

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 1**

*Minutes are unofficial until approved by Council.
Council approved minutes as presented October 13, 2008.*

1. ROLL CALL:

Mayor Richard Kidd called the regular City Council meeting to order at 7:10 p.m. and led the Pledge of Allegiance. **ROLL CALL: COUNCIL PRESENT:** Victoria Lowe, Camille Miller, Thomas Johnston, Ronald Thompson, Peter Truax, and Mayor Richard Kidd. **COUNCIL ABSENT:** Elena Uhing, excused. **STAFF PRESENT:** Michael Sykes, City Manager; Chris Crean, City Attorney; Jon Holan, Community Development Director; James Reitz, Senior Planner; and Anna Ruggles, City Recorder.

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 (Sidewalk Ordinance) Meeting Minutes of September 8, 2008.
- B. Approve City Council Regular Meeting Minutes of September 8, 2008.
- C. Approve City Council Joint Legislative Work Session Meeting Minutes of September 11, 2008.
- D. Accept Committee for Citizen Involvement Meeting Minutes of July 8, 2008.
- E. Accept Public Arts Commission Meeting Minutes of August 14, 2008.
- F. ITEM REMOVED, REFER BELOW.
- G. Community Development Department Monthly Building Activity Report for August 2008.
- H. Fire Department Monthly Statistics Report for August 2008.
- I. Police Department Monthly Statistics Report for August 2008.

MOTION: Councilor Truax moved, seconded by Councilor Lowe, to approve the Consent Agenda as amended. **ABSENT:** Councilor Uhing.
MOTION CARRIED 6-0 by voice vote.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 2**

3. F. ACCEPT RESIGNATION ON COMMITTEE FOR CITIZEN INVOLVEMENT
(JOLYNNE PENA, TERM EXPIRING DECEMBER 31, 2011)

Johnston removed the above item from the Consent Agenda and recognized Pena for her meritorious service to the City and the Committee for Citizen Involvement.

Hearing no further discussion from the Council, Mayor Kidd asked for a motion and vote to approve Consent Agenda 3. F. as presented.

MOTION: Councilor Truax moved, seconded by Councilor Lowe, to approve Consent Agenda Item 3. F. as presented. ABSENT: Councilor Uhing. MOTION CARRIED 6-0 by voice vote.

4. ADDITIONS/DELETIONS: None.

5. PRESENTATIONS: None.

6. PUBLIC HEARING AND RESOLUTION NO. 2008-61 APPEAL OF THE
PLANNING COMMISSION'S DENIAL OF THE PROPOSED ROSE GROVE
RECREATIONAL VEHICLE PARK, LOCATED AT 4015 PACIFIC AVENUE.
APPLICANT: ROSE GROVE MOBILE HOME PARK (CHARLES AND DOROTHY
ROYCE). FILE NO. CU-08-01

Staff Report:

Holan and Reitz presented two proposed resolutions for Council consideration: 1) Resolution No. 2008-61 (Agenda Item 6.1) sustaining the Planning Commission's decision and denying the Appeal; and 2) Resolution No. 2008-61 (Agenda Item 6.2) reversing the Planning Commission's decision and approving the Appeal and Conditions of Approval. Holan and Reitz reported the Planning Commission denied the application based on the following Findings: 1) Testimony was provided that the applicant has an existing 21-unit recreational vehicle (RV) park on the property in which RV's are used as primary residences; 2) The Commission found that the City could not limit the length of residency in a RV park pursuant to ORS 197.493; 3) The Commission found the applicant's application for an additional 21-unit RV park was intended to be used as a Single-Family Residential Use in a Community Commercial Zone; 4) Public testimony indicated that residents of the Rose Grove Mobile Home Park trespassed onto and damaged adjacent

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 3**

properties; 5) Public testimony indicated that on-going nuisance activity (criminal, gangs, and graffiti) occurred at the existing Rose Grove Mobile Home Park and RV park; and 6) The Commission found that because no landscape plan was submitted by the applicant, the applicant did not demonstrate the proposal would provide adequate landscaping and aesthetic design to mitigate the effect of the proposed RV park on the surrounding properties and uses. Holan advised that after the Planning Commission's denial, staff found that ORS 446.310(12) provides a provision that allows the City authority to limit the length of stay, noting the proposed Conditions of Approval, as outlined in Resolution No. 2008-61, Exhibit A (Agenda Item 6.2), proposes to limit the length of stay to 31 days, which would ensure compliance with the Community Commercial Zone. In addition, Holan advised the proposed Conditions of Approval also require the applicant to submit a landscape plan to be reviewed and approved by the Community Development Director. In conclusion, Holan advised the Council would need to determine if the alleged nuisance and criminal activity was relevant to the approval criteria for a Conditional Use Permit application.

Public Hearing Opened and Conduct of Hearing:

Mayor Kidd opened the Public Hearing (de novo hearing).

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

Lowe declared no ex-parte contact or conflict of interest.

Johnston declared familiarity of the area of the Rose Grove Mobile Home Park.

Miller declared familiarity of the area of the Rose Grove Mobile Home Park and being a former resident.

Thompson declared volunteering in various community-outreach programs that have occurred at the Rose Grove Mobile Home Park.

Truax declared no ex-parte contact or conflict of interest.

Mayor Kidd declared familiarity of the area of the Rose Grove Mobile Home Park.

Challenges From Parties Against Council:

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 4**

None declared.

Applicant Testimony:

Michael Robinson, Perkins Coie, 1120 NW Couch Street, Tenth Floor, Portland, OR 97209-4128, representing the applicants (Dorothy Royce, Rose Grove Mobile Home Park), briefly outlined the proposed 21-space RV park design and asserted the application has satisfied the Conditional Use Permit approval criteria pursuant to Forest Grove Zoning Code Section 9.873(1-4). Robinson submitted a letter, dated September 22, 2008, into the record outlining reasons the City Council should reverse the Planning Commission's decision and approve the appeal. Robinson argued the Planning Commission erred in its Finding, citing the Planning Commission had unsubstantiated evidence in the record indicating the applicant intended to use the RV park as Single-Family Residential Use, because the Planning Commission had the authority to impose a Condition of Approval limiting the length of stay and the applicant testified that they would agreed to limit the length of stay. Robinson asserted in 1997, the Planning Commission determined that recreational vehicle facilities were conditionally-permitted similar use in the Community Commercial Zone and approved the same application in 2005 based on the 1997 decision. Robinson argued the lack of submitting a landscape plan to the Planning Commission was also not a basis for denial, because the Planning Commission imposed a Condition of Approval in 2005 requiring the landscape plan to be submitted to the Community Development Director. In addition, Robinson argued there was unsubstantiated evidence of police reports pertaining to property damage, criminal or gang-related activities occurring. In addition, Robinson asserted the Planning Commission focused on the existing mobile home park and not on the application before them. In conclusion, Robinson urged the Council to reverse the Planning Commission's decision and approve the application with specified Conditions of Approval.

Dorothy Royce, PO Box 1750, Pacific Palisades, CA 90272, applicant and owner of Rose Grove Mobile Home Park, briefly outlined the proposed 21-space RV park design and asserted the application has satisfied the Conditional Use Permit approval criteria pursuant to Forest Grove Zoning Code Section 9.873(1-4). Royce testified her tenants are committed to being good neighbors and citizens of Forest Grove, noting her tenants are required to submit a criminal background check and follow very strict guidelines. Royce testified there has been no reportable evidence of

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 5**

property damage, criminal, or gang-related activities occurring, noting the current park managers have worked very hard to improve the appearance of the park and have sponsored various community-outreach programs for its tenants, including various children activities, sports events, and food and clothing distribution programs. In conclusion, Royce advised she is committed to comply with any Conditions of Approval and willingly gave Council her personal telephone number where she could be reached if needed.

Proponents:

Brenda Tumlinson, Rose Grove Mobile Home Park tenant, testified she has resided at Rose Grove 18 years and has never been fearful and routinely walks through the park at night. Tumlinson affirmed the managers have worked very hard to improve the park and have sponsored various summer activities and programs for tenants. In conclusion, Tumlinson voiced support of the RV park, noting the park would be an asset to Forest Grove and would boost Forest Grove's economy.

James Lewis, Rose Grove Mobile Home Recreational Park tenant, testified he has resided at the current Rose Grove RV park two years and is a long-term tenant, noting he receives on-going medical treatment in Forest Grove. Lewis affirmed the managers take care of tenant problems or issues immediately.

Dan Vega, Rose Grove Mobile Home Park tenant, testified he has resided at Rose Grove nine years and raised his children at Rose Grove and has never felt unsafe. Vega affirmed the tenants are friendly and kids play together and ride bicycles through the park without parents being fearful.

Kathryn LaBarge, Rose Grove Mobile Home Park tenant, testified she has resided at Rose Grove 29 years and is very happy and has never felt fearful. LaBarge affirmed the managers have worked very hard to improve the park and installed new lighting. LaBarge willingly gave Council her telephone number where she could be reached if needed.

Steven Wolford, Rose Grove Mobile Home Park tenant, testified he has resided at Rose Grove five years and affirmed that many park improvements have occurred. In conclusion, Wolford voiced support of the RV park, noting the RV park would improve Forest Grove and increase tourism.

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 6**

Mary Sohlu-Evig, Rose Grove Mobile Home Park tenant, testified she has resided at Rose Grove 20 years and has never had problems. Sohlu-Evig affirmed the park has drastically improved and is well maintained. In conclusion, Sohlu-Evig voiced support of the RV park, noting the RV park would be an asset to Forest Grove and would be an improvement to the current vacant lot.

Monica Grajeda, Rose Grove Mobile Home Park tenant, testified she has resided at Rose Grove 18 years and raised her children at Rose Grove. Grajeda affirmed the park has drastically improved and is well maintained. In conclusion, Grajeda voiced support of the RV park, noting the park would improve the vacant lot and help prevent people from trespassing and graffiti tagging.

Opponents:

Scott Mary, Best Western University Inn, 61547 Tam McArthur Loop, Bend, OR 97702, testified in opposition and urged Council to uphold the Planning Commission's decision and deny the Appeal because the application did not comply with the current Conditional Use criteria. Mary summarized a conversation he had with the applicant's attorney pertaining to the landscape plan. Mary asserted that he has not received a copy of the landscape plan so that he could see the design and discuss options with the applicant. Mary questioned the City's ability to set time limitations on the length of stay and the overall appearance of a RV park located near the gateway into Forest Grove. In addition, Mary cited concerns pertaining to various nuisance activities that have occurred at the Best Western.

Others:

No one wished to testify and no written comments were received.

Public Agencies:

None declared and no written comments were received.

Staff Response to Testimony:

In response to testimony, Holan confirmed the current application essentially duplicates the application the Planning Commission approved in 2005; however, the Planning Commission's decision to deny the current application was based on other factors, particularly the inability to regulate

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 7**

the length of stay, potential trespassing, nuisance concerns, and failure to submit a landscape plan.

Rebuttal:

Michael Robinson, Perkins Coie, 1120 NW Couch Street, Tenth Floor, Portland, OR 97209-4128, representing the applicants (Dorothy Royce, Rose Grove Mobile Home Park), rebuttal to testimony heard and summarized a conversation he had with Mary pertaining to the landscape plan, citing his client desires to be a good neighbor and will work with staff to submit an approved landscape plan. Robinson reiterated his earlier testimony, asserting that there was unsubstantiated evidence of police reports pertaining to property damage, criminal or gang-related activities occurring.

In addition, Robinson affirmed he has a great deal of respect for the Planning Commission; however, he stated he believes the Planning Commission erred in this decision for the reasons he stated earlier. In addition, Robinson reaffirmed his client understands the park is to remain an RV facility and is committed to accept the Conditions of Approval.

Council and Applicant Review of the Conditions of Approval:

Mayor Kidd opened the floor to allow the Council and applicant time to discuss and review the Conditions of Approval, attached to Resolution No. 2008-61 (Agenda Item 6.2.). Based on the above discussion and review, the following Conditions of Approval were proposed as follows:

Condition 5:

Length of stay shall be limited to *not more* than one month (31 days) *cumulative in one calendar year.*

Lowe and Johnston concurred with limiting the length of stay to 31 days cumulatively.

Condition 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, but shall not be reasonably withheld, and the plan shall be submitted for review and approval by the Community Development Director prior to the issuance of a building permit.*

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 8**

Robinson requested that Council consider inserting the above language "*but shall not be reasonably withheld*", to which Council collectively concurred.

Condition 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.

Holan suggested the above amendment, to which Council collectively concurred.

Condition 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.

Mayor Kidd suggested amending the above Condition and proposed installing a CMU wall, noting the wall would obscure the RV park, provide better security, and would be aesthetically pleasing, similar to the wall that was installed by E Street.

Johnston and Thompson opposed installing a CMU wall and instead suggested installing a wrought iron fence to deter graffiti activity and to enhance the entrance into Forest Grove. Lowe, Miller, and Truax voiced concurrence that a wrought iron wall could deter graffiti activity.

Condition 18:

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 9**

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.

Lowe suggested adding the above Condition, to which Council collectively concurred.

Condition 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.

Mayor Kidd suggested adding the above Condition; however, Robinson voiced concern pertaining to the above Condition because of the unknown costs and the Oregon Department of Transportation's sidewalk construction requirements.

Public Hearing Closed:

Mayor Kidd closed the Public Hearing.

Before proceeding with Council discussion, Mayor Kidd asked for a motion to adopt Resolution No. 2008-61 (Agenda Item 6.2.).

Crean read Resolution No. 2008-61 (Agenda Item 6.2.) by title.

MOTION: Councilor Truax moved, seconded by Councilor Johnston, to adopt Resolution No. 2008-61 (Agenda Item 6.2.), Approving an Appeal of the Planning Commission's Denial of the proposed Rose Grove Recreational Vehicle Park at 4015 Pacific Avenue, and Adopting the Conditions of Approval (File No. CU-08-01).

Council Discussion:

In response to Johnston's concern pertaining to providing sufficient parking for guests, Robinson outlined the parking design plan and affirmed the RV

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 10**

spaces provide additional parking. In response to Johnston's concern pertaining to the emergency vehicle turnaround radius, Holan affirmed the Fire Department has reviewed and approved its portion of the application. In response to Johnston's inquiry pertaining to conducting a premise history report, Holan affirmed the Police Department has not conducted a premise report.

Miller voiced concern of reversing the Planning Commission's decision, noting at the time the Planning Commission rendered its decision, the Planning Commission was unaware that ORS 446.310(12) provides a provision that allows the City authority to regulate the length of stay. In response to Miller's concern, Crean advised he was unaware of the ORS as well, noting the State statute is relatively new.

In conclusion of the above discussion, the Council collectively thanked the above citizens for providing testimony.

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

ROLL CALL VOTE: AYES: Councilors Lowe, Johnston, Thompson, Truax, and Mayor Kidd. NOES: Councilor Miller. ABSENT: Councilor Uhing.
MOTION CARRIED 5-1.

7. CITY MANAGER'S REPORT:

Sykes reported on upcoming events as noted in the Council calendar and reported on other various upcoming local meetings and events. In addition, Sykes distributed various handouts and reported on various City-related development and street projects.

8. COUNCIL COMMUNICATIONS:

Lowe reported she attended the Forest Grove Senior Center Board meeting, noting the Board discussed various programs. In addition, Lowe reported on the Parks and Recreation Commission meeting, noting the Commission discussed various park projects.

Johnston reported he attended the Washington County Public Safety Coordinating Committee meeting, noting the Committee discussed upcoming ballot measures. In addition, Johnston reported on the Public Safety

**FOREST GROVE CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2008 – 7:00 P.M.
COMMUNITY AUDITORIUM
PAGE 11**

Advisory Commission meeting, noting the Commission discussed legislative issues.

Miller reported on the Committee for Citizen Involvement meeting, noting the Committee is meeting with the various boards to assist with the implementation of the Vision Statement Action Plan. In addition, Miller reported on various upcoming Sister Cities-related activities.

Thompson had nothing to report.

Truax reported on the Lincoln Park Grand Opening Celebration and commended Tom Gamble, Parks and Recreation Director; Steve Huffman, Parks Crew Supervisor; and Susan Taylor, Parks and Recreation Commission Chair, for their outstanding participation and presentations. In addition, Truax reported on various community-wide and Forest Grove High School-related events.

Mayor Kidd reported on various Metro and Washington County meetings and tours he attended and upcoming meetings and events he was planning to attend. Mayor Kidd reported on various Washington County transportation issues, various regional and local issues, and various upcoming community events and activities. In addition, Mayor Kidd advised that he would be unable to attend the October 13, 2008, City Council meeting but has asked Truax to Chair the meeting in his absence.

9. **ADJOURNMENT:**

Mayor Kidd adjourned the meeting at 9:34 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder