



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR AUGUST 10, 2020

Present: Mayor Frank Bubenik, Council President Nancy Grimes, Councilor Bridget Brooks, Councilor Robert Kellogg, Councilor Paul Morrison, Councilor Maria Reyes, Councilor Valerie Pratt

7:00 P.M. CITY COUNCIL MEETING

Call to Order

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

Public Comment

Scott Mittan, Dan Cobb, and Tom Re spoke regarding tonight's Plan Text Amendment. Mayor Bubenik noted their comments would be part of the public hearing later this evening.

Consent Agenda

Motion to adopt the consent agenda made by Councilor Kellogg, Seconded by Council President Grimes.

Voting Yea: Councilor Pratt, Councilor Reyes, Councilor Brooks, Councilor Kellogg, Councilor Morrison, and Mayor Bubenik

MOTION PASSED

1. Consideration of Approval of the City Council Work Session and Regular Meeting Minutes of July 27, 2020
2. Consideration of Approval of a Change in Liquor License Application for Bushwhackers
3. Consideration of **Resolution No. 5510-20** Authorizing Award of a Preliminary Engineering Contract for the Herman Road (Teton Ave to Tualatin Rd) Project to Century West Engineering Corporation
4. Consideration of **Resolution No. 5514-20** Authorizing the City Manager to Execute an Intergovernmental Agreement (IGA) with Washington County for City and Special District Assistance Program
5. Consideration of **Resolution No. 5515-20** Authorizing the City Manager to Execute a Deed Acquiring Riverfront Property for the Tualatin River Greenway

Special Reports

1. Quarterly Financial Report

Finance Director Don Hudson presented the quarterly financial report. He presented the annual letters from the auditors and the 2019-2020 budget to actual numbers for both expenses and

revenue. He shared the Quarter End Investment Report, noting the advantage of an investment advisor, the change in investment strategy, and the diversification of the portfolio has resulted in a higher yield than if the city had remained with the State Pool. Director Hudson provided updates on CARES Act Funding and the Utility Assistance Program.

Councilor Pratt asked if the budget would be reviewed again in the quarter starting in January. Director Hudson stated he would be performing continual monitoring of the budget.

Councilor Brooks asked where those needing utility assistance could find information. Director Hudson stated information will be available on the city's website.

Councilor Morrison asked if there were COVID expenses not reimbursed. Director Hudson responded a large percentage of expenses have fallen under the CARES Act Funding.

Councilor Reyes asked for clarification for utility assistance. Director Hudson said he would pass along the marketing information when it's available.

Mayor Bubenik mentioned the Washington County Commissioners will be discussing the programs and processes for rental and utility assistance at their meeting tomorrow.

Public Hearings - Quasi-Judicial

1. Consideration of Plan Text Amendment (PTA) 20-0003 which would modify the Medium Low-Density Residential (RML) zone to allow detached single-family residential dwellings as an outright permitted use

Mayor Bubenik read the required script per Oregon Legislature.

PUBLIC COMMENT

City Attorney Sean Brady submitted to the record previous testimony from citizen comment by Scott Mittan, Dan Cobb, Paul Pennington, and Tom Re.

Scott Mitton spoke in favor of the PTA, stating the need for more affordable housing in Tualatin.

Dan Cobb spoke to concerns in the current tax base and the need to take care of responsibilities, and growing the tax base is not the need.

Paul Pennington spoke in favor of the PTA.

Tom Re spoke in favor of the PTA.

Planning Commission Chair Bill Beers stated the planning commissioners forwarded a recommendation to not approve PTA 20-0003 with a vote of 4-3. Their approvals are generally unanimous. He mentioned Planning Manager Steve Koper notified him the PTA they forwarded a no recommendation on is not the same one Council is reviewing tonight.

Community Development Director Aquilla Hurd-Ravich mentioned the zoning assigned is intentional, and the applicant is able to apply for a Conditional Use Permit (CUP), which allows detached single-family homes. However, the applicant is asking to allow the development of detached single-family residences without a CUP and to change maximum lot configurations and coverage different from today's code. That questions why this is in the public interest. The

Housing Needs Analysis was developed with community input to increase attached single-family homes. The applicants come from a market perspective. If they believe the policy and the market do not meet, then they can make that case.

Planning Manager Steve Koper responded it is a conundrum because the applicant requesting an amendment to the plan. We would not ask them to shoulder the burden to fix issues identified in the Housing Needs Analysis. It is hard to point to something other than the Housing Needs Analysis as to what the community's interest is. Both factors need balance.

Mimi Doukas, Planning Project Manager, with AKS Engineering was present along with the applicants, Lennar Northwest and Venture Properties, the owners of the properties, P3 Properties and Autumn Sunrise, as well as legal counsel, Michael Robison from Schwabe Williamson and Wyatt. They are requesting a change to the RML zone to permit detached housing. Lot size averaging allows them to achieve diversity of housing. Their plan includes setback revisions and lot coverage standards to reflect single-family detached homes. There are no density changes in proposal, making it neutral from a transportation standpoint. It is consistent with Tualatin 2040, which calls for housing affordability and small lot development, providing a diversity of housing types.

PUBLIC COMMENT IN FAVOR OF THE APPLICATION

Gordon Root, a homebuilder, stated it was known the existing city code would not get diversity of housing and meet what the market really wants. In their study, 7 percent responded they would look at a townhome, but now the majority wants detached long term.

Chris Fromhart, a Tualatin resident, stated he is in favor of text amendment based on diverse housing providing affordability.

Levi Llavasa, an Autumn Sunrise property owner, spoke in favor of the Plan Text Amendment.

PUBLIC COMMENT OPPOSED TO THE APPLICATION

Gillian Stratton stated concerns with air quality with high-density housing along I-5.

Veronica Williams stated the plan barely budges the 15% goal of attached housing for the city as a whole and mentioned concern of them becoming undesired homes.

Dan Cobb commented the density of the development would negatively affect the quality of life. 4,500 square foot lot size is good, and could be broken up by green spaces, miniature parks, and standing trees. Tightly packed housing has higher turnover of ownership and degrades maintenance.

Gillian Stratton stated a need for balance between housing and health. She encouraged the use of science the decision regarding how many trees to save and how close to build near I-5.

Stephen Hall mentioned concerns for the benefit for citizens, health, environmental issues, and whether it will really provide greater affordability.

APPLICANT REBUTTAL

Project Manager Doukas mentioned this application does advance 2040 policies. The drawings are conceptual and do show the type of diversity housing mix. Small lot subdivisions are a way to achieve affordability.

COUNCIL QUESTIONS

Councilor Brooks questioned the need for code change since there is already a conditional use permit to building single-family homes. Manager Steve Koper responded the applicant want to remove the CUP for subdivisions instead of additional conditions being put on that permit and to reduce some development standards for increased lot coverage and smaller setbacks.

Councilor Brooks stated metrics from metro and the state are reasons why we have a code. We need to meet the criteria of metrics for multi-use housing. She questions if we are redeveloping existing neighborhoods without the infrastructure to support multi-families within neighborhoods. Mr. Root stated the density standards by the city, metro, and the state are being met by this plan, which still has 10 units per acre. With the code text amendment, they will be able to provide some detached housing within this zoning

Councilor Brooks asked why change the code instead of applying for the process already in place. Mr. Builder Root responded they wanted to have the flexibility to incorporate detached housing and a code text amendment would be needed to meet the Metro minimum density standards.

Councilor Kellogg asked for clarification on what amount of single-family attached housing is correct, 6% from staff or 9% from the eco-northwest studies. Director Hurd-Ravich responded the Housing Needs Analysis says 6%.

Councilor Kellogg asked if there was an assumption in the Housing Needs Analysis that the value of single-family attached equate to more affordable than single family detached. Manager Koper responded yes it is through the policy statements. The current code is challenging to develop either housing type.

Councilor Kellogg asked for explanation the rigidity of the CUP requiring a 4,500 square foot lot. Manager Koper responded they searched earnestly but could not find any legislative history. Given the context of the zone, there was intended to make detached housing a little harder as a way to encourage attached housing. The comp plan suggests the encouraging of building attached housing. City Attorney Braded responded chapter 5 of the comp plan is written so the RML District is supposed to be for attached housing. The only method for detached housing in the comp plan is through a CUP.

Councilor Kellogg asked the applicants what evidence they that small lot detached homes can reach the same price range as attached homes and are in greater demand by the market. Project Manager Doukas based on market experience of the two developers in areas such as South Hillsboro and the River Terrace planning.

Councilor Kellogg asked about if developing diversity in lot sizes provides diversity in square footage of units. Project Manager Doukas responded yes with some exceptions.

Councilor Kellogg asked about the purple lots looking to be 20-foot frontage with 50-foot length. Project Manager Doukas responded they are 20 feet wide townhomes on a 25-foot-wide lot, which includes a 5-foot setback, which looks like a traditional single-family Tualatin house.

Councilor Kellogg asked if the purple lots are individual lots. Project Manager Doukas responded they are individual fee simple townhomes.

Councilor Reyes responded she needs clarification because she thought the entire area would be zoned for high density, but it looks like one section. Director Hurd-Ravich responded they are not talking about the entirety of Basalt Creek.

Councilor Morrison asked once HB2001 is fully implemented, how many units per acre will be able to be developed. Director Hurd-Ravich responded it allows for other types of units besides single-family homes in areas for single family residential.

Councilor Morrison asked Manager Koper about if the Plan Text Amendment would make it easier to develop and asked why he called it hard/challenging. Manager Koper said it would be easier from the applicant's perspective. The City's own code sets the bar for changing the code is challenging.

Councilor Pratt mentioned she thinks the area in question looks like it takes up the majority of the low density residential. She asked for clarity on density level for areas left in the Basalt Creek Concept Plan, particularly definition of the low-density area near Boones Ferry and the high-density area near Horizon. Director Hurd-Ravich responded the low density area on the west side of Basalt Creek is medium density single family housing with about 6,500 square foot lots. Tonight's amendment is focusing on the residential medium low density around of Horizon is the majority of the RML in Basalt Creek next to Grahams Ferry.

Councilor Pratt asked Project Manager Doukas where the other 300 units outside Basalt Creek were available to develop. Project Manager Doukas responded Exhibit 4 of Housing Needs Analysis shows vacant land across the whole city in medium high density and high-density zones.

Council President Grimes asked clarification on existing code in the shaded box on page 4 of the PowerPoint in and inquired if it should also say retirement housing. She also asked if we would be waiving the CUP for small lot dwellings but leaving it in place for retirement facility on proposed changes. Project Manager Doukas responded everything else is staying the same. The change is for detached lots in the zone becomes a permitted use specific to Basalt Creek for projects over 15 acres.

Council President Grimes asked if part of the change is doing away with CUP. Manager Koper responded it is just in a specific area and stays in place for the majority of the city.

Council President Grimes asked to clarify the added burden to developers with the CUP and asked to clarify if certain conditions of development could be addressed with CUP. Manager Koper responded the CUP does address certain impacts from development, and there is an additional regulatory burden still having to do the subdivision after they do the CUP. Modifying plans to meet community desires presents uncertainty compared to the predictability in a normal subdivision.

Councilor Pratt asked if the developer applied for CUP, does the planning commission still have the right to say there has to be a certain amount of attached housing. Director Hurd-Ravich responded the two do not cancel each other out. CUP is used to mitigate problems arising from a use. She mentioned it requires more investigation. City Attorney Brady said conditions could be placed on the amount of small lot subdivision if the decision maker did not want to approve it

for the full amount. Unless there is a prohibition in the code or something strange about the application, those are conditions that would have been applied elsewhere.

COUNCIL DELIBERATION

Councilor Reyes stated there is a need for all generations and is in favor for diversity of homes.

Councilor Pratt stated she is not in favor, does not see why we need to make an exception, and does not feel burden of proving Housing Needs Analysis has been met.

Councilor Morrison stated if the council is committed to affordable housing, this allows the developer to move forward. Adding many costs via CUP does not make it a builder friendly community.

Councilor Kellogg stated he is troubled by the lack of zoning for housing that is supposed to meet the missing middle and wants to see more flexibility in CUP to allow lot leveraging.

Councilor Brooks mentioned she is not convinced that detached houses are the same value as attached houses. From appraisal work, yard size does not always factor on value of a house. She thinks there is a way through with the CUP.

Mayor Bubenik identifies with the burden to the applicants and the need for the CUP process. He suggested streamlining the process to get single-family detached homes in this area. The CUP is the leverage needed to get the types of homes needed. He leans toward denying.

Motion to accept the Plan Text Amendment 20-0003 as submitted by Councilor Morrison,
Seconded by Councilor Reyes.

Voting Nay: Councilor Reyes, Councilor Kellogg, Councilor Pratt, Councilor Brooks, Council President Grimes, and Mayor Bubenik. Voting Yea: Councilor Morrison.

MOTION FAILED

Motion to strike staff to deny the Plan Text Amendment 20-0003 as submitted and direct Staff to draft a resolution to implement the decision for Council consideration by Councilor Pratt,
Seconded by Councilor Brooks.

Motion to make an amendment to the current motion to deny the Plan Text Amendment 20-0003 and motioned to green light proposed changes to Plan Text Amendment 20-0003 with the exception of waiving the CUP requirement by Council President Grimes, Seconded by Councilor Morrison.

Voting Nay: Councilor Kellogg, Councilor Pratt, and Councilor Brooks. Abstaining: Councilor Morrison. Voting Yea: Councilor Reyes and Council President Grimes.

MOTION FAILED

Motion to move the hearing to date certain on September 28 for Plan Text Amendment 20-0003 by Council President Grimes, Seconded by Councilor Pratt.

Voting Yea: Councilor Reyes, Councilor Kellogg, Councilor Pratt, Councilor Brooks, Councilor Morrison, Council President Grimes, and Mayor Bubenik.

MOTION PASSED

Adjournment

Mayor Bubenik adjourned the meeting at 10:04 p.m.

Sherilyn Lombos, City Manager

_____ / Teresa Wegscheid, Recording Secretary

_____ / Frank Bubenik, Mayor