



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 08, 2021

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

Absent: Council President Nancy Grimes

Call to Order

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

Pledge of Allegiance

Moment of silence for those who have lost their lives to COVID-19

Public Comment

None.

Consent Agenda

Motion to adopt the consent agenda made by Councilor Brooks, Seconded by Councilor Pratt. Voting Yea: Mayor Bubenik, Councilor Brooks, Councilor Reyes, Councilor Pratt, Councilor Hillier, Councilor Sacco

MOTION PASSED

1. Consideration of Approval of the City Council Work Session and Regular Meeting Minutes of February 22, 2021
2. Consideration of Approval of Late Liquor License Renewals for 2021
3. Consideration of Approval of a New Liquor License Application for Tiny Wolf Brewing, LLC

Special Reports

1. Quarterly Financial Report- 2nd Quarter of FY 2020-21

Assistant City Manager Don Hudson presented the FY 2020-21 2nd Quarter Financial Report. He presented budget to actual numbers for the general fund revenues and expenditures, building fund revenues, road utility fee fund revenues and expenditures, road operating fund revenues and expenditures, Core Area Parking fund revenues, water operating revenues, and sewer operating fund revenues. Manager Hudson shared the quarter end investment report, included in the packet. He noted one compliance issue stating it was for reaching the limit on investments with the state pool due to the deposit of property tax revenues. Manager Hudson shared the investment portfolio performance. Manager Hudson stated the city participated in CARES Act Funding through the Small Business Support fund, Cities and Special Districts Assistance program, and the Utility Assistance program. He noted additional funds came from the Business

Assistance Grant from the State of Oregon and the Coronavirus Emergency Supplemental funding from the Criminal Justice Commission. Manager Hudson stated the city has kicked off the FY 2021/2022 budget process, he noted budget meeting will be coming up in May.

Councilor Pratt asked if property tax payments to the city this year will be delayed due to the pandemic. Manager Hudson stated he is confident the city will meet or exceed the budgeted amount.

Councilor Pratt asked what investments the city can make. Manager Hudson stated the city's investment policy outlines what the city can invest in.

Councilor Brooks asked how the eviction moratorium ending will have impacts on the city's budgets. Manager Hudson stated there might be a slight decline in utility revenue. He doesn't expect it to have significant impacts on the city's overall budget.

Mayor Bubenik asked about the house bill that will allow groups of cities to create their own banks due to low returns on state funds. Manager Hudson stated he is watching the bill but he doesn't think it is likely he would recommend the city participating in those programs.

Public Hearings - Quasi-Judicial

1. Consideration of a Plan Map Amendment and Plan Text Amendment modifying Map 10-1 of the Tualatin Comprehensive Plan and Chapter 51 of the Tualatin Development Code, amending the designated boundaries of Neighborhood Commercial (CN) and Medium Low Density Residential (RML) zones for parcels located at Tax Map 2S135D, Lots 400, 401, 500, and 501 (File No. PMA 20-0002 and PTA 20-0005).

Mayor Bubenik read ORS 197.763 (5-6) and ORS 197.763 (3b). Mayor Bubenik opened the hearing for the Plan Map Amendment and Plan Text Amendment modifying Map 10-1 of the Tualatin Comprehensive Plan and Chapter 51 of the Tualatin Development Code, amending the designated boundaries of Neighborhood Commercial (CN) and Medium Low Density Residential (RML) zones for parcels located at Tax Map 2S135D, Lots 400, 401, 500, and 501 (File No. PMA 20-0002 and PTA 20-0005).

Assistant Community Development Director Steve Koper and Assistant Planner Tabitha Boschetti presented the Basalt Creek Plan Map/Text Amendment (PMA 20-0002/PTA 20-0005). Director Koper stated the applicant is requesting a change in zone map boundaries between Medium Low Density Residential (RML) and Neighborhood Commercial (CN) zones and eliminating restrictions on locating CN zone within 300 feet of a school property. He shared maps of the subject area, existing zoning, and proposed zoning. The conceptual development diagram was shared to show how a commercial development could potentially work in the area. Director Koper presented the proposed text amendment. He noted the language was originally added at a time when there was no zones for CN. The concern at the time was there being a small convenience store that would act as a nuisance being so close to a school. Director Koper stated all applicable criteria have been met for granting of the PMA and PTA.

Planning Commission Chair Bill Beers stated this was presented to the Planning Commission in February. He stated the commission is forwarding a recommendation of approval for both the PMA and the PTA.

Mimi Doukas, AKS Engineering, on behalf of applicant Lennar Northwest presented the Autumn Sunrise Neighborhood Commercial proposal. They are proposing this change for future

development of the area as it allows for safe access to SW Boones Ferry Road, combines access between properties, and allows for greater development activities. Ms. Doukas spoke to the local street plan and the connection needed for homes in the area. She stated without the changes they cannot meet the 600-foot separation standard from both the future residential street access and future Basalt Creek Parkway and no direct access to the new alignment of Parkway would be permitted creating routing through the residential neighborhood. Ms. Doukas stated the amendment provides shared access to SW Boones Ferry Road through a local street, meets required access spacing, minimizes traffic congestion, limits commercial traffic through residential neighborhood, and is more desirable to a commercial layout. She addressed concerns presented from the Lucini's in regards to stormwater, traffic, and access. Ms. Doukas stated the application has been revised to add "basic utilities" to the permitted uses of the CN district, the addition of traffic materials demonstrating no impact with this proposal, clarification was provided on intent of the application and future development of the adjacent sites, and an updated Commercial Conceptual Layout to reflect conditions and ownership. She shared the revised Conceptual Layout showing a regional storm pond that is slightly larger to treat both commercial and residential sites, slightly less parking, and removal of the truck circulation at the back of the site.

PUBLIC COMMENT

John Lucini spoke in support of the application if conditions they submitted in their letter (on record) are met. He thanked Lennar for meeting with them in person to hear their concerns. He noted the proposed changes that were submitted by Lennar address their concerns and he would like to see the conditions approved as part of the PTA and PMA.

COUNCIL QUESTIONS

Councilor Pratt asked how far the edge of the property is from the school. Ms. Doukas says the edge of lot to the school is about 900 feet but the properties abut.

Councilor Pratt asked about the 200 foot setback for the front of the property. Planner Boschetti stated that setback is from the street.

Councilor Pratt asked if there is only one access for the parking lot or if a right-turn in and out can be added. Ms. Doukas stated future traffic studies will be exploring that as an option.

Councilor Brooks asked about alcohol sales for small retail in that area. Director Koper stated it is not a zoning issue so there is no distinction in the code.

Councilor Hillier asked for clarification on what can go in those small businesses. She wants to make sure a medical marijuana facility can't locate in the area. Director Koper stated the land is too close to a residential area to locate a marijuana facility there.

Councilor Reyes asked what the building height would be in the area. Planner Boschetti stated the maximum height in the zone is 25 feet.

Councilor Pratt asked if a vape shop would be allowed in the development. Director Koper stated legally sold products can be sold there.

Mayor Bubenik asked if the city can have conditions on a PTA. Ms. Doukas stated zone changes sometimes are approved with conditions that run with the site to make sure the development is meeting the intent for the zone itself. City Attorney Sean Brady stated the map

and text are what is being changed tonight not the proposed conceptual maps. He stated he would need to further research the options for conditions.

MOTION to continue hearing to a date certain made by Councilor Brooks, seconded by Councilor Pratt.

Ms. Doukas withdrew the proposed conditions to not be part of the request so that the process can move forward tonight.

Councilor Brooks stated she wants to make sure the conditions are still considered.

Mayor Bubenik asked if the conditions could be approved during application and development. Attorney Brady stated the conditions could be approved at that time if they are appropriate.

MOTION WITHDRAWN by Councilor Brooks. She noted the intention is still there to have the conditions applied at the right time.

Mr. Lucini stated they have safety concerns with the development of the area and would like to see the conditions addressed.

Councilor Pratt would like staff to reference the conditions discussed tonight when the applicant applies for development. Attorney Brady stated the code dictates what the staff has to do, which includes mitigating concerns with stormwater.

Councilor Brooks asked if previous issues on the Lucini sites were from the city. Attorney Brady stated those were not from the city. Mrs. Lucini stated they have provided a report that details the issues that have occurred.

Community Development Director McMillian stated the application process will require things in the conditions tonight such as a traffic analysis and detention and water quality studies.

Mayor Bubenik closed the hearing.

COUNCIL DELIBERATIONS

Councilor Pratt stated she has concerns with the 300 feet from a school being removed as it would apply to other sites as well. Director Koper stated there are no other CN in Tualatin right now. He stated the Council would get to decide on amendments in the future on where the CN could be applied and if it is appropriate for the proposed area.

Motion to approve the Plan Map Amendment and Plan Text Amendment modifying Map 10-1 of the Tualatin Comprehensive Plan and Chapter 51 of the Tualatin Development Code, amending the designated boundaries of Neighborhood Commercial (CN) and Medium Low Density Residential (RML) zones for parcels located at Tax Map 2S135D, Lots 400, 401, 500, and 501 (File No. PMA 20-0002 and PTA 20-0005) made by Councilor Sacco, Seconded by Councilor Hillier.

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

MOTION PASSED

General Business

1. Consideration of **Ordinance No. 1455-21** an Ordinance Repealing Ordinance No. 1453-21

City Attorney Brady stated the previous ordinance was for adoption of the Stormwater Master Plan into the Comprehensive Plan. He stated the proposed ordinance adds the Basalt Creek and SW Concept Plan areas to the master plan.

Motion for first reading by title only made by Councilor Pratt, Seconded by Councilor Brooks. Voting Yea: Mayor Bubenik, Councilor Brooks, Councilor Reyes, Councilor Pratt, Councilor Hillier, Councilor Sacco

MOTION PASSED

Motion for second reading by title only made by Councilor Pratt, Seconded by Councilor Brooks. Voting Yea: Mayor Bubenik, Councilor Brooks, Councilor Reyes, Councilor Pratt, Councilor Hillier, Councilor Sacco

MOTION PASSED

Motion to adopt Ordinance No. 1455-21 repealing Ordinance No. 1453-21 made by Councilor Pratt, Seconded by Councilor Brooks.

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

MOTION PASSED

Council Communications

Councilor Brooks encouraged those who have been vaccinated to continue to practice safe social distancing.

Councilor Reyes thanked all the volunteers who serve on committees and those who show interest.

Adjournment

Mayor Bubenik adjourned the meeting at 9:07 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor