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City Council Regular Meeting Minutes

Monday, May 9, 2022
Zoom Community Auditorium

Minutes are unofficial until approved by City Council.

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.

1. **ROLL CALL: COUNCIL PRESENT:** Donna Gustafson, Kristy Kottkey; Timothy Rippe; Malynda Wenzl, Council President; and Peter Truax, Mayor. **COUNCIL ABSENT:** Elena Uhing and Mariana Valenzuela.
2. **STAFF PRESENT:** Paul Downey, Assistant City Manager/Finance Director; Keith Hormann, Light and Power Director; Amy Kreimeier, Senior Planner; Eddie Littlefield, Power Services Manager; Dan Riordan, Senior Planner; and Anna Ruggles, City Recorder. **STAFF ABSENT:** Jesse VanderZanden, City Manager.

B. Public Comment:

1. CC05-09-2022 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 (City Manager Performance Evaluation and Criteria) Meeting Minutes of April 11, 2022.
2. Approve City Council Work Session (Downtown Street Trees Policy Discussion) Meeting Minutes of April 11, 2022.
3. Approve City Council Regular Meeting Minutes of April 11, 2022.
4. Accept Urban Renewal Advisory Committee (URAC) Meeting Minutes of January 27, 2022.
5. Community Development Monthly Building Activity Report April 2022.
6. Accept Resignation Historic Landmarks Board (HLB) (Holly Tsur, appointed 09/2009, Term Expiring December 31, 2025). **Item Removed.**
7. Endorse Liquor License Renewal Applications for Year 2022.

8. Endorse New Liquor License Applications: 1) Simmer and Slurp LLC, Limited On-Premises, 2337 22nd Avenue. 2) 7 Star Convenience Store #2, Off-Premises, 2248 Main Street. ***Item Removed***.

MOTION: Council President Wenzl moved, seconded by Councilor Kottkey, to approve the Consent Agenda as amended. **VOICE VOTE:** AYES: Councilors Gustafson, Kottkey, Rippe, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilors Uhing and Valenzuela. **MOTION CARRIED 5-0.**

Council President Wenzl removed Consent Agenda Item 6. Wenzl commended Tsur for 13 years of dedicated service on the Historic Landmarks Board, noting Tsur's leadership was exceptional and she will be greatly missed.

Rippe removed Consent Agenda Item 8, noting the premise addresses were listed incorrectly in the recommendations, Ruggles noted she would update the recommendations with the correct premise addresses as shown above underlined.

Hearing no further concerns from the Council, Mayor Truax asked for a motion to approve the above-noted Consent Agenda Items.

MOTION: Councilor Rippe moved, seconded by Council President Wenzl, to approve Consent Agenda Item 6 as presented and Consent Agenda Item 8 as amended. **VOICE VOTE:** AYES: Councilors Gustafson, Kottkey, Rippe, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilors Uhing and Valenzuela. **MOTION CARRIED 5-0.**

D. Additions/Deletions:

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

E. Presentations: None.

F. Public Hearings, Ordinances, and Resolutions:

1. **CONTINUE PUBLIC HEARING AND SECOND 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**

The first reading of Ordinance No. 2022-01 by title and motion to adopt occurred at the meeting of April 11, 2022.

Public Hearing Continued:

Mayor Truax continued the Public Hearing from the meeting of April 11, 2022, and explained the hearing procedures.

Staff Report:

Riordan presented the above-proposed ordinance for second reading, noting at the hearing on April 11, 2022, the Council deferred second reading of the ordinance to May 9, 2022, to allow additional review time and final housekeeping edits. Riordan presented a PowerPoint presentation summarizing HB 2001 proposed amendments to the text of the Forest Grove Development Code (Middle Housing Law) and SB 458 (Middle Housing Divisions), noting the revised ordinance for second reading is consistent with the Planning Commission's decision and is making the following conclusions:

- Clarifying residential development intensity requirements (§17.3.130).
- Removing dwelling standard and deferring revision to the next round of Development Code updates to allow in-depth review as suggested by the Planning Commission
- Adding definitions for "courtyard housing" and middle housing "primary" and "secondary" lots (technical detail).

In addition, Riordan summarized other minor housekeeping edits. In conclusion of the above-noted staff report, Riordan advised staff is recommending Council approve the proposed ordinance for second reading, as outlined in Exhibit A, and Exhibit B, and as outlined in Exhibit C, Planning Commission Findings and Decision No. 2022-04, noting the City's 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.

Written Testimony Received:

Oregon Department of Land Conservation and Development (DLCD), submitted written correspondence dated May 3, 2022.

Mimi Doukas, AKS Engineering & Forestry, Tualatin, OR 97062, representing Allied Development, submitted written testimony dated May 9, 2022.

No other written testimony was received.

Proponents:

Mimi Doukas, AKS Engineering & Forestry, Tualatin, OR 97062, representing Allied Development (via in-person), referred to their written testimony dated May 9, 2022, noting they recommend revising Section 17.3.130 to list a minimum square footage of "net site area" per lot instead of a "minimum average" lot size. In addition, Doukas explained the existing Development Code allows applicants to request increased density of approximately 10% through the Planning Development process, noting they recommend building 10% density increase into the base provisions currently under review.

No one else testified.

Opponents:

No one testified.

Others:

No one testified.

Public Hearing Closed:

Mayor Truax closed the Public Hearing.

Mayor Truax asked for a motion to adopt Ordinance No. 2022-01 for second reading as amended.

Downey read Ordinance No. 2022-01 by title for second reading as amended.

MOTION: Councilor Rippe moved, seconded by Councilor Gustafson, to adopt Second 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.

Council Discussion:

The Council deliberated briefly on the proposed text amendments and provided additional feedback, to which Riordan summarized the housekeeping edits.

In response to Gustafson's concern pertaining to the provision of recreational parks to support the increased number of units, Riordan advised the adopted Parks Master Plan is based on population. Riordan referenced Section 17.8.205, Open Space, which establishes standards for the provision of open space and recreational facilities, and where part of development, requirements for common areas, i.e., residential development shall provide 20% of the lot area in open space.

In response to Rippe's concern pertaining to Section 17.8.815, Off-Street Parking Requirements, Eligible Parking, Riordan explained the Planning Commission's recommendation is allowing for up to a 50%, instead of a 100%, credit for on-street parking spaces adjacent to property being developed. In response to Rippe's concern pertaining to Section 17.8.905, Pedestrian Ways, i.e., mobility vehicle access, Riordan advised sidewalks and/or pedestrian ways are designed according to City standards and/or specifications under a separate code. In response to Rippe's concern pertaining to Section 17.1.225, i.e., 50 peak hourly trips, Riordan explained the proposed amendments are based on the Planning Commission's recommendation and were reviewed by the City Engineer.

In response to Kottkey's concern pertaining to housing potentials, Riordan explained the Planning Commission recommends establishing minimum lot size in R-5 of 3,500 square feet, noting the Development Code amendments will allow for a diverse range of housing types in low-density residential areas that allow for single-family homes on individual lots.

In response to Wenzl's inquiry pertaining to the procedures for updating the Development Code, Riordan explained there are only a few areas where HB 2001 allows flexibility, noting staff will conduct its annual Development Code review, which may result in additional text amendments for future legislative review.

In response to testimony heard, Riordan advised staff is recommending retaining the "lot size requirements" (17.3.130). Mayor Truax concurred with staff's recommendations, noting implementing the new text amendments is a work in progress. Mayor Truax added that he has concerns when the number of automobiles dictate the number of on-street contiguous spaces.

Hearing no further inquiries or concerns from the Council, Mayor Truax asked for a roll call vote on the above motion for second reading as amended.

ROLL CALL VOTE: AYES: Councilors Gustafson, Kottkey, Rippe, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing and Valenzuela. MOTION CARRIED 5-0.

2. **PUBLIC HEARING: ORDER NO. 2022-02 SUSTAINING THE APPEAL AND APPROVING THE DAVIS ESTATES PLANNED RESIDENTIAL DEVELOPMENT SUBJECT TO THE CONDITIONS OF APPROVAL, AS REVISED; WASHINGTON COUNTY TAX LOT 1N3300001100; FILE NO. 311-21-0000064-PLNG**

Public Hearing Opened:

Mayor Truax opened the Public Hearing and explained the on-the-record appeal hearing procedures.

Staff Report:

Kreimeier reported the applicant/appellant has submitted written testimony as noted below requesting a continuance of the Public Hearing scheduled for May 9, 2022, to a date certain of June 13, 2022, 7:00 p.m., Order No. 2022-02 Sustaining the Appeal and Approving the Davis Estates Planned Residential Development Subject to the Conditions of Approval, as revised; Washington County Tax Lot 1N3300001100; File No. 311-21-0000064-PLNG. In conclusion of the above-noted staff report, Kreimeier advised staff recommends a continuance of the Public Hearing as requested by the applicant/appellant.

Written Testimony Received:

Andrew H. Stamp, P.C., Attorney At Law, Lake Oswego, representing Chad E. Davis Construction, LLC, applicant/appellant, submitted a letter dated May 5, 2022, requesting a continuance of the Public Hearing scheduled for May 9, 2022. The reason of the continuance relates to the need to work out some pending issues.

Council Discussion:

Hearing no concerns from the Council, Mayor Truax asked for a motion for a continuance of the Public Hearing for Order No. 2022-02 scheduled for May 9, 2022, to a date certain of June 13, 2022, 7:00 p.m.

MOTION: Council President Wenzl moved, seconded by Councilor Gustafson, to approve a continuance of the Public Hearing for Order No. 2022-02 scheduled for May 9, 2022, to a date certain of June 13, 2022, 7:00 p.m.

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, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing and Valenzuela. MOTION CARRIED 5-0.

Public Hearing Continued:

Mayor Truax announced the continuance of the Public Hearing for Order No. 2022-02 to a date certain of June 13, 2022, 7:00 p.m.

3. RESOLUTION NO. 2022-24 ADOPTING CITY OF FOREST GROVE CLEAN FUELS CREDIT ALLOCATIONS

Staff Report:

Littlefield and Hormann presented the above-proposed resolution for Council consideration, noting the proposed resolution is adopting the City of Forest Grove Clean Fuels Credit Allocations. Littlefield and Hormann presented a summary of the proposed Forest Grove Light and Power Electric Vehicle (EV) Program, noting Forest Grove Light & Power (FGL&P) has been allocated 1,617 credits through the Department of Environmental Quality (DEQ) Fuels Credit Program. The credit allocation is based on the number of plug-in electric vehicles registered in FGL&P utility service area since 2020. In conclusion of the above-noted staff report, Littlefield and Hormann advised staff is recommending Council adopt the proposed resolution, as outlined in Exhibit A, noting by monetizing all of the credits currently owned by FGL&P, the proposed refund of \$500 per charging unit will fund the expected requests from all 269 EV owners currently in the FGL&P service area. There will also be enough credit value to cover the expected vehicles registered before the next DEQ credits allocation.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2022-24.

Downey read Resolution No. 2022-24 by title.

MOTION: Councilor Kottkey moved, seconded by Councilor Rippe, to adopt Resolution No. 2022-24 Adopting City of Forest Grove Clean Fuels Credit Allocations.

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, Wenzl, and Mayor Truax. NOES: None. ABSENT: Councilor Uhing and Valenzuela. MOTION CARRIED 5-0.

G. Council Communications:

1. Councilor Reports

Gustafson had nothing to report.

Kottkey briefed on League of Oregon Cities Women's Caucus' meeting and topics of interest for the proposed pending City Charter review, i.e., represent region and term limits.

Rippe reported Forest Grove Rural Fire Protection District Board will consider adopting its budget in June. Rippe briefed on the Budget Subcommittee (American Rescue Plan Funds), and League of Oregon Cities transportation meeting.

Valenzuela was absent.

Uhing was absent.

Council President Wenzl briefed on Parks and Recreation budget requests. Wenzl briefed on Committee for Citizen Involvement listening session and publishing the video on the City's webpage from the last session. In addition, Wenzl briefed on the Mayor's Youth Advisory Council meeting.

2. City Manager's Report

Downey briefed on department-related activities and Council calendar updates, noting the Budget Committee's first meeting is May 17, 2022, 6:00 p.m., via in-person and Zoom.

3. Mayor's Report

Mayor Truax reported he met with the Mr. Masaki Shiga, new Consul General of Japan Portland Office. Mayor Truax read the Washington County Board of Commissioners' recently released draft opinion of the Supreme Court proposing to overturn Roe v. Wade, noting he supports the draft resolution. 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 8:28 p.m.

Respectfully submitted,

Anna D. Ruggles, CMC, City Recorder