

ORDER NO. 2014-06

ORDER APPROVING THE GALES CREEK TERRACE PLANNED RESIDENTIAL DEVELOPMENT (FILE NO. PRD-14-00181)

WHEREAS, the “Applicant”, Gales Creek Terrace, LLC filed an application for Planned Residential Development known as “Gales Creek Terrace” within the City of Forest Grove (“City”) on March 11, 2014; and

WHEREAS, the application was deemed complete on May 22, 2014; and

WHEREAS, the Forest Grove Planning Commission (“Planning Commission”) held a public hearing on the application on August 4, 2014; and

WHEREAS, after considering the evidence in the record including the application, staff report, and testimony from the applicant and the public, and considering the evidence against the applicable criteria, the Planning Commission voted to deny the application; and

WHEREAS, the Applicant filed a written appeal of the Planning Commission decision on the record on August 27, 2014; and

WHEREAS, the City Council scheduled a public hearing to be held on September 8, 2014, on the Planning Commission denial of the application; and

WHEREAS, on September 8, 2014, the Applicant requested a 90 day extension to revise the application; and

WHEREAS, the City Council tabled the September 8, 2014, public hearing to allow for revisions to the application; and

WHEREAS, the revised application includes 20 duplex, 20 attached single family attached dwellings and 157 detached single family homes on a variety of lot sizes; and development site is 47.42 acres, of which the application proposes to develop 13.2 net acres; and

WHEREAS, because the revisions modify the original proposal that was denied by the Planning Commission, the City Council was required to consider new evidence; and

WHEREAS, the City Council held a public hearing on the revised application on November 10, 2014, at which time the City Council received additional written evidence and heard testimony from the applicant and members of the public; and

WHEREAS, notice of the City Council’s November 10, 2014, public hearing was mailed to affected parties within 300 feet of the subject property and to persons who previously participated in the application review process on October 21, 2014; and

WHEREAS, notice of the City Council's November 10, 2014, public hearing was published on November 5, 2014 in the *Forest Grove NewsTimes* as required by the Forest Grove Development Code; and

WHEREAS, the City Council continued the public hearing to November 24, 2014; and

WHEREAS, at the November 24, 2014, public hearing the City Council received additional written evidence and heard testimony from the applicant and the public, closed the hearing, deliberated and reached a final decision.

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

Section 1. The City Council adopts the Findings attached as Exhibit A to this Order.

Section 2. After full consideration of the application, staff reports, findings, evidence in the record and public testimony, the City Council upholds the appeal, reverses the Planning Commission decision and approves the Gales Creek Terrace Planned Residential Development (File No. PRD-14-00181).

Section 3. This order shall be effective upon its enactment by the City Council and approval by the Mayor.

PRESENTED AND PASSED on the 24th day of November, 2014



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 2nd day of December, 2014.



Peter B. Truax, Mayor

EXHIBIT A

Gales Creek Terrace Planned Residential Development PRD-14-00181

Findings

General Findings

1. The site consists of 47.72 gross acres. About one-half of the area is proposed for development amounting to 25 gross acres. The balance of the site is within the Gales Creek floodplain. The net developable area of the site is approximately 13.20 acres.
2. The urban growth boundary crosses the property and generally follows the 180 foot elevation contour and the Gales Creek floodplain.
3. A majority of the site is in pasture or agricultural use with trees located along Gales Creek. There are two single-family homes and several out buildings that would be removed for the development.
4. The site is currently designated as High Density Residential on the Forest Grove Comprehensive Plan map and Multifamily High Density (RMH) on the Zoning Map. The target development density is 20.28 units per net acre with a minimum development density of 16.18 dwellings per net acre. The proposed development meets the density requirements of the zone.
5. The area to the west of the development site is designated Multifamily High Density. The area to the east is designated Multifamily Low Density. The area to the north is designated Institutional. The area to the south is in the Gales Creek Floodplain and is designated Exclusive Farm Use by Washington County.
6. The site is located in proximity to the Gales Creek floodplain. In general, for this site the location of the 100-year floodplain elevation establishes the location of the urban growth boundary (UGB). Research indicates the UGB was established based on a 1974 floodplain study prepared by Washington County.

City Services

Sanitary Sewer – Limited sanitary sewer facilities are currently available to the site. A sewer line exists at D Street and at Pacific Avenue east of E Street. A sewer line exists in the 18th Avenue right-of-way just east of the D Street intersection.

The City Engineering has indicated that sanitary sewer service could be extended to serve the site at the developer's expense. The Forest Grove Sanitary Sewer Master Plan stipulates that a gravity sewer line be constructed from the existing pump station located at B Street just south of 16th Avenue. The Sanitary Sewer Master Plan shows a 10 inch trunk line extension along the south edge of the development site.

The off-site sanitary sewer extension would traverse City-owned property through an existing easement. The City acquired this property concurrent with a previous proposal to develop the Gales Creek Terrace site. This site is contaminated but a letter of No Further Action has been issued by the Oregon Department of Environmental Quality.

The project conditions of approval stipulate that the applicant must enter into a hold harmless agreement with the City to mitigate possible environmental contamination encountered as part of the sewer line installation.

Once installed, the sanitary sewer line would allow all properties west of Gales Creek Terrace to develop. Because the line will be oversized, the City may participate in the oversizing expenses.

Water – Six inch cast iron water lines have been installed in D Street, 19th Avenue and 18th Avenues. Eight inch water lines will be installed by the developer within the Gales Creek Terrace development. These facilities would be adequate to provide domestic service and fire flows. The water line along Dee Court will not be a looped system. Adequacy of water quality and flow will be addressed through the public improvement agreement to be executed between the developer and the City's Public Works Department.

Storm Drainage – No City-standard storm drainage line exists in the Gales Creek Terrace area. The Forest Grove Waste Water System Master Plan shows a 12 inch PVC line along Pacific Avenue adjacent to Tom McCall Middle School. The applicant is responsible for constructing City-standard storm drainage facilities throughout the project site to the satisfaction of the City Engineer.

Fire Protection/Access – The Forest Grove Fire Department has the ability to provide emergency response to the Gales Creek Terraced development. Fire hydrants will be installed consistent with Fire Code requirements. Blue reflective pavement markers will be also be installed at street center lines to highlight the location of fire hydrants. The Fire Department has expressed concern about the Dee Court hammerhead turn-around. The hammerhead is less desirable than a cul-de-sac configuration. A cul-de-sac may not be possible in this location due to site constraints including slope. A hammerhead should be secured to prevent parking by residents and visitors. The City's Engineering Division has determined that cul-de-sac at the end of Dee Court would result in a 12 foot high retaining wall at the property line. In addition installation of a cul-de-sac will result in the elimination of 2 lots.

Electrical Service – The project will be served by underground utilities including for electrical service. Extension of electrical service will be at the developer's expense. Forest Grove Light and Power provided documentation in the record that the Gales Creek Terrace project could be served by Forest Grove Light and Power. Forest Grove Light and Power has experienced the following issues in small lot projects which will be addressed by this project as well through project conditions of approval

Streets – The site plan shows several east-west streets including an extension of 18th Avenue and 19th Avenue. The street system appears logical and takes existing slope characteristics into consideration. In addition the site plan shows a new east-West Street identified as 20th Avenue. 19th Avenue and 18th Avenue are identified to have 54 feet right-of-way. 20th Avenue is identified with a 54 foot right-of-way except adjacent to abutting tax lot 403 where the right-of-way will be 46 feet until developed in the future.

The proposal includes several street cross-sections (Attachment F to the November 10, 2014 staff report). These street cross-sections address the topographical character of the development site and strive to reduce cut and fill. In general, streets are designed to

act as terraces parallel to Gales Creek. The typical street cross-sections are described below.

Street Design 2b – Street design 2b applies to Dee Court. The cross-section includes a 40 foot right-of-way with two 10 foot wide, paved travel lanes. An eight foot wide parking strip is provided along the north side of the street. A 4.5 foot landscaped strip/parkway is provided along the north side of the street. The south side of the street includes a 6 foot wide sidewalk. The standard for a local street in areas with slope constraints is 50 feet of right-of-way with a minimum roadway width of 15 feet if traffic is one way and parking is not permitted. Such a cross-section requires approval of the City Engineer. A deviation from the Development Code standard is required for this cross-section.

Street Design 4 – Street design 4 applies to the Dee Court hammerhead. This cross-section includes a 28 foot right-of-way which is somewhat larger than the proposed alleys at 24 feet in width. Under the Development Code, cul-de-sacs must terminate with a turnaround (DC 10.8.610(K) (1)). Use of a turnaround configuration other than circular must be approved by the City Engineer. Due to the slope constraints of the area, the City Engineer accepts the hammerhead turn-around as the preferred design solution.

Street Design 5b – Street design 5b applies throughout the development including E Street, H Street, 18th Avenue east of E Street, 19th Avenue, and 20th Avenue east of H Street. Street design 5b includes a 54 foot wide right-of-way with two 8 foot wide travel lanes and two 8 foot wide parking strips on both sides of the street. A five foot wide planting strip is provided on both sides of the street. A five foot wide sidewalk is provided on both sides of the street. The standard local street cross-section is 58 feet of right-of-way with 32 feet of roadway width. A deviation from the Development Code standard is required for this cross-section.

Street Design 6b – Cross-section 6b applies to 18th Avenue and 19th Avenue east of G Street and west of E Street. Street design 6b includes a 46 foot wide right-of-way with two foot wide travel lanes and an 8 foot wide parking strip on both sides of the street. This cross-section includes a six foot wide sidewalk on the north side of the street and a five foot wide sidewalk on the south side of the street. A five foot planting strip is provided along the south side of the street. The standard local street cross-section is 58 feet of right-of-way with 32 feet of roadway width. A deviation from the Development Code standard is required for this cross-section.

Street Design 8b – Street design 8b applies to 20th Avenue west of H Street. Street design 8b includes a 46 foot wide right-of-way with a sidewalk on one side of the street. The cross-section includes two 8 foot wide travel lanes with 8 feet of parking on both sides. This cross-section also includes a five foot planter strip on the south side of the street and a five foot sidewalk also on the north side of the street. A 2.5 foot area is provided between the curb and property line on the north side of the street. This cross-section generally applies to 20th Avenue. A deviation from the Development Code standard is required for this cross-section.

Street Design 10b – This design is for the alleys within the development. This cross-section includes 24 feet of right-of-way with two concrete 9 foot wide travel lands. There will be 3 feet of right-of-way on either side of the travel lanes within the 24 feet of right-of-way. The alleys will be posted for no parking. The standard alley improvement is a minimum right-of-way of 15 feet with 12 feet of pavement (DC Table 8-8 – Street

Standards).

19th Avenue Right-of-Way – 19th Street will be improved to city standards to development site. The full right-of-way is 66 feet wide. A parcel and existing home lie within the full 19th Street right-of-way. The property is currently owned by the developer. The home and land will be donated to the City in the future. The terms of the transfer of the land and home will be included in the developer agreement for public improvements with the City. The home and land will likely be transferred when the developer receives a construction loan or no later than issuance of 20th building permit within the phase served by 19th Avenue. The City will improve 19th Avenue after the home and land is transferred to the City and the roadway is needed to serve the development.

19th Avenue will provide primary access to the western portion of the development site. The Transportation System Plan identifies 19th Avenue as an Arterial street to the development site. 19th Avenue from C Street to the development site will be improved to arterial standards with a 66 foot right-of-way. This street will eventually be 40 feet wide curb to curb with standard sidewalks and street trees on both sides of the road.

18th Avenue will also provide access via D Street. 18th Avenue within the development site will have a 54 foot wide right-of-way with a 16 feet paved street lanes and 8 feet of parking on both sides of the street.

E Street is intended to be a primary access point into the development. Other access points include G Street and H Street.

Schools – Tom McCall Upper Elementary School is the closest school facility to the Gales Creek Terrace development site. The facility is generally within walking distance of the Gales Creek Terrace development. According to the Forest Grove Comprehensive Plan (2014), Tom McCall west has a capacity of about 500 students. Tom McCall west has a capacity of about 300 students but is designed to accommodate an additional 200 students. Current enrollment is approximately 960 students.

The Forest Grove School district has adequate capacity available or will make capacity available to serve the development. The City does not have the authority to deny a development application based on school capacity concerns.

Alleys – Alleys are proposed within Phase 3 and will serve the duplex housing units. Alleys will be constructed to standard 10b described above. This cross-section includes a 24 foot wide right-of-way and 18 feet of pavement and asphalt aprons. The standard alley improvement is a minimum right-of-way of 15 feet with 12 feet of pavement (DC Table 8-8 – Street Standards).

This application is reviewed based on the Development Code criteria for planned developments and subdivisions. The criteria are identified below.

Planned Development Approval Criteria

1. The plan fulfills the purpose for Planned Developments in Section 10.4.200;
2. The plan meets the submittal requirements of Section 10.4.220(B);
3. Adequate public services exist or can be provided to serve the proposed Planned Development; and

4. Where a tentative subdivision plan is requested the requirements of Article 8 are met.

Analysis of Planned Development Approval Criteria (DC 10.4.220(C))

1. The preliminary Gales Creek Terrace Planned Development fulfills the purpose of Planned Development as identified in Development Code Section 10.4.200.
 - a. Promote flexibility and innovation in the site design and permit diversity in the location of structures.

Applicants Response: The Applicant's application narrative (May 16, 2014), p. 12-13 provides an overview of how the application meets criterion a. above:

The Gales Creek Terrace Planned Development is designed to address a need for a housing product that is not anticipated or accommodated by the City's base zone standards for the RMH zone. Specifically, the base zone standards permit attached unit types and assumes their construction is necessary to realize the City's target density range for the RMH zone, i.e. between 16.22 and 20.28 dwelling units per net acre of land. The applicant intends to apply flexibility and innovation in site design and location of structures which will allow construction of a development with "Single Units, Detached," duplexes, and attached townhomes. Single unit detached housing is a housing type identified in Table 3-2 and with lot dimensions similar to those of single family attached as shown in Table 3-6:

<u>Housing Type</u>	<u>Minimum Lot Size</u>	<u>Lot Dimensions</u> ^[1]	
Single-family detached	3,500 SF	Depth: 70ft	Width: 50ft
Manufactured home	3,500 SF	Depth: 70ft	Width: 50ft
Duplex	4,200 SF	Depth: 70ft	Width: 60ft
Single-family attached	2,500 SF	Depth: 70ft	Width: 25ft
Single-family attached (RMH zone only)	2,000	Depth: 70 ft/ 65ft ²	Width: 20ft
Multi-unit	7,000 SF	Depth: 70ft	Width: 100ft
Other uses	5,000 SF	Depth: 70ft	Width: 50ft

Jurisdictions throughout the Portland Metropolitan Area – including Forest Grove – have implemented a series of changes in zoning and development regulations over the past two decades. The primary purpose has been to reduce sprawl and to ensure that actual development as it occurs will be consistent with housing land need projections to accommodate population trends in the community.

In the private market for new housing, these policies and market forces (notably, costs for raw land and improvements) have combined to produce a trend toward siting houses on smaller lots to achieve efficiencies while meeting demand for a popular preferred housing type. Designs for detached single family dwellings have evolved in response, with the result that increasing numbers of buyers – especially first-time home buyers – are attracted to detached homes on small lots for reasons of affordability, low maintenance, and (as always) location.

Gales Creek Terrace satisfies the RMH-zone residential density standard using a

variety of lot sizes for detached single-family residential homes that will be suitable and attractive for many households in Forest Grove.

Staff Analysis: The development concept, as proposed, requires flexibility in order to accommodate the variety of housing types proposed and to address slope constraints as documented in the application. The applicant proposes creating a residential neighborhood with 197 housing units including duplexes, attached townhomes, and single family detached dwellings on lot sizes ranging from 26 feet to 40 feet in width. The 24 foot wide lots originally proposed have been removed from the site plan. The number of housing units proposed for the development site is consistent with the density requirements of the Multifamily High Density (RMH) residential zone. This 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. For the reasons stated above, this criterion is met.

- b. Promote efficient use of land and facilitate a more economical arrangement of buildings, circulation systems, land uses and utilities when compared with conventional development patterns.

Applicant Response: The applicant's response is provided on page 13 of the applicant's May 16, 2014 narrative. This response was modified on October 16, 2014 to incorporate a variety of housing types including duplexes and attached townhomes.

Staff Analysis: The development concept promotes the efficient use of land. This is achieved by meeting the density requirements of the RMH zone as demonstrated by the density analysis provided by the applicant. The deviation from typical single family residential lot widths facilitates a more economical arrangement of buildings, circulation systems, land uses and utilities when compared with typical single family residential developments. For the reasons stated above, this criterion is met.

- c. Preserve to the greatest extent possible existing landscape features and amenities, and incorporate such features into the design of the Planned Development.

Applicant Response: The subject property's dominant characteristic is its proximity to the Gales Creek corridor. The property's natural topography slopes downhill from a bench adjacent to Pacific Avenue, resulting in a series of terraces that can be used to frame and enhance south-facing views for new homes. Specifically, the east-west streets form terraces parallel to the Gales Creek corridor at successively higher elevations as one proceeds farther to the north. The north-south oriented lots make a transition, such that homes on lots to the north will have their principal finish floor elevations several feet above the neighboring homes to the south. The effect is similar to elevated tiers of seats in an auditorium, improving view relationships.

In addition, to framing attractive views into the Gales Creek riparian corridor from streets and home sites, the project includes creation of a tract in which the City of Forest Grove can extend a planned off-street path along the Gales Creek

corridor. The project will preserve stream setbacks and create an open space adjacent to the stream and path corridor for use by residents. These design features comply with the approval criterion.

Staff Analysis: The development concept preserves the existing Gales Creek corridor and incorporates this amenity into the design of the Planned Development. This is achieved by establishing several tracts to preserve the Gales Creek corridor.

The site plan shows Tract P intended to provide pedestrian access to the Creek for enjoyment by neighborhood residents.

As noted above, the streets are designed to create terraces paralleling the Gales Creek corridor. The attached slope profile shows how the building and streets relate to slope contours. For the reasons stated above, this criterion is met.

- d. Combine and coordinate architectural styles, building forms and building relationships within the Planned Development.

Applicant Response: Within the Planned Development, the Applicant intends to coordinate home siting to allow a detached “zero-lot-line” configuration in which building setbacks are specified to maximize the functional utility of each home’s side and rear yard areas. The proposed minimum six-foot building separation along the side lot lines can be shifted in relation to the property line so that each home can have on usable six-foot wide side yard or two three-foot side yard on both sides. A “zero-lot-line” is achieved using one-foot/five foot building setbacks in relation to property line, with easements to clarify issues of occupancy/use, access for building maintenance and repair, and so forth. A successful example of this configuration can be found in the recently approved Casey Meadows developments.

Within the context of these prescribed building relationships, lots within the site are suitable for a variety of home styles and sizes, and can be constructed by multiple home builders in order to achieve an interesting mix of architectural treatments and styles that will add interest and character to newly created neighborhood areas. This proposal meets this criterion.

Staff Analysis: The revised development plan includes combining duplexes, attached townhomes and detached single family dwellings in the development. For the reasons stated above, this criterion is met.

- e. Provide the applicant with reasonable assurance of ultimate approval before requiring detailed design and engineering, while providing the City with assurances that the project will retain the character envisioned at time of approval.

Applicant Response: The complex topography of the site has required the Applicant’s design team to “push the envelope” of civil engineering design farther than a more typical (or at least a less topographically complicated) site would require. Owing to the site’s topography, the requirement to extend the gravity sewer trunk line, and the need to ensure the horizontal and vertical alignments of streets will be feasible, have required substantial effort devoted to civil engineering design for the site’s utility system components and access/circulation

routes. The submitted plans document the results of these investigations and design problem-solving efforts. Approval of the plans will enable the Applicant to proceed with confidence into the next phase of the development process i.e. preparing detailed plans for construction, a subdivision final plat, and all of the supporting documents they require.

Staff Analysis: City Council acceptance of the revised development concept will provide the applicant with reasonable assurance of approval of the final plan. In addition, City Council acceptance of the revised development concept will provide the City and nearby property owner's assurance that the project will retain the character envisioned at time of approval. For the reasons stated above, this criterion is met.

Planned Development Standards (DC 10.4.215)

- A. Base Zone Standards. The development standards of the base zone apply unless they are superseded by the standards of Planned Development section of the Development Code or the Planned Development approval.

Applicant Response: Gales Creek Terrace is proposed as a Planned Development to create a specific neighborhood scale, context, and range of home styles. The Planned Development process allows the City of Forest Grove to evaluate and approve a specific set of dimensional standards that is unique to Gales Creek Terrace, in lieu of using base zone standards designed for general applicability outside the Planned Development approval process. Specific development standards are provided in detail and discussed under the specific subsection headings below.

Staff Analysis: The base zone is Multifamily High Density (RMH). The application addresses the base zone standards including density, housing type, and lot dimensions. The planned development process allows for the flexible application of clear and objective development standards applicable to the base zone. For the reasons stated above, this criterion is met.

- B. Site Size. There are no minimum or maximum size limitations for a Planned Development.

Applicant Response: The proposal complies with this provision.

Staff Analysis: The site area is approximately 49 gross acres. For the reasons stated above, this criterion is met.

- C. Calculation of Density. The number of dwelling units allowed in Planned Developments in residential zones shall be calculated on the basis of Table 3-2 in Article 3. All residential development shall be at a minimum of 80% of the target density for the parent zone. A request for incentive density may be approved for the Planned Development, based on the criteria in Section 10.3.130(E).

Applicant Response: The Applicant's response to section 10.3.130 Residential Development Standards, above in this document, demonstrates compliance with the residential density requirements of the RMH zone. The application does not include a request for an incentive density bonus.

Staff Analysis: According to the analysis prepared by the applicant, the required number of units necessary to meet the minimum residential development density of the RMH zone is 191 units. This assessment includes a reduction in density due to the topography of the site. The applicant proposed 197 units. Therefore, the minimum density requirement is exceeded. For the reasons stated above, this criterion is met.

- D. Multiple Base Zones. When a proposed Planned Development site includes more than one base zone, the uses may be allocated throughout the site without regard to zoning boundaries.

Applicant Response: The entire Subject Property is located within the RMH base zone.

Staff Analysis: The entire site is designated Multifamily High Density (RMH). For the reasons stated above, this criterion is met.

- E. Lot Sizes. There are no required minimum lot sizes.

Applicant Response: The proposal complies with this provision.

Staff Analysis: Lot sizes range from a width of 26 feet to 40 feet. The revised application does not include the 24-foot wide lots originally proposed. With 6 feet total side yard setbacks, this would allow houses ranging in width from 20 to 30 feet. This would result in a housing product that would avoid a crowding appearance and create useable interior spaces. For the reasons stated above, this criterion is met.

- F. Housing Types Allowed. Housing types in zones that allow residential uses are not restricted in the Planned Development.

Applicant Response: The Applicant recently developed two other Planned Developments in Forest Grove. The Gales Creek Terrace concept is based on the Applicant's experience and success with development of those projects, as well as numerous other projects in the region.

Proposed Gales Creek Terrace housing types respond to several factors influencing housing choices and availability:

- Aspiring first-time home buyers are often young working adults seeking to settle where they can enjoy an easy workplace commute;
- People in that demographic need a home that is within reach financially but can help them meet anticipated housing needs including starting a family;
- Detached single-family homes on separate lots are strongly preferred, in comparison with multifamily or attached residences.
- Homes with vehicular access on an alley are not desirable as homes with their driveway/garage access directly from the street, in the front or side yard.

Gales Creek Terrace seeks to address a housing niche. While the RMH base zoning requires at least 16.22 units per net acre, before slope adjustments, a density requirement normally only met by using attached dwelling units, recent new home designs with smaller footprints – particularly structure widths – make it possible to satisfy density requirements with more broadly desirable dwelling types: detached single-family homes. The Planned Development provisions are designed to foster such flexibility, i.e. to use dwelling unit types other than those specified for typical developments in the RMH

zone, as long as density requirements are satisfied.

Staff Analysis: Housing types are established by the base zone. The project proposal includes duplexes, attached townhomes, and single family detached dwellings. Each of these housing types are permitted in the base zone (RMH). For the reasons stated above, this criterion is met.

- G. Height. The height limits of the base zone apply.

Applicant Response: The proposed maximum building height in Gales Creek Terrace is 35 feet, characteristic of neighborhood areas in single family zones. This maximum building height limit does not exceed RMH Zone standard of 45 feet; therefore the proposal complies with the applicable maximum building height requirement. On lots that have daylight basement rear building height will be relatively higher than front building height.

Staff Analysis: The height limitation for dwellings in the RMH zone is three stories or 45 feet. As proposed homes would be two or two stories tall and approximately 29 feet in height. The proposed maximum building height is 35 feet within the development. For the reasons stated above, this criterion is met.

- H. Building Setbacks. Building setbacks are established as part of the preliminary development plans approval.

Applicant Response: The Applicant requests approval for the following set of dimensional requirements and guidelines within Gales Creek Terrace:

Staff Analysis: The planned development proposal would establish front, side, and rear yard setbacks. Setbacks would be 11 feet for the front yard, 3 feet for the side yard, and 12 feet for the rear yard except for the southern tier of lots, closest to Gales Creek, which would have a rear yard setback of 15 feet. The setbacks will contribute to a well-designed streetscape by providing adequate separation from the streetscape and structures. For the reasons stated above, this criterion is met.

- I. Open Space. In residential zones, at least 40% of the Planned Development not in streets and driveways must be devoted to open space. At least half the open space in all zones must be in common ownership and at least half of that space be contained in one tract. The tract's configuration shall be 45 percent of the site's overall length and width with a minimum dimension of 20 feet.

Applicant Response: The applicant's revised open space analysis is attached to this report.

Staff Analysis: The site plan identifies several open space tracts as shown on the attached site plan. The applicant has provided an analysis of the open space areas. The analysis is attached to this report. Some tracts are set-aside for passive recreational use whereas others are set-aside for active recreational use. The open space tracts are identified below:

Open Space Tracts

Tract Letter	Description
--------------	-------------

A	Landscaping and Entrance Monument Sign
B	Landscaping and Possible Entrance Monument Sign
C	Eliminated
D	Landscaping / Passive Open Space
E	20-foot wide pedestrian easement and utility easement
F	Storm water quality facility
G	Reserved
H	Reserved
I	Gales Creek vegetated corridor
J	Open space (scenic and passive use)
K	Pedestrian access
L	Gales Creek vegetated corridor
M	20-foot wide pedestrian and utility easement
N	Community lawn and garden open space tract
O	Storm water quality facility
P	Pedestrian Path
Q	Mid-block pedestrian path (may require stairs)
R	Mid-block pedestrian path
S	Various easements over eastern part of future Tract S / 20-foot wide pedestrian trail corridor
T	Storm water quality facility
U	Gales Creek Vegetated Corridor
V	Reserved
W	Eliminated
X	Neighborhood Mini-Park / Play Area

Overall the development includes 5.10 acres of contiguous open space, 1.53 acres of other open space and 6.64 acres of combined open space yielding a total of 13.27 acres. For the reasons stated above, this criterion is met.

- J. Parking. The base zone parking requirements apply. Common parking and maneuvering areas must be set back at least (20) feet from the boundary of the Planned Development.

Applicant Response: Each lot and house will be required to comply with on-site parking requirements. Additionally, to meet parking needs, the proposed curb-to-curb paved widths of the Avenues are wide enough to allow on-street parking.

Staff Analysis: Development Code Section 10.8.515, Table 8-5 establishes minimum off-street parking requirements. Off-street parking includes driveways and garages. The minimum for single family residential development is one off-street parking space for unit. The single family attached and detached homes will have a garage for at least one car as shown on the attached building elevations. In addition, homes will have parking available on driveways with a minimum length of 20 feet. Therefore, each single family home will have at least two off-street parking spaces. The development includes off-street and on-street parking opportunities. The duplex units will have at least one parking space on a driveway. On-street parking will be provided as shown by the street cross-sections. For the reasons stated above, this criterion is met.

- K. Water Features. Water features such as streams or ponds must be left in a natural state unless altered to improve the natural values of the water feature or to improve

stormwater drainage. Water features and their edges should be kept in common ownership.

Applicant Response: The Applicant has retained SWCA Environmental Consulting to perform on-site delineations of wetlands and related biological studies, prepare plans for vegetated corridor enhancements and work with jurisdictional agencies (such as Oregon Department of State Lands and Clean Water Services) for approval of the proposed impact mitigation plans (Application Exhibit E). There are portions of the property that are not included in the development which will be retained by Declarant.

Staff Analysis: The site plan shows several tracts adjacent to Gales Creek. These open space tracts will be kept in common ownership and will ensure that the creek corridor remains in a natural state. For the reasons stated above, this criterion is met.

- L. Facilities & Services. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the Planned Development. Service facilities shall be dedicated to the public if they are to provide service to any property not included in the Planned Development. However, the review body may approve private service facilities with the consent of the appropriate service provider.

Applicant Response: Phased construction of Gales Creek Terrace will generally proceed from east to west because it is necessary to extend the public sewer trunk line from the existing terminus to serve the area (as well as, ultimately, other properties to the west and north of the subject property). In each phase, the developer will construct streets, water services and storm drainage systems, including storm water quality facilities to serve each new development area. Where public water, sewer and storm facilities cannot be located within public street rights-of-way, they will be routed through tracts or public utility easements. The Applicant has provided preliminary utility plants to demonstrate the feasibility of constructing and operating all of the needed utility systems. (Applicant Narrative Exhibit A). Note: the phasing plan was modified on October 30, 2014, to include a fourth phase comprised of the proposed attached dwelling units. Phase 4 could be constructed prior to or concurrent with Phase 1.

Staff Analysis: The applicant will be required to provide all public service facilities necessary for the functioning of the Planned Development. The Applicant will enter into an agreement with the Public Works Department for installation of required public improvements. For the reasons stated above, this criterion is met.

- M. Underground Utilities. All service facilities must be placed underground except those that by their nature must be on or above ground, such as fire hydrants and open water courses. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities.

Applicant Response: All franchise or "dry" utility services (such as electricity, telephone, and cable TV) will be provided underground within Public Utility Easements located along all public street right-of-way edges.

Staff Analysis: The Development Code requires undergrounding of utilities. Utilities will be undergrounded where required by Code. For the reasons stated above, this criterion is met.

- N. Construction to Standards. All service facilities dedicated to the public must be

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

Applicant Response: Preliminary engineering plans submitted by the Applicant demonstrate the feasibility of constructing required service facilities to meet City standards in the proposed alignments. Compliance will be assured through the Public Work permit review/issuance process following land use approval, prior to construction.

Staff Analysis: The Applicant will be required to enter into an agreement with the Public Works Department regarding the construction and installation of public improvements. For the reasons stated above, this criterion is met.

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

Applicant Response: This provision is not applicable because the subject property is designated only for residential use.

Staff Analysis: This standard is not applicable to the subject site. For the reasons stated above, this criterion is met.

Subdivision Criteria (DC 10.6.110)

- A. The tentative subdivision plat complies with all applicable requirements for submittal.

Staff Analysis: The tentative subdivision plat complies with all applicable requirements for submittal. The applicant has provided a revised application, graphics showing the revised site plan, a written statement describing the proposed uses and development objectives. The information attached to this staff report supplements materials previously provided including the land use application dated March 10, 2014 and subsequently modified in May 2014. For the reasons stated above, this criterion is met.

- B. The subdivision plat complies with all applicable standards and design requirements of the Development Code.

Staff Analysis: The tentative subdivision plat complies with the requirements for Planned Development, the requirements of Development Code, including Article 8 (General Development Standards), and facility master plans. Specifically the tentative subdivision plat and supplemental information contained in the record addresses: access and circulation; open space, recreation facilities and common areas; off-street parking; public facilities; building design and development standards; and land division standards. For the reasons stated above, this criterion is met.

- C. Any special features of the site (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately considered and addressed in the design of the tentative plat.

Staff Analysis: The preliminary plan addresses site topography, floodplains and vegetation. The proposed street circulation plan has been designed to minimize cut and fill. The application includes a slope analysis and documentation regarding mitigation of

impacts to the Gales Creek corridor. For the reasons stated above, this criterion is met.

- D. All lots shall be suitable for their intended use. No parcel shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the occupants of such lot or subdivision.

Staff Analysis: The lots proposed are suitable for their intended use. Intended uses include residential development, open space, and recreational activities. The lots proposed for residential development are 26 feet wide to 40 feet wide and are designed to accommodate residential structures of various types. While these lots are narrow compared with traditional single family development they are sufficient in size to support the proposed development concept including duplexes, attached townhomes and detached single family residences. The open space tracts are of adequate size to accommodate open space preservation and active recreational uses. Tract X is the largest open space tract proposed for active recreational use. The smallest dimension of the tract is 86 feet. For the reasons stated above, this criterion is met.

- E. Development of any remainder of property under the same ownership can be accomplished in accordance with the Development Code.

Staff Analysis: The development concept includes four phases. Development of any remainder of property under the same ownership can be accomplished in accordance with the Development Code. For the reasons stated above, this criterion is met.

- F. Adjoining land can be developed or is provided access that will allow its development in accordance with the Development Code.

Staff Analysis: The preliminary plan demonstrates that adjoining land is provided access that will allow its development in accordance with the Development Code. Specifically Tax lot 600, located east of H Street is provided with alley access. This tax lot also has frontage on Pacific Avenue. In addition, Tax lot 403, located north of 20th Avenue is provided with alley access. This tax lot also has frontage on Pacific Avenue. Both 20th Avenue and 19th Avenue will terminate at the western edge of the development site. These streets could be extended to serve future development immediately to the west of the site.

- G. The proposed street plan provides safe, convenient, and direct options for pedestrian, bicycle and vehicular circulation.

Staff Analysis: Safe, convenient and direct options for pedestrian and bicycle access are shown on the site plan via the sidewalk system and through various tracts including Tracts K, Q, and R. These tracts are designed to be 12 feet in width which is adequate to accommodate pedestrian and bicycle access. Vehicular circulation is shown on the preliminary plan via the street system. The plan identifies several streets providing access to individual lots. Points of access to Pacific Avenue include Street H, the extension of Street G and E Street. Access to the site will also be provided by 18th Avenue and 19th Avenue. For the reasons stated above, this criterion is met.

- H. Adequate public facilities are available or can be provided by the applicant to serve the proposed subdivision.

Staff Analysis: The developer is responsible for extending water and sewer lines to serve

the site. The applicant has provided certification letters from the City Engineer and Forest Grove Light and Power demonstrating that utilities could be extended at the developer's expense to serve the site. Extensions will occur based on the proposed development phasing plan. For the reasons stated above, this criterion is met.

CONDITIONS OF APPROVAL

General Requirements

1. The applicant is bound to the project description made by the applicant during the application and modified during the decision making process.
2. Duplex, attached townhomes and single family detached housing products are required in the general locations shown on the October 16, 2014 plan submittal as subsequently amended by the applicant.
3. Development and construction shall conform substantially to the preliminary plan prepared by Westlake Consultants and dated October except as modified by the conditions below.
4. Compliance with the Conditions of Approval is the responsibility of the applicant or the applicant's successor in interest.
5. All plans submitted to date are considered conceptual only. Detailed plans and specifications must be submitted that demonstrate compliance with standards and regulations adopted by the City of Forest Grove and/or all other agencies that have jurisdiction.
6. No home building permits for any phase of the development will be issued until all required public improvements to serve that phase have been constructed and accepted by the City of Grove and other agencies having jurisdiction, except as modified by these conditions.
7. Preliminary plan approval is valid for (3) three years and may not be extended. The applicant must submit a final development plan for the first phase of the development within this (3) three year time period.
8. The applicant shall provide to the City all required copies of documents from Washington County or Clean Water Services related to the development.
9. The ongoing operation of the property shall comply with the applicable requirements of the Forest Grove Development Code, Forest Grove Municipal Code and approved Covenants, Conditions and Restrictions (CC&Rs). The applicant shall submit a copy of the CC&R document as required by Forest Grove Development Code 10.4.225(C)(7) and 10.8.1000.
10. This approval does not negate the need to obtain required permits, as appropriate from other local, state, or federal agencies even if not specifically required by this decision.
11. The applicant shall enter into an agreement with the City Engineer prior to approval of the final map and shall include detailed plans for public improvements and shall assure the workmanship and material of installation.
12. The applicant shall assume responsibility for any mitigation due to contaminated soils as a result of installing the sewer line.

Streets, Alleys, and Driveways

13. Barricades shall be installed at the end of all stubbed streets to be extended. Barricades shall be designed and installed meeting the City of Forest Grove Engineering Specifications. It is recommended that a sign be affixed to the barricade stating the street may be extended in the future.

14. Developer shall dedicate the required right-of-way adjacent to Pacific Avenue as required by Washington County.
15. No street names shall be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and shall be approved by the Community Development Director.
16. The alleys shall be posted no parking on both sides and the Dee Court turn around shall be posted no parking on the south side.
17. Final detailed street cross-sections shall be prepared for each of type of street or alley that illustrates utility locations, street improvements including grade and elevation, and sidewalk location including grade and elevation. Cross sections shall be included in the plan set and submitted to the City Engineer for review and approval.
18. Street name signs conforming to names approved by the Community Development Director shall be placed at all street intersections (DC 10.8.610(Y)).
19. No portion of a curb cut shall be located closer to an intersection street right-of-way line than 20 feet on a local street (DC 10.8.130(C)(4)).
20. Street grades shall be approved by the City Engineer in accordance with Development Code 10.8.610(M).
21. Prior to final acceptance of on-site public improvements for Phase 1, the applicant shall enter into a development agreement with the City and complete of-site street improvements including:
 - a. Installation of a 5 foot wide sidewalk in the existing right-of-way along the west side of D Street from 19th Avenue to Pacific Avenue.
 - b. Pavement of a 22 foot wide, 1.5 inch thick pavement overlay of D Street from the intersection of D Street with 19th Avenue to Pacific Avenue.
 - c. Construction of a partial street improvement of 18th Avenue between the development site frontage with 18th Avenue and C Street substantially conforming to that shown on Sheet P700 of the Application, providing the Phase with one of two paved connections to an arterial street (B Street via 18th Avenue).
 - d. Construction of a partial street improvement of 19th Avenue between the site's frontage with 19th Avenue and D Street substantially conforming to that shown on Sheet P800 of the Application.
22. Prior to final acceptance of on-site public improvements for Phase 1, the applicant shall complete frontage improvements including:
 - a. Half-street improvements to 18th Avenue along the site's frontage substantially conforming to those shown on Sheet P700.
 - b. Half-street improvements to 19th Avenue along the site's frontage substantially conforming to those shown on Sheet P800.
23. Prior to final acceptance of on-site public improvements for Phases adjacent to Pacific Avenue, the applicant shall complete frontage improvements along Pacific Avenue including:
 - a. Improvements to Pacific Avenue along the respective phase's site frontage as required by Washington County, at a minimum, sidewalk, curb and pavement.
24. All signage (including but not limited to, street names, vehicular parking restrictions, and vehicular and pedestrian traffic protection and direction) for public rights-of-way and easements; pavement striping and marking; and pavement reflectors (including, but not limited to, blue fire hydrant markers), shall be shown on the approved plans and installed by the developer, as required by the Engineering Department. To minimize conflict with driveway locations and street trees, signs shall be attached to utility poles wherever possible.

Utilities

25. All on-site utilities shall be placed underground as required and the developer shall make all necessary arrangements with the serving utility to provide services underground. The City reserves the right to approve locations of all surface mounted utilities.
26. Public water meters and water lines, as well as sanitary and storm sewer service lines may be installed within a public utility tract, or the Public Utility Easement (PUE) on the front lot line with approval of City Engineer.
27. The applicant shall record easements along all side property lines where dwellings are constructed for electrical service.

Fire Suppression

28. New fire hydrants shall be installed per City requirements. Hydrants shall be equipped with a four inch Storz connection and their locations identified with blue reflective pavement markers at the street centerline.
29. "No Parking – Fire Lane" signs shall be posted on both sides of the southern leg of the hammerhead turn around at Dee Court (Street Section 2) and the curbs shall be painted red from the radius to the southern terminus and "No Parking – Fire Lane" signs shall be posted on both sides of all other temporary turn-arounds serving stubbed streets in the project.
30. Fire hydrant spacing shall comply with Table C105.1 in Appendix C of Municipal Code Chapter 5, Section 5.635.
31. Phase 3 will have a paved second access following development of Phase 2.

Building Setbacks

32. Garage setbacks from the public right-of-way shall be 20 feet.
33. Front yard setbacks shall be at least 11 feet from the property line throughout the development.
34. Interior side yard setbacks shall be at least 3 feet from building to the side yard property line.
35. Street yard setbacks shall be one (1) foot greater than the public utility easement (PUE) on the side street.
36. Side yard setbacks, where the side yard is on the side of a dwelling adjacent to one of the site's exterior property boundary lines shall be five (5) feet.

Trees

37. Existing trees proposed to remain on-site that may be adversely affected by street or utility extensions or on-site grading shall be identified on construction plans and protected with appropriate best management practices. Proposed protection measures shall be included on the grading plans and shall be in place prior to any grading activity. Install tree protection measures around all trees to be saved.
38. Significant off-site trees, outside of required improvements in existing public rights-of-way, shall be protected with appropriate tree protection measures as shown on the construction plans. Such measures shall remain in place for the duration of construction.
39. Submit a tree protection plan prepared by an arborist as required by Forest Grove Development Code Section 10.5.115 (Tree Protection Plan and Protection Requirements) and 10.5.130 (Trees on Developable Land, Prior to and During Development).

40. A City issued tree removal permit is required for removal or major pruning of any tree greater than 6 inches in diameter or any Oregon white oak 3.5 inches or greater in diameter measured 4.5 feet above natural grade.
41. For all lots where the approved street plan results in a curb tight sidewalk along the frontage, then planting the street tree in the front yard is required prior to occupancy permits. Front yard trees will be addressed in the CC&Rs requiring respective lot owners of the care for a front yard trees as if they were located in the parkway consistent with regulations in DC 10.5.120 allowing both the HOA and/or the City to enforce that regulation like the City would any other street tree in a parkway in the subdivision. Trees may not be removed or pruned by more than 20% without review by the City and issuance of a tree removal permit.

Open Space and Recreational Areas

42. A six-foot tall cedar solid or “good neighbor” fence or equivalent shall be installed near west and east property lines of Tract P and the property line of Tract X outside the public utility easement.
43. Tract B shall be improved for passive recreational use, and like Tract A, it will have a monument sign, decorative plantings as well as large species trees and native shrubs
44. Tract Q and R are mid-block paths and as required by code shall be a minimum of 10 feet in width, or 12 feet, if needed to accommodate construction of stairs. Tract K shall also be a minimum of 10 feet, or 12 feet if needed to accommodate stairs. Pedestrian paths shall be at least 5 feet in width.
45. Tracts N, P, & X shall be developed for active recreational use and shall include a picnic table, bench, ball court or play structure, lawn area, and landscaped area, preferably with native plantings.

Architecture and Building Features

46. Front elevations shall not be replicated more than five (5) times along a block-face on both sides of a street segment as required by Forest Grove Development Code Section 10.8.880(C)(3). Replication includes mirrored images (where main features such as windows, door location, garage location, roof peak, etc. are reversed), and minor trim and paint changes.
47. A higher level of front façade treatment is required on a minimum of 50% of dwelling units in an individual phase. Higher level trim shall include but not be limited to masonry trim along the front façade.
48. Duplex units shall be designed and constructed to give the impression from the street of one single-family unit or on corner lots the impression of two different units facing different directions.
49. Electrical meters placement location(s) shall conform to the clearance requirements of Forest Grove Light and Power, and if different they shall be submitted to and approved by Forest Grove Light and Power prior to submission of building plans to the Building Department for review.
50. All driveways within the development shall be a minimum 20 feet in length.
51. When a monument sign is installed at the entrance to the development on a Tract or easement, the sign shall not exceed 8 (eight) feet height and 40 (forty) square feet in area. The sign shall be non-illuminated or indirectly illuminated (DC 10.8.830(B)(1)).

Erosion Control and Grading

52. Prior to issuance of an erosion control or grading permits, Developer shall submit erosion control and grading plans for City review.
53. Obtain the required erosion control and grading permit(s), and provide a copy of the approved and signed permits to the City prior to holding a pre-construction meeting or beginning any development or construction activity.
54. Any existing wells, septic systems, and underground storage tanks shall be abandoned in accordance with Oregon state law and verification shall be provided to the City Engineer.
55. A demolition permit shall be obtained from the Building Division prior to demolishing any structures.

Other

56. House numbers assigned by the City shall be affixed in a conspicuous location, which is clearly visible from the fronting street. Numbers shall be of contrasting colors to the surface upon which they are affixed. Numbers may be painted or metallic, wooden or ceramic fixtures, or other material that will not rust or corrode and must be at least four inches high.
57. Mailboxes are required; locking mailboxes in clusters are recommended. Mailboxes shall be located in the vicinity of streetlights. Clustered mailboxes shall be installed prior to occupancy permit for the first home being served by that mailbox in that phase. Placement locations and specifications of mailboxes shall be approved by the Forest Grove Post Office prior to installation.
58. Any existing wells, septic systems, and underground storage tanks shall be abandoned in accordance with Oregon state law and verification shall be provided to the City Engineer.
59. Two access ways for each phase meeting the requirements of the City of Forest Grove Fire Marshall to accommodate emergency vehicles.

Final Plat Requirements

60. The final plan and subdivision plat must comply with Development Code Sections 10.4.225 (Final Plan Review) and 10.6.160 (Final Plat Approval and Recording).
61. The developer shall establish easements for pedestrian access over Tracts Q and R on the plat when recorded
62. The developer shall establish pedestrian access easements for Tracts K and P, and Tracts E, M, &S, for the respective phase, upon recording of each plat.
63. The street names on the plat for each phase shall reflect the street names approved by the Community Development Director following a formal request by the developer for approval of all proposed street names.