



CASTLE ROCK CITY COUNCIL AGENDA

Regular Meeting: Monday, February 13, 2023
7:30 PM

Location
Castle Rock Senior Center
222 Second Ave SW
Castle Rock, WA 98611

AGENDA

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1. CALL TO ORDER

- a. Pledge of Allegiance
- b. Roll Call
- c. Changes to Agenda

2. PROCLAMATIONS & PRESENTATIONS

- a. Mayor Paul Helenberg was presented a Recognition Award in appreciation for his service as the Cowlitz-Wahkiakum Council of Governments Chair in 2022. (page 4)

3. CITIZEN COMMENTS - maximum 3 minutes

4. DEPARTMENT REPORTS

- City Attorney Frank Randolph
- Police Chief Charlie Worley
- Public Works Director Dave Vorse
 1. Open House Meetings for Flood Plan will be held at several locations, dates and times and will include the Department of Natural Resources located at 601 Bond Rd on Thursday, February 16 from 10:00 AM to 12:00 PM. (page 5-6)
- City Engineer Tom Gower
- Clerk-Treasurer Carie Cuttonaro

5. COUNCIL AND AD HOC COMMITTEE REPORTS

- Mayor / Mayor Pro-Tempore / Councilmembers
- CRCDA Representative

6. PUBLIC HEARINGS

7. CONSENT AGENDA

- a. Approve the minutes of the January 23, 2023 Regular Council Meeting. (page 7-9)
- b. Approve the January 2023 invoices as described in the Fund Transaction Summary Report in the amount of \$702,117.50. (page 10-11)

8. OLD BUSINESS

- a. Ordinance No. 2023-01, an ordinance of the City of Castle Rock relating to Home Occupations amending the City's Title 17 Zoning Code to add and amend sections to the 17.48 Supplementary Use Provisions Chapter. Amending the City's Home Occupation Ordinance Section 17.48.120 through Section 17.48.150 to include an applicability subsection, a prohibited home occupation uses subsection, adding an exempt subsection, to Chapter 17.48.120 Home Occupations; and subsection for criteria to Chapter 17.48.130 Home Occupations. This includes the removal of Section 17.48.140 Home Occupations in Accessory Buildings and removal of Section 17.48.150 Home Occupations - Fronting Residential Arterial Streets. (page 12-51)
- b. Ordinance 2023-02, an ordinance relating to Short Term Rentals amending the City's Title 5 Business Taxes, Licenses and Regulations to add Chapter 5.57 Short Term Rentals, to include Section 5.57.010 Purpose, 5.57.020 Definitions, 5.57.030 General Requirements, 5.57.040 Application Requirements, 5.57.050 Rental Type and Density Requirements, 5.57.060 Development Standards, 5.57.070 Term of the Annual Permit and License, 5.57.080 Violation and Repeat Offenses, 5.57.090 Denial of Application for a Short Term Rental, 5.57.100 Appeal, and 5.57.110 Severability. (page 52-94)

9. NEW BUSINESS

- a. Annual Spring Clean-Up Event; CRCDA requests City sponsorship to pay costs of printing forms and flyers not to exceed \$500 including tax.
- b. Professional Services Agreement renewal with Shea, Carr & Jewell, Inc. (SCJ Alliance) to provide on-call planning services on a time and materials basis, with an automatic renewal up to five years. (page 95-105)
- c. Gibbs & Olson, Inc. Authorization No. 2023-001 for Exit 48 Sewer Force Main Extension, in the amount of \$73,300. (page 106-110)
- d. Gibbs & Olson, Inc. Authorization No. 2023-002 for Sanitary Sewer Inspection Prioritization in the amount of \$24,100. (page 111-113)
- e. Exit 48 Waterline Extension Project - Construction Contract Award
- f. Request to increase the City's credit card umbrella limit from \$75,000 to \$100,000.
- g. Ordinance No. 2023-03, an ordinance amending a section of Castle Rock Municipal Code Chapter 9.21 Parades, Athletic Events and Other Special Events, adding additional option for General Liability Insurance requirement. (page 114-117)
- h. Request to purchase a modular restroom for the North Trailhead in the amount of \$95,355, not including tax. (page 118-124)
- i. Resolution No. 2023-01, a resolution of the City Council of the City of Castle Rock, Washington adopting the 2022 - 2027 Cowlitz County Solid Waste Management Plan and Moderate Risk Hazardous Waste Management Plan. (page 125)

10. OTHER BUSINESS

11. ADJOURNMENT

NEXT REGULAR COUNCIL MEETINGS:

<u>1Q23</u>	<u>2Q23</u>	<u>3Q23</u>	<u>4Q23</u>
January 09	April 10	July 10	October 09
January 23	April 24	July 24	October 23
February 13	May 08	August 14	November 13
February 27	May 22	August 28	November 27
March 13	June 12	September 11	December 11
March 27	June 26	September 25	Wednesday, December 27

Non-Discrimination Statement: This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at https://www.ascr.usda.gov/sites/default/files/Complain_combined_6_8_12_508_0.pdf or at any USDA office, or call 866.632.9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave, SW, Stop 9410, Washington, DC 20250-9410 or email to program.intake@usda.gov or by fax (202) 690-7442.

Title VI: The City of Castle Rock ensures compliance with Title VI of the Civil Rights Act of 1964 and American Disabilities Act of 1990 by prohibiting discrimination against any person on the basis of race, color, national origin, sex or disabilities in the provision of benefits and services from its federal assisted programs and activities. If you need special accommodations to participate in this meeting, please contact Carie Cuttonaro at 360.274.8181 by 9:00 a.m. three days prior to the meeting.

City Council may add and take action on other items not listed on this Agenda.

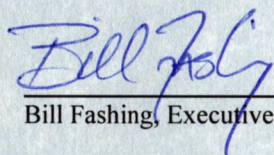
RECOGNITION AWARD

Presented to:

Paul Helenberg

Chairman 2022

*In appreciation for your service as the
Cowlitz-Wahkiakum Council of Governments Chair.*



Bill Fashing, Executive Director





Ostrander Road

OPEN HOUSE

You are invited to learn about flood hazard planning and how you can prepare for the next flood event.

Are You Ready for the Next Flood?

Learn about flood risks facing property, travel routes, work and school locations using state of the art modeling software. Representatives from FEMA and local government will be in attendance.

Open House meetings:

1. **Central:** Wednesday, Feb. 15, from 4-6 pm County Administration Building, 207 N. 4th Ave Kelso
2. **North:** Thursday, Feb. 16, 10 am- 12:00 pm Department of Natural Resources building, 601 Bond Rd. Castle Rock
3. **South:** Thursday, February 16, 4-6 pm Cowlitz Fire District #5, Station 2 – 415 Todd Rd. K



Please take a survey on flood preparedness:
<https://www.co.cowlitz.wa.us/2865/FloodPlan>

Are You Ready for the Next Flood?



Cities, agencies, districts, county officials, civic organizations, and the public from throughout Cowlitz County, have been working with consultants since mid-2022, to gather information regarding flooding concerns and potential resolutions, as part of a State of Washington Department of Ecology funded grant. The goal of this information gathering has been to develop a Comprehensive Flood Hazard Mitigation Plan for Cowlitz County.

The time has arrived in which we would like to share the current information with you for discussion. What do you like about the plan? What needs to be changed? Have we missed something critical? We would like to hear from you at one of three Open House Events taking place at the following locations and times:

1. **Central County:**

Wednesday, February 15, from 4-6 pm

County Administration Building, 207 N. 4th Ave. Kelso

2. **North County:**

Thursday, February 16, 10 am – Noon

Department of Natural Resources, 601 Bond Rd. Castle Rock

3. **South County:**

Thursday, February 16, 4 - 6 pm

Cowlitz Fire District #5, Station 52 – 415 Todd Rd., Kalama

During the open houses, attendees will learn how to look up their property using state of the art modeling software to understand risks of flooding, review the proposed plan updates and provide feedback to the county about flooding in their neighborhood. Experts will be available to answer questions and provide additional information about the plan update process.

For more information, please contact the Cowlitz County Community Development Department at 360-577-3052 x6664 or visit the county flood plan website and please take a flood related survey at:

<https://www.co.cowlitz.wa.us/2865/FloodPlan>



Please take a survey on flood preparedness:
<https://www.co.cowlitz.wa.us/2865/FloodPlan>



1. CALL TO ORDER

Mayor Paul Helenberg called the regular meeting of the Castle Rock City Council to order at 7:31 PM.

a. Pledge of Allegiance

Mayor Helenberg led the Pledge of Allegiance.

b. Roll Call

Councilmembers present: Art Lee, Lee Kessler, Earl Queen, and Ellen Rose. Councilmember Paul Simonsen was excused.

Staff present: Police Chief Charlie Worley, City Attorney Frank Randolph, Public Works Director Dave Vorse, City Engineer Tom Gower, City Planner Malissa Paulsen, and Clerk-Treasurer Carie Cuttonaro.

c. Changes to Agenda

2. PROCLAMATIONS & PRESENTATIONS

3. CITIZEN COMMENTS - maximum 3 minutes

Lindy Campbell provided comment.

4. DEPARTMENT REPORTS

- City Attorney Frank Randolph
- Police Chief Charlie Worley
- Public Works Director Dave Vorse

1. PW Projects - 2022 Completed (page 3-8)

Public Works Director Dave Vorse gave a verbal report.

2. PW Projects - 2023 Proposed (page 9-13)

Public Works Director Dave Vorse gave a verbal report.

- City Engineer Tom Gower
- Clerk-Treasurer Carie Cuttonaro

1. Revenue, Expenditure, Comparison and Investment Reports (page 14-17)

Clerk-Treasurer Carie Cuttonaro gave a verbal report.

5. COUNCIL AND AD HOC COMMITTEE REPORTS

- Mayor / Mayor Pro-Tempore / Councilmembers
- Mayor Helenberg gave a verbal report.

1. 4Q22 Humane Society Report (3Q22 report was not received) (page 18)

Mayor Helenberg gave a verbal report.

- CRCDA Representative

1. Revised landscape at Lion's Pride Park.

Public Works Director Dave Vorse gave a presentation on the revised landscape at Lion's Pride Park.

Mayor Helenberg provided comment.

Councilmember Lee Kessler provided comment.

6. PUBLIC HEARINGS

7. CONSENT AGENDA

Councilmember Queen made a motion, seconded by Lee to approve the Consent Agenda as presented. Motion carried by roll call vote. Councilmembers Lee, Kessler, Queen, and Rose voted 'Aye'.

a. Approve the minutes of the January 9, 2023 Regular Council Meeting. (page 19-20)

b. Approve the December 2022 Open Period invoices as described in the Fund Transaction Summary Report in the amount of \$105,379.34. (page 21-22)

8. OLD BUSINESS

9. NEW BUSINESS

a. Review and approval of an Employment Agreement between the City and Charlie Worley for the position of Chief of Police, effective January 1, 2022.

This item was tabled.

b. Review and approval of Police Collective Bargaining Unit Memorandum of Understanding regarding a change to the shift schedule. Trial period for this shift change expired 12/31/2022. (page 23)

This item was tabled.

c. Russell Funk, 123 Allen Ave SE, requests a utility adjustment for the December/January billing in the amount of \$424.50. Request meets ordinance provisions; staff recommends approval. (page 24)

Councilmember Lee made a motion, seconded by Rose, to approve the request for a utility adjustment. Motion carried by roll call vote. Councilmembers Lee, Kessler, Queen, and Rose voted 'Aye'.

d. Request to purchase 2023 Chevrolet Tahoe Police Pursuit Vehicle. Expenditure is included in Fund 185 Police Vehicle Replacement's 2023 budget. (page 25-26)

Chief Charlie Worley provided comment.

Clerk-Treasurer Carie Cuttonaro provided comment.

Councilmember Kessler made a motion, seconded by Rose, to approve the purchase of a 2023 Chevrolet Tahoe Police Pursuit Vehicle and a budgetary amendment in the amount of \$20,000 to fund additional outfitting costs of 2022 Dodge Durango. Motion carried by roll call vote.

Councilmembers Lee, Kessler, Queen, and Rose voted 'Aye'.

e. Request to approve purchase of a Kubota U-55 for the Public Works Department. (page 27-28)

Public Works Director David Vorse provided comment.

Councilmember Kessler made a motion, seconded by Queen, to approve the purchase of a Kubota U-55 and compactor attachment for the Public Works Department. Motion carried by roll call vote.

Councilmembers Lee, Kessler, Queen, and Rose voted 'Aye'.

f. Request for possible amendments to Castle Rock Municipal Code Chapter 17.48.120-150: Home Occupations. (page 29-64)

Mayor Paul Helenberg provided comment.

City Planner Malissa Paulsen provided comment.

This item was tabled.

g. Request for possible amendments to Castle Rock Municipal Code Title 5 to create a Short-Term Rental ordinance. (page 65-98)

Mayor Paul Helenberg provided comment.

City Planner Malissa Paulsen provided comment.

This item was tabled.

10. OTHER BUSINESS

11. ADJOURNMENT

There being no further business, Mayor Helenberg adjourned the meeting at 8:02 PM.

Mayor Paul Helenberg

Clerk-Treasurer Carie Cuttonaro

As of this date, 2/13/2023, the Council by a majority vote, does approve payment of the vouchers included in the Fund Transaction Summary Report, and further described as:

General Expenditures

<u>Transaction Type</u>	<u>Description</u>	<u>Amount</u>	<u>Payment Date</u>
Adjustment/EFT	EFT#969-1/2023	220.66	1/5/2023
Adjustment/EFT	EFT#970-1/2023	7,225.98	1/24/2023
Claims	Check 53977	6,894.55	1/19/2023
Claims	Check 53978	898.05	1/25/2023
Claims	Check 53979 - 53985	50,662.07	1/30/2023
Claims	Check 53986 - 53989	83,858.36	1/31/2023
Claims	Check 53990 - 54060	352,473.60	1/31/2023
		<u>502,233.27</u>	

Payroll Expenditures

<u>Transaction Type</u>	<u>Description</u>	<u>Amount</u>	<u>Payment Date</u>
Mid-Month Draw	Nacha # 869123	21,550.00	1/17/2023
Mid-Month Draw	Taxes	5,480.00	1/17/2023
EOM Payroll	Nacha # 881319	70,251.83	1/31/2023
EOM Payroll	Checks 26374 - 26386	58,123.93	1/31/2023
EOM Payroll	Taxes	28,540.46	1/31/2023
Uniform Allowance	Checks 26362 - 26373	8,216.38	1/20/2023
Uniform Allowance	Taxes	1,473.32	1/20/2023
Accrued Vendor Payment (Software Issue)		200.00	
Accrued - Quarterly Payroll Tax		6,048.31	
		<u>199,884.23</u>	

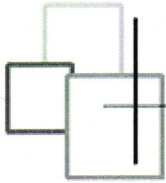
TBD Expenditures

<u>Transaction Type</u>	<u>Description</u>	<u>Amount</u>	<u>Payment Date</u>
Adjustment/EFT		-	
Claims	Check	-	
Claims	Check	-	
		<u>-</u>	
		<u>Amount</u>	<u>Payment Date</u>
Grand Total Expenditures		702,117.50	1/1/2023 - 1/31/2023
Fund Transaction Summary Report		<u>702,117.50</u>	
Balance Check (s/b -0-)		-	

Lee Kessler, Audit Committee Member

Art Lee, Audit Committee Member

Ellen Rose, Audit Committee Member



Fund Transaction Summary

Transaction Type: Invoice

Fiscal: 2023 - Jan - Feb - City Council

System Types: Cash Management, Financials, Payroll, Resources, UB2, Utility Billing

Fund Number	Description	Amount
010	General Fund	\$165,711.69
100	Street Fund	\$10,077.48
115	Building Code Account Fund	\$3,290.63
120	Visitor Center Fund	\$1,120.87
130	Library Fund	\$716.84
140	Criminal Justice Fund	\$142.50
145	Local Criminal Justice Fund	\$505.43
170	DOT Spoil Site Fund	\$8,493.24
180	Public Works Vehicle Replacement	\$88,885.52
185	Police Vehicle Replacement Fund	\$50,487.65
320	Street Construction Capital Fund	\$36.30
400	Water/Sewer Operating Fund	\$124,325.06
410	Regional Water System Fund	\$33,922.04
420	Stormwater Management Fund	\$9,754.85
430	Regional Water Capital Improvement	\$18.38
435	Muni Water Capital Improvement	\$201,937.99
470	Muni Sewer Capital Imprv Reserve	\$149.68
475	Boat Launch Facility Fund	\$1,570.04
631	Utility Deposit Fund	\$168.61
634	State Custodial Pass-Thru Fund	\$802.70
	Count: 20	\$702,117.50

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY OF CASTLE ROCK RELATING TO HOME OCCUPATIONS AMENDING THE CITY'S TITLE 17 ZONING CODE TO ADD AND AMEND SECTIONS TO THE 17.48 SUPPLEMENTARY USE PROVISIONS CHAPTER. AMENDING THE CITY'S HOME OCCUPATION ORDINANCE SECTION 17.48.120 THROUGH SECTION 17.48.150 TO INCLUDE AN APPLICABILITY SUBSECTION, A PROHIBITED HOME OCCUPATION USES SUBSECTION, ADDING AN EXEMPT SUBSECTION, TO CHAPTER 17.48.120 (HOME OCCUPATIONS); AND ADDING A SUBSECTION FOR DEVELOPMENT REQUIREMENTS AND AMENDING AND ADDING A SUBSECTION FOR CRITERIA TO CHAPTER 17.48.130 (HOME OCCUPATIONS). THIS INCLUDES THE REMOVAL OF SECTION 17.48.140 (HOME OCCUPATIONS IN ACCESSORY BUILDINGS) AND REMOVAL OF SECTION 17.48.150 (HOME OCCUPATIONS – FRONTING RESIDENTIAL ARTERIAL STREETS).

WHEREAS, the City Planner initiated an application for the update to the Home Occupation Code, Section 17.48.120 through Section 17.48.150 in the Castle Rock Municipal Code; and

WHEREAS, proposed updates to the Home Occupation Code were referred to and a Public Hearing was held by the Planning Commission on September 7, 2022; and

WHEREAS, the Planning Commission after review and consideration of public comment and testimony, staff reports, and other relevant information, recommended that the City Council adopt the proposed updates to the Home Occupation Code as submitted to the Commission; and

WHEREAS, the City Planner submitted the Home Occupations section to the Department of Commerce for 60-day review and compliance with the Growth Management Act and notice of Intent to Adopt on September 8, 2022 and received no recommendations for change; and

WHEREAS, the ordinance was read for the first time and adopted by unanimous vote of the City Council on February 13, 2023.

NOW THEREFORE, BE IT ORDANED by the City Council of the City of Castle Rock, Washington that:

The facts stated in the above recitals are true; and

That all procedural requirements for nonemergency ordinances in accordance with the Castle Rock Municipal Code Title 2 regarding the present ordinance have been properly complied with; and

NOW THEREFORE, the City Council of the City of Castle Rock ordains as follows:

The following existing definitions in CRMC Section 17.48.120 are amended to read as follows (**Deletions are denoted by strikeout; Additions are denoted by underline;** remaining text is unchanged):

A. Purpose. The purpose of this section is to prescribe the conditions and regulations under which home occupations may be conducted when accessory to a residential use. The conduct of business within a residential dwelling or accessory building may be permitted in residential and commercial districts under the provisions of this section as long as the home occupation is consistent with the existing character of the surrounding neighborhood as defined by the approval criteria in 17.48.130. Using the approval criteria, it is the intent of this section to:

1. Maintain and preserve the character of residential neighborhoods;
2. Ensure the compatibility of home occupations with other uses permitted in the residential and commercial districts;

3. Promote the efficient use of public services and facilities while assuring that home occupation users do not reduce the City's public services and facilities level of service to intended residential users; and
4. Encourage flexibility in the workplace and creativity in careers by permitting home occupations.

B. Permitted Home occupation uses. The following home occupations and other operations similar in nature may be operated as an accessory use to a dwelling unit:

1. Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and home furnishing;
2. Teaching of piano, voice or dancing, limited to a total of six pupils simultaneously;
3. Fine art studio in which are created only individual works of art;
4. Rooming and boarding of not more than four persons, exclusive of the resident family;
5. Beauty salon, provided the business is limited to the operations of two dryers;
6. Offices staffed only by resident of dwelling unit; or
7. Any use not mentioned will be reviewed against the home occupation required criteria and deemed a home occupation by the City Planner or his/her designee;
8. All types of services and commercial businesses, providing they meet all of the requirements of this section after having the compatibility of the enterprises ascertained by the hearing examiner.
9. ~~Any use not mentioned will be reviewed against the home occupation required criteria and deemed a home occupation by the Community Development Director or his/her designee.~~

PASSED by the City Council and signed by the Mayor on this ____ day of _____, 2023.

Mayor Paul Helenberg

Attest:

Approved as to form:

Clerk-Treasurer

City Attorney

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY OF CASTLE ROCK RELATING TO HOME OCCUPATIONS AMENDING THE CITY'S TITLE 17 ZONING CODE TO ADD AND AMEND SECTIONS TO THE 17.48 SUPPLEMENTARY USE PROVISIONS CHAPTER. AMENDING THE CITY'S HOME OCCUPATION ORDINANCE SECTION 17.48.120 THROUGH SECTION 17.48.150 TO INCLUDE AN APPLICABILITY SUBSECTION, A PROHIBITED HOME OCCUPATION USES SUBSECTION, ADDING AN EXEMPT SUBSECTION, TO CHAPTER 17.48.120 (HOME OCCUPATIONS); AND ADDING A SUBSECTION FOR DEVELOPMENT REQUIREMENTS AND AMENDING AND ADDING A SUBSECTION FOR CRITERIA TO CHAPTER 17.48.130 (HOME OCCUPATIONS). THIS INCLUDES THE REMOVAL OF SECTION 17.48.140 (HOME OCCUPATIONS IN ACCESSORY BUILDINGS) AND REMOVAL OF SECTION 17.48.150 (HOME OCCUPATIONS – FRONTING RESIDENTIAL ARTERIAL STREETS).

WHEREAS, the City Planner initiated an application for the update to the Home Occupation Code, Section 17.48.120 through Section 17.48.150 in the Castle Rock Municipal Code; and

WHEREAS, proposed updates to the Home Occupation Code were referred to and a Public Hearing was held by the Planning Commission on September 7, 2022; and

WHEREAS, the Planning Commission after review and consideration of public comment and testimony, staff reports, and other relevant information, recommended that the City Council adopt the proposed updates to the Home Occupation Code as submitted to the Commission; and

WHEREAS, the City Planner submitted the Home Occupations section to the Department of Commerce for 60-day review and compliance with the Growth Management Act and notice of Intent to Adopt on September 8, 2022 and received no recommendations for change; and

WHEREAS, the ordinance was read for the first time and adopted by unanimous vote of the City Council on February 13, 2023.

NOW THEREFORE, BE IT ORDANED by the City Council of the City of Castle Rock, Washington that:

The facts stated in the above recitals are true; and

That all procedural requirements for nonemergency ordinances in accordance with the Castle Rock Municipal Code Title 2 regarding the present ordinance have been properly complied with; and

NOW THEREFORE, the City Council of the City of Castle Rock ordains as follows:

The following existing definitions in CRMC Section 17.48.120 are amended to read as follows:

A. **Purpose.** The purpose of this section is to prescribe the conditions and regulations under which home occupations may be conducted when accessory to a residential use. The conduct of business within a residential dwelling or accessory building may be permitted in residential and commercial districts under the provisions of this section as long as the home occupation is consistent with the existing character of the surrounding neighborhood as defined by the approval criteria in 17.48.130. Using the approval criteria, it is the intent of this section to:

1. Maintain and preserve the character of residential neighborhoods;
2. Ensure the compatibility of home occupations with other uses permitted in the residential and commercial districts;

3. Promote the efficient use of public services and facilities while assuring that home occupation users do not reduce the City's public services and facilities level of service to intended residential users; and
4. Encourage flexibility in the workplace and creativity in careers by permitting home occupations.

B. Permitted Home occupation uses. The following home occupations and other operations similar in nature may be operated as an accessory use to a dwelling unit:

1. Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and home furnishing;
2. Teaching of piano, voice or dancing, limited to a total of six pupils simultaneously;
3. Fine art studio in which are created only individual works of art;
4. Rooming and boarding of not more than four persons, exclusive of the resident family;
5. Beauty salon, provided the business is limited to the operations of two dryers;
6. Offices staffed only by resident of dwelling unit;
7. Any use not mentioned will be reviewed against the home occupation required criteria and deemed a home occupation by the City Planner or his/her designee;
8. All types of services and commercial businesses, providing they meet all of the requirements of this section after having the compatibility of the enterprises ascertained by the hearing examiner.

PASSED by the City Council and signed by the Mayor on this ____ day of _____, 2023.

Mayor Paul Helenberg

Attest:

Approved as to form:

Clerk-Treasurer

City Attorney

CITY OF CASTLE ROCK

PLANNING DEPARTMENT

STAFF REPORT

TO: City Council

FROM: City of Castle Rock Planning Department, Malissa Paulsen, SCJ Alliance Planning Consultant

MEETING DATE: Monday, January 23, 2023

REQUEST: Amendments to Castle Rock Municipal Code Chapter 17.48.120-150: Home Occupations

General Information

The City of Castle Rock is proposing amendments to the Castle Rock Municipal Code (CRMC) Chapter 17.48.120-150 Home Occupations to streamline it and easier to implement and enforce. The proposed ordinance adds an applicability section, implements noncompliance standards, and adds basic safety standards. The proposal also removes two sections which have been difficult to administer. First, section 17.48.140 regulating home occupations in accessory buildings like garages, offices, shops have been removed completely due to being onerous and difficult to enforce and such activities are now simply regulated by the allowed types of home occupations. Secondly, section 17.48.150 regulating home occupations fronting residential arterial streets was also removed as the need to pay additional attention to these uses fronting arterial streets was considered unnecessary by the Planning Commission.

Noticing & Comments

The application went through various iterations and discussions at planning commission workshops. Notice for the public hearing was posted in the local paper on September 7, 2022. The following table illustrates the application and notice compliance procedures:

Application & Public Hearing Notice Compliance

Planning Commission Workshops:	April 20, May 18, June 14, July 20, 2022
Public Notice Posting	September 7, 2022
Notice of Public Hearing and SEPA DNS	September 7, 2022
Public Written Comment Period:	September 7-21, 2022
Public Hearing:	Planning Commission: September 21, 2022 at 6:00 pm Recommended approval as submitted
City Council Meeting:	January 23, 2023 at 7:30 pm

Agency/ Public Comment:

Staff has not received written comment either from the public or agencies. The Department of Commerce received notice of Intent to Adopt with an Expedited Review request on 09/08/2022 (Submittal ID: 2022-S-4310)

REGULATORY REVIEW

SEPA Environmental Review

The City of Castle Rock has determined that this proposal will not have a probable significant adverse impact on the environment that cannot be mitigated through compliance with the conditions of the Castle Rock Municipal Code and other applicable regulations. An Environmental Impact State (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist on file with the lead agency. The project was determined to be a nonproject action due to the nature of the amendment.

City of Castle Rock Comprehensive Plan

The Comprehensive Plan has been reviewed for the use and Staff finds that the project is consistent with the Comprehensive Plan.

REVIEW CRITERIA:

Review Requirement	Staff Analysis
A. The change is consistent with the purposes of the Comprehensive Plan;	Criteria Met: There are a variety of goals and policies that this code amendment addresses. • Residential Development Goal 1: Maintain stability and improve the vitality of residential neighborhoods. The code implements protections in neighborhoods to restrict home occupations to only those uses that are compatible with residential neighborhoods. • Residential Development Goal 2: Provide opportunity for a broad range of housing choices to meet the changing needs of the community. Housing needs have rapidly changed over the past few years, with home offices becoming more and more common and residents needing to commute less. The proposed code specifically exempts remote work from being regulated. • Housing Policy 4: Due to minimal land supply, the City should discourage the conversion of residential areas to non-residential uses. The ordinance helps restrict the total number of dwelling units that can be solely used as an STR which have a higher chance of acting like commercial uses in residential areas. • Downtown/Commercial/Industrial Goal 6: Encourage the establishment of new commercial and industrial enterprises that will bring services and jobs to the community. Home occupations can be a way to allow someone to make a living without having to invest significantly in renting a space which increases the likelihood that such allowances will bring jobs and services to Castle Rock.

Public Hearings Required: Prior to the adoption of any Proposed amendments, supplementations, modifications, or repeals of or to the code a public hearing shall be held by the Planning Commission, pursuant to the requirements of the Castle Rock Municipal Code, who shall make recommendations to the City Council. This requirement was satisfied on September 21, 2022 at the Regular Planning Commission meeting, where the commission recommended approval.

Recommendation

Based on the information contained in the file, compliance with the Revised Code of Washington, the Washington Administrative Code, the City of Castle Rock Comprehensive Plan, Staff recommends **APPROVAL** of the proposed Municipal Code amendments.

City Council Action

City Council shall approve, approve with conditions, or deny the Code Amendment as outlined in this staff report and the following exhibits.

Exhibits

- Exhibit A: Proposed Code Amendments
- Exhibit B: Non-project SEPA Checklist
- Exhibit C: Minutes from 09/21/2022 Planning Commission Meeting

City of Castle Rock

Home Occupation Code Amendments

City Council | January 23, 2023



For Tonight...

1. History, Noticing Procedures and Comments
2. Overview of the proposed ordinance
3. SEPA Review
4. Compliance with the Comprehensive Plan
5. Questions



History, Noticing Procedures and Comments

1. Planning Commission workshops on 4/20, 5/18, and 7/20
2. Public notice posted in The Daily News on 9/7
3. Written comment period ended 09/21/2022
 - No comments received
4. Public Hearing with Planning Commission on 09/21/2022
 - Recommended approval as submitted
5. 60-day GMA Notice of Intent to adopt
 - 09/08/2022 - 11/08/2022
6. City Council decision meeting 01/23/2023

Home Occupation Ordinance Overview

1. Creation of the ordinance meant to streamline and make it easier to implement & enforce.
 - Implements an applicability section, noncompliance standards, and basic safety standards.
 - Removal of two sections considered difficult and cumbersome to administer: accessory building requirements and home occupations fronting arterial streets



SEPA Review

1. As part of WA State requirements, a SEPA checklist was completed
2. A Determination of Non-significance was made (DNS)



Compliance with the Castle Rock Comprehensive Plan

1. The proposed ordinance is consistent with the Comprehensive Plan and four specific goals or policies were highlighted in staff report
2. No goals or policies were identified to be inconsistent with the ordinance



Questions?



Thank you.



SCJ ALLIANCE
CONSULTING SERVICES

Home Occupation Code Draft

Overview Current Code:

Current code section	Proposed code structure
17.48.120 Home occupations – Permitted uses.	Change to Home occupations – Applicability
17.48.130 Home occupations – Required criteria.	Remain as redlined
17.48.140 Home occupations in accessory buildings – Permit required.	Remove section
17.48.150 Home occupations – Fronting residential arterial streets.	Remove section

17.48.120 Home occupations – Applicability

A. Purpose. The purpose of this section is to prescribe the conditions and regulations under which home occupations may be conducted when accessory to a residential use. The conduct of business within a residential dwelling or accessory building may be permitted in residential and commercial districts under the provisions of this section as long as the home occupation is consistent with the existing character of the surrounding neighborhood as defined by the approval criteria in 17.48.130. Using the approval criteria, it is the intent of this section to:

1. Maintain and preserve the character of residential neighborhoods;
2. Ensure the compatibility of home occupations with other uses permitted in the residential and commercial districts;
3. Promote the efficient use of public services and facilities while assuring that home occupation users do not reduce the City's public services and facilities level of service to intended residential users; and
4. Encourage flexibility in the workplace and creativity in careers by permitting home occupations.

B. Permitted Home occupation uses. The following home occupations and other operations similar in nature may be operated as an accessory use to a dwelling unit:

1. Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and home furnishing;
2. Teaching of piano, voice or dancing, limited to a total of six pupils simultaneously;
3. Fine art studio in which are created only individual works of art;
4. Rooming and boarding of not more than four persons, exclusive of the resident family;
5. Beauty salon, provided the business is limited to the operations of two dryers;
6. Offices staffed only by resident of dwelling unit; ~~or~~
7. Any use not mentioned will be reviewed against the home occupation required criteria and deemed a home occupation by the [City Planner?] or his/her designee;

8. All types of services and commercial businesses, providing they meet all of the requirements of this section after having the compatibility of the enterprises ascertained by the hearings examiner.
9. Any use not mentioned will be reviewed against the home occupation required criteria and deemed a home occupation by the Community Development Director or his/her designee.

C. Prohibited Home occupation uses. The following uses, regardless of whether they meet the standards of 17.48.130, are not permitted as home occupations:

1. Veterinary clinics, animal hospitals, or kennels;
2. Equipment rental;
3. Funeral chapels, mortuaries, or funeral homes;
4. Wedding chapels;
5. Medical or dental clinics;
6. Repair or painting of automobiles, motorcycles, trailers, boats, or other vehicles;
7. Repair of large appliances (e.g., ranges, ovens, refrigerators, washers, dryers, and the like);
8. Repair of power equipment (e.g., lawn mowers, snow blowers, chain saws, string trimmers, and the like);
9. Restaurants; and
10. Welding or metal fabrication shops.

D. Exempt. If the home occupation is limited to those activities which involve professional remote office work for a business conducted elsewhere, has no outward manifestation of the business, and no customers or employees coming to the home, it shall be considered "exempt." An exempt home occupation shall be considered an accessory use and permitted outright with no land use permit required.

17.48.130 Home occupations – Required criteria.

A. Development requirements. Failure to comply with any or all of the following development standards will result in revocation of the home occupation permit. The director shall have authority to place such restrictions and conditions on the permit as deemed necessary to protect the neighborhood from any detrimental effect which may arise from the proposed use. Once a home occupation permit has been issued, it shall not be transferable to another person or location, nor shall the specified conditions be changed in any manner except upon reapplication. If after issuance of the permit, the use violates any of the conditions of the permit, or if the director otherwise finds the use to have a detrimental effect on the surrounding neighborhood, the director shall have the authority to place additional restrictions on the permit or to revoke the permit and order the use abated.

B. Criteria. All permitted home occupations shall comply with the following criteria:

1. **Business License:** All home occupations shall be required to obtain a business license as provided for in Chapter [5.01](#) CRMC. Consideration of a home occupation business license requires a Type I development review process, the application materials and procedures for which are provided in CRMC [17.77.040](#). Thereafter all home occupations shall be required to renew the business license each year from the city clerk-treasurer's office and, upon review by an authorized representative of the city ~~and/or fire department,~~ shall:
 - a. Either be allowed to continue if found to be conforming to this title or any conditional use requirements;
 - b. Be allowed to continue with corrective modifications made by the applicant if found to be nonconforming to any requirements of this title or any conditional use requirements; or
 - c. Be discontinued for cause if found to be nonconforming to this title or any conditional use requirements and, despite modifications, the use is not capable of conformance.
- ~~1.2.~~ **Annual Inspection:** ~~During the required annual inspection it shall be determined if the current conditions of the home occupation comply with those that existed at the time of original approval and the other criteria of this section. An inspection shall be required upon the initial application to confirm compliance with this Chapter.~~ Additionally, the city clerk-treasurer or designated representative may inspect the location of the home occupation at any time during the year if there is reason to believe that the provisions of this title are not being obeyed or if changes have occurred to the structure that could have altered compliance with this Chapter. For example, a complaint is made against the home occupation or possible inappropriate activities are observed by city staff. If the home occupation is not in compliance with this section then the alternatives listed in subsection (A) of this section shall apply.
3. **Building Code Compliance:** The home occupation shall not result in an increase in the life safety hazard rating of the subject property as defined in the building and fire code. The applicant shall produce copies of a floor plan in accordance with the requirements listed in 17.77.040.
4. The home occupation is to be secondary to the main use of the dwelling as a residence or a single residential accessory building.
5. The home occupation does not generate, in excess of levels customarily found in residential neighborhoods in the City, any vibration, smoke, dust, odors, noise, electrical interference with radio or television transmission or reception, or heat or glare that is noticeable at or beyond the property line of the subject property.
- ~~2.6.~~ No entrance to the space devoted to the home occupation other than from within the dwelling or accessory building shall be allowed except when otherwise required by law.
- ~~3.7.~~ A maximum of two persons may be engaged in the home occupation, provided the business owner resides in the dwelling unit associated with the home occupation.
8. Window displays or sample commodities displayed outside the home or accessory structure may be permitted as a conditional use or a temporary use permit if associated with a temporary sale or event.
9. Home occupation signs shall meet the standards in 17.82.

10. No materials or mechanical equipment shall be used which will be detrimental to or cause adverse effects to the residential use of the dwelling, accessory building, adjoining dwellings, or neighbors because of vibrations, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
11. No materials or commodities shall be delivered to or from the resident which are of such bulk or quantity as to require delivery by a commercial vehicle or trailer, excluding such small delivery vehicles as the United States Postal Service, UPS, Federal Express, Pony Express and other similar services.
12. The type of use, as determined by the city director of public works, shall not be one which generates frequent customer visits, creates street-side parking problems or inconveniences to adjacent and nearby residents, or creates potential or real traffic hazards to neighborhood residents.
13. Materials, products or commodities related to the home occupation may be stored and/or operated upon any yard area of the subject residential property as a conditional use.
- 4.14. Fees for home occupation business licenses, conditional use permits and required inspections shall be set forth in a fee schedule as determined by the city council and/or fire department.

PUBLIC NOTICE
Notice of Application, SEPA DNS, and Public Hearing
Text Amendments to Castle Rock Municipal Code Titles 5 and 17
Short Term Rentals and Home Occupations

September 7, 2022

Proponent: City of Castle Rock, WA

Location: Citywide zoning text amendments

Lead agency: City of Castle Rock, WA

Description of proposal: The City of Castle Rock is initiating text amendments to the Castle Rock Municipal Code pertaining to Titles 5 and 17 Short Term Rentals and Home Occupations. These amendments seek compliance with the Washington State Growth Management Act (GMA), RCW 36.70A and Castle Rock Municipal Code Chapter 17.72. Please contact the City of Castle Rock to view the proposed amendments.

Determination of Non-Significance (DNS): The City of Castle Rock Planning Department determined that these proposals will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request at: 141 "A" Street SW, Castle Rock, WA 98611.

Notice of Public Hearing of the Planning Commission:

Date: Wednesday, September 21, 2022

Time: 6:00 pm

Location: Castle Rock City Hall, 141 "A" Street SW, Castle Rock, WA 98611

Purpose: To review the proposed text amendments and make a recommendation to the City Council, pursuant to Castle Rock Municipal Code 17.72.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from September 6, 2022. Comments must be submitted by September 21, 2022, to the City of Castle Rock Agency Contact below.

AGENCY CONTACT: Karlene Akesson, Deputy Clerk
141 "A" Street SW, Castle Rock, WA 98611
kakesson@ci.castle-rock.wa.us
360-274-8181

RESPONSIBLE OFFICIAL: Ryan Shea, City Planner
141 "A" Street SW, Castle Rock, WA 98611
ryanpatrick.shea@scjalliance.com
360-352-1465, ext. 360

Signature: Ryan Shea, September 7, 2022



You may appeal this determination pursuant to CRMC 18.04.220, an appeal of SEPA threshold determinations or SEPA actions shall be combined with any appeals of associated applications or permits. Appeals must be filed within 10 days of the decision and must be appealed to Castle Rock City Council.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:

Amendments to Castle Rock Municipal Code Title 5 creating a Short Term Rentals ordinance and Title 17 amending the Home Occupation ordinance.

2. Name of applicant:

City of Castle Rock.

3. Address and phone number of applicant and contact person:

**Attn: Ryan P. Shea
City Planner
208-310-2083
141 A Street SW
Castle Rock, WA 98611**

4. Date checklist prepared:

September 2, 2022.

5. Agency requesting checklist:

Washington State Department of Ecology.

6. Proposed timing or schedule (including phasing, if applicable):

These are nonproject actions.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Nonproject actions, this is not applicable. Development proposals emerging subsequent to the adoption of these updates would be evaluated relative to federal, state, and local regulations and standards on an individual project-specific basis.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Nonproject actions, this is not applicable.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No.

10. List any government approvals or permits that will be needed for your proposal, if known.

None.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this

page. (Lead agencies may modify this form to include additional specific information on project description.)

The City of Castle Rock Planning Commission has proposed the creation of an ordinance regulating short term rentals and a modification of the regulations for home occupations. Please reference attachments 1-3 to view the complete additions and changes.

Attachment 1: Proposed Short Term Rental Code

Attachment 2: Existing Home Occupation Code

Attachment 3: Proposed Home Occupation Code

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

These ordinances will regulate short term rentals and home occupations within the City of Castle Rock city limits.

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. General description of the site:

(circle one) Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

Land within the city limits is generally flat with steeper slopes present on the northeast and southeast edges of the city. Small portions of these areas are in excess of 15% slopes.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The soil within the city limits is comprised primarily of silt loam and sandy soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

A river runs through the community which means there are a fair amount of hydric soils near it. However, these nonproject proposals are not anticipated to result in construction proposals that could impact these areas or other potentially unstable soils.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

An increase in new construction is not anticipated by the proposals and will not result in additional filling, grading, or excavation.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No erosion would result from the adoption of these proposals.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No increase in impervious surfaces is anticipated after the proposals are adopted. No increase in amenities such as hard surfaced parking lots or walkways are required above and beyond normal zoning requirements.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No impacts to erosion or other impacts to the earth are anticipated.

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

The proposals will not result in increased air emissions.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None.

3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Yes, there is surface water throughout the city limits primarily in the form of the Cowlitz River with various creeks and streams that flow into it.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

As nonproject actions, the proposals will not generate any work over, in, or adjacent to said river.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable for these proposals.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

There are 100-year floodplains within the City of Castle Rock. However, as nonproject actions the proposals will not result in projects that affect a floodplain hazard area.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable. The proposals are a nonproject action and do not recommend project actions on a specific site. Future development projects will be conditioned subject to consistency with water quality protection regulations.

2) Could waste materials enter ground or surface waters? If so, generally describe.

Not as a result of these proposals.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None.

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site:

- ☒X__ deciduous tree: alder, maple, aspen, other
- ☒X__ evergreen tree: fir, cedar, pine, other
- ☒X__ shrubs
- ☒X__ grass
- ☒X__ pasture
- ☒X__ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☒X__ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

The proposals will not directly or indirectly cause vegetation to be removed or altered.

c. List threatened and endangered species known to be on or near the site.

The Washington State Department of Fish and Wildlife does not report any threatened or endangered species within city limits.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None.

e. List all noxious weeds and invasive species known to be on or near the site.

Knotweed, poison hemlock.

5. **Animals** [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

Per NatureServe Explorer Pro and WDFW SalmonScape:

Birds: Eagles, Swallows

Mammals: White-tailed Deer

Fish: Chinook Salmon, Rainbow Trout, Largemouth Bass, Steelhead Trout, Chum Salmon, Coho Salmon, Mountain Whitefish, Cutthroat Trout.

b. List any threatened and endangered species known to be on or near the site.

The Washington State Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) interactive map was queried to identify potential priority habitat and species in the project area; fresh water emergent wetlands are dispersed on the outer city limits.

The U.S. Fish and Wildlife Service (USFWS) maintains an on-line list of federally listed as threatened or endangered in the State of Washington. There are no known federally listed threatened or endangered species near the project.

c. Is the site part of a migration route? If so, explain.

No.

d. Proposed measures to preserve or enhance wildlife, if any:

None. These nonproject actions will have no negative effect on wildlife.

e. List any invasive animal species known to be on or near the site.

None.

6. **Energy and Natural Resources** [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable.

- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

None. These proposals will not result in a reduction of energy conservation.

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.

No.

- 1) Describe any known or possible contamination at the site from present or past uses.

Not applicable.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable.

- 4) Describe special emergency services that might be required.

Not applicable.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short term rentals have the potential to create noise from guests congregating, celebrating, etc.

3) Proposed measures to reduce or control noise impacts, if any:

Within the short term rental ordinance, the city's nuisance code has been referenced within the proposed ordinance as the method to deal with noise complaints. Repeated violations will result in fines and eventually revocation of the short term rental license.

The proposed changes to the home occupation ordinance further seeks to reduce potential noise issues to surrounding neighborhoods by specifically prohibiting specific commercial-like uses such as repair or painting of automobiles, large appliance/power equipment repair, restaurants, and welding/fabrication shops.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

As a nonproject action affecting the entire city, there is no one land use that is applicable here but the land uses are typical of a small city. This proposal has the potential to affect land use to the extent that properties that are solely used as short term rentals will be limited in number within city limits.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

There are working farmlands and no working forest lands within City limits. Working farmlands lie on the northwest edge of the city. The proposals will not result in any conversion of working lands.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

The proposals will have no affect on surrounding working farm or forest land operations.

c. Describe any structures on the site.

Typical structures within a small city: residential, commercial, and industrial structures.

d. Will any structures be demolished? If so, what?

The proposals are not expected to lead to the demolition of any structures.

e. What is the current zoning classification of the site?

Zoning varies throughout the City of Castle Rock.

f. What is the current comprehensive plan designation of the site?

Land within the city have zoning designations that generally match the type, scale, and intensity of the development found there. The City of Castle Rock is primarily single family residential.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Yes, Cowlitz River.

i. Approximately how many people would reside or work in the completed project?

Not applicable.

j. Approximately how many people would the completed project displace?

Not applicable.

k. Proposed measures to avoid or reduce displacement impacts, if any:

One of the primary goals of the short term rental ordinance is to prevent the erosion of long term rentals by restricting the number of properties that can solely be used as short term rentals.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Another goal of both proposals is to help maintain neighborhood integrity. For instance, one requirement in the short term rental ordinance restricts the parking/storage of recreational vehicles connected to a short term rental. Further, the short term rental ordinance also restricts the total number of dwelling units that can be used solely for short term rentals which helps protect neighborhoods from

commercial-like uses. The home occupation ordinance adds code that restricts commercial-like uses within neighborhoods.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

No impacts to agricultural and forest lands of long-term commercial significance is anticipated with these proposals.

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

These proposals would not contribute additional dwelling units to the city but the short term rental ordinance may indirectly help satisfy demand within the long term rental market.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No change in number of dwelling units is anticipated with these proposals.

c. Proposed measures to reduce or control housing impacts, if any:

One of the goals of the short term rental ordinance is to help maintain the long term rental market by restricting homes that can solely be used as short term rentals.

10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The proposals will not affect structure height, this is not applicable.

b. What views in the immediate vicinity would be altered or obstructed?

No views in the city are anticipated to be altered or obstructed.

b. Proposed measures to reduce or control aesthetic impacts, if any:

Both proposals may directly affect aesthetic impacts to the City to the extent that both proposals aim to restrict negative aesthetic impacts to neighbors. Within the short term rental ordinance, if certain rentals become problematic there are measures in place to fine applicants and revoke licenses as necessary. The home occupation ordinance aims to restrict commercial-like uses from occurring in residential neighborhoods.

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

No form of additional light or glare is anticipated above and beyond what typical dwelling units produce.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

The proposals will not directly lead to projects that create more light or glare that create hazards.

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable.

- d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Cowlitz River, Castle Rock Bike Park, Lions Pride Park, Riverfront Trail, "The Rock", Skate Park, Memory Lane Park, Memorial Park, SC/Cold Water Park, CR/Toutle BB Fields, Elementary, Middle, and High Schools, Sports Complex.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

There is one building listed on the national register within Castle Rock: the Laughlin Round Barn located at 8249 Barnes Dr. Three structures are determined eligible for the register which are all centered in the commercial core along Cowlitz St W and 1st Ave SW.

The City's Comprehensive Plan lists the following properties as being historically significant:

- 1. Russell Residence: 112 Shintaffer, Constructed in 1900**
- 2. Jail: 100 Jackson Street, Constructed in 1906**
- 3. Pacific National Bank of Washington: 12 West Cowlitz, Constructed in 1904**
- 4. Pioneer Real Estate: Corner of First and "A", Constructed in 1900**
- 5. First Methodist Church: 715 First St, Constructed in 1884**
- 6. Moody Residence: 308 "B" St, Constructed in 1895**
- 7. Moody Residence 2: 500 Warren, Constructed in 1900**
- 8. Baugh Residence: 1008 Third, Constructed in 1900**
- 9. Bolar Residence: 1102 Second, Constructed in 1900**
- 10. Turnbough Residence: 1211 Front St, Constructed in 1900**

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

The Cowlitz River was used historically for a variety of purposes by Indians. The City's Comprehensive Plan briefly talks about the history of the area but identifies no local landmarks, cemeteries, or areas of cultural importance within the City limits outside of the historic structures listed in Question A above.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

These are nonproject actions that will not result in the ground being disturbed.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None. This proposal will not adversely affect historical resources.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The city's transportation consists of approximately 18 miles of roads. The federal and state routes consist of Interstate-5, State Route 411, and State Route 504.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Castle Rock is served by limited public transportation provided by Lower Columbia Community Action Council which runs a rural public transportation route between Vancouver and Tumwater with the nearest connection in Longview.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

- h. Proposed measures to reduce or control transportation impacts, if any:

None.

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Not applicable.

- b. Describe the utilities that are proposed for the project, the utility providing the service,
and the general construction activities on the site or in the immediate vicinity which might
be needed.

Not applicable.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the
lead agency is relying on them to make its decision.

Signature: 

Name of signee: **Ryan Shea**

Position and Agency/Organization: **Planner, SCJ Alliance. Contract City Planner for City of
Castle Rock, WA.**

Date Submitted: **September 6, 2022.**

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction
with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of
activities likely to result from the proposal, would affect the item at a greater intensity or
at a faster rate than if the proposal were not implemented. Respond briefly and in
general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; pro-
duction, storage, or release of toxic or hazardous substances; or production of noise?

They would not be likely to increase the above.

Proposed measures to avoid or reduce such increases are:

None.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

They would not be likely to affect the above.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None.

3. How would the proposal be likely to deplete energy or natural resources?

They would likely not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposals would not likely use or affect environmentally sensitive areas or areas designated for governmental protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposals are not likely to affect land and shoreline use.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposals are not likely to increase demands on transportation or public services/utilities.

Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposals do not conflict with local, state, or federal laws/requirements as they relate to the protection of the environment.

1. CALL TO ORDER

Regular Meeting Called to Order: Chairperson Sullivan called the regular meeting to order at 6:00pm.

a. Roll Call

Members Present: Chairperson Rick Sullivan, Vice-Chair Matt Rassmussen, Commissioners Richard Skreen (remote), and Ryane Olin.

Members Excused: Justice Wyonne

Members Absent: Leah Medina.

Staff Present: Contracted Planners Rachel Granrath (remote) and Ryan Shea (remote); Secretary Karlene Akesson.

2. APPROVAL OF MINUTES

a. July 20, 2022 PC Minutes

Commissioner Ryane Olin motioned to approve the July 20, 2022 Planning Commission meeting minutes. Vice-Chair Rassmussen seconded the motion. By consensus, the minutes were approved.

3. PUBLIC HEARING

a. **Open Public Meeting:** Text Amendments to Castle Rock Municipal Code Title 5 and 17 - Short Term Rentals and Home Occupations

Public Hearing - Short Term Rentals - The Public Hearing for Short Term Rentals was opened at 6:04pm by Chairperson Sullivan.

Public Hearing - Home Occupations - The Public Hearing for Home Occupations was opened at 6:12pm by Chairperson Sullivan.

b. **Staff Report:** Short Term Rentals

Public Hearing - Short Term Rentals - Planner Ryan Shea presented the Staff Report proposing to amend Castle Rock Municipal Code (CRMC) Title 5 to create an ordinance regulating short-term rentals (STRs).

c. **Staff Report:** Home Occupations

Public Hearing - Home Occupations - Planner Ryan Shea presented the Staff Report proposing to amend Castle Rock Municipal Code (CRMC) Chapter 17.48.120-150 Home Occupations to streamline it, making it easier to implement and enforce.

d. **Public Testimony**

Public Hearing - Short Term Rentals - No members of the general public were present to offer public testimony.

Public Hearing - Home Occupations - No members of the general public were present to offer public testimony.

e. Close Public Hearing

Public Hearing - Short Term Rentals - At 6:11pm, Chairperson Sullivan closed the Public Hearing for Short Term Rentals.

Public Hearing - Home Occupations - At 6:17pm, Chairperson Sullivan closed the Public Hearing for Home Occupations.

4. DISCUSSION & RECOMMENDATIONS

a. Text Amendments to Castle Rock Municipal Code (CRMC) Titles 5 and 17 - Short Term Rentals (STR) and Home Occupations

Public Hearing - Short Term Rentals - The Commissioners shared their comments on the Short Term Rentals (STR) proposed ordinance. Commissioner Olin motioned to approve and recommend, as submitted, the proposed STR ordinance for Council review. Vice-Chair Rasmussen seconded the motion. By consensus, the approval and recommendation were approved.

Public Hearing - Home Occupations - The Commissioners shared their comments regarding the proposed amendments to the Castle Rock Municipal Code (CRMC) Title 17.48.120-150 Home Occupations. Commissioner Olin motioned to approve and recommend, as submitted, the proposed amendments to CRMC Title 17.48.120-150 Home Occupations for Council review. Vice-Chair Rasmussen seconded the motion. By consensus, the approval and recommendation were approved.

5. PUBLIC COMMENT

No members of the general public were present to offer public testimony.

6. OLD BUSINESS

There was no old business presented or discussed.

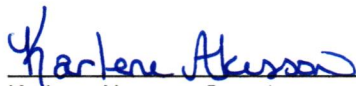
7. NEW BUSINESS

There was no new business presented or discussed.

8. ADJOURNMENT

Vice-Chair Rasmussen motioned to adjourn the regular meeting, Commissioner Olin seconded the motion. All were in favor.

At 6:19pm, Chairperson Sullivan adjourned the regular meeting.


Karlene Akesson, Secretary

ORDINANCE NO. 2023-02

AN ORDINANCE RELATING TO SHORT TERM RENTALS AMENDING THE CITY'S TITLE 5 BUSINESS TAXES, LICENSES AND REGULATIONS TO ADD CHAPTER 5.57 SHORT TERM RENTALS, TO INCLUDE SECTION 5.57.010 PURPOSE, 5.57.020 DEFINITIONS, 5.57.030 GENERAL REQUIREMENTS, 5.57.040 APPLICATION REQUIREMENTS, 5.57.050 RENTAL TYPE AND DENSITY REQUIREMENTS, 5.57.060 DEVELOPMENT STANDARDS, 5.57.070 TERM OF THE ANNUAL PERMIT AND LICENSE, 5.57.080 VIOLATION AND REPEAT OFFENSES, 5.57.090 DENIAL OF APPLICATION FOR A SHORT TERM RENTAL, 5.57.100 APPEAL, AND 5.57.110 SEVERABILITY.

WHEREAS, the City Planner initiated an application for the addition of the Short Term Rental Code Chapter 5.57 in the Castle Rock Municipal Code; and

WHEREAS, the proposed Short Term Rental code was referred to and a Public Hearing was held by the Planning Commission on September 7, 2022; and

WHEREAS, the Planning Commission after review and consideration of public comment and testimony, staff reports, and other relevant information, recommended that the City Council adopt the proposed Chapter 5.57 Short Term Rentals as submitted to the Commission; and

WHEREAS, the City Planner submitted the Short Term Rentals chapter to the Department of Commerce for 60-day review and compliance with the Growth Management Act and notice of Intent to Adopt on September 8, 2022 and received no recommendations for change; and

WHEREAS, the ordinance was read for the first time and adopted by unanimous vote of the City Council on February 13, 2023.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Rock, Washington that

The facts states in the above recitals are true; and

That all procedural requirements for nonemergency ordinances in accordance with the Castle Rock Municipal Code Title 2 regarding the present ordinance have been properly complied with; and

NOW THEREFORE, the City Council of the City of Castle Rock ordains as follows:

Chapter 5.57

Short Term Rentals

5.57.010: Purpose.

- A. The purpose of this chapter is to establish regulations for the operation of short term rentals within the city. It does not apply to hotels, motels, and bed and breakfasts.
- B. The provisions of this chapter are necessary to provide adequate housing opportunities to low and moderate income persons and to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by short term rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and that they won't unreasonably reduce community housing opportunities. Maintenance of the city's existing residential neighborhoods is essential to its continued social and economic strength. It is the intent of this chapter to protect housing availability and to minimize the impact of short

term rentals on adjacent residences, and to minimize the impact of the commercial character of short term rentals.

5.57.020: Definitions.

The definitions set forth in this section and Chapter 17.16 shall apply to short term rental properties.

- A. “Authorized agent” is a property management company or other entity or person who has been designated by the owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- B. “Event” means wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity.
- C. “Local contact” means a person identified by the owner who is available to respond twenty-four hours a day, seven days a week, to any complaint involving the short term rental.
- D. “Owner” means the person that owns and holds legal and/or equitable title to the property.
- E. “Principal residence” means the residence where the owner personally resides two hundred seventy-five or more days each calendar year.
- F. “Short term rental” means temporary lodging for charge or fee at a dwelling unit for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month.
- G. “Short term rental type 1” means short term rental wherein rooms are rented within a dwelling unit and the owner or long-term renter is personally present at the dwelling unit during the rental period or the entire dwelling is rented for no more than ninety total days in a calendar year. Portions of calendar days shall be counted as full days.
- H. “Short term rental type 2” means a short term rental where an entire dwelling unit is rented and the property owner does not reside on-site.

5.57.030 General requirements.

- A. No owner or property within the Castle Rock city limits may offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short term rental without a Castle Rock short term rental permit and license and any applicable state and federal requirements. Offer includes through any media, whether written, electronic, web-based, digital, mobile, or otherwise.
- B. A short term rental is a permitted use in any conforming or preexisting dwelling unit in any zone.

5.57.040 Application requirements.

In addition to the general application requirements of the designated review level, applicants for a short term rental permit and license and yearly renewals must pay the fees stated herein and provide the following additional information as required on the forms provided by the city. The process for such permits shall be Type I – Administrative I.

- A. All short term rentals shall be required to obtain a business license as provided for in Chapter 5.01 CRMC.
- B. Verification that lodging and business taxes through the previous quarter from the expiration date have been remitted to the Washington State Department of Revenue for an existing short term rental. If applying for a new short term rental, then verification of lodging taxes will be done at the annual renewal of the license.
- C. Fees shall be paid per the City fee schedule.

- D. Evidence of meeting the Washington State standards regulating Consumer Safety and Liability insurance as stated in RCW 64.37.
- E. Notification that the renter is responsible for complying with this chapter and that the renter may be cited or fined by the city for violating any provisions of this chapter.
- F. Provide information identifying all websites and other locations where availability of the short term rental is posted (such as VRBO/Air BNB/etc.) or advertised and any listing number(s). (The city issued permit and license number(s) must be part of any posting or advertisement of the short term rental.)
- G. Such other information the City Planner or designee deems reasonably necessary to administer this chapter.

5.57.050 Short term rental type and density requirements.

- A. Type 1 Short term Rentals: Allowed in any residential dwelling unit.
 - 1. If a Type 1 rental is being rented without the property owner onsite, the contact information of a local contact person available 24/7 within fifteen miles of the rental shall be provided to the renter.
- B. Type 2 Short term Rentals:
 - 1. Maximum of two separate Type 2 rentals are allowed per owner.
 - 2. Maximum of one Type 2 rental per parcel is allowed.
 - 3. Contact information for a local contact person available 24/7 within fifteen miles of the rental shall be provided to the renter.
 - 4. The maximum amount of Type 2 rentals allowed are eleven.
 - 5. License issuance and continued validity for Type 2 rentals shall be contingent upon the owner's good faith effort to actively engage in the rental of the property. Failure to provide documentation of rental activity for a minimum of twelve nights during a twelve month period, pro-rated quarterly, prior to the renewal deadline shall constitute an immediate forfeiture of the license.

5.57.060 Development standards.

- A. Recreational vehicles and other similar vehicles, machines, or recreational devices are not permitted to be parked on site or within the public right-of-way related to short term rentals.
- B. Short term rentals are prohibited to be utilized as event space.
- C. For Type 2 Short term Rentals a local contact must be provided who is able to respond twenty-four hours a day, seven days a week to any complaints. The local contact must be within fifteen miles of the rental.
- D. A short term rental permit and license will not be issued if the owner is not current on lodging tax payments to the Washington State Department of Revenue for an existing short term rental. If applying for a new short term rental then verification of lodging taxes paid will be done at the annual renewal.
- E. Functioning fire extinguisher(s) shall be installed within the short term rental. Number and location will be determined based on the size of the structure during the inspection process.
- F. If the short term rental property has a pool then the pool must be fenced meeting the requirements of the IRC.

5.57.070 Term of annual permit and license.

- A. Short term rental permits and licenses shall be issued for a period of one year, with its effective date running from the date of issuance. The permit and license must be renewed annually.

Applicable standards of this chapter must be met and the following renewal requirements must also be met:

1. Verification that all lodging taxes for year have been paid to the Washington State Department of Revenue.
 2. Owner or authorized agent is responsible for scheduling the annual inspection.
- B. The short term rental permit and license will be issued in the name of the owner. If the property is sold, and the new owner or authorized agent continues the property as a short term rental then the new owner or authorized agent is required to obtain a short term rental permit and license and comply with the regulations outlined in this chapter.

5.57.080 Violation and repeat offenses.

- A. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property within the city as a short term rental without a permit and license authorizing such use that has been approved and issued in the manner required by this chapter.
- B. Failure of the owner or the authorized agent or local contact of a short term rental to respond to a nuisance complaint to the Castle Rock police department arising out of the occupancy and use of the short term rental by a tenant, or the tenant's visitors or guests, is a violation and will be fined as follows:
1. First call and violation received no charge;
 2. Second call and violation received seven hundred fifty dollars;
 3. Third call and violation received one thousand dollars; and
 4. Fourth call and violation received permit and license revoked.
- C. In addition to any other remedy provided by this chapter, a short term rental permit and license issued pursuant to this chapter may be suspended, modified, or revoked for violations of this chapter, for violation of any other law on the premises of the short term rental, or for the maintenance of such other conditions as may be shown to be injurious to the public health and safety.
- D. Violation of this chapter shall be processed as outlined in Chapter 8.04: Nuisances.

5.57.090 Denial of application for a short term rental.

An application for a short term rental shall be denied if the approving authority finds that either the application or record fails to establish compliance with the provisions of this chapter. When any application is denied, the approving authority shall state the specific reasons, and shall cite the specific provisions and sections of this code on which the denial is based.

5.57.100 Appeal.

Decisions regarding short term rentals may be appealed per the procedures outlined in Chapter 17.77.040: Development permit review procedures.

5.57.110 Severability.

If any chapter, section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter and each section, subsection, sentence, clause, or phrase thereof.

PASSED by the City Council and signed by the Mayor on this ____ day of _____, 2023.

Mayor Paul Helenberg

Attest:

Approved as to form:

Clerk-Treasurer

City Attorney

ORDINANCE NO. 2023-02

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- F. Provide information identifying all websites and other locations where availability of the short term rental is posted (such as VRBO/Air BNB/etc.) or advertised and any listing number(s). (The city issued permit and license number(s) must be part of any posting or advertisement of the short term rental.)
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- B. Short term rentals are prohibited to be utilized as event space.
- C. For Type 2 Short term Rentals a local contact must be provided who is able to respond twenty-four hours a day, seven days a week to any complaints. The local contact must be within fifteen miles of the rental.
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- E. Functioning fire extinguisher(s) shall be installed within the short term rental. Number and location will be determined based on the size of the structure during the inspection process.
- F. If the short term rental property has a pool then the pool must be fenced meeting the requirements of the IRC.

5.57.070 Term of annual permit and license.

- A. Short term rental permits and licenses shall be issued for a period of one year, with its effective date running from the date of issuance. The permit and license must be renewed annually. Applicable standards of this chapter must be met and the following renewal requirements must also be met:
 - 1. Verification that all lodging taxes for year have been paid to the Washington State Department of Revenue.
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5.57.080 Violation and repeat offenses.

- A. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property within the city as a short term rental without a permit and license authorizing such use that has been approved and issued in the manner required by this chapter.
- B. Failure of the owner or the authorized agent or local contact of a short term rental to respond to a nuisance complaint to the Castle Rock police department arising out of the occupancy and use of the short term rental by a tenant, or the tenant's visitors or guests, is a violation and will be fined as follows:
 - 1. First call and violation received no charge;
 - 2. Second call and violation received seven hundred fifty dollars;
 - 3. Third call and violation received one thousand dollars; and
 - 4. Fourth call and violation received permit and license revoked.
- C. In addition to any other remedy provided by this chapter, a short term rental permit and license issued pursuant to this chapter may be suspended, modified, or revoked for violations of this chapter, for violation of any other law on the premises of the short term rental, or for the maintenance of such other conditions as may be shown to be injurious to the public health and safety.
- D. Violation of this chapter shall be processed as outlined in Chapter 8.04: Nuisances.

5.57.090 Denial of application for a short term rental.

An application for a short term rental shall be denied if the approving authority finds that either the application or record fails to establish compliance with the provisions of this chapter. When any application is denied, the approving authority shall state the specific reasons, and shall cite the specific provisions and sections of this code on which the denial is based.

5.57.100 Appeal.

Decisions regarding short term rentals may be appealed per the procedures outlined in Chapter 17.77.040: Development permit review procedures.

5.57.110 Severability.

If any chapter, section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter and each section, subsection, sentence, clause, or phrase thereof.

PASSED by the City Council and signed by the Mayor on this ____ day of _____, 2023.

Mayor Paul Helenberg

Attest:

Approved as to form:

Clerk-Treasurer

City Attorney

CITY OF CASTLE ROCK

PLANNING DEPARTMENT

STAFF REPORT

TO: City Council

FROM: City of Castle Rock Planning Department, Malissa Paulsen, SCJ Alliance Planning Consultant

MEETING DATE: Monday, January 23, 2023

REQUEST: Amendments to Castle Rock Municipal Code Title 5 to create a Short-Term Rental ordinance

General Information

The City of Castle Rock is proposing amendments to the Castle Rock Municipal Code (CRMC) Title 5 to create an ordinance regulating short term rentals (STRs). Castle Rock does not have a tourist-centric economy and has thus not experienced STR activity as much as other communities. However, due to STRs having the potential to adversely affect neighborhood character and function as quasi-commercial uses in residential zones, the city wishes to get ahead of the problem early.

The proposed ordinance defines STRs as temporary lodging for charge/fee for a rental period less than a month and aims to strike a balance between regulation and private property rights by differentiating STRs into two types.

- Type 1: Situations where a homeowner rents out a room within a house or wants to rent out their entire home up to ninety days in length. For example, a schoolteacher on vacation for the entire summer who wishes to rent their home out as supplemental income.
- Type 2: These are dwelling units that are solely being used as short term rentals. These are capped at 1% of the total dwelling units in the city, which comes to 11 citywide. They are additionally restricted to one per parcel and two per owner.

Both types of permits would be required to obtain permits and would be required to be renewed annually. This permitting process ensures that STRs are licensed as businesses, safety measures are installed, liability insurances has been obtained, fire extinguishers installed, and the city is aware of where the STR is being advertised. Violations and penalties are also in place to help deal with STRs that are causing issues such as noise complaints, trash/garbage, etc. There is a sliding scale for fines up to 3 instances and then on the 4th the permit and license is revoked.

Your task is to review the proposed ordinance, hear public comment (if any), deliberate, make any changes as necessary, and make the final decision to approve, approve with conditions, or deny this proposed ordinance.

Noticing & Comments

The application went through multiple iterations and discussions at two planning commission workshops. Notice for the public hearing was posted in the local paper on September 7, 2022. The following table illustrates the application and notice compliance procedures:

Application & Public Hearing Notice Compliance

Planning Commission Workshops:	June 14 and July 20, 2022
Public Notice Posting	September 7, 2022
Notice of Public Hearing and SEPA DNS	September 7, 2022
Public Written Comment Period:	September 7-21, 2022
Public Hearing:	Planning Commission: September 21, 2022 at 6:00 pm Recommended approval as submitted
City Council Meeting:	January 23, 2023 at 7:30 pm

Agency/ Public Comment:

Staff has not received written comment either from the public or agencies. The Department of Commerce had an expedited review and the City incorporated requests or changes provided by the agency as appropriate.

REGULATORY REVIEW

SEPA Environmental Review

The City of Castle Rock has determined that this proposal will not have a probable significant adverse impact on the environment that cannot be mitigated through compliance with the conditions of the Quincy Municipal Code and other applicable regulations. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist on file with the lead agency. The project was determined to be a nonproject action due to the nature of the amendment.

City of Castle Rock Comprehensive Plan

The Comprehensive Plan has been reviewed for the use and Staff finds that the project is consistent with the Comprehensive Plan.

REVIEW CRITERIA:

Review Requirement	Staff Analysis
A. The change is consistent with the purposes of the Comprehensive Plan;	Criteria Met: There are a variety of goals and policies that this code amendment addresses. • Residential Development Goal 1: Maintain stability and improve the vitality of residential neighborhoods. The code implements a classification system to differentiate between low impact STRs and higher impact dedicated STRs. Additionally, the code is proposing to utilize the city's nuisance abatement code and a penalty system to help deal with problematic STRs. • Residential Development Goal 2: Provide opportunity for a broad range of housing choices to meet the changing needs of the community. One of the core issues with STRs is that they can take housing units off the long-term rental market. By restricting dwelling units that can solely be used as STRs the ordinance is helping ensure a broader range of housing choices can be

	provided to the community. • <i>Residential Development Goal 3: Discourage the conversion of residential use to non-residential use to protect existing residential neighborhoods.</i> STRs act like commercial uses such as hotel/motels but are oftentimes in residential neighborhoods. This ordinance would help maintain traditional residential uses in neighborhoods. • <i>Land Development/Subdivision Goal 4: Maintain the “small town” feeling that makes it enjoyable to live in Castle Rock.</i> Restricting STRs which have potential to alter neighborhood character helps make the ordinance consistent with this goal. • <i>Housing Policy 4: Due to minimal land supply, the City should discourage the conversion of residential areas to non-residential uses.</i> The ordinance helps restrict the total number of dwelling units that can be solely used as an STR which have a higher chance of acting like commercial uses in residential areas. • <i>Economic Development Goal 1: Take steps to be the “gateway”, “staging area”, and shopping and supply base for tourists embarking up the Spirit Lake Highway corridor to Mount St. Helens related attractions.</i> The proposed ordinance provides owners options to provide tourists with short term stays.
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Public Hearings Required: Prior to the adoption of any Proposed amendments, supplementations, modifications, or repeals of or to the code a public hearing shall be held by the Planning Commission, pursuant to the requirements of the Castle Rock Municipal Code, who shall make recommendations to the City Council. This requirement was satisfied on September 21, 2022 at the Regular Planning Commission meeting, where the commission recommended approval.

Recommendation

Based on the information contained in the file, compliance with the Revised Code of Washington, the Washington Administrative Code, the City of Castle Rock Comprehensive Plan, Staff recommends **APPROVAL** of the proposed Municipal Code amendments.

City Council Action

City Council shall approve, approve with conditions, or deny the Code Amendment as outlined in this staff report and the following exhibits.

Exhibits

- Exhibit A: Proposed Code Amendments
- Exhibit B: Non-project SEPA Checklist
- Exhibit C: Minutes from 9/21/2022 Planning Commission Meeting

City of Castle Rock

Short Term Rental Code Amendments

City Council | January 23, 2023



For Tonight...

1. History, Noticing Procedures and Comments
2. Overview of the proposed ordinance
3. SEPA Review
4. Compliance with the Comprehensive Plan
5. Questions



History, Noticing Procedures and Comments

1. Planning Commission workshops on 6/14 & 7/20
2. Public notice posted in The Daily News on 9/7
3. Written comment period ended EOD today
 - No comment received
4. Public Hearing with Planning Commission on 09/21/2022
 - Recommended approval as submitted
5. 60-day GMA Notice of Intent to adopt
 - 09/08/2022 - 11/08/2022
6. City Council decision meeting 01/23/2023

Short Term Rental Ordinance Overview

1. Classifies STRs into two types:
 1. Type 1: Rooms for rent when homeowner is present
 2. Type 2: Dwelling unit solely being used as a STR
2. Application procedure and compliance with state codes
3. Violations & Penalties
4. Use-it-or-lose-it requirement added for Type 2 STRs



SEPA Review

1. As part of WA State requirements, a SEPA checklist was completed
2. A Determination of Non-significance was made (DNS)



Compliance with the Castle Rock Comprehensive Plan

1. The proposed ordinance is consistent with the Comprehensive Plan and six specific goals or policies were highlighted in staff report
2. No goals or policies were identified to be inconsistent with the ordinance



Questions?



Thank you.



SCJ ALLIANCE
CONSULTING SERVICES

Chapter 5.57

Short Term Rentals

5.57.010: Purpose.

- A. The purpose of this chapter is to establish regulations for the operation of short term rentals within the city. It does not apply to hotels, motels, and bed and breakfasts.
- B. The provisions of this chapter are necessary to provide adequate housing opportunities to low and moderate income persons and to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by short term rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and that they won't unreasonably reduce community housing opportunities. Maintenance of the city's existing residential neighborhoods is essential to its continued social and economic strength. It is the intent of this chapter to protect housing availability and to minimize the impact of short term rentals on adjacent residences, and to minimize the impact of the commercial character of short term rentals.

5.57.020: Definitions.

The definitions set forth in this section and Chapter 17.16 shall apply to short term rental properties.

- A. "Authorized agent" is a property management company or other entity or person who has been designated by the owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.
- B. "Event" means wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity.
- C. "Local contact" means a person identified by the owner who is available to respond twenty-four hours a day, seven days a week, to any complaint involving the short term rental.
- D. "Owner" means the person that owns and holds legal and/or equitable title to the property.
- E. "Principal residence" means the residence where the owner personally resides two hundred seventy-five or more days each calendar year.
- F. "Short term rental" means temporary lodging for charge or fee at a dwelling unit for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month.
- G. "Short term rental type 1" means short term rental wherein rooms are rented within a dwelling unit and the owner or long-term renter is personally present at the dwelling unit during the rental period or the entire dwelling is rented for no more than ninety total days in a calendar year. Portions of calendar days shall be counted as full days.
- H. "Short term rental type 2" means a short term rental where an entire dwelling unit is rented and the property owner does not reside on-site.

5.57.030 General requirements.

- A. No owner or property within the Castle Rock city limits may offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short term rental without a

Castle Rock short term rental permit and license and any applicable state and federal requirements.

Offer includes through any media, whether written, electronic, web-based, digital, mobile, or otherwise.

- B. A short term rental is a permitted use in any conforming or preexisting dwelling unit in any zone.

5.57.040 Application requirements.

In addition to the general application requirements of the designated review level, applicants for a short term rental permit and license and yearly renewals must pay the fees stated herein and provide the following additional information as required on the forms provided by the city. The process for such permits shall be Type I – Administrative I.

- A. All short term rentals shall be required to obtain a business license as provided for in Chapter 5.01 CRMC.
- B. Verification that lodging and business taxes through the previous quarter from the expiration date have been remitted to the Washington State Department of Revenue for an existing short term rental. If applying for a new short term rental, then verification of lodging taxes will be done at the annual renewal of the license.
- C. Fees shall be paid per the City fee schedule.
- D. Evidence of meeting the Washington State standards regulating Consumer Safety and Liability insurance as stated in RCW 64.37.
- E. Notification that the renter is responsible for complying with this chapter and that the renter may be cited or fined by the city for violating any provisions of this chapter.
- F. Provide information identifying all websites and other locations where availability of the short term rental is posted (such as VRBO/Air BNB/etc.) or advertised and any listing number(s). (The city issued permit and license number(s) must be part of any posting or advertisement of the short term rental.)
- G. Such other information the City Planner or designee deems reasonably necessary to administer this chapter.

5.57.050 Short term rental type and density requirements.

- A. Type 1 Short term Rentals: Allowed in any residential dwelling unit.
 - 1. If a Type 1 rental is being rented without the property owner onsite, the contact information of a local contact person available 24/7 within fifteen miles of the rental shall be provided to the renter.
- B. Type 2 Short term Rentals:
 - 1. Maximum of two separate Type 2 rentals are allowed per owner.
 - 2. Maximum of one Type 2 rental per parcel is allowed.
 - 3. Contact information for a local contact person available 24/7 within fifteen miles of the rental shall be provided to the renter.
 - 4. The maximum amount of Type 2 rentals allowed are eleven.
 - 5. License issuance and continued validity for Type 2 rentals shall be contingent upon the owner's good faith effort to actively engage in the rental of the property. Failure to provide documentation of rental activity for a minimum of twelve nights during a twelve month period, pro-rated quarterly, prior to the renewal deadline shall constitute an immediate forfeiture of the license.

5.57.060 Development standards.

- A. Recreational vehicles and other similar vehicles, machines, or recreational devices are not permitted to be parked on site or within the public right-of-way related to short term rentals.
- B. Short term rentals are prohibited to be utilized as event space.
- C. For Type 2 Short term Rentals a local contact must be provided who is able to respond twenty-four hours a day, seven days a week to any complaints. The local contact must be within fifteen miles of the rental.
- D. A short term rental permit and license will not be issued if the owner is not current on lodging tax payments to the Washington State Department of Revenue for an existing short term rental. If applying for a new short term rental then verification of lodging taxes paid will be done at the annual renewal.
- E. Functioning fire extinguisher(s) shall be installed within the short term rental. Number and location will be determined based on the size of the structure during the inspection process.
- F. If the short term rental property has a pool then the pool must be fenced meeting the requirements of the IRC.

5.57.070 Term of annual permit and license.

- A. Short term rental permits and licenses shall be issued for a period of one year, with its effective date running from the date of issuance. The permit and license must be renewed annually. Applicable standards of this chapter must be met and the following renewal requirements must also be met:
 - 1. Verification that all lodging taxes for year have been paid to the Washington State Department of Revenue.
 - 2. Owner or authorized agent is responsible for scheduling the annual inspection.
- B. The short term rental permit and license will be issued in the name of the owner. If the property is sold, and the new owner or authorized agent continues the property as a short term rental then the new owner or authorized agent is required to obtain a short term rental permit and license and comply with the regulations outlined in this chapter.

5.57.080 Violation and repeat offenses.

- A. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property within the city as a short term rental without a permit and license authorizing such use that has been approved and issued in the manner required by this chapter.
- B. Failure of the owner or the authorized agent or local contact of a short term rental to respond to a nuisance complaint to the Castle Rock police department arising out of the occupancy and use of the short term rental by a tenant, or the tenant's visitors or guests, is a violation and will be fined as follows:
 - 1. First call and violation received no charge;
 - 2. Second call and violation received seven hundred fifty dollars;
 - 3. Third call and violation received one thousand dollars; and
 - 4. Fourth call and violation received permit and license revoked.
- C. In addition to any other remedy provided by this chapter, a short term rental permit and license issued pursuant to this chapter may be suspended, modified, or revoked for violations of this chapter, for violation of any other law on the premises of the short term rental, or for the maintenance of such other conditions as may be shown to be injurious to the public health and safety.
- D. Violation of this chapter shall be processed as outlined in Chapter 8.04: Nuisances.

5.57.090 Denial of application for a short term rental.

An application for a short term rental shall be denied if the approving authority finds that either the application or record fails to establish compliance with the provisions of this chapter. When any application is denied, the approving authority shall state the specific reasons, and shall cite the specific provisions and sections of this code on which the denial is based.

5.57.100 Appeal.

Decisions regarding short term rentals may be appealed per the procedures outlined in Chapter 17.77.040: Development permit review procedures.

5.57.110 Severability.

If any chapter, section, subsection, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter and each section, subsection, sentence, clause, or phrase thereof.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[HELP\]](#)

1. Name of proposed project, if applicable:

Amendments to Castle Rock Municipal Code Title 5 creating a Short Term Rentals ordinance and Title 17 amending the Home Occupation ordinance.

2. Name of applicant:

City of Castle Rock.

3. Address and phone number of applicant and contact person:

**Attn: Ryan P. Shea
City Planner
208-310-2083
141 A Street SW
Castle Rock, WA 98611**

4. Date checklist prepared:

September 2, 2022.

5. Agency requesting checklist:

Washington State Department of Ecology.

6. Proposed timing or schedule (including phasing, if applicable):

These are nonproject actions.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Nonproject actions, this is not applicable. Development proposals emerging subsequent to the adoption of these updates would be evaluated relative to federal, state, and local regulations and standards on an individual project-specific basis.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Nonproject actions, this is not applicable.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No.

10. List any government approvals or permits that will be needed for your proposal, if known.

None.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this

page. (Lead agencies may modify this form to include additional specific information on project description.)

The City of Castle Rock Planning Commission has proposed the creation of an ordinance regulating short term rentals and a modification of the regulations for home occupations. Please reference attachments 1-3 to view the complete additions and changes.

Attachment 1: Proposed Short Term Rental Code

Attachment 2: Existing Home Occupation Code

Attachment 3: Proposed Home Occupation Code

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

These ordinances will regulate short term rentals and home occupations within the City of Castle Rock city limits.

B. Environmental Elements [\[HELP\]](#)

1. Earth [\[help\]](#)

a. General description of the site:

(circle one) Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)?

Land within the city limits is generally flat with steeper slopes present on the northeast and southeast edges of the city. Small portions of these areas are in excess of 15% slopes.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The soil within the city limits is comprised primarily of silt loam and sandy soils.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

A river runs through the community which means there are a fair amount of hydric soils near it. However, these nonproject proposals are not anticipated to result in construction proposals that could impact these areas or other potentially unstable soils.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

An increase in new construction is not anticipated by the proposals and will not result in additional filling, grading, or excavation.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No erosion would result from the adoption of these proposals.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No increase in impervious surfaces is anticipated after the proposals are adopted. No increase in amenities such as hard surfaced parking lots or walkways are required above and beyond normal zoning requirements.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No impacts to erosion or other impacts to the earth are anticipated.

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

The proposals will not result in increased air emissions.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None.

3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Yes, there is surface water throughout the city limits primarily in the form of the Cowlitz River with various creeks and streams that flow into it.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

As nonproject actions, the proposals will not generate any work over, in, or adjacent to said river.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable for these proposals.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

There are 100-year floodplains within the City of Castle Rock. However, as nonproject actions the proposals will not result in projects that affect a floodplain hazard area.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

No.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable. The proposals are a nonproject action and do not recommend project actions on a specific site. Future development projects will be conditioned subject to consistency with water quality protection regulations.

2) Could waste materials enter ground or surface waters? If so, generally describe.

Not as a result of these proposals.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None.

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site:

- ☒ X deciduous tree: alder, maple, aspen, other
- ☒ X evergreen tree: fir, cedar, pine, other
- ☒ X shrubs
- ☒ X grass
- ☒ X pasture
- ☒ X crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☒ X wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

The proposals will not directly or indirectly cause vegetation to be removed or altered.

c. List threatened and endangered species known to be on or near the site.

The Washington State Department of Fish and Wildlife does not report any threatened or endangered species within city limits.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None.

e. List all noxious weeds and invasive species known to be on or near the site.

Knotweed, poison hemlock.

5. **Animals** [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

Per NatureServe Explorer Pro and WDFW SalmonScape:

Birds: Eagles, Swallows

Mammals: White-tailed Deer

Fish: Chinook Salmon, Rainbow Trout, Largemouth Bass, Steelhead Trout, Chum Salmon, Coho Salmon, Mountain Whitefish, Cutthroat Trout.

b. List any threatened and endangered species known to be on or near the site.

The Washington State Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) interactive map was queried to identify potential priority habitat and species in the project area; fresh water emergent wetlands are dispersed on the outer city limits.

The U.S. Fish and Wildlife Service (USFWS) maintains an on-line list of federally listed as threatened or endangered in the State of Washington. There are no known federally listed threatened or endangered species near the project.

c. Is the site part of a migration route? If so, explain.

No.

d. Proposed measures to preserve or enhance wildlife, if any:

None. These nonproject actions will have no negative effect on wildlife.

e. List any invasive animal species known to be on or near the site.

None.

6. **Energy and Natural Resources** [\[help\]](#)

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable.

- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe.

No.

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any:

None. These proposals will not result in a reduction of energy conservation.

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.

No.

- 1) Describe any known or possible contamination at the site from present or past uses.

Not applicable.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable.

- 4) Describe special emergency services that might be required.

Not applicable.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short term rentals have the potential to create noise from guests congregating, celebrating, etc.

3) Proposed measures to reduce or control noise impacts, if any:

Within the short term rental ordinance, the city's nuisance code has been referenced within the proposed ordinance as the method to deal with noise complaints. Repeated violations will result in fines and eventually revocation of the short term rental license.

The proposed changes to the home occupation ordinance further seeks to reduce potential noise issues to surrounding neighborhoods by specifically prohibiting specific commercial-like uses such as repair or painting of automobiles, large appliance/power equipment repair, restaurants, and welding/fabrication shops.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

As a nonproject action affecting the entire city, there is no one land use that is applicable here but the land uses are typical of a small city. This proposal has the potential to affect land use to the extent that properties that are solely used as short term rentals will be limited in number within city limits.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

There are working farmlands and no working forest lands within City limits. Working farmlands lie on the northwest edge of the city. The proposals will not result in any conversion of working lands.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

The proposals will have no affect on surrounding working farm or forest land operations.

c. Describe any structures on the site.

Typical structures within a small city: residential, commercial, and industrial structures.

d. Will any structures be demolished? If so, what?

The proposals are not expected to lead to the demolition of any structures.

e. What is the current zoning classification of the site?

Zoning varies throughout the City of Castle Rock.

f. What is the current comprehensive plan designation of the site?

Land within the city have zoning designations that generally match the type, scale, and intensity of the development found there. The City of Castle Rock is primarily single family residential.

g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Yes, Cowlitz River.

i. Approximately how many people would reside or work in the completed project?

Not applicable.

j. Approximately how many people would the completed project displace?

Not applicable.

k. Proposed measures to avoid or reduce displacement impacts, if any:

One of the primary goals of the short term rental ordinance is to prevent the erosion of long term rentals by restricting the number of properties that can solely be used as short term rentals.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Another goal of both proposals is to help maintain neighborhood integrity. For instance, one requirement in the short term rental ordinance restricts the parking/storage of recreational vehicles connected to a short term rental. Further, the short term rental ordinance also restricts the total number of dwelling units that can be used solely for short term rentals which helps protect neighborhoods from

commercial-like uses. The home occupation ordinance adds code that restricts commercial-like uses within neighborhoods.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

No impacts to agricultural and forest lands of long-term commercial significance is anticipated with these proposals.

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

These proposals would not contribute additional dwelling units to the city but the short term rental ordinance may indirectly help satisfy demand within the long term rental market.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No change in number of dwelling units is anticipated with these proposals.

c. Proposed measures to reduce or control housing impacts, if any:

One of the goals of the short term rental ordinance is to help maintain the long term rental market by restricting homes that can solely be used as short term rentals.

10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The proposals will not affect structure height, this is not applicable.

b. What views in the immediate vicinity would be altered or obstructed?

No views in the city are anticipated to be altered or obstructed.

b. Proposed measures to reduce or control aesthetic impacts, if any:

Both proposals may directly affect aesthetic impacts to the City to the extent that both proposals aim to restrict negative aesthetic impacts to neighbors. Within the short term rental ordinance, if certain rentals become problematic there are measures in place to fine applicants and revoke licenses as necessary. The home occupation ordinance aims to restrict commercial-like uses from occurring in residential neighborhoods.

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

No form of additional light or glare is anticipated above and beyond what typical dwelling units produce.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

The proposals will not directly lead to projects that create more light or glare that create hazards.

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable.

- d. Proposed measures to reduce or control light and glare impacts, if any:

None.

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Cowlitz River, Castle Rock Bike Park, Lions Pride Park, Riverfront Trail, "The Rock", Skate Park, Memory Lane Park, Memorial Park, SC/Cold Water Park, CR/Toutle BB Fields, Elementary, Middle, and High Schools, Sports Complex.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None.

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

There is one building listed on the national register within Castle Rock: the Laughlin Round Barn located at 8249 Barnes Dr. Three structures are determined eligible for the register which are all centered in the commercial core along Cowlitz St W and 1st Ave SW.

The City's Comprehensive Plan lists the following properties as being historically significant:

- 1. Russell Residence: 112 Shintaffer, Constructed in 1900**
- 2. Jail: 100 Jackson Street, Constructed in 1906**
- 3. Pacific National Bank of Washington: 12 West Cowlitz, Constructed in 1904**
- 4. Pioneer Real Estate: Corner of First and "A", Constructed in 1900**
- 5. First Methodist Church: 715 First St, Constructed in 1884**
- 6. Moody Residence: 308 "B" St, Constructed in 1895**
- 7. Moody Residence 2: 500 Warren, Constructed in 1900**
- 8. Baugh Residence: 1008 Third, Constructed in 1900**
- 9. Bolar Residence: 1102 Second, Constructed in 1900**
- 10. Turnbough Residence: 1211 Front St, Constructed in 1900**

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

The Cowlitz River was used historically for a variety of purposes by Indians. The City's Comprehensive Plan briefly talks about the history of the area but identifies no local landmarks, cemeteries, or areas of cultural importance within the City limits outside of the historic structures listed in Question A above.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

These are nonproject actions that will not result in the ground being disturbed.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None. This proposal will not adversely affect historical resources.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The city's transportation consists of approximately 18 miles of roads. The federal and state routes consist of Interstate-5, State Route 411, and State Route 504.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Castle Rock is served by limited public transportation provided by Lower Columbia Community Action Council which runs a rural public transportation route between Vancouver and Tumwater with the nearest connection in Longview.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No.

- h. Proposed measures to reduce or control transportation impacts, if any:

None.

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

No.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Not applicable.

- b. Describe the utilities that are proposed for the project, the utility providing the service,
and the general construction activities on the site or in the immediate vicinity which might
be needed.

Not applicable.

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the
lead agency is relying on them to make its decision.

Signature: 

Name of signee: **Ryan Shea**

Position and Agency/Organization: **Planner, SCJ Alliance. Contract City Planner for City of
Castle Rock, WA.**

Date Submitted: **September 6, 2022.**

D. Supplemental sheet for nonproject actions [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction
with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of
activities likely to result from the proposal, would affect the item at a greater intensity or
at a faster rate than if the proposal were not implemented. Respond briefly and in
general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; pro-
duction, storage, or release of toxic or hazardous substances; or production of noise?

They would not be likely to increase the above.

Proposed measures to avoid or reduce such increases are:

None.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

They would not be likely to affect the above.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None.

3. How would the proposal be likely to deplete energy or natural resources?

They would likely not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

None.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposals would not likely use or affect environmentally sensitive areas or areas designated for governmental protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposals are not likely to affect land and shoreline use.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposals are not likely to increase demands on transportation or public services/utilities.

Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposals do not conflict with local, state, or federal laws/requirements as they relate to the protection of the environment.

1. CALL TO ORDER

Regular Meeting Called to Order: Chairperson Sullivan called the regular meeting to order at 6:00pm.

a. Roll Call

Members Present: Chairperson Rick Sullivan, Vice-Chair Matt Rassmussen, Commissioners Richard Skreen (remote), and Ryane Olin.

Members Excused: Justice Wyonne

Members Absent: Leah Medina.

Staff Present: Contracted Planners Rachel Granrath (remote) and Ryan Shea (remote); Secretary Karlene Akesson.

2. APPROVAL OF MINUTES

a. July 20, 2022 PC Minutes

Commissioner Ryane Olin motioned to approve the July 20, 2022 Planning Commission meeting minutes. Vice-Chair Rassmussen seconded the motion. By consensus, the minutes were approved.

3. PUBLIC HEARING

a. **Open Public Meeting:** Text Amendments to Castle Rock Municipal Code Title 5 and 17 - Short Term Rentals and Home Occupations

Public Hearing - Short Term Rentals - The Public Hearing for Short Term Rentals was opened at 6:04pm by Chairperson Sullivan.

Public Hearing - Home Occupations - The Public Hearing for Home Occupations was opened at 6:12pm by Chairperson Sullivan.

b. **Staff Report:** Short Term Rentals

Public Hearing - Short Term Rentals - Planner Ryan Shea presented the Staff Report proposing to amend Castle Rock Municipal Code (CRMC) Title 5 to create an ordinance regulating short-term rentals (STRs).

c. **Staff Report:** Home Occupations

Public Hearing - Home Occupations - Planner Ryan Shea presented the Staff Report proposing to amend Castle Rock Municipal Code (CRMC) Chapter 17.48.120-150 Home Occupations to streamline it, making it easier to implement and enforce.

d. **Public Testimony**

Public Hearing - Short Term Rentals - No members of the general public were present to offer public testimony.

Public Hearing - Home Occupations - No members of the general public were present to offer public testimony.

e. Close Public Hearing

Public Hearing - Short Term Rentals - At 6:11pm, Chairperson Sullivan closed the Public Hearing for Short Term Rentals.

Public Hearing - Home Occupations - At 6:17pm, Chairperson Sullivan closed the Public Hearing for Home Occupations.

4. DISCUSSION & RECOMMENDATIONS

a. Text Amendments to Castle Rock Municipal Code (CRMC) Titles 5 and 17 - Short Term Rentals (STR) and Home Occupations

Public Hearing - Short Term Rentals - The Commissioners shared their comments on the Short Term Rentals (STR) proposed ordinance. Commissioner Olin motioned to approve and recommend, as submitted, the proposed STR ordinance for Council review. Vice-Chair Rasmussen seconded the motion. By consensus, the approval and recommendation were approved.

Public Hearing - Home Occupations - The Commissioners shared their comments regarding the proposed amendments to the Castle Rock Municipal Code (CRMC) Title 17.48.120-150 Home Occupations. Commissioner Olin motioned to approve and recommend, as submitted, the proposed amendments to CRMC Title 17.48.120-150 Home Occupations for Council review. Vice-Chair Rasmussen seconded the motion. By consensus, the approval and recommendation were approved.

5. PUBLIC COMMENT

No members of the general public were present to offer public testimony.

6. OLD BUSINESS

There was no old business presented or discussed.

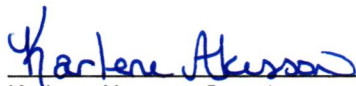
7. NEW BUSINESS

There was no new business presented or discussed.

8. ADJOURNMENT

Vice-Chair Rasmussen motioned to adjourn the regular meeting, Commissioner Olin seconded the motion. All were in favor.

At 6:19pm, Chairperson Sullivan adjourned the regular meeting.


Karlene Akesson, Secretary



SHEA, CARR & JEWELL, INC.
AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement for Professional Services (or this "Agreement") is dated January 24, 2023, ("Effective Date"), and is made and entered into by and between:

Firm: Shea, Carr & Jewell, Inc. (dba SCJ Alliance) ("SCJ")
Address: 8730 Tallon Lane NE, Suite 200, Lacey, WA 98516
Telephone: 360-352-1465
Fax: 360-352-1509

and

Client: City of Castle Rock ("Client")
Address: 141 "A" Street SW, PO Box 370, Castle Rock, WA 98611
Telephone: 360-274-8181
Fax: 360-274-4876
Email: ccuttonaro@ci.castle-rock.wa.us

Section 1 – The Project. SCJ shall perform all services, as described in Section 2 below, for the following project:

- a. Project Name:** City of Castle Rock On-Call General Planning (the "Project")
- b. Project Number:** SCJ# 22-000028 Client# N/A
- c. Project Location:** Castle Rock, WA

d. Project Timeline: SCJ shall perform its services as expeditiously as is consistent with the professional skill and care and the orderly progress of the Project. If SCJ is delayed in meeting this projected timeline due to causes beyond its control (including, but not limited to, war, riot, civil disorder, fire, labor trouble, strikes, accidents, energy failure, equipment breakdown, delays of suppliers, printers, or carriers, action of government or civil authority, or acts of God), then the projected timeline shall be extended accordingly.

e. Term: The Consultant's engagement and provision of Services will commence upon the Effective Date and will terminate upon written notice from the City. This contract is set to automatically renew for an automatic five (5) year term upon budget allocation from the annual City budget process, (the "Term") unless earlier terminated as provided in Section 8 below.

Section 2 – Scope of Work. SCJ shall perform the services (the "Work") described in Attachment A:



Section 3 – Compensation to SCJ. SCJ shall perform the Work for Client for the following compensation:

Budget Summary	Fee Amount	Fee Basis
Phase 01 – General Planning Assistance Staff Meetings, Commission and Council Meetings	\$T&M	T&M
Phase 02 – Development Review, General Development Review and Inquires	\$T&M	T&M
Phase 03 – Castle Rock Municipal Code: Code Review and Revisions	\$T&M	T&M
Phase 04 – Shoreline Master Program Compliance	\$T&M	T&M
Phase 05 – Comprehensive Plan Amendments		
Phase 98 – Additional Services	\$T&M	T&M
Phase 99 - Expenses	\$T&M	T&M
TOTAL ESTIMATED FEE:	\$T&M	

Time and Materials. When the basis of SCJ's compensation is time and materials, Client will pay SCJ for the time SCJ spends and all the expenses SCJ incurs (see expenses addressed below) in performing the Work, pursuant to the Billing Rate Schedule shown in Attachment B. SCJ may change its billing rates and/or the reimbursement rate for the expenses it incurs from time to time due to market conditions with prior notice to Client. If SCJ changes any of its billing rates and/or reimbursement rates for its expenses, SCJ shall promptly provide a copy of its revised Billing Rate Schedule to Client.

Changes in billing rates and/or reimbursement rates for expenses is not a basis for increasing the Total Estimated Fee shown above.

Lump Sum. When the basis of SCJ's compensation is a lump sum, Client will pay SCJ on a percent-complete basis of the Total Maximum Fee for the Work described in Section 2 of this Agreement. SCJ will be compensated in full upon completion of the Work. Any out-of-scope or extra services requested by the Client will be paid to SCJ on a time and materials basis in accordance with the provisions described above under Time and Materials.

Retainers. Client will pay a retainer to SCJ for the services in the amount of \$N/A. This fee shall be payable in advance upon contract signing. The retainer will not be applied to invoices until a history of timely invoice payment has been established and will not be completely released until the final project invoice. The specific retainer application schedule will be project specific and will be established by mutual agreement between the Client and SCJ.

Expenses. Expenses will include, but not be limited to, the following: transportation costs, including mileage; meals and lodging; laboratory tests and analyses; computer services; word processing services; telephone, printing, binding, and reproduction charges; all costs associated with outside consultants and other outside services and facilities; and other similar costs. Expenses which SCJ incurs on Client's behalf for outside consultants and other outside services or facilities shall include a 10% markup to compensate SCJ for its activities related to these expenses, such as: excise tax, liability insurance, profit, and additional administrative overhead.

Section 4 – Billing and Payment. SCJ will provide Client with an invoice once per month for Work on the Project during the prior month. Client agrees to pay SCJ within 30 days of receiving SCJ's invoice, after which date, if the invoice has not been paid in full, Client's account will become delinquent. Client is deemed to have received an invoice three days after SCJ mailed it to Client at its address provided in this Agreement, postage prepaid. If Client's account becomes delinquent at any time, the following shall apply:

- SCJ may, in its sole discretion, cease all Work on the Project and retain all records and work product in its possession related to the Project until such time as Client's account is brought current; and/or



- SCJ will assess interest at the rate of 1.5 percent per month against any delinquent invoice balance, unless such rate of interest exceeds the legal limit, in which case interest will be assessed against the delinquent invoice balance at the highest legal rate.

Section 5 – Standard of Care; No Warranties. SCJ will perform the Work consistent with the professional skill and care ordinarily provided by professionals practicing in the same or similar locality under the same or similar circumstances at the time the Work is performed. SCJ does not make or intend to make any warranty, expressed or implied, by performing any of the Work.

Section 6 – No Third-Party Beneficiaries. The parties do not intend, and no such intent shall be inferred, that SCJ assumes a direct obligation to any third party by entering into this Agreement.

Section 7 – Notice to Cure a Default. If SCJ materially breaches a provision of this Agreement, SCJ may be deemed in default. If SCJ fails within five (5) business days after written notification to commence and continue satisfactory correction of such default with diligence and promptness, then Client shall give SCJ a second written notice of termination within three (3) business days following the end of the five (5) day period.

Section 8 – Termination by Client.

- 8.1 Client may terminate this Agreement as provided in Section 7 in addition to any other remedy provided by this Agreement. If Client's costs arising out of SCJ's failure to cure the default, including the cost of completing the Work, exceed the unpaid Compensation to SCJ, SCJ shall be liable to the Client for such excess costs as limited by Section 10 below. If Client's costs are less than the unpaid Compensation to SCJ, Client shall pay the difference to SCJ. In the event Client exercises its rights under this Section 8, Client shall furnish to SCJ a detailed accounting of the costs incurred by Client.
- 8.2 Client may terminate this Agreement for its own convenience upon fourteen (14) days written notice to SCJ. Upon any termination for convenience, Client shall pay SCJ for all sums due through the effective date of the termination including, but not limited to, the amounts provided in Section 3 above and any expected profits.
- 8.3 If Client terminates this Agreement, with or without cause, before SCJ completes all of the Work, SCJ shall have the right to complete such services, analysis, and records, within its sole discretion, as are necessary to place SCJ's files in order and to complete a report on the services performed pursuant to this Agreement ("Project Closeout"). The time expended and expenses incurred by SCJ in carrying out the Project Closeout shall be billed to Client in addition to all time expended and expenses incurred by SCJ up to the date of termination.

Section 9 – Termination by SCJ.

- 9.1 SCJ may terminate this Agreement upon five (5) days written notice of the following:
 - a. Client fails to pay SCJ in accordance with this Agreement.
 - b. Client otherwise materially breaches this Agreement.
- 9.2 Upon termination by SCJ pursuant to this Agreement, SCJ shall be entitled to recover from Client payment for all sums due through the date of termination and for any proven loss, cost, or expense including, but not limited to, the amounts owing from Section 3 above, expected profits, and Project Closeout.



Section 10 – Limitation of Liability. The parties agree that the liability of SCJ (which includes SCJ’s shareholders, directors, officers, employees, and agents) to Client for any loss or damage (whether damage or destruction of property or personal injury or death) related in any way to SCJ’s performance or nonperformance under this Agreement shall be limited to the total Compensation in Section 3 above or one hundred thousand dollars (\$100,000), whichever is greater. IN NO EVENT SHALL SCJ BE LIABLE FOR ANY INDIRECT, CONSEQUENTIAL, INCIDENTAL, LOST PROFITS OR LIFE EXPECTANCY DAMAGES ARISING OUT OF THIS AGREEMENT.

Section 11 – Indemnification.

- 11.1 SCJ shall indemnify and hold Client harmless from all claims, demands or lawsuits at law or equity for personal injury or property damage (“Claim”) arising in whole or in part from the negligence of SCJ or SCJ’s agents, employees, or subconsultants; provided that nothing herein shall require SCJ to indemnify and hold harmless Client from Claims based solely upon the negligence of Client, its agents, officers or employees.
- 11.2 Client shall indemnify and hold harmless SCJ, its officers, directors, shareholders, and employees, from all claims, demands, or lawsuits at law or equity for personal injury or property damage (“Claim”) arising in whole or in part from the negligence of Client or Client’s agents, employees, contractors, or subcontractors; providing that nothing herein shall require Client to indemnify and hold harmless SCJ from Claims based solely upon the negligence of SCJ, its agents, officers, or employees.
- 11.3 The indemnifications contained in Sections 11.1 and 11.2 are valid and enforceable only to the extent of the indemnitor’s negligence where the damages are caused by or result from the concurrent negligence of (i) SCJ or its officers, employees, and agents, and (ii) Client or its officers, employees, and agents.
- 11.4 Both SCJ and Client expressly waive any immunity, from claims against each other, provided by the Washington State Industrial Insurance Act (RCW 51) or similar act of any other state. The provisions of this section shall not be limited in any way by any limitation on benefits payable to or for any third party under any State’s Workers’ Compensation Act. This waiver is not intended to waive and does not waive SCJ’s design professional immunity from claims by an injured worker or beneficiary provided by RCW 51.24.035.
- 11.5 Both SCJ and Client acknowledge that they have mutually negotiated this waiver of immunity under the Washington State Industrial Insurance Act (RCW 51).

Initial here for Voluntary Waiver

SCJ _____

Client _____

Initial here

Section 12 – Concurrent Work. This Agreement shall not limit, in any way, other work SCJ may undertake for any other client.

Section 13 – Insurance. SCJ shall obtain and keep in force during the terms of this Agreement insurance coverage as follows: (a) Workers’ Compensation, as required by applicable statute; (b) Comprehensive General Liability, \$2 million per occurrence and \$4 million in the aggregate; (c) Automobile, \$1 million combined single limit; and (d) Professional Liability, \$1 million per claim and \$2 million in the aggregate.

SCJ will provide Client with thirty (30) day notice prior to cancelling any of the aforementioned policies.

Section 14 – Dispute Resolution, Jurisdiction, Venue, Attorney Fees, and Applicable Law.

- 14.1 Mediation. In the event that any dispute arises between the parties related to this Agreement, the parties agree to submit the dispute to non-binding mediation upon either party providing the other with written notice describing the dispute in detail. The parties shall cooperate in selecting the mediator, and the mediation shall occur within 30 days of a party providing written notice to the other party of the dispute. The mediation shall take place in Tacoma, Washington.



- 14.2 **Arbitration.** Except as provided below in Section 14.3., if such mediation does not resolve the dispute, such dispute shall be submitted to final and binding arbitration pursuant to the Washington's Uniform Arbitration Act (RCW 7.04A). The arbitration shall be conducted in Tacoma, Washington. The prevailing party in any such arbitration shall be entitled to recover its reasonable costs and attorney fees.
- 14.3 **Fee Disputes.** Following mediation pursuant to Section 14.1, any dispute involving only Client's failure to pay SCJ pursuant to this Agreement for SCJ's performance of the Work, may be resolved by commencing a lawsuit in court. Venue for the lawsuit shall be Pierce County, Washington. The prevailing party in any such lawsuit shall be entitled to recover its reasonable costs and attorney fees.
- 14.4 **Applicable Law.** This Agreement shall be governed by the laws of the State of Washington.

Section 15 – Ownership of Work Product and Confidentiality. All reports, plans, specifications, field data, notes and other documents, including all documents on electronic media, which SCJ prepares in connection with the Project (which information is collectively referred to herein as "SCJ's Work Product") are instruments of SCJ's service and shall remain the sole property of SCJ, unless agreed otherwise in writing. Client shall not reuse or modify SCJ's Work Product, without SCJ's prior written authorization, which authorization SCJ may not unreasonably withhold. Any unauthorized use of the SCJ's Work Product shall be at the Client's sole risk and without liability to SCJ and the Client agrees to defend, indemnify and hold harmless SCJ for all claims and liability resulting from such unauthorized use.

Client shall maintain the confidentiality of information specifically designated as confidential by SCJ, unless withholding such information would violate the law, create the risk of significant harm to the public or prevent the Client from establishing a claim or defense in an adjudicatory proceeding. Only information designated as confidential by SCJ shall be deemed confidential as provided by this paragraph.

Section 16 – Electronic Files and Data. Subject to Section 15 above, if requested, SCJ will provide electronic files to Client for its use and reference in connection with the Project. Client acknowledges and agrees that it shall be solely responsible for inspecting and testing any such electronic files before accessing or using them to verify they are free from bugs, viruses, or other destructive or harmful programs (referred to collectively herein as "Viruses"). Further, SCJ does not make or intend to make any warranty, expressed or implied, that any electronic file it provides to Client will be free from Viruses. Therefore, Client waives any claim it may have against SCJ which waiver includes all measures of damages, including, but not limited to, general, special, direct, indirect, consequential (including loss of profits and/or business), exemplary, statutory, and punitive damages) because any electronic files SCJ provides to client contain any Viruses.

All deliverables provided to Client for the Work shall be hard copies unless otherwise stated in Attachment B. If requested, SCJ may provide electronic files to Client; however, Client acknowledges and agrees that it shall be solely responsible for verifying consistency between electronic files and hard copy deliverables. In the event of any inconsistency between hard copy deliverables and electronic files, the hard copy deliverable shall govern.

Section 17 – Notices. Any written notice provided by one of the parties to the other in connection with this Agreement shall be received when personally delivered, when received by facsimile, or on the third day following mailing by USPS, postage prepaid, to:

SCJ: SCJ Alliance
Attn: Rachel Granrath, AICP
8730 Tallon Lane NE
Suite 200
Lacey, WA 98516
Fax: 360-352-1509
Email: rachel.granrath@scjalliance.com

Client: City of Castle Rock
Attn: Carrie Cuttonaro
141 "A" Street SW
PO Box 370
Castle Rock, WA 98611
Fax: 360-274-4876
Email: ccuttonaro@ci.castle-rock.wa.us



Section 18 – Survival and Severability. The terms and conditions of this Agreement shall survive the completion of the Work and the termination of this Agreement, whether for cause or for convenience. If any term or condition of this Agreement is ever held to be unenforceable, all remaining terms and conditions shall continue in full force and effect.

Section 19 – Modifications. This Agreement represents the entire and integrated Agreement between the parties hereto and supersedes all prior negotiations, representations, or agreements, either written or oral. Except as provided in Section 3 above regarding the periodic adjustment of SCJ’s billing rates and/or reimbursement rate of expense, this Agreement may only be amended, modified, or added to by written instrument properly signed by both parties. The parties acknowledge the general contract rule that a clause in a contract, such as this one, prohibiting oral modifications is itself generally subject to oral modification. However, in order to ensure certainty as to the terms and conditions of this Agreement, the parties waive this general contract rule.

Section 20 – Assignment. Neither party may assign all or a portion of its rights under this Agreement or delegate all or a portion of its obligations under this Agreement without the express written consent of the other party.

Section 21 – Independent Review. The parties acknowledge that they have read this Agreement and fully understand its terms. The parties further acknowledge that the terms of this Agreement have been mutually negotiated at arms-length. The parties waive the general rule of construction, therefore, that an agreement shall be construed against its drafter.

Section 22 – Acceptance and Authorization to Proceed. By signing this Agreement, Client agrees that the terms and conditions of this Agreement are acceptable and approved. If Client is a legal entity (e.g., a corporation, partnership, or limited liability company), then the person who signs on behalf of Client certifies that he or she has the authority to bind Client to the terms and conditions of this Agreement. If Client is a legal entity and it claims at any time that the person who signed this Agreement lacked the authority to do so, SCJ may name such person, in addition to Client, in any lawsuit or arbitration which arises relating to this Agreement and seek to hold such person liable, along with Client, in such proceeding. Upon SCJ’s receipt of this fully executed Agreement, SCJ shall have authority to commence the Work.

Section 23 – Attachments. The following attachments are hereby made a part of this Agreement.

- Attachment A – Scope of Work
- Attachment B – Billing Rate Schedule

SCJ:

CLIENT:

SCJ Alliance

City of Castle Rock

By: _____

By: _____

Sign here

Rachel Granrath, AICP (Print name)

_____ (Print name)

Associate Principal (Title)

_____ (Title)

_____ (Date)

_____ (Date)



Attachment A Scope of Work On-Call Planning: City of Castle Rock, Washington

Prepared For: City of Castle Rock
Attn: Carie Cuttonaro

Prepared By: Rachel Granrath, Associate Principal

Date Prepared: January 24, 2023

Scope Overview

SCJ Alliance (SCJ) would like to present the following scope of work to provide planning services for the City of Castle Rock. These services may include short and long-term planning support, development review, permitting, and meeting attendance. SCJ will provide planning services to the City on an hourly basis.

SCJ scope of services for this effort consists of the following phases of work:

Phase 01 - General Planning Assistance, Staff Meetings, Commission and Council Meetings

- Task 01:** General Planning Assistance
- Task 02:** Staff Meetings
- Task 03:** Planning Commission and Council Meetings

Phase 02 - Development Review, General Development Review and Inquiries

The following tasks include current development that is under review or currently a land use process. As requested by the City we will add tasks to track our time relating to land use applications so that the City can recover associated costs with development from applicants as applicable.

- Task 01:** General Development Review and Questions
- Task 02:** Castle Rock Landing
- Task 03:** 441 Front Street
- Task 04:** 450 LaRue St NW
- Task 05:** Hensley Short Plat
- Task 06:** A&A Oil Corp
- Task 07:** School District Annexation
- Task 08:** Hibbard Shear Plat – Grage Addition
- Task 09:** Floodplain Compliance

Task 10: Huntington Ave Multifamily

Task 11: Root Construction Residential

Task 12: 3rd Ave Corner Lot Variance

Task 13: Rooftop Solar

Task 14: PH 10 Bridge – Hamilton Construction

Phase 03 - Castle Rock Municipal Code: Code Review and Revisions

The following tasks include current projects underway at the City. We will add project specific tasks as requested by the City. This includes zoning, subdivision, or other code revisions that require amendments.

Task 01: General Code Review and Questions

Task 02: Critical Areas Ordinance

Task 03: FEMA Update

Phase 04 – Shoreline Master Program Compliance

Additional tasks will be added as shoreline master program tasks are assigned by the City.

Task 01: General Shoreline Questions and Compliance

Task 02: Shoreline Boat Launch

Phase 05 – Comprehensive Plan Amendments

This phase addresses comprehensive plan amendments, questions or adjustments. The following tasks are typical when updating and maintaining a City's Comprehensive Plan. If additional tasks are needed, we can amend as requested by the City.

Task 01: General Comprehensive Plan Research

Task 02: Annual Amendments

Understanding

- ◆ This is an on-call planning contract that requires task authorization for each task with “upfront” approval from the City prior to engaging in any of the above tasks.
- ◆ SCJ staff are available by phone, email, and in person per City request to ensure efficiency and consistency.

Deliverables

- ◆ All planning documents, including, but not limited to notices, SEPA checklists and application materials, draft and final submittals, staff reports, etc.
- ◆ Meeting summaries.
- ◆ Monthly progress billing emailed in PDF format.

98 Phase 98 - Additional Services

We understand that sometimes things “come up” during a project that we need to work on quickly and are out of the project scope listed above. When things like that develop, we will discuss with you the estimated effort first, and track the time and costs under this separate phase.

99 Phase 99 - Expenses

Expenses will be charged on a time-and-materials basis and include items such as travel expenses, mileage, plan reproduction, copies, etc.

END OF PROPOSAL



Attachment B

SCJ Alliance Billing Rate Schedule – March 2022

Classification	Hourly Billing Rate
Principal	\$180.00 - \$390.00
Senior Consultant	\$160.00 - \$330.00
Senior Project Manager	\$180.00 - \$280.00
PM3 Project Manager	\$165.00 - \$240.00
PM2 Project Manager	\$145.00 - \$220.00
PM1 Project Manager	\$125.00 - \$200.00
Senior Engineer	\$150.00 - \$190.00
E4 Engineer	\$140.00 - \$180.00
E3 Engineer	\$125.00 - \$160.00
E2 Engineer	\$100.00 - \$150.00
E1 Engineer	\$90.00 - \$125.00
Senior Landscape Architect	\$125.00 - \$160.00
L4 Landscape	\$115.00 - \$150.00
L3 Landscape	\$110.00 - \$140.00
L2 Landscape	\$100.00 - \$130.00
L1 Landscape	\$90.00 - \$120.00
Senior Planner	\$150.00 - \$220.00
P4 Planner	\$120.00 - \$160.00
P3 Planner	\$110.00 - \$145.00
P2 Planner	\$100.00 - \$130.00
P1 Planner	\$80.00 - \$120.00
Senior Technician	\$110.00 - \$165.00
T4 Technician	\$115.00 - \$150.00
T3 Technician	\$100.00 - \$140.00
T2 Technician	\$90.00 - \$130.00
T1 Technician	\$80.00 - \$120.00
Senior Construction Manager	\$180.00 - \$280.00
RE 3 Construction Resident Engineer	\$165.00 - \$240.00
RE 2 Construction Resident Engineer	\$145.00 - \$220.00
RE 1 Construction Resident Engineer	\$140.00 - \$180.00
Construction Office Engineer	\$145.00 - \$220.00
CI 4 Construction Inspector	\$165.00 - \$240.00
CI 3 Construction Inspector	\$145.00 - \$220.00
CI 2 Construction Inspector	\$120.00 - \$160.00



CI 1 Construction Inspector	\$100.00 - \$150.00
Graphic Designer	\$100.00 - \$150.00
PC3 Project Coordinator – CM Only	\$125.00 - \$160.00
PC 2 Project Coordinator	\$115.00 - \$150.00
PC 1 Project Coordinator	\$100.00 - \$120.00
Project Accountant	\$100.00 - \$190.00
<u>Other Fees:</u>	
• Direct project expenses are billed at cost plus 10%	

**EXHIBIT A
CITY OF CASTLE ROCK, WASHINGTON
AUTHORIZATION FOR ENGINEERING SERVICES**

**NOTICE OF AUTHORIZATION NO. 2023-001
EXIT 48 SEWER FORCE MAIN EXTENSION**

Gibbs & Olson, Inc. (Engineer) is hereby authorized to perform Engineering Services for the City of Castle Rock, Washington (Client) as provided for in our General Agreement for Professional Engineering Services dated January 9, 2023, and as more fully described herein:

PROJECT DESCRIPTION

Engineer will provide design engineering services to Client for sewer system improvements as summarized below:

Design of approximately 2,100 linear feet of 6-inch C900 PVC sanitary sewer force main including fittings, valves and appurtenances and surface restoration as appropriate. The new force main will extend from the end of the existing 6-inch force main located near the Timberlake Church driveway along Huntington Avenue South, continue south and east along Huntington Avenue South, crossing over the BNSF railroad right of way, under Interstate 5 within WSDOT right-of-way and terminate at the intersection of Huntington Avenue South and Bond Road on the east side of Interstate 5.

INFORMATION TO BE PROVIDED TO ENGINEER BY CLIENT

To assist in a timely and thorough preparation of the drawings and contract documents, the Client shall provide the following items and services to the Engineer as available:

1. As-constructed drawings and specifications of existing sewer force main piping.
2. Timely response to questions and review of drawings and contract documents.
3. Utility potholing as required.

ASSUMPTIONS

Engineer has utilized the following assumptions in developing the identified Scope of Work and associated Budget Estimate. If any of these assumptions are found to be incorrect the Engineer reserves the right to negotiate an Amendment to this Authorization for any modifications to the Scope of Work and Budget Estimate required to address conditions encountered.

1. No geotechnical work is required.
2. The previously completed cultural resource study for the Client's waterline extension project will also be applicable to this project and no additional cultural resource work is required.
3. Client will provide traffic control during field survey work.
4. Client will obtain any required private easements.
5. A SEPA checklist, a critical areas report and a Hydraulic Project Approval (HPA) permit from Washington Department of Fish and Wildlife are not required for this project.
6. Client will pay all fees associated with obtaining permits to construct the new sewer force main.

7. The force main crossing over BNSF right of way will be attached to the outside of the existing bridge, using the same type of hanger system and on the opposite side as the new water main to be installed under the Client's waterline extension project.
8. The force main will be required to have 5 feet of cover within the WSDOT right of way.

DESIGN PHASE ENGINEERING SERVICES

Task 1 – Project Management, Administration and Meetings

Engineer shall provide project administration and management consisting of the following:

- a) General project administration.
- b) Preparation of a monthly narrative progress report that will be attached to Engineer's monthly project invoice.
- c) Participate in up to three (3) progress meetings/conference calls with Client.

Task 2 – Gather and Review Background Data

If available, Engineer will gather and review as constructed drawings of the existing sewer force main to be extended as well as a cutsheet for the existing piping. The Client will provide copies of these documents.

Task 3 – Topographic Survey

It is anticipated the topographic survey completed for the water main project can be utilized for the sewer force main design. Engineer has budget one day of field survey work and one day of office time to supplement the existing survey if needed.

Task 4 – Prepare 50% Drawings:

- a) Engineer will use the topographic survey data to prepare base sewer force main plan drawings.
- b) Prepare 50% Design Drawings: Engineer will prepare drawings for the project in AutoCAD Civil3D 2022 format, an opinion of probable construction cost with contingency and will incorporate Cowlitz County, WSDOT, Engineer and Client engineering standards as appropriate.

It is anticipated that the design drawings will consist of approximately 10 sheets including a cover sheet, an index, notes and legend sheet, 5 plan and profile sheets and 3 detail sheets.

- c) Quality Control (QC) project review meetings with the Client and Engineer review team are scheduled for one time during preparation of the 50% drawings.
- d) Engineer will perform in-house QC review of the design documents near the 50% completion stage to ensure the documents are consistent in presentation of the design information.
- e) One set of the 50% drawings in electronic pdf format will be submitted to the Client for review and comment. Client comments will be incorporated into the 90% documents as appropriate.

Task 5 – Prepare 90% Drawings and Contract Documents:

- a) Prepare 90% Design Drawings, contract documents and opinion of construction cost:

Engineer will advance the design drawings, building on the 50% documents. Engineer will update the opinion of construction cost. Engineer will begin preparation of contract documents and technical specifications for the project.

It is anticipated the construction contract documents will consist of EJCDC up front documents consisting of Invitation to Bid, Instructions to Bidders, Bid Package, General and Supplementary Conditions, and Washington State Prevailing Wage Rates. The technical specifications will consist of applicable CSI technical specifications.

- b) Quality Control (QC) project review meetings with the Client and Engineer review team are scheduled for one time during preparation of the 90% drawings and specifications.
- c) Engineer will perform an in-house QC review of the design drawings near the 90% completion stage to ensure the documents are consistent in presentation of the design information.
- d) One set of the 90% drawings, contract documents and technical specifications in electronic pdf format will be submitted to the Client for review and comment. Client comments will be incorporated into the 100% documents as appropriate.

Task 6 – Prepare 100% Drawings and Contract Documents:

- a) Prepare 100% Design Drawings and contract documents and final opinion of construction cost: Engineer will build on the 90% documents to complete the 100% drawings, contract documents and technical specifications. Engineer's opinion of construction cost will be reviewed, updated as appropriate and finalized.
- b) Engineer will perform an in-house QC review of the design drawings near the 100% completion stage to ensure the drawings are consistent in presentation of the design information.
- d) The 100% design drawings and construction contract documents, ready for bid advertisement, will be provided in pdf format to the Client for review and comment. The documents will be suitable both for electronic distribution to prospective bidders and for reproduction.

Task 7 – Prepare Permit Applications

Engineer will prepare permit applications and associated exhibits for submission to Washington State Department of Transportation (WSDOT) and Burlington Northern Santa Fe Railroad (BNSF) by Client.

The new sewer force main will be constructed under Interstate 5 across the freeway underpass at Exit 48 within WSDOT right of way. It will be necessary to obtain a WSDOT franchise agreement to construct the sewer force main within WSDOT's right of under Interstate 5.

The new sewer force main will be constructed across BNSF right of way. The new sewer force main will be attached to the existing Client owned bridge over the BNSF railroad tracks using hangers similar to the new water main bridge crossing. It will be necessary to work with the BNSF's permit representative to obtain a permit to construct the new sewer force main across BNSF right of way.

Engineer has budgeted for participation in up to two (2) meetings with both WSDOT and BNSF during the permitting process.

BID PHASE AND CONSTRUCTION PHASE ENGINEERING SERVICES are not included as part of this contract. If the Client desires Engineer to provide construction administration and observation services, such services shall be authorized under a separate authorization.

SCHEDULE

The work will be coordinated with the Client and the deliverables for the project will be provided to the Client in a mutually agreed upon time frame.

BUDGET

The budget for the Exit 48 Sewer Force Main Extension design project Scope of Work shall be set at \$73,300 and is presented in detail in Attachment No. 1. The Engineer agrees not to exceed this amount to complete the above Scope of Work without the Client's prior authorization.

Authorized by:
City of Castle Rock, Washington

Date

February 8, 2023

Date

By:

Accepted: Gibbs & Olson, Inc.



By: Richard A. Gushman, President

Authorization 2023-001 - Attachment 1 - Budget Estimate
City of Castle Rock
Exit 48 Sewer Force Main Extension - Design Engineering
February 8, 2023



Page 1 of 1

Preliminary Budget		Principal	Engineer VI	Engineer V	Engineer IV	Engineer II	Tech II	Land Surveyor	2 Man Survey Crew	Admin Asst.	Structural Subcon.	Total Budget
Engineering Services												
Task 1	Project Management, Administration & Meetings	2	20	4	8	2	0	0	0	0	\$0	\$6,798
Task 2	Gather and review background data	0	2	0	2	2	0	0	0	0	\$0	\$1,022
Task 3	Topographic Survey	0	0	0	2	0	0	8	8	0	\$0	\$3,140
Task 4	Prepare 50% Drawings	1	16	8	40	32	20	0	0	0	\$1,000	\$19,732
Task 5	Prepare 90% Design Drawings and Contract Documents	0	12	6	32	24	16	0	0	4	\$3,000	\$17,930
Task 6	Prepare 100% Design Drawings and Contract Documents	1	8	4	24	16	12	0	0	4	\$1,000	\$11,792
Task 7	Prepare Permit Applications	0	14	2	32	16	8	0	0	4	\$0	\$12,134
Subtotal		4	72	24	140	92	56	8	8	12	\$5,000	\$72,548
Mileage												\$100
GPS Survey Equipment												\$420
Miscellaneous Project Expenses												\$232
TOTAL DESIGN PHASE ENGINEERING BUDGET												\$73,300
2023 RATES		\$240	\$196	\$187	\$170	\$145	\$115	\$155	\$195	\$84		

**EXHIBIT A
CITY OF CASTLE ROCK, WASHINGTON
AUTHORIZATION FOR ENGINEERING SERVICES**

**NOTICE OF AUTHORIZATION NO. 2023-002
SANITARY SEWER INSPECTION PRIORITIZATION**

Gibbs & Olson, Inc. (Engineer) is hereby authorized to perform Engineering Services for the City of Castle Rock, Washington (Client) as provided for in our General Agreement for Professional Engineering Services dated January 9, 2023, and as more fully described herein:

Introduction

The Client has completed cleaning and inspection of its entire sanitary sewer gravity collection and conveyance system over the last three years. The Engineer has utilized the National Association of Sewer Services Companies Pipeline Assessment Certification Program (NAASCO PACP) rating system provided by the video inspection companies to rank the condition of the piping for each of the three phases. Client desires to combine the information collected from the three cleaning and inspection phases and rank the condition of all the gravity piping inspected in the collection and conveyance system. The rankings will consider pipeline condition, pipeline usage based on an estimated of the number of connections served by the pipeline, and Client planned road improvement projects.

Assumptions

Engineer has utilized the following assumptions in developing the scope of work and budget for this project.

1. No additional fieldwork or cleaning and video inspection work is required.
2. No repairs or other design work will be prepared.
3. No opinion of construction costs of recommended improvements will be prepared.

Scope of Work

Engineer will perform the following tasks under this Authorization 2023-002.

Task 1 – Project Management, Administration and Meetings

Engineer shall provide project administration and management consisting of the following:

- a) General project administration.
- b) Preparation of a monthly narrative progress report that will be attached to Engineer's monthly project invoice.
- c) Participate in up to two (2) coordination and progress meetings/conference calls with Client.

Task 2: Prioritization of Pipeline Inspections

Engineer will provide a spreadsheet to the Client, summarizing each run of gravity sewer pipeline inspected throughout the Client's sanitary sewer gravity collection and conveyance system. The spreadsheet will include sewer pipe size, material type, length, upstream and downstream manholes, street name, pipeline ranking, and recommendations for prioritization of repair. Based on the NAASCO PACP rating system, all pipeline segments inspected will be listed, beginning with the highest-ranking pipelines, indicating the most urgent pipe repair or replacement. Engineer will include figures showing locations of the pipeline segments

comprising the top 5-10% (highest-ranked) of the pipeline segments. In addition to the pipe inspection rating, repair/replacement prioritization will consider the usage/flow in the pipeline based on an estimate of the number of connections served by the pipeline and the Client's planned road improvement projects.

Schedule:

The prioritization work will be coordinated with the Client and the deliverables are anticipated to be provided to Client by June 2023.

Budget:

The budget for the Sanitary Sewer Cleaning and Inspection project Scope of Work shall be set at \$24,100 and is presented in detail in Attachment No. 1 - Budget. The Engineer agrees not to exceed this amount to complete the above identified Scope of Work without the Client's prior authorization.

Authorized by:
City of Castle Rock, Washington

Date

By:

Accepted: Gibbs & Olson, Inc.

February 8, 2023

Date



By: Richard A. Gushman, President

Authorization No. 2023-002 - Attachment No. 1 - Budget Estimate
 Sanitary Sewer Inspection Prioritization
 Prepared: February 8, 2023



Page 1 of 1

		Prin.	Engr. VI	Engr. IV	Eng I	Design Tech II	Total Budget
Task	Task Description						
1	Project Management, Administration & Meetings	2	4	4	4	0	\$2,464
2	Pipeline Segment Prioritization	4	20	32	68	20	\$21,460
SUBTOTAL							\$23,924
Miscellaneous Project Expenses							\$176
TOTAL BUDGET ESTIMATE		6	24	36	72	20	\$24,100

2023 RATES \$240 \$196 \$170 \$130 \$115

ORDINANCE NO. 2023-03 - draft

AN ORDINANCE AMENDING A SECTION OF CASTLE ROCK MUNICIPAL CODE CHAPTER 9.21
PARADES, ATHLETIC EVENTS AND OTHER SPECIAL EVENTS, ADDING ADDITIONAL OPTION FOR
GENERAL LIABILITY INSURANCE REQUIREMENT.

WHEREAS, the City Council finds that festivals and events provide an opportunity for increased tourism, which in turn stimulates the local economy; and

WHEREAS, the City Council has made it a priority to “create a ‘sustainable’ positive Castle Rock image” and to promote special events that further this priority; and

WHEREAS, special events increase the demand for City services, and such increased demand needs to be considered when planning special events; and

WHEREAS, in establishing standards and requirements for special events it is imperative to ensure the health and safety of our citizens and those visitors that come to enjoy such activities; and

WHEREAS, Washington Cities Insurance Authority recommends a minimum of two million (\$2,000,000) per occurrence and two million (\$2,000,000) aggregate to provide sufficient coverage.

WHEREAS, Association of Washington Cities Risk Management Service Agency also recommends adding an option in the amount of one million (\$1,000,000) per occurrence and five million (\$5,000,000) aggregate, adding that both options will provide sufficient coverage.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Castle Rock do ordain amendments to Castle Rock Municipal Code (in part) for section 9.21.080 as follows;

9.21.080 Insurance.

~~(1) The following insurance shall be required in connection with the issuance of a permit for a special event not protected under the First and Fourteenth Amendments of the United States Constitution, unless otherwise waived by the Mayor or his/her designee: \$2,000,000.00 commercial general liability insurance per occurrence combined single limits, \$2,000,000.00 aggregate unless waived by the City.~~

~~(1) One of the following options for insurance coverage shall be required in connection with the issuance of a permit for a special event not protected under the First and Fourteenth Amendments of the United States Constitution, unless otherwise waived by the Mayor or his/her designee:~~

~~Option A: \$2,000,000.00 commercial general liability insurance per occurrence combined single limits, \$2,000,000.00 aggregate unless waived by the City.~~

~~Option B: \$1,000,000.00 commercial general liability insurance per occurrence combined single limits, \$5,000,000.00 aggregate unless waived by the City.~~

(2) The Public Works Director or Clerk-Treasurer is authorized and directed to require written proof of such insurance prior to permit issuance. The insurance policy shall be written on an occurrence basis, shall name the City of Castle Rock as an additional insured, shall be written for a period not less than twenty-four (24) hours prior to the event and extending for a period of not less than twenty-four (24) hours following the completion of the event, and shall contain a provision prohibiting cancellation of the policy, except upon thirty (30) days prior written notice to the City.

Section 2. This ordinance shall be effective five days after publication.

ADOPTED by the City Council and signed by the Mayor on this _____ day of _____, 2023.

Mayor Paul Helenberg

ATTEST:

APPROVED AS TO FORM:

Carie Cuttonaro, Clerk-Treasurer

Frank Randolph, City Attorney

Date of Publication: _____

ORDINANCE NO. 2023-03

AN ORDINANCE AMENDING A SECTION OF CASTLE ROCK MUNICIPAL CODE CHAPTER 9.21
PARADES, ATHLETIC EVENTS AND OTHER SPECIAL EVENTS, ADDING ADDITIONAL OPTION FOR
GENERAL LIABILITY INSURANCE REQUIREMENT.

WHEREAS, the City Council finds that festivals and events provide an opportunity for increased tourism, which in turn stimulates the local economy; and

WHEREAS, the City Council has made it a priority to “create a ‘sustainable’ positive Castle Rock image” and to promote special events that further this priority; and

WHEREAS, special events increase the demand for City services, and such increased demand needs to be considered when planning special events; and

WHEREAS, in establishing standards and requirements for special events it is imperative to ensure the health and safety of our citizens and those visitors that come to enjoy such activities; and

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Option A: \$2,000,000.00 commercial general liability insurance per occurrence combined single limits, \$2,000,000.00 aggregate unless waived by the City.

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Section 2. This ordinance shall be effective five days after publication.

ADOPTED by the City Council and signed by the Mayor on this _____ day of _____,
2023.

Mayor Paul Helenberg

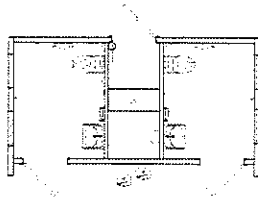
ATTEST:

APPROVED AS TO FORM:

Carie Cuttonaro, Clerk-Treasurer

Frank Randolph, City Attorney

Date of Publication: _____



Cortez with chase restroom building. Standard features include simulated barnwood texture walls, simulated cedar shake textured roof, vitreous china fixtures, interior and exterior lights, off loaded and set up at site.

Cortez 10' 3" x 17'

***Base Price \$ 53,955.00**

Optional Sections:

Restroom* \$53,955 Qty: = \$0.00

Shower* \$65,250 Qty: = \$0.00

Family Assist Shower/Restroom Combo* \$62,955 Qty: = \$0.00

Storage \$49,950 Qty: = \$0.00

Concession* \$62,550 Qty: = \$0.00

**Includes 4-gallon water heater.*

Total Optional Sections 0.00

Added Cost Options:

Final Connection to Utilities \$ 3,500.00 ☐ 0.00

(per section) Optional Wall Texture -choose one ☒ Split Face Block (\$4,000) ☐ Struck Trowel (\$4,000) ☐ Stone (\$5,000) Reset Wall Texture 4,000.00

Optional Roof Texture -choose one ☒ Delta Rib \$ 4,000.00 4,000.00

Insulation / Heaters \$ 19,500.00 ☐ 0.00

Stainless Steel Water Closet (each) Qty: 2 \$ 1,500.00 ☒ 3,000.00

Stainless Steel Lavatory (each) Qty: 2 \$ 1,100.00 ☒ 2,200.00

Electric Hand Dryer (each) Qty: 2 \$ 700.00 ☒ 1,400.00

Electronic Flush Valves (each) Qty: 2 \$ 750.00 ☒ 1,500.00

Electronic Lavatory Faucets (each) Qty: 2 \$ 750.00 ☒ 1,500.00

Exterior Mounted ADA Drinking Fountain (each) Qty: \$ 4,500.00 ☐ 0.00

Optional Door Closure (each) Qty: 2 \$ 450.00 ☒ 900.00

Skylight in Restroom (each) Qty: \$ 950.00 ☐ 0.00

Marine Grade Skylight in Restroom (each) Qty: \$ 2,450.00 ☐ 0.00

Marine Package for Extra Corrosion Resistance (per section) \$ 2,450.00 ☐ 0.00

Fiberglass Entry and Chase Doors and Frames Qty: \$ 1,000.00 ☐ 0.00

Tile Floor in Restroom (per section) \$ 4,500.00 ☐ 0.00

2K Anti-Graffiti Coating (per section) \$ 3,500.00 ☒ 3,500.00

Timed Electric Lock System (2 doors - does not include chase door) Qty: 2 \$ 600.00 ☒ 1,200.00

Exterior Frostproof Hose Bib with Box (each) Qty: \$ 500.00 ☐ 0.00

Paper Towel Dispenser (each) Qty: \$ 200.00 ☐ 0.00

Toilet Seat Cover Dispenser (each) Qty: \$ 100.00 ☐ 0.00

Sanitary Napkin Disposal (each) Qty: \$ 75.00 ☐ 0.00

Baby Changing Station (each) Qty: \$ 675.00 ☐ 0.00

CXT Wastebasket (each) Qty: \$ 150.00 ☐ 0.00

Total Cost of Selected Accessories from Accessories Price List: \$ 23,200.00

Custom Options: Extra Crane Costs—8 hr min, \$ 5,100.00

Engineering and State Fees: \$ 6,200.00

Estimated One-Way Transportation Costs to Site (quote): \$ 6,900.00

Estimated Tax: \$

Estimated monthly payment on 5 year lease \$1,916.64

Total Cost per Unit Placed at Job Site: \$ 95,355.00

Disclaimer: Please call to confirm selected sections are compatible.

This price quote is good for 60 days from date below, and is accurate and complete.

Todd Weger
Digitally signed by Todd Weger
Date: 2023.02.02 14:43:12 -08'00'

CXT Sales Representative

Date

WA Master
Contract No:
02620



I accept this quote. Please process this order.

Member Name
& Number

Customer

Date

Exterior Color Options *(For single color mark an X. For two-tone combinations use W = Walls and R = Roof.)*

Amber Rose	Liberty Tan	Berry Mauve	Sage Green
Toasted Almond	Oatmeal Buff	W Buckskin	Rosewood
Sun Bronze	Golden Beige	Mocha Caramel	Malibu Taupe
Sand Beige	Natural Honey	Salsa Red	Java Brown
Pueblo Gold	Cappuccino Cream	Coca Milk	Raven Black
Granite Rock	Georgia Brick	Western Wheat	Nuss Brown
Rich Earth	Charcoal Grey	Hunter Green	R Evergreen

Special roof color #

Special wall color # Natural split face color if possible

Special trim color #

Rock Color Options

☐ Basalt	☐ Mountain Blend	☐ Natural Grey	☐ Romana
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Roof Texture Options

☐ Cedar Shake	☒ Ribbed Metal
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Wall Texture Options *(For single color mark an X. For top and bottom textures use T = Top and B = Bottom.)*

Barnwood	Horizontal Lap	Can only be used as bottom texture
<input checked="" type="text"/> X Split Face Block	Board & Batt	
Stucco/Skip Trowel	Brick	
		Napa Valley Rock River Rock Flagstone

(Textures not included in CXT's quote are additional cost.)

Door Opener Options

☐ Non-locking ADA Handle	☒ Privacy ADA Latch	☐ Pull Handle/Push Plate
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Deadbolt Option

☒ CXT supplied

Accessible Signage Options

☐ Men	☐ Women	☒ Unisex
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Toilet Paper Holder Options

☐ 2-Roll Stainless Steel	☐ 3-Roll Stainless Steel
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Notes:

cxtinc.com
800.696.5766





**WA Master
Contract No:
02620**



CXT® Precast Concrete Products manufactures restroom, shower and concession buildings in multiple designs, textures and colors. The roof and walls are fabricated with high strength precast concrete to meet all local building codes and textured to match local architectural details. All CXT buildings are designed to meet A.D.A. and to withstand heavy snow, high wind and category E seismic loads. All concrete construction also makes the buildings easy to maintain and withstand the rigors of vandalism. The buildings are prefabricated and delivered complete and ready-to-use, including plumbing and electrical where applicable. With thousands of satisfied customers nationwide, CXT is the leader in prefabricated concrete restrooms.

1. ORDERING ADDRESS(ES): CXT Precast Concrete Products, 606 N. Pines Road, Suite 202, Spokane Valley, WA 99206

2. ORDERING PROCEDURES: Fax 509-928-8270

3. PAYMENT ADDRESS(ES):

Remitting by check:

CXT, Inc., PO Box 676208, Dallas, TX 75267-6208

Remitting by ACH or wire transfer:

Beneficiary: CXT, Inc.

Beneficiary Bank: PNC Bank, Pittsburgh, PA

Account: 1077766885 ABA/Routing: 043000096

Email remittance details to AR@lbfoster.com

4. WARRANTY PROVISIONS: CXT provides a one (1) year warranty. The warranty is valid only when concrete is used within the specified loadings. Furthermore, said warranty includes only the related material necessary for the construction and fabrication of said concrete components. All other non-concrete components will carry a one (1) year warranty. CXT warrants that all goods sold pursuant hereto will, when delivered, conform to specifications set forth above. Goods shall be deemed accepted and meeting specifications unless notice identifying the nature of any non-conformity is provided to CXT in writing within the specified warranty. CXT, at its option, will repair or replace the goods or issue credit for the customer provided CXT is first given the opportunity to inspect such goods. It is specifically understood that CXT's obligation hereunder is for credit, repair or replacement only, F.O.B. CXT's manufacturing plants, and does not include shipping, handling, installation or other incidental or consequential costs unless otherwise agreed to in writing by CXT. This warranty shall not apply to:

1. Any goods which have been repaired or altered without CXT's express written consent, in such a way as in the reasonable judgment of CXT, to adversely affect the stability or reliability thereof;

2. To any goods which have been subject to misuse, negligence, acts of God or accidents; or

3. To any goods which have not been installed to manufacturer's specifications and guidelines, improperly maintained, or used outside of the specifications for which such goods were designed.

5. TERMS AND CONDITIONS OF INSTALLATION (IF APPLICABLE): All prices subject to the "Conditions of Sale" listed on the CXT quotation form.

Customers are responsible for marking exact location building is to be set; providing clear and level site, free of overhead and/or underground obstructions; and providing site accessible to normal highway trucks and sufficient area for the crane to install and other equipment to perform the contract requirements. Customer shall provide notice in writing of low bridges, roadway width or grade, unimproved roads or any other possible obstacles to access. CXT reserves the right to charge the customer for additional costs incurred for special equipment required to perform

delivery and installation. Customers will negotiate installation on a project-by-project basis, which shall be priced as separate line items. For more information regarding installation and truck turning radius guidelines please see our website at <http://www.cxtinc.com>.

In the event delivery of the building/s ordered is/are not completed within 30 days of the agreed to schedule through no fault of CXT, an invoice for the full contract value (excluding shipping and installation costs) will be submitted for payment. Delivery and installation charges will be invoiced at the time of delivery and installation.

Should the delivery and installation costs increase due to changes in the delivery period, this increase will be added to the price originally quoted, and will be subject to the contract payment terms.

In the event that the delivery is delayed more than 90 days after the agreed to schedule and through no fault of CXT, then in addition to the remedies above, a storage fee of 1-1/2% of contract price per month or any part of any month will be charged.

****Customer is responsible for all local permits and fees.**

6. DELIVERY CHARGE: All prices F.O.B. origin prepaid and added to invoice. CXT operates three (3) manufacturing plants in the United States and will deliver from the closest location on our carriers.

7. PAYMENT TERMS: Payment to CXT by the purchaser shall be made net 30 days after submission of the invoice to the purchaser on approved credit. Interest at a rate equal to the lower of (i) the highest rate permitted by law; or (ii) 1.5% per month will be charged monthly on all unpaid invoices beginning with the 35th day (includes five (5) day grace period) from the date of the invoice. Under no circumstance can retention be taken. If CXT initiates legal proceeding to collect any unpaid amount, purchaser shall be liable for all of CXT's costs, expenses and attorneys' fees and costs of any appeal.

8. LIMITATION OF REMEDIES: In the event of any breach of any obligations hereunder; breach of any warranty regarding the goods, or any negligent act or omission of any party, the parties agree to submit all claims to binding arbitration. Any settlement reached shall include all reasonable costs including attorney fees. In no event shall CXT be subject to or liable for any incidental or consequential damages. Without limitation on the foregoing, in no event shall CXT be liable for damages in excess of the purchase price of the goods herein offered.

9. DELIVERY INFORMATION: All prices F.O.B. origin prepaid and added to invoice. CXT operates three (3) manufacturing plants in the United States and will deliver from the closest location on our carriers. Use the information below to determine the origin:

- F.O.B. 6701 E. Flamingo Avenue, Building 300, Nampa, ID 83687 applies to: AK, CA, HI, ID, MT, ND, NV, OR, SD, UT, WA, WY.

- F.O.B. 901 North Highway 77, Hillsboro, TX 76645 applies to AR, AZ, CO, IA, KS, LA, MN, MO, MS, NE, NM, OK, TX.

- F.O.B. 362 Waverly Road, Williamstown, WV 26183 applies to AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, PR, RI, SC, TN, VA, VT, WI, WV.

- Prices exclude all federal/state/local taxes. Tax will be charged where applicable if customer is unable to provide proof of exemption.

DELIVERY AND INSTALLATION QUESTIONNAIRE

1. Customer: City of Castle Rock, WA Site location: North Trail Head parking lot
2. Your name: Tyler Stone Title: Senior Operator
3. Desired delivery date: ASAP
4. Physical address: 549 N Huntington Ave Castle Rock, WA 98611
Please provide written directions from the closest town to your job site (maps acceptable).
5. Who will be the representative on site? Tyler Stone Phone #: 360-751-8197
NOTE: This person will have the ability to sign for the acceptance of the building as well as authorize any changes onsite.
6. Is there cell phone coverage at the site? ☒ YES ☐ NO
If NO, how far would we need to travel to get service? _____

The trucks delivering your building can range from 75' to 120' long and can weigh up to 150,000 lbs. They require a 32' wide, firm surface to make a 90 degree turn. Some of the trailers only have 6 to 8 inches of ground clearance so even road camber can cause a problem. These trucks need a 14' wide by 15' tall clear path for travel and even wider clearance at corners.

7. Will your site accommodate the scenario listed above? ☒ YES ☐ NO
If NO, additional equipment and crane time will be required. Please call for quote.
8. Is it possible that our transport driver will encounter any of the following on our way to the job site or during the installation (including overhead obstacles):
- | | | | |
|---|---|---|--|
| ☐ Load limit bridges | ☐ Seasonal road restrictions | ☐ Switchback roads | ☐ Low clearance |
| ☐ Steep grade | ☐ Rough terrain | ☐ Trees or stumps | ☐ Power lines |
| ☐ Signs | ☐ Fences | | |

Please provide detail if any of the above apply.

9. Will the transport equipment be able to access the site in inclement weather (rain, snow, etc.)?
☒ YES ☐ NO
If NO, is there an alternate route to access the site?

DELIVERY AND INSTALLATION QUESTIONNAIRE

10. Due to the weight, the equipment can damage underground utilities in parks. Is there any possibility of this happening? ☐ YES ☒ NO

PLEASE NOTE: CUSTOMER IS RESPONSIBLE FOR MARKING THE EXACT LOCATION OF THE BUILDING AND A UTILITY LOCATE (CALL BEFORE YOU DIG) MUST BE DONE PRIOR TO OUR ARRIVAL FOR INSTALLATION.
If YES, please explain:

11. Does a tractor trailer and a crane have the ability to get within 2 feet of the actual install site?

☒ YES ☐ NO

Please reference the site mock ups to determine if either of these two scenarios is acceptable.

12. Is the pad built to or the hole dug to the specifications provided by CXT? ☒ YES ☐ NO

13. Has the pad compaction and level been verified by a third party inspection? ☐ YES ☒ NO

NOTE: Your building pad is required to be constructed in accordance with the **FOUNDATION DETAIL in your drawing packet as well as the **CXT CONCRETE BUILDINGS SUBGRADE PREPARATION CHECKLIST**. If this is not verified by a certified testing agency, your warranty may be voided.**

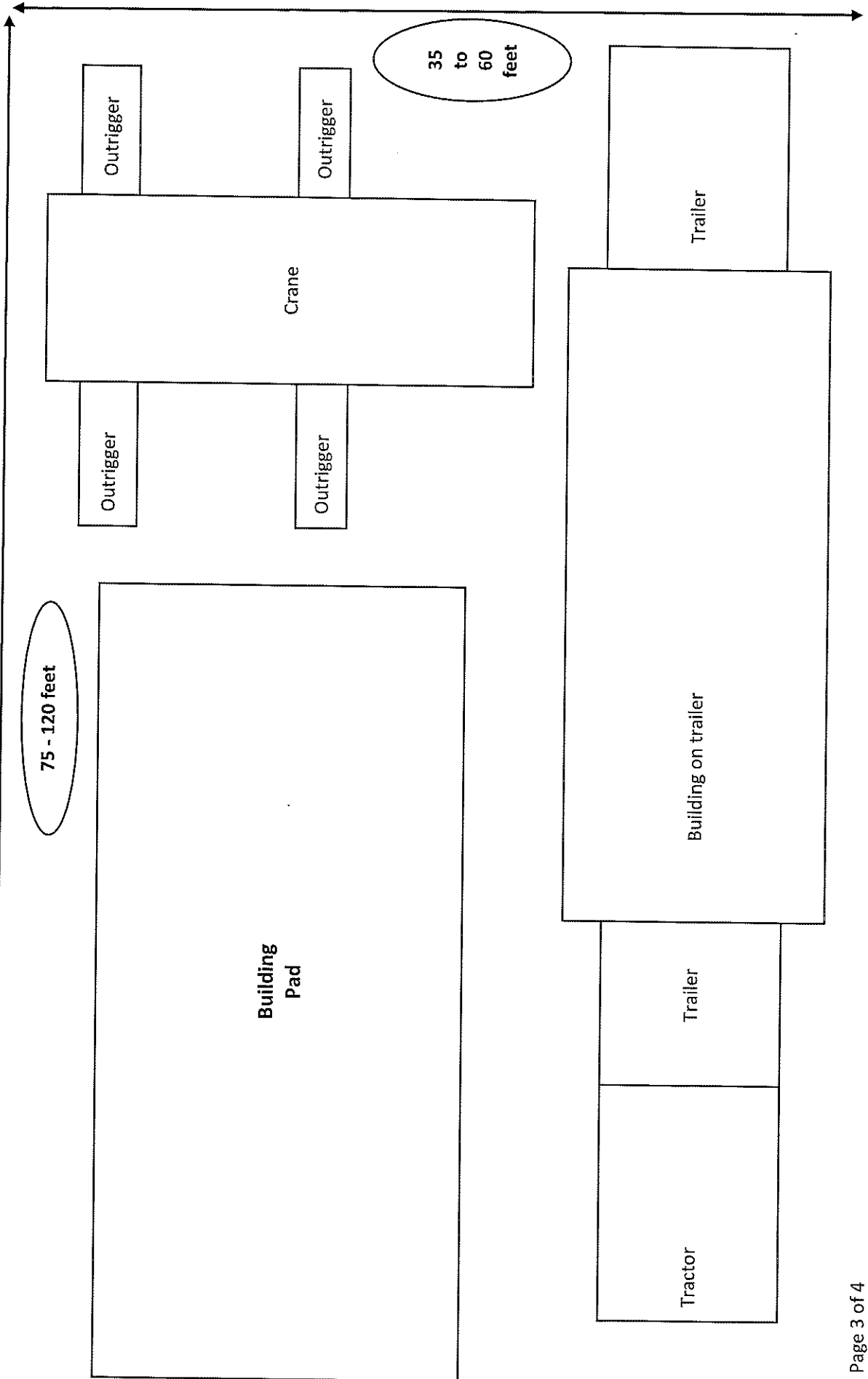
14. Are the stub ups correct per the drawing for your building? ☒ YES ☐ NO

15. Will a plumber and/ or electrician be on site to adjust the stub ups if they are not correct? ☒ YES ☐ NO
It is your responsibility to make sure that water and electricity are available and ready to be connected on the day of the installation and that the stub ups and pad are correct!

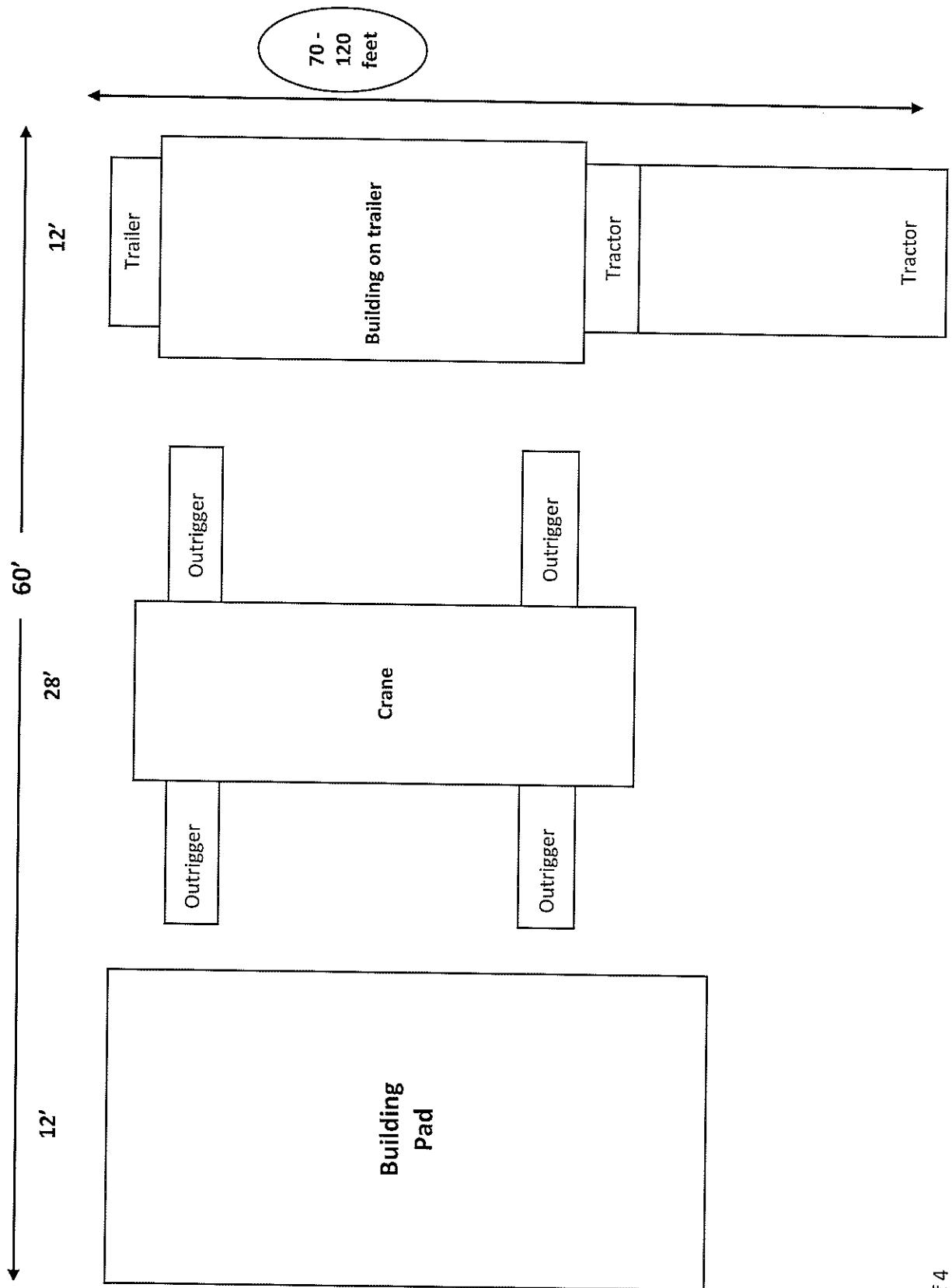
- ❖ There is a possibility that damage to your site may occur (sidewalks, grass, curbing, asphalt, underground utilities, etc.). While we do not accept liability for this damage, there may be steps we can take to minimize the potential for this damage (steel plates, gravel ramps, etc.) at an additional cost.
 - For forest service projects, per FAR 52.236-2, differing site conditions will need to be agreed upon prior to the start of the project.
- ❖ The installer will conduct a safety meeting the morning of the installation. Anyone who plans to be onsite during the installation is required to attend this meeting.
- ❖ Any work outside of this scope you will need to negotiate directly with the installer. it is up to their discretion whether or not to accept it!
- ❖ **IMPORTANT:** Additional charges can and/or will be charged to the customer for any out of scope site work including, but not limited to: any of the above listed conditions, temporary off load due to any cause (weather), short trailer transfer, blasting/rock removal, and larger than normal crane requirements. Please check with CXT if you have any concerns or questions

Please visit our website at <http://www.cxtinc.com> as it contains information that can be very helpful to you.

Acceptable types of access to pad (distances vary by building and crane size)



DELIVERY AND INSTALLATION QUESTIONNAIRE



RESOLUTION NO. 2023-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE ROCK, WASHINGTON ADOPTING THE 2022 – 2027 COWLITZ COUNTY SOLID WASTE MANAGEMENT PLAN AND MODERATE RISK HAZARDOUS WASTE MANAGEMENT PLAN

WHEREAS, RCW 70A.205.045 requires each city in the state to prepare a comprehensive solid waste management plan in cooperation with counties and cities within the planning area; and

WHEREAS, RCW 70A.205.075 requires each city to review and revise if necessary, the comprehensive solid waste management plan at least once every five years; and

WHEREAS, RCW 70A.300.350 requires local government or combination of contiguous local governments to prepare a local hazardous waste management plan for management of moderate risk waste; and

WHEREAS, the development of such plans will contribute to the health and safety of all City of Castle Rock residents; and

WHEREAS, the Solid Waste Division of Cowlitz County Public Works with the assistance of the Solid Waste Advisory Committee, have prepared the plans; and

WHEREAS, the Solid Waste Advisory Committee recommended that the plans be approved by the county and cities within the planning area.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Castle Rock, Washington, does hereby adopt the 2022 – 2027 Cowlitz County Solid Waste Management Plan, including Appendix D – Cowlitz County Moderate Risk Hazardous Waste Plan, attached as “Exhibit A”, as recommended by the Solid Waste Advisory Committee for approval on February 13, 2023.

PASSED by the City Council and signed by the Mayor on this _____ day of _____, 2023.

Mayor

Attest:

Approved as to form:

City Clerk

City Attorney