



A place where families and businesses thrive.

City Council Regular Meeting Minutes

Monday, May 8, 2023
Zoom Community Auditorium

***Minutes are unofficial until approved by City Council.
City Council approved minutes as presented June 26, 2023.***

A. Call to Order / Pledge of Allegiance / Land Acknowledgement Statement

Council President Gustafson called the regular City Council meeting to order at 7:09 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.

1. **ROLL CALL: COUNCIL PRESENT:** Donna Gustafson, Council President; Michael Marshall; Karen Martinez; Timothy Rippe; Elena Uhing (via Zoom); and Mariana Valenzuela; **COUNCIL ABSENT:** Malynda Wenzl, Mayor.
2. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Assistant City Manager/Finance Director; Ashley Driscoll, City Attorney; Gregory Robertson, Public Works Director; Derek Robbins, Engineer; Dan Riordan, Senior Planner; and Anna Ruggles, City Recorder.

3. Pledge of Allegiance

B. Public Comment:

1. CC05-08-2023 Written Public Comments received by 3:00 pm on the day of the meeting were published in the Council Packet.

In-person Testimony:

1. Terri Erskine, Forest Grove, read an email she had sent to Council regarding homeless shelters, urging the County to terminate their agreement with the Elm Street property owner and to find a site that better accommodates the homeless and City residents.
2. Don Grussartu, Forest Grove, spoke about the homeless issue, encouraging Council and County to work together to help the homeless while keeping community integrity intact and encouraged the City to push back against County mandates when necessary.

No testimony was heard via Zoom.

C. Consent Agenda:

1. Approve City Council Regular Meeting Minutes of January 9, 2023.
2. Approve City Council Work Session (Council Retreat) Meeting Minutes of January 21, 2023.
3. Approve City Council Work Session (Council Goals & Objectives Refinement) Meeting Minutes of February 13, 2023.
4. Approve City Council Work Session (Industrial Lands Overview) Meeting Minutes of February 13, 2023.
5. Approve City Council Regular Meeting Minutes of February 13, 2023.
6. Approve City Council Work Session (Boards & Commissions Review Process) Meeting Minutes of February 13, 2023.
7. Accept Committee for Community Involvement (CCI) Approved Meeting Minutes of March 7 and April 4, 2023.
8. Accept Resignation on Public Arts Commission (PAC) (Cherie Savoie Tintary, Appointed January 2022, Term Expiring December 31, 2025).
9. Endorse Liquor License Renewal Applications for Year 2023.

MOTION: Councilor Rippe moved, seconded by Councilor Uhing, to approve the Consent Agenda as presented. VOICE VOTE: AYES: Councilors Gustafson, Marshall, Martinez, Rippe, Uhing, and Valenzuela. NOES: None. ABSENT: Mayor Wenzl MOTION CARRIED 6-0.

D. Additions/Deletions:

1. City Manager: None
2. Proposed by Councilors: None

E. Presentations:

1. Family Justice Center of Washington County 2022 Annual Update

Judy Willey, President, Family Justice Center of Washington County Board of Directors Preside, gave background information, noting the Board was composed of a Washington County judge, District Attorney, Sheriff's representative, Oregon State Senator, a retired CFO, a physician, and representatives from six cities.

Rachel Schutz, Executive Director, presented the 2022 Annual Report via PowerPoint, highlighting the 300% increase in services to survivors provided over 2021. The two biggest reasons were the opening of schools and workplaces after the pandemic, allowing people to seek out services as needed, and a nationwide increase in domestic violence and unreported child abuse during the pandemic. The Center provided 78 Forest Grove survivors with 147 services last year.

In response to Councilor Rippe's question, Schutz indicated the art gallery was mobile and could be set up in Forest Grove for several weeks.

2. West Habitat for Humanity Update

Presenter: Virginia Ohler, Executive Director

Virginia Ohler, Executive Director, West Tuality Habitat for Humanity, presented an update on the partnership to deploy \$147,000 of American Rescue Plan Act (ARPA) funds in the Forest Grove. The grant, through the home preservation program, served Habitat's constituents of low income, elderly, disabled, and veteran residents living within Forest Grove's city limits. Ohler shared stories of how the grant funding was used to improve homes, such as fixing faulty outlets that sparked and constructing wheelchair ramps. Satisfaction surveys were sent to everyone who was helped, noting they scored a perfect 10 on likely to recommend our services and 9.5 on quality of work at.

- The Center developed new systems and processes for tracking time and managing purchase orders and jobs in the queue. Communication with clients, staff, and subcontractors was fine-tuned and enhanced. Staff development training included more practice in the field, and professional staff were hired to do repair work. Bilingual capacity was expanded through both staff and program materials. Outreach and network was expanded, leading to a big jump in confidence. Federal grants have been secured to continue maintaining this level of service as much as possible.
- Ohler highlighted other networking activities, including a monthly breakfast at the Senior Center, ads in the News Times, and social media.

3. 26th Avenue Improvements (Sunset Drive to Hawthorne Street)

Robertson, Robbins, and Tony Roos, consultant with Kittelson & Associates, gave an update on 26th Avenue improvements via PowerPoint which was included in the packet, noting design had been completed, right-of-way secured, and construction from Sunset to Boyd would start this summer. A notice of construction from July 2023 through August 2024 would be sent soon to neighborhood residents. Roos and Staff responded to various Council's questions and concerns regarding notification to residents.

F. Public Hearings, Ordinances, and Resolutions

- 1. ORDINANCE NO. 2023-03 AMENDING FOREST GROVE DEVELOPMENT CODE
ARTICLE 1 – INTRODUCTION AND PROCEDURES, ARTICLE 2 – LAND USE
REVIEWS, ARTICLE 3 - ZONING DISTRICTS, ARTICLE 5 – SPECIAL PROVISIONS,
ARTICLE 6 – LAND DIVISIONS, ARTICLE 7 – MISCELLANEOUS PROVISIONS,
ARTICLE 8 - GENERAL DEVELOPMENT STANDARDS, AND ARTICLE 12 - USE
CATEGORIES AND DEFINITIONS; FILE NO. 311-23-000006-PLNG**

Council President Gustafson opened the public hearing for the first reading of Ordinance 2023-03.

Riordan presented the Staff report, included in the packet, stating the City had not received any correspondence on the Ordinance and that the amendment was necessary to be in compliance with changes in regional, State, and Federal laws and regulations and to reflect current practices. The Planning Commission unanimously recommended the amendment package.

Council questions and concerns were addressed as follows:

- Staff tracks the time required to complete development applications, not just in the Planning Department but in other departments as well. If review time did increase, the fee could be updated through the annual budget process. Clarifying the Code should streamline the review process for both the developer and Staff because there would be less ambiguity, discussion, and room for disagreement.
- Referring to Exhibit D, root barriers would be some distance away from the root or root ball of the plant so that the roots would go down instead of out and up. When a residential building permit is issued for residential development, a fee is collected for planting street trees, which includes the tree, root barrier, and contract work. The adjacent property owner would be responsible for maintaining the street tree.
- Referring to Exhibit A, attached accessory structures would need to meet standard setbacks for the structure. The Code did allow for some encroachments beyond 5 feet. The bare minimum is 3 feet, but some incidental architectural features that could have some encroachment. Gutters and drainage would be addressed as part of the building permit review, with Code not allowing storm drainage to go onto adjacent properties. Staff would look at the wording to ensure there was not ambiguity before the next reading.
- Regarding driveways, there were limitations to the amount of impervious surface allowed, requiring some separation between properties to allow for drainage. The entire right-of-way area could not be paved.
- The only way parking of commercial vehicles in residential areas could be regulated was through home occupation. If it was a home occupation, there would be more latitude. A worker bringing their vehicle home could leave it in place for up to 72 hours per current Code. After that, it would need to be relocated at least 200 to 300 feet away.
- Type 1 decisions were intended to be clear and objective without a lot of discretion. If someone wanted to oppose the approval, they could take it through the appeal process. Having Council involved in the appeals process for Type 1 decisions seemed excessive, but that could be included if Council directed, and the City did not receive very many appeal requests that would go up to Council.
- A Type 1 decision could include approval of accessory dwelling unit because it was clear and objective, could not be more than 720 square feet, and could not be closer than 5 feet to a side or rear yard line. Other Type 1 decisions could include issuance of a street tree

removal permit, building permits, and review of the final plat for an approved development. Type 1 decisions currently are appealable to Council.

- Council agreed that appeals should be decided by Council, as residents had a right to appeal Staff decisions to their elected officials.
- The Forestry Commission had discussed lack of street trees on smaller lots and had a goal to increase tree canopy within the City. Instead of focusing just on street trees, the Code could require trees to be planted elsewhere on the property or in groves elsewhere in the City where tree canopy was needed. Planned developments would have more latitude because they had to go through the Planning Commission, which could impose conditions on those developments. Staff would have to work with the Forestry Commission to address lack of trees on smaller lots.
- Tree requirements in planned developments changed because of higher land prices and trying to maximize the number of houses within a development and were further promoted because of HB 2001, allowing for smaller lots within neighborhoods.

Council President Gustafson stated she disagreed with the policy and wanted trees on residential property, even if they were smaller trees or fewer homes and streets, to create more beautiful neighborhoods.

Council President Gustafson confirmed there was no public comment and called for a motion to adopt Ordinance 2023-03 by title for first reading.

MOTION: Councilor Uhing moved, seconded by Councilor Rippe, to adopt Ordinance No. 2023-03, amending Forest Grove Development Code Article 1 – Introduction and Procedures, Article 2 – Land Use reviews, Article 3 – Zoning Districts, Article 5 – Special Provisions, Article 6 – Land Divisions, Article 7 – Miscellaneous Provisions, Article 8 – General Development Standards, and Article 12 – Use Categories and Definitions; File No. 311-23-000006-PLNG.

Councilor Rippe asked for amendments to clarify earlier discussion points and stated this would be a good opportunity for Council to give the Community Forestry Commission (CFC) a direct request to come up with a policy recommendation around trees in residential developments.

Council discussed options regarding the requested amendments of bringing Council into the appeals process and requiring street trees in neighborhoods. VanderZanden noted the next Code update would focus on climate-friendly and equitable communities, which could address the street tree issues. A vote tonight would advance the Ordinance to the second reading, which could still be amended at the second reading to address Council's concerns. Staff would bring back clarification and/or potential amendments for Council to consider at the second reading, which would be when the Ordinance could be passed.

City Recorder Ruggles clarified that instruction to the CFC would require a separate motion, which could also be done at the second reading.

VanderZanden read Ordinance 2023-03 by title only for first reading.

ROLL CALL VOTE: AYES: Councilors Gustafson, Marshall, Martinez, Rippe, Uhing, and Valenzuela. NOES: None. ABSENT: Mayor Wenzl MOTION CARRIED 6-0.

Council President Gustafson continued the public hearing until the May 22, 2024, Council meeting.

G. Council Communications:

1. Councilor Reports:

Councilor Uhing had nothing to report but gave a reminder of the Historic Landmarks Board's workshop on window repair May 20th from 9:00 to 11:00 a.m. at the auditorium

Councilor Rippe attended Washington County Elected Officials proposed budget review last Wednesday and thought it was informative, but only 13 elected officials attended. Rippe had talked to the City Manager about some of the County budgets, which he believed Council would be briefed on tomorrow in its own Budget Committee meeting. Rippe noted he was looking forward to feedback from the Committee for Community Involvement regarding the annual town meeting's public input.

Councilor Martinez attended the Forest Grove Rural Fire Protection District meeting on Thursday, in which they reviewed the 2023-2024 Fiscal Year (FY) budget. The Board meeting focused on how the Gales Creek Fire Department had become run down. Allocated funds were available for repairs, and a local resident was enlisting others to beautify it and do some of the repairs.

Councilor Marshall and Councilor Valenzuela had no reports.

Council President Gustafson attended the Washington County Coordinating Council today, where they discussed Regional Transportation Plan (RTP) projects, with 72% of available funding going to roads and bridges and 20% to walking and biking. At the CCI meeting, they were debriefed on the Town Hall meeting. They had not received all of the comments, but while several people loved the format of an open house with tables; they did notice one person was monopolizing Staff's time significantly, limiting opportunities for others to speak to that person, which should be addressed for future meetings.

2. City Manager's Report

VanderZanden provided an update on pending grant requests and Congressionally directed spending requests at the federal level included:

- TV Highway Safety Improvements project for \$3 million
- Community Solar project for \$900,000
- Eastside Emergency Water Intertie project for \$2 million
- 21st Avenue Festival Street for \$2 million
- Emerald Necklace Trail for \$2.24 million
- The only one included in an appropriations bill to date was the TV Highway Safety Improvement project on the House side. The other projects were not likely to be included in this year's appropriations.
- Other outstanding grant requests at either the Federal or State level included funding to hire two fire fighters and more police officers. The City would submit an application for a complimentary grant for TV Highway Safety improvements in July.
- The free shredding event would be Saturday from 9:00 a.m. to 12:00 p.m. in the City Hall parking lot, located between Ash and Council.
- Locally Coordinated Command Center (LC3), which was derived out of the Governor's Executive Order to address homelessness, posted a notice for closure of the homeless encampment on Highway 47 on June 26th. Highway 47 would be the County's first focus, with similar efforts following in Tigard, Beaverton, and Hillsboro in June, July, and September.

3. Mayor's Report

There was no report.

H. Adjournment

Council President Gustafson adjourned the regular Council meeting at 8:55 p.m.



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**City Council Work Session Meeting Minutes
Homelessness: Time, Place, and Manner**

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1. **ROLL CALL: COUNCIL PRESENT:** Donna Gustafson, Council President; Michael Marshall; Karen Martinez; Timothy Rippe; Elena Uhing (via Zoom); Mariana Valenzuela.
COUNCIL ABSENT: Malynda Wenzl, Mayor.
2. **STAFF PRESENT:** Jesse VanderZanden, City Manager; Paul Downey, Assistant City Manager/Finance Director; Ashley Driscoll, City Attorney; Gregory Robertson, Public Works Director; Derek Robbins, Engineer; Dan Riordan, Senior Planner; and Anna Ruggles, City Recorder.
 - A. 6:15 PM – COUNCIL WORK SESSION (HOMELESSNESS: TIME, PLACE, AND MANNER):

Council President Gustafson called the work session meeting to order at 6:15 p.m. via in-person and Zoom Webinar Video Conference.

Staff Report:

Driscoll presented the Staff Report via PowerPoint, noting this was the fifth work session on this topic, and that tonight's focus would be on reaching consensus on place regulation and discussing compliance topics. Staff would then have the direction needed to begin drafting the appropriate ordinance. Also reviewed were previous consensus on time and manner as well as previous discussion on place.

Following discussion, Council reached the following consensus:

- Camping would be allowed at the former Stuntzner site and City Hall Lot.
- Staff would go back to re-characterize each site in full detail for capacity, size, materials, access, proximity to nearby services, and other features.

Driscoll stated compliance was the most challenging issue, and reviewed prior consensus regarding enforcement, and outlined compassion-first, progressive enforcement steps.

During discussion, Council reached the following consensus:

- Law enforcement should work with nonprofit agencies so that during encounters, they could determine whether the person was in the County system, which would help the officer determine what compliance steps should be taken.
- Officers should be thoroughly trained in the compliance steps, so they understand the progressive nature and how to contact the different nonprofits.
- The City should coordinate with the County to ensure that an officer would be present when it was time to pack up for the day so that everything was disposed of properly and the trash bin was locked down.

Driscoll reminded that if the City cannot prove a campsite was non-established, a 72-hour notice must be given to comply with State law, and the definition of established was 24 hours.

Council took no formal action nor made any formal decisions during the work session.

B. Adjournment:

Council President Gustafson adjourned the work session at 7:00 p.m.