



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR FEBRUARY 27, 2023

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

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### Call to Order

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

### Pledge of Allegiance

### Announcements

#### 1. New Employee Introduction- Librarian Melissa Hunt

Library Public Services Supervisor Sara Jesudason introduced Librarian Melissa Hunt. The Council welcomed her.

### Public Comment

Dan Cobb asked about approved projects listed on the city's website, noting he would like to see the unapproved projects listed as well.

Tim Neary, Byrom CIO President, expressed concerns with the planning process being too prescriptive and not applying what is actually good for Tualatin. He expressed concerns with allowing low-income housing going in areas where there is no means of bus transportation. Mr. Neary stated there is a lack of good data for planning. He stated he has submitted a text amendment for consideration to the Council.

### Consent Agenda

Motion to adopt the consent agenda made by Council President Pratt, Seconded by Councilor Brooks.

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

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of February 13, 2023
2. Consideration of Approval of Liquor License Renewals for 2023
3. Consideration of **Resolution No. 5673-23** Approving the City of Tualatin's 2023 Regional Transportation Plan Project List
4. Consideration of **Resolution No. 5674-23** Awarding the Contract for Construction of the SW Herman Road Improvements

5. Consideration of **Resolution No. 5675-23** Authorizing an Amendment to the Professional Services Agreement for Engineering of the Herman Road: Teton Ave. to Tualatin Rd. Project
6. Consideration of **Resolution No. 5676-23** Authorizing the City Manager to Execute Deed Acquiring Property for Basalt Creek Parkland
7. Consideration of Approval of Agreements Between the City of Tualatin and Community Partners for Affordable Housing and Horizon Church and Accept a Deed of Dedication for Tax Map & Lot: 32E06AD07800

### **Public Hearings - *Quasi-Judicial***

1. Consideration of **Ordinance No. 1472-23** Annexing Approximately 1.0 Acre of Land Located at 9300 SW Norwood Road, (Tax Map 2S135D000 Lot 108) into the City of Tualatin and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and Urban Road Maintenance District (File No. ANN 22-0003)

Mayor Bubneik opened the hearing in accordance with the state legislative rules for annexation hearings.

Councilor Brooks stated she regularly drives by the property.

Assistant Community Development Director Steve Koper and Assistant Planner Madeline Nelson presented Annexation 22-0003 for 9300 SW Norwood Road. Planner Nelson stated this is a request to approve an annexation for a one acre property located at 9300 SW Norwood Road. She noted the property is designated as Medium Low-Density Residential (RML) and future development of the property will require a separate architectural review and approval. Planner Nelson shared a zoning map. She shared the applicable criteria including it being within the Urban Growth Boundary, the owner petitioning it to be annexed, meeting Metro Code 3.09, and meeting ORS Chapter 222. Planner Nelson stated no development is planned at this time. She stated staff recommends approval of the annexation as it complies with ORS, Metro code, and the Tualatin Development Code.

AKS Engineer Melissa Slotemaker and Applicant Lee Novack presented their application. Ms. Slotemaker stated the annexation is for a one acre lot surround by property already in the city. She stated the application does not include any site alterations or improvements, noting future development is required to obtain a separate Council approval. Ms. Slotemaker stated the annexation criteria are straightforward and meet all of the objectives.

### **PUBLIC COMMENT**

Stan Russell, Pastor of Horizon Community Church, spoke in favor of the application. He stated this annexation is important to the church as there are future plans involved with the parcel that will help to continue to serve their church. Mr. Russell stated they also have a stake in affordable housing, as this will help serve families in the area.

Scott Olson, Head of School for Horizon Community School, stated with the growth in their school system they want to ensure they have the ability to continue to manage the property to meet the needs of the families they serve. He stated it is important for them to see low-income housing come into the area.

John Pries affirmed the good work the city does specifically their commitment to growth. He spoke in favor of the application as it supports affordable housing in the city.

Charles Pitt spoke in opposition of the application. He stated he is in favor of smart developing and is concerned with the traffic issues that will come to the area if this is approved.

Joel Angee spoke in opposition of the annexation. He stated neighbors in the area trusted the city and did not object to the Autumn Sunrise and Planbeck Gardens development, which resulted in over 500 housing units and over 50% of the entire city's housing needs being met for the next 20 years. Mr. Angee stated the lack of an arborist approved plan and traffic analysis in the area for both of the developments in the area has cause mistrust with the neighbors. He stated this is extreme zoning and not in the public good.

Ed Casey, Land Use Officer for Ibach CIO, spoke in opposition of the application. He stated members are upset about the traffic this will bring to the area.

Chad Fridley spoke in opposition of the annexation and in favor of smart development. He stated there should be no rush to develop this area when there are no resources to develop the area.

Tim Neary, Byrom CIO, spoke in opposition of the application. He stated there is not an urgent need for housing as the city is already ahead of the projected needs for housing. Mr. Neary stated approval of this application applies the city is in favor of the development.

Julie Heironimus, Interim Vice President of Byrom CIO, expressed concerns with the change in zoning and the traffic issues it will bring to the area. She requested more traffic studies before further expansion.

Chris McReynolds spoke in opposition of the application. He expressed concerns with traffic in the area. Mr. McReynolds would like to see a comprehensive traffic study be completed for the area.

Carly Cais spoke in opposition of the application. She stated there is a development application that references the approval of this annexation so you can't say they are separate decisions. Ms. Cais stated it would make more sense to make this area parkland.

## APPLICANT REBUTTAL

Ms. Slotemaker reminded Council that all requirements for the annexation have been met.

## COUNCIL QUESTIONS

Council President Pratt asked how many units would fit on the lot. Director Koper stated it would fit ten units.

Councilor Sacco asked what happens if the annexation is not approved even when it meets the criteria. City Attorney Chad Jacobs stated it can be appealed and LUBA can overturn that decision. He stated without further facts to create findings that the application does not meet the code you can't deny the application.

Mayor Bubenik closed the hearing.

## COUNCIL DELIBERATIONS

Council President Pratt stated the criteria have been met.

Councilor Sacco stated the way she votes tonight is based on the criteria.

Councilor Hillier stated her motivation for voting tonight will be based off the rules of the annexation. She hears what is being said and will consider other applications in the future.

Councilor Reyes stated her decision tonight will be based off the criteria.

Councilor Brooks stated because this is a quasi-judicial hearing they have to base their decision off the criteria. She stated it is the only decision she can consider.

Councilor Gonzalez stated he wants to hear from and talk to the constituents about this but he can't due to the nature of the decision.

Mayor Bubenik stated he has read all the emails he has received. He stated this decision is not implicit consent that the up-zoning will occur and tonight they are bound by state law for the annexation.

Attorney Jacobs reminded the public that the annexation and development are two separated decisions. He encourage the public to return to share their comments during the upcoming public hearings so they can be incorporated into that record as well.

Motion for first reading by title only made by Council President Pratt, Seconded by Councilor Hillier.

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

**MOTION PASSED**

Motion for second reading by title only made by Council President Pratt, Seconded by Councilor Sacco.

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

**MOTION PASSED**

Motion to adopt Ordinance No. 1472-23 annexing approximately 1.0 acre of land located at 9300 SW Norwood Road, (Tax Map 2S135D000 Lot 108) into the City of Tualatin and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and Urban Road Maintenance District (File No. ANN 22-0003) made by Council President Pratt, Seconded by Councilor Sacco.

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

**MOTION PASSED**

## **General Business**

### **1. Consideration of Recommendations from the Council Committee on Advisory Appointments**

Councilor Reyes thanked everyone who applied and interviewed for the vacancies.

Councilor Sacco read the list of recommend applicants.

Motion to adopt the recommendations made by Councilor Sacco, missed the second Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Brooks, Councilor Reyes, Councilor Hillier, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

**Council Communications**

Councilor Sacco stated she attended the CCAA meeting.

Councilor Hillier stated she attended the Architectural Review Board meeting. She congratulated the Tualatin High School Co-Ed Cheer Team for taking the National Championship.

Councilor Reyes states she attended the CCAA meeting.

Councilor Brooks stated she met with the Climate Action Plan group, attended the Tualatin Arts Advisory Committee meeting, and the League of National Cities Woman’s Caucus meeting.

Council President Pratt stated she attended the C4 meeting and the I-205 Diversion Sub-Committee meeting.

Mayor Bubenik stated he participated in the Greater Portland Inc. Best Practices Panel, attended the WEA Board meeting, the Meet the Mayors event with the Mayors Consortium, and the Regional Tolling Advisory Committee meeting.

**Adjournment**

Mayor Bubenik adjourned the meeting at 8:21 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

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