



September 18, 2025

Merissa Moeller
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9455
merissa.moeller@stoel.com

VIA EMAIL (council@tualatin.gov)

Members of the Tualatin City Council
City of Tualatin
10699 SW Herman Road
Tualatin, OR 97062

RE: Appeal of Code Interpretation Decision INT 25-0001

Dear Mayor Bubenik, Council President Pratt, and Councilors:

This office represents Northwest Cascade, Inc., doing business as Honey Bucket (“Honey Bucket”), which operates the portable restroom and industrial equipment rental business at issue in this appeal. Honey Bucket operates its business at 18805 SW 108th Ave., Tualatin, Oregon (the “Site”)— directly across 108th Avenue from the new Tualatin City Services Building and the Community Development offices. The Site is within the Light Manufacturing (“ML”) zone.

At the Site, Honey Bucket stores portable restrooms, shower units, temporary fencing, temporary metal storage containers, and ground-level office units for rental to offsite construction and industrial clients—mainly local developers. Honey Bucket transports and delivers its rental equipment to offsite customers rather than serving customers onsite. Empty restrooms are returned to the Site to be rinsed and sanitized. Honey Bucket has operated at this location since August 2023 without incident and without complaint from neighbors or City staff.

In late 2024, City planning staff issued a code enforcement order, claiming for the first time ever that Honey Bucket’s business is a “Solid Waste Treatment and Recycling” use not permitted in the ML zone. To avoid being forced to close its business, Honey Bucket filed a formal code interpretation request, explaining Honey Bucket’s position that Honey Bucket’s business is more appropriately considered a “Wholesale Sales” use which is permitted in the ML zone.

Unfortunately, the formal code interpretation decision issued by City staff not only reaffirmed staff’s initial position, but went further than the original enforcement order, concluding that none of Honey Bucket’s other rental activities (including rental of shower units, temporary fencing, and other job-site equipment) are allowed in the ML zone either. Staff’s new decision jeopardizes Honey Bucket’s ability to continue operating in Tualatin. It threatens similar local businesses as well.

Honey Bucket is asking this Council to exercise its judgment and discretion and adopt a different interpretation of its code. As explained further below, correctly classifying Honey Bucket’s business as a Wholesale Sales use is more in line with the text and intent of the Tualatin Development Code (“TDC”). It is also the correct policy choice. Consider who needs portable

restrooms in Tualatin: Residential developers attempting to meet the City’s urgent housing demand, community organizations holding civic events like fairs or parades, and anyone in the City who lacks a permanent building with plumbing. Staff’s interpretation threatens these basic community needs, without any clear mandate in the City’s code.

For the following reasons, we urge the City Council to support, not discourage, these essential activities in Tualatin by reversing staff’s decision.

1. The City Council has discretion to reach a different interpretation of its code.

Honey Bucket requests that this Council correct two legal conclusions in staff’s decision:

1. Honey Bucket’s “rental of portable restroom units as well as the temporary waste holding tank associated with the use” can only be classified as a Solid Waste Treatment and Recycling Use and, therefore, must be prohibited in the ML zone.
2. Honey Bucket’s other industrial rental activities (rental of shower units, temporary fence panels, temporary metal storage containers, and ground-level office units) “cannot be plausibly characterized as a Wholesale Sales use” and, therefore, must be prohibited in the ML zone.

Honey Bucket believes that neither conclusion correctly interprets the TDC, as detailed in Honey Bucket’s original code interpretation request. *See* City Council Packet, at 171. But, even more importantly, neither conclusion is the only possible interpretation of the TDC.

The City Council has the final say to interpret the City code. This Council is not bound by staff’s view unless that view is the only reasonable interpretation of the code. Instead, the Council has discretion to interpret its code in any way that is “plausible,” meaning that it does not clearly conflict with the code’s text and policies.¹ The Council can and should consider whether staff’s interpretation is the right policy result for Tualatin when deciding this appeal.

2. The definition of “Wholesale Sales” captures portable toilet rentals.

Honey Bucket rents portable restrooms and other equipment to industrial and construction customers. These activities fall squarely within the definition of “Wholesale Sales,” which is the “sale, lease, and/or rental of products primarily to businesses.” TDC 39.450(1). One listed example of a Wholesale Sales use is the “service and rental of construction and industrial equipment,” which perfectly describes Honey Bucket’s business. (Emphasis added.)

Meanwhile, a “Solid Waste Treatment and Recycling” use is one that “receive[s], process[es] and/or recycle[s] solid waste materials.” TDC 39.420. Although Honey Bucket stores empty portable restrooms at the Site, Honey Bucket is not in the business of collecting, treating, or disposing of human waste at the Site. The nature of Honey Bucket’s rental equipment means that Honey Bucket—obviously—must sanitize restroom units before they are stored and re-

¹ *See Siporen v. City of Medford*, 349 Or 247, 261 (2010); *Kaplowitz v. Lane Cnty.*, 285 Or App 764, 775 (2017).

rented. The waste from those units must be temporarily stored somewhere before being properly disposed of offsite. But that does not mean that Honey Bucket is in the business of “receiving,” “processing,” or “recycling” “solid waste.”

3. The definition of “Wholesale Sales” captures other equipment not used to “perform” construction.

City staff have also concluded that none of Honey Bucket’s rental equipment qualifies as “construction or industrial equipment” because that equipment is not used to “perform” construction.² However, the TDC includes no such requirement, and the word “perform” does not appear anywhere in the Wholesale Sales use category.

It should go without saying that portable restrooms, temporary fencing, and wash stations are essential to most construction sites, which, by their nature, generally lack permanent infrastructure. A tour of Tualatin’s construction sites demonstrates the necessity of this equipment to contractors. Thus, reading the Wholesale Sales use category to include construction and industrial equipment not explicitly listed—including portable toilets—is not only “plausible”; it is more consistent with the reality of construction work occurring in Tualatin.

4. Staff’s interpretation may prevent Honey Bucket from operating in Tualatin.

Staff’s interpretation leads to an illogical and extremely punitive result.

First, limiting Honey Bucket’s rental activities to the “Solid Waste Treatment and Recycling” use category forces Honey Bucket into a use category allowed in only two zones. Under the Site’s current ML zoning, the only permissible Solid Waste Treatment and Recycling use is a “recycling collection center,” which does not apply to Honey Bucket’s business, meaning that Honey Bucket’s business cannot be authorized at the Site under its current zoning. As an alternative, staff have suggested that Honey Bucket’s portable toilet rentals could maybe be permitted as a conditional use in the General Manufacturing (“MG”) zone. But that position is not binding and, for that alternative to pan out, Honey Bucket would need to persuade future planning staff and the Planning Commission that Honey Bucket’s business is a “waste transfer station.” It is not at all certain that Honey Bucket could rezone the Site or find another site with MG zoning, and it is not at all certain that a conditional use permit would even be issued.

Second, and even more concerningly, staff concluded that none of Honey Bucket’s other equipment rentals can be allowed as Wholesale Sales, without identifying another use category where they might fit. This means that, under staff’s interpretation, it is unclear whether any of Honey Bucket’s business activities could continue in any zone or at any property in Tualatin.

To what end? Honey Bucket is a business that (1) employs Tualatin residents, (2) generates City tax revenue, (3) supports housing and other development, and (4) is not a nuisance affecting the

² See INT 25-0001, at *8 (June 6, 2025) (“[S]taff’s position is that ‘construction and industrial equipment’ is limited to the machinery and tools used to perform construction or industrial tasks.”).

City's habitability. Forcing Honey Bucket to leave the City would only harm Tualatin's residents, without any clear basis in the City's code.

5. Staff's interpretation treats Honey Bucket differently from similar businesses.

Just a few blocks down SW Herman Road, United Site Services ("USS") is permitted as a "portable restroom business." USS was not required to secure any land use approval, because City planning staff previously concluded that USS's rental activities were allowed outright, based on reasoning that directly contradicts the current staff's interpretation.

In 1992, the City determined that USS's "portable restroom business" was allowed outright because "[a] portable rest room business that distributes, maintains, and stores portable rest rooms is similar to the following permitted activities in the MG District: Contractors shop and equipment storage * * * ; Tool and equipment rental * * * ; Sales of industrial supplies * * * ." See Attachment A (emphasis added).

Read together, these two decisions effectively state that USS—a nationally owned non-unionized company—can operate a portable restroom rental business as a Wholesale Sales use, while Honey Bucket—a locally owned unionized company—cannot operate the same business model less than three-quarters of a mile away on the same road.

It's a great sign that Tualatin now has enough economic activity to support two separate portable restroom rental businesses. There is no need to undermine that success by effectively granting one company a monopoly.

6. Under staff's interpretation, code amendments and/or a rezone would be needed.

Honey Bucket has invested more than a quarter of a million dollars moving its business to this Site. Affirming staff's interpretation would mean that Honey Bucket will need to attempt to rezone the Site, relocate to another Site, or leave Tualatin altogether. Our question to the Council is: why? Honey Bucket is invested in Tualatin and would like to remain in the community, if the City will have them. There is no need to require either Honey Bucket or City planning staff to participate in further expensive and time-consuming land use processes, when the City's code is already broad enough for Honey Bucket to stay at the Site.

The decision before the Council impacts other businesses as well. Setting aside portable toilet rentals, other businesses renting construction and industrial equipment not used to directly "perform" construction work will need further support from the City to ensure that these essential business activities can continue. It is possible—perhaps even likely—that other similarly situated businesses are operating in the City, based on the understanding that their sales or rentals of equipment used to support construction and industrial activities qualify as a "Wholesale Sales" use. If the Council concludes that the City's code truly limits Wholesale Sales to tools used directly to construct buildings, as staff have concluded, then the Code may well need to be amended to protect other businesses engaged in these essential business activities.

7. Conclusion

As the letters of support submitted by Honey Bucket customers, employees' union representatives, the Site's owner, and numerous Honey Bucket employees attest, Honey Bucket is a valued member of the Tualatin business community. If Honey Bucket is forced to leave the City, Tualatin will be left with only one portable restroom rental provider—favoring a nationally owned company over a local, unionized business, and reducing community choice. This outcome is unnecessary and avoidable.

Staff have offered one possible way to read the City's code. Honey Bucket has offered an alternative reading that is at least as reasonable—if not more so. In cases like these, the law requires the City Council to exercise its discretion and make a decision based on what is best for Tualatin.

We urge the City Council to use its discretion to interpret the Code to allow Honey Bucket's continued operation at this Site as a Wholesale Sales use. Thank you for your consideration.

Sincerely,



Merissa A. Moeller

cc: Greg Potts, President and Chief Executive Officer
Matteo G. Crow

Encl:

Attachment A: Letter from City of Tualatin to Roy Lumber, Oct. 2, 1992.

Attachment B: Letters of Support



CITY OF TUALATIN

PO BOX 369
TUALATIN, OREGON 97062-0369
(503) 692-2000

October 2, 1992

Mr. Roy Lumber
Schultz-Clearwater Sanitation Inc.
PO Box 1404
Tualatin, OR 97062

Dear Mr. Lumber:

RE: PORTABLE RESTROOM BUSINESS IN AN MG PLANNING DISTRICT
AT 11505 SW HERMAN ROAD (2S1 22C, TAX LOT 200)

Thank you for your letter asking if the Shultz-Clearwater portable restroom business is an allowed use at 11505 SW Herman Road (Map 2S1 22C, TL200). This property is currently outside the City. When annexed the property will be in the City's General Manufacturing (MG) Planning District.

Based on information provided in your letter dated September 22, 1992, (Attachment 1) and on your meeting with Mr. Ed Emerson and me on September 23, we have determined that it is a permitted use in the MG Planning District. A portable rest room business that distributes, maintains, and stores portable rest rooms is similar to the following permitted activities in the MG District:

Contractors shop and equipment storage [61.020 (2)(f),
Tualatin Development Code (TDC)]

Tool and equipment rental [61.020(1), TDC]

Sales of industrial supplies [61.020(1), TDC]

You have also indicated that the operation intends to store the units outdoors. Outdoor storage of materials and products related to permitted uses is allowed in the MG District [61.020(2), TDC]. Chapter 73 of the TDC requires that outdoor storage areas shall be screened from view by a sight-obscuring wall or fence or by a dense evergreen buffer [73.160(3)(b), TDC]. The portion of the property adjoining the Manufacturing Park (MP) Planning District adjoining the property on north shall be screened with a dense evergreen buffer.

As you know, the property is currently outside the City. Annexation approval must be obtained from the Boundary Commission prior to the City's issuance of development approvals. If the property is to be divided to create a 4-acre parcel to purchase, a

Schulz - Clearwater

SANITATION, INC.

P.O. Box 1404 • Tualatin, OR 97062

City of Tualatin
Planning Dept
P.O. Box 369
Tualatin, Ore. 97062
attn: Will Harper

September 22, 1992

Subject: Purchase of Walgrove
Property - Tax lot 200
4 acres - Herman Road

Dear Mr. Harper:

Our company has an option on the subject property with the intent to systematically phase out our present operation at 18745 SW 108th to the new property. We have totally outgrown our present site.

We are engaged in the portable restroom business employing 14 people.

Tualatin
503-692-9009

Portland
503-253-7586

Vancouver
206-694-4944



To Whom It May Concern:
RE: Honey Bucket

As we start to see an upswing in the local economy, it is being, gratefully, followed by a corresponding upswing in local construction.

This is incredibly important to the furthering economic growth as this leads directly and indirectly to creating many new job opportunities, adding even more to the local economy.

This critical service (construction) is supported by a service provided by Honey Bucket which is not only equally critical but required by law in order for construction to work efficiently and safely.

It would be a blow to the construction industry and, thus, directly to the local economy if the service that Honey Bucket provides was not readily available. It would, literally, halt the start of the projects and, likely also, slow them down dramatically.

It is important that this service remains local and readily available to support the important economic recovery work being performed by the construction industry.

Sincerely,

Rick Shandy, President
BnK Construction



JOINT COUNCIL OF TEAMSTERS NO. 37

Affiliated with the International Brotherhood of Teamsters

September _11_, 2025

Members of the Tualatin City Council
City of Tualatin
10699 SW Herman Road
Tualatin, OR 97062

Dear Mayor Bubenik and Councilors:

On behalf of the International Brotherhood of Teamsters Joint Council 37, which represents Thousands of workers in Tualatin, Portland Metro and the state of Oregon, we'd like to offer our full support for Honey Bucket's zoning interpretation request and ask the City of Tualatin to continue allowing them to operate at the SW 108th Avenue location.

Honey Bucket is the only unionized portable toilet company in the State of Oregon. **As such, Honey Bucket's SW 108th Avenue location is the only unionized portable toilet rental location in the Portland Metro region.** It's hard to urge our family, friends, and colleagues to support pro-union businesses if these businesses do not exist.

Allowing Honey Bucket to operate as a Wholesale Sales use supports the City's broader goals of economic development, job creation and revitalization. Honey Bucket has demonstrated its commitment to the community and local labor source and supports the City's Economic Development Strategic Plan goal of "growing family wage jobs." Pushing Honey Bucket out of Tualatin benefits no one other than their immediate competitors in Tualatin and the surrounding area, none of whom employ union workers.

We respectfully urge the City Council to approve Honey Bucket's requested interpretation of the Tualatin Development Code and let them stay at their current location.

Thank you for your consideration.

Sincerely,

Steve Konopa
Director of Legislative Affairs
JC 37 Teamsters

Mark Davison - President

1872 N.E. 162nd Avenue, Portland, Oregon 97230
Phone 503-251-2337 Fax 503-251-2303

150354355.1 0084063-00001



Willy Lump LLC

4500 SW Advance Road
Wilsonville, OR 97070

September 11, 2025

Members of Tualatin City Council
10699 SW Herman Road
Tualatin, OR 97062

Re: Support for Honey Bucket at 18805 SW 108th Avenue

Dear Council Members,

I am the daughter of the owner of three adjacent properties in Tualatin through my company, Willy Lump LLC, including 18805 SW 108th Avenue, which is currently leased to Honey Bucket.

For more than twenty years, the neighboring property at 18745 SW 108th Avenue was occupied and operated by Schultz-Clearwater, a portable sanitation company. Their operations were long established at that site before they relocated just eight blocks away to Herman Road, where United Site Services continues to operate their portable toilet rental business.

Since Honey Bucket became my tenant at 18805 SW 108th Avenue, they have been an outstanding operator. They are responsible, take great care of the property, and are known for being supportive members of the community. Honey Bucket's professionalism and commitment to service make them a tenant I am proud to have.

Given the history of similar operations in this immediate area and the precedent established with Schulz-Clearwater, I respectfully request the Council's favorable consideration of Honey Bucket's continued operations at 18805 SW 108th Avenue.

Thank you for your time and thoughtful consideration.

Sincerely,


Annette Neely
Willy Lump LLC

Letter for zoning issue.



Jared Pena <JaredPena@honeybucket.com>
To: Jaime Poppleton

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Mon 9/8/2025 4:00 PM

09/08/2025

To Whom It May Concern,

My name is Jared Pena, and I have been employed with Honey Bucket as a Quality Control Inspector for nearly two years.

As a resident of Tualatin, the Honey Bucket location here has been a tremendous benefit to me. Its proximity to my home makes commuting easier and more efficient, allowing me to balance work and personal life while staying connected to the community I live in.

Honey Bucket is a great place to work because of its supportive environment, reliable operations, and the opportunities it provides for growth and stability. I am proud to be part of a team that values both its employees and the community.

If Honey Bucket were no longer located in Tualatin, it would have a significant negative impact on me. A longer commute would create more stress and reduce the time I can spend with my family and community. The absence of Honey Bucket from Tualatin would also weaken the strong local connections and support that benefit both employees and residents.

I sincerely appreciate your consideration and strongly encourage keeping Honey Bucket's location in Tualatin.

Sincerely,

Jared Pena

Quality Control Inspector

Honey Bucket

Jacob Mullen

(503) 718-4283

9101 SW Sweek Dr,

Tualatin OR, 97062

Re: Support for Honey Bucket's Current Yard Location

Dear whom it may concern,

I am writing to express my concern about the possible relocation of Honey Bucket's yard from Tualatin. I live nearby and have even prior to my employment for 30 years. I currently work for Honey Bucket as a Route Supervisor, where I have been employed for the past four months. Moving the yard would negatively impact me both personally and professionally.

Honey Bucket has been a great neighbor and a positive influence in the community. The company provides secure and sanitary toilets that help reduce litter and other issues that come with the lack of suitable facilities. In addition, Honey Bucket supports local families by creating jobs and contributing to the local economy.

As both an employee and a neighbor, I have not seen any negative impact caused by the company's presence in the city. On the contrary, Honey Bucket has been responsible, respectful, and beneficial to the community.

For these reasons, I strongly encourage the city to allow Honey Bucket to remain at its current location.

Thank you for your time and consideration.

Sincerely,

Jacob Mullen

From: Michael Antrim <michaelwantrim@gmail.com>
Sent: Tuesday, September 9, 2025 9:40 PM
To: Jaime Poppleton <JaimePoppleton@HoneyBucket.com>
Subject: impact statement

You don't often get email from michaelwantrim@gmail.com. [Learn why this is important](#)

Hi, I'm Michael Antrim I have worked for Honey Bucket for just over 8 Months now and I've enjoyed my time there. Living in Tualatin and only having a 10-minute commute was a big deal breaker for me getting this job. Along with my great co-workers, medical benefits, pay, and being unionized. Waking up every day at 4:40 AM and working 12-14 hours a day can be a challenge. But knowing I'm only a short drive from home makes it a little easier. If Honey Bucket was forced to move out of Tualatin it would only make my life more challenging and take more time out of the little, I have at home. I really don't want to have to find a new job, but I've had long commutes in the past and they are very draining, and I don't know if I'd last long doing that.

Michael Wayne Antrim
503-560-9560
6885 Sw Nyberg St, Apt M106 Tualatin, OR 97062

Seth Dowler

09/05/2025

My name is Seth,

I've lived in Tualatin for several years now, my wife and I are about to have our first child and can't wait to raise her in this beautiful community we call home. I originally took this job to be closer to home about 2 years ago as I was driving an hour plus each day to and from my last job. This company offers me stability and a great union career which offers me the chance to provide for my family with great benefits like medical dental and vision for my whole family that we do not have to pay for as well as great pay, if i were to work else where i would have to make a lot more than i currently am to make ends meet as most companies i would have to pay out of pocket for medical dental and vision which is not cheap.

If Honey Bucket were forced to move it would put hardship on my family and more than likely would force me to have to look for employment elsewhere or have to move which is not cheap. I would love to be able to stay in Tualatin as I love this community. Losing Honey Bucket in Tualatin would be a disservice to the community.

We here at Honey Bucket have a set of core values that we live day in day out, commitment, can do attitude, customer focus and be accountable, we don't just live by these values, we also change expectations by providing exceptional portable sanitation and site services to our community.

We provide under-credentialed overachievers an opportunity to earn more than just a paycheck.