



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR FEBRUARY 14, 2022

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Valerie Pratt, Councilor Cyndy Hillier, Councilor Christen Sacco

Absent: Councilor Maria Reyes

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

Announcements

1. 2021 Employee of the Year: Tom Steiger

City Manager Lombos introduced Tom Steiger as the City of Tualatin Employee of the Year. The Council congratulated him.

Councilor Pratt read the proclamation declaring Tom Steiger as Employee of the Year.

Public Comment

None.

Consent Agenda

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

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of January 24, 2022
2. Consideration of Approval of a New Liquor License Application for Bridge City Golf Inc dba Envision Golf
3. Consideration of **Resolution No. 5597-22** Authorizing the City Manager to Execute Deeds Acquiring Easements for the SW 65th / Nyberg Sanitary Sewer Trunk Main Rehabilitation Project
4. Consideration of **Resolution No. 5598-22** Authorizing the City Manager to Execute Deeds Acquiring Easements for the Blake Street to 115th Avenue Waterline Project

5. Consideration of **Resolution No. 5600-22** Authorizing the City Manager to Execute Deeds Granting Easements to Washington County for the Tualatin-Sherwood Road Widening Project
6. Consideration of **Resolution No. 5601-22** Authorizing Personnel Services Updates for Non-Represented Employees on Temporary Schedule A for FY 2021-22
7. Consideration of **Resolution No. 5602-22** Authorizing the City Manager to Execute an Intergovernmental Agreement to Provide Municipal Court Assistance to the City Of Tigard
8. Consideration of **Resolution No. 5604-22** Authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with the Oregon Department of Land Conservation and Development (DLCD) to Provide the City with Consultant Assistance for a Housing Implementation Plan

Special Reports

1. Department of Land Conservation and Development (DLCD) Climate Friendly and Equitable Communities Rule Making

Management Analyst Cody Field presented the Department of Land Conservation and Development (DLCD) Climate Friendly and Equitable Communities Rule Making. He stated the Climate Friendly and Equitable Communities (CFEC) came out of Executive Order 20-04 issued on March 10, 2020. Analyst Field stated the order establishes science-based reduction goals and directs state agencies to develop rules to help Oregon reduce and regulate greenhouse gas emissions. He stated cities and counties in Oregon are required to have Comprehensive Plans and Development Codes that comply with state regulations, which will ultimately need to be updated to comply with these new and updated rules. Analyst Fields stated the purpose of the CFEC updates in relation to transportation planning is to meet the State's climate pollution reduction goals, ensure quality options for other transportation modes (transit, pedestrian, and bicycle accessibility and connectivity), renewing the emphasis on safety, remedying the impacts of exclusionary zoning, and the harm caused by public infrastructure. He stated new parking regulation for new land uses will apply to all jurisdictions including cities and they must select a parking reform approach and adopt land use regulation no later than March 31, 2023. Analyst Fields stated there are three different approaches: repeal parking mandates, reduce parking mandates for certain types of development, and further reduce parking mandates for types of development. He stated new mandatory regulations for development will include installation of solar panels or payment of \$1,500 per parking space, installation of sufficient capacity for electric vehicle charging, and parking maximums in Region 2040 town centers, transit corridors, and near transit station communities. Analyst Fields stated new rules will be adopted by LCDC in May 2022. He noted transportation planning rules apply differently in the Metro Region as Rule 140 provides flexibility for Metro to implement alternative requirements. Analyst Fields stated at the end of February DLCD will submit the draft rules to the Secretary of State with public hearings to follow March thru May.

Management Analyst Fields stated potential concerns for Tualatin include overly prescriptive limitations on local transportation projects which would add capacity to the transportation system. He stated the draft rules are structured to encourage elimination of any minimum parking requirement in the area of applicability or adoption of overly prescriptive alternatives, both of which may have new financial impacts on new development or redevelopment, particularly on businesses. Analyst Fields stated the draft rules lack sufficient clarity on how the

proposed Transportation Planning Rules would be implemented by local jurisdictions and the cost of implementation of the rules.

Councilor Brooks asked what percentage of the rule changes are parking related. Analyst Fields stated it is a small percentage but it will impact Tualatin directly. Councilor Brooks stated there are lots of rules being made and some of them have to do with pollution reduction. She noted the city is ahead of the game with some of the rules due to the great leadership in Tualatin.

Mayor Bubenik stated there are concerns with the overly aggressive timeline and not taking the time to listen to cities. He would like the process to be slowed down to give everyone time to provide feedback.

Councilor Pratt expressed concerns with the different parking approaches. She would like to see additional details on the impacts of those.

Council consensus was reached to provide written testimony and to sign on to regional letters regarding these new rules.

2. Library Strategic Planning

Library Director Jerianne Thompson presented the Library Strategic Plan. She stated the libraries mission statement is to empower and enrich the community through learning, discovery, and interaction. Director Thompson stated the strategic planning process was completed by staff using the libraries values of collaboration, compassion, inclusion, and service. She stated a survey of library users was completed to identify services that are being used and their satisfaction with services. Director Thompson stated she conducted stakeholder groups with takeaways including the need for student homework support, socialization for older adults, concern regarding access for low income families, Latino's not knowing about services, small business training, and access to technology. She stated focus groups were held to identify strengths, areas of improvement, the library's role, and future desires. Director Thompson stated community engagement themes from the research included a return to in-person programs, improved marketing, further support of community connection, increased bilingual staff, support in learning and personal development, and creating more opportunities for fun. Director Thompson stated the draft strategic priorities for 2022-2025 include items to foster community connection, encourage learning and exploration, promote discovery and access, and support community inclusion. She stated next steps are to identify goals and action items for the next fiscal year. Director Thompson stated once action items are developed staff will take them to the Library Advisory Committee for review and approval.

Councilor Brooks asked what the most popular activity at the makerspace is. Director Thompson stated 3D printing is very popular.

Councilor Pratt stated she appreciates the effort they have put in to receive community feedback.

Public Hearings - Quasi-Judicial

1. Consideration of a Plan Map Amendment (PMA) to Rezone the Tualatin Heights Apartments Site Located at 9301 SW Sagert Street (Tax Map 2S123DC, Tax Lot 600) from the Medium Low Residential (RML) Zoning District to the Medium High Density Residential (RMH) Zoning District.

Mayor Bubenik stated this is a continuance of the hearing from the January 24th, 2022 meeting.

Assistant Community Development Director Steve Koper presented Tualatin Height Apartments Plan Map Amendment (PMA 21-0001). He stated the applicant is requesting to rezone the property from Medium Low Density Residential (RML) to Medium High Density Residential (RMH), which is a Plan Map Amendment. Director Koper stated future development would require submittal and approval of an Architectural Review Application, and would include an additional Traffic Impact Assessment at that time. He shared maps showing existing and proposed zoning. Director Koper shared the conceptual redevelopment plan that was submitted with their materials. He stated the plan shows feasibility of the development standards. Director Koper stated the plan is early in the development cycle as they will still have to go through the architectural review process, engineer and building review, and construction and final inspection. He explained the Council must decide whether the proposed change in zoning to RMH is consistent with the Comprehensive Plan. Director Koper highlighted plan amendment criteria including it being in the public interest and conformity with the Tualatin Community Plan. He briefly explained the difference between the comprehensive plan and the development code. Director Koper explained criteria that would be reviewed in the future by the Architectural Review Board. He stated the Planning Commission has recommended approval of the PMA.

Planning Commission Chair Bill Beers stated their scope and purview was limited and found that all the criteria were satisfied. He stated most of the concerns were around parking in the area. Chair Beers stated the Commission recommended the surround community seek remedy through a parking district.

Applicant Representative Jon McGrew, Hennebery Eddy Architects, stated the information they presented at the last meeting is the same.

PUBLIC COMMENT

Ryan Henderson spoke in opposition of the application. He spoke to concerns with parking spilling over from the current apartment complex into the neighborhood.

Patrick Lanning spoke in opposition of the application. He stated his concern is with reckless driving due to the elimination of visitor parking in the apartment complex. Mr. Lanning stated visitor's liter, play loud music, and drive recklessly in the area due to the inconvenient parking in the area.

Timothy Henderson spoke in opposition of the application. He stated his concern is with traffic and parking from the complex.

Jim Kiel spoke in opposition of the application. He stated garbage pickup is blocked, mail boxes are blocked, there is traffic congestion, and spoke to the impact on the quality of their life.

Lisa Wilson Coleman spoke in opposition of the application. She stated her concerns are with the impact to the quality of life the additional units will have on the current residents. Ms. Coleman expressed concerns with the removal of green space in the area.

Scott Bauer spoke in opposition of the application. He asked if the new development in the area is closing the gap in the deficit. Mr. Bauer stated he would like to see the problem solved in another place that is not already overcrowded.

Kimber spoke in opposition of the application. She expressed concerns with safety in the area due to traffic and parking.

Talia Rivera spoke in opposition of the application. She stated she lives in the complex and parking is an issue.

Tory Nelson spoke in opposition of the application. He stated there is already congestion in the area causing frustration.

APPLICANT REBUTTAL

Applicant Representative McGrew stated this is a plan map amendment to do with zoning. He stated the applicant has exceeded the code requirements for parking in the area.

Director Koper stated the Tualatin Commons Apartment density was factored into the housing needs analysis so the deficit is beyond what is planned for that development. He stated the other issues presented are not zoning issues.

COUNCIL QUESTIONS

Councilor Pratt stated she would like to see the owner make concessions to help remediate the parking in the area. Representative McGrew stated adding more visitor spaces doesn't necessarily remediate the parking issues in the area.

Councilor Hillier asked what process changes will be made by the owner to help with landlord issues. Representative McGrew stated those are not part of the zoning process. Andrew Lavaux, UDR, stated the company acts above reproach and has posted all of the notices and worked with consultants who are well versed in the fields. He stated their goal is to enhance the property.

Councilor Pratt asked if there is other property in the city to develop the 109 unit deficit. Director Koper stated there is no other zone parcels that have raw land that can be repurposed into this type of land.

COUNCIL DELIBERATIONS

Councilor Sacco stated she understands the concerns that are presented tonight from citizens. She stated the Council's decision tonight is about the zoning in the area. Councilor Sacco stated the concerns that were presented tonight will need to be looked at during the architecture review process.

Council President Grimes stated as Councilors they are responsible for being the caretakers of the community and balancing what is in the best interest of the community. She stated doubling the density at this location will impact the quality of life negatively in the apartment community and the surrounding neighborhood. Council President Grimes stated increasing density in this area will only exacerbate the current issues in the neighborhood.

Councilor Brooks thanked everyone who testified on this difficult and complex consideration. She stated based on the plans and the laws that are in place this proposal meets the criteria for the current process. Councilor Brooks stated the issues presented tonight regarding the impacts to the neighborhood are valid and the city will need to explore solutions for those so it is livable and safe.

Councilor Pratt validated citizen concerns. She stated they can only review what is in the public interest with those being the needs for housing and safety. Councilor Pratt stated this is not an

ideal place for additional housing but the need for middle housing exists and this will meet that criteria.

Councilor Hillier stated she was saddened to hear about how long the parking issues have been happening in the area but glad they know now and can take action to help remedy those. She stated the position tonight is how the rules and laws apply and noted that is how she will be making her decision tonight.

Mayor Bubenik stated the question tonight is about it being consistent with the comprehensive plan and long range planning in the city. He stated it is consistent. Mayor Bubenik stated residents in the neighborhood can request permit parking in the area to help alleviate the parking issues in the neighborhood. He stated he has confidence in the Architectural Review Board and staff to address issues that were brought up tonight.

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

MOTION PASSED

Motion for second reading by title only made by Councilor Brooks, Seconded by Councilor Sacco.

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

MOTION PASSED

Motion to adopt Ordinance No. 1464-22 amending Tualatin Comprehensive Plan Map 10-1 to apply the Medium High Density Residential (RMH) zoning district to a parcel located at tax map 2S123DC, Tax Lot 600 (PMA 21-0001) made by Councilor Brooks, Seconded by Councilor Sacco.

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

Voting Nay: Council President Grimes

MOTION FAILED FOR LACK OF UNANIMOUS DECISION

Mayor Bubenik stated this item will be considered again at the next meeting for another reading and vote.

2. Consideration of **Ordinance No. 1465-22** Requesting Annexation of 10.6 Acres of Land Located 11345 SW Herman Road (Tax Map 2S122D000550) into the City of Tualatin and Simultaneously Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and Urban Roads Maintenance District (File No. ANN 21-0002)

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

Associate Planner Keith Leonard presented the annexation at 11345 SW Herman Road (ANN 21-0002). He stated the request is to approve an annexation to the City of Tualatin for a 10.6 acre vacant property located at 11345 SW Herman Road. Planner Leonard stated the property is designated as General Manufacturing (MG). He noted future development of the property will require a separate architectural review and approval where applicable development code criteria

would be reviewed. Planner Leonard noted no development is proposed at this time. He stated the findings and analysis demonstrate the proposed annexation complies with applicable Oregon Revised Statutes, Metro Code, and TDC. Planner Leonard stated staff recommends approval.

Applicant Representative Brain Cando stated they are proposing three buildings for manufacturing distribution.

PUBLIC COMMENT

None.

COUNCIL QUESTIONS

Councilor Hiller asked what types of businesses would go into the buildings. Mr. Cando stated they are targeting e-commerce businesses.

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

MOTION PASSED

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

MOTION PASSED

Motion to adopt Ordinance No. 1465-22 requesting annexation of 10.6 acres of land located 11345 SW Herman Road (Tax Map 2S122D000550) into the City of Tualatin and simultaneously withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and Urban Roads Maintenance District (File No. ANN 21-0002) made by Councilor Brooks, Seconded by Councilor Hillier.

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

MOTION PASSED

Council Communications

Councilor Brooks acknowledged and thanked the Council for their considerations and work on tonight's hearing. She encouraged citizens to follow the updates and guidelines regarding COVID.

Mayor Bubenik thanked all those who testified tonight. He encouraged them to stay involved moving forward in the process.

Adjournment

Mayor Bubenik adjourned the meeting at 9:57 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor