



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION 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

Work Session

Mayor Bubenik called the meeting to order at 5:00 p.m.

1. Council Training Series: Public Meetings and Conflict.

City Attorney Chad Jacobs presented a training on public meetings and conflicts. He covered topics on authority, public meetings, land use hearings, and public records. Attorney Jacobs stated the Council's authority states they may only act as a body and are expected to abide by council decisions. He stated personal opinions and comments should be expressed only if a member makes it clear that is their own opinion. Attorney Jacobs covered public meetings and what state law addresses including what is a meeting and quorum. He covered information on executive sessions and what topics can be covered. Attorney Jacobs addressed quorums of a governing body in social settings.

Council President Pratt asked about speaking as an individual and addressing your title. Attorney Jacobs stated you can speak as an individual but you need to be clear that the opinions that you are expressing are your own.

City Attorney Jacobs covered the two types of land use hearings: legislative and quasi-judicial. He defined the hearing types, procedures, ex-parte communications, bias, conflicts of interest, and control of public meetings.

Council President Pratt asked what to do with emails all of the Council receives from applicants. Attorney Jacobs stated to forward it to staff so they can include it in the record.

Councilor Gonzalez asked how he could meet with people during these processes. Attorney Jacobs said you can meet with them but you have to disclose what is discussed as ex parte communications. He stated these types of communications could get difficult to communicate so he would encourage council to avoid these contacts outside of the hearing.

Councilor Hillier asked if the public could challenge communications. Attorney Jacobs stated the public does have an opportunity to challenge the impartiality of a councilor.

City Attorney Jacobs spoke to public records and what they are, how to maintain them, and destruction.

2. Update on the Basalt Creek Employment (BCE) Zone Project: PTA 22-0001/PMA 22-0001.

Assistant Community Development Director Steve Koper, Senior Planner Erin Engman and HPR Consultants Chris Green and Brad Kilby presented the Basalt Creek Employment (BCE)

zone code project. Consultant Green presented the project scope including a code audit of the existing manufacturing park (MP) zone, an economic analysis, a transportation planning rule analysis, and draft code amendments. He shared the project area and existing conditions. Consultant Green stated the MP zone code audit showed the area was originally intended for large-scale manufacturing, research facilities, and limited light-industrial uses. Planner Engman stated previous plans including the Basalt Creek Concept Plan, the economic opportunities analysis, and the SW and Basalt Creek Urban Renewal Area informed and inspired the project aspirations, which included encouraging high employment density, strengthening local tax base, and minimizing conflicts between uses. She stated previous Council direction on the project included limited warehouse uses, encouraged flex spaces, incorporation of commercial uses, and maintaining green spaces. Planner Engman stated there has been extensive public outreach throughout the project including public open houses, stakeholder discussions, community discussions, and attendance at planning commission meetings. She stated public feedback has included general concerns around traffic, noise, and pollution. Planner Engman stated stakeholder feedback included a desire for flexible tenant space, development driven by tenants, and spaces that incorporate warehousing/wholesale components to support the operations. She stated they shared that the original draft code was too aspirational and did not provide sufficient flexibility for market demands. Planner Engman stated in response staff prepared several code scenarios for consideration and review by the Planning Commission that balanced the previously expressed aspirations for the area and current market trends.

Consultant Green shared the economic analysis summary that showed a demand for industrial space with a land supply that is critically constrained in the region. He stated users are looking for multi-tenant spaces that can be developed for smaller uses. Consultant Green stated recommendations from the analysis include expansions of industrial uses, flexible development standards, and restriction to control future uses/tenants. Consultant Green shared the traffic analysis summary stating proposed BCE text amendments include an expansion of commercial uses, noting it estimates that there will be a decrease in trip generation.

Director Koper shared the impacts of this on the urban renewal areas. He stated the SW and Basalt Creek Development Area was adopted in 2021 to generate tax increment financing for capital infrastructure in the area. Director Koper stated the Planning Commission's direction was to allow all manufacturing uses, develop some design standards to create a pleasant street-facing environment, protect and buffer the interface with yet-to-be-developed residential zoning, and comply with Chapter 63 standards. He stated the commission supported stakeholder scenario c that caps maximum building sizes of 150,000 square feet to limit large-format warehousing uses, with 70% of building square footage on a site is permitted to be a flexible combination of warehousing, and requested all uses be enclosed except for parking and loading areas. Director Koper stated the Planning Commission is requesting council feedback on their findings as they may be interpreted as different from Council's previous guidance. Planner Engman stated next steps include final recommendations from the Planning Commission and a legislative hearing of the proposed text and map amendments in May or June.

Council President Pratt asked for an example of a building that would be 150,000 square feet. Consultant Kilby stated it could be a large format grocery store.

Council President Pratt asked if a site has multiple buildings could the whole area be warehousing. Director Koper stated the space would work for a small warehouse but not major distribution.

Council President Pratt asked what the decrease in trip generation would be in comparison to. Director Koper stated it would be in comparison to what it is now. He noted warehousing trip generation has a lower rate than manufacturing.

Council President Pratt wants to make sure this area can support livable and high wage jobs. She asked if this type of zoning would help reach that goal and provide those types of jobs. Director Koper stated it is hard to make certain uses happen, so it is hard to determine that.

Council President Pratt expressed concerns with making sure they are protecting the residential areas and keeping them livable. Director Koper stated the proposed languages makes it so all activities have to be conducted indoor, add some additional buffering requirements, and limits building height.

Councilor Hillier asked for more information on the number of marijuana dispensaries that would be allowed. Planner Engman stated this area is excluded based off the buffering requirements.

Councilor Brooks asked why these changes are being made. Director Koper stated the existing zone was limiting in its uses and the urban renewal zone sought a high quality robust area that the current code could not facilitate.

Councilor Brooks wants to be sure this area can accommodate good paying jobs, not create additional traffic, and maintain the parks in the area.

Council President Pratt asked if food carts would be allowed in the area. Director Koper stated a food cart pod would be a permitted use in the zone.

Mayor Bubenik asked if spec buildings are the way of the future instead of campus style industrial buildings. Director Koper stated those campus style buildings are not what people are seeking any longer. He noted without these being shovel ready sites it is hard for them to be competitive at this time.

Mayor Bubenik asked if these will be job dense worksites as this was one of the aspirations for the area from Metro. Director Koper stated the area is proposed to be more job dense than it was in different formats and is more functional to help businesses thrive.

Mayor Bubenik asked how the trip counts go down. Director Koper stated warehousing distribution has a lower trip count and creates a different balance and net reduction.

Mayor Bubenik asked who would put in the roadways and maintain them. Director Koper stated the city has met with Wilsonville, Sherwood, and Washington County to discuss the roadway improvements. He stated new development would have to build its frontage connections and build additional infrastructure, as well as the tax increment financing will fund additional road improvements. He stated Washington County has expressed interest in the city taking jurisdiction of Graham's Ferry Road where an improvement district could be formed.

Councilor Brooks stated she is cautious about moving forward with the zoning due to transportation and employment mixes proposed in the area.

Councilor Sacco stated she is hesitant but noted the Planning Commission has done great outreach so she feels good about their recommendations.

Councilor Reyes asked for examples of different types of businesses in the zone. Director Koper shared examples stating the most likely outcome for the area would be like the Commerce Center in Wilsonville.

Councilor Gonzalez stated small business are able to flourish in this type of development with flex spaces and mixed uses.

Council consensus was reached to give the Planning Commission feedback that they support a mix of 30% manufacturing and 70% warehousing or wholesale.

Adjournment

Mayor Bubenik adjourned the meeting at 6:54 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Frank Bubenik, Mayor