



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 12, 2023

Present: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco, Councilor Octavio Gonzalez

Mayor Bubenik called the meeting to order at 5:00 p.m.

1. Consideration of the Prohibition & Regulation of Camping on Public Property.

Deputy City Manager Megan George and Police Chief Greg Pickering provided a presentation regarding the prohibition and regulation of camping on public property. Manager George began by discussing HB 3115 and its impact on camping regulations. She mentioned previous legal cases that found violations of the Eighth Amendment, leading to the allowance of camping on public property. Manager George highlighted Tualatin's existing ordinance, pointing out its non-compliance with HB 3115, necessitating updates. She also shared information on how neighboring jurisdictions are handling time, place, and manner regulations.

Manager George introduced the draft ordinance, emphasizing that decisions made now are not permanent, and subsequent changes may be required based on case law, local and regional implementation, and efforts to address shelter capacity and services. She outlined the goals of the ordinance, including compliance with HB 3115, providing clarity for city staff in enforcing time, place, and manner regulations, maintaining consistency with nearby jurisdictions, and striking a balance between property use and compassion for the homeless. Manager George stated staff is recommending prohibiting camping between 7 am and 7 pm as part of the time restrictions. She stated in regards to manner restrictions, staff is suggesting considering neighboring jurisdictions, discouraging large encampments, preserving access to public infrastructure, and addressing environmental concerns. In terms of place restrictions, Manager George stated staff is proposing banning camping in city-owned parking lots, within 20 feet of buildings, near natural resources, public-right-of-way, municipal grounds, and city parks. She also shared a map highlighting the designated areas where camping would be allowed, noting the space would accommodate 120 camping sites across two sites.

Chief Pickering addressed the enforcement of the ordinance. He stated the department will use a trauma-informed approach to assist campers by connecting them with services if desired. Chief Pickering clarified the police department would not actively seek out these camps but would only address specific behaviors when necessary. Manager George concluded by discussing the next steps, which involve reviewing and considering the ordinance, as well as implementing it accordingly.

Council President Pratt asked if distance between the sights would be addressed in the ordinance. Manager George mentioned a 5-foot buffer was considered but it significantly reduced the number of available camping sites.

Council President Pratt raised a question about how to handle someone who is camping outside the prohibited hours due to illness. Chief Pickering responded they would assist that individual in finding the necessary services to get well.

Council President Pratt requested the inclusion of wetland preservation conservation districts in the ordinance. Manager George clarified it is already covered under natural areas conservation but agreed to specifically highlight wetlands for clarity.

Councilor Brooks inquired about any upcoming legislation related to homelessness. Manager George stated currently, there is no legislation that will impact the topic at hand.

Councilor Brooks asked about the County's involvement with Houseless Resource Coordinators to address homelessness. Manager George suggested scheduling a follow-up discussion with Washington County to explore that topic further.

Councilor Sacco asked about the considerations regarding the exclusion of a buffer. Manager George explained the decision was made to provide more opportunities for camping on the available parcels. Councilor Sacco inquired whether the Council should consider implementing a buffer.

Council President Pratt questioned whether a buffer would assist with enforcement by creating more space between camping individuals.

Councilor Reyes expressed support for designating specific camping areas and inquired about the nearest shelter to Tualatin. Manager George responded the closest shelter is Just Compassion located in Tigard.

Councilor Gonzalez expressed gratitude to the staff for their work and expressed satisfaction with the drafted ordinance as is.

Councilor Reyes raised the question of adjusting the time limit for daylight hours based on the seasons. Manager George explained a seasonal shift was considered, but for the sake of enforcement, it was deemed simpler to maintain a single timeframe.

Councilor Hillier inquired about the impact of these changes on other cities and the impacts of future developments on these sites. Manager George mentioned cities have attempted to coordinate for the sake of consistency, but there are differences among them that are unavoidable. She added if any of the designated camping sites were to be developed, the restrictions could be amended to ensure compliance with the legislation.

Councilor Sacco expressed her desire to include a buffer for safety reasons and suggested amending the draft ordinance to incorporate a 10-foot buffer.

Councilor Reyes asked about the possibility of the designated camping sites being situated in floodplain areas. Manager George clarified the designates areas are not typically prone to flooding.

Mayor Bubenik polled for consensus to include a 12x12 foot camping space, a 10-foot buffer, and adding specific language regarding wetlands in the ordinance. Consensus was reached.

Councilor Hillier asked how a buffer would be enforced. Chief Pickering stated they won't be policing the camp sites but noting that a safety buffer is good to have in these situations.

2. Council Meeting Agenda Review, Communications, and Roundtable.

Councilor Brooks stated she attended the regional water consortium meeting and the policy advisory board meeting.

Councilor Sacco stated she attended the C4 meeting. She recognized the first pride celebration in Tualatin and thanked everyone for their work on the parade.

Councilor Hillier stated she attended the Blender Dash and the Pride Stride. She also participated in the award of the Science and Technology Scholarship.

Councilor Reyes stated applications for the IDEA Committee are now being accepted.

Council President Pratt stated she attended the Memorial Day Celebration and the Blender Dash.

Mayor Bubenik stated he attended the Memorial Day Celebration, the Pride Stride, and lobbied in Washington DC on behalf of the JPACT Committee for transportation funding.

Adjournment

Mayor Bubenik adjourned the meeting at 6:05 p.m.

Sherilyn Lombos, City Manager



_____/ Nicole Morris, Recording Secretary

Frank Bubenik

_____/ Frank Bubenik, Mayor

Signature: 

Email: fbubenik@tualatin.gov








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2023-06-27 - 4:42:33 PM GMT
-  Email viewed by fbubenik@tualatin.gov
2023-06-27 - 6:41:54 PM GMT- IP address: 161.123.7.25
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2023-06-27 - 6:43:32 PM GMT- IP address: 174.174.120.236
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Signature Date: 2023-06-27 - 6:43:34 PM GMT - Time Source: server- IP address: 174.174.120.236
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2023-06-27 - 6:43:34 PM GMT



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Present: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Bridget Brooks, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco, Councilor Octavio Gonzalez

Call to Order

Mayor Bubenik called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Announcements

1. Proclamation Declaring the Week of June 19 – June 25, 2023 as National Pollinator Week in the City of Tualatin

Tualatin Parks Advisory Committee Members Emma Gray and Beth Dittman presented information about the City of Tualatin's participation in the Bee City USA program. They outlined the commitments required to become a Bee City USA, which include establishing a committee, creating pollinator habitats, reducing the use of pesticides, organizing pollinator awareness events, and installing appropriate signage. This year, Tualatin held 13 planting events, involving 725 volunteers who planted a total of 29,340 square feet. They emphasized the community benefits that arise from participating in the Bee City USA program, such as the preservation of vital animal species, improved local food production, support for small businesses, reduced use of pesticides for pest control, and an increased awareness of biological diversity. Information was provided on how individuals can get involved during Pollinator Week, encouraging community members to participate in activities and initiatives related to supporting pollinators.

Councilor Brooks read the proclamation declaring the week of June 19 – June 25, 2023 as National Pollinator Week in the City of Tualatin.

2. Proclamation Declaring June 19, 2023, as Juneteenth Day in the City of Tualatin

Councilor Sacco read the proclamation declaring June 19, 2023, as Juneteenth Day in the City of Tualatin.

Public Comment

Keith Irvine voiced his concerns regarding the proposed ordinance connected to HB 3115. He expressed his preference for the smallest possible number of camping sites to be made available for people

Peggy Irvine spoke in regards to the homeless camping ordinance. She inquired about the number of individuals currently camping in Tualatin and expressed apprehension about the health and safety issues associated with camping within the city.

Tim McQueen expressed opposition to permitting homeless camping in parks, emphasizing safety concerns as the primary reason.

Consent Agenda

Motion to adopt the consent agenda made by Council President Pratt, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Hillier, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of May 22, 2023
2. Consideration of **Resolution No. 5699-23** Authorizing the City Manager to Execute a Maintenance and Operations Agreement with Randy McLeod and Janine McLeod for Basalt Creek Parkland
3. Consideration of **Resolution No. 5700-23** Adopting Tualatin's Equitable Housing Funding Plan
4. Consideration of **Resolution No. 5701-23** Authorizing the Purchase of Right-of-Way and Easements for the Construction of the Boones Ferry Corridor Phase 2 Project, Part of the Tualatin Moving Forward Program

Public Hearings - Legislative or Other

1. Consideration of **Resolution No. 5702-23** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2023-24

Finance Director Don Hudson stated in order for the city to receive state shared revenues the city must hold two public hearings. He noted the first public hearing was held before the budget committee and the second is being held tonight. Director Hudson stated the city is set to receive \$456,315 in state revenue sharing funds in FY 2023-24.

Motion to adopt Resolution No. 5702-23 declaring the city's election to receive state revenue sharing funds during fiscal year 2023-24 made by Councilor Brooks, Seconded by Council President Pratt.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Hillier, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

Public Hearings - Quasi-Judicial

1. Consideration of the Norwood Road Plan Text Amendment and Plan Map Amendment (PTA 23-0001 and PMA 23-0001)

Mayor Bubenik opened the public hearing in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b).

Councilor Hillier disclosed ex-parte contact stating she lives in the Ibach CIO area and has seen the signs in the neighborhood, read and received all the emails related to the application, and the postcard that was left on her door.

Councilor Brooks disclosed ex-parte contact stating she has driven by the site and received emails that were sent to the Council related to the hearing.

Council President Pratt disclosed ex-parte contact stating she has seen the signs in the community and received the emails that the council received and have been entered into the record.

Councilor Gonzalez disclosed ex parte contact stating he attended a public hearing on October 23,2022 before he elected, he drives by it daily, received the postcards, a social media messaged.

Councilor Reyes disclosed ex-parte contact stating she has received emails that she forward to staff for the record.

Councilor Sacco disclosed ex-parte contact stating she has read the emails received from community members, drove by the site, and seen the signs posted in the area.

Mayor Bubenik disclosed ex-parte contact driven by the site, seen the signs, and read the emails.

Ex-Parte Disclosures

Councilor Hillier disclosed she lives in the Ibach CIO area and has observed signs in the neighborhood. She also mentioned reading and receiving all the emails associated with the application, as well as receiving a postcard left on her door.

Councilor Brooks disclosed she has driven by the site in question and received emails sent to the Council regarding the hearing.

Council President Pratt disclosed she has seen signs in the community and received the same emails that were sent to the Council and entered into the record.

Councilor Gonzalez disclosed that before being elected, he attended a public hearing on October 23, 2022. He mentioned driving by the site daily, receiving postcards, and receiving social media messages.

Councilor Reyes disclosed she received emails, which she forwarded to staff for inclusion in the record.

Councilor Sacco disclosed she has read the emails received from community members, driven by the site, and observed the signs posted in the area.

Mayor Bubenik disclosed he has driven by the site, seen the signs, and read the emails associated with the matter.

Staff Presentation

Assistant Community Development Director Steve Koper presented the Norwood Road Plan Text and Plan Map Amendment. He stated AKS Engineering and Forestry LLC submitted the application on behalf of Vista Residential Partners and Horizon Community Church, the property owner. Director Koper explained the proposed Plan Text Amendment (PTA) aims to remove the locational factors from the High-Density High-Rise (RH-HR) purpose statement in the Tualatin Development Code (TDC) Section 44.100, which currently restricts the zone to downtown.

Additionally, the TDC Table 44-3 would be revised to limit the structure height to four stories or 50 feet in the RH-HR zoning district south of Norwood Road, applicable to the subject site. Director Koper shared the proposed text amendment with strike-through for Chapter 44 RH-HR and showcased a map illustrating the existing and proposed zoning.

Director Koper stated the applicants submitted two voluntary conditions. The first condition is the installation of a traffic signal at the intersection of SW Norwood Road and SW Boone Ferry Road before the occupancy of any future site development. The second voluntary condition is the addition of a 60-foot buffer along SW Norwood Road to preserve trees that would not be removed for future access or public roadway improvements. Director Koper stated the applicant further agreed to additional voluntary conditions, including reserving 10% of the units as affordable to workforce/middle-income households earning 80% of the area median income (AMI) or median family income (MFI) for a period of 15 years, constructing 40 electric vehicle charging stations, and ensuring the project meets the US Green Building Council LEED green building standard. Director Koper stated staff has recommended additional conditions, such as the construction of a left turn on SW Norwood Road and a proportional share contribution to the City of Tualatin for future transportation system improvements, specifically the proposal for a second right-turn lane on the I-5 southbound off-ramp before the Certificate of Occupancy is issued. He presented the applicable criteria for the hearing.

Tualatin Planning Commission Chair Bill Beers stated the commission met on April 20, 2023, to consider the amendment. He noted the commission voted 4-1 to recommend denying both the Plan Text and Plan Map Amendments to the City Council. They determined the application is not in the best interest of the community and does not align with the comprehensive plan.

Applicant Presentation

AKS Engineering Mimi Doukas and Stoel Rives Attorney Dana Krawczuk presented on behalf of the applicant. Attorney Krawczuk discussed the approval criteria the Council need to consider and requested the Council act as a judge rather than a policymaker on this matter, focusing on the presented evidence. She emphasized that the determination of public interest could be based on the City's Comprehensive Plan and other adopted policy documents, highlighting the city council goals and policies related to the proposed amendment. Attorney Krawczuk shared the Transportation Planning Rule relevant to the traffic criterion. She provided overall trip generation comparisons and mentioned that even without the zone change, the Boones Ferry Road/Norwood Road intersection was projected to fail. Attorney Krawczuk argued that the proposed mitigation, which involves installing a traffic signal, would address the failing intersection. She referred to the city's goal 10 regarding housing, stating there was no legally supportable reason to deny the application since the City was already ahead of schedule in meeting the Housing Needs Analysis and the application did not result in a surplus of units or acreage.

Engineer Mimi Doukas then presented the proposed site plan. She highlighted the applicant's commitment to preserving a buffer of trees along the northern area, maintaining existing access points to preserve trees, constructing a maximum four-story building, and providing open space and amenity areas. Engineer Doukas mentioned the applicant has also committed to affordability and sustainability by ensuring that 10% of the units would be affordable to workforce/middle-income households, constructing 40 electric vehicle charging parking spaces, and meeting US Green Building Council LEED standards. She argued the application serves the public interest by addressing housing needs, implementing existing and adopted housing policies, and fulfilling the city's need for additional land for housing.

Attorney Krawczuk stated there is one existing RH-HR zoning location in downtown Tualatin but due to constraints it would be difficult to build on. She stated the proposed site is suitable for development as it has a willing property owner and developer, is well-suited for multifamily apartments, has convenient access to major roadways and bus services, and provides access to amenities. She stressed that this application would not discourage downtown redevelopment. Attorney Krawczuk concluded by stating that the approval criteria had been met, and if approved, the application would implement the goals and policies of the comprehensive plan. She highlighted the applicant's commitment to building a project using green building methods, improving the transportation network, and providing affordable housing for working families. The applicant requested approval of the application.

Council Questions

Council President Pratt inquired about the definition of multi-family housing. Director Koper clarified that it refers to any housing with more than four units.

Council President Pratt then asked why the affordable housing was limited to 15 years. Lee Novack from Vista Residential explained that deed restrictions for affordable housing projects typically have a 15-year requirement. He mentioned that as projects age, rents tend to become more affordable, so it makes sense for the deed restrictions to expire.

Council President Pratt asked if the 60-foot buffer would include an easement that could potentially be encroached upon by the county if needed. Engineer Doukas responded the buffer is 60 feet from the right-of-way, and they are still working with the County on projects in the area. Council President Pratt expressed concerns about tree plantings having enough space to grow within the right-of-way. Arborist Todd Prager assured her that the preservation plan aims to maintain the outer edge of the trees along the buffer, ensuring that the interior trees are not compromised. He mentioned their goal is to push projects north of the roadway to achieve this. Council President Pratt requested assurances that the trees would not be removed. Engineer Doukas stated that these details would be worked out at the architectural review level.

Council President Pratt asked about the amount of green space to be expected on the site. Engineer Doukas explained the green space mainly consists of adult recreational spaces within their amenities.

Council President Pratt inquired if the traffic study considered more than just peak hours. Engineer Doukas stated a full traffic impact analysis was conducted, which looked at all the roadways at full build-out. Transportation Engineer Todd Mobley added that the analysis typically focuses on the am/pm peak hours when congestion is at its highest.

Council President Pratt asked if the applicant had reached out to the Tigard-Tualatin School District to inquire about accommodating transfer requests since the proposed site falls within the Sherwood School District. Engineer Doukas responded they had not done so.

Councilor Hillier requested clarification from the applicant regarding the transportation review area. Engineer Mobley explained that in the comparative analysis of the zone, the entire site was considered. Councilor Hillier further asked if the trips in the Autumn Sunrise area were included. Engineer Mobley confirmed that it was accounted for in the traffic study through the growth study. Councilor Hillier sought clarification on the study hours and why only the pm peak hours were considered and compared to a school site. Engineer Mobley explained they compared to a school site as it would generate more trips during the morning peak hour.

Engineer Doukas added that trip generation numbers are calculated based on the ITE (Institute of Transportation Engineers) manual for trips.

Councilor Hillier questioned the accuracy of the numbers, considering that the studies may be outdated. Engineer Doukas clarified that when referring to outdated numbers, they were specifically referring to the Housing Needs Analysis, which relies on historical data and may not provide accurate projections.

Councilor Hillier asked when the traffic was counted for the study. Engineer Doukas stated that the numbers were counted in December 2022. Engineer Mobley stated that they then used the manuals to adjust the numbers seasonally.

Councilor Sacco expressed the desire to see traffic impacts specifically related to residential development on the site, rather than the scenario involving an elementary school. Engineer Doukas explained the elementary school scenario was chosen because transportation rules require assessing the highest impact scenario, which in this case was the school. Councilor Sacco emphasized the importance of considering the input from community members who have firsthand experience with traffic in the area.

Council President Pratt asked whether the study included the potential impact of forthcoming tolling on traffic. Attorney Krawczuk responded that tolling was not included in the study.

Councilor Brooks expressed concern about the low percentage of workforce housing units at 10% and suggested that a higher percentage would be preferable. She also raised the issue of traffic, highlighting that the existing standards may not adequately account for other factors such as tolling and its potential impact on intersections in the area. Councilor Brooks emphasized the importance of developments having access to nearby stores, being walkable, and contributing to decreased traffic as valuable aspects for renters and not having other amenities like pools.

Councilor Gonzalez acknowledged the issue of traffic and expressed his support for bringing affordable housing to Tualatin, as it is currently not affordable to live here.

Councilor Reyes raised concerns about the timing of the traffic study and suggested that it should have been conducted during a more relevant time. Engineer Mobley explained that the studies were adjusted based on timing considerations.

Councilor Reyes asked about the selection process for the workforce housing units. Mr. Novak explained how the selection process works to fill those units.

Councilor Hillier asked about the margin of error for the traffic study. Engineer Mobley stated most studies tend to overestimate traffic and are conservative in their analysis.

Councilor Pratt inquired about the difference between medium and high density housing. Director Koper clarified that it refers to density rather than housing type.

Mayor Bubenik asked about the size of the theoretical school in the scenario the applicant proposed in the traffic study. Engineer Mobley stated they estimated it to be a 250-student school. Mayor Bubenik mentioned that it is comparable to the number of units being built.

Mayor Bubenik asked about the impact of the signal installation for traffic along Boones Ferry Road. Engineer Mobley explained that it would not alleviate traffic on Boones Ferry Road but would primarily help with the traffic flow on the arterial roads.

Mayor Bubenik inquired about the difference between a level D and E level intersection. Engineer Mobley explained the difference in terms of delay at a level D and E intersection.

Mayor Bubenik asked about the Basalt Creek Bridge and how it was factored into the studies. Engineer Mobley stated the bridge was included in the studies with and without the bridge.

Mayor Bubenik asked about the importance of the exterior buffer protecting the interior trees. Arborist Prager explained that preserving the trees on the exterior is crucial as they provide protection for the interior trees.

Mayor Bubenik asked about the Core Area Renewal Project and why it was not mentioned in the reports. Director Koper stated there is not enough information on that project, and there is no criteria for comparison to it. Attorney Krawczuk added that the project is too speculative to be considered at this point.

Mayor Bubenik questioned the inclusion of a TriMet line as an amenity and pointed out that TriMet would only add service based on ridership rather than just the presence of development. Engineer Doukas stated that TriMet is a "build it and they will come" service, noting there is already an established line in the area, making it easier to establish a stop there.

Mayor Bubenik asked about the parking plan and how many parking spots are envisioned on the site. Director Koper mentioned that the city standard is one parking spot per unit, while Mr. Novak stated they are planning for 1.65 parking spots per unit.

Mayor Bubenik inquired about the reason for selecting 80% as the income threshold. Attorney Krawczuk explained that it was the Council's definition of workforce housing is.

Mayor Bubenik asked about the inclusion of apartments in the concept of multifamily/middle housing. Director Koper clarified the distinction between middle housing and moderate income housing, stating that the applicant has recognized the need for both types.

Council took a break from 9:40 to 9:53pm

Attorney Krawczuk withdrew the application and thanked the Council for their time.

Mayor Bubenik closed the hearing.

Council Communications

Councilor Brooks thanked everyone who attended the Pride Stride.

Adjournment

Mayor Bubenik adjourned the meeting at 9:58 p.m.

Sherilyn Lombos, City Manager



/ Nicole Morris, Recording Secretary



/ Frank Bubenik, Mayor








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