

REGULAR MEETING  
March 6, 2000

CALL TO ORDER:

A regular meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chambers, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday March 6, 2000 at 6:30 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Wes Yuen, Evelyn Brzezinski, Dennis Doyle, Forrest Soth, and Cathy Stanton. Also present were City Attorney Mark Pilliod, Chief of Staff Linda Adlard, Human Resources Director Sandra Miller, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Police Chief David Bishop, Library Director Shirley George, City Utilities Engineer David Winship, City Transportation Engineer Randy Wooley, Senior Planner Barbara Fryer, Landscape Manager Steve Brennan, Deputy City Recorder Sue Nelson, and City Recorder Darleen Cogburn.

Mayor Drake noted that he would announce the proclamation first on the agenda and then the presentation.

PROCLAMATION:

American Red Cross Month

Mayor Drake proclaimed March as American Red Cross Month and introduced Kerry Tymchuk.

Kerry Tymchuk, State Director to Senator Gordon Smith, and a member of the Board of Directors of the Oregon Trail Chapter of the Red Cross explained that he was at the meeting that evening because March was honored as American Red Cross Month. He briefly described some of the many accomplishments the Red Cross had completed throughout the year including CPR training to 24,000 residents in several counties as well as responding to 200 local disasters. He summarized that the Red Cross depended solely on the financial contributions of private citizens.

Mayor Drake expressed appreciation for Kymchuk being present that evening and for the work the Red Cross had done.

PRESENTATION:

00-71 Presentation of Shields and Swearing in of New Officers to the Beaverton Police Department

Mayor Drake commented that since he had been Mayor new officers had been sworn in and promotions noted in formal public presentation. He welcomed the new officers into the Police Department and the Beaverton City Family.

David Bishop, Chief of Police, said he was very pleased that evening to hold the swearing in and noted that new officers would be sworn in during the public meeting and the reserve officers would be sworn in during ceremonies in the conference room. He thanked families and friends for attending that evening, as well as other members of the Police Department and City employees.

Chief Bishop issued the oaths of office to the new officers as follows: Steven Schaer, Kenneth Magnus, Cynthia Zikes, Mark Hevern, James Beane and Darren Fletchall.

Mayor Drake presented shields to the new officers as Captain DeHaan read their names.

Bishop invited the attendees to a reception ceremony in the conference room.

CITIZEN COMMUNICATION:

Henry Kane, 12077 SW Camden Lane, commended the City Council, Traffic Commission and the Planning Commission for initiating and implementing the Road Closure Policy Ordinance. He commented on its excellence and said the only item he would have added would be to clarify that it must be in accordance with the Comprehensive Plan and the City Transportation Plan, plus the 1999 revision of Goal 6, which said the City should have traffic circulation. He said he had not been able to find the definition of a local street and did not know if it meant a residential street, a dead-end street, or an arterial. He suggested that what was a local street to one property owner might not be the same to another. He explained that he read it as saying the primary factor was safety and he did not see how closure of any street in Beaverton was vitally necessary for safety. He said he made it a point to drive past the City Park when people were present and if a closure was proposed for safety purposes, the City should look at a three-foot high fence. He said he regretted that the Ordinance was not presented to the Council before the park road closure. He noted if that had been the case the staff might have referred to a problem of safety on Hall Boulevard and SW Washington and might not have considered closure of SW Washington. He said the safety issue could have been dealt with by the addition of a fence on Watson.

COUNCIL ITEMS:

Coun. Soth said he would not be at the March 27, meeting and noted that it would be his fifth absence in twenty years on the Council.

Coun. Brzezinski reminded people to respond to their Census questionnaire, and noted that it might look like junk mail but it was not. She explained that funding for Beaverton was done on a per capita basis and if the number of people were undercounted, the City would suffer financially.

STAFF ITEMS:

Linda Adlard, Chief of Staff, noted that there had been information on the radio that day about Photo Radar issues, since the Supreme Court was hearing a case on Photo Radar. She noted that if the Supreme Court declared Photo Radar was unconstitutional, then it would probably just go away.

Coun. Stanton asked if the ruling was positive for the City, or if it was against what the citizens had asked for, would it impact the Red Light Photo Radar.

Adlard said the Red Light Photo Radar would have to go through a system. She noted that the City had written about 30,000 citations since 1997, and the City of Portland issued 20,000 citations per month.

Coun. Brzezinski asked if that meant there were fewer speeders.

Adlard responded that it meant that Council had stricter regulations concerning where Photo Radar could be utilized.

Coun. Stanton explained that Council had restricted use of Photo Radar to neighborhood streets and near schools.

Mayor Drake moved the Metro Goal 5 Update/USA Presentation (carried from 2/28/00) to follow the Consent Agenda.

CONSENT AGENDA:

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

- 00-72      Liquor License Renewals – Annual Renewals
- 00-73      Boards and Commissions Appointments
- 00-74      Final Written Order for Traffic Control Board Issue 411

- 00-75 Traffic Control Board Issue 431
- 00-76 CUP 99-00017 Pilgrim Lutheran Church
- 00-77 VAR 99-00025 Sunset Porsche
- 00-78 Bid Awards – Purchase of Shelving and Furnishings for the New City Library Building
- 00-79 Authorization to Acquire Interest in Future Wetland Mitigation Property and Transfer Resolution

Contract Review Board:

- 00-80 Contract Award – Environmental Engineering Services for the Willow Creek Pedestrian Bridge Project
- 00-81 Authorization for Mayor to Award the Bid – South Central Beaverton Utility Improvements, Phase 2
- 00-91 Amend Existing Consultant Contracts to Reflect an Expanded Scope of Services and Augment Those Contracts with Approved FY 99/00 Funds

Coun. Stanton said she would support the consent agenda items, and noted that her questions had been answered.

Coun. Soth referred to AB 00-78, and asked how much of the equipment from the present library would be re-used.

Adlard said that very little of the current equipment would be moved to the new library. She said much of it would not fit, and noted that some of the book carts were being refinished. She said they would use all they could, and then would auction things that could not be used by the City.

Coun. Doyle referred to AB 00-75, and asked what the next step was for the list.

Randy Wooley, City Transportation Engineer, said AB 00-75 contained the priority list for traffic calming and the funding plan would come to the Council in the near future.

Mayor Drake noted that AB 00-79, included authorization by the Council to help purchase the 22 acres next to the Nature Park.

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

PRESENTATION

Metro Goal 5 Update/USA Presentation (carried from 2/28/00)

Susan McLain said she was the Metro Councilor for District 4, and noted that the Metro team consisted of Kendra Smith, Unified Sewerage Agency (USA) ESA/SWM Program Manager; Mark Turpel, Metro Program Manager for Growth Management Services; and David Moskowitz, Metro Salmon Recovery Coordinator.

McLain thanked the Council and staff for the work they had done on various projects and committees and noted they had worked hard to have a coordinated effort.

McLain described this as chapter two of the effort and noted that it dealt with Goal 5. She explained that Goal 5 dealt with the State Goal that referred to wildlife and fish habitat requirements. She said they were there that evening to talk about the draft, which was the work of a subcommittee made up of a variety of people from various entities. She said United Sewerage Agency (USA) had been helping with questions. She noted that USA had a coordination requirement but no land use authority. She described that as an issue on jurisdiction and where some of the regulations, suggestions and incentives actually took place and who managed those. She said there were key questions that came up, such as the management of Goal 5's integration into Goal 3 and how the salmon recovery program fit into Goal 5. She stated that it was important to deal with Goal 5, (a State requirement) and the Federal Requirement, and the Federal Endangered Species Act (the 4 (d) Rule) at the same time and effectively integrate all the processes.

McLain said they had a State requirement for the Metro Council to finish the land use work by October of 2000. She noted they had promised to have a plan in place that would explain what would actually be protected in the way of buildable lands inventory by June of 2000, and wondered how well City staff could respond to the deadlines. She said the property owner's issues were important to Metro as they worked through the draft and she asked Council to ask themselves what they (as property owners) would need to be comfortable and feel protected as they looked at the Goal 5 draft.

Mayor Drake suggested Council hold their questions until the Metro group had finished their presentation. He pointed out that they had posted maps in the Council Chambers that showed the 200-foot distance on either side of the stream corridors. He noted they had identified stream corridors that were not currently in the City, but were in City-directed Goal 5 work in contract with either the County or Metro. He said they had broken it down even further showing building pads so they could get a better idea of where the identified flood plain or the high water marks were and the 200-foot distance as proposed by the 4(d) Rule in Goal 5. He asked that Metro inform Council of the impact this would have on existing housing and the kinds of rules and regulations which might be imposed on citizens. He asked Kendra Smith to elaborate in

her presentation, on the collaborative efforts on Title 3; Countywide and what was suggested for Goal 5 and the 4 (d) Rule.

Mark Turpel, Metro Program Manager for Growth Management Services, distributed an informational handout (in record). He noted that Mary Webber, Community Development Manager in Growth Management Services was there that evening and would take notes on issues that could be addressed later.

Mayor Drake pointed out that the Council had not had the opportunity to work with Goal 5 and neither he nor the Council understood it completely.

Turpel clarified that the Streamside CPR Program (in handout, in record) was still a proposal, and had not been sanctioned by the Metro Council. He reviewed the handout in detail. He explained that the Metro team had recommended that all streams were regionally significant because they served as food, water and cover for fish and wildlife, travel routes for fish and wildlife, provided shade (thereby reducing water temperature), and provided stability and infiltration. He noted that over 300 miles of the original 1200 miles of streams were underground, and of the remaining 900, over 200 miles of streams were listed by the Department of Environmental Quality (DEQ) as being water quality limited. He reported that there were different fish species, which had been listed as threatened under the Federal Endangered Species Act. He listed the challenges, which were detailed on page six, and noted it was a work in progress, and they would appreciate Council comments on the material.

Turpel listed a summary of three options on page 10. He noted that Option 1 was Regional Safe Harbor, Option 2 was Local Alternatives, and Option 3 was Local Riparian District Plan. He commented that Oregon City had pointed out while in many cases they agreed with the Regional Safe Harbor approach in their downtown area, they might look at different standards in that particular geographic area.

McLain said that until Option 2 or 3 could be developed, reviewed and implemented, Option 1 had to be completed and in place. She explained that the Option 2 or 3 would have to be proven to be able to help meet the first standard.

Turpel continued to review the handout, referred to page 12 and said it was important to point out what could happen when there was a vacant lot that was 5,000 square feet. He noted that the property owner might want to develop most of the lot, but would only be able develop 50% of it due to the stream. He said they would try to have the development occur as far from the stream as possible. He noted that if there was an existing home on a lot, it would not require any removal of existing buildings, but if there were to be any addition, it would have to be done away from the stream.

Mayor Drake asked Turpel to address redevelopment.

Turpel said redevelopment was important in Beaverton and other parts of the region. He said that could be addressed by the local exceptions process, and there were ways in which discretionary decisions on the part of the elected body would be made to address some of the unique on-site aspects. He referred to page 14 and noted that this technical work was in progress. He said on page 15, they talked about judgment calls on the local alternative on Option 2. He noted that on page 16, there were some options for local flexibility and creativity for larger areas, and explained that city, county and property owners could work together. He referred to redevelopment, and said some potential lesser standards could be tried and would work well in the interest of the local jurisdiction as well as the region. He noted that the Metro team suggested a peer review of the performance standard and pointed out that they were still in the process for developing some restoration guidelines. He said the final page was an outline of their timeline on the process and reported that they had made this presentation several times with open houses and workshops. He said Metro Council would make a decision by June 2000.

Mayor Drake referred to the local riparian district and peer review and asked if the Metro Council suggested that a local riparian district would have to have receive Metro Council review.

Turpel said it had been suggested that there would be two reviews, one would be by a scientific panel and then by the Metro Council. He said there had been some question about whether that was an appropriate process and noted they would be interested in hearing Council's thoughts on that subject.

Mayor Drake asked if Turpel could define streams and, ditches, and asked what *science* meant. He noted there was a lot of information, but there was some discussion and concern that the *science* was not there to support the 200-foot rule. He said they talked about the two types of: *takings*, the first taking referred to the Dolan Decision and then there were the *takings* issue of harming fish or their environment and he wanted clarification on both of those issues, as well as clarification on *local alternatives*. He said he and Mike Houck, Urban Naturalist with the Audubon Society of Portland, Sue Marshall with Tualatin River Keepers and Kendra Smith, had toured Downtown Beaverton on a stormy day in October and they had discussed a district and some kind of plan in the downtown area as it referred to higher densities. He noted that they were talking about taking 200 feet back on both sides of a creek, and pointed out how difficult it would be to do that and still achieve the kinds of densities that were required. He stated it would also be difficult to encourage redevelopment. He said there had been some developers who had talked to him about some large lots and density issues and how local alternatives played an important part. He reported they had talked about a "safe harbor" for redevelopment and there were some key areas (especially along Beaverton Creek and Fanno Creek) that had potential

for redevelopment. He noted that redevelopment along those areas would be difficult as defined that evening.

Turpel said the stream definition they had used included both perennial, year-around streams as well as intermittent, so it was more extensive. He reported that there were about 70 miles more of streams than were shown on the Goal 5 and Title 3 maps, which was because those streams were intermittent streams. He said that was derived from surveys and interpretation of topography. He noted that from what they could see in the draft 4 (d) Rule which included the intermittent streams, there was a role that those intermittent streams played. He said there were concerns expressed by the Metro Technical Advisory Committee about how it made sense to have the 200-foot restrictions in those intermittent areas. He said they believed there was definite value there and would explore that issue further.

Mayor Drake said he thought McLain talked about a three-phase process; with the first phase being a mandated umbrella, and stated that he was concerned about the 200-foot restriction being cast in stone. He suggested doing the other processes with a parallel path so the exception process would evolve and be created at the same time.

McLain agreed that the parallel process could happen, since they would lose opportunities of averaging and restoration in types of water body application if they did not do it in a parallel way. She said the idea was to use the "safe harbor" distances until it could be demonstrated that the science or alternative science was useful, workable or doable in a particular location. She explained that if they changed the language in the draft, it would not be something that would start at the permit counter, but it was the lost opportunities at the permit counter that concerned people.

Mayor Drake asked about how it would fit in with the key issue of the 120-day rule.

McLain said that was an issue in Title 3 when it went into effect. She said for Title 3, it would go into effect for 60 days, and there would be a lag time to get those types of items in place.

Turpel distributed and reviewed another draft from the Metro Technical Advisory Committee (in record). He said one of the questions Mayor Drake had was related to the science and explained that there were 30-40 studies that had been completed. He noted there were some areas where the possible corridor would be less than 200 feet. He said the staff recommendation was that the Metro Council consider 200 feet. He said regarding the definition of *streams*, there were areas where an agricultural ditch was included, and there were areas where those ditches would not be required to change, but when the use changed to urban, then those issues would have to be readdressed.

Turpel referred to the questions about *takings* and said David Moskowitz would address those issues.

David Moskowitz, Metro Salmon Recovery Coordinator, addressed Council and noted the Federal Endangered Species Act (ESA) explained the term *take* as to what was prohibited when a species was listed under ESA. He said the purpose of the ESA was to protect species and their eco-systems and the principle rule was to prohibit *take*. He said the way the National Fisheries Service applied that prohibition of the basic rule was they had to enact protective regulation under the 4 (d) Rule. He explained that is was different from the Fish and Wildlife Service and that when they listed a species it became automatically illegal to *take* the species. He said National Fisheries Service applied the term to endangered species, like the Sockeye Salmon in Idaho, or the Steelhead in the upper Columbia River. He said the term *take* was defined as harming, harassing, killing, capturing and transporting. He went on to explain harming had it own special definitions to include adverse habitat modification that would interrupt essential life functions like spawning. He said the 4 (d) Rule provided an opportunity for an exception or limitation to the *take* rule. He commented that the rule was in draft form and it set forth a number of programs or criteria that could be viewed as exceptions and limitations, thereby it gave some protections from the ESA. He commented that the Council was probably more familiar with constitutional *takings*, which was more about land taking. He said the constitutional *takings* were very fact based, and the application of the ESA Rule could result in the *taking* of property. He noted that if a property was wholly within a regulated area (200 feet would be the regulated area and not a buffer or a setback) the ESA rule described that urban development could proceed if a process of 12 specific steps were followed. He said one of the steps talked about adequate riparian buffers for all streams and wetlands. He mentioned that in the preamble to the rule language it referred to a 200-foot area as being an essential area where the essential features and functions of the habitat were found. He noted that it then described a 50-foot area as being very important to keep all entry out. He explained that in the rule language it did not state a specific distance, it just said "adequate" and he looked at that as an opportunity to be able to define to the Federal agency what an adequate riparian buffer was. He commented that he hoped their program would do that, recognize property rights that were inherent and establish the principle that there were certain responsibilities. He said they had some guidance from their General Counsel on constitutional *takings* and he thought it was an important issue and was in the forefront of their minds.

Turpel noted that he would respond to Mayor Drake's inquiries about the Metro review and Options 2 and 3.

McLain said one question they wanted to know was what the difference was between Option 2 and Option 3 and how they interacted, especially as it applied to the 4 (d) Rule. She said if they did an Option 3 that was not reviewed by Metro, she wondered if that would give the kind of

coverage they were looking for to have the “safe harbor” for whatever part of the 4 (d) Rule that particular Goal 5 covered. She said that was the question to ask, and it was not that Metro wanted one more step in review, it was how much of a review was necessary to cover both Goal 5 and the 4 (d) Response.

Turpel addressed the question of redevelopment and infill and the loss of density that might occur as a result of the protection of riparian corridors. He said it was at least possible that they could cluster high density, but there were some limitations and Metro had a responsibility to make sure there was an adequate land supply. He said there was a direct connection between a loss of capacity and what kind of action could be taken.

Mayor Drake said they all understood that the difficulty was competing interests in wanting a more traditional downtown and a denser downtown, and key property owners could not theoretically redevelop their property. He commented that the 200-foot issue was in the preamble of the 4 (d) Rule, but not defined in the body and that was the other area of doubt. He asked if the 200 feet was binding. He remarked that the City tried to be an advocate for strong environmental responsibility and further define and shape a policy. He said the implementing arm (not the visionary arm) of the City questioned how they would make it happen without trampling on property rights within the City while still being environmentally sensitive. He said it was complicated by a “speed of light” movement by the June deadline, and he wondered how they could take it to the citizens and answer questions. He clarified the City was not trying to obstruct progress, but was simply trying to find out what Metro was doing and what the City could do as well.

McLain said the Metro Council wanted them to get to their citizens as much as the City Council did. She said they were trying to get it throughout the advisory committees so they had as much time as possible to deal with the citizen communication issue. She said she knew it was quick, and noted they could amend the document as they went along later.

Mayor Drake thanked McLain and asked for questions from Council.

Moskowitz clarified that the 200 feet was in the preamble and not in the draft regulatory language. He said it was important that it talked about the 50-foot inviolate zone, because it described an important area. He said science was more of a process than a product and the main question was not what science would tell us, but how decision-makers would reach decisions not knowing some of the key questions. He said the biggest challenge was that the science would continue to emerge and they could not look to it to give all the answers. He noted that it was a fast process and the rule for the 12-step program did not currently exist any place in the country. He said the rule was due to be signed on June 19, and the prohibition against *take* would be in effect. He commented

that they needed to look at operations and make sure they were avoiding *take* and that first step would be a benefit for fish and watersheds and would provide the City with a level of comfort until the goals of the 4 (d) Rule could be reached.

Mayor Drake asked Smith to give her remarks.

Kendra Smith, Unified Sewerage Agency ESA/SWM Program Manager, said she wanted to brief them on the status of ESA discussion in Washington County. She noted that USA had been working with City, County and Metro staff and they had an outline of a planning process. She explained that it was focused on the idea of healthy streams in the context of the clean water program USA already had in place. She noted they did not have any authority under the ESA but they did have authority under the Clean Water Act. She clarified they were focusing on healthy streams and the habitat, water quantity and quality. She said they were putting together a process and during the coming summer they would be intensively gathering data to update older watershed plans. She explained that the only element missing on the Beaverton plan was fish passage. She said it would primarily focus on areas outside of the City to gather missing ecological, hydrology and flood plain information. She explained that science would then be plugged back in to the process of developing a watershed conservation plan and would talk about the three elements of quantity, quality, and aquatic species. She reported that they would look at social and economic impacts, changes of policies, and the social and economic impacts, and then move through a process of developing a plan and strategizing what the priorities were in the Tualatin Basin. She explained that they would focus on the proportion and noted that some streams were pretty well gone for habitat. She commented that they wanted to use the science that they gathered over the summer to help make good decisions about priorities. She summarized that USA talked about taking a coordinating role and would work with anyone or they could stay on their own if that was the desire.

Smith noted that on Title 3, the minor revisions and the update of the designing and construction standards had been approved as Resolution and Order 007. She said there had been many applications coming in, and noted there were some issues that common sense would take care of and generally it was going well to date, but the full brunt of the construction season had not yet started.

Coun. Soth said the presentation was very good and noted that he had been involved in similar issues since 1976. He used the charts in the handouts and referred to page 5, and asked if research had been done to answer the question of if fish had originally been in the 300 miles of stream. He commented that research needed to be done on all the streams. He explained that the City of Beaverton was 95% built out within the current limits, and they could imagine the effects on the City and its citizens. He said another issue on the same page, regarded fish species, and the effects of driftnets, which were supposed to be

outlawed. He questioned the effect on salmon since the protection of seals and sea lions had been instigated. He said those questions were not part of their job, but were part two of the questions that needed to be asked and answered. He referred to page 5 and asked about cost. He explained a hypothetical situation where a \$30,000 culvert under a road would have to be replaced with a bottomless concrete box culvert or a bridge at a cost of \$100,000 or more and asked where the funds would come from to pay for the project. He inquired about accumulated costs for jurisdictions and if any financial research had been done.

Coun. Brzezinski asked if Coun. Soth wanted answers that evening or just feedback.

Coun. Soth replied he wanted answers and feedback, and asked how much research had been done.

Moskowitz replied that there was existing data from the Oregon Department of Fish and Wildlife and noted that information was not particularly good. He said the Goal 5 program was a fish and wildlife riparian program and there were all sorts of aquatic and terrestrial species that depended on riparian area for survival. He said it was important to understand that small streams that never supported fish, did supply clean water, nutrients, sediment inputs and were avenues of travel for non-aquatic species. He said there were not fish in every stream and there were streams that were occasionally dry but were used by fish during certain times of the year. He clarified that scientific literature would support the importance of preservation of the whole fabric.

Coun. Soth asked how much research had been done locally, and said they needed specific data, on smaller streams that had become degraded as well as major waterways.

Smith reported that they commissioned studies with the Oregon Department of Fish and Wildlife and were in their second phase of the studies. She noted there was recent information and they had done this for all the streams. She said there were some stretches of streams that fish probably had never been able to live in and the research to be done in the summer would be very revealing. She said they would report back in the fall.

Mayor Drake suggested that general questions be asked that evening and written questions could be submitted at a later date. He said they could perhaps have a work session with City staff.

Coun. Soth said they were talking about at least a 400-foot corridor (200 feet on each side) not including the width of the creek. He asked how much land that had taken out of the developable land inventory.

Turpel said they had a figure of about 11,000 lots, and were trying to get more information since that was a critical issue for local jurisdictions as well as Metro.

Mayor Drake said it was about 3,000 developable acres.

Turpel said it was approximately 11,800 acres of vacant land mostly within the mapped corridors.

Mayor Drake said he thought there was a smaller number when it was discussed at the Metro Policy Advisory Committee (MPAC).

Turpel said they did not have that set of data at that time.

Coun. Soth referred to page 13, and said it appeared that he could not use the 5,000 square feet for development and would be required to restore it with native vegetation. He said he wondered if tax credits would be allowed for the cost of the materials for the restored native vegetation and since the property would not be usable, perhaps a large percentage of it could be taken off the tax rolls to help the property owner.

Coun. Stanton said there were things that were more important such as the meshing of the 4 (d) rule requirements with Metro's much broader scope. She said at the same time Metro was requiring increased densities, there was also the potential for removing land. She referred to *take* and *takings* and said she envisioned a boxing match at the Supreme Court level between Tigard and Dolan, but this time it would be between Dolan and the National Marine Fisheries Services over not being able to develop the land because it might hurt a fish. She said the issue was who would win in the battle. She said what Metro created under the 4 (d) Plan would not be resolved until it went through the process unless well-crafted language was done. She referred to the last page, and asked for clarification on the dates.

McLain referred to the 4 (d) Rule and said June was when they would come back and give input and get Metro's reaction to their comments. She said the other June date was where Metro was saying they wanted to know how much protection they would have so staff would know what the buildable lands inventory would be so the October 12 arbitrary internal deadline could be met. She said they had told the State they would not ask for extensions. She clarified that the situation between Metro asking for density in Title One and the Functional Plan and also asking for more protection along streams, sounded like there were internal conflicts. She pointed out that there were internal value conflicts in all policies. She emphasized that Metro was very serious about the protection of those lands and if that meant less density was required in those areas and added to the Urban Growth Boundary, then that would be the process brought to the public to review. She established that they were not asking that both things could be done on the same property, because they realized that if the density could not be done because of

protection needs then Metro would have to help the City find out where that density could go for the community. She said they were committed to doing both and even though the values may conflict, they did not want the solutions to conflict.

Coun. Stanton referred to Metro design mandates and said a corridor would go up as opposed to, and noted that there were height restrictions in various zones. She expressed her worst fear as having a mixed-use piece of property that required density quotas and was also on a corridor. She continued her scenario that even though there was a development application to meet requirements, Metro might say the Goal 5 and 4 (d) requirements would apply and that everyone had to add ten percent and go up more. She asked if Metro would ever do that.

McLain said the City did its own Comprehensive Plan and Design Codes and that made it the City's job and rule.

Coun. Stanton replied that was not true, because the City had changed their Code substantially to meet Metro's mandated requirements. She said this was something they had to comply with and they were going to be in a bind of having to comply with the 4 (d) Rule through USA and Metro, while at the same time complying with increased densities, but without having the land.

Mayor Drake said Metro did not have zoning authority and they could not give them building height. He said it was up to the City to achieve the densities that were initially agreed to.

Coun. Brzezinski referred to Option 1 and said it was the Metro guideline, and Option 3, talked about the last step, where the local government forwarded the plan to Metro for acceptance. She noted that there was a Metro blessing on Option 3, but nothing about that in Option 2. She questioned if the local jurisdiction could just say they were making an exception in Option 2.

Turpel emphasized that this was a staff proposal, and had not been sanctioned by Metro, and what they were working on was how they could put some sideboards on it so they had some limitations. He stressed that it was not developed yet.

McLain said the other part of Coun. Brzezinski's question was why was Option 2 different than Option 3. She explained that after the local jurisdiction came up with its flexible different standards, it would be reviewed to see that it met the basic "safe harbor" option.

Coun. Doyle urged the folks that made the final decision to try and frame as much of it sitting in the City Council's seats as local government officials. He commented that he wondered who would get the legal bill when the City got sued.

McLain said Title Three explained that they would all be there to handle any legal issues if the “safe harbor” approach had been followed.

Coun. Doyle noted that staff would be the ones who would have to deal with the issue and noted that Council had to do something they could live with. He said they had to do as much as possible to make it work because the controversy would happen at the local jurisdiction level and that was where the enforcement would be.

Smith said that currently USA was doing the review for all the local jurisdictions with regard to Title Three. She commented that one of the key elements was they spent extensive time with their legal staff to prepare for the next phase. She said they were very cognizant of that.

Coun. Doyle good-humoredly noted that Smith used the term “common sense” which was not often used regarding government.

Coun. Yuen commented that Coun. Soth asked some great questions and he appreciated the answers to them. He said he wondered about the financial impact and asked if there was an estimate at that point. He suggested it would cost millions of dollars.

Turpel said they did not have an estimate at that point.

Turpel said when a program was still fluid it made that kind of calculation difficult, and noted that some initial efforts were made in the 1930’s regarding the Willamette River and that was costly too. He pointed out that there were costs but there were returns to the investments as well.

Coun. Yuen pointed out that from a public policy and public perspective this was important because the money would drain from the local economy and be costly to the local businesses. He said it would increase the cost of doing business and it would come out of everyone’s pocket. He commented that over a period of time, it would place the community at a competitive disadvantage with other regions that were not doing it. He said the sooner the dollar amounts were realized the better it would be for planning how to offset the costs.

Coun. Yuen referred to the MPAC report draft and read from a section of the material entitled “Regional Significance of all Streams.” He asked what was meant by the phrase “...a portion of MPAC members were willing to accept that all streams might be significant.” He asked what “portion” meant in terms of how many agreed with the statement.

Turpel said they had wordsmithed that very word quite extensively and had not taken a vote and his sense was they had a majority, so he didn’t feel they could say some the number of MPAC members had agreed. He commented that MPAC was more interested in hearing the assessment as opposed to hearing vote tabulation.

Mayor Drake said it was probably safe to characterize the Washington County jurisdiction members would not have favored it in its current form.

Coun. Yuen said it seemed a little suspicious because whatever other point of view was there, was not presented. He commented that from what little science he had taken, he was aware that stream banks meander and changed, and if 200-foot regulatory boundaries were formed, what would happen when that stream meandered.

McLain said they had heard in Title Three conversations that water bodies would change courses and they had to make sure that the amendment process was clear and concise and that way adjustment could be made. She said they spent almost 18 months questioning if the words governed the maps or if the maps governed the words. She said they had to make sure there was an amendment process that was easily used by the local jurisdictions or whatever agency was helping with the program.

Coun. Yuen said it helped to know that things would change and amendments would be made. He said that behooved the public agencies to notify people along the stream corridors that might not currently be within the 200-foot boundary (but who could be in the future) and inform them to plan accordingly. He said they had heard over and over again how people were taken by surprise because regulations changed and this was a big concern.

Mayor Drake said they had a long discussion at MPAC in the Title Three process and rather than broad notices of potential stream changes, they thought specific property owners should be notified. He said Metro seemed to think that should be done locally. He commented that he was concerned because what had been proposed in the past with Title Three regulations, while it had impacted property owners, Goal 5 and the endangered species act would have much more impact as currently proposed. He said it came much later in the process and if he could wave a wand over Metro, he would suggest that when large changes were imminent, the process should start with notification and be more specific so people would know what was planned. He commented that when a process was as developed as Goal 5 and the Endangered Species Act, it made it much harder on local jurisdictions. He said the decision was made that more specifics be done at a local level.

Turpel said they sent out approximately 40,000 notifications to property owners who might be affected, to invite them to explanatory open houses. He said they notified local utilities.

Mayor Drake asked if it was specifically about the 200-foot proposal.

Turpel said it was in cities where the invitation could piggyback in with the utility bills and the information was specifically about the 200-foot proposal.

Coun. Yuen referred to page 13, Regional Safe Harbor Residential Exceptions and said as a local planning official he was concerned. He asked if the plan potentially overrode local setback zoning codes. He gave an example of a lot that started out as being able to be developed, and ended up a piece of property where a house could not be built unless the City waived the setback requirements. He asked if those types of exceptions would override local jurisdiction's setback requirements.

Turpel said the intent was to provide an economic use for the property while trying to keep the development as far away from the stream as possible.

Coun. Yuen noted that in Beaverton they would have a problem building a shed (because of setbacks) on the example piece of property he mentioned earlier. He said the property would become unusable, because of the setback restrictions combined with the 200-foot restrictions. He said he had not realized the expectation that the homeowner would have to pay for restoration, and wondered what the property owner would have to do for restoration.

Turpel said they were working on trying to design and clarify what the restoration standards would be and relate them to the resources that were already there. He said if the resource was already there, but substantially degraded then the area would need more restoration.

Smith said that was currently required under the 007 Ordinance.

Coun. Yuen pointed out that was different than what was being required in this plan. He said his guess was that this would require substantial costs for development along the stream corridors, perhaps to the point where developers would be discouraged and not develop at all.

Coun. Yuen referred to intermittent streams and noted that Smith mentioned the water quality issue. He said he was not convinced that it had to have a 200 buffer for adequate water quality along a drainage ditch. He declared he would not support that.

Mary Webber, Metro Community Development Manager, Growth Management Services, replied to Coun. Yuen's comments concerning setbacks and zone regulations. She noted that a variance process was a tool that local governments had to deal with unique circumstances where partial use of the property was lost. She explained there were some administrative kinds of things staff could do to lay out a process to deal with those unusual situations and where they could trade-off setbacks, etc. She said it would be hard, but it was possible and the City could begin to define what was important in different neighborhoods.

Coun. Yuen thanked her for the comments and said his concern was that Metro could take it on itself to override those solutions the City found

within their own Code. He said if the setbacks were not sufficient, development might not be desirable in an area because of livability issues. He stressed that it was important that the local jurisdictions made those decisions and not Metro.

Coun. Stanton referred to water quality vs. water rights. She noted that there were developments on Fanno Creek that had water rights and when the water runoff came back into the Creek it might carry pesticides. She said she had learned that information from reading the MPAC report and she did not see anything in the current information to address water rights.

McLain explained that the idea of water rights was a state issue and they wanted to make sure that there was a concept of where water rights responsibility fit in the stream corridor land issues.

Mayor Drake noted that many other questions had come about from the presentation that evening and they would like to schedule a work session before Council in one month. He thanked the presenters for their comments.

RECESS:

Mayor Drake called a recess at 8:45 p.m.

RECONVENED:

The regular meeting reconvened at 8:55 p.m.

PUBLIC HEARING:

00-82 APP 2000-0003 Appeal of the Denial of VAR 99-00024; McCormick's Renovations, by the Planning Commission

Mayor Drake read the procedures for the hearing (in record).

Each Councilor declared no ex parte contact and no Councilor visited the site in relation to the Appeal.

All Councilors said they had eaten at the restaurant.

Joe Grillo, Community Development Director, said he had not eaten at the restaurant, and staff would forgo the formal presentation.

Coun. Soth referred to page two of the memorandum dated February 24, 2000, regarding item four, and commented that there was a non-conforming portion of the building and asked if the proposal was to extend the building line to where the non-conforming was.

John Osterberg, Senior Planner, replied that was correct.

Applicant:

Phillip Thompson, 25925 NW St. Helens Rd., Scapoose, said he was an architect representing Larry Hart, the Architect for McCormick's Restaurant. He said McCormick and Schmik were building restaurants all over the county; and they wanted to improve this particular restaurant, including accessibility to the restroom as well as address an overcrowding issue. He said Hart had been asked to address those issues and had found out half-way through the project that there was a street dedication on the property. He explained that the plans had been reviewed and the conclusion was that the variance was the minimum appropriate proposal that could be done to solve the problems.

Thompson pointed to visual aids and explained the existing building was set back 20 feet from what was the property line. He showed where the bar was and said it could not be currently expanded. He pointed out (on the diagram) where the building could be expanded and explained that the proposal didn't go any closer to the street than the current setback. He reported that the kitchen was setup in such a way that the fish display area took up the waiting area, which was crowded and needed to be expanded. He said the parking lot was being redone and noted that it would be a long time before the owner would get any money out of the new addition. He said they believed they had met the criteria for the variance and the Planning Commission (PC) had agreed that criteria four and five had been met. He said the City approved a site plan in 1972, approved the non-conforming issue, and it was a unique circumstance to the property. He said the applicant had the right to expand in a reasonable and logical manner. He said the special circumstances were created by the City and not by McCormicks. He said they wanted to serve the customers rather than just add seats to increase income. He explained that they wanted to have harmony with the neighborhood, and have a minimum variance required to meet the proposal and no actual variance over the existing non-conformity.

Coun. Soth asked about the presentation to the PC, and asked if conflict with the ADA requirements had been mentioned.

Thompson clarified that it was not a conflict but one of the primary purposes was to meet ADA requirements throughout the restaurant. He said the restroom was inadequate and did not meet ADA requirements, and a third ADA parking spot was required in addition to the two they currently had.

Coun. Soth referred to the setbacks, and said those were the result of street dedication, and noted the setback from 20 feet to 10 feet was a result of the dedication of the street. He pointed out that the more people that waited in the bar; the more money that could be made.

Thompson said with all the changes and costs, it would take a lot of time to recuperate expenses.

Coun. Soth asked if there was anything in conflict or an extension of, the non-conforming portion of the building as it currently stood.

Thompson said it was technically an extension of the building in the non-conforming variance section. He clarified that they were not extending further into the setback.

Coun. Doyle clarified that it was 178 square feet of additional space.

Thompson said that was the part in the variance.

Mayor Drake asked if anyone else would like to testify.

Osterberg replied to the question of non-conforming use. He explained that staff had made the finding (pg. 2 2/24) that while it was an addition to the building it did not increase the non-conformity, because the Development Code provided for a specific method or process by which it could be approved, such as the variance. He read from the Development Code (section 30.05). He said staff had made the finding that the exception was allowed by approval of a variance and the Development Code did allow for a building addition like this. He clarified that in that way it was not increasing the nonconformity that was created in 1971 and 1972. He noted that staff was not saying that the non-conformity would somehow go away, it was still there, but was not being increased.

Mayor Drake closed the public hearing.

**Coun. Doyle MOVED, SECONDED by Coun. Yuen to approve the appeal and overrule the Planning Commission decision.**

Coun. Doyle said he read the staff report and agreed that staff had taken a supportable position.

Coun. Stanton said she would support the motion. She said requirements to meet the ADA almost forced the issue.

Coun. Soth said he would not support the motion, because the applicant had not meet criteria one and two. He said the building itself was built in 1972 and the approval was granted then. He said there were other properties in the City with non-conforming uses and he could not see that it was peculiar to this particular thing, and not applicable to others in the same district. He said they were talking about zoning areas and not geographics. He referred to criterion three and said the applicant stated that the variance was necessary to get more people into the bar in order to provide a place to wait.

**Mayor Drake restated the motion as: Council approve the appeal and overturn the decision of the Planning Commission.**

**Question called on the motion. Coun. Brzezinski, Doyle, Stanton and Yuen voting AYE, Coun. Soth voting NAY, the motion CARRIED. (4-1)**

Mayor Drake explained that on AB 00-72, Casa Colonial Bar and Grill's liquor license application was approved prematurely and was not intended to be on the liquor license approval list.

**Coun. Brzezinski MOVED, SECONDED by Coun. Doyle to reconsider the approval of AB 00-72 (approved earlier on the consent agenda) and remove Casa Colonial Bar and Grill from the Liquor License list.**

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

**Coun. Soth MOVED, SECONDED by Coun. Doyle, that Council reconsider the consent agenda.**

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

**Coun. Brzezinski MOVED, SECONDED by Coun. Soth, to approve the consent agenda as described in the motion as discussed earlier but amending AB 00-72 to remove Casa Colonial Bar and Grill from the approved liquor license list.**

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

**ACTION:**

00-83 Approval of Vision and Goals for Economic Development Strategic Plan

Janet Young, Economic Development Manager, introduced economic industry consultant Patricia Scruggs, Strategic Planning Committee Members Lisa Kyle, Vice President of Goleta National Bank; and Robert Toppel, President of Axiom Industries.

Young noted that she had talked about the Economic Development Planning background at the February 14, 2000 Council Meeting. She said the Strategic Planning Committee had two extensive meetings and they talked about strategies and brought forward the visions and goals. She asked for Council's approval and modification of those visions and goals and Council's opinion on the strategies presented. She noted there

was an Open House on March 16, 2000 to take public comment on the economic goals and visions for the City of Beaverton. She said the final plan was scheduled to return to Council in June.

Lisa Kyle, Goleta National Bank, explained that they needed to provide strategies for the next generation of workers in the Beaverton area, and said job opportunities came from a wide array of businesses. She commented that Beaverton was a great location for business growth as well as a destination point for business and pleasure. She said a vision for the future included a streamlined transportation system with an infrastructure system that worked well. She commented that a vision statement for Beaverton would be: "Beaverton was known as a vibrant City that is a great place to run a business and raise a family. Where the community would provide an array of economic opportunities for the workforce of today and tomorrow as well as the infrastructure and leadership needed to compete in a knowledge-based economy."

Kyle said that in taking the vision further the goals were to retain and attract a wide range of business and industry that shared Beaverton's economic vision, and to capture the opportunities of the new knowledge-based economy by having a skilled workforce and strong connections between business and education. She explained other goals as supporting businesses to expand their enterprises and supporting business development through an effective transportation system, focus land development and redevelopment and infrastructure, and promote active partnerships between business and the community.

Robert Toppel, Asiom Industries stated that they needed to define what kind of businesses were needed in Beaverton. He said it would be much better to stay in Beaverton (the location was an asset) and work on the physical image to make it a destination. He noted that there was already a great amount of infrastructure in place in Beaverton for an entrepreneur, and explained a strategy for entrepreneurial climate. He said the strategies included sets of things that were required to do business, such as a qualified workforce and a strong public partnership and ensuring a high quality of life. He described the way people would use Light Rail as changing and linking up with other modes of transportation. He said many lived and worked in Beaverton and the density would increase, but they wanted that to be in a nice way by planning parks, analyzing public safety and looking at schools. He noted that he harped on the education system and a lot of talent was brought into the metropolitan area and there needed to be good schools for employees and their children.

Toppel said they were studying how Beaverton could support the formation of business networks, how groups could be identified, and the necessary infrastructure identified. He talked about changes in wireless technologies and said it was necessary to look at all facets of an infrastructure to be competitive.

Toppel said it was necessary to look at economic partnership, to develop land. He noted that the workforce would need a connection between business and education and each area had a close tie to a university or a school that enabled them to bring in the research talent that was needed for the next generation of business. He said making a friendly business climate was critical, and going through the business cycle was a challenge, so it was important to make it a one-time process. He said they were out to bring a higher value of workers to the community along with the best businesses. He said in summary there were underlying elements to the strategies the Committee had developed and what they were looking for was Council support.

Young said the questions before Council were whether they supported the vision statement and the goals, and was the committee asking the right questions as they went forward with the next meeting.

Coun. Doyle thanked the committee for the work they had done so far, and noted that it was really intense. He concurred with what he had seen so far and said he looked forward to future reports.

Coun. Soth said there seemed to be a lot of activity and research done as well as the kinds of questions that needed to be asked. He asked how much they had worked with School District 48 and Portland Community College.

Young said there was no contact yet; as strategies were developed they would be more specific about education and workforce. She noted that they would link to things that were happening in the community.

Coun. Soth asked if they had looked into on-line purchasing and the effect on local merchants.

Young said they needed to be flexible about changes over time, and look at what the factors would be in 10-15 years. She said an assumption would be that most businesses were technology based.

Scruggs said as a "living plan," the plan would change as the economy changed and it would have to continue to be fluid and move with the times.

Toppel noted that in the next ten years, they would see a transition to a custom economy with changes in electronic commerce.

Scruggs stated that a lot of older industries would have to stay current to stay competitive.

Coun. Brzezinski stated that she was generally supportive of the vision and the goals. She noted that the vision seemed to imply that there was a livability undercurrent to the vision, but none of the goals specifically talked about livability. She commented that strategies were needed to

support goals and she did not find a goal that the strategies went to. She said Goal 5 was more than active partnerships between business and the community; maybe those were the strategies for the next ten years, but that seemed a narrow strategy compared to the statement of the goal. She suggested that what needed to be done was to get the community to buy into the fact that more growth was happening and it was getting more crowded, but that was because the City was in a very economically viable place. She said growth did not happen where the economy was not good and somehow citizens needed to be informed. She commented that there was a good connection from the vision to the goals to the strategies.

Scruggs said she appreciated Coun. Brzezinski's comments about livability and including the community. She said they took that very seriously.

Mayor Drake explained that they wanted to avoid the peaks and valleys and find a good working balance. He pointed out that with the Economic Development Strategic Plan they were refining and toning the economy in Beaverton and keeping it from being vulnerable, similar to what was experienced in the mid-1980s.

Toppel said they wanted to make sure that business growth in the City would be of high quality. He explained that kind of growth would lead to controlling the valleys and to the best level of quality of life.

Coun. Stanton said she liked the fact that industry was identified in the first goal. She said the trickle down effect of industry was higher than knowledge-based business in terms of peripheral jobs. She commented that she would like to see something about small businesses, which were the backbone of the economy. She explained that she was plugging for the small businessman who also supported the community with sports and volunteering at the library. She stated that she would like to see schools involved in the strategic portion of maintaining livability.

Coun. Doyle said he agreed with Coun. Stanton's statement about small businesses.

Mayor Drake reported that 95% of the businesses in the Chamber of Commerce membership had 20 or fewer employees, which would qualify as small business.

Scruggs said they would go back to the original statement they had wordsmithed.

Coun. Yuen said he was not part of the original discussion about the Economic Development Strategic Plan and it was clear there were quite a number of hours that had gone into every word of the document. He said he had a few suggestions. He referred to the Economic Vision Statement

and suggested replacing the words "...Beaverton was *known as*" a vibrant city, with the words "...Beaverton *is* a vibrant city

Young noted that the committee spent almost all of their time talking about concepts and a small amount of time wordsmithing.

Coun. Yuen suggested the second sentence should begin with the words "it is..." He questioned the Vision statement about a knowledge-based economy and explained that it indicated to him there was an emphasis on a knowledge-based economy. He noted that, if it was not the intent of the committee to put the emphasis on a knowledge-based economy, then the vision statement should be changed to reflect something not so specific. He suggested a statement that included words about a high quality industry, an economic environment not beholdng to a specific technology.

Turpel explained that was what they meant, and the term *knowledge based* was not separating a trucking company from a high tech company, but it was how the company saw it's intellectual capital as its competitive advantage. He said the reality of the City of Beaverton was land restrictions would play a major part in the kind of densities that made sense and the kind of industries that could go up as opposed to out.

Coun. Yuen noted that in his part of the City there were a lot of imported high tech workers, with very different ethnic and cultural backgrounds. He pointed out that they brought an opportunity for the community to be diversified and from an employer's standpoint, they brought a challenge for the employer to help them become part of the community. He said they could teach the community something beyond their own walls

Coun. Yuen commented that he was concerned about bandwidth and currently there were only two land lines. He said there was cable and a phone company, and he saw they needed to be willing to work with the broader community to provide the kind of bandwidth needed. He explained that the telephone company controlled the computer log-ins with the companies and they needed more support from those regulated monopolies. He thought that needed to be part of the vision statement.

Coun. Doyle said he realized the problem with the phone company and mentioned that there were five alternatives that had appeared in the last few months. He noted that it was not related to the meeting that evening and he would discuss it with Coun. Yuen after the meeting.

Coun. Soth asked if there was a way to address the buy-outs and mergers with large companies.

Scruggs said the partners would be addressing the larger issues, and the relationships would be linked and would be on the agenda.

Scruggs summarized Council's comments as on the Vision Statement the committee might want to think about the knowledge-based economy and provide descriptive words to follow that statement for clarification. She said as far as Goals, they would add size of businesses into the goal statements, and they would link a livability goal and talk about preventing the valleys and economic downturns. She noted that within the actual strategy discussions they would talk about bandwidth and under The Quality of Life, they would talk about the support of schools and the community buying in. She stated that they would also talk about enhancing the connections of the cultural diversity of the workforce.

ORDINANCES:

Suspend Rules:

**Coun. Soth MOVED, SECONDED by Coun. Doyle that the rules be suspended, and that the ordinances embodied AB 00-84, 00-85, 00-87, 00-88, 00-89, 00-90 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Yuen, Brzezinski, Doyle, Soth, and Stanton voting AYE, the motion CARRIED unanimously (5:0) (Agenda Bill 00-86 was replaced by AB 00-86A – acted upon later.)**

First Reading:

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

- 00-84 An Ordinance Amending the Beaverton Code to Implement the Road Closure Policy
- 00-85 CHANGED An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map, And Ordinance No. 2050, The Zoning Map, to Reassign the County's Residential 6 Units Per Acre Plan Designation to City Urban Standard Density Residential Comprehensive Plan Map Designation and City R-5 Zoning District for .09 Acres of Property; CPA 99-00020 and RZ 99-00011 (16705 SW Hart Road)
- 00-86 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map, and Ordinance No. 2050, the Zoning Map, To Reassign the County Transit-Oriented TO: R18-24 Plan Designation to City Multiple Use Comprehensive Plan Map Designation and City Station Community – High Density Residential (SC-HDR) Zoning District for .56 Acres of Property; CPA 99-00021 and RZ 99-00012 (Prince Property)**REPLACED BY AB 00-86A and acted upon later at this meeting)**
- 00-87 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map, and Ordinance No. 2050, The Zoning Map, To Reassign the County Residential (R-5) Plan Designation to City Urban Standard Density Residential Comprehensive Plan Map Designation and City R7 Zoning

District for 1.98 Acres of Property; CPA 99-00022 and RZ 99-00013  
(Hendrickson Property)

00-88 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map, and Ordinance No. 2050, the Zoning Map, to Reassign the County's R-9 Plan Designation to City Urban Standard Density Residential Comprehensive Plan Map Designation and City R5 Zoning District for 19.52 Acres of Property and a Request for Flexible Setbacks; CPA 99-00023/RZ 99-00014/FS 99-00026 (Murray Ridge Property)

00-89 An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map, and Ordinance No. 2050, The Zoning Map, To Reassign Washington County's Planning Designations to City Comprehensive Plan and Zoning Designations for Twenty-five Newly Annexed Properties Consisting of Approximately 30.46 Acres of Property; CPA 99-00024 and RZ 99-00015 (Lodato)

00-90 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, To Reassign Washington County's Planning Designations to City Comprehensive Plan and Zoning Designations for Forty-seven Newly Annexed Properties Located Within or Adjacent to the Westside Lightrail Right-Of-Way; CPA 99-00004 and RZ 99-00004 (Tri-Met R.O.W.)

Coun. Brzezinski asked, since Henry Kane brought up AB 00-84, did Pilliod think it should have included the Comprehensive Plan or the Transportation Plan, and if it needed to define *local street* (which were Kane's points).

Pilliod replied that the reference in the ordinance presently or as recommended was to incorporate the classification of *local street* out of the Comprehensive Plan. He said it was not necessary to recite or repeat that definition. He commented that there were two responses as to whether the Comprehensive Plan polices generally should apply to road closure. He stated that the first response was the policy before Council restated the Comprehensive Plan policy, and was a reflection of what the Comprehensive Plan said was the City's policies on road closure. He said the second response was distinctively different and was that the Comprehensive Plan policies did not generally or specifically have to be embedded in this policy itself. He explained that it happened in this case that they were, but legally it was not a requirement.

Pilliod said the way the Traffic Commission (TC) operated was they talked about major and minor issues that were not development (not specifically land use applications). He said that class of cases (the development side) did not go the TC and (by definition) were outside of the TC jurisdiction. He pointed out that if the issues went to the Planning Commission (PC) and the TC, the 120 days would likely expire before a final decision could be made. He explained that these were situations where the TC would have jurisdiction over a matter that was not a

development, but which would result in a land use decision by definition of the statues. He noted that in a given class of cases where the decision making was not on the PC side, but was strictly for the TC to work with, they would have some additional required steps in terms of notices as well as an announcement (similar to the announcement the Mayor made that evening). He clarified that the TC would not have to operate like they were making land use decisions in all cases before them, since they would not be. He continued that in a narrow class of cases they would be, despite that fact that they were not acting like a planning commission. He stated that he was not concerned about recommending the ordinance as it was.

Second Reading and Passage:

Pilliod read the following ordinances for the second time by title only:

- 00-65 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, to Reassign Washington County's Planning Designations to City Comprehensive Plan and Zoning Designations for Fifteen Newly Annexed Properties Consisting of Approximately 78 Acres of Property; CPA 99-00011 and RZ 99-00007 (Home Depot)
- 00-66 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, to Reassign the County Transit-Oriented Residential (TO: R18-24) Designation to City Multiple Use Comprehensive Plan Map Designation and City Station Community High Density Residential Zoning District for 4.51 Acres of Property; CPA 99-00016 and RZ 99-00009 (Baseline Avenue Tuffli Property)
- 00-67 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, to Reassign the County Industrial Designation to City Industrial Comprehensive Plan Map Designation and City Campus Industrial Zoning Designation for Approximately 9 Acres of Property; CPA 99-00019 and RZ 99-00010 (CE John and Millikan Way)
- 00-68 An Ordinance Amending Ordinance No. 1800, the Comprehensive Plan Map and Ordinance No. 2050, the Zoning Map, to Reassign the County Residential (R-25) Designation to City Central Business District Comprehensive Plan Map Designation and City Regional Center-Transit Oriented (RC-TO) District for 4.3 Acres of Property; CPA 99-002 and RZ 99-0002 (Beaver Creek Apartments)
- 00-69 An Ordinance Amending Ordinance No. 2050, the Development Code, to Allow Vehicle Storage in the Industrial Park (IP) Zone and to Modify the Floodplain Standards Which Regulate Commercial and Industrial Uses In the Floodway Fringe; TA 99-00008 (School Bus and Vehicle Storage)

00-70

An Ordinance Annexing A Single Parcel of Land Lying Generally Outside of the Existing City Limits to the City of Beaverton; ANX 2000-0001; (KPDX Fox Studio "Expedited" Annexation)

**Coun. Soth MOVED, SECONDED by Coun. Brzezinski that the ordinances embodied in ABs 00-65, 00-66, 00-67, 00-68, 00-69, and 00-70, now pass.**

Coun. Yuen asked how important it was to have the recitation of the subject titles be exact. He pointed out that Pilliod had said 002 instead of 0002 in one of the titles.

Pilliod said that Coun. Stanton had brought to attention a typographical error in one of the titles. He said he recited as corrected the ordinance embodied in AB 00-68.

Coun. Yuen said he wanted clarification on AB 00-70 and asked if it was ANX 00-001 or 0001.

Pilliod explained the correct annexation number was 0001.

**Roll call vote. Couns. Yuen, Doyle, Brzezinski and Soth voting AYE. The motion CARRIED (4:0) (Coun. Stanton had left the meeting.)**

First and Second Reading and Passage:

Coun. Soth MOVED, SECONDED by Coun. Doyle, that the ordinance embodied in AB 00-86A be read in full for the first time at this meeting and by title only at this same meeting.

Pilliod read the following ordinance in full for the first time and by title only for the second time, both at this meeting.

00-86A

An Ordinance Amending Ordinance No. 1800, The Comprehensive Plan Map, and Ordinance No. 2050, the Zoning Map, To Reassign the County Transit-Oriented TO: R18-24 Plan Designation to City Multiple Use Comprehensive Plan Map Designation and City Station Community-High Density Residential (SC-HDR) Zoning District for .56 Acres of Property, and Declaring an Emergency; CPA 99-00021 and RZ 99-00012 (Prince Property)

**Coun. Soth MOVED, SECONDED by Coun. Brzezinski, that the ordinance embodied in AB 00-86A now pass. Roll call vote. Couns. Soth, Doyle, Brzezinski and Yuen voting AYE, motion CARRIED unanimously. (4:0) (Coun. Stanton had left the meeting)**

ACTION ITEM:

Mayor Drake noted that they had not taken action on the Vision and Goals for Economic Development Strategic Plan as they had amended it.

**Coun. Doyle MOVED, SECONDED by Coun. Soth approval of AB 00-83, the recommended vision and goals for Economic Development Strategic Planning with the recommended modifications made by Council that evening.**

**Question called on the motion. Couns. Doyle, Brzezinski, Soth and Yuen voting AYE, the motion CARRIED unanimously. (4:0)**

Pilliod noted that he distributed drafts of the final orders for the City Park Expansion and McCormick's Variance issues.

Mayor Drake reminded Council that he would not be at the special meeting scheduled for Wednesday, March 8, 2000, because he had another meeting to attend.

Coun. Soth asked if it would be possible for them to convene the meeting at 6:00 p.m. and re-notify the press.

Council consensus was that the meeting would convene at 6:00 p.m.

EXECUTIVE SESSION:

The executive session was deemed unnecessary.

ADJOURNMENT:

There being no further business to come before the Council at this time, the meeting was adjourned at 10:35 p.m.

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Darleen Cogburn, City Recorder

APPROVAL:

Approved this 12<sup>th</sup> day of June, 2000

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Rob Drake, Mayor