met unless Council can make a defensible finding the purpose statement is not met; traffic study submitted by the applicant includes a traffic impact analysis showing that traffic will not result in impacts exceeding the City's minimum level of service (Level of Service D); Forest Grove School District was notified of the planned development and did not respond; however, based on the School Element of the Comprehensive Plan, the School District has the capacity or can make capacity available to serve the development; the 14 points considered by the Planning Commission related to specific development standards and requested deviations as outlined on Page 8 of the staff report; and Council's decision-making appeal process based on criteria outlined in the Development Code. In conclusion of the above-noted staff report Holan and Riordan referenced additional written testimony submitted as noted below and the following attachments to the staff report: Attachment A, Clean Water Services Provider Letter; Attachment B, Transportation System Plan Intersections Level of Service; Attachment C, Gales Creek Terrace Project Comparison Chart (August 2014/October 2014); and Attachment D, Memo from Gales Creek Terrace, LLC, dated November 10, 2014 (suggested edits to proposed Conditions of Approval), noting staff is recommending Council complete the hearing process this evening and consider adopting Order No. 2014-06, approving Gales Creek Terrace Planned Residential Development, along with Findings and Conditions of Approval as outlined in Exhibit A, supporting Council's decision on the Gales Creek Terrace Planned Residential Development (File No. PRD-14-00181).

Declaration of Ex-parte Contacts, Conflicts of Interest, or Abstentions:

Prior to presenting the staff report, Mayor Truax asked for any disclosures as noted below.

Wenzl recused herself, noting as a recently-elected Councilor, she has had no prior involvement pertaining to this specific agenda item. Mayor Truax excused Wenzl from the dais.

Uhing disclosed she resides within a couple of blocks from the proposed development and she walked part of the property to get a better feel of the

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area. Uhing declared no financial benefit or conflict of interest.

Lowe disclosed she drove some associated streets in the area to get a better understanding of the area. Lowe declared no financial benefit or conflict of interest.

Council President Johnston disclosed he owns property on C Street. Johnston declared no financial benefit or conflict of interest.

Sykes disclosed he owns property on B Street. Sykes declared no financial benefit or conflict of interest.

Challenges from Parties:

None declared.

Public Hearing Continued:

Mayor Truax continued the de novo Public Hearing from the meeting of November 10, 2014, and explained hearing procedures.

Written Testimony Received:

Kathy Corey, Forest Grove, submitted written testimony, dated November 18, 2014, urging Council to deny the revised Gales Creek Terrace Planned Development as stated in her written testimony, noting the plan has indeed changed and the developer needs to start over with the decision-making process with the Planning Commission.

Jim Lee, President, Western Oregon Development, Inc., submitted written testimony, dated November 20, 2014, urging Council to vote yes to approve the Gales Creek Terrace Planned Development as stated in his written testimony, noting Western Oregon Development has invested in property immediately west of the proposed Gales Creek Terrace Planned Development and B Street sanitary sewer line extension will make it possible for future investments and growth for Forest Grove.

Brian Wilbur, Pacific Insurance Partners, Forest Grove, submitted written testimony, dated November 23, 2014, urging Council to deny the Gales Creek Terrace Planned Development for various reasons as stated in his written testimony, noting the project design is seriously flawed and many Development Code provisions waived or modified for the project to go forward and Forest Grove deserves a better plan for this important piece of property; one which is safe, has adequate parking and is in keeping

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with the special character of the City.

John Hayes, Forest Grove, submitted written testimony, dated November 20, 2014, urging Council to reject the application for the Gales Creek Terrace Planned Development for various reasons as stated in his written testimony, noting he has yet to find anyone in favor of the development plan and the City should rezone the property if the project is turned down.

Tom Beck, Forest Grove, submitted written testimony, dated November 24, 2014, addressing concerns as to the specific reasons the Planning Commission denied the Gales Creek Terrace Planned Development and citing reasons the developer has failed to meet the criteria of the Planned Residential Development Code (referenced as Code Section 10.4.200) as stated in his written testimony.

Gales Creek Development, LLC., submitted written testimony, dated November 17, 2014, addressing concerns raised at the hearing of November 10, 2014, urging Council to accept staff's recommendation with Conditions of Approval as stated in their written testimony.

No other written testimony was received prior to the deadline of November 24, 2014, 7:00 p.m.

Applicants' Testimony:

Lee Leighton, Westlake Consultants, Morgan Will, Gales Creek Development, LLC, and Gordon Root, Applicant, referenced their written testimony (Applicant's Rebuttal Statement, dated November 17, 2014), addressing concerns raised at the hearing of November 10, 2014, and referenced the staff report, dated November 24, 2014, which summarized testimony heard at the meeting of November 10, 2014, noting staff recommends approval based on staff's analysis of the issues that have been raised and evidence the applicant has presented and approval criteria in the Forest Grove Development Code for Planned Development. The consultants gave a highlighted overview of how the application for Gales Creek Terrace Planned Residential Development (File No. PRD-14-00181) (revised application dated October 16, 2014, includes 20 duplexes, 20 attached single-family dwellings and 157 detached single-family homes on a variety of lot sizes) meets the applicable code and decision-making criteria, referencing documentation in the record supporting the hammerhead turnaround, parking index and street design maps, site suitability; storm water management; vegetated corridors; and

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density requirements for Multifamily High-density (RMH) zoning, noting the housing types they are considering fit in with existing residences and provide a mix of housing options. The consultants recapped the Planning Commission's decision of denial and instructions on the basis of denial that led to the appeal, stating it is appropriate for Council as the decision-making body to act on the appeal.

Proponents:

Claud Davis, Forest Grove, testified in support and stated his support as a builder, noting the project will bring income and is beneficial to Forest Grove. Davis added that people want detached homes, not townhomes.

Tawnya Poe, Banks, testified in support and stated her support as a local real estate broker, noting this project provides a variety of housing products and affordable housing for young adults. Poe spoke about market demands and challenges homebuyers face, pointing out homebuyers are looking for detached homes, not apartment-style living.

Chad Davis, Forest Grove, testified in support and stated his support as to the development having a very nice mixture of products and options for buyers, noting he has done projects in Hawthorne Meadows, Casey Meadows, and currently, Casey West and urged Council to visit these sites.

Mark Kenzer, Forest Grove, testified in support and pointed out Metro's earlier presentation (vibrant community investments) regarding density and similar housing types, noting this project is a great opportunity for Forest Grove.

No one else testified and no other written comments were received.

Opponents:

Tom Beck, Forest Grove, submitted written testimony, dated November 24, 2014, testified in opposition and stated he has new testimony to add to his earlier testimony heard at the hearing of November 10, 2014. Beck stated his concerns as to the variations between Casey Meadows and Gales Creek Terrace, noting Gales Creek Terrace is irregular in the extreme, has different topography and is in a unique area. Beck referenced three criteria (no innovation; road layout and topography; and vegetative corridor ignores existence of mature trees and has excessive cut and fill) that the developer fails to meet in the Planned

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Residential Development Code and addressed specific reasons the Planning Commission denied the project as noted in his written testimony. Beck stated the applicant was wrong and downright insulting when the applicant stated the Planning Commission was influenced by using the word “concessions” (Staff report dated August 4, 2014, Page 3) in describing the Planning Commission’s 14 specific problems for denying the project. Beck stressed he does believe it is possible to design a project that could meet the criteria for a Planned Residential Development.

Alexander LaFollett, Forest Grove, testified in opposition of the Gales Creek Terrace Planned Residential Development and stated he raised concerns during his City Councilor election campaign as to jumping the gun and putting in high-density development with no proper transportation infrastructure, similar to Casey Meadows/26th Avenue. LaFollett stated his concerns as to the traffic flow, proposed 19th Avenue extension, flood areas and revised plan still having 80 percent detached housing, stressing the Planning Commission was correct in denying the proposal.

Dick Lane, Forest Grove, testified in opposition and referred to public records obtained between the developer’s team and City employees following the Planning Commission’s vote regarding types of development procedures. Lane stated his concerns as to the development proposes no playgrounds or parks, yet is targeted to first-time homebuyers, and is a cramped, crowded development with inadequate parking and is not at all conducive to family life, and urged Council to follow the lead of the Planning Commission and reject the proposal.

Kathy Corey, Forest Grove, submitted written testimony, dated November 18, 2014, testified in opposition and stated her concerns as to the 4’ of infill that will be required; requirements noted in Clean Water Services’ Provider Letter (Attachment A) regarding plans differing significantly and sensitive areas and vegetated corridors; neighborhood impact statement; abrupt changes in housing types; reduced side yards and setbacks; traffic increasing; and requested the new plan development go through proper channels at the Planning Commission to be reviewed by the public and Planning Commission, stressing the plan has changed substantially.

Jim Morris, Forest Grove, testified in opposition and stated his concerns as to the street parking; high-density; and protection and valuation of the historical value of Naylor’s Grove, noting Native Americans used the land

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for centuries.

Carolyn Hymes, Forest Grove, indicated she is on the Planning Commission and stated for the applicant to believe that she was influenced by the word “concessions” in describing the Planning Commission’s 14 reasons for denying the project was insulting. Hymes highlighted some of the reasons the Planning Commission denied the project as outlined in the staff report, noting the project still fails 9 out of 10 and the only issue that has been resolved is the lengthening of driveways to the required 20 feet. Hymes indicated she is not opposed to development or development of this specific property, stressing she believes a project could be designed that meets the criteria and goals of a Planned Residential Development.

Dave Thompson, Forest Grove, testified in opposition and stated his concerns as to the Planning Commission bringing forth a dozen concerns but now staff is supporting the plan, adding perhaps because of a threat of lawsuit. Thompson stated staff’s secretive process with the developer should be under review and stated his concerns as to the zoning; density; tiny lots and cheap homes; limited street trees; no active recreational open space; no street improvements to 19th Avenue; variances benefiting the developer; and urged Council to send the project back to developers and begin the process of rezoning the property.

David Morelli, Forest Grove, testified in opposition and questioned if it was appropriate having less than 3,500’ lot sizes in a residential development. Morelli stated his concerns as to specific code requirements and zone standards, including density, housing type, lot dimensions, and slope and elevation loss and gain, stressing the project is a high-density, single-family housing, detached “subdivision” and it is not a planned residential development by definition of the code, and urged Council to vote no.

John Schrag, Forest Grove, testified in opposition on behalf of his parents and six residents; referenced a letter his parents received 364 days ago from Gales Creek Terrace, LLC; and cited the code definition of a neighborhood meeting. Schrag highlighted discussions heard during neighborhood meetings; lack of developer soliciting concerns from residents and occurrences up-to-date, stressing the first opportunity for the community to hear about multifamily housing and significant changes was at the last Council meeting of November 10, 2014. Schrag suggested other areas of the parcel of where residents could support

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having multifamily housing serving as buffer, blending better with the neighborhood, and located closer to transit. Schrag stressed if Council honestly believes the revised application meets code and is in the best interest of the City, then vote to approve; otherwise, the Planning Commission has given many reasons to safely reject the proposal, and by doing so, Council sends a message to the community that Council is willing to listen and willing to look for a development that fits the law and makes for a better community.

Steve Boone, Forest Grove, testified in opposition and stated his concerns as to safety; hammerhead; need for multifamily but closer to transit area; demolition of homes along Pacific Avenue; integrity of neighborhood; planning residential development criteria not met; and urged Council to vote against the proposal and send it back to Planning Commission.

No one else testified and no other written comments were received.

Others:

Tripti Kenzer, Forest Grove, stated her frustration with the City's process, stressing the developer is complying with high-density zoning, pointing out the area has been zoned high-density for 35 years, and urged Council to approve the plan as recommended by City staff.

No one else testified and no written comments were received.

Applicant's Rebuttal:

Lee Leighton, Westlake Consultants, Morgan Will, Gales Creek Development, LLC, and Gordon Root, Applicant, refuted testimony and issues raised, pointing out that all issues raised are incorrect and not based on applicable approval criteria and argued Council is the final decision-making authority (Applicant's Rebuttal Statement, dated November 17, 2014). The applicant's consultants referenced approval criteria based on the Development Code for a Planned Development, street standards based on the Transportation System Plan, and provided clarification of the application-related materials submitted by the applicant to City staff and recapped the Planning Commission's meeting, decision-making and appeal process, noting they have made every effort to provide complete application materials, pointing out the applicant's May application packet and supplemental material was not included as part of the record in the Planning Commission's agenda packet on August 4,

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2014, nor was it included in the record in the Council's agenda packet on September 8, 2014, which causes them concern that the decision-making body was not provided with full material in order to make a fair, just decision, as well as the public. In conclusion of the above-noted rebuttal, the applicant's consultants gave closing statements, stating Gales Creek Terrace is a beautiful piece of property and the project will have common open spaces and recreational needs, opening the Gales Creek watershed to the public and connections to the trail corridor "Emerald Necklace", noting Forest Grove needs this type of housing, market-niche product. The consultants pointed out their credentials, stressing they are highly experienced and very knowledgeable team, adding they have been very responsive throughout the entire process. The consultants also voiced their frustration of the City's development application process, stressing they have never spent as significant amounts of monies as they have on this particular development application.

Questions from Council:

In response to Council President Johnston's points of clarifications pertaining to discussions with City staff about the revised site plan, the consultants pointed out slope constraints and explained reasons as why they choose the specific location for duplexes and townhouses and concurred with Johnston that the original application contained all single-family dwellings. In addition, the consultants addressed Council President Johnston's inquiries pertaining to parking allowance and hammerhead radius.

In response to Lowe's inquiry pertaining to submittal of drawings, Holan referenced PDF Page 271 of staff report, dated November 10, 2014, noting examples of the home elevations are documented in the record as Attachment J. In response to Lowe's inquiry pertaining to CWS Provider Letter, Holan referenced PDF Page 73 of staff report, dated November 24, 2014, noting the applicant has provided a copy of Permit No. 13-003043, attached as Attachment A. In response to Lowe's comments pertaining to elevations; reduction of setbacks; drainage and cumulative effect of rainwater runoff; cut-and-fill; and 80 percent of the lots being single-family detached; and project being a "subdivision", the consultants stressed the protection of Gales Creek corridor and wetlands lays with CWS and the City will not accept any development application as complete without a Service Provider Letter from CWS, stressing they must comply with approval criteria for storm water management and storm drainage facilities throughout the project site, referencing documentation

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in the record; street cross-sections address topography and strives to reduce cut-and-fill; planned development allows flexibility to meet density requirements of the zone; and noted that most planned developments are defined as “subdivisions”. In response to Lowe’s comments pertaining to zoning discrepancies of the property, Holan clarified the 1979 zoning map identified the property as high-density residential; however, the property was zoned by the County as Exclusive Farm Use (EFU) up until the property was annexed into the City in 2004 and was rezoned to Multifamily High-density (RMH). Holan added the southeastern most part of the property annexed in 2005 was considered for medium-density residential zoning during the annexation process but was not approved.

In response to Uhing’s inquiry pertaining to reasons the project qualifies for a planned development pursuant to the Development Code, the consultants replied the proposed Gales Creek Terrace development concept requires flexibility in order to accommodate a variety of housing types, including duplexes, attached townhouses and single-family detached dwellings on lot sizes ranging from 26’ to 40’ in width (24’ lots originally proposed have been removed from the site plan), stressing the development concept is not possible without the flexibility provided by the planned development section of the Development Code, including reducing lot sizes, reducing side-yard and front-yard setbacks, and deviating from typical street cross-sections to address slope constraints, pointing out Gales Creek Terrace Planned Development is designed to address a market niche that is not anticipated or accommodated by the City’s base zone standards for the RMH zone, noting otherwise, the development concept would be a five/six story apartment tower, which would have required massive cuts-and-fills. In response to Uhing’s inquiry pertaining to traffic impact study, the consultants replied they submitted a Traffic Analysis Summary conducted by licensed Traffic Engineer Frank Charbonneau, whose reports include projections of traffic impacts and functioning at key intersections, noting the City Engineer has concurred with the traffic study findings, referencing documentation in the record.

In response to Kidd’s inquiry pertaining to parking discrepancies, the consultants replied that until the road alignments are resolved, they could not provide a precise number of parking spaces; however, the consultants gave a highlighted summary of the anticipated parking spaces per dwelling, stressing the parking ratio proposed is more than three times the minimum requirement in the Development Code. In response to Kidd’s inquiry pertaining to 19th Street improvements, the consultants replied 19th

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Street would have a 66' width and eventually would be constructed to 40' width, curb-to-curb with standard sidewalks and street trees on both sides of the road, referencing documentation in the record.

Public Hearing Closed:

Mayor Truax closed the de novo Public Hearing.

Before proceeding with the Council discussion, Mayor Truax asked for a motion to adopt Order No. 2014-06.

Crean read Order No. 2014-06 by title.

MOTION: Councilor Lowe moved, seconded by Councilor Kidd, to adopt Order No. 2014-06 Approving Gales Creek Terrace Planned Residential Development (File No. PRD-14-00181). Applicant: Gales Creek Development, LLC (Morgan Will and Tripti Kenzer), and Authorizing the Mayor to sign at a later date the Order and Findings and Conditions of Approval (Exhibit A) upon final legal review by the City Attorney.

Council Discussion:

Lowe indicated her support of the Planning Commission's decision, noting this is a unique and beautiful piece of property and we only get to do this once. Lowe indicated the Planning Commission's concerns remain unaddressed, pointing out Dee Court still has a hammerhead instead of a cul-de-sac; setback reductions are too severe; uncertainty if D Street will be extended in the future; 80 percent of the lots smaller than 3,500' is a no go for her; lot frontages less than 50' do not provide adequate play area; street trees are required by code on both sides of the road; and the revised application reinstates 20' setback to garages but sacrifices streets as a result.

Thompson indicated his support and upheld the appeal, comparing three previously proposed development submissions for Gales Creek Terrace, and stating the area has been zoned since 1980 as high-density housing, which this proposed project provides; future road systems are designated in the Transportation System Plan; floodplain was previously addressed; style of proposed housing products are marketable and are needed in Forest Grove based on census data and younger population; and trail system is designated in the Parks and Trail Master Plan.

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Kidd indicated support and upheld the appeal, stating his concerns about the floodplain have been addressed; open space requirements are addressed; greenway connects to the City's "emerald necklace"; density and approval criteria are met; though he has a hard time accepting 3' setbacks, it is not a deal breaker; water retention facilities are addressed; parking concerns have been addressed; traffic system plan will be completed in the future; roadways will have street trees as required by code; and concurred State law defines planned development as a "subdivision".

Uhing indicated support and upheld the appeal, stating she attended a housing summit and there is a need for this type of housing market, stressing the City's need for affordable housing. Uhing added though concerns raised caused her to struggle with her decision, she was unable to find a legal reason justifying denial of the project.

Council President Johnston indicated his support of the Planning Commission's decision, stressing the City needs affordable housing but not on top of each other or forced upon. Johnston added he does not always agree with Metro in regards to density and he does not think the best possible procedure was used in this process, noting he still has many concerns.

Mayor Truax echoed Uhing's comments, citing "the law is the law". Mayor Truax also echoed Council President Johnston's comments about affordable housing, noting Forest Grove has a responsibility to provide affordable housing and housing mix.

Hearing no further discussion from the Council, Mayor Truax asked for a roll call vote on the above motion.

ROLL CALL VOTE: AYES: Councilors Kidd, Thompson, Uhing, and Mayor Truax. NOES: Councilors Johnston and Lowe. ABSTAINED: Councilor Wenzl. MOTION CARRIED: 4-2.

Councilor Wenzl returned to the dais at 11:40 p.m.

7. CITY MANAGER'S REPORT:

Due to the late hour, Sykes deferred his updates and instead distributed a copy of his written report, which outlined various meetings he attended

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and provided updates on various City department-related activities, projects, and upcoming city-wide events.

8. COUNCIL COMMUNICATIONS:

Due to the late hour, Mayor Truax deferred Council Communications until the next regular Council Meeting.

9. ADJOURNMENT:

Mayor Truax adjourned the meeting at 11:45 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder