



A place where families and businesses thrive.

City Council Regular Meeting Minutes

Monday, April 11, 2022
Zoom Community Auditorium

***Minutes are unofficial until approved by City Council.
Council approved minutes as presented May 9, 2022.***

A. Call to Order:

Mayor Truax called the regular City Council meeting to order at 7:01 p.m. via in-person and Zoom Webinar Video Conference. The meeting was held in a “hybrid” format allowing the public to attend both virtually and in-person in the Community Auditorium. Members of the public could observe the meeting **LIVE on Zoom Webinar** or on television on Tualatin Valley Community Television (TVCTV) Government Access Programming. At the start of the Council meeting, the Tualatin Valley Harmony Master performed “*The Star-Spangled Banner*”.

1. **ROLL CALL: COUNCIL PRESENT:** Donna Gustafson; Kristy Kottkey; Timothy Rippe; Elena Uhing (via Zoom); Mariana Valenzuela; Malynda Wenzl, Council President; and Peter Truax, Mayor.
2. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Assistant City Manager/Finance Director; Jim Geering, Fire Chief; Henry Reimann, Police Chief; Bryan Pohl, Community Development Director; Dan Riordan, Senior Planner; and Anna Ruggles, City Recorder.
 1. Employee Recognition:
 - Joan Vandehey, Library Associate, 35 Years of Service.
 2. If I Were Mayor 2022 Award Presentations:
 - Rylee Tate, 5th Grade, 1st Place Poster Winner
 - Aaron Garrett, 4th Grade, 2nd Place Poster Winner
 - Ava Cash, 8th Grade, 1st Place Essay Winner
 - Holden Thatcher, 6th Grade, 2nd Place Essay Winner
 - Anakhin Wedzina, 7th Grade, 3rd Place Essay Winner

B. Public Comment:

1. CC04-11-2022 Written Public Comments received by 3:00 p.m. on the day of the meeting were published in the Council Packet.

No testimony was heard via Zoom.

C. Consent Agenda:

1. Approve City Council Work Session (Boards and Commissions Interviews and Deliberations) Meeting Minutes of March 21, 2022.
2. Approve City Council Regular Meeting Minutes of March 21, 2022.
3. Approve City Council Work Session (Federal Project Request) Meeting Minutes of March 21, 2022.
4. Endorse Liquor License Renewal Applications for Year 2022. (***Gustafson declared that she is the owner of Bella Donna's Bistro and Patisserie***).
5. Community Development Department Monthly Building Activity Informational Report for March 2022.
6. Accept Committee for Community Involvement (CCI) Approved Meeting Minutes of February 1 and March 1, 2022.
7. Accept Community Policing Advisory Commission (CPAC) Approved Meeting Minutes of January 20 and February 17, 2022.
8. Accept Library Commission (LC) Approved Meeting Minutes of February 7, 2022.
9. Accept Parks and Recreation Commission (P&R) Approved Meeting Minutes of December 15, 2021.
10. Accept Planning Commission (PC) Approved Meeting Minutes of December 20, 2021, January 18, February 7 and March 7, 2022.
11. Accept Public Arts Commission (PAC) Approved Meeting Minutes of January 20 and February 7, 2022.
12. Accept Sustainability Commission (SC) Approved Meeting Minutes of January 27, 2022.
13. **RESOLUTION NO. 2022-20 MAKING APPOINTMENTS TO VARIOUS CITY OF FOREST GROVE ADVISORY BOARDS, COMMITTEES AND COMMISSIONS** (APPOINTING DAVID ESPARZA, BUSINESS, COMMUNITY POLICING ADVISORY COMMISSION, TERM EXPIRING DECEMBER 31, 2023; W. JAY CAREY, AT-LARGE, COMMUNITY POLICING ADVISORY COMMISSION, TERM EXPIRING DECEMBER 31, 2024; JOE OFFER, AT-LARGE, PARKS AND RECREATION COMMISSION, TERM EXPIRING DECEMBER 31, 2025; TERI BJORN, PLANNING COMMISSION, TERM EXPIRING DECEMBER 31, 2023; AND TIM FARRELL, PLANNING COMMISSION, TERM EXPIRING DECEMBER 31, 2025).

MOTION: Council President Wenzl moved, seconded by Councilor Rippe, to approve the Consent Agenda as presented. **VOICE VOTE:** AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. **MOTION CARRIED 7-0.**

D. Additions/Deletions:

1. City Manager – none.
2. Proposed by Councilors – none.

E. Presentations:

1. Proclamation:

- *Celebrating Arbor Day 2022 and Forest Grove's 32nd Anniversary as a Tree City USA®*
- *Celebrando el Día del Árbol 2022 y el 32.º aniversario de Forest Grove como Tree City USA®*

2. Community Forestry Commission (CFC) 2021 Annual Report

Mark Nakajima, CFC Chair, presented a PowerPoint presentation overview pertaining to CFC's 2021 Annual Report.

3. Community Policing Advisory Commission (CPAC) 2021 Annual Report

Charlotte Lumae, CPAC Chair, presented a PowerPoint presentation overview pertaining to CPAC's 2021 Annual Report.

F. Public Hearings, Ordinances, and Resolutions:

- 1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2022-01 AMENDING FOREST GROVE DEVELOPMENT CODE SECTION 17 THE AMENDMENTS BEING NECESSARY FOR COMPLIANCE WITH OREGON HOUSE BILL 2001 (2019) and SENATE BILL 458 (2021); FILE NO. 311-22-000003-PLNG**

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained the hearing procedures.

Staff Report:

Riordan and Pohl presented the above-proposed ordinance for first reading, noting the proposed ordinance is amending Forest Grove Development Code Section 17, the text amendments being necessary for compliance with Oregon House Bill 2001 (2019), known as the Oregon Middle Housing Law, and Senate Bill 458 (2021), known as the Middle Housing Land Division Law; File No. 311-22-000003-PLNG. Riordan reported HB 2001 requires cities with populations over 10,000 to allow "middle housing types" in areas zones that allow single-unit homes. The middle housing types include:

- Duplexes
- Triplexes
- Quadplexes
- Townhomes
- Cottages in cottage clusters

Riordan gave an overview of the Planning Commission's focused areas and recommendations, noting the Planning Commission recommended retaining the R-5 zone and consolidating the R-7 and R-10 zoning districts into one zone and establishing minimum lot size requirements for single-unit and middle housing types in the R-5 zone and R-7/R-10 zones. In addition, Riordan presented a PowerPoint presentation overview pertaining to the key concepts and proposed text amendments to the Development Code as recommended by the Planning Commission as follows:

- §17.1.225 (Application Contents): Revise wording to remove non-clear and objective wording for a required development transportation study and to describe the methodology.
- §17.2.310 (Design Review Applicability): Revise wording consistent with HB 2001 that approval processes for middle housing must be the same as for single unit detached homes.
- §17.2.430 (Site Development Review): Clarify that the site development review process for a single unit detached dwelling also applies to middle housing consistent with HB 2001.
- §17.3.010 (Classification of Zones): Consolidate the R-10, R-7, and R-5, single-unit housing zoning districts into one district Residential Low (RL).
- §17.3.100 (Residential Zones): Revise to reflect consolidation of zoning districts.
- §17.3.120, Table 3-2 (Residential Zones Use Table): Revise table to reflect zoning district consolidation and add middle housing types. Specify that multifamily is five or more units instead of three or more as currently defined). Remove restriction on the number of duplexes within a subdivision consistent with HB 2001.
- §17.3.130, Table 3-5 (Lot Dimensional Requirements): Reduce minimum required lot size for single-unit detached homes, add minimum required lot sizes for duplexes, townhouses, triplexes, quadplexes, and cottage clusters, specify minimum lot width and depth requirements.
- §17.3.130 (Residential Zone Development Standards): Add wording for floor area ratio and add floor area ratio standards. Add minimum density requirements and delete maximum density requirements.
- §17.3.130, Table 3-6 (Lot Dimensional Requirements – (Residential Medium (RM) and Residential High (RH) Zone): Add minimum lot size and minimum lot dimensional requirements for the medium and high-density residential zones.
- §17.3.320, Table 3-10 (Commercial and Mixed-Use Zone Use Table): Revise table to include middle housing types as permitted uses in the Neighborhood Mixed Use (NMU) zone.
- §17.6.300 (Article 6 – Land Divisions): Add wording for SB 458, Middle Housing Land Divisions.
- §17.7.050 (Exceptions to Lot Size, Yards, and Projections): Add wording to prohibit encroachment of projections into or over utility easements.

- §17.8.130 (Widths and Locations of Driveway and Curb Cuts): Add Oregon Department of Land Conservation and Development Model Code wording for middle housing driveway approaches.
- §17.8.710 (Building Design and Development Standards): Revised to include middle housing types and add DLCD Model Code wording.
- §17.8.515 (Off-street Parking Requirements, Table 8-4 (Parking Requirements): Add wording for minimum required off-street parking for middle housing types and add wording to allow up to 50% credit for on-street parking to satisfy required parking requirements.
- §17.8.520 (Reduction or Modification of Off-street Parking Requirement): Revised wording to make multifamily development near frequent transit service eligible for a 10% reduction in the off-street parking requirement. Current the reduction is only allowed for commercial and industrial uses.
- §17.8.905 (Land Division Standards): Revise wording to remove non-clear and objective wording.
- §17.12.210 (Meaning of Specific Words and Terms): Revise the definitions section to add middle housing terms from the HB 2001 administrative rules and Oregon Department of Land Conservation and Development Model Code.

In conclusion of the above-noted staff report, Riordan and Pohl advised staff is recommending Council approve the proposed ordinance, as outlined in Exhibit A, and Exhibit B, and as outlined in Exhibit C, Planning Commission Findings and Decision No. 2022-04, noting the Planning Commission held a Public Hearing on March 22, 2022, and concluded deliberations on April 4, 2022. The Ordinance must be effective by June 30, 2022, or the State's Model Code will apply to development applications subject to HB 2001 and SB 458.

Questions of Staff:

Riordan and Pohl addressed various Council inquiries pertaining to affordable housing in the context of HB 2001, noting HB 2001 requires considering approaches to promote affordable housing and aims to increase housing supply and promotes less expensive housing options. Pohl advised the City cannot influence development or establish restrictions on home sales or rental costs as a condition of development approval. In addition, Riordan reported, the Council and Planning Commission considered incentives to promote affordable housing options during a work session held on January 24, 2022. The incentives discussed were as follows:

- ☐ Waiving of deferring system development charges for affordable housing projects (Adopted)
- ☐ Establishing a Construction Excise Tax (Discussed by Council)
- ☐ Property Tax Exemptions or Tax Freezes, including:
 - ☐ Oregon Low Income Rental Housing Tax Exemption
 - ☐ Oregon Nonprofit Corporation Low Income Housing (Adopted)
 - ☐ Oregon Single-Unit Housing Tax Exemption
 - ☐ Oregon Rehabilitated Residential Property

- ☐ Vertical Housing Zone (Adopted)
- ☐ Density Incentives for affordable housing projects in the downtown area and in the Community Commercial zone (Adopted)

In addition, staff addressed various Council inquiries pertaining to on-street parking credit, definitions, and design criteria, etc.

Written Testimony Received:

No written testimony was received.

Proponents:

No one testified and no written comments were received.

Opponents:

No one testified and no written comments were received.

Others:

Mimi Doukas, AKS Engineering & Forestry, Tualatin, OR 97062, representing Allied Development (via Zoom), testified and asked Council to consider extending the Public Hearing to allow more review time. Doukas indicated they just received a copy of the revised text amendments, noting the amendments are significantly different than what was presented to the Planning Commission. Doukas referenced written testimony submitted to the Planning Commission, noting they participated in the process. Doukas asked if the hearing could not be extended; they would like to recommend that the “Minimum Lot Size” be changed to “Minimum Average Lot Size”. Riordan referenced lot size requirements for R-5 and R-7 zones, noting there is opportunity for average lot size.

Charlotte Lumae, Forest Grove, via in-person, testified that the law is about affordable housing contrary to what was said earlier. Lumae read a script from saluteamerica.org pertaining to ways to solve the affordable housing crisis, i.e., establish public funding. Mayor Truax referenced Metro’s Affordable Housing Bond Measure, which funds and creates new affordable housing across the region.

No one else testified.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Ordinance No. 2022-01 for first reading.

VanderZanden read Ordinance No. 2022-01 by title for first reading.

MOTION: Councilor Uhing moved, seconded by Councilor Rippe, to adopt Ordinance No. 2022-01 Amending Forest Grove Development Code Section 17 the Amendments

being Necessary for Compliance with Oregon House Bill 2001 (2019) and Senate Bill 458 (2021); File No. 311-22-000003-PLNG.

Public Hearing Continued:

Hearing no further concerns or discussion from the Council, Mayor Truax continued the Public Hearing and second reading to May 9, 2022, to allow Council more review time and staff to review concerns pertaining to residential development requirements; design criteria; definitions, such as pedestrian ways and detached duplex; and correct scrivener errors to ensure consistency with the recommendations and final decisions.

2. RESOLUTION NO. 2022-21 ADOPTING CITY OF FOREST GROVE LIGHT & POWER 2022 WILDFIRE MITIGATION PLAN

Staff Report:

Hormann presented the above-proposed resolution for Council consideration, noting the proposed resolution is adopting the Forest Grove Light and Power 2022 Wildfire Mitigation Plan as outlined in Exhibit A. Hormann reported Oregon Senate Bill 762 (2021) requires all Oregon consumer-owned electric utilities to develop risk-based wildfire mitigation plan and file a copy of the adopted plan with the Oregon Public Utility Commission no later than June 30, 2022. In conclusion of the above-noted staff report, Hormann advised staff is recommending Council adopt the proposed resolution, as outlined in Exhibit A, noting there is no fiscal impact.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2022-21.

VanderZanden read Resolution No. 2022-21 by title.

MOTION: Council President Wenzl moved, seconded by Councilor Uhing, to adopt Resolution No. 2022-21 Adopting City of Forest Grove Light & Power 2022 Wildfire Mitigation Plan.

Council Discussion:

Staff addressed various Council inquiries pertaining to 6. 1. Emergency Response (Forest Grove Light and Power and Forest Grove Fire Department collaboration), and 6. 1. 3. Community Outreach (publishing notifications in English and Spanish).

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

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

3. **RESOLUTION NO. 2022-22 AUTHORIZING CITY MANAGER TO ENDORSE AN INTERGOVERNMENTAL AGREEMENT BETWEEN CORNELIUS, FOREST GROVE, KING CITY, TIGARD, AND WASHINGTON COUNTY RELATING TO BUSINESS OREGON COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT**

Staff Report:

Fulks and Pohl presented the above-proposed resolution for Council consideration, noting the proposed resolution is authorizing the City Manager to endorse an Intergovernmental Agreement (IGA) between Cornelius, Forest Grove, King City, Tigard, and Washington County relating to Business Oregon Community Development Block Grant Project. In conclusion of the above-noted staff report, Fulks and Pohl advised staff is recommending Council adopt the proposed resolution, as outlined in Exhibit A, noting there is no fiscal impact. The IGA stipulates a maximum of \$100,000, less administrative fees, will go towards each participating jurisdiction to provide funding to assist low-and moderate-income businesses located within the jurisdiction in response to the economic impacts resulting from COVID-19 pandemic.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2022-22.

VanderZanden read Resolution No. 2022-22 by title.

MOTION: Councilor Rippe moved, seconded by Councilor Valenzuela, to adopt Resolution No. 2022-22 Authorizing City Manager to Endorse an Intergovernmental Agreement between Cornelius, Forest Grove, King City, Tigard, and Washington County Relating to Business Oregon Community Development Block Grant Project.

Council Discussion:

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

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Uhing, Valenzuela, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

G. Council Communications:

1. Councilor Reports

Gustafson reported attending League of Oregon Cities Women's Caucus meeting.

Kottkey reported attending League of Oregon Cities Women's Caucus meeting and attending League of Oregon Cities Small Cities Regional meeting. Kottkey briefed on Community Forestry Commission-related activities and other matters of interest.

Rippe reported attending League of Oregon Cities Small Cities Regional meeting. Rippe reported attending Forest Grove Rural Fire Protection District meeting, noting the Board discussed budget items. Rippe reported attending Economic Development Commission's (EDC) first meeting back in-person, noting discussion focused on EDC's strategic plan.

Valenzuela briefed on community-related activities being held at Centro Cultural, located in Cornelius.

Uhing briefed on Historic Landmarks Board, Sustainability Commission-related activities, and other matters of interest.

Council President Wenzl briefed on Committee for Citizen Involvement (CCI)-related matters of interest, noting CCI is planning to hold its Quarterly Town Meeting on May 4, 2022, and the topic is Parks and Recreation. In addition, Wenzl reported CCI is going to continue meeting virtually and Parks and Recreation Commission (P&R) is going to meet in-person at 7am, noting holding meetings in the earlier morning hour causes concerns with member recruitment and allowing public engagement.

2. City Manager's Report

VanderZanden presented the "What's *growing* on in Forest Grove" Report, dated March 2022. VanderZanden briefed on the various department-related projects and activities and Council calendar updates.

3. Mayor's Report

Mayor Truax briefed on the Oregon Department of Transportation Region 1 Area Commission on Transportation meeting. Mayor Truax reported attending League of Oregon Cities Small Cities Regional meeting. Mayor Truax reported meeting with Dr. Jenny Coyle, Pacific University's 18th President, noting Dr. Coyle succeeds President Lesley Hallick who retired. Mayor Truax fondly remembered Dr. Robert "Bob" Nixon, who recently died, noting Dr. Dixon was a dentist and lifelong resident of Forest Grove and a Forest Grove Hall of Famer. Mayor Truax noted he would like to consider enacting a resolution for July 4th fireworks. In addition, Mayor Truax briefed on various meetings he attended, community-related events, and Washington County-related matters of interest.

H. Adjournment:

Mayor Truax adjourned the regular Council meeting at 9:44 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Anna D. Ruggles". The signature is written in a cursive style.

Anna D. Ruggles, CMC, City Recorder