

Castle Rock Landing on the Cowlitz
Conditions of Master Planned Mixed Use Development Approval
Effective November 17, 2021

On November 8, 2021, the Castle Rock City Council adopted Ordinance 21-10 approving the Castle Rock Landing on the Cowlitz as a Master Planned Mixed Use Development subject to the following conditions:

1. The approved Castle Rock Landing on the Cowlitz Master Site Plan shall consist of the following parcels totaling approximately 118 acres:
 - a. Parcel #30812 (20.83-acres), 2542 Larsen Lane SW.
 - b. Parcel #308100100 (1.06-acres), 1955 Huntington Avenue S.
 - c. Parcel #30813 (4.33-acres).
 - d. Parcel #30864 (78.34-acres).
 - e. Parcel #6143802 (6.44-acres).
 - f. Parcel# 308640100 (.34-acres).
 - g. Parcel #308640200 (7.8-acres).
2. All subsequent project specific development activities shall comply with the applicable provisions of the Castle Rock Municipal Code except as modified by these Conditions of Approval or a Development Agreement.
 - a. Development activities in the Employment Land Use Area shall comply with the provisions of the Industrial (I) zoning district except as modified by these Conditions of Approval.
 - b. Development activities in the Commercial Land Use Area shall comply with the provisions of the Highway Business (C-2) zoning district except as modified by these Conditions of Approval.
 - c. Development activities in the Residential Land Use Area shall comply with the provisions of the High Density Residential (R-2) zoning district except as modified by these Conditions of Approval.
3. The Project Sponsor shall be responsible for obtaining all local, state, and federal permits and approvals that may be required to implement the approved Master Planned Development.
4. Permitted uses in each land use area as depicted on the approved Master Site Plan may include the following, provided that the City may approve other uses based on a finding that they are similar in nature and compatible with the permitted uses.

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- a. Employment Land Use Area: Uses identified as permitted (P) or permitted through the issuance of a conditional use permit (C) or permitted through a special use permit (S) in the Table of Permitted Land Uses CRMC 17.26.010 in the Industrial (I) zoning district are permitted (P).

- b. Commercial Land Use Area: The following uses and categories of uses identified as permitted (P) or permitted through the issuance of a conditional use permit (C) or permitted through a special use permit (S) in the Table of Permitted Uses CRMC 17.26.010 in the Highway Business (C-2) zoning district are permitted (P).
 - (1) Accessory buildings.
 - (2) Accessory uses.
 - (3) Retail sales
 - (4) Professional offices.
 - (5) Bank.
 - (6) Printing.
 - (7) Animal grooming.
 - (8) Bakery.
 - (9) Beauty/barber shop.
 - (10) Convenience store.
 - (11) Kennel (indoor).
 - (12) Laundry/dry cleaners.
 - (13) Liquor Store.
 - (14) Marijuana retail sales.
 - (15) Microbrewery.
 - (16) Child day care.
 - (17) Hotels/motels.
 - (18) Food cart/Mobile sales.
 - (19) Restaurants/coffee shops/drive-through restaurants and the like.
 - (20) Brew pub, tavern, cocktail lounge, wine tasting room and the like.
 - (21) Health care providers and facilities.
 - (22) Outdoor storage, displays, and sales.
 - (23) Farmer's market, fruit stand.
 - (24) Farm tool sales/rental.
 - (25) Wireless communication facilities.
 - (26) Public facilities.
 - (27) Vehicle and boat sales and services.
 - (28) Temporary uses.
 - (29) Arcade.
 - (30) Gallery/museum
 - (31) Movie theater.
 - (32) Performing arts theater.
 - (33) Recreation, commercial (indoor).

- c. Residential Land Use Area: The following uses as identified as permitted (P) or permitted through a conditional use permit (C) or permitted through a special use permit (S) in the Table of Permitted Uses (CRMC 17.26) in the High Density Residential (R-2) zoning district, are permitted (P).

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- (1) Single Family Dwelling Units.
 - (2) Duplexes.
 - (3) Multi-Family Dwelling Units.
 - (4) Accessory Buildings.
 - (5) Accessory Dwelling Units.
 - (6) Bed and Breakfast Inn.
 - (7) Child Day Care.
 - (8) Home Business.
 - (9) Public Park.
 - (10) Temporary Uses.
- d. Recreational Land Use Area: This area will be developed primarily as an RV Park, and may include day use only facilities and full-service, overnight RV pads designed and constructed in accordance with the applicable provisions of the Castle Rock Municipal Code including but not limited to CRMC Chapter 17.63 Recreational Vehicles.
- e. Critical Areas/Open Space Tracts: This shall include a wetland and buffer to be placed in an open space tract(s) that shall not be developed, provided that low impact recreational uses such as trails may be permitted in accordance with local, state, and federal laws, regulations, and standards. Jurisdictional shoreline areas and their buffers may also be placed in an open space tract(s).
5. The following development standards shall apply within the Master Planned Development unless otherwise authorized and approved in accordance with the provisions of these Conditions of Approval.
- a. There are no minimum or maximum lot size or width requirements provided that applicable lot coverage, parking, loading, stormwater management, and landscaping requirements as well as the provisions of the International Building Codes, as adopted and implemented by the City are met.
 - b. There are no minimum front, side, or rear yard building setbacks, within the interior of the master planned development, provided that:
 - (1) There shall be a minimum landscape buffer of 20' along the external boundary of the master planned development that abuts privately owned properties not a part of the Master Planned Development. This requirement may be modified by mutual written agreement of the adjoining property owners and subject to City review and approval.
 - (2) All buildings must be setback at least 5' from the required 20' landscaped buffer.
 - (3) All buildings shall comply with the provisions of the International Building Codes as adopted and implemented by the City.
 - c. The maximum building and structure heights are as follows:

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- (1) Employment Land Use Area: 50 feet.
 - (2) Commercial Land Use Area: 40 feet.
 - (3) Residential Land Use Area: 40 feet.
 - (4) Recreation Land Use Area: 35 feet.
 - (5) The maximum height of wireless communication facilities shall be determined in accordance with the provisions of CRMC Title 11 Communication Antennas and Towers.
 - (6) The Project Sponsor may propose to increase the maximum building height up to 25% provided that the City may limit the number of stories within the building and/or require additional mitigation in order to comply with the provisions of the International Fire Code and as may be necessary to protect the public health, safety, and welfare.
- d. There is no minimum or maximum residential density requirement, provided that no more than 200 dwelling units shall be developed on 7.8 acres in the Residential Land Use Area.
6. There shall be no net loss of function or value of wetlands, streams, or rivers as a result of project related activities.
- a. A Critical Areas Report shall be submitted for all development activities that may impact environmentally sensitive areas on or near the site and a Critical Areas Permit or similar authorization shall be required for all non-exempt development activities.
 - b. All critical areas and their buffers shall be delineated and placed in an open space tract(s).
 - c. All development activities within 200' of a river or a stream and their associated wetlands under the jurisdiction of the Washington State Shoreline Management Act shall comply with the provisions of the Castle Rock Shoreline Master Program.
7. All development activities shall comply with the City Flood Hazard Prevention regulations including the elevation of buildings at least one foot above base flood elevations.
8. Prior to the initiation of any clearing and grading activities the Project Sponsor shall submit for City review and approval a Master Clearing, Fill, and Grading Plan that is integrated with a Stormwater Management Plan that includes an analysis of the impacts of the proposed development to adjacent properties and measures to ensure that stormwater or flood waters will not adversely affect neighboring properties.

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- a. Each application to implement a phase of development shall include a more detailed plan with Civil Drawings.
9. The Project Sponsor shall be responsible for the design, construction, and maintenance of such improvements as may be required to connect to the City water system, unless otherwise agreed to by the parties, provided that:
- a. Prior to preparing design plans, the Project Sponsor shall provide the City with an estimate of anticipated water demand for each phase of development including anticipated fire flow needs.
 - b. The Project Sponsor may submit for City review and approval plans for a separate irrigation system.
 - c. The City has received a grant and loan from the Washington State Community Economic Revitalization Board (CERB) to extend a water main to the site. As a result, the City shall be responsible for the design and construction of this water main extension in accordance with the conditions of the grant and loan approval.
10. The Project Sponsor shall be responsible for the design, construction, and maintenance of such improvements as may be required to connect to the City sewer system, unless otherwise agreed to by the parties, provided that:
- a. Prior to preparing design plans, the Project Sponsor shall provide the City with an estimate of anticipated treatment capacity and flows for each phase of development.
11. The primary route of ingress and egress shall be from Huntington Avenue S as depicted on the Master Site Plan approved by the City.
- a. All internal access roads, alleys, and driveways shall be designed and constructed by the Project Sponsor to the appropriate City road standards unless a modification is approved by the City.
 - b. The Project Sponsor may propose to dedicate roads to the City, provided that the acceptance shall be at the sole discretion of the City.
 - c. No Certificates of Occupancy for any new construction shall be issued prior to the completion of the required access improvements, including but not limited to the primary access road from Huntington Avenue S.
12. Larsen Lane SW is a public right-of-way and in its existing condition the use of Larsen Lane SW to access the Master Planned Development shall be limited to:
- a. Emergency ingress and egress, provided that:
 - (1) The Project Sponsor shall be responsible for the design and construction of such improvements to Larsen Lane SW within the existing right-of-way from the Master Planned Development to and including the intersection with Huntington Avenue S that may

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be required by the City to maintain emergency access to the Master Planned Development in accordance with the provisions of the International Fire Code as adopted and implemented by the City.

(2) It is understood by the parties that if the required emergency access cannot be provided within the existing right-of-way that a different route for emergency access may be required.

b. Interim access by the Project Sponsor, and their employees, subcontractors, and suppliers pending the construction of a temporary access road at the primary access point from Huntington Avenue S near the Timberlake Church driveway, provided that:

(1) The Project Sponsor shall provide the City with documentation of the existing condition of Larsen Lane SW and shall be responsible for the repair of any damages caused by the Project Sponsor or its employees, subcontractors, and suppliers to the roadway during this interim period.

(2) The City will require a bond or financial guarantee sufficient to restore Larsen Lane SW in its sole discretion.

(3) The Project Sponsor shall design and construct, subject to City review and approval, a temporary access road at the primary point of access from Huntington Avenue S near the church driveway no later than June 30, 2022, provided that this deadline may be extended with cause by the City.

(4) The City will make a good faith effort to expedite the review and approval of this temporary access road.

13. The City may install reasonable measures to prevent the use of Larsen Lane SW in its existing condition to access the Master Planned Development. This may include, but is not limited to, signage, a gate or bollards with a lock box, and a cul-de-sac or turnaround for vehicles attempting to enter the Master Planned Development.

14. The Project Sponsor may propose, subject to City review and approval, to improve Larsen Lane SW as a two-lane, secondary access road. This shall include the submittal of a traffic and engineering study, a SEPA Checklist, and proposed mitigation measures, for City review, provided that:

a. All improvements shall be designed and constructed to City standards unless a modification is approved by the City.

b. The improvements shall include the intersection of Larsen Lane SW with Huntington Avenue S.

c. The Project Sponsor shall be responsible for the design, construction, and all reasonable costs associated with these improvements to Larsen Lane SW.

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15. With the applications to implement each phase of development, the Project Sponsor shall include a Parking Study that identifies the parking requirements for each use and demonstrates how this parking need can reasonably be met. This Parking Study shall utilize the standards in the most recent edition of the Institute of Traffic Engineers (ITE) manual unless project specific data from similar projects is provided and accepted by the City.
 - a. All parking shall be on-site unless on-street parking is included in approved street plans.
 - b. The Project Sponsor may propose shared or joint use parking.
 - c. All loading, pick-up, and delivery areas shall be on site and shall include sufficient area for the queuing of vehicles.
 - d. Barrier free parking shall be provided in accordance with the provisions of federal, state, and local laws/regulations.
 - e. Designated of "No Parking" areas necessary to preserve emergency vehicle access, provide safe vehicular and non-vehicular access and circulation, and to provide access to public utilities shall be clearly identified, maintained, and strictly enforced by the Project Sponsor.
16. All exterior lighting shall be shielded and downward facing in accordance with applicable provisions of state and local regulations.
17. The Project Sponsor shall prepare and submit with the first implementing application a Master Signage Plan to guide the design and location of signs throughout the site.
 - a. The standards in this plan shall meet or exceed the standards in Castle Rock Municipal Code.
 - b. All subsequent implementing applications shall include signs consistent with the approved Master Signage Plan.
18. The Project Sponsor shall prepare and submit with the first implementing application a Conceptual Parks, Recreation, and Open Space Master Plan to guide the development and use of pedestrian and bicycle facilities, parks, and open spaces open to the public. This Conceptual Master Plan should include, but is not limited:
 - a. The standards for the development of trails, sidewalks, bike paths and lanes.
 - b. Potential areas for the development of public parks and open spaces.
 - c. Potential areas to view and access shorelines.
 - d. Areas to be maintained by a private management entity, homeowner' s association, or the like.
 - e. Areas proposed for dedication and maintenance by the City or other public agency, provided that areas proposed for dedication to the City shall be accepted at the sole discretion of the City.

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19. A proposed Phasing Plan shall be submitted with the first implementing application that identifies the projected target date for the construction of Phase 1 and an estimated timeline of subsequent phases of development. It is understood by the parties that the phasing plan may be revised to respond to changes in market conditions, provided that:
 - a. Each proposed phase of development shall include all infrastructure improvements necessary to support the use and continued operations of the development independent of future phases of development.
 - b. The City may impose additional conditions of approval that may be necessary to ensure that the public health, safety, and welfare of the community is not adversely affected by the phasing plan.

20. The City and the Project Sponsor shall jointly consult with the Cowlitz Indian Tribe to determine the scope of a cultural and archaeological survey that shall be conducted prior to initiating any clearing, grading, filling, or excavation activities.
 - a. Upon discovery of any human remains, artifacts, or evidence of potential archaeological, historical, or cultural resources all construction activities or uses authorized shall be suspended pending authorization to proceed from the City, and/or the Washington State Department of Archaeology and Historic Preservation, in accordance with the provisions of state and federal law, including, but not limited to RCWs 68.50.645, 27.44.055, and 68.60.055.
 - b. If ground disturbing activities encounter human skeletal remains during construction, then all activity shall cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the Washington State Department of Archaeology and Historic Preservation (DAHP) provides notice to proceed. The finding of human skeletal remains shall be reported to the Castle Rock Police Department and the Cowlitz County Coroner in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The County Coroner will assume jurisdiction over the human skeletal remains and decide of whether those remains are forensic or non-forensic. If the County Coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the Cowlitz Indian Tribe. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.
 - c. If ground disturbing activities encounter artifacts, or evidence of potential archaeological, historical, or cultural resources during construction, then all activity shall cease that may cause further disturbance to those items. The Project Sponsor shall immediately contact the Castle Rock Public Works Department to determine how best to secure the site and to consult with the Cowlitz Indian Tribe and the DAHP.

21. Applications to implement the approved Master Site Plan and subsequent Development

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Agreement shall be processed in accordance with the provisions of CRMC 17.77, in effect at the time a complete application is submitted and accepted for processing, or as subsequently amended by the City, and as modified by CRMC 17.100, unless otherwise provided in these Conditions of Approval or a Development Agreement.

22. The Project Sponsor shall submit with the application to implement each phase of the approved Master Planned Development:
 - a. An updated SEPA Checklist.
 - a. An updated traffic report that identifies the number of trips to be generated, assesses existing conditions, identifies proposed mitigation measures to meet City standards, and that identifies when the mitigation is required.
 - b. Other technical studies and reports that may be required by the City to fully evaluate and mitigate potential adverse impacts.
 - c. A Landscaping Plan prepared in accordance with the provisions of Castle Rock Municipal Code and as modified by these Conditions of Approval.
 - d. A Parking Plan prepared in accordance with the provisions of Castle Rock Municipal Code and as modified by these Conditions of Approval.
 - e. An updated Parks, Recreation, and Open Space Master Plan.
 - f. The applications shall also address the status of applicable conditions of approval of previous phases.
 - g. An updated Phasing Plan.
23. The City may require additional mitigation and/or conditions of approval based on an analysis of the application materials submitted to implement each subsequent phase of development.
24. The Project Sponsor may propose adjustments to the boundaries of the land use areas depicted on the Master Site Plan or to the applicable development standards in accordance with the following provisions governing Minor and Major Modifications.
 - a. Minor Modifications shall include revisions to the Master Site Plan that do not reduce the amount of open space or adversely affect environmentally sensitive areas or jurisdictional shoreline areas and do not trigger the need for a new SEPA Threshold Determination. Proposed Minor Modifications are subject to administrative review and approval by the Mayor or his/her designee and shall include a Notice of Application and an opportunity for the public to submit written comments.
 - b. Examples of Minor Modifications include, but are not limited to:
 - (1) An alternative development standard that is determined by the City to be functionally

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equivalent to, or superior to, the original standard or requirement in fulfilling the intent and purpose of that original standard or requirement.

- (2) Approval of uses determined to be similar in nature and compatible with permitted uses in a land use area.
 - (3) Mutual written agreements between abutting property owners to modify the 20' landscaping requirement.
 - (4) Revisions to the shape of development areas.
 - (5) Increases in a proposed use that is offset by a corresponding decrease of another use that results in no net increase in trips.
 - (6) The realignment of internal road corridors provided that there is no decrease in functionality as determined by the City.
- c. Major Modifications shall include those revisions that do not meet the criteria for a Minor Modification as determined by the City. Major Modifications shall be reviewed by City Development Review Team and upon preparation and distribution of a Staff Report the City Land Use Hearings Examiner shall conduct a public hearing and shall make a recommendation on the proposed modification to the City Council.
- d. Examples of a Major Modification include, but are not limited to:
- (1) The proposed use of Larsen Lane SW to provide a second access to the Master Planned Development.
 - (2) Proposed uses that are not similar in nature and/or that may not be compatible with approved uses.
25. The Project Sponsor and the City may execute a Development Agreement further clarifying these conditions and/or to provide more detailed guidance on how these conditions shall be implemented.
26. In the event of a question about the applicability of the Conditions of Approval or a potential conflict between standards or provisions, the Mayor or his/her designee shall make an administrative code interpretation, provided that such administrative determination may be appealed to the City's Land Use Hearings Examiner.
27. The Project Sponsor shall reimburse the City for all expenses incurred in the implementation of the approved Master Site Plan and Development Agreement including but not limited to the costs associated with the review and approval of implementing applications and construction plans, public notices, City consultants, peer reviews, construction monitoring, and enforcement.
28. Prior to any additional filling or grading of the project site, City staff and Department of Ecology shall undertake wetland boundary verification necessary to ensure that critical areas have been

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properly identified and rated and that the proposed buffers are adequate to protect the resources from the impacts related to future on-site developments.

29. The mitigation measures set forth in the revised SEPA MDNS of September 8, 2021, are incorporated herein as additional conditions of project approval. In the event of any conflict between the SEPA MDNS mitigation measures and these Conditions of Approval, the more stringent shall apply.