

#### CALL TO ORDER

Mayor Paul Helenberg called the May 18, 2015 joint meeting of the Castle Rock Planning Commission and the Castle Rock City Council to order at 7:03 p.m., followed by the Pledge of Allegiance. The following councilmembers were present: Ray Teter, Earl Queen, and Ellen Rose. Councilmembers Lee Kessler and Mike Davis were absent.

#### PURPOSE OF THE MEETING

**To review the draft proposal cited as Castle Rock (City) Shoreline Master Program. The city is required to adopt a Shoreline Master Program in accordance with authority granted by the Shoreline Management Act of 1971 (Revised Code of Washington RCW 90.58) and Chapter 173-26 of the Washington Administrative Code.**

#### INTRODUCTIONS

Planning Commission members present: Chairperson Brenda Hornbuckle, Gordon Snyder and Gwen Boss

Bill Fashing, Director, Cowlitz –Wahkiakum Council of Governments

Sarah Castle, Washington State Department of Ecology

Jennifer Hughes, representing Parametrix (prime project consultant)

Gregg Dohrn, representing G.R. Dohrn & Associates; city's planning consultant for project

City Staff: David Vorse, Public Works Director and Ryana Covington, Clerk-Treasurer

#### OVERVIEW OF DRAFT PROPOSAL

Vorse stated this process has been ongoing for the past couple of years. Washington State Department of Ecology initially awarded grants to Cowlitz County and to all of the cities within the county to develop updated Shoreline Master Plans for each entity. Most of the entities entered into an Interlocal Agreement to pool funds and resources to complete those plans. Vorse noted after the city's contracted planner left the area, the city hired Mr. Dohrn to assist with completing the process. Mr. Dohrn is also contracted by the City of Kelso to assist with their plan. Sarah Castle explained that all cities are mandated by the State legislature to adopt policy to protect shorelines. It has been forty years since this policy was set by the State and the city's last update was in 1977.

Dohrn said there are four broad policies outlined in State law, which was originally enacted in 1971. The law requires entities to meet the following:

- encourage water dependent use
- promote public access
- protect shoreline natural resources
- provide for restoration or enhancement of shorelines.

The purpose of the plan is to balance all uses and to develop a 'no net loss' of the shoreline. This term means that as the shoreline is being used; impacts do not create additional

negative impacts; and if impacts are identified, it establishes mitigation to balance ecological functions.

Dohrn noted in 1977, the county developed a Shoreline Master Plan, and the city (along with other cities in Cowlitz County) adopted the county's plan. The proposed **Castle Rock (City) Shoreline Master Program** was drafted to address specifically the city's shoreline areas, in accordance with State law. Dohrn stated after the city has reviewed and approved of the plan; it will be sent to Washington State Department of Ecology for their final approval. The plan does not go into effect until after Ecology has notified the city of their final approval.

Dohrn stated in general terms; shorelines are the areas 200' from the ordinary high water mark along rivers and creeks. That area is considered the shoreline jurisdictional area. This also includes wetlands associated with those areas and flood plains. An important point to note is the Shoreline Master Plan does not apply to existing businesses and activities that were built legally. This will only affect new development. In answer to Mayor Helenberg's question; if a house burns down, there are provisions in the plan to allow replacement within the existing footprint.

The process to develop this draft plan began with staff gathering information on what development and changes have occurred over the last forty years. Public meetings were held and then a draft policy was developed. Grant funding for this project will expire June 30<sup>th</sup>, so City Council will need to have the plan adopted prior to that date. Following adoption by city council, Washington State Department of Ecology will conduct a final review.

Mr. Dohrn stated key provisions of the city's plans include:

- all the shoreline areas now have received a designation based on characteristics and use
- the plan includes a Table Of Permitted Uses
- permit requirements are identified
- includes mitigation sequencing requirements
- identifies shoreline buffers
- outlines development regulations and standards.

Shoreline designations include:

- high intensity (such as businesses)
- residential
- recreation
- and aquatic areas

Permitting requirements identify four categories: exempt, Shoreline Substantial Development permit (which would be approved by the city), Shoreline Conditional Use Permit and Shoreline Variance. Shoreline Conditional Use and Shoreline Variance will require approval by both the city and Washington State Department of Ecology. Vorse

presented a map showing the designation and buffer codes.

Gwen Boss asked how much input the city has in development of this plan. Dohrn stated if the Department of Ecology (DOE) and the city cannot come to an agreement, DOE can incorporate their changes into the city's plan and it would be the city's option to adopt, as amended.

Dohrn noted the proposed plan also addresses maintenance of the city's levees; the city's levee has been certified by federal authorities and there are annual inspections conducted on the levee. Vorse also added that the city will still be able to maintain their existing established dredge spoil sites.

Dohrn concluded his presentation of the draft overview and asked if there were any additional questions. He proposed city council consider adoption of the plan at their June 8<sup>th</sup> and June 22<sup>nd</sup> regular council meetings.

Councilmember Queen asked if the city will be able to mitigate existing issues at the boat launch facility relating to river current flows and sand accumulation. Vorse stated for health and safety issues, the city is proposing to Department of Ecology to allow this work to be completed; which would mitigate the issues. Vorse added that the Army Corps of Engineers is the prime permitting agency for sand issues. Sarah Castle, Department of Ecology stated removal of sand is considered maintenance and would be exempt from the proposed plan. Mayor Helenberg stated he hopes future dredging by the Army Corps of Engineers will be better regulated by Department of Ecology. Dohrn noted there are provisions in this plan for emergencies; otherwise there will be a permitting process to go through. Jennifer Hughes noted there is also policy as to where dredge spoils can be located.

In answer to a question from Gwen Boss, Dohrn provided a definition for Critical Aquifers which apply to protection of wetlands, aquifer recharge areas and other similar circumstances.

In answer to staff's question, Dohrn noted if plan regulations overlap (such as with the Shoreline Management Plan and Flood Management Plan); the Shoreline Management Plan takes precedence. In answer to Vorse's question, Dohrn explained the difference between the flood plain zone and the mandated buffer zone. Vorse noted that certain areas of the mandated buffer zone are more protected; but still can be accessed.

Gordon Snyder asked if the farmland located at the south end of city limits is protected by a berm or levee, because he has seen flooding on that property. Vorse noted that any flooding on that parcel is the result of back flooding from Salmon Creek.

Dohrn noted that Vorse has had photographs taken of the city's entire shoreline system and

this will become an invaluable planning tool to use for analyzing development or enhancement of the shoreline.

There being no further questions, Mayor Helenberg adjourned regular session and opened the Public Hearing at 7:59 p.m. to take testimony on the proposed **Castle Rock (City) Shoreline Master Program**. **No public comment was provided and Mayor Helenberg adjourned the Public Hearing at 8:01 p.m. and resumed regular council session.**

In answer to Covington's question, Sarah Castle stated the city council would initially consider a resolution to adopt the plan, contingent on approval from Department of Ecology. Once Ecology approves the city's plan, then city council will enact an ordinance adopting the final approved plan. Castle offered to provide a sample resolution and ordinance for Covington to use.

Vorse noted that the draft plan does include more restrictions; however he feels it will be workable.

Councilmember Rose asked how this will impact a proposed commercial project on the west side of the river. Dohrn stated the proposed project is separated from the river by a street; so the boundary would be the road boundary. However the property still would need to comply with the 200' flood plain regulations.

Mayor Helenberg stated he was mostly concerned with the impact this proposed plan would have on existing facilities located within the 200' ordinary high water mark. He is happy there are provisions within the plan to address those facilities.

In response to a question from Vorse, Planning Commission Chairperson Brenda Hornbuckle felt the plan was well thought out. Dohrn encouraged anybody with additional questions to contact him directly and provided his contact information.

#### ADJOURNMENT

There being no further business, Mayor Paul Helenberg adjourned the meeting at 8:10 p.m.

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Mayor Paul Helenberg

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Clerk-Treasurer Ryana Covington