

CALL TO ORDER

Mayor Paul Helenberg called the July 23, 2012 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: Ray Teter, Glenn Pingree, Earl Queen, Mike Davis and Ellen Rose.

BUSINESS FROM THE FLOOR

1. Allison Mitchell, Castle Rock Methodist Church, requests approval to use the east City Hall parking lot for the annual Methodist Women Garage Sale on August 10th from 8 a.m. to 3 p.m. The parking area would only be used if needed as an overflow area to display items. Proceeds from this sale are used to fund community based mission work such as free community dinners and the Girls Club.

In response to a question from Councilmember Teter, City Attorney Frank Randolph specified that use of public resources must be equal and fair. If some are able to use the area for fundraisers then the option must also be open to others. Mayor Helenberg noted that previous councils have allowed the Exhibit Hall Parking Lot to be used for community activities. Councilmember Rose does not want garage sales in the City Hall parking lot to become a regular occurrence.

By consensus, approval to use the east City Hall parking lot for the annual Methodist Women Garage Sale on August 10th from 8 a.m. to 3 p.m.

2. City Planner TJ Keiran reports that applicant Verizon Wireless proposes to amend the text language of Castle Rock Municipal Code (CRMC) Chapter 11.20, Communication Antennas and Towers, by:
 - Clarifying the manner with which the maximum height limitation of freestanding facilities in the Industrial Zoning District is considered;
 - Providing additional development standards for freestanding facilities;
 - Providing administrative approval of freestanding facilities in the Highway, Commercial and Industrial zoning districts upon demonstration that all development standards have been met;
 - Adding permit processes for the city's two newest zoning districts, MX-Mixed Use and PROS-Parks, Recreation and Open Space; and
 - Removing the city engineer as the approval authority for antennas and towers and replace with the building official.

The Planning Commission held a Public Hearing on June 20, 2012 and forwards a favorable recommendation to amend the code as requested.

Keiran stated that two years ago a request was submitted by Verizon Wireless to place a communication tower on a piece of property in proximity to the downtown business district. That parcel is zoned Industrial, and located at 414 Cowlitz Street East. In

reviewing the city code, he felt that CRMC Chapter 11.20, Communication Antennas and Towers contains confusing and conflicting language.

When requesting a city permit for a freestanding wireless communications tower, an applicant submits site specific and area topographic information along with a network coverage study that demonstrates the need for a tower to exceed the maximum height limitation of the zoning district. The city will route the materials to a third party wireless communications specialist who will verify that the tower height request is not excessive. This procedure is followed for permit requests in all zoning districts except on properties zoned Industrial which are limited to a maximum height of one hundred (100) feet.

The Planning Commission worked with the applicant to propose new development standards that will minimize potential adverse impacts of siting a freestanding wireless communications facility within city limits, including:

- Prohibiting bulky lattice towers north and west of Buland Drive;
- Prohibiting antennas from extending further than ten feet from the pole unless approved by the hearings examiner via a conditional use permit; and
- Specifying that the views from the downtown retail business district must be respected.

Keiran noted because the updated ordinance includes the specific design standards listed, in addition to existing standards for camouflaging the pole and screening the ground structures, the Planning Commission and staff propose that the permit be reviewed and approved administratively instead of going through the hearings examiner process. The surrounding property owners will still receive notice of a permit application and have opportunities to comment through the SEPA review process. He stated the intent is to streamline the permit procedure since the regulations are strict and there is little subjectivity when making a decision.

In response to a question from Councilmember Teter, Keiran clarified that currently an antenna or tower is allowed to be placed anywhere in the city after completing the hearings process. It is not prohibited in any particular zone, with the most stringent requirements within the Industrial zone. The proposed amendment would remove the hearings process from the Industrial and Highway Commercial zones and replace that process with aesthetic standards.

Councilmember Teter does not want a tower distracting from the image of the downtown business district that the community has worked so hard to improve. Antennas and towers should be restricted from the downtown area and only permitted on industrial property outside the downtown city core. Councilmember Pingree noted that the current standard does not prohibit placement even within the downtown

business corridor. Keiran clarified that approval by the city engineer would be required. If the applicant can demonstrate the need, the engineer must approve the application. Councilmember Teter would like restrictions established to preserve the character of the city.

In response to a question from Councilmember Rose, Keiran clarified that the city adheres to federal requirements to co-locate carriers upon the existing facility, as a means to limit the number of towers.

In response to a question from Councilmember Rose, Verizon Wireless Consultant Shanin Prusia stated that this site provides coverage to the largest group of customers possible. Industrial properties to the south did not provide sufficient coverage to the north. A cell site can cost anywhere from \$500,000 to one million dollars. She felt this is a serious investment in the city. The tower is required to accommodate up to three additional carriers. Additional carriers would need to prove that they have a very substantial reason not to locate on the existing tower. As the code is now written, there are no restrictions on the type of towers that are visible. Lattice towers are much more visually unappealing than monopoles.

In response to a question from Councilmember Teter, Ms. Prusia stated that test reports indicate that a tower on the west side of the Cowlitz River would not provide sufficient coverage to the north and south and would overshoot the downtown area.

Councilmember Pingree stated that he has not encountered any signal problems with his Verizon service. Ms. Prusia stated that service is sporadic in Castle Rock.

In response to a question from Councilmember Davis, Ms. Prusia clarified that test results indicate that a 150 foot tower is needed on the mini storage site. In addition, this site has sufficient land to meet requirements and shelter equipment from view.

Keiran said on behalf of the Planning Commission he attended the Chamber of Commerce and Castle Rock Community Development Alliance and invited participation in the code amendment process.

Ms. Prusia specified that the current request is for the Industrial code to be treated the same as the Residential and Commercial code is currently written. As the code is now written, a tower could be placed on residential or commercial property without height restrictions. In most other counties and cities wireless towers are restricted to Industrial zones.

In response to a question from Clerk-Treasurer Ryana Covington, Keiran clarified that the Planning Commission did not evaluate if a tower is appropriate in a Residential

zone. Councilmember Davis pointed out that a residential neighborhood is within 100 feet of the mini storage facility, where Verizon would like to locate the tower. Councilmember Pingree questioned the ministorage property's designation as an Industrial zone.

Councilmember Teter requests to review Verizon's test data report. Verizon Attorney Linda Atkins stated that the issue before council tonight is not a site specific application. The request is to amend a few inconsistent sections of CRMC to align Industrial zone requirements with the rest of the zones. There is no pending proposal for a tower before council at this time. A code amendment would apply to all Industrial zones. Although, federal law provides local communities the right to zone and control the placement of wireless facilities, if the carrier can demonstrate a significant gap in coverage, the carrier must be allowed to fill that gap. The primary purpose of this proposal is to:

- Clarify the conflicts in the ordinance and
- To verify that there is an administrative modification process in every zone which allows an applicant that has to have a taller tower, to obtain sufficient height.

Keiran clarified that an attorney with Municipal Research and Service Center specified that the federal requirement to fill a gap in coverage does not mean that an entity must allow the height necessary to fill the gap on one tower. Councilmember Teter specified he wants towers and antennas prohibited in the downtown core. Councilmember Davis suggests limiting towers to Industrial zones to protect Commercial and Residential zones. Keiran recommends sending the amendment back to the Planning Commission.

City Attorney Frank Randolph clarified that although the code specifies the right to request an amendment, council has broad discretion to:

- Accept the amendment;
- Reject the amendment or
- Send the amendment back to the Planning Commission to address concerns.

Councilmember Teter is not opposed to the amendment. He wants views of wireless facilities prohibited from the entire downtown core, commercial and residential. Councilmember Rose added that towers should be limited to Highway Industrial zones. Keiran clarified that the applicant must provide photo simulation, network coverage analysis, site plans and SEPA.

Keiran pointed out text added at 11.20.100 Additional conditional use permit and administrative approval criteria for WCF antennas and towers. H. View Obstructions. "Wireless facilities shall be located as to minimize the obstruction of scenic views from residentially zoned land and land located in the downtown core retail business district."

In response to a question from Councilmember Rose, Ms. Prusia clarified that this property was chosen because it is zoned Industrial and could provide sufficient coverage with one tower. Councilmembers Teter and Pingree feel that the mini storage property should not be zoned Industrial.

In response to a question from Councilmember Davis, Keiran specified that the proposed amendment would reduce the requirement to co-locate on an existing tower from within one mile radius to a one-half mile radius. Councilmember Davis would like towers limited to Industrial zones. Ms. Prusia clarified that the one mile radius requirement is too far. It is cost effective for additional carriers to piggyback on an existing tower if it will provide sufficient coverage.

Keiran proposed retaining the Conditional Use Permit process as an additional layer of review.

Chris Turner, Cedar Gates Road, Longview, reports that communication towers have been erected in her neighborhood. She believes that an amendment of the CRMC 11.20 is not needed. The original ordinance is fully adjustable:

- To obtain height needed for reception or transmission;
- If impractical or contrary to the purpose of antennas or
- Creates a hardship.

Ms. Turner pointed out the importance of retaining:

- “Character of the City” requirements (11.20.010). This language allows the city to regulate what is allowed in specific areas.
- Conditional Use Permit protection (Table 11.20.030-1). The Conditional Use Hearings Examiner considers all positions before making an impartial decision.
- Maximum height limitations (11.20.090). The code currently specifies a limit of 50 feet in any zone except Industrial which has a maximum of 100 feet. The proposed amendment would eliminate these height limits. The city should retain the ability to decrease the height when appropriate. In addition, structure has too broad a meaning to be used in this context.
- Administrative modifications (11.20.170). This component allows the city to negotiate adjustments to the proposal. There is no final approval authority (C.) if the Conditional Use Permit is not required. If the Conditional Use Permit requirement is eliminated then the Building Official should be given the authority to make minor adjustments. In addition, the proposed scope (D) colocation reduction to ½ mile reduces the city’s ability to require carriers piggyback on an existing tower rather than install a new tower. Most entities require the carrier to look for an alternate tower within the geographical or proposed service area. One half or even one mile is a very limited area to search for an alternative tower.

Ms. Turner cautioned that the city should retain the “Character of the City” and Conditional Use Permit approval authority to maintain the ability to make adjustments.

3. Joe Willis, Waste Control provided an annual update for sanitation services within the city. In response to a question from Waste Control Owner Joe Willis, Mayor Helenberg requests additional cardboard bins at the Recycling Center. Currently there is not sufficient capacity for both residential and business use.

In response to a question from Councilmember Teter, Mr. Willis clarified that it is very laborious to clean glass for recycling and there is a liability concern with glass bins. The City of Kelso has an agreement for glass recycling at three different sites and these sites are cleaned daily. Councilmember Teter pointed out that without a recycling container, glass has been left on the ground at the Recycling Center. This is more problematic than providing a bin which could be dumped in the landfill.

In response to a question from Councilmember Pingree, Mr. Willis reports that ratepayers will save a minimum of \$1 million each year if the Headquarters Landfill project is approved. There will be no rail use as garbage trucks will haul directly to the landfill.

In response to a question from Mayor Helenberg, Willis explained that individual recycling containers would be difficult to offer, as garbage service is not mandatory within the city limits. Mayor Helenberg thanked Willis for their continuing support of the city’s annual Spring Cleanup event.

NEW BUSINESS

Councilmember Teter specified he would like Ordinance 2012-04 amending CRMC 11.20 Communication Antennas and Towers, to limit towers to specific areas. Councilmembers Pingree and Rose would like more time to review the information.

In response to a question from Councilmember Pingree, Verizon Attorney Linda Atkins explained that if the city limits where towers can be located and a carrier can demonstrate a significant gap in coverage due to this restriction, then the carrier could go to federal court to try to have the ordinance overturned.

In response to a question from Councilmember Pingree, Keiran specified that outreach conducted as part of the original application yielded no substantial opposition. However, the Planning Commission can re-examine the amendment to address council concerns. City Attorney Frank Randolph suggests sending this amendment back to the Planning Commission with specific guidance for preferred changes. Requiring a Conditional Use

Permit through the Hearings Examiner process may provide the mechanism to assure that the tower fits the “Character of the City”.

Councilmember Queen made a motion, seconded by Pingree to send Ordinance 2012-04 amending CRMC 11.20 Communication Antennas and Towers, back to the Planning Commission to amend the Administrative Modification process and retain the Conditional Use Permit. By roll call vote, unanimous Aye.

DEPARTMENT REPORTS

City Attorney Frank Randolph

- Randolph reports that the Building Official continues to work under the old agreement until a new agreement is reached.
- Randolph reviewed the timeline for creation of a Transportation Benefit District. A president should be elected by the second reading of the resolution on July 30th. A Notice of the Meeting for Election of Officers must be published.

Public Works Director David Vorse

Vorse reports the C Street SE water main is now online and cleanup has started.

Mayor Helenberg presented Vorse with a plaque from the Department of Ecology for Outstanding Wastewater Treatment Plant Award for excellent performance with no permit violations throughout 2011.

Clerk-Treasurer Ryana Covington

Covington reviewed the June Cash and Investment Activity Report. The Exhibit Hall and Library Fund are being closely monitored. The Municipal Water Capital Improvement Fund is awaiting an interfund transfer.

Exhibit Hall Director Karen Johnson

Johnson reviewed the Arts & Vines Tour Report. Thirteen venues, 18 artists and four wineries participated in the event. Most artists made enough sales to cover their participation fee. Attendance was good and ideas were gathered for next year's event. Councilmember Teter commented on the positive feedback. Mayor Helenberg noted that no city funds were used for this event. Johnson specified this was made possible through a generous donation from Councilmember Rose.

CONSENT AGENDA

1. Councilmember Queen made a motion, seconded by Pingree to approve the minutes of the July 9, 2012 Special Council Meeting. By roll call vote, unanimous Aye.
2. Councilmember Teter made a motion, seconded by Davis to approve the minutes of the July 9, 2012 Regular Council Meeting. By roll call vote, unanimous Aye.

3. Councilmember Queen made a motion, seconded by Pingree to approve the minutes of the July 18, 2012 Special Council Meeting. By roll call vote, unanimous Aye.

OLD BUSINESS

1. Councilmember Teter made a motion, seconded by Pingree to approve Resolution 2012-02, declaring intention to vacate public right-of-way adjacent to McCoy Street NE in the City of Castle Rock and setting time for a hearing in accordance with RCW 35A.47.020, on second reading. By roll call vote, unanimous Aye.
2. Councilmember Pingree made a motion, seconded by Rose to approve Ordinance 2012-03, establishing a Transportation Benefit District (TBD), specifying the boundaries of the TBD and specifying the maintenance and preservation of existing transportation improvements, on second reading. By roll call vote, unanimous Aye.

NEW BUSINESS

1. Councilmember Queen made a motion, seconded by Davis to approve Resolution 2012-07 providing for a ballot proposition to be submitted to qualified voters of the district on November 6, 2012 to authorize a sales and use tax to be imposed within the boundaries of the district upon all taxable retail sales and uses in the amount of two-tenths of one percent (0.2%) for the purpose of financing all or a portion of the costs associated with transportation improvements in the district identified in the resolution, on first reading. By roll call vote, unanimous Aye.
2. City Engineer Mike Johnson requests approval of Safe Routes to School Project Engineering Service Supplement Number 2, for an increase of \$6,578 and revising the completion date to March 15, 2013. This agreement includes the following additional services:
 - a) Modify bid documents (PS&E documents) to create a bid additive schedule of work for the removal and replacement of approximately 180 linear feet of sidewalk at the north end of Roake Avenue SE including the removal and relocation of fire hydrants.
 - b) Modify current specifications, proposal, and cost estimates for the contractor's procurement of a bus shelter and flashing crosswalk beacons only. Contractor will order and procure equipment for City storage and City installation of equipment specified.
 - c) Prepare a public interest finding (PIF) document to support the City's request to install the bus shelter and flashing crosswalk beacons.
 - d) Modify design documents to include modifications of plans, specifications, and cost estimates to install a storm infiltration system in a portion of the project corridor. Note that this work assumes the consultant will use and rely on available information (soils mapping) to size the infiltration facilities. No additional

geotechnical work will be performed to evaluate subsurface soils. This work includes a site visit to assess site conditions to determine best location for facilities.

- e) Provide additional project management and oversight of these tasks as well as coordination with and between City staff and WSDOT Local Programs.

Councilmember Pingree made a motion, seconded by Teter to approve Safe Routes to School Project Engineering Service Supplement Number 2, for an increase of \$6,578 and revising the completion date to March 15, 2013.

Discussion: In response to a question from Councilmember Davis, Mayor Helenberg confirmed that this is a grant funded project. In response to a question from Councilmember Pingree, Johnson stated that this will be the last supplemental agreement, as far as the design is concerned.

Vote: By roll call vote, unanimous Aye.

3. Mayor Helenberg issued an invitation for the America In Bloom Judges Reception at 6:30 p.m. on July 30th.
4. Mayor Helenberg adjourned regular session at 9:17 p.m. for a five minute executive session to discuss personnel, with no action to follow.

Mayor Helenberg resumed regular session at 9:29 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 9:29 p.m.

Mayor Paul Helenberg

Clerk-Treasurer Ryana Covington