

November 15, 2016

Scott Higgins
Mayor
City of Camas
616 N.E. 4th Avenue
Camas, WA 98607

Re: Ordinance No. 16-015 and
Amendments to City Municipal Code

Dear Mr. Mayor:

This letter is written pursuant to the City Council's action on September 6, 2016 to adopt Ordinance No. 16-015 to declare an emergency moratorium on further land use authorization, thereby prohibiting Wireless Communication Facilities as defined in RCW36.70A.390 and RCW 35.63.200, and to the further action on October 3, 2016 to confirm the extension of the moratorium. We address ourselves to the call in the Ordinance for consideration of amendments to the Camas Municipal Code Section 18.35.

We request that input from Camas residents, such as that which is contained herein, be duly considered by the staff and Planning Commission during the public hearing scheduled for November 15, 2016 and its workshop scheduled for February 22, 2017 and during the City Council workshop scheduled for March 6, 2017. We also request that all further input delivered to the City Council and staff after March 6, 2017 be duly considered prior to the staff's completion of its report and its recommendations for amendments on May 5, 2017.

INTRODUCTION

The recent staff approval of CUP 15-01, authorizing a 175 foot tall telecommunications tower on Prune Hill created a perfect storm for the forthcoming discussions about the revision of the Camas Municipal Code ("Code").

There must at the outset be an awareness that the myth that has seemed to have permeated the minds of some City employees, namely that federal law preempts any local regulation of the telecommunication facilities, needs to be put to rest. It is difficult to understand why else there was (a) no objective scientific evidence required by the staff that a height of 175 feet was minimally required by the applicants' business, especially since the base of the proposed tower would begin at the highest point in the City and (b) no attempt was made by the staff to require employment of concealment technology, which Section 18-35 of the Code clearly authorizes. It is difficult to understand the staff's mind-set, but we note the staffer in this case is not a resident of

Camas. The foregoing is only part of the rationale for a substantial revision of the Code. Another goal should be to emphasize objectivity and the elimination of subjectivity in the decision-making process. A further goal is to document accountability at all levels of the City's government.

It is regrettable that the City Council heretofore saw fit to repeal former Section 18-34 of the Code. Section 18-34 had originally been adopted in 1992 after substantial community input, resulting in a protective measure that would have gone far to prevent the tragedy we Prune Hill residents now face. We seriously question the motivation for the repeal and the way it was accomplished. The result was the adoption of a woefully deficient Section 18-35. The deficiency has been compounded by the absence of periodic reviews of Section 18-35 by the City Council for the protection of the residents. The thinking embodied in former Section 18-34, therefore, must be fleshed out in the forthcoming review process. The logical times for review of the history of the legislation and germane ideas for the revisions would appear to be the Planning Commission hearing scheduled for November 15, 2016 and the subsequent workshops scheduled for the Planning Commission on February 22, 2017 and the City Council on March 6, 2017.

DISCUSSION

It is urgent that a comprehensive revision of Section 18-35 of the Code be accomplished, incorporating minimum objective standards for evaluating applications for telecommunication facilities and the criteria for approval. The CUP 15-01 approval revealed how painfully such decisions can impact the health, safety, welfare, views and property values of the nearby residents. If in fact the CUP 15-01 approved tower is to be constructed, the effect will be to render Prune Hill Estates and the surrounding developments into an industrial eyesore.

RECOMMENDATIONS

We offer the following concepts for developing a regime of rules for Section 18-35 as minimum standards:

1. We believe that the impacts of constructing telecommunication towers in residential areas can be so traumatic for the residents, that both Planning Commission and City Council reviews need to be required in the approval process. The rationale is two-fold: (a) The measure would alleviate the pressure on the staffer, who is at the least level of authority, and (b) it would establish accountability of the City Council to the community. In the case of the CUP 15-01 approval, despite the availability of remedial measures in Section 18-35, such as height restriction, concealment technology availability and mast restriction, the applications were approved as made. Moreover, despite our written pleas prior to the CUP-15-01 approval for the City Council to elevate consideration of the application to its level for a full airing of all the issues, we were

ignored and left with the damaging outcome. The accountability of the City Council should be built right into the ordinance. We the homeowners should not have to use our personal resources to seek relief through judicial proceedings, as we now have, to protect our interests when the protection we seek can be afforded by local law.

2. Applicants should be required to present documentary objective scientific evidence justifying the construction of a telecommunication facility in a given residential area. Of particular moment would be the justification for the applied-for tower height. Justification should also be required for the number and design of the masts and antennae to be affixed to the tower.

3. Justification should be required for the construction of towers closer to neighboring dwellings than 600 feet.

4. Objective documentary evidence should be required for justifying construction within wetlands and wildlife protection areas and within historically significant areas.

5. Objective evidence should be required as to how the health, safety, welfare, views and property values will be protected. In the case of the CUP 15-1 approval, it was obvious that the areas on the east side of N.W. Astor Street, south of N.W. 16th Avenue were available and far more suitable from the standpoint of the affected residents. Everything about CUP 15-01 made it patently obvious that the applicants sought approval on the cheap. The municipalities as well as developers and other business owners have long been aware that business must pay its way in light of the long term rewards that are achieved by the enterprises.

The desire of the applicants in CUP 15-01 to save pennies by refusing to limit the tower to a reasonable height, to employ concealment technology or to seek a site less invasive to the residents should not have fallen as a burden upon the affected nearby residents. This was especially egregious inasmuch as the facility will not even serve Camas, but only other cities. It is not the residents of those other cities who will have to live with the approved monstrosity; we will.

6. Protective measures, such as the employment of specific plans or overlays in the residential zones can be used, which would document where in the zones telecommunication facilities are justified and where not. That approach is particularly needed on Prune Hill, where the CUP 15-01 approval should not be permitted to act as a precedent for the proliferation of towers anywhere else on the hill applicants choose without proper regulation.

7. Consideration should be given to the incorporation into the local historical register of areas of the City to be protected by including such areas within the jurisdiction of the Clark County Historic Preservation Commission.

We respectfully offer the foregoing thoughts for due consideration as the final language for the revision of Section 18.35 is conceived. We will be pleased to make ourselves available for any information, clarification or other assistance the staff or the Planning Manager might request. We respectfully request that copies of this letter be distributed to each of the persons enumerated below for copy recipients. We thank you in advance for this courtesy.



Robert I. Behar



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cc:Members of the City Council
Members of the Planning Commission
Peter Capell, City Administrator
Robert Maul, Planning Director
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