

**Staff Report to the
City of Castle Rock City Council
441 Front Avenue NW Condominium Approval
Revised June 13, 2021**

Note: This Staff Report is subject to revision based on comments received prior to the public hearing on June 28, 2021.

Project Name: 441 Front Avenue NW Condominium Project

Proposed Action: The Project Sponsor has submitted plans to build an eight-unit residential condominium project on a 1.95-acre parcel consisting of six lots and some vacated right-of-way located at 441 Front Avenue NW near downtown Castle Rock.

Applicant: Mike and Carla Vorse
c/o Riverfront Towers, LLC
mcvorse@gmail.com

Property Owner(s): M&C Vorse, LLC

Site Address: 441 Front Avenue NW, Castle Rock, WA 98611

Parcel Number: 30216

Zoning: High Density Residential (R-2)

Future Lands Use: High Density Residential (HDR)

Shoreline Environment Designation: High Intensity and Recreation

SEPA Threshold Determination: Determination of Non-Significance

Public Hearing Date: June 28, 2021

Staff Report Prepared By: Gregg R. Dohrn, Castle Rock City Planning Consultant

Project Description

The City of Castle Rock has received an application from the owner of parcel #30216 located at 441 Front Street NW to construct a residential condominium with 8 dwelling units on a 1.95-acre parcel zoned High Density Residential (R-2). This parcel consists of 6 tax lots and vacated right-of-way. The parcel contains part of a levee and land waterward of the levee, however the proposed construction activities will be located on a reconfigured lot landward of the levee and outside of

the required shoreline buffer and the required levee and building setbacks. The parcel is accessed from Front Avenue NW, which is a city-owned street that is south bound only.

The proposed condominium development requires City approval of a binding site plan, a boundary line adjustment, a building permit, and the authorization to execute a property exchange in which approximately 2,700 square feet of City-owned property will be exchanged for approximately 1.3-acres of privately owned property that includes a segment of the levee and land waterward of the levee. This land exchange will enable the City to keep an important segment of the Riverfront Trail available for public use and preserve land waterward of the levee for public use and habitat.

Background Information

In general terms the construction of an eight-unit multi-family residential development on a relatively flat site with City services readily available would not be a difficult project to design and construct. Infill development however can be challenging, and this parcel has a number of unique attributes that has required a year of consultation between City staff and the Project Sponsor.

The site consists of six tax lots and the City code requires that if a building site consists of multiple lots, these lots must be consolidated in the same manner as a boundary line adjustment (CRMC 16.34.010). In addition, the parcel contains a portion of the Cowlitz River levee and land waterward of the levee, which as a practical matter is not developable, but could significantly complicate the review and approval of project related applications. As a result, the Project Sponsor has submitted a boundary line adjustment to the City that consolidates the six lots into three lots, including the building site, a small triangular parcel landward of the levee, and a 1.3-acre parcel that includes the levee and land waterward of the levee. This lot consolidation has enabled the Project Sponsor to limit the construction activities to a newly configured parcel landward of the levee. In addition, the Project Sponsor received approval from the US Army Corps of Engineers for the proposed construction of a driveway and parking in the vicinity of the landward toe of the levee. More recently, the City Council has approved the vacation of a small portion of unused City right-of-way that is behind the curb on the west side of Front Avenue which will enable the Project Sponsor to make more efficient use of the building site.

While much has been accomplished there are a few remaining actions that remain to be completed. In order for the driveway to be placed in a location that provides optimal sight distances, the Project Sponsor must acquire a small area (1,995 square feet) of City owned property south of the parking lot at the Riverfront Trailhead so that the buildings may be shifted to the north on his building site. This area will be used primarily as a landscaped building setback and the City will retain an easement to access utilities in this area. This will require the relocation of a stormwater pond that will serve the parking lot and the proposed new development, and the Project Sponsor has agreed to relocate the pond and maintain it in the future which will save the City maintenance expenses in the future. With authorization from the City Council, the Project Sponsor could purchase this property, but during our discussions he has agreed in principle to an extremely generous and beneficial land exchange. If the City will dedicate to the Project Sponsor the 1,995 square foot area parcel and another 719 square foot unused area behind the curb on the west side of Front Avenue, the Project Sponsor is prepared to execute a mutually beneficial dedication to the City of

the newly configured 1.3-acre parcel that includes a segment of the levee and the Riverfront Trail, and land waterward of the levee. This area is one of fourteen potentially “missing links” in the Riverfront Trail corridor and would preserve the trail and shoreline area for public use in perpetuity.

The building plans must be approved by the City Building Official and the final step in this process is the approval of the condominium project by the City Council as required by state law.

SEPA Determination

A SEPA Checklist has been prepared for the proposed project and the City has determined that the proposed action will not have a probable significant adverse impact on the environment and an environmental impact statement is not required under RCW 43.21C.030(2). In addition to features incorporated into the project design to avoid adverse impacts it is expected that the conditions of permit approval will adequately address any potential adverse impacts on the environment. As a result, the City issued a Determination of Non-Significance for this project. This Determination of Non-Significance is issued under WAC 197-11-340(2) and the City will not act on the proposed condominium project prior to the completion of the 14-day comment period on the application and this SEPA Threshold Determination.

Any comments that the City receives on this Threshold Determination shall be presented at the June 28th public hearing and shall be a part of the official record of decision for this project.

Staff Analysis

As noted in the previous sections, this project has required a number of actions to enable the design of a project that avoids or minimizes potential adverse impacts, including limiting development activities to an area landward of the levee and outside of the required shoreline buffer and setbacks. In addition, the City has an opportunity to acquire a valuable segment of the Riverfront Trail and preserve it for public use in perpetuity. In addition, the following information may be helpful to the City Council in assessing the extent to which the proposed new use may comply with the provisions of the Castle Rock Comprehensive Plan and Municipal Code.

Castle Rock Comprehensive Plan

The following Goals and Policies from the Castle Rock Comprehensive Plan may be applicable to the proposed use:

***Residential Development Goal 2:** Provide opportunity for a broad range of housing choices to meet the changing needs of the community.*

***Residential Development Policy 1:** Areas bordering the downtown and upper stories of downtown buildings are especially appropriate for multi-family, and in particular, senior citizen housing.*

Residential Development Policy 2: *Infill development of vacant residentially classified land in the city is encouraged.*

Land Development/Subdivision Goal 2: *Encourage innovative techniques to residential and commercial land development that will be beneficial to the community and reflect sound planning.*

Land Development/Subdivision Policy 3: *Subdivisions should be site designed and constructed to preserve and enhance natural features and be compatible with aesthetic values of the area.*

Land Development/Subdivision Policy 5: *Vehicle and pedestrian circulation patterns should be considered in the design of the subdivision for future connections.*

Housing Goal 2: *Provide for a wide range of housing types and densities to meet the housing needs of a diverse population and provide affordable housing choices for all incomes.*

Housing Goal 5: *First promote infill development of residential land, and then encourage annexation of residential property to provide adequate land supply for future housing needs.*

Castle Rock Shoreline Master Program

General Shoreline Policy 4.1.2 H *Provide flexibility for development, including non-water-oriented uses, within the shoreline in areas physically separated from the shoreline by another property or public right-of-way.*

Conservation and Restoration Policy 4.3.2A.2. *Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.*

Public Access Policies 4.6.2 B. *Public access to and along the water's edge should be available throughout publicly owned shoreline areas although direct physical access to the water's edge may be restricted to protect shoreline ecological values.*

Public Access Policies 4.6.2 C. *Future developments and redevelopments should not adversely affect existing public access and should provide new opportunities for the public to reach touch and enjoy the water's edge.*

Public Access Policies 4.6.2 E. *As opportunities and funds arise, purchase, or otherwise make available to the public, shoreline properties if their value for public use merits such action.*

Castle Rock Municipal Code (CRMC)

A multi-family development is permitted in the R-2 zone (CEMC 17.26 Table of Permitted Uses) and the proposed project must be found to be in compliance with the provisions of CRMC 17.32 High Density Residential Development prior to the issuance of the required building permit. In addition, the proposed project has been designed to comply with the following CRMC 16.34.010:

C. Lot Consolidations. In cases where multiple lots, parcels or tracts will all be used for one building site, and in particular those cases where a structure is proposed to be built across a property line, the lots, parcels, or tracts shall be consolidated into one lot, parcel, or tract. The consolidation shall be prepared by the owner(s) or their representative and reviewed by the city in the same manner as a boundary/lot line adjustment and shall be recorded at the office of the county auditor.

As a residential condominium, the proposed project must comply with the provisions of CRMC 16.33 Condominium Subdivisions and the Revised Code of Washington Chapter 64.32.

Staff Recommendation

The City Staff recommends approval of the residential condominium project subject to the following conditions.

1. City approval and recording with the County Auditor the required boundary line adjustment.
2. Approval of the building plans by the City Building Official.
3. The Mayor or his designee is authorized by the City Council to convey to the Project Sponsor upon approval of this proposed condominium, Area E (719 square feet) as depicted on the attached Exhibit 1, through a Quit Claim Deed or other instrument as determined by the City Attorney, as partial compensation for relocating the City stormwater pond from Area A as on the attached Exhibit 1 and maintaining it in perpetuity.
4. The Mayor or his designee is authorized by the City Council to convey to the Project Sponsor upon approval of this proposed condominium, Area A (1,995 square feet) as depicted on the attached Exhibit 1, through a Quit Claim Deed, or another instrument, as determined by the City Attorney, provided that:
 - a. An easement is granted to the City to access and maintain utilities.
 - b. A final Certificate of Occupancy shall not be issued until:
 - (1) A mutually beneficial agreement to transfer to the City ownership of Area C as depicted on the attached Exhibit 1 or other property of equal or greater value than Area A, or
 - (2) The City receives a payment in the amount of \$1,157 (which is based on the average assessed value of all City-owned property of \$.58/square foot times 1,995 square feet), or as otherwise agreed by the parties.
5. The Mayor or his designee be authorized to execute such final documents as may be necessary to approve the condominium project.