

# WHITE PETERSON

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To: Mayor and Council, City of Cascade  
Hand-delivered

From: Matthew Johnson, City Attorney

Re: Staff/Legal Report re: Cascade River District Applications

### **Status Update:**

As Council will recall, the applications in this matter came before the City Council for a public hearing and deliberation on November 18. At that meeting the Council received public comment, completed the public hearing, and continued deliberations to December 9.

Since that date, the City arranged for a water/wastewater workshop before the Council with the City's water/wastewater consultant, Paul Scoresby, and the City Engineer. The information at that workshop was generally about the water and wastewater systems as a whole, but did provide further information relevant to future development – which in turns makes such information relevant to the ongoing deliberations about the River District proposal.

Since the first hearing date, staff has also been engaged with the Applicant in discussions about further forthcoming information, including a traffic study and further discussions of items/conditions relevant to a draft development agreement.

### **Incorporation of Workshop Information into Record:**

Staff recommends that the City Council specifically incorporate the information and reports received at the December 5 Workshop on water and wastewater into the record on the River District. This will make clear that this information is relevant to the applications, is being taken into consideration by the Council, and is also incorporated into the record on which the public may comment.

*Recommended motion:* I move that the record and all documents from the December 5, 2019 City Council Workshop on water and wastewater be incorporated and included in the Record with respect to consideration of the Cascade River District applications.

### **Deliberation and Direction:**

Applicant had initially indicated a request to table the December 9 deliberations by the City Council. Staff was in concurrence with that request, and continues to recommend this matter be tabled/continued to a future date (more on that below).

However, Applicant has since reversed its request to table, and now has requested that Council provide some direction to staff and Applicant. Staff is open to receiving such direction

– particularly as to ongoing questions and issues that are of primary importance to the Council in its ongoing deliberations. This will enable staff to be better informed as to what items/issues need specific focus for gathering further information and/or how to approach negotiations with Applicant on draft conditions of approval and the draft Development Agreement.

To that end, staff recommends that the Council provides any direction and/or questions as the Council wishes and as the Council feels are particularly relevant at this point. Staff, however, does not recommend any decision-making on any portion of the applications at this point.

*No motion necessary.*

**Continuance of Deliberation and Re-Opening of Public Hearing:**

Since there remains a lot of new information still to be processed (water and wastewater), as well as further information yet to be submitted (traffic study), staff at this time recommends that the deliberations on this matter be continued. Based on the time necessary to gather and review such further information, coupled with complications with holiday scheduling, staff recommends this matter be tabled/continued to the second regular Council meeting in January.

Staff also recommends that due to the volume of new information provided and becoming relevant to this matter, that the public hearing on these applications be re-opened so the public has additional opportunity to comment and provide feedback on the new information. Staff requests that Council direct such re-opening and also for additional appropriate public noticing to make the public aware of this further opportunity.

From staff discussions with Applicant, the desire is also to try to accommodate having the draft development agreement in substantial form to present to the Council for review and deliberation as well, which will also include a new public hearing on the development agreement draft. Therefore, staff also recommends that the continued deliberation date and public hearing also be set and noticed for a public hearing on the draft development agreement.

*Recommended motion:* I move to table deliberations on the Cascade River District applications to the regular meeting of the City Council on January \_\_\_\_, 2020; to re-open the public hearing on such applications at such date, to set a public hearing on the draft development agreement associated with these applications for such date, and direct staff to take all appropriate steps to notice such.