

Due to lack of a quorum, the September 22, 2008 Regular Council Meeting was rescheduled for September 29, 2008 by Mayor Larsen.

- 0004 Mayor Barbara Larsen called the regular meeting of the Castle Rock City Council to order at 7:30 p.m., followed by the Pledge of Allegiance. The following councilmembers were present: Khembar Yund, Greg Marcil, Earl Queen, Jack Reilly and Mike Mask.
- 0066 Councilmember Queen made a motion, seconded by Reilly to approve the minutes of the September 8, 2008 Regular Council Meeting. By roll call vote, unanimous Aye.
- 0100 Mayor Larsen closed the regular meeting at 7:32 p.m. and opened the Public Hearing to take testimony on proposed modifications to the Castle Rock Comprehensive Plan Future Land Use Map, the Zoning Map of the City of Castle Rock and Title 17, Zoning of the Municipal Code, the proposed code changes would update the city's zoning regulations and Zoning Map to ensure consistency with the Castle Rock Comprehensive Plan. This is a citywide code amendment.

City Planner T.J. Keiran provided information on the Zoning Compliance Project using a PowerPoint presentation. He noted that this is a public hearing to take testimony for the record, with no action being taken at this time. The purpose of the Zoning Compliance Project is to achieve compliance between the Comprehensive Plan and development regulations as required by RCW 35A.63.105. This can be accomplished by amending either the Comprehensive Plan or Zone designation.

The Planning Commission (PC) began the compliance process by identifying vacant or underutilized noncompliant properties. Testimony was received during a PC public hearing held on July 30, 2008 which has been submitted for consideration. The PC and Site Plan Review Committee recommend changing the zoning designation on 41 properties and amending the Comprehensive Plan Future Land Use Map for two properties. Testimony was received expressing concerns regarding how zoning may affect the assessed value of properties. The Cowlitz County Assessor was invited to address these concerns.

Cowlitz County Assessor Terry McLaughlin reports that the assessed value of a property is dependant upon market conditions, supply and demand, not zoning. In addition, a structure or improvement value does not affect property value.

In response to a question from Councilmember Mask, Cowlitz County Commercial Appraiser Julie Hayes verified that bare land property that is zoned industrial is assessed at a lower value than commercially zoned property.

Mr. McLaughlin added that the City's tax base will not be affected by a rezone alone but will be affected by new construction.

0753 Keiran reviewed Exhibit A, properties located on the southeast corner of Mt. St. Helens Way NE and Dougherty Drive NE. The Comprehensive Plan Designation is Commercial, but the existing zoning is R2 (High Density Residential). The PC recommends rezoning these properties Commercial. Label 2 - Parcel 30826 is the Castle Rock Estates Subdivision request property at 1100 Dougherty Drive NE. Those property owners have submitted a preliminary plat application for a mixed use residential / commercial subdivision development.

0899 Keiran reviewed Exhibit B, properties located on Dougherty Drive NE (south of Exhibit A) and Eaton Court NE. The PC recommends rezoning these properties from R2 to R1 (Low Density Residential) in order to comply with the Comprehensive Plan and reflect the existing development pattern in this area. The majority of these lots lack the potential to be developed as high density residential (R2) as they are only 6,000 square feet. However, the owners of the larger Parcels 30648 & 3064801 - Label 4 and 5 would like to remain R2.

Clerk-Treasurer Ryana Covington read an email from Tony Venuti on behalf of Edmund Spitzer, the property owner of the parcels labeled 4 and 5, requesting that these properties which abut upon the proposed Castle Rock Estates Subdivision remain zoned R2. Mr. Venuti also requests the relocation of Newell Road to better serve the area.

Keiran noted that currently the parcel labeled 5 is considered an undevelopable lot as it is consumed with the right-of-way for Newell Road. Mr. Venuti is working with the City Engineer to realign Newell Road to run east/west which would open a substantial portion of label 5 for development. The PC did not receive this testimony from Mr. Venuti before recommending the zoning change.

1163 Keiran reviewed Exhibit C, properties located off Bonner Drive and Bond Road near Exit 48. These properties are zoned commercial and residential. Staff recommends rezoning these properties commercial to achieve compliance with the Comprehensive Plan.

1236 Keiran reviewed Exhibit D which is a single property, 1579 Huntington Avenue S. The Comprehensive Plan designated this property as commercial to accommodate a Bed & Breakfast business. However, a Bed & Breakfast is not a permitted use in a commercial zone. Staff then recommended zoning this property R1, as a Bed & Breakfast is a Conditional Use under the R1 designation.

At the August 30th hearing, the property owner, Judy Jones, testified that she would like to retain the commercial designation for possible future use. Therefore, the PC recommends retaining the commercial designation at this time. Staff encouraged Ms. Jones to be involved in drafting the Neighborhood Commercial Zoning District.

- 1371 Keiran reviewed Exhibit E, properties located on the south end of Front Avenue SW and the property between the Elementary School and Buland Drive. Staff recommends amending the zoning to comply with the Comprehensive Plan's Future Land Use Map. The R1 designation will reflect the existing development for properties on Front Avenue S (Parcels 303560100, 30356, 303570100 and 303570101 - Labeled 26, 27, 28 and 29). Parcel 30678 - Labeled 25 is vacant and an R2 designation will serve as a good transition between the school on the north and the industrial use located to the south.

In response to a question from Councilmember Yund, Keiran clarified that Label 25 is commercial zoned by the Cowlitz County Assessor's Land Use Designation, but the current use is industrial. Keiran is working with the Assessor's office to reconcile differing Land Use Designations.

- 1464 Keiran reviewed Exhibit F, this property includes the Villager Inn Assisted Living Facility and a single family residence. Staff recommends amending the zoning to R2 to comply with the Comprehensive Plan's Future Land Use Map. The property owners have submitted an application for a ten unit expansion at the Villager Inn.

- 1514 Keiran reviewed Exhibit G which includes property zoned R2 on the southwest corner of the A Street and Front Avenue SW intersection. Staff recommends amending the zoning to C1 (Retail Business) to comply with the Comprehensive Plan's Future Land Use Map and bring the existing uses into conformance.

- 1530 Keiran reviewed Exhibit H which includes the Women's Club and the Sunnyside Grange located on the northwest corner of the intersection of Cowlitz Street W and Third Avenue NW. A fraternal use is not permitted under the current zoning of R1. Staff recommends amending the zoning to C1 to comply with the Comprehensive Plan's Future Land Use Map and bring the existing uses into conformance.

Cowlitz County Assessor Terry McLaughlin clarified that these organizations are tax exempt entities.

- 1628 Keiran reviewed Exhibit I, the property containing the Hibbard Loop Apartment Complex. There is no expansion potential on this property. Staff recommends amending the zoning to R2 to comply with the Comprehensive Plan's Future Land Use Map and bring the existing uses into conformance.

- 1678 Keiran reviewed Exhibit J, this property is 211 Front Avenue NW, the First Baptist Church. The church submitted a request to rezone this property from R2 to C1. The adjoining properties are zoned C1. A church expansion would be a Conditional Use with the existing R2 designation. Staff recommends amending the zoning to C1 to bring the existing uses into conformance.
- 1735 Keiran reviewed Exhibit K, the four properties owned by Sam Hornstra. These properties are located on Huntington Avenue S at Exit 48 and Larsen Lane. On behalf of Mr. Hornstra, a local land developer, Wood Development, has submitted an application to amend the Comprehensive Plan's Future Land Use Map and rezone portions of the approximately 104 acres. Keiran noted that the PC has agreed to amend the Condition of Approval 3a, to the language proposed by the applicant.

Baysinger Partners Architecture President Jerry Baysinger, representing Wood Development, specified that this property is currently zoned a combination R1, Industrial and Commercial. After researching potential users for the site, Wood Development determined that there is a substantial interest for manufacturing uses. There is not a market for large commercial development here due to the limited population.

Keiran advised that testimony was received that the rezone application should be considered incomplete. The Zoning Code only requires sufficient information to evaluate the land use potential. The PC reviewed the six pieces of information that the zoning code requires. Council may limit the developer to the existing rights for development or consider the request to change the site designation to Industrial and Highway Commercial (C2). The application should be evaluated as if the highest intensity use will be realized. The applicant presented a traffic analysis and utility report that demonstrate the potential industrial uses will likely be less of an impact on the public infrastructure than potential commercial uses. Industrial uses are a "driving force" in our economy. Industrial workers tend to earn a livable wage, support services and ancillary commercial uses will follow industrial uses. Retail commercial business is not a "driving force". In addition, development potential will increase with the extension of utilities to the Exit 48 area. Council should also consider which use will have the highest probability of extending the utilities to the site. Staff recommends that as a Condition for Approval of the Comprehensive Plan amendment and rezone request, the water and sewer facilities must be extended to the development site by the applicant.

Clerk-Treasurer Ryana Covington read a letter from Jerry Baysinger dated July 30, 2008 requesting an amendment to the language in Condition for Approval 3a.

Keiran specified that another recommended Condition for Approval is to provide primary access to the site from Huntington Avenue South with a secondary

emergency access from Larsen Lane. A minimum of two accesses will be needed to support the proposed development.

Tape 1 of 2

Side B

Keiran noted that a distribution center is not a permitted use in an Industrial District.

2547 Clerk-Treasurer Ryana Covington read a letter submitted by Roy Henson, 1933 Huntington Avenue South. He requests that the following concerns be addressed regarding Exhibit K, concerning the property owned by Mr. Hornstra:

- Adverse tax consequences to City
 1. Rezoning commercial property to industrial could have adverse tax consequences to the City as commercial property values at a significantly higher rate than industrial.
 2. Commercial property has the potential to generate sales tax revenue.
 3. Although Industrial Zoning may provide higher paying jobs, the employees may not live in Castle Rock nor spend the money earned here.
 4. Industrial users may ask for tax exemptions for a certain number of years as an incentive to build here.
- Changing the Comprehensive Plan
The Comprehensive Plan has been thought out well. It is a perfect mix of Industrial and Commercial zoning. This plan is for our future and we must be careful not to squander our potential.
- Lack of complete application
Without the information of points 6-12 it is difficult to make a wise decision. Of particular interest and concern is the use of Larsen Lane since it would require the use of eminent domain to secure the needed right-of-way for commercial or emergency use.

2885 Keiran reviewed recommended text amendments to selected Zoning chapters. The zoning code strives to protect residential districts. The PC would limit the hours of commercial operation and discourage conditional use permits that are inappropriate in residential neighborhoods. Staff recommends amending the reduced rear yard setback to five feet with the condition that the subject property's rear yard abuts upon an alley and has two off-street parking spaces on the same lot.

Keiran noted that amendments to the I1 (Industrial Zoning) district focus on employment generation and light manufacturing uses. Recommended amendments will refine the general warehouse use to be considered secondary and incidental to a manufacturing use. Valuable land can be consumed with a warehouse without generating employment opportunities.

3406 Jerry Bassinger addressed those concerns presented in Mr. Henson's correspondence:

- Adverse tax consequences to City
 1. The assessor has verified that the zoning designation alone does not have an impact on taxes. The land is currently vacant and a zone change will allow for development.
 2. The population density of Castle Rock is not sufficient to attract the investment needed for a retail commercial business that would generate sales tax revenue.
 3. Developer Larry Wood advised that City does not offer a tax exemption incentive for development. It would be difficult for the City to compete with incentives for development along the Longview Wye. In addition, neither Longview nor Kelso have industrial property adjacent to I-5. The applicant is not requesting a tax exemption.
 4. Any job created provides income which generates the potential for residential and commercial development.
- Lack of complete application

The PC found the application to be complete. Keiran expanded that the PC has reviewed the requirements for the rezone amended and clarified that only items 1-6 are required for a complete application. However, if council or the PC found the information insufficient for review, then the full 12 items could be required.

Keiran summarized that the PC recommends amending the Condition of Approval 3a, to the language proposed by the applicant for Exhibit K. Any recommendation for Exhibit B should address the testimony received from the property owner.

3933 There being no further discussion, Mayor Larsen closed the Public Hearing at 8:41 p.m. and resumed regular session.

In response to a question from Councilmember Mask, City Attorney Tom O'Neill recommends allowing the PC the opportunity to address the property owner's request regarding properties labeled 4 and 5 in Exhibit B.

4190 Councilmember Mask made a motion, seconded by Yund to approve Ordinance 2008-05 amending the Zoning Map of the City of Castle Rock and Title 17, Zoning of the Castle Rock Municipal Code, on first reading and to approve Resolution 2008-07 amending Resolution 2005-16 by amending the Castle Rock Comprehensive Plan Future Land Use Map, on first reading. This includes all recommendations by the PC but excludes Exhibit B. By roll call vote, unanimous Aye.

Mr. Keiran stated that a SEPA process must be completed prior to council consideration of the second reading for these issues.

4305 City Planner TJ Keiran reports that on August 11, 2008, a Notice of Intention to Commence Annexation Proceedings was submitted by Bo Oswald on behalf of

Harry Henke and Dai-Yo Properties. The request is to annex ten properties totaling 34.6 acres located in the northeast corner of the Four Corners area. The proponents propose commercial zoning along PH10 and West Side Highway with the interior properties zoned residential. The total assessed value with improvements is \$743,310. The proponents are using the petition method as provided in CRMC 17.76 and RCW 35A.14.120. Council must decide:

1. Whether to accept, reject, or geographically modify the proposed annexation;
2. Whether the simultaneous adoption of a comprehensive plan is required; and
3. Whether an assumption of indebtedness is required.

Keiran explained that every annexation request is subject to review by the Boundary Review Board (BRB). One of the objectives of the BRB is to prevent abnormally irregular boundaries. Cowlitz County staff has expressed concern with this application regarding potential irregular boundaries and there exists a possibility that the annexation could be challenged at the BRB. Generally, it is always best to create logical boundaries and service areas when annexing property. Staff recommends discussing the options for modifying the geographic extent, thus avoiding the possibility of a county challenge before the BRB.

When evaluating the potential to create a logical service area, staff considered potential costs associated with providing services to the area, and whether modifying the annexation area is fiscally responsible compared to the expected tax revenues that will be generated for the area. The properties at the end of Mosier Road not included in the annexation request, total \$891,750 in assessed value. The City would receive \$2,817.97 property tax revenue for those properties, based upon a rate of 3.10049 / \$1,000 assessed value. If those properties along Mosier Road were included in the annexation, the city would take responsibility for maintaining Mosier Road. In addition to regular maintenance expenses, Mosier Road is immediately adjacent to the Cowlitz River and has been flooded in the past. There may be additional maintenance costs if Mosier Road were flooded again.

Because the maintenance costs of Mosier Road are unknown at this time and may exceed the tax revenue generated by annexing properties on that street, Council may accept the area as proposed by the applicant then revisit annexing the surrounding properties after realizing increased tax revenues from the future development proposed by the applicant that is contingent upon no or a unsuccessful challenge before the BRB.

Keiran stated that a simultaneous adoption of a Comprehensive Plan designation is needed. This proposal is generally consistent with the land use designations of the Comprehensive Plan's Future Land Use Map, and only minor amendments are necessary.

Keiran reports that Clerk-Treasurer Ryana Covington provided a summary regarding the assumption of indebtedness. There currently exists a general

obligation debt through Cowlitz County and a city voter-approved library excess levy, both which expire in 2009. The library excess levy must be passed by voters on an annual basis, and will be decided by again on November 4, 2008.

An assumption of indebtedness will be required **if** the voters pass an excess property tax levy to support library services **and** the applicant completes the annexation process prior to December 31, 2008. Completing the annexation process includes the time necessary to exhaust the required BRB notice period and the completion of reporting the annexation to affected county and state agencies.

City Attorney Tom O'Neill recommends requiring language that indebtedness will be assumed if the excess levy is passed.

Harry Henke, Dai-Yo Properties, explained that they never intended to impose the annexation on neighbors. He felt that the project remains economically feasible if done in phases over a three to five year period.

Bo Oswald, Dai-Yo Properties, reports that they continue to meet with staff and the PC to gather required materials to move this project forward.

In response to a question from Councilmember Mask, Mr. Oswald clarified that he has discussed property line concerns with the neighboring property owner, Mr. Singleton, but he has not discussed the annexation process with any neighboring property owners. The request submitted is only for annexation of properties owned by Dai-Yo Properties.

Tape 2 of 2

Side A

0006 Mr. Oswald expanded that they believe the annexation process and the Comprehensive Plan amendment / Site Plan Review process can run concurrently, followed by the Master Site Plan Application. The property could then be placed on the market for phased development, hopefully by the springtime.

0167 Bruce Singleton, 5018 West Side Highway, stated that the original annexation documents contained inaccurate lot dimensions for his property. He has brought this concern to Mr. Oswald's attention. In addition, Mr. Singleton requests clarification of the effect on his taxes and utilities if his property was annexed into the city.

Mr. Oswald responded that he is awaiting a response from the surveyor regarding the property dimensions. Cowlitz County Assessor Terry McLaughlin assured Mr. Oswald that the legal dimensions on the contested document did not come from the assessor's legal description. Mr. Oswald stated that he will work with the surveyor to resolve that discrepancy.

In response to a question from Councilmember Yund, Public Works Director David Vorse clarified that the utilities in this area belong to Cowlitz County and are not included as part of this annexation. The utilities will remain part of the county system. However, in the future the City and County could review the feasibility of the City taking over these utilities which would be independent of this annexation.

In response to a question from Councilmember Marcil, Vorse clarified that if Mr. Singleton annexed into the City his utility service would remain with the county, the same as it currently is.

- 0598 In response to a question from Mr. Singleton, Assessor McLaughlin explained that the only tax change with an annexation would be paying City taxes as opposed to the county road fund tax. He estimates a tax increase of \$1.30 per \$1,000 assessed value if his property were to be annexed into the city.

In response to a question from Councilmember Reilly, Vorse specified that only the southern most portion of Mosier Road is included in this annexation.

In response to a question from Councilmember Marcil, Cowlitz County Director of Assets Management and Sustainability Ken Stone explained that to repair damage sustained in the 1996 flood, Mosier Road was raised approximately six feet. Mosier Road was totally reconstructed in 2003 with a high quality fill, base and surface. The road has a low usage and remains in very good condition. The road is scheduled to receive chip seal maintenance 6 to 10 years following reconstruction.

In response to a question from Councilmember Mask, Stone stated that it is a good idea to uniformly take over the roads as an area is annexed.

In response to a comment from Vorse, Keiran explained that an annexation must go through a BRB review process. During that process any affected agency can request a review by the BRB.

In response to a question from Councilmember Yund, Keiran clarified that a significant percentage of surrounding property owners together with a majority of the BRB are the only entities outside of an affect agency that can initiate a review. Councilmember Yund expanded that only individuals that desire to be included in the annexation would have a reason to initiate a review. Cowlitz County is the only agency that would have a reason to file an appeal to initiate a BRB review of this annexation.

In response to a question from Councilmember Mask, Councilmember Yund clarified that only property belonging to Dai-Yo Properties is included in this annexation request. Neighboring properties are not included in this request.

Surrounding property owners would only seek a BRB review if they wished to be included.

In response to a question from Councilmember Mask, Keiran specified Cowlitz County Building and Planning Department has identified three items that need to be addressed prior to the annexation proceeding:

1. Parcel 6047702 was not legally separated from parcel 604770202 and should be legally separated prior to annexation.
2. The annexation of only the developer's parcels creates "pockets" of parcels still left within the county that are now surrounded by the city. This does not provide for efficient use of public services.
3. Mosier Road is almost bisected between county and city jurisdictions. This again leads to inefficient public services.

In response to a question from Councilmember Mask, Keiran explained that council only needs to answer the three questions tonight:

1. Whether to accept, reject, or geographically modify the proposed annexation;
2. Whether the simultaneous adoption of a comprehensive plan is required; and
3. Whether an assumption of indebtedness is required.

Then the property owner must prepare documents for the BRB. Tonight is step two of a ten step process.

- 1364 Councilmember Yund made a motion, seconded by Mask to accept the proposed annexation of Dai-Yo Properties and a simultaneous adoption of a comprehensive plan amendment with language for the assumption of indebtedness included. By roll call vote, unanimous Aye.

Keiran reports that the minutes for this meeting need to be filed with the BRB to clarify the indebtedness incurred.

- 1475 Mayor Larsen closed the regular meeting at 9:28 p.m. and opened the closed record Public Hearing to take testimony on the Jacobsen Investment's Castle Rock Estates Subdivision request to develop 9.2 acre site located at 1100 Dougherty Drive as a mixed use commercial development / residential subdivision in phases. Keiran stated that only individuals who testified at the PC public hearing are eligible to give testimony at this closed public hearing.

City Planner TJ Keiran provided an overview of the subdivision proposal. This proposal is to develop a 9.2 acre site located at 1100 Dougherty Drive as a mixed use commercial development / residential subdivision in phases. The residential component is for fifty eight residential units. The commercial component is for two tracts of land totaling 93,036 square feet (2.14 acres). The property is zoned R2 and has a Comprehensive Plan Future Land Use designation of Commercial. Approximately 25% of the site qualifies as a Landslide Hazard Area which is subject to review under CRMC Chapter 18.10, Critical Areas. The applicant proposes a land dedication and trail improvements to satisfy the recreation and

open space requirements. In addition to the recreational amenities proposed by the applicant, Public Works recommends the playground be improved with playground equipment, benches and picnic tables. The applicant has agreed to these conditions.

Staff and the PC found that the preliminary plat document includes all of the information required by CRMC and RCW for Subdivision Standards. Keiran reviewed CRMC 16.12.110 Preliminary Plat - Approval Criteria for City Council.

Keiran reviewed CRMC 16.24 Minimum Improvements which addresses required improvements including streets, drainage systems, landscaping, sidewalks and other features. The applicant has submitted a preliminary stormwater report. A final report will be required prior to final plat approval.

During the PC public hearing testimony was received expressing concern regarding the north / south alignment of Newell Road. City Engineer Mike Johnson reports that the applicants have indicated that provisions to change the orientation of Newell Road to connect to the east was an integral part of negotiations in obtaining an easement across the property to the south to allow a gravity sewer main to serve the site. It is in the City's best interest to leave the plat as shown with the eastern through connection to the adjacent property. To minimize the long term cost of operating and maintaining the sewer system, the City should avoid new sewer lift stations where gravity sewer service can be provided. Providing the eastern through connection facilitates gravity sewer and avoids constructing a new lift station.

Johnson detailed that if the property to the north is developed in the future as commercial property, it should not take its primary vehicle access through the proposed residential development. Primary vehicle access should be provided directly from Dougherty Drive or SR504.

Keiran reports that the PC found that this plat meets the standards of the subdivision regulations and recommends preliminary approval subject to the following seven conditions:

1. Safe pedestrian crossing must be designed and constructed across Dougherty Drive or the sidewalk must be extended north from this project to the intersection of SR504 and Dougherty Drive.
2. The applicant shall evaluate the Dougherty Drive Lift Station capacity and design and construct any necessary improvement to provide adequate capacity for this development.
3. A trail shall be constructed across Tracts 4 and 5 to connect the interior roadway sidewalk with the Dougherty Drive sidewalk.
4. A central cluster mailbox shall be installed in the subdivision.
5. A Geotechnical Report shall be submitted prior to Engineering Plan Approval.
6. Street trees shall be planted along the project's Dougherty Drive frontage.

7. Tract 3 shall be improved with the playground equipment, benches and picnic tables.

2112 The applicant Brian Bump, representing property owner Jake Jacobson, reports that Mr. Jacobson's goal was to find property within the city limits that was under utilized. Improvements to the property will provide affordable housing and add value to the community. The developers have embraced the City's vision of a community in which to 'Live, Work and Play'.

2190 City Attorney Tom O'Neill gave a reminder that this is a closed record public hearing and only individuals that testified at the PC public hearing are eligible to give testimony.

2177 Councilmember Mask made a motion to accept the Jacobson Investment's Castle Rock Estates Subdivision request to develop a 9.2 acre site located at 1100 Dougherty Drive as a mixed use commercial development /residential subdivision in phases, if the seven conditions specified by the PC are met.

Discussion of the motion:

2202 Vince Buker, representing his mother Cleora Buker, 1235 Buker Lane, stated that his mother has two concerns. The first concern is that there is only a twenty foot easement on SR504 to access her commercially zoned property north of the proposed subdivision. This easement will not meet development standards for commercial property. Development of this subdivision would eliminate possible access from the south. Her second concern is that she currently has a problem with trespassers accessing her property from neighboring businesses. He requests requiring a fence or barrier be installed between the properties for a development of this size.

In response to a question from Mayor Larsen, Mr. Buker stated that this property only has access via the twenty foot easement off SR504.

In response to a question from Councilmember Yund, Mr. Buker clarified that there never has been another means to access this property. Mr. Bump added that they do plan on fencing residential backyards.

2393 Robert Opsahl, 1211 Pumphrey Lane NE, noted that he owns property north of the proposed subdivision which is also restricted to the twenty foot easement for access.

Tape 2 of 2

Side B

He question whether a fifty foot easement met subdivision street requirements and if the streets would become the responsibility of the city to maintain. City Engineer Mike Johnson stated that the developer is required to dedicate a fifty

foot right-of-way to city based upon the anticipated traffic flow. Mr. Opsahl believes that the commercial properties belonging to the Buker's and himself would be undevelopable without an alternate means of access.

- 2720 Councilmember Queen seconded the motion made by Councilmember Mask to accept the Jacobson Investment's Castle Rock Estates Subdivision request to develop a 9.2 acre site located at 1100 Dougherty Drive as a mixed use commercial development / residential subdivision in phases, if the seven conditions specified by the PC are met. By roll call vote, Marcil Nay, the rest Aye, motion passed.
- 2755 City Attorney Tom O'Neill stated that he has submitted an Animal Control Ordinance based upon Longview's ordinance. Longview has enacted a separate chapter for code compliance violations. This chapter provides for a hearing examiner to resolve code violations which allows for an escalating scale of fines and punishments.
- 3190 Due to the lateness of the hour, review of the Animal Control Ordinance is tabled until the next regular meeting.
- 3203 O'Neill reports that he has received a request for the transfer of a Right-of-Way License Agreement. This agreement was made with individuals for the placement of a fence in the right-of-way abutting their residence. The residents have placed the property for sale and the realtor requests that the agreement be transferred with the property.

Councilmember Queen pointed out that it was made clear when the agreement was made that if the property was sold the new owners would have to request a Right-of-Way License Agreement. This agreement is nontransferable.

Councilmember Mask recommended that the city should approve the renewal as long as the new property owners make application to the city council.

Mrs. Kim Gould stated her realtor recommended this be clarified prior to any sale.

In answer to Councilmember Yund's question, Mask stated the new owner would still need to abide to the needs of the city. O'Neill stated the license is up to the city to give or to rescind.

Mrs. Gould asked while the property is up for sale, could the city provide a 60 day advance notice to them if the city needs to have use of the property.

- 3657 Councilmember Mask made a motion, seconded by Queen to authorize the mayor, or their delegate to re-execute licenses on a case-by-case basis that were initially approved by the city council, which have met the approval of the engineer and city superintendent and when such license does not interfere with the ultimate use

of the city's right-of-way. By roll call vote, unanimous 'Aye'.

3793 Councilmember Yund made a motion, seconded by Marcil to request that Mayor Larsen send a letter to Cowlitz County Commission Chairperson George Raiter requesting that Cowlitz County provide information regarding issues relating to the water and sewer service area west of Castle Rock, to assist in evaluating the feasibility of a transfer of service in accordance with the goals and objectives of the Castle Rock Urban Growth Management Program. By roll call vote, unanimous 'Aye'.

3807 Vorse reported that the City Hall paint project and the Lion's Pride Park repair have both been completed.

Vorse also provided an update relating to the boat launch project.

In answer to Councilmember Reilly's question, Vorse stated that if councilmembers want to also paint that portion of the Senior Center, the T-1-11 will need to be repaired prior to doing that work. Councilmembers tabled further discussion until the next council meeting.

3894 Councilmember Reilly made a motion, seconded by Queen to approve payment to Office Max in the amount of \$553.35 for July and August supply invoices. By roll call vote, unanimous 'Aye'.

3923 Council Report Of Meetings:

Councilmember Yund reports that the proposed 2009 budget for 9-1-1 services will be slightly less than in 2008. However, this cost will probably rise when the county communications center purchases a new cad system. Yund also stated that all public works departments are now being billed for call-out services. This bill is estimated to be approximately \$104.

Mayor Larsen attended a Health Board Meeting. She also has been selected to serve on a committee to select a new county court judge.

4041 Councilmembers tabled discussion on the proposed 2009 contract with Humane Society of Cowlitz County. Covington noted this contract includes a \$500 increase for those services.

4115 Ray Teter, 542 Warren Street SW, explained that a plastic angled water pipe broke under his sidewalk. He asked for a leak adjustment and an additional consideration for the high sewer charges, since the water did not enter the sewer system.

Councilmember Yund explained that city ordinance only allows for a partial adjustment. Mr. Teter stated he had been provided with a copy of the ordinance,

but noted that the ordinance had been adopted in 1998, prior to the new rate structure. Mr. Teter noted that now sewer rates are higher than the water rates and he asked that the sewer rate also be adjusted the same as the water. Covington stated that the entire bill is averaged when determining a leak adjustment.

Councilmember Marcil stated if city equipment malfunctions, the city would provide for a higher adjustment, if that failure affects the customer. However in this case, the equipment failure not the fault of the city's and the adjustment must meet city ordinance requirements.

- 4443 Councilmember Marcil made a motion, seconded by Reilly to approve the utility leak adjustment requested by Mr. Teter in the amount of \$660.76 in accordance with city ordinance. By roll call vote, unanimous 'Aye'.

Councilmembers suggested that Mr. Teter contact the Finance office staff to arrange for a time extension to assist him with his portion of the utility bill that resulted from the leak.

- 4688 Councilmembers directed the city clerk to schedule workshop meetings for October 8th and October 14th, beginning at 6:00 p.m.

Covington stated that first reading of the budget must be scheduled for the first meeting regular meeting in November.

- 4771 Mayor Larsen adjourned the meeting at 10:30 p.m.

Mayor Barbara Larsen

Clerk-Treasurer