

REGULAR MEETING

August 16, 1999

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, August 16, 1999 at 5:48 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Also present City Attorney Mark Pilliod, Chief of Staff Linda Adlard, and City Recorder Darleen Cogburn

EXECUTIVE SESSSION:

Coun. Soth MOVED, SECONDED by Coun. Doyle that Council move into executive session in accordance with ORS 192.660 (1) (h), to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed. All councilors present voting AYE, the motion CARRIED unanimously (5:0)

The executive session convened at 5:49 p.m.

The executive session recess at 6:34 p.m.

The regular meeting reconvened at 6:42 p.m.

Also present at the regular meeting were Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Department Director Tom Ramisch, Operations/Maintenance Director Steve Baker, Police Chief David Bishop, Library Director Shirley George, Senior Planner Barbara Fryer, Development Services Manager Irish Bunnell, Associate Planner Veronica Smith, Principal Planner Ali Turiel, Engineer Mark Bugolowski, City Utilities Engineer Dave Winship, Project Engineer Jim Duggan, and Community Dispute Resolution Center Manager Clayton Kubota.

ACTION:

99-263 Possible Request for Council Motion to Reconsider Aspen Woods Decision

Mayor Drake announced that Action item AB99-263, wasn't an actual agenda bill and was put on the agenda as a potential placeholder in the event a member of Council wanted to reconsider it or a request was made

by the applicant. He said neither event happened, so Council would not hear the issue nor discuss it that night.

#### CITIZEN COMMUNICATION:

Henry Kane, said his letter on *The Round*, pointed out that the City had the option of seeking a special court judgment under ORS 33.710 relating to Council's action giving \$3.8 million to help resolve the problem the developer had with unpaid subcontractors. He said if Council took that action, it might or might not receive a ruling from the court that said the City had authority to do so. He noted that resolution would be sufficient as a matter of law to buy future sessions of the Council into the next century. He emphasized that might be a possible means of resolving the legality of the \$3.8 million resolution. He said if it went that route and received a favorable ruling, then the desenting subcontractors could withdraw their opposition and present a judgment that said future City Councils would have to pay the balance of the \$3.8 million.

Mayor Drake noted that the offer, which Kane was discussing, was off the table and there was no offer to BCB Group at that time.

Kane said even if it was off the table, under the statute mentioned the City could go to court and get an authoritative ruling that what the City had tried to do was legal in terms of payments and would be binding on future City Councils.

#### COUNCIL ITEMS:

Coun. Stanton said she attended the Raleigh West Neighborhood Association (NAC) picnic and it was well attended and she was looking forward to the Vose and the Highland picnics.

Coun. Brzezinski asked what the practice was to report graffiti. She asked if once it was reported to police and photos were taken did they notify the property owner that the graffiti needed to be cleaned up.

David Bishop, Chief of Police, said that was correct

Coun. Brzezinski asked what action would be taken if the property owners did not respond.

Bishop said they were told again and if they didn't respond, the graffiti would be cleaned up and the property owner would be charged for it.

Coun. Brzezinski reported that she read that Steve Baker, Operations and Maintenance Director, was the graffiti contact person.

Bishop clarified that it was the Washington County Graffiti Cleanup Committee.

Mayor Drake said he would have Megan Callahan, Citizen Involvement Manager inform the NACs of the proper procedure.

Coun. Doyle asked Bishop if there was any information on the Red Light campaign in the last few weeks.

Bishop said he did not have new information at that time, but had requested those numbers the previous day.

Coun. Doyle noted that he was doing an article for the *Your City Newsletter* and would appreciate that information.

Coun. Stanton asked if the Governor had signed the legislation.

Linda Adlard, Chief of Staff, said he had signed it and it would go into effect around October 23, 1999. She said they were beginning to do their baseline studies of traffic to predict an accurate measurement for the future. She reminded Council they would have to go back to the Legislature in two years to support the project

Coun. Soth asked if there had been any date for the ceremonial signing.

Adlard said she had not followed up on that, but would check.

Mayor Drake reminded everyone that the West Beaverton NAC Walking Town Meeting was that Wednesday evening at 6:00 p.m.

#### STAFF ITEMS:

Joe Grillo, Community Development Director, said he would like to pass on to Council that Ali Turiel, Principal Planner had resigned to take a job in southern Oregon. He thanked Turiel for her hard work at the City and praised her for a job well done.

Adlard reported a sidewalk repair survey was being done by a second-year Harvard intern. She noted that the Central Beaverton area was where there were more sidewalk issues and said they would also be looking at ways to reduce sidewalk repair costs for homeowners.

#### CONSENT AGENDA:

Coun. Soth MOVED, SECONDED by Coun. Brzezinski that the consent agenda be approved as follows:

Minutes of the regular meetings of January 25, February 8, and April 19, 1999

99-250 Liquor License – Annual Renewal: Latin Corner LLC (d.b.a. Casa Colonial Bar and Grill; and the Caribe Nightclub)

- 99-251 Bid Award - Westside Interceptor Project No. 3 and Central Interceptor Storm Drainage Projects Nos. 1 and 5
- 99-252 Intergovernmental Agreement (IGA) Between the City of Beaverton and Beaverton School District – Davis Road/155<sup>th</sup> Avenue Intersection Traffic Safety Improvements
- 99-253 CPA 98003/RZ 980004/FS 99-00012 Satterberg West/Deer Creek Comprehensive Plan Amendment, Zoning and Flexible Setback
- 99-254 Annexation of Four Parcels Within the Cornell Oaks Corporate Center (ANX 99-00004)
- 99-255 Tuffli “Expedited” Annexation (ANX 9900005)
- 99-256 Boards and Commission Appointment
- 99-257 Establish New Classifications in Municipal Code Services
- 99-258 Expansion of Five Oaks Neighborhood Association Committee (NAC) to Include Annexed Areas

Contract Review Board:

- 99-259 Library Architectural Contract – Authorization to Proceed with the Construction Administration Segment Ratify and Approve Additional Work and Architect’s Fee Proposal, and Transfer Resolution
- 99-260 Approval of Agreement with Bullivant Houser Bailey for Legal Services and Transfer Resolution
- 99-261 Consultant Contract Award – Engineering Services to Assist With Capital Improvements Plan (CIP) Preparation
- 99-262 Contract Award – Testing and Inspection Services During Construction of the New City Library

Coun. Brzezinski abstained from the Minutes of 1/25/99 and 4/19/99, since she had not been at those Council meetings. She noted that she gave the corrections to the minutes of 2/8/99 to City Recorder Darleen Cogburn, and in reading those minutes there had been a discussion of Photo Radar. She said she wanted to make sure that discussion on Photo Radar would continue in the near future.

Adlard said they had not been ignoring that directive, and they thought it was working quite well. She explained that it would take a considerable amount of work to come back and cover all of the many issues Council had asked for more information on. She said she would also like to see how it had changed in Portland, and what the impacts were before they reported back.

Coun. Brzezinski said a citizen had just told her that he saw a photo radar van on Allen Blvd. and she had been reminded to inquire about future photo radar discussions.

Coun. Stanton said she had some minor corrections to the minutes she would submit to Cogburn. She noted that she had asked some questions about AB 99-258 that didn't get answered and asked Mayor Drake to direct the Neighborhood Program Coordinator Megan Callahan, to get her the answer.

Mayor Drake asked if the question was about how many households were in each of the NACs.

Adlard responded that Callahan had answered the question but she had forgotten to bring the response to the meeting. She apologized and noted she would get the answer to Coun. Stanton.

Coun. Doyle referred to AB 99-251 and commented it was very unusual for the bids to come in at only two-thirds of the estimate. He asked if that was a sign that the market was getting more competitive for work.

David Winship, City Utilities Engineer, explained that the bid was way under the budgeted amount and there were a number of projects in the concept plan brought to Council that were not included in that bid package. He noted that the remainder would be bid in the spring.

Coun. Doyle asked if they expected it to stay under the original estimate.

Winship said the bids were good, and there were considerable savings, but the budget would be consumed.

Coun. Doyle said (with a smile), he strongly supported AB 99-256.

Coun. Stanton noted that AB 99-256 explained that Council Doyle's wife was being appointed to the Beaverton Arts Commission.

Mayor Drake clarified that there would be no conflict in Coun. Doyle voting on that agenda bill.

Question called on the motion. Couns. Doyle, Soth, Brzezinski, Yuen and Stanton voting AYE, motion CARRIED unanimously. (5:0) (Coun. Brzezinski abstained from the minutes of 1/25 and 4/19.)

#### WORK SESSION:

99-244 Metro Title 3/USA Joint Implementation Recommendation (continued from 8/2/99)

Mayor Drake noted that the acronym USA meant Unified Sewerage

Agency.

Grillo noted that staff would give a 5-7 minute presentation to lead Council through the Title 3 portion of the Metro Urban Growth Management Functional Plan (Plan) and summarize the various issues that had been discussed at the technical level. He asked Council to recommend strategies for implementation of Title 3 water resource protection requirements.

Mayor Drake noted that Brenda Bernards from Metro was present and asked her to join them at the table for the presentation.

Veronica Smith, Associate Planner, addressed Council and noted she was serving on a committee organized by the Washington County Planning Directors along with Jim Duggan and Brenda Bernards from Metro. She noted that discussion that evening would include the Green Report or Green Book, which contained the Metro Title 3 Substantial Compliance Recommendations. She explained there were two parts, one that included recommendations the committee had compiled. She explained it looked at how Title 3 could be implemented within Washington County and consisted of the ten jurisdictions in conjunction with USA's program. She said the other part was the response that Metro had given back as to whether or not they felt the City was on track with meeting substantial compliance. She displayed some information on large easel stands and some overheads (copies in record).

Smith asked Jim Duggan to talk about water quality with regards to slope.

Jim Duggan, Project Engineer spoke about implementation of Title 3 standards on the stream corridor widths of buffer areas adjacent to designated sensitive streams. He reviewed a number of options evaluated by the subcommittee for the Planning Directors Group, and after they came up with a recommendation they evaluated it based on various scenarios (as displayed on overheads). He noted that scenario three was probably the most difficult to analyze, but found often in Beaverton. He described it as where there was a relatively steep section and then a break in the slope, above that and in the Metro Title 3, the typical width would be about 125 feet and then they had encroachment allowances based on a table that Smith would explain later.

Coun. Soth noted that in his review he mentioned a 50-foot buffer and asked if that was on each side from the top of the bank, or was that 50 feet wide, 25 feet from the top of the bank on each side of the creek.

Duggan said it was on each side, 50 feet.

Coun. Soth asked if that would be 100 foot wide corridor overall and if it was from the top of the bank.

Duggan said 100 foot was correct and it was from the top of the lowest bank.

Coun. Soth asked if there was anything that prohibited cutting grass in those areas to prevent fires and reducing trash.

Duggan said there was nothing to prevent anyone from doing any legal activity, such as trimming grass or shrubs.

Duggan said he would move on to a specific example, and noted that John Ryman from WRG Associates (also a member of the committee) had assisted them in showing how it would apply to various development proposals. He noted that Ryman was able to get Centex homes to allow him to apply the recommended standards to a subdivision that was actually built in Hillsboro, near McKay Creek. He explained that kind of scenario would be typical of one that would occur in the City of Beaverton. He displayed an overhead that explained how this would work (in record). He reported that one of the issues was as the corridor was widened from the creek, more storm drainage from the subdivision would occur, and there would be the problem of the water from the subdivision. He said in that scenario, the water quality facility could not be down in those areas, but had to be above, so there needed to be some technical standards for the water crossing the buffer because there would be erosion control problems.

Mayor Drake asked Duggan to explain the current standards and how they differed.

Duggan noted that the current standards required a 25-foot buffer, and in the recommendation it would be wider corridors. He said that under the new standard it would mean a wider corridor and more opportunity to re-vegetate areas that had been disturbed. He explained that the biggest concern in the City of Beaverton would be areas that had been ignored or allowed to degrade with blackberries and other noxious vegetation. He said this was a tremendous opportunity for re-vegetation and additional tree canopy and temperature control.

Coun. Stanton expressed her opinion that blackberries were a good way to keep people out of the stream channel.

Duggan replied that blackberries were fine away from the creek channel but right next to it they contributed to erosion.

Coun. Soth asked if under that scenario were they considering the top of the bank or the actual floodway.

Duggan clarified that there were various definitions, and the top of the bank would be what controlled the edge of the wetlands and if there were no wetlands, they would have a break in grade. He said the shoulder of

the slope above the top of the bank would determine what the width would need to be.

Coun. Soth related that he thought that if the area above the break, if the top of the bank was considered the end of the wetland areas, then the break should be where that limit occurred.

Duggan reported that the definition in Title 3 tried to establish where the wider corridor would be needed. He explained that if there was a great than 25% slope next to the sensitive area, if they just applied the 200-foot width, you would get out the 200 foot, no matter what happened to the topography above that. He noted that in order to take into account those changes they tried to establish a secondary standard where if there was a break in grade, it could be dropped back, but they did not consider that would be sufficient where it became less than 25%. He said they thought it needed 50 feet from that in order to have an effective corridor or 200 feet, whichever was less. He commented that it got very complicated.

Coun. Soth said the average person looking at the creek would not understand why they could not go down to some areas, and he thought that was very important, especially when it came to issues of liability.

Duggan said that the committee had been challenged to develop standards that were both clear and objective and would cover a number of situations and also meet substantial compliance. He said he sympathized with any landowner that would try to figure this out without a consultant.

Mayor Drake noted they tended to be independent in Washington County and had approached Metro with trying to do something countywide. He said it would be easier if developers could all meet the same standards. He asked how different were the current standards from USA and the County and in other areas, than what was being advanced by other areas in Metro's jurisdiction.

Bernards said the jurisdictions in the region were working towards compliance with Title 3 and were at various stages. She noted that Metro appreciated that cities were working together and the City of Wood Village had totally complied with the Title 3 by using model code language. She said Oregon City was well ahead, and was choosing to use the model ordinance and some stricter language to implement Title 3. She said cities in Washington County were the farthest ahead.

Mayor Drake said he thought Washington County thought it was the cutting edge to try and do something together. He explained that this way a very complex issue would be uniform at least countywide and he thought the County was working hard to be a good partner with Metro. He said he spent a lot of time working with Metro and they were trying to be sensitive to property owners while being good stewards of the wetlands.



Smith said with regard to the mitigation credits there, was a chart in the report (in the record), and noted that what was discussed in the report was how the committee proposed to look at minimizing some setbacks. She explained Metro required and talked about in the model code discussion about meeting substantial compliance in terms of the 50-foot, 100-foot, and 200-foot setbacks. She said the committee looked at how they could allow some mitigation in the 200-foot setback with some tradeoff. She cited that they established some nexus that allowed restoration in that corridor and allowed developers to infringe into that particular area. She noted the committee compiled some mitigation credit ideas. She explained that Metro gave them a definition of what substantial compliance was, and that was if they met all the performance standards that were not technical or minor in nature then compliance would be met. She noted that any variation to that would require Metro Council. She said if the idea of implementing mitigation credit table was proposed then Metro Council would have to approve it and not necessarily with the support from Metro staff. She explained that Metro staff did not support the idea as meeting substantial compliance, and clarified that Metro staff were saying that it varied more than minor and therefore in order to pursue it Metro Council would have to approve it.

Smith said she was there to see if the Council wanted them to continue to work with USA and see about implementing those recommendations jointly. She said USA would have to adopt the recommendations. (See record). She reported they wanted the jurisdictions to have opportunities for flexibility in how those mitigation credit tables would be implemented.

Mayor Drake commented that the difference currently on the table where he might disagree with Metro was that the table allowed for some cut and fill. He noted that for instance, in downtown they were working towards higher density and trying to utilize the land better and currently there were situations where there was development within the 50 feet. He said if there was any new development it would have to honor the current 50 feet and in some cases with steep slopes it could be 200 feet. He said there were some very steep slopes in Beaverton and it would be impractical to implement a regional center in those areas. He said he thought more moderate thinking would be that if it could be proven that mitigation was provided for the additional encroachment that had been done, eventually in the end it would all balance. He said he thought they could have their cake and eat it too by being environmentally sensitive, but also recognizing some realities about density levels in downtown Beaverton. He said they could learn from Europe by having waterways throughout communities and still respecting a solid environmental approach. He commented that the table would allow a little different approach but at the end balance the scale so it was environmentally sensitive, while allowing for some realities of development.

Coun. Stanton declared that in a perfect world, she would have a 500-foot buffer! She explained that she was cognizant of the City of Tigard Vs Dolan, in which a lawsuit reached the Supreme Court where there were

issues of *takings* and a local jurisdiction's ability to demand buffers or land for a particular use. She said if she wanted to build along Beaverton Creek, and if the building next to her was within 20 feet but her development would be made to comply within 50 feet, she would sue someone and wondered who she would sue (Metro or the City of Beaverton). She realized that this was a hypothetical question, and mitigation was always close to fixing what they took away, but it was never perfect.

Smith said there were provisions for hardship, and if they did not allow a mitigation process, what Metro was requiring was a variance. She explained that a variance was an alternatives analysis, which said if a developer was so confined within the building site that the setback requirement could not be met, then a process would be set up for alternatives.

Coun. Stanton replied that was not her question. She said her question was if she had buildings on both sides that were setback, her building would be jutting out.

Pilliod said he did not believe that anyone would be liable for complying with the requirement and it would not be a *taking* or an unconstitutional regulation. He explained that a developer could justify a variance to enable them to extend within the required setback, but they would have to apply for it. He noted the variance might be able to be obtained by showing how the neighbors and the developer were being treated differently, while essentially in the same posture.

Coun. Soth said given the fact that USA was charged with the responsibility for storm water in Washington County, it appeared that if USA decided they wanted to do different standards from what the City wanted to do, then he wondered where that would play out. He noted that with USA having the responsibility then they needed to be the implementing agency and the City needed to work with them to come within a common set of guidelines.

Duggan said in regard to that issue, they were obligated to USA under their National Pollutant Discharge Elimination System (NPDES) Permit to maintain their standards and once they adopted new standards then the City was obligated to meet that standard. He said one of the real positive things about the subcommittee was that they were trying to compile a set of standards that would apply throughout Washington County. He noted that there would be differences with how applications were processed but the standards they would be judged by would be the same. He said the cities had to be both an implementing body and land use agency.

Coun. Soth said he thought it needed to be that way. He related that his concern was if USA took a different stance, then there might be a problem, and he hoped the task force could iron out the differences.

Smith said in the seven months she had worked with USA and the other jurisdictions it had been a unique opportunity to sit around the table and talk about that very issue. She commented that USA was interested in making adjustments to meeting similar standards. She suggested they draft a letter to USA and talk about the areas they would like to implement in the program. She questioned if USA changed their rules would there be some latitude in the timeframe for the City to implement the standards and get the City's Title 3 adopted and meet substantial compliance, before the City would have to enact or enforce USA standards. She indicated there was a timing difference there and that was a discussion that needed to be addressed with USA.

Coun. Stanton asked Duggan in looking at the USA package, was that the best thing they should do.

Duggan said the current proposal had a lot of advantages over the Metro proposal, if the goal was to improve stream water quality. He commented if the goal was other than that, such as keeping future options open for those corridors for other benefits, then he was not sure. He said for water quality, the current proposal would get the most benefit for water quality along with development and redevelopment and provide for a less confrontational method.

Coun. Stanton thanked Duggan for his comments. She said she did not usually like credit tables but it looked like the best way in order to meet the needs of development at the same time protect the corridors.

Mayor Drake said he had the same feelings and hoped the Council would take that direction. He asked for a team approach and noted that water quality really was the issue. He commented that they might get a situation like the Nature Park, where it was not developed and had an endless boundary, or and in some of the urban reserves, more than 200 feet was being proposed. He suggested if they could turn back the clock there would be a better balance between current development in an urban environment and trying to respect and honor a water quality environment. He commented that it appeared to offer the best of both. He said he thought there would be considerable discussion if Washington County took a team approach, and said to Metro that they thought this was the best approach in that it still met the Metro intent but allowed and recognized the urban setting. He suggested if that approach was taken there would be basis for common ground.

Coun. Stanton noted she lived next to Greenway Park and to her mind one of the best developments was the Knoll Creekside Business Center because the buildings were built on pillions and the water could rise without bothering them. She said it was a perfect development.

Coun. Soth said in the last few days the Environmental Protection Agency (EPA) had projected moving on non-point source, and he asked if they

thought that Title 3 would not be adaptable for non-point source pollution such as runoff from streets, roofs, forested and agricultural areas.

Duggan said Washington County and areas around Puget Sound were the only places where non-point source was being dealt with. He said all they had to worry about with Title 3, was to figure how to implement the increased buffer widths. He noted that the only thing they were focusing on was the increased corridor widths, and the EPA issues were in areas where there were no regulations.

Coun. Soth said EPA would effect this area.

Duggan said this area was far ahead of the other areas and it would not be as much of a shock.

Mayor Drake said he recalled when Washington County was ordered to clean up the Tualatin River and the citizens had gone through the pain and agony of implementing storm drain and sewer systems. He commented they did not have the combined water and sewer overflow issues that Portland had, and noted that Beaverton was at least treating most sewer flow that came through. He said Washington County had been doing it right for a long time, and the tremendous growth was what had people concerned. He pointed out that he thought staff was looking for a response from Council in support of what the collective working group had done.

Coun. Yuen said he was in support of staffs' recommendation and liked the team approach. He commented that he thought that they had seen in the past the jurisdictions going in different directions and that had to be fixed. He noted it was to the benefit of all if they could work together and achieve the goals of Metro. He commented that it seemed to him that in everything, Metro was like the proverbial 900-pound gorilla in the small cage. He commented that it was unfortunate, but it was the small jurisdictions that had to implement the regulation and when it came to the actual implementation the jurisdictions were the experts and knew what was needed in their areas.

Coun. Soth agreed with Coun. Yuen and said they had an unusual situation in Washington County because they used a cooperative method of approaching things. He said this was an ideal situation to address them on a common basis. He mentioned the only question was the current atmosphere on *takings* that existed and they needed to be aware of those things before the issues arose rather than respond after they happened. He said he thought the recommended action was very good.

Coun. Doyle said he would not quarrel with the recommendation. He commented about the science involved in both approaches and wanted to know how effective the different things proposed were. He asked if they were confident that it was going to work and (from the Metro point of view) if there was demonstrable science that this was the answer.

Duggan replied it was not demonstrable science. He commented that they were trying to not establish a link between the best available science and the standards. He advised that what they wanted to do was try to get an objective table to use that would not be a point of contention with each development.

Coun. Doyle asked in terms of water quality, were they trying to solve all the problems they could see or touch or feel, or just prevent them.

Duggan said there were a number of stream problems in the jurisdiction. He noted that the stream that flowed in downtown Beaverton was the same stream that flowed in the Nature Park but each area had a different bank condition.

Coun. Doyle commented that it seemed like they could show something that was working well that they had done, so they could give an example to prove that it worked.

Coun. Soth said the Fanno Creek study (which had been adopted by Washington County) and the Beaverton Creek study addressed many of the recommendations encompassed in the discussion that evening. He noted that the discussion (in terms of reducing the pollution coming from outflow pipes) recommended planting absorbent native vegetation, removal of non-native vegetation and planting trees and shrubbery native to the area to provide shade and thereby mitigate the temperature of the water for whatever aquatic life might be there. He said they could point to those kinds of things as examples. He noted that they would require monitoring stations where any creek entered Beaverton Creek to see the quality of water when it entered and when it came out.

Coun. Soth referred to 3.07.360 and read from it, and asked Bernards who was involved in developing that model ordinance and if it was in conjunction with a task force or was it a staff exercise.

Bernards reported that it was a committee exercise. She referred to a committee named Water Resources Policy Advisory Committee (WRPAC) and explained they were the major instrument in developing that model code. She said they were made up of representatives from the entire region and it had been a two-year process to develop the model code.

Mayor Drake explained that each jurisdiction had a representative on WRPAC. He went on to comment that "substantial compliance" was key. He pointed out that in supporting a model ordinance the fact remained they were still individual jurisdictions. He said they had chosen (at a non-policy level) to coordinate with each other to come up with one uniform ordinance to bring to the policy makers. He noted that the substantial compliance was consistent with how business was done and while it was a framework he felt it there would be a version of the model ordinance that

would be adaptable to be used within the County. He reported that he was included in the Washington County City Mangers' meetings and had discussed finding common ground among the County, USA and the cities to adopt something that was substantial compliance or close to the model ordinance, but still met local needs and addressed water quality issues.

Duggan noted that in regard to the technical support, the table referenced the University of Washington study that brought some of the science into the study for the credit amounts. He commented that the credit amounts had fluctuated over time, and there was a high value placed on tree preservation and less of a credit for amending the soil conditions. He noted that an important thing to remember was that it was an evolving process. He said what worked in Puget Sound would not necessarily work here and the input from the East Coast would also not work here.

Mayor Drake noted that he thought Council was in general support of the current recommendations. He thanked Bernards for being there.

Coun. Soth MOVED, SECONDED by Coun. Doyle, to authorize staff to prepare a letter to USA summarizing the City's position in support.

Coun. Stanton said she wanted to see the letter before it went out.

Question called on the motion. Couns. Soth, Brzezinski, Doyle, Yuen and Stanton voting AYE, motion CARRIED unanimously (5:0)

#### ORDINANCES:

##### Second Reading & Passage:

Mark Pilliod, City Attorney, read the following ordinances for the second time by title only:

- 99-246      An Ordinance Amending Ordinance No. 2050, the Zoning Map to Rezone Selected Parcels To the New Multiple Use Town Center Zoning Districts and The Urban Medium Residential Density (R4) Zoning District, For Property Known as the Murray Scholls Town Center; RZ 980021
- 99-247      An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan by Amending the Comprehensive Plan Text to Add Provisions Establishing a New Mixed Use Comprehensive Plan Designation Called Town Center, CPA 98023
- 99-248      An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map, by Redesignating Selected Parcels Known as The Murray Scholls Town Center From Industrial, Urban Medium Residential Density, Urban Standard Residential Density, and Commercial Designations to Urban Medium Residential Density and Town Center Comprehensive Plan Designations; CPA 98024

City Council Minutes

August 16, 1999

Page 15

99-249

An Ordinance Amending Ordinance No. 2050, the Development Code, by Adding Provisions Establishing Three New Multiple Use Zoning Districts in Addition to Other Related Modifications to Existing Text (Town Center); TA 980009

Coun. Soth MOVED, SECONDED, by Coun. Brzezinski that the ordinances embodied in AB 99-246, 99-247, 99-248, 99-249 now pass. Roll call vote. Couns. Soth, Doyle, Yuen, Brzezinski, and Stanton voting AYE, motion CARRIED unanimously. (5:0)

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 8:12 p.m.

\_\_\_\_\_  
Darleen Cogburn, City Recorder

APPROVAL:

Approved this 6th day of December, 1999

\_\_\_\_\_  
Rob Drake, Mayor