

## Madeleine Nelson

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**From:** Madeleine Nelson  
**Sent:** Thursday, April 13, 2023 2:00 PM  
**To:** Tim N.; Chad Fribley; Mary Lyn Westenhaver; Marissa Katz; Julie Heironimus  
**Cc:** Steve Koper  
**Subject:** RE: Byrom CIO Executive Committee Statement: No on PTA23-0001 and PMA23-0001  
**Attachments:** Notice of Hearing PMA 23-0001 & PTA 23-0001.pdf

Good Afternoon,

Thank you for your email. Your comments have been received and will be added to the public record which will be presented to the Planning Commission and Council at the public hearing. The public hearing will be held on May 22, 2023. Attached is the Notice of Public Hearing for additional information. The comments will also be shared with the applicant team.

### Madeleine Nelson

Assistant Planner  
City of Tualatin | Planning Division  
503.691.3027 | [www.tualatinoregon.gov](http://www.tualatinoregon.gov)

**From:** Tim N. <timneary@gmail.com>  
**Sent:** Thursday, April 13, 2023 12:28 PM  
**To:** Frank Bubenik <fbubenik@tualatin.gov>; Maria Reyes <mreyes@tualatin.gov>; Christen Sacco <csacco@tualatin.gov>; Bridget Brooks <bbrooks@tualatin.gov>; Cyndy Hillier <chillier@tualatin.gov>; Octavio Gonzalez <ogonzalez@tualatin.gov>; Valerie Pratt <vpratt@tualatin.gov>; Ext - Planning <Planning@tualatin.gov>; Sherilyn Lombos <slombos@tualatin.gov>; Steve Koper <skoper@tualatin.gov>; Kim McMillan <kmcmillan@tualatin.gov>; Megan George <mgeorge@tualatin.gov>; Madeleine Nelson <mnelson@tualatin.gov>  
**Cc:** Chad Fribley <kapaluapro@aol.com>; Mary Lyn Westenhaver <mwestenhaver@hotmail.com>; Marissa Katz <katzmari22@gmail.com>; Julie Heironimus <jujuheir@aol.com>  
**Subject:** Byrom CIO Executive Committee Statement: No on PTA23-0001 and PMA23-0001

Hello Planning Commission and City Council Members,

The leadership of the Byrom CIO met recently and discussed the proposed text and map amendments: PTA23-0001 and PMA23-0001. **The Executive Boards of the Byrom CIO agreed that these proposed text and map amendments are NOT in the best interests of the current and future residents of Tualatin, and therefore should not be recommended for approval.**

Reasons to not approve the proposed text and map amendments:

1. The rationale to remove the restriction on residential high rises and enable them to be built anywhere in Tualatin is rooted in a concern for lack of affordable housing. It is important to note that the proposed apartments have been described by the builder as "class A, luxury apartments." These are not low income or subsidized housing. Additionally, studies have recommended that the city of Tualatin should add about 1000 housing units by 2040. Based on current construction and approvals in the city, about 1200 units will already be added to housing inventory, well above the 2040 target. There is not a need to rush to build more housing units.
2. Traffic - South Boones Ferry Road already has significant development planned: light industrial development, the Autumn Sunrise housing development, and the Plambeck Gardens subsidized housing

community. Traffic studies complete to date have never examined the cumulative impact of all of the proposed development projects, and some of the studies that have been completed identify that Boones Ferry will fail, and already is failing to effectively manage traffic, especially during peak hours. Adding the 286 housing units specific to the Norwood high rise apartment project would only further worsen traffic. South Tualatin is heavily car dependent. There is inadequate public transit, and there are no stores, restaurants, or places of employment for miles, requiring all new and current residents to drive, creating a recipe for gridlock on Boones Ferry Road.

**3. Most significantly, the proposed text and map amendments do not meet Tualatin Development Code Approval Criteria, specifically the following items:**

*TDC 33.070 (5) (A) - Granting the amendment is in the public interest.* - As representatives of all of the Tualatin CIOs representing residents of the city, we identify that the proposed amendments are not in the public interest.

*TDC 33.070 (5) (B) - The public interest is best protected by granting the amendment at this time.* Given the approved and in development housing units that have yet to be occupied and that these units are well in excess of the anticipated need of the city by 2040, it is not critical or necessary to change the restriction on residential high rises at this time. Furthermore, public interest would be harmed by granting the amendments, as traffic will worsen on Boones Ferry, adversely impacting quality of life.

*TDC 33.070 (5) (C) - The proposed amendment is in conformity with the goals and policies of the Tualatin Comprehensive Plan.* The comprehensive plan does not call for building residential high rises outside of the downtown area, and the area for the proposed Norwood high rise is specifically left as undeveloped on the maps associated with the comprehensive plan. Per the Tualatin 2040 Comprehensive plan, high density residential/ high rise zone is specifically supposed to be in areas with the greatest access to amenities. The site at Norwood Rd has no access to amenities. See the description copied from the 2040 developmental plan.

*High-Density Residential/High-Rise Planning District (RH-HR)*

This district supports a wide range of housing types at the greatest density of household living in areas with the greatest access to amenities.



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Due to the above factors, the leadership of the Byrom CIO do not support the proposed text amendment and map amendments. Alternatively, CIO leadership would be happy to consult regarding other changes that could be more beneficial to current and future residents of Tualatin. CIO leadership would gladly participate in conversations regarding alternative development of the site at Norwood Road, particularly development options that minimally impact traffic and increase livability of the community.

Sincerely,

Tim Neary  
President, Byrom CIO

Julie Heironomous  
Vice President, Byrom CIO

Marylyn Westerhaver  
Member at Large, Byrom CIO

Chad Fribley  
Land Use Officer, Byrom CIO

Marissa Katz  
Treasurer, Byrom CIO

## Madeleine Nelson

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**From:** Madeleine Nelson  
**Sent:** Thursday, February 16, 2023 12:10 PM  
**To:** Tim N.  
**Cc:** kapaluapro@aol.com; mwestenhaver@hotmail.com; Marissa Katz; Julie Heironimus  
**Subject:** RE: Concern with application PTA 23-0001  
**Attachments:** CIO Contact.pdf

Hi Tim,

Thank you for your email. The comment has been received and will also be provided to the applicant. Attached is the letter the applicant provided in their application submittal.

Thanks,

### Madeleine Nelson

Assistant Planner  
City of Tualatin | Planning Division  
503.691.3027 | [www.tualatinoregon.gov](http://www.tualatinoregon.gov)

**From:** Tim N. <timneary@gmail.com>  
**Sent:** Thursday, February 16, 2023 11:33 AM  
**To:** Madeleine Nelson <mnelson@tualatin.gov>  
**Cc:** Chad Fribley <kapaluapro@aol.com>; Mary Lyn Westenhaver <mwestenhaver@hotmail.com>; Marissa Katz <katzmari22@gmail.com>; Julie Heironimus <jujuheir@aol.com>  
**Subject:** Concern with application PTA 23-0001

Hi Madeleine,

I am concerned that the application is still incomplete, as those involved with the project did not make any known attempts to contact any of the executive committee members of the Byrom CIO.

This is in violation of TDC 32.140 criterion h:

A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the **application** and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with **land use** committee, presentation at neighborhood association meeting), and the result.

I have CC'ed the other Byrom CIO board members, who can also confirm that they have not been contacted regarding this project.

## Madeleine Nelson

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**From:** Tim N. <timneary@gmail.com>  
**Sent:** Thursday, February 16, 2023 10:53 AM  
**To:** Madeleine Nelson  
**Subject:** Re: PTA23-0001

Thank you Madeleine!

As a community member, I would appreciate it if planning department procedure changed and posted materials publicly as soon as possible, even if that includes a clear indicator that the application is not yet complete and moving forward. The goal in this change would be to create a greater degree of equality for project applicants and community members, as applicants likely put significant time and effort, at their own pace, to put their materials together, whereas delays in a proposed change drastically limits community members' time to research the project and its impact from their perspective.

On Thu, Feb 16, 2023 at 10:13 AM Madeleine Nelson <[mnelson@tualatin.gov](mailto:mnelson@tualatin.gov)> wrote:

Good Morning Tim,

Public notice will be issued for the PTA and PMA applications once the public hearing is scheduled. This notice will look similar to the ANN22-0003 public notice and it will provide instructions on submitting public comments for the applications ahead of the hearing. Comments submitted will be added to the written record and will be shared with the applicant and Council.

Land use applications are posted to the Projects Page once the applicant has provided all of the necessary materials to deem the application "complete". At the time of initial submission, the applicant was missing application materials.

Thanks,

**Madeleine Nelson**

Assistant Planner

City of Tualatin | Planning Division

503.691.3027 | [www.tualatinoregon.gov](http://www.tualatinoregon.gov)

**From:** Tim N. <[timneary@gmail.com](mailto:timneary@gmail.com)>  
**Sent:** Thursday, February 16, 2023 9:27 AM

**To:** Madeleine Nelson <[mnelson@tualatin.gov](mailto:mnelson@tualatin.gov)>

**Subject:** PTA23-0001

Hi Madeleine,

Are there public comment opportunities related to PTA23-0001 beyond the public hearing?

I am concerned as the submitted public meeting summary as written does not capture the significant neighborhood opposition to the project.

Additionally, could you provide insight as to why it took over a month after application submission to make the text revision application public?

Thank you,

Tim Neary, Byrom CIO President

## Madeleine Nelson

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**From:** Madeleine Nelson  
**Sent:** Thursday, April 13, 2023 1:57 PM  
**To:** timneary@gmail.com  
**Cc:** Steve Koper  
**Subject:** RE: Comment for Planning Commission re: DO NOT APPROVE PTA23-0001 and PMA23-0001  
**Attachments:** Notice of Hearing PMA 23-0001 & PTA 23-0001.pdf

Good Afternoon,

Thank you for your email. Your comments have been received and will be added to the public record which will be presented to the Planning Commission and Council at the public hearing. The public hearing will be held on May 22, 2023. Attached is the Notice of Public Hearing for additional information. The comments will also be shared with the applicant team.

### Madeleine Nelson

Assistant Planner  
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**From:** Tim N. <timneary@gmail.com>  
**Sent:** Thursday, April 13, 2023 12:20 PM  
**To:** Frank Bubenik <fbubenik@tualatin.gov>; Maria Reyes <mreyes@tualatin.gov>; Christen Sacco <csacco@tualatin.gov>; Bridget Brooks <bbrooks@tualatin.gov>; Cyndy Hillier <chillier@tualatin.gov>; Octavio Gonzalez <ogonzalez@tualatin.gov>; Valerie Pratt <vpratt@tualatin.gov>; Ext - Planning <Planning@tualatin.gov>; Sherilyn Lombos <slombos@tualatin.gov>; Steve Koper <skoper@tualatin.gov>; Kim McMillan <kmcmillan@tualatin.gov>; Megan George <mgeorge@tualatin.gov>; Madeleine Nelson <mnelson@tualatin.gov>  
**Cc:** Catherine Holland <tualatincio@gmail.com>  
**Subject:** Comment for Planning Commission re: DO NOT APPROVE PTA23-0001 and PMA23-0001

Hello Planning Commission, Planning Staff, and City Council:

The proposed text and map amendments will be harmful to the community if approved.

The proposed text amendment is particularly problematic in that it removes the restriction for residential high rises to be built anywhere in the city. This is not consistent with the context of most of Tualatin, and based on approval criteria, should not be approved.

The proposed map amendment is similarly problematic, in that approving the building of high rise residential housing is not in context with the community, and there are precedents that the construction of high rise apartments will adversely impact neighboring home values.

Please see below as I will speak to each point for consideration of approval as outlined by the TDC.

#### TDC 33.070(5) *Approval Criteria.*

- a. Granting the amendment is in the public interest.

**Comment: Hundreds of residents have expressed opposition, as well as leadership of all of the Tualatin Residential CIOs. The message from the residents of Tualatin is clear, these amendments are not supported by the people, and are not in the public interest.**

(b) The public interest is best protected by granting the amendment at this time.

**Comment: Given the approved and in development housing units that have yet to be occupied and that these units are well in excess of the anticipated need of the city by 2040, it is not critical or necessary to change the restriction on residential high rises at this time. Furthermore, public interest would be harmed by granting the amendments, as traffic will worsen on Boones Ferry, adversely impacting quality of life.**

(c) The proposed amendment is in conformity with the applicable goals and policies of the Tualatin Comprehensive Plan.

**Comment: The comprehensive plan does not call for building residential high rises outside of the downtown area, and the area for the proposed Norwood high rise is specifically left as undeveloped on the maps associated with the comprehensive plan. Per the Tualatin 2040 Comprehensive plan, high density residential/ high rise zone is specifically supposed to be in areas with the greatest access to amenities. The site at Norwood Rd has no access to amenities. See the description copied from the 2040 developmental plan.**

High-Density Residential/High-Rise Planning District (RH-HR)

This district supports a wide range of housing types at the greatest density of household living in areas with the greatest access to amenities.



(d)The following factors were consciously considered:

(i)The various characteristics of the areas in the City;

**The Norwood apartments project is not in context with the neighborhood and would not match the characteristics of the community.**

(ii) The suitability of the areas for particular land uses and improvements in the areas;

**The area is not suitable for use as a residential high rise due to the poor traffic infrastructure, inadequate parking plan, lack of access to amenities, and lack of support by public transportation.**

(iii) Trends in land improvement and development;

**There are no trends of building high rise apartments in any other areas of Tualatin, including presently in the only approved area in downtown. High rise apartment projects should focus on the area where zoning is already approved before considering expanding the zoning area.**

(iv) Property values;

**There are precedents that construction of a high rise apartment complex is associated with negative impacts on nearby single family home property values:**

- 1. St. Charles County v. Breeze Park Senior Living Communities, LLC:** In this case, the construction of a high-rise senior living complex was found to have a negative impact on the property values of neighboring single-family homes. The court ruled that the high-rise complex, which obstructed the view and privacy of the neighboring homes, caused a reduction in property values, and awarded compensation to the affected homeowners.
- 2. Murr v. Wisconsin:** In this case, the construction of a high-rise condominium complex was found to have diminished the value of a neighboring single-family home. The court determined that the high-rise complex, which restricted the development potential and



use of the neighboring property, resulted in a "taking" of property rights without just compensation.

3. **Hobart v. Hobart West Group:** In this case, the construction of a high-rise residential building was associated with a decrease in property values of nearby single-family homes. The court found that the high-rise building obstructed views, created noise and traffic, and resulted in a loss of privacy for the neighboring homeowners, leading to a reduction in property values.

(v) The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;

**As the 2040 comprehensive plan, which includes economic development of the Basalt Creek Planning area, does not include the Norwood property, there is no support for the creation of the Norwood high rise apartments having been factored into consideration of economic enterprises and other future development.**

(vi) Natural resources of the City and the protection and conservation of said resources;

**A forest was destroyed to build Autumn Sunrise, and what remains of the forest is on the proposed land for development. The city has provided no evidence that protection and conservation of natural resources was considered in the proposed map amendment. The proposed text amendment could have far reaching impact on natural resources throughout the city if it enables remaining natural land to be developed as high rise apartments.**

(vii) Prospective requirements for the development of natural resources in the City;

(viii) The public need for healthful, safe, esthetic surroundings and conditions; and

**South Tualatin has already experienced a drastic reduction in healthful, safe, aesthetic surroundings. A view of a forest is replaced by a field of mud and two looming water tower eye sores. On dry days, construction dust covers the adjacent neighborhoods. Road noise is much louder, and wind blows harder with the trees gone, resulting in many residential fences along Norwood being blown over and homeowners being saddled with repair costs. Removing the remaining forest would further reduce the healthful, aesthetic surroundings of South Tualatin.**

(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.

**Comment: The Sherwood school district commented the ability to accommodate additional students; however TTSD was not contacted to identify how they could accommodate students that may petition to enroll in TTSD so they would not have to travel to Sherwood district schools. There is also no assurance that school district boundary lines will remain in place into the future, so TTSD should also be consulted should boundary lines change.**

(f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

**Comment: The increased population would overburden Norwood and Boones Ferry Roads. There is already inadequate public transportation. The proposed apartments are not consistent with the Transportation Planning Rule.**

(g) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

**Comment: The proposed Norwood apartments, and the building of any high rise in Tualatin, is not needed given at this time or in the foreseeable future given Tualatin's forecasted housing needs as outlined in the 2040 comprehensive plan. Most significantly, the proposed Norwood Apartments are contradictory to the**

**Metropolitan Service District's Urban Growth Management Functional Plan, specifically Title 12: Protection of Residential Neighborhoods, and Title 13: Nature In Neighborhoods.**

(h) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (Comprehensive Plan Map 10-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

**Comment: This project integrated data from Autumn Sunrise to complete the traffic study, however this study gathered data during the pandemic when driving patterns were drastically different. Additionally, Traffic impact from the Norwood apartments project was not comprehensively considered with the impact of Plambeck Gardens and industrial development in the Basalt Creek Planning area. It is probable that if a comprehensive study were completed, significant failures on both Boones Ferry and Norwood Road would be observed.**

(i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to applicable goals and policies in the Tualatin Comprehensive Plan, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.

(j)The applicant has entered into a development agreement. This criterion applies only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County.

**As you can see, the proposed text and map amendments do not meet many of the approval criteria s outlined in Tualatin Development Code, and therefore cannot be approved.**

As a final note, neighbors have become aware that Horizon Christian School has launched an e-mail campaign. **Please note, many, if not most Horizon members do not live in Tualatin and do not have a vested interest in our town and community.** Please be aware that the motivation for this campaign is **not focused on community benefit**, but rather focused on the church raising capital to build a new sanctuary. As evidence of this, here is a screen grab from the page instructing Horizon members to write the city:

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from those of us in support of this project as well.

To send an email, **simply click the button below**, it will open a new email on your device that will include a letter to the Planning Commission and their email address already populated. Then just **add your name, address, and phone number at the end of the email** and send it **no later than Friday, April 14**. You may add personal comments if desired.

Thanks for your help with this important effort that we believe will help us secure a new sanctuary for Horizon and bring new residents to our area!

Blessings,

Pastor Stan

[EMAIL THE CITY OF TUALATIN HERE](#)

[\*\*Email the City of Tualatin Here\*\*](#)

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For all of the above reasons, the city cannot approve the proposed map and text amendments: PMA23-0001, and PTA23-0001.

Thank you, and you are welcome to contact me for further information.

Tim Neary,  
President, Byrom CIO District  
(503) 320-6223

## Madeleine Nelson

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**From:** Madeleine Nelson  
**Sent:** Tuesday, April 18, 2023 10:21 AM  
**To:** Tim N.  
**Subject:** RE: Comment for Planning Commission re: DO NOT APPROVE PTA23-0001 and PMA23-0001

Good Morning Tim,

Thank you for your email. I will add your additional comment to the original comment submitted on 4/13.

### Madeleine Nelson

Assistant Planner  
City of Tualatin | Planning Division  
503.691.3027 | [www.tualatinoregon.gov](http://www.tualatinoregon.gov)

**From:** Tim N. <timneary@gmail.com>  
**Sent:** Sunday, April 16, 2023 7:22 PM  
**To:** Madeleine Nelson <mnelson@tualatin.gov>  
**Subject:** Re: Comment for Planning Commission re: DO NOT APPROVE PTA23-0001 and PMA23-0001

Hello Madeleine,

I wanted to amend my previous comment, as I could not find support for one of the sources that was relayed to me about the potential for negative impact on property values. I could not verify the Hobart v. Hobart West Group case. That said, the construction of an apartment complex could adversely impact nearby home values by creating oversupply in the market in the short term. With over a thousand units aimed to be available in Tualatin in the coming years, it is a recipe to create at least a short term oversupply of housing. It is also possible that the creation and visibility of an apartment complex could impact the resale values of nearby family homes, as up until a year ago all homes with backyards on Norwood had picturesque forest views behind their homes..

It is important that the city council and planning commission are aware that the burden to demonstrate that property values were adequately considered falls to the developer. The developer should need to demonstrate with adequate support, reference, and precedent that their plan will minimize impact to property values, to only provide a statement that such values were considered. The city council must be aware that they decide how to interpret that property values were 'adequately considered.'

On Thu, Apr 13, 2023 at 1:57 PM Madeleine Nelson <[mnelson@tualatin.gov](mailto:mnelson@tualatin.gov)> wrote:

Good Afternoon,

Thank you for your email. Your comments have been received and will be added to the public record which will be presented to the Planning Commission and Council at the public hearing. The public hearing will be held on May 22, 2023. Attached is the Notice of Public Hearing for additional information. The comments will also be shared with the applicant team.

## Madeleine Nelson

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**From:** Madeleine Nelson  
**Sent:** Wednesday, May 31, 2023 9:46 AM  
**To:** Tim N.  
**Cc:** Steve Koper  
**Subject:** RE: Byrom CIO Statement and Evidence in Opposition of PTA 23-0001 and PMA 23-0001  
**Attachments:** Notice of Continuance - June 12, 2023 - PTA 23-0001 & PMA23-0001.pdf

Good Morning,

Thank you for your email. Your comments and attachments have been received and will be added to the public record which will be presented to Council at the public hearing. The public hearing has been continued from its original date (May 22, 2023) and will be heard by Tualatin City Council on June 12, 2023. Attached is the Notice of Public Hearing for additional information. The comments will also be shared with the applicant team.

### Madeleine Nelson

Assistant Planner  
City of Tualatin | Planning Division  
503.691.3027 | [www.tualatinoregon.gov](http://www.tualatinoregon.gov)

**From:** Tim N. <timneary@gmail.com>  
**Sent:** Sunday, May 28, 2023 8:59 PM  
**To:** Madeleine Nelson <mnelson@tualatin.gov>  
**Cc:** Chad Fribley <kapaluapro@aol.com>; Julie Heironimus <jujuheir@aol.com>; Marissa Katz <katzmari22@gmail.com>; Mary Lyn Westenhaver <mwestenhaver@hotmail.com>; Frank Bubenik <fbubenik@tualatin.gov>; Maria Reyes <mreyes@tualatin.gov>; Christen Sacco <csacco@tualatin.gov>; Bridget Brooks <bbrooks@tualatin.gov>; Cyndy Hillier <chillier@tualatin.gov>; Octavio Gonzalez <ogonzalez@tualatin.gov>; Valerie Pratt <vpratt@tualatin.gov>; Sherilyn Lombos <slombos@tualatin.gov>  
**Subject:** Byrom CIO Statement and Evidence in Opposition of PTA 23-0001 and PMA 23-0001

Hello Madeleine,

Please add the statement from the Byrom CIO to the packet of evidence for city council to consider in their deliberations.

Council Members,

The Byrom CIO is submitting the following document as evidence that the PTA and PMA do not meet approval criteria.

Please review the attached document in full. In particular, please be aware that there is a false narrative of urgency to create additional housing. Based on housing market research, Tualatin has more vacancies, in terms of overall quantity and percentage compared to all of our neighboring cities: Lake Oswego, Tigard, Sherwood, and Wilsonville. This does not include the 941 additional units that have been approved but have not yet hit the market. There is not a rush to grant the PTA, and there are more thoughtful ways for the city to create higher density housing while adhering to the 2040 master plan and Metro's Urban Growth Management Functional Plan which emphasizes development of mixed use spaces and walkable communities. The Byrom CIO Board would be happy to discuss alternative solutions with council members.

## **Byrom CIO Statement IN OPPOSITION of the Proposed Text and Map Amendments**

The proposed text and map amendments cannot be approved as they do not meet all the criteria required for approval.

It is important to note that the approval criteria are not supported by additional clarifications elsewhere in city code. Any additional guidance received from other parties, including city staff, are based on opinion and are not supported by code.

It is also critical to note that as you review the packet, you will see city staff 'findings' from the planning commission meeting on these amendments. These findings are highly subjective and impacted by bias. On May 12, planning staff met with CIO leaders. The city staff were asked for any internal guidance they use on how findings are formulated, and were unable to produce any additional clarifications. This limits the objectivity of city staff findings, so statements labelled as such should be interpreted with caution.

### **Opposition to Evidence in Record Supporting PTA and PMA**

#### **Tualatin's 2019 Housing Needs Analysis:**

Proponents of the PTA and PMA highlight that the housing needs analysis identifies the need for 4 acres of RH-HR zoned property in the city. There are multiple sites around the city that, if rezoned, meet the definition of RH-HR zone being of highest density **with the greatest access to amenities**, unlike the site proposed in the PMA. The PTA cannot be approved as the city has too much diversity in access to amenities, and the proposed change the definition to remove RH-HR location restrictions would result in great disparity of RH-HR sites meeting criteria of 'greatest access to amenities.

The site proposed in the PMA will not meet criteria for RH-HR development because it is located in an area that cannot be described as having the greatest access to amenities. This is evidenced by: 1) limited access to public transportation compared to the current RH-HR zone, 2) over 1 mile away from any store, grocery, or restaurant whereas the current RH-HR zone has these amenities within it, 3) limited access to public space as the nearest park to the PMA site is Ibach park which is 1 mile away, whereas current RH-HR zone has park space within it, 4) limited access to medical services at 2.4 miles away from Legacy Meridian Park Hospital, compared to 1 mile from the current RH-HR zone, 5) access to police services with the nearest police station 3.3 miles from the PMA site, compared to being less than 0.25 miles from the current RH-HR zone, and 6) access to municipal services such as the library, which is 3.5 miles from the PMA site, whereas the library is within the current RH-HR zone.

A specific note on limited access to public transportation: Per trimet.org, the 96 bus which operates along Boones Ferry Road and would service the PMA site, does not provide weekend or holiday service, and during weekdays service runs only between 6:04 AM and 9:33 AM, and weekday evenings from 3:55PM to 8:35PM. Intervals between stop times vary drastically, from a minimum of 25 minutes, to a maximum of 1 hour and 47 minutes between stops. This is drastically different compared to public transportation access available at current RH-HR zoned properties in the downtown Tualatin area. Per Trimet.org timetables available on 5/28/2023, the downtown Tualatin RH-HR zones are serviced by the following public transit options: The 97 bus, the 76 bus, the 96 bus, and the WES Commuter Rail. The downtown RH-HR zones are serviced by Trimet 7 days a week, from 6:29 AM to 9:46 PM continuously, with stops about every 20 minutes.

Alternatively, there are significant sites that could be developed as RH-HR that provide the same greatest access to amenities as the current RH-HR zone. These sites are:

- 1) 15 Acre Undeveloped Lot at: 6031 SW Borland Rd
- 2) 4.63 Acre Undeveloped Lot at: 6001 SW Borland Rd
- 3) 7.6 Acre Undeveloped Lot at: 10700 SW Tualatin- Sherwood Rd
- 4) 2.22 Acre Undeveloped Lot at: 20300 SW 65th Ave
- 5) The combined undeveloped lots totalling approximately 6.5 acres at: 19951 SW 72nd Ave, 19912 SW 72nd Ave, 19862 SW 72nd Ave, and 19940 SW 72nd Ave, 19740 SW 72nd Ave, and 19788 SW 72nd Ave
- 6) 2.34 Acre undeveloped lot at 18614 SW Boones Ferry Rd
- 7) The approximately 2+ acre site at 19100 SW Boones Ferry Rd, the site of the hardware store that burned down.
- 8) The approximately 3+ acre site of the vacant supermarket. No evidence has been put forth that the present owners have been approached about development of the property.
- 9) The approximately 4+ acre undeveloped site at 9255 SW Tualatin Rd
- 10) 15.85 undeveloped Acres at 11500 SW Leveton Dr.
- 11) The approximately 3+ acre undeveloped site at the corner of SW 95 Place and SW Tualatin-Sherwood Rd.
- 12) The 5+undeveloped farmland property at 19999 SW 95th Ave, which may be a TTSD owned property

As you can see, **the above sites conservatively total over 54 acres of alternative RH-HR development sites.** The vast majority of these sites are level and undeveloped, resulting in likely similar overhead development costs at the proposed PMA site. It is important to note that this list is not exhaustive; this is a limited number of example sites that could be rezoned that are able to provide access to the greatest amount of amenities to a degree that is far superior to that of the PMA site. Any combination of the development of the alternative sites would far exceed the housing needs analysis requirement of 4 additional acres of RH-HR development development.

### **2021 Tualatin's Housing Production Strategy**

The proponents also argue that their project meets the needs of Tualatin's Housing Production Strategy, identifying limited participants willing to develop available land, and that increasing supply overall improves housing affordability. This is an assumption put forth by the developers that is not supported by evidence, and in fact may reflect the developers having a more foolhardy approach towards risk. There is no evidence in the record that all present owners of the above, more appropriate RH-HR potential sites, are unwilling or unable to develop their properties. It is the burden of the applicants to prove that all potential alternative sites are unable to be developed for this argument to have merit.

Additionally, the argument could be made that no other developers are planning to develop property presently due to current market factors. Per review of City of Tualatin approved housing projects, 941 housing units have been approved for development, of which 496 are multi-family units. These units becoming available in a short period of time may flood the local market with inventory in a relatively short period, lowering prices developers can charge, thus making now not an ideal time for development. The current prime interest rate is 8.25%, making borrowing for development more costly than any other point in time in the past 17 years. The most recent times the prime interest rate was at 8.25% or higher was in June 2006, and prior to that February 2001. Other developers may be more risk averse and may choose to wait until approved inventory is built and filled, and for interest rates to fall. The applicant's argument regarding lack of willing developers is more likely due to

other developers not wanting to take on the degree of risk associated with developing property in the present environment. Indeed, developing in the current environment could be construed as foolhardy, and could create risk for a permanently incomplete and derelict project due to lack of funding.

Furthermore, the 2019 Housing Production Strategy similarly identified a city deficit of 84 detached single family homes and 25 attached single family homes. The PMA site could alternatively be developed as it is currently zoned to meet this aspect of the Housing Production Strategy, rendering the need for the proposed PTA moot.

The proposed text amendment is particularly problematic in that it removes the restriction for residential high rises to be built anywhere in the city. This is not consistent with the context of most of Tualatin, and based on approval criteria, should not be approved.

The proposed map amendment is similarly problematic, in that approving the building of high rise residential housing is not in context with the community, and there are precedents that the construction of high rise apartments will adversely impact neighboring home values.

Please see below as I will speak to each point for consideration of approval as outlined by the TDC.

### Consideration of the Approval Criteria

It is up to the city council to interpret and decide on the meaning behind each of the approval criteria. City staff may offer insight regarding how to interpret the criteria, however, the criteria ultimately are as they are written, and it is up to the council to decide appropriately how the criteria were meant to be interpreted.

### Approval Criteria per TDC 33.070

**One of the core approval criteria is that granting the Amendment is timely.** There is no critical need to approve the amendment at this time. The applicants make the case that there is urgent need for additional housing, citing a general housing crisis. The evidence demonstrates that the city of Tualatin has already done excellent work in creating additional housing inventory. Currently, 941 housing units have already been approved and are in various stages of development. The applicants have not demonstrated that approved units already approved would fail to adequately meet immediate housing needs.

According to current housing market trend data available at Rate.com as of 5/28/2023, Tualatin's present rental vacancy rate is 3.7% of 11,329 units, indicating that presently there are approximately 419 available units in Tualatin. Following is a breakdown of how Tualatin's rental vacancies compare to that of neighboring cities:

City	Rental Housing Vacancy Rate (%)	Available Units (as of 5/28/2023)
Tualatin	3.7	419
Wilsonville	3.0	304



Sherwood	1.9	172
Lake Oswego	1.8	207
Tigard	1.4	296

Based on the above data, Tualatin has over 30% more vacant rental units available compared to any other nearby city. **The data is clear, Tualatin has more inventory and is in much less of a ‘housing crisis’ compared to adjacent cities.** Tualatin has more availability, and more time to consider best approaches to address housing solutions in comparison to neighboring municipalities. It is also important to note that this does not include the 941 approved units that have yet to be built. **When the approved units enter the market, Tualatin could have over 1000 more available units compared to any adjacent city.**

Given the vast amount of already approved projects, there is no need for the city to rush to immediately approve additional housing projects. As the new housing inventory becomes available over time, the city will have significant opportunity to more thoughtfully evaluate if proposed changes to the RH-HR zone would be beneficial.

The council is specifically encouraged to integrate all of the following as elements of an alternative planned text amendment to the RH-HR zone definition:

1. comparatively more limited geographical expansion of the RH-HR zone, such as outward by an additional 0.5 miles outward from present RH-HR zones.
2. Refined language regarding the term ‘greatest access to amenities,’ such as: RH-HR zoned properties must be within reasonable walking distance (1.5 miles) of all of the following amenities: full service grocery store, gas station, restaurant, a public transit stop with pick up and drop off intervals no greater than every 20 minutes between 7AM and 7PM.
3. A city wide reduced height restriction for future RH-HR zones outside of the downtown area not to exceed 50 ft
4. Any RH-HR zoned structure must be at least 500 ft away from any RML zoned structure to ensure resident privacy.

**(a) Granting the amendment is in the public interest.**

**Comment:** The reading of this criterion seems to suggest that the public would need to be in support of the amendments.

The residents and leadership of the Byrom CIO do not believe that the PTA and PMA are in the public interest, in that creation of RH-HR zones without ‘the greatest access to amenities’ creates additional burden on residents of new RH-HR developments far from amenities. Building RH-HR projects are not in keeping with the character of all elements of Tualatin, and therefore the residents and the CIO believe that more restrictive language regarding where the RH-HR zone can be used in the city should remain. The PMA site in particular is vastly different from the surrounding neighborhood and not in keeping in the surrounding neighborhood environment. Particularly, even if present foliage is kept, the upper floors of the proposed 4 story development would easily be able to see into the yards and homes of single family homes that back up to Norwood road. This is a significant loss of privacy that is not in the public interest.

Hundreds of residents have expressed opposition to the PTA and PMA. Leaders from all of the Tualatin Residential CIOs have expressed opposition in particular to the PTA. The message from the residents of Tualatin is clear, these amendments are not supported by the people, and are not in the public interest.

**(b) The public interest is best protected by granting the amendment at this time.**

**Comment:** The reading of this criterion indicates that community members' interests are protected by granting the amendment, or that granting the amendment would maintain or improve the quality of life of current and new residents.

As previously stated, quality of life of residents of the proposed project at the PMA site, or any future RH-HR site resulting from the expanded definition in the PTA, would be objectively worse than residents of current RH-HR zones. Building RH-HR zoned properties in areas that do not have the greatest access to amenities would be inferior to present RH-HR zones, as it would prove burdensome for the high concentration of residents to need to travel for work and any necessities. Residents in RH-HR sites that are not close to the highest concentration of amenities would have a markedly inferior quality of life compared to those who live in current RH-HR zones.

Homes presently along Norwood Rd across from the PMA site, as well as any other single family homes in Tualatin adjacent to a future RH-HR zoned property developed to maximum height as proposed by the PTA, would experience a significant loss of privacy in their homes and yards. Given the approved and in development housing units that have yet to be occupied and that these units are well in excess of the anticipated need of the city by 2040, it is not critical or necessary to change the restriction on residential high rises at this time. Furthermore, public interest would be harmed by granting the amendments, as traffic will worsen on Boones Ferry, adversely impacting quality of life.

**(c) The proposed amendment is in conformity with the applicable goals and policies of the Tualatin Comprehensive Plan.**

**Comment:** Interpretation: Logically, the intention of having a comprehensive development plan would be to have foresight for how the community is to be developed, and then to follow that plan accordingly for the time period in which it was intended. It stands to reason that interpretation of this criteria would require the applicant to provide significant justification as far as how the proposed applications meet the plan, or significant justification as to why the plan is inadequate and needs to be revised.

The Tualatin Comprehensive Plan does not make any mention of building residential high rises outside of the downtown area, and the PMA site is specifically left as undeveloped on all of the maps associated with the comprehensive plan. The applicant makes no claim as to the inadequacies of the 2040 Tualatin Comprehensive Plan to justify the addition of their development project. All concept plans for Southwest Tualatin, Northwest Tualatin, and Basalt Creek Development areas do not have plans for integration of the RH-HR zone, and the past approved 2005 Tualatin downtown concept plans for development of RH-HR zones or mixed use zones have not been explored. To approve the PTA and PMA, the council would be ignoring all the time and resources put into existing city concept plans, negating the purpose of conducting such plans and studies.

The residents of Tualatin desire for the city to be developed by a unified, intentional, long term plan that is followed. City staff's messaging to residents has been that this is the purpose of the 2040 Comprehensive Plan. If this is true, the council should follow the plan which does not include the PMA and PTA.

Additionally, per the Tualatin 2040 Comprehensive plan, high density residential/ high rise zone is specifically supposed to be in areas with the greatest access to amenities. The site at Norwood Rd has no access to amenities compared with the current downtown RH-HR zones. See the description copied from the 2040 developmental plan:

High-Density Residential/High-Rise Planning District (RH-HR)

This district supports a wide range of housing types at the greatest density of household living in areas with the greatest access to amenities.



Furthermore, per the Tualatin 2040 plan, the developed property is unnecessary. The plan already established a goal for for 20 year housing supply, which existing development has already been approved to surpass the 2040 goal, as already cited in this document. Policy 3.1.2 of the Tualatin 2040 plan already established a plan for multifamily zoning districts, which DID NOT include the PMA site.

**(d)The following factors were consciously considered:** Interpretation: The Tualatin Development Code is not clear on who must consciously consider the following factors. Given that this is a quasi-judicial review, it would be most cautious to interpret this as applying to both, the developer, and the city council in their deliberations on the proposed amendment. The developer should demonstrate that these factors were considered, but as the city council is weighing if the amendment is in the best interests of the city of Tualatin, the city should also consciously consider these factors in their decision making. If the developer only had to demonstrate consideration of these factors, and it is a matter of yes or no if the developer did so, then the procedure would not be a quasi-judicial review. The intention of the quasi- judicial review is for the city council to decide what is in the city’s best interests. The council is encouraged to read this as “the council considered how the following factors would be enhanced, unimpacted, or worsened by the proposal, and that the impacts on these factors influence final decisions on approval:

**(i)The various characteristics of the areas in the City;** Interpretation: The city council is encouraged to read this as that there is precedence that the proposed amendment would be similar, if not the same, as existing structure and zoning combinations in the local area of Tualatin impacted by the amendment, as well as in the whole of the city. That the amendments would not drastically alter the characteristics of a neighborhood, or the city as a whole.

The Norwood apartments project as pertaining to the PMA is not in context with the neighborhood and would not match the characteristics of the community. The next nearest quasi residential structure of similar height is Marquis assisted living, a shorter, 3 story structure located 1.9 miles from the proposed development site at SW Boones Ferry and SW Sagert. The approved, though as of yet not constructed Plambeck Garden apartments, will be over 1000 feet from the nearest RML zoned structure. Creating a 50 foot, 4 story structure within less than 500 feet of single family homes, as proposed in the PMA, is without precedent in the Byrom CIO community, and no abutment of an RH-HR zone within 500 feet of RML single family structures as proposed by the PMA exists anywhere else in Tualatin. The PMA is not in keeping with the characteristics of the city.

It is important to note that the property could be developed to accommodate multi family structures to the maximum density allowed in the current RML zoning, without requiring a zone change. An additional alternative is that the applicant repeal the PTA application and apply for a PMA to high density residential zone. The maximum structure density of 25 units per acre is near the applicant proposed density, but with

more stringent structure requirements that are in keeping with the Byrom neighborhood characteristics. The reduced structure height of the RH zone to 35 feet would also limit adjacent RML neighbor concerns about privacy.

**(ii) The suitability of the areas for particular land uses and improvements in the areas; Interpretation:**

The council is encouraged to consider this guideline in terms of all aspects of suitability for land use, including the physical aspects of the site for the proposed use, as well as if the proposed zone change in regards to the PMA meets the full definition of the zone.

Regarding the PMA, the area is not suitable for use as a residential high rise due to factors already outlined in this document, including lack of access to amenities, and lack of support by public transportation. Regarding the PTA, the city of Tualatin has distinct areas with distinct characteristics which are reflected most commonly by land use zones. Zones vary, and transitions from one area of housing density to another are not abrupt, but rather fade across multiple zones from high to low density. If the PTA is approved, it could enable RH-HR zones to be created on any available land, creating very abrupt density transitions. These abrupt transitions are avoided in city planning as it causes neighborhoods to not have a cohesive character, in addition to the privacy concerns of having 50 foot buildings adjacent to single level homes. A review of the current Tualatin residential zoning map, accessed 5/28/2023 at [tualatinoregon.gov](http://tualatinoregon.gov) reflects that no RH-HR zone is directly adjacent to a RL or RML zone. All RH-HR zones are instead adjacent to commercial, industrial, high density, or medium high density housing. In examining additional high density residential zones, over 95% of the boundaries are adjacent to commercial, industrial, or medium high density housing, and are never directly adjacent to low density housing zones. Precedence based on the current zoning map does not support placement of an RH-HR zone adjacent to an RML zone.

**(iii) Trends in land improvement and development;**

Interpretation: The city looks at existing trends for precedence of similar changes occurring in other jurisdictions. While the state and metro encourage cities to increase the available housing supply, the city of Tualatin has already done a great deal to improve housing supply. As already stated, Tualatin has over 30% more rental vacancies than any of the surrounding metro cities, without including the 941 approved units that have yet to be built. There are no trends of building high rise apartments in any other areas of Tualatin, including presently in the only approved area in downtown. High rise apartment projects should focus on the area where zoning is already approved before considering expanding the zoning area.

**(iv) Property values;**

Interpretation: The city council should consider if the development could adversely impact existing home property values, and if so, encourage modification to the amendment to minimize property value impact. The construction of an apartment complex could adversely impact nearby home values by creating oversupply in the market in the short term. With over a thousand units aimed to be available in Tualatin in the coming years, it is a recipe to create at least a short term oversupply of housing. It is probable that the creation and visibility of a 50 foot high apartment complex will impact the resale values of nearby family homes, as up until a year ago all homes with backyards on Norwood had picturesque forest views behind their homes. This is particularly the case for the homes along Norwood that will experience significant privacy loss from dozens of windows and balconies with view of the rears of their homes and yards.

The PTA could be amended to minimize impact to property values by adding a stipulation that any RH-HR zoned structure be at least 1000 feet from any structure zoned RML or RL, and require planting of a tall planting screen of trees if the RH-HR structure is within 1500 feet of an RML or RL zoned structure.

It is important that the city council and planning commission are aware that the burden to demonstrate that property values were adequately considered falls to the developer. The developer should need to demonstrate with adequate support, reference, and precedent that their plan will minimize impact to property values. It is not adequate proof to only provide a statement that such values were considered. The city council must be aware that they decide how to interpret that property values were 'adequately considered.'

**(v) The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;**

As the 2040 comprehensive plan, which includes economic development of the Basalt Creek Planning area, does not include the Norwood property, there is no support for the creation of the Norwood high rise apartments having been factored into consideration of economic enterprises and other future development. Furthermore, the 2040 plan, metro guidance documents, and various Tualatin concept plans identify the need to further explore mixed use zoning options. Mixed use zoning vastly improves quality of life in urban areas as well as attracts businesses and reduces reliance on vehicles for basic needs. The needs of economic enterprises and the general good of the city could be enhanced by considering mixed use commercial and medium high density housing zone creation.

**(vi) Natural resources of the City and the protection and conservation of said resources;**

A forest was destroyed to build Autumn Sunrise, and what remains of the forest is on the proposed land for development. The city has provided no evidence that protection and conservation of natural resources was considered in the proposed map amendment. The proposed text amendment could have far reaching impact on natural resources throughout the city if it enables remaining natural land to be developed as high rise apartments.

**(vii) Prospective requirements for the development of natural resources in the City;** Interpretation: The council should consider what are the city's requirements for development of natural resources. It is an important component of Tualatin's identity that Tualatin is a Tree City. Given the destruction of large swaths of forest in Tualatin, the council should consider how further approval of development at the expense of natural resources is impacting the city's identity as a Tree City.

**(viii) The public need for healthful, safe, esthetic surroundings and conditions; and**

South Tualatin has already experienced a drastic reduction in healthful, safe, aesthetic surroundings. A view of a forest is replaced by a field of mud and two looming water tower eye sores. On dry days, construction dust covers the adjacent neighborhoods. Road noise is much louder, and wind blows harder with the trees gone, resulting in many residential fences along Norwood being blown over and homeowners being saddled with repair costs. Removing the remaining forest would further reduce the healthful, aesthetic surroundings of South Tualatin.

**(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.**

The neighborhood south of Norwood Rd is changing in that it is becoming developed from farmland. It is an overextension to state that any development that is occurring is enough rationale to develop a property in the area to the highest density standard that the city has available.

**(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.**

Interpretation: The criterion indicates that *any* potentially impacted school district be contracted to ensure that the schools can accommodate additional students. The Sherwood school district commented that they do have the ability to accommodate additional students; however TTSD was not contacted to identify how they could accommodate students that may petition to enroll in TTSD so they would not have to travel the drastically further distances to Sherwood district schools. TTSD schools at all levels, elementary (Byrom Elementary - 1.2 miles away), middle school (Hazelbrook - 4.1 miles away), and high school (Tualatin High School - 0.5 miles away), are in much greater proximity to the PMA site compared to all Sherwood district schools (Hawks View Elementary - 5.3 miles away; Sherwood Middle School - 5.8 miles away; Sherwood High School - 5.8 miles away), therefore it is reasonable to expect that some increased volume would impact TTSD schools. There is also no assurance that school district boundary lines will remain in place into the future, so TTSD should also be consulted should boundary lines change.

**(f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).**

There are significant methodological concerns with the submitted traffic studies. Traffic studies occurred during the pandemic emergency, during which uncharacteristically low traffic volumes occurred, skewing results. Traffic studies also failed to account for all proposed development projects impacting lower Boones Ferry Rd near Norwood Rd, including all residential projects as well as increased traffic from proposed light industrial traffic related to the Basalt Creek Concept Plan. To adequately consider traffic factors, a new study should be conducted based on current traffic patterns, and comprehensively include all approved and proposed projects for housing south of Norwood Road and any development that is part of the Basalt Creek Concept Plan.

**(g) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.**

The spirit of the Metropolitan Service District's Urban Growth Management functional plan is to develop efficient, mixed use, walkable, transit friendly urban communities (3.07.620(c - d)). The proposed map and text amendments do not serve ANY of these goals. Most significantly, the proposed Norwood Apartments are contradictory to the Metropolitan Service District's Urban Growth Management Functional Plan, specifically Title 12: Protection of Residential Neighborhoods, and Title 13: Nature In Neighborhoods. It is worth noting that the proposed luxury apartments do not qualify as affordable housing, and do not count to Tualatin's voluntary affordable housing production goals outlined in Title 7.

According to Title 11: Planning for New Urban Areas, plans for development within the urban growth boundary should contribute to mixed use, walkable, transit friendly communities. The proposed apartment complex does not meet any of the above criteria, and the proposed text amendment change would not further future

development of residential high rise in line with these goals. Tualatin should create a mixed use zone with specific criteria separate from the high density high rise criteria.

**(h) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (Comprehensive Plan Map 10-4), and E/E for the rest of the 2040 Design Types in the City's planning area.**

Again, there are significant methodological concerns with the submitted traffic studies. Traffic studies occurred during the pandemic emergency, during which uncharacteristically low traffic volumes occurred, skewing results. Traffic studies also failed to account for all proposed development projects impacting lower Boones Ferry Rd near Norwood Rd, including all residential projects as well as increased traffic from proposed light industrial traffic related to the Basalt Creek Concept Plan. This project integrated data from Autumn Sunrise to complete the traffic study, however this study gathered data during the pandemic when driving patterns were drastically different. Additionally, Traffic impact from the Norwood apartments project was not comprehensively considered with the impact of Plambeck Gardens and industrial development in the Basalt Creek Planning area. It is probable that if a comprehensive study were completed, significant failures on both Boones Ferry and Norwood Road would be observed.

For all of the above reasons, the city cannot approve the proposed map and text amendments: PMA23-0001, and PTA23-0001.

Thank you, and you are welcome to contact the Byrom CIO Executive Board for further information.

Sincerely,

**The Byrom Community Involvement Organization Executive Board**

**Tim Neary**  
President

**Julie Hieronomous**  
Vice President

**Marissa Katz**  
Treasurer

**Chad Fribley**  
Land Use Officer

**Mary Lyn Westerhaver**  
Member at Large

## Madeleine Nelson

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**From:** Madeleine Nelson  
**Sent:** Wednesday, May 31, 2023 9:46 AM  
**To:** Tim N.  
**Cc:** Steve Koper  
**Subject:** RE: Inter CIO Statement for hearing on PTA 23-0001 and PMA 23-0001  
**Attachments:** Notice of Continuance - June 12, 2023 - PTA 23-0001 & PMA23-0001.pdf

Good Morning,

Thank you for your email. Your comments and attachments have been received and will be added to the public record which will be presented to Council at the public hearing. The public hearing has been continued from its original date (May 22, 2023) and will be heard by Tualatin City Council on June 12, 2023. Attached is the Notice of Public Hearing for additional information. The comments will also be shared with the applicant team.

### Madeleine Nelson

Assistant Planner  
City of Tualatin | Planning Division  
503.691.3027 | [www.tualatinoregon.gov](http://www.tualatinoregon.gov)

**From:** Tim N. <timneary@gmail.com>  
**Sent:** Sunday, May 28, 2023 9:17 PM  
**To:** Madeleine Nelson <mnelson@tualatin.gov>  
**Subject:** Inter CIO Statement for hearing on PTA 23-0001 and PMA 23-0001

Hi Madeleine,

Please see the attached and add it to the packet and the documents to be included in the report from city staff.



May 28, 2023

To The Tualatin City Council

Re: Joint Residential CIO Executive Board Member Statement on PTA 23-0001 and PMA 23-0001

The leadership of all Tualatin CIOs met recently and discussed the proposed text and map amendments: PTA23-0001 and PMA23-0001. **The Executive Board members of the Tualatin CIOs identified below agreed that these proposed text and map amendments are NOT in the best interests of the current and future residents of Tualatin, and therefore should not be recommended for approval.**

Reasons to not approve the proposed text and map amendments:

1. The rationale to remove the restriction on residential high rises and enable them to be built anywhere in Tualatin is rooted in a concern for lack of affordable housing. It is important to note that the proposed apartments have been described by the builder as "class A, luxury apartments." These are not low income or subsidized housing. Additionally, studies have recommended that the city of Tualatin should add about 1000 housing units by 2040. Based on current construction and approvals in the city, about 1200 units will already be added to housing inventory, well above the 2040 target. There is not a need to rush to build more housing units.

2. Traffic - South Boones Ferry Road already has significant development planned: light industrial development, the Autumn Sunrise housing development, and the Plambeck Gardens subsidized housing community. Traffic studies complete to date have never examined the cumulative impact of all of the proposed development projects, and some of the studies that have been completed identify that Boones Ferry will fail, and already is failing to effectively manage traffic, especially during peak hours. Adding the 286 housing units specific to the Norwood high rise apartment project would only further worsen traffic. South Tualatin is heavily car dependent. There is inadequate public transit, and there are no stores, restaurants, or places of employment for miles, requiring all new and current residents to drive, creating a recipe for gridlock on Boones Ferry Road.

**3. Most significantly, the proposed text and map amendments do not meet Tualatin Development Code Approval Criteria, specifically the following items:**

*TDC 33.070 (5) (A) - Granting the amendment is in the public interest.* - As representatives of all of the Tualatin CIOs representing residents of the city, we identify that the proposed amendments are not in the public interest.

*TDC 33.070 (5) (B) - The public interest is best protected by granting the amendment at this time.* Given the approved and in development housing units that have yet to be occupied and that these units are well in excess of the anticipated need of the city by 2040, it is not critical or necessary to change the restriction on residential high rises at this time. Furthermore, public interest would be harmed by granting the amendments, as traffic will worsen on Boones Ferry, adversely impacting quality of life.

TDC 33.070 (5) (C) - The proposed amendment is in conformity with the goals and policies of the Tualatin Comprehensive Plan. The comprehensive plan does not call for building residential high rises outside of the downtown area, and the area for the proposed Norwood high rise is specifically left as undeveloped on the maps associated with the comprehensive plan. Per the Tualatin 2040 Comprehensive plan, high density residential/ high rise zone is specifically supposed to be in areas with the greatest access to amenities. The site at Norwood Rd has no access to amenities. See the description copied from the 2040 developmental plan.

High-Density Residential/High-Rise Planning District (RH-HR)

This district supports a wide range of housing types at the greatest density of household living in areas with the greatest access to amenities.



Due to the above factors, the leadership of all of the Tualatin CIOs do not support the proposed text amendment and map amendments. Alternatively, CIO leadership would be happy to consult regarding other changes that could be more beneficial to current and future residents of Tualatin. CIO leadership would gladly participate in conversations regarding alternative development of the site at Norwood Road, particularly development options that minimally impact traffic and increase livability of the community.

Sincerely,

Tim Neary, President  
Byrom CIO

Marissa Katz, Treasurer  
Byrom CIO

Julie Heironomous, Vice President  
Byrom CIO

Chad Fribley, Land Use Officer  
Byrom CIO

Mary Lyn Westerhaver, Member at Large  
Byrom CIO

Dick Harrison, President  
Midwest CIO

Tammy Palumbo, Secretary  
Midwest CIO

Janine Wilson  
Riverpark CIO

Aaron Bohn, Vice President  
Ibach CIO

Patricia Parsons, President  
Ibach CIO

