



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION MEETING FOR FEBRUARY 27, 2023

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

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### **Work Session**

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

#### **1. Council Training Series: Public Meetings and Conflict.**

City Attorney Chad Jacobs presented a training on public meetings and conflicts. He covered topics on authority, public meetings, land use hearings, and public records. Attorney Jacobs stated the Council's authority states they may only act as a body and are expected to abide by council decisions. He stated personal opinions and comments should be expressed only if a member makes it clear that is their own opinion. Attorney Jacobs covered public meetings and what state law addresses including what is a meeting and quorum. He covered information on executive sessions and what topics can be covered. Attorney Jacobs addressed quorums of a governing body in social settings.

Council President Pratt asked about speaking as an individual and addressing your title. Attorney Jacobs stated you can speak as an individual but you need to be clear that the opinions that you are expressing are your own.

City Attorney Jacobs covered the two types of land use hearings: legislative and quasi-judicial. He defined the hearing types, procedures, ex-parte communications, bias, conflicts of interest, and control of public meetings.

Council President Pratt asked what to do with emails all of the Council receives from applicants. Attorney Jacobs stated to forward it to staff so they can include it in the record.

Councilor Gonzalez asked how he could meet with people during these processes. Attorney Jacobs said you can meet with them but you have to disclose what is discussed as ex parte communications. He stated these types of communications could get difficult to communicate so he would encourage council to avoid these contacts outside of the hearing.

Councilor Hillier asked if the public could challenge communications. Attorney Jacobs stated the public does have an opportunity to challenge the impartiality of a councilor.

City Attorney Jacobs spoke to public records and what they are, how to maintain them, and destruction.

#### **2. Update on the Basalt Creek Employment (BCE) Zone Project: PTA 22-0001/PMA 22-0001.**

Assistant Community Development Director Steve Koper, Senior Planner Erin Engman and HPR Consultants Chris Green and Brad Kilby presented the Basalt Creek Employment (BCE)

zone code project. Consultant Green presented the project scope including a code audit of the existing manufacturing park (MP) zone, an economic analysis, a transportation planning rule analysis, and draft code amendments. He shared the project area and existing conditions. Consultant Green stated the MP zone code audit showed the area was originally intended for large-scale manufacturing, research facilities, and limited light-industrial uses. Planner Engman stated previous plans including the Basalt Creek Concept Plan, the economic opportunities analysis, and the SW and Basalt Creek Urban Renewal Area informed and inspired the project aspirations, which included encouraging high employment density, strengthening local tax base, and minimizing conflicts between uses. She stated previous Council direction on the project included limited warehouse uses, encouraged flex spaces, incorporation of commercial uses, and maintaining green spaces. Planner Engman stated there has been extensive public outreach throughout the project including public open houses, stakeholder discussions, community discussions, and attendance at planning commission meetings. She stated public feedback has included general concerns around traffic, noise, and pollution. Planner Engman stated stakeholder feedback included a desire for flexible tenant space, development driven by tenants, and spaces that incorporate warehousing/wholesale components to support the operations. She stated they shared that the original draft code was too aspirational and did not provide sufficient flexibility for market demands. Planner Engman stated in response staff prepared several code scenarios for consideration and review by the Planning Commission that balanced the previously expressed aspirations for the area and current market trends.

Consultant Green shared the economic analysis summary that showed a demand for industrial space with a land supply that is critically constrained in the region. He stated users are looking for multi-tenant spaces that can be developed for smaller uses. Consultant Green stated recommendations from the analysis include expansions of industrial uses, flexible development standards, and restriction to control future uses/tenants. Consultant Green shared the traffic analysis summary stating proposed BCE text amendments include an expansion of commercial uses, noting it estimates that there will be a decrease in trip generation.

Director Koper shared the impacts of this on the urban renewal areas. He stated the SW and Basalt Creek Development Area was adopted in 2021 to generate tax increment financing for capital infrastructure in the area. Director Koper stated the Planning Commissions direction was to allow all manufacturing uses, develop some design standards to create a pleasant street-facing environment, protect and buffer the interface with yet-to-be-developed residential zoning, and comply with Chapter 63 standards. He stated the commission supported stakeholder scenario c that caps maximum building sizes of 150,000 square feet to limit large-format warehousing uses, with 70% of building square footage on a site is permitted to be a flexible combination of warehousing, and requested all uses be enclosed except for parking and loading areas. Director Koper stated the Planning Commission is requesting council feedback on their findings as they may be interpreted as different from Council's previous guidance. Planner Engman stated next steps include final recommendations from the Planning Commission and a legislative hearing of the proposed text and map amendments in May or June.

Council President Pratt asked for an example of a building that would be 150,000 square feet. Consultant Kilby stated it could be a large format grocery store.

Council President Pratt asked if a site has multiple buildings could the whole area be warehousing. Director Koper stated the space would work for a small warehouse but not major distribution.

Council President Pratt asked what the decrease in trip generation would be in comparison to. Director Koper stated it would be in comparison to what it is now. He noted warehousing trip generation has a lower rate than manufacturing.

Council President Pratt wants to make sure this area can support livable and high wage jobs. She asked if this type of zoning would help reach that goal and provide those types of jobs. Director Koper stated it is hard to make certain uses happen, so it is hard to determine that.

Council President Pratt expressed concerns with making sure they are protecting the residential areas and keeping them livable. Director Koper stated the proposed languages makes it so all activities have to be conducted indoor, add some additional buffering requirements, and limits building height.

Councilor Hillier asked for more information on the number of marijuana dispensaries that would be allowed. Planner Engman stated this area is excluded based off the buffering requirements.

Councilor Brooks asked why these changes are being made. Director Koper stated the existing zone was limiting in its uses and the urban renewal zone sought a high quality robust area that the current code could not facilitate.

Councilor Brooks wants to be sure this area can accommodate good paying jobs, not create additional traffic, and maintain the parks in the area.

Council President Pratt asked if food carts would be allowed in the area. Director Koper stated a food cart pod would be a permitted use in the zone.

Mayor Bubenik asked if spec buildings are the way of the future instead of campus style industrial buildings. Director Koper stated those campus style buildings are not what people are seeking any longer. He noted without these being shovel ready sites it is hard for them to be competitive at this time.

Mayor Bubenik asked if these will be job dense worksites as this was one of the aspirations for the area from Metro. Director Koper stated the area is proposed to be more job dense than it was in different formats and is more functional to help businesses thrive.

Mayor Bubenik asked how the trip counts go down. Director Koper stated warehousing distribution has a lower trip count and creates a different balance and net reduction.

Mayor Bubenik asked who would put in the roadways and maintain them. Director Koper stated the city has met with Wilsonville, Sherwood, and Washington County to discuss the roadway improvements. He stated new development would have to build its frontage connections and build additional infrastructure, as well as the tax increment financing will fund additional road improvements. He stated Washington County has expressed interest in the city taking jurisdiction of Graham's Ferry Road where an improvement district could be formed.

Councilor Brooks stated she is cautious about moving forward with the zoning due to transportation and employment mixes proposed in the area.

Councilor Sacco stated she is hesitant but noted the Planning Commission has done great outreach so she feels good about their recommendations.

Councilor Reyes asked for examples of different types of businesses in the zone. Director Koper shared examples stating the most likely outcome for the area would be like the Commerce Center in Wilsonville.

Councilor Gonzalez stated small business are able to flourish in this type of development with flex spaces and mixed uses.

Council consensus was reached to give the Planning Commission feedback that they support a mix of 30% manufacturing and 70% warehousing or wholesale.

### **Adjournment**

Mayor Bubenik adjourned the meeting at 6:54 p.m.

Sherilyn Lombos, City Manager



\_\_\_\_\_ / Nicole Morris, Recording Secretary



\_\_\_\_\_ / Frank Bubenik, Mayor








# CC WS Minutes 2-27-23

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## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR FEBRUARY 27, 2023

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

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### Call to Order

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

### Pledge of Allegiance

### Announcements

#### 1. New Employee Introduction- Librarian Melissa Hunt

Library Public Services Supervisor Sara Jesudason introduced Librarian Melissa Hunt. The Council welcomed her.

### Public Comment

Dan Cobb asked about approved projects listed on the city's website, noting he would like to see the unapproved projects listed as well.

Tim Neary, Byrom CIO President, expressed concerns with the planning process being to prescriptive and not applying what is actually good for Tualatin. He expressed concerns with allowing low-income housing going in areas where there is no means of bus transportation. Mr. Neary stated there is a lack of good data for planning. He stated he has submitted a text amendment for consideration to the Council.

### Consent Agenda

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

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 February 13, 2023
2. Consideration of Approval of Liquor License Renewals for 2023
3. Consideration of **Resolution No. 5673-23** Approving the City of Tualatin's 2023 Regional Transportation Plan Project List
4. Consideration of **Resolution No. 5674-23** Awarding the Contract for Construction of the SW Herman Road Improvements

5. Consideration of **Resolution No. 5675-23** Authorizing an Amendment to the Professional Services Agreement for Engineering of the Herman Road: Teton Ave. to Tualatin Rd. Project
6. Consideration of **Resolution No. 5676-23** Authorizing the City Manager to Execute Deed Acquiring Property for Basalt Creek Parkland
7. Consideration of Approval of Agreements Between the City of Tualatin and Community Partners for Affordable Housing and Horizon Church and Accept a Deed of Dedication for Tax Map & Lot: 32E06AD07800

### **Public Hearings - *Quasi-Judicial***

1. Consideration of **Ordinance No. 1472-23** Annexing Approximately 1.0 Acre of Land Located at 9300 SW Norwood Road, (Tax Map 2S135D000 Lot 108) into the City of Tualatin and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and Urban Road Maintenance District (File No. ANN 22-0003)

Mayor Bubneik opened the hearing in accordance with the state legislative rules for annexation hearings.

Councilor Brooks stated she regularly drives by the property.

Assistant Community Development Director Steve Koper and Assistant Planner Madeline Nelson presented Annexation 22-0003 for 9300 SW Norwood Road. Planner Nelson stated this is a request to approve an annexation for a one acre property located at 9300 SW Norwood Road. She noted the property is designated as Medium Low-Density Residential (RML) and future development of the property will require a separate architectural review and approval. Planner Nelson shared a zoning map. She shared the applicable criteria including it being within the Urban Growth Boundary, the owner petitioning it to be annexed, meeting Metro Code 3.09, and meeting ORS Chapter 222. Planner Nelson stated no development is planned at this time. She stated staff recommends approval of the annexation as it complies with ORS, Metro code, and the Tualatin Development Code.

AKS Engineer Melissa Slotemaker and Applicant Lee Novack presented their application. Ms. Slotemaker stated the annexation is for a one acre lot surround by property already in the city. She stated the application does not include any site alterations or improvements, noting future development is required to obtain a separate Council approval. Ms. Slotemaker stated the annexation criteria are straightforward and meet all of the objectives.

### **PUBLIC COMMENT**

Stan Russell, Pastor of Horizon Community Church, spoke in favor of the application. He stated this annexation is important to the church as there are future plans involved with the parcel that will help to continue to serve their church. Mr. Russell stated they also have a stake in affordable housing, as this will help serve families in the area.

Scott Olson, Head of School for Horizon Community School, stated with the growth in their school system they want to ensure they have the ability to continue to manage the property to meet the needs of the families they serve. He stated it is important for them to see low-income housing come into the area.

John Pries affirmed the good work the city does specifically their commitment to growth. He spoke in favor of the application as it supports affordable housing in the city.

Charles Pitt spoke in opposition of the application. He stated he is in favor of smart developing and is concerned with the traffic issues that will come to the area if this is approved.

Joel Angee spoke in opposition of the annexation. He stated neighbors in the area trusted the city and did not object to the Autumn Sunrise and Planbeck Gardens development, which resulted in over 500 housing units and over 50% of the entire city's housing needs being met for the next 20 years. Mr. Angee stated the lack of an arborist approved plan and traffic analysis in the area for both of the developments in the area has cause mistrust with the neighbors. He stated this is extreme zoning and not in the public good.

Ed Casey, Land Use Officer for Ibach CIO, spoke in opposition of the application. He stated members are upset about the traffic this will bring to the area.

Chad Fridley spoke in opposition of the annexation and in favor of smart development. He stated there should be no rush to develop this area when there are no resources to develop the area.

Tim Neary, Byrom CIO, spoke in opposition of the application. He stated there is not an urgent need for housing as the city is already ahead of the projected needs for housing. Mr. Neary stated approval of this application applies the city is in favor of the development.

Julie Heironimus, Interim Vice President of Byrom CIO, expressed concerns with the change in zoning and the traffic issues it will bring to the area. She requested more traffic studies before further expansion.

Chris McReynolds spoke in opposition of the application. He expressed concerns with traffic in the area. Mr. McReynolds would like to see a comprehensive traffic study be completed for the area.

Carly Cais spoke in opposition of the application. She stated there is a development application that references the approval of this annexation so you can't say they are separate decisions. Ms. Cais stated it would make more sense to make this area parkland.

## APPLICANT REBUTTAL

Ms. Slotemaker reminded Council that all requirements for the annexation have been met.

## COUNCIL QUESTIONS

Council President Pratt asked how many units would fit on the lot. Director Koper stated it would fit ten units.

Councilor Sacco asked what happens if the annexation is not approved even when it meets the criteria. City Attorney Chad Jacobs stated it can be appealed and LUBA can overturn that decision. He stated without further facts to create findings that the application does not meet the code you can't deny the application.

Mayor Bubenik closed the hearing.

## COUNCIL DELIBERATIONS



Council President Pratt stated the criteria have been met.

Councilor Sacco stated the way she votes tonight is based on the criteria.

Councilor Hillier stated her motivation for voting tonight will be based off the rules of the annexation. She hears what is being said and will consider other applications in the future.

Councilor Reyes stated her decision tonight will be based off the criteria.

Councilor Brooks stated because this is a quasi-judicial hearing they have to base their decision off the criteria. She stated it is the only decision she can consider.

Councilor Gonzalez stated he wants to hear from and talk to the constituents about this but he can't due to the nature of the decision.

Mayor Bubenik stated he has read all the emails he has received. He stated this decision is not implicit consent that the up-zoning will occur and tonight they are bound by state law for the annexation.

Attorney Jacobs reminded the public that the annexation and development are two separated decisions. He encourage the public to return to share their comments during the upcoming public hearings so they can be incorporated into that record as well.

Motion for first reading by title only made by Council President Pratt, Seconded by Councilor Hillier.

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

**MOTION PASSED**

Motion for second reading by title only 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**

Motion to adopt Ordinance No. 1472-23 annexing approximately 1.0 acre of land located at 9300 SW Norwood Road, (Tax Map 2S135D000 Lot 108) into the City of Tualatin and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and Urban Road Maintenance District (File No. ANN 22-0003) 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**

## **General Business**

### 1. Consideration of Recommendations from the Council Committee on Advisory Appointments

Councilor Reyes thanked everyone who applied and interviewed for the vacancies.

Councilor Sacco read the list of recommend applicants.

Motion to adopt the recommendations made by Councilor Sacco, missed the second Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Hillier, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

### **Council Communications**

Councilor Sacco stated she attended the CCAA meeting.

Councilor Hillier stated she attended the Architectural Review Board meeting. She congratulated the Tualatin High School Co-Ed Cheer Team for taking the National Championship.

Councilor Reyes states she attended the CCAA meeting.

Councilor Brooks stated she met with the Climate Action Plan group, attended the Tualatin Arts Advisory Committee meeting, and the League of National Cities Woman's Caucus meeting.

Council President Pratt stated she attended the C4 meeting and the I-205 Diversion Sub-Committee meeting.

Mayor Bubenik stated he participated in the Greater Portland Inc. Best Practices Panel, attended the WEA Board meeting, the Meet the Mayors event with the Mayors Consortium, and the Regional Tolling Advisory Committee meeting.

### **Adjournment**

Mayor Bubenik adjourned the meeting at 8:21 p.m.

Sherilyn Lombos, City Manager



\_\_\_\_\_ / Nicole Morris, Recording Secretary



\_\_\_\_\_ / Frank Bubenik, Mayor








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