

**CLARK COUNTY
STAFF REPORT**

DEPARTMENT: Public Works / Transportation and Development / Programming

DATE: Feb. 20, 2018

REQUESTED ACTION: Execute an Interlocal Cooperation Agreement with the city of Ridgefield for environmental Shoreline Substantial Development permitting related to the Main Avenue Access Improvements - (Ridgefield City Limits - National Wildlife Refuge) - Project #: 352322.

Consent Hearing County Manager

BACKGROUND

Clark County Public Works has partnered with the city of Ridgefield and Western Federal Lands, part of the Federal Highway Administration, to construct a bicycle/pedestrian pathway between Ridgefield and the Ridgefield National Wildlife Refuge, a distance of almost 1/2 mile. The proposed pathway along the west side of Main Avenue will provide safer access between the city and the wildlife refuge.

For efficiency, Ridgefield has offered to process the Shoreline permit for the city and county, instead of having two permitting processes. The Interlocal Cooperation Agreement authorizes Ridgefield to issue and administer the Shoreline permit in concurrence with Clark County Community Development (see attached Community Development memorandum).

COUNCIL POLICY IMPLICATIONS

None. The Main Avenue Access Improvements project is included in the adopted 2018-2023 Transportation Improvement Program and the 2018 Annual Construction Program.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COMMUNITY OUTREACH

Community outreach for the Transportation Improvement Program included two work sessions and a hearing with the Clark County Council, presentations to the Clark County Planning Commission, the Southwest Washington Regional Transportation Advisory Committee and the Development and Engineering Advisory Board, as well as a State Environmental Policy Act review and targeted outreach to neighborhood groups and other stakeholders.

Public Works and Western Federal Lands will provide additional outreach where construction will significantly affect drivers and nearby residents.

BUDGET IMPLICATIONS

| YES | NO | |
|-----|----|--|
| ✓ | | Action falls within existing budget capacity. |
| | ✓ | Action falls within existing budget capacity but requires a change of purpose within existing appropriation |
| | ✓ | Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager. |

PW18-031

BUDGET DETAILS


| Funding Source | Dollar Amount | Account |
|---------------------|---------------|-------------------------|
| Local Funding Share | \$ 117,400 | 1012 / County Road Fund |

DISTRIBUTION:

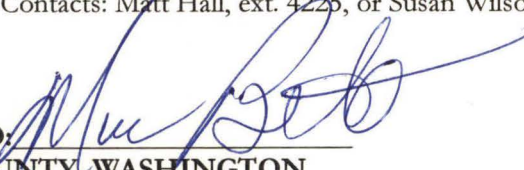
Council staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>
Once approved, please contact Matt Hall at ext. 4225. Three originals are required to execute.

Attachments: ILA and related attachments; Vicinity Map


Carolyn Heniges, PE
Transportation and Development Division Manager


Heath H. Henderson, PE
Public Works Director/County Engineer

Primary Staff Contacts: Matt Hall, ext. 4225, or Susan Wilson, ext. 4330.


APPROVED:
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: 2-20-18
SR# 45-18

APPROVED: _____
Jim Rumpeltes, Interim County Manager



**INTERLOCAL COOPERATION AGREEMENT
Between**

**The CITY OF RIDGEFIELD
And
CLARK COUNTY
Under authority of RCW Chapter 39.34**

For the

Main Avenue Access Improvements Project

This **INTERLOCAL COOPERATION AGREEMENT** is between the **CITY OF RIDGEFIELD**, a Washington municipal corporation and **CLARK COUNTY**, a political subdivision of the State of Washington, for the construction of a bicycle/pedestrian pathway along Main Avenue between the City of Ridgefield and the Ridgefield National Wildlife Refuge.

RECITALS:

WHEREAS, the City of Ridgefield ("City") and Clark County ("County") are parties to the Western Federal Lands Access Program in partnership with Western Federal Lands, contributing partial funding for the project; and

WHEREAS, Western Federal Lands desires to improve access to the Wildlife Refuge by constructing a pedestrian pathway on parcels of land whose boundaries are generally shown in the attached Exhibit "A". To install the pathway the project also needs to replace two drainage culverts crossing under Main Avenue; and

WHEREAS, both the City and County presently have land use regulatory jurisdiction over portions of the Parcels; and

WHEREAS, the City and the County both have professional planning and permitting personnel on their respective staffs capable of reviewing the proposed pathway; and

WHEREAS, the Shoreline Master Programs in both City and the County, though adopted separately by their respective legislative authorities, are based on a draft master program developed jointly under WAC 173-26 in cooperation with the Department of Ecology; and

WHEREAS, the City and County have found, in the past, that where a project bisects the jurisdiction of a City and County, and applicable regulations in both jurisdictions are substantially equivalent, it is more efficient for either the City or the County to assume review responsibilities over the entire proposal while consulting with the other entity throughout the review process; and

WHEREAS, the parties find that the public interest is advanced by entering into this Interlocal Agreement (ILA), the purpose of which is to allow for Shoreline permitting by the City for construction of the drainage culverts which are located partially outside of the limits of the City of Ridgefield and in the jurisdiction of Clark County.

AGREEMENT: NOW, THEREFORE, it is agreed by the City Council of Ridgefield and the Clark County Council as follows:

1. Western Federal Lands plans to construct a pedestrian pathway along Main Avenue and culverts crossing under the roadway. The improvements are located partially on City, County, and Federal property as generally shown in the attached Exhibit "A". The improvements on County property are located on the east side of Main Avenue.
2. This ILA shall be effective on the date it is fully executed by both parties and will terminate on December 31, 2019, unless terminated earlier as provided herein.
3. Western Federal Lands is responsible for all design elements of the project.
4. The City will utilize their resources to process the Shoreline permit for construction of the pathway and culverts which are partially located on county land, subject to the following conditions:
 - a. The permitting of the public facilities shall apply the City code unless the County code is more restrictive, in which case the County code shall apply.
5. Either party may choose to terminate this ILA by notifying the other party in writing 30 days prior to termination.
6. The City shall respond to, defend, indemnify and hold harmless the County from all claims of liability, damage or injury arising directly or indirectly as a result of the permitting the new facilities unless the claim arises from the intentional acts or the sole negligence of the County, including the County's agents, officers, or employees.
7. The provisions of this ILA may be amended by mutual consent of the parties in writing.
8. Upon obtaining the final approved copy of this Agreement the City will file the ILA with the County Auditor of Clark County, as required by RCW 39.34.040.
9. This ILA shall be executed in three (3) original counterparts, which shall be delivered to the Clerk of the City upon execution of the agreement by the Clark County Council.

This agreement shall be effective upon execution by both City and County Councils.

AGREED TO BY THE CITY COUNCIL OF RIDGEFIELD

THIS _____ DAY OF _____, 2018

CITY OF RIDGEFIELD

Ron Onslow, Mayor

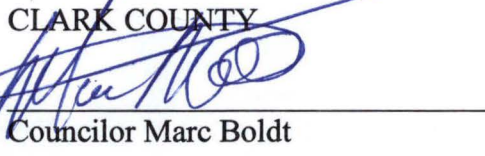
Approved as to form:

Attorney for the City of Ridgefield

AGREED TO BY THE CLARK COUNTY COUNCIL

THIS 20th DAY OF February, 2018.

2018

CLARK COUNTY


Councilor Marc Boldt



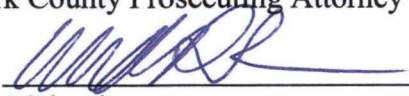
Councilor Jeanne E. Stewart

Councilor Julie Olson

Councilor John Blom

Councilor Eileen Quiring

Approved as to form:
Anthony F. Golik,
Clark County Prosecuting Attorney

By: 

Bill Richardson
Deputy Prosecuting Attorney



proud past, promising future

DEPARTMENT OF
COMMUNITY DEVELOPMENT
Wetland and Habitat Review

MEMORANDUM

TO: Jeff Niten, The City of Ridgefield Community Development Director
FROM: Brent Davis, Wetland and Habitat Review Program Manager *BD*
DATE: January 23, 2018
SUBJECT: Main Avenue Access Improvements, Shoreline Substantial Development

I have been designated by the County Shoreline Administrator and Community Development Director, Marty Snell, to provide documentation for the City's Shoreline Permit demonstrating that the City's application of its SMP to this project will be sufficient to also comply with the standards of the County's SMP.

The County Public Works Department is a partner with the applicant on the project and is currently working with Clark County Community Development and the City to draft a Memorandum of Understanding that will authorize the City to issue and administer a Shoreline Substantial Development Permit on the County's behalf.

I have reviewed the proposed Main Avenue Access Improvements project and City of Ridgefield Staff Report as they relate to Clark County's Shoreline Master Program (SMP) and prepared the attached analysis concluding that the project, as conditioned by the City of Ridgefield, will meet the requirements of the County's SMP.

I understand that the Applicant is soliciting a letter from the Washington Department of Fish and Wildlife that would allow the County to authorize the project under a Statement of Exemption in the event that the MOU between the City and the County cannot be executed in a timely manner.

Therefore, I recommend that Condition 11 in the Staff Report be revised to allow for execution of the MOU in Lieu of a County Shoreline Permit.

Shoreline Development Review

Project Name: Main Avenue Access Improvements

Location: NW Main Ave. at Gee Creek, north of Ridgefield

Request: Approval for Shoreline Restoration with the Shoreline Management Area of Clark County

Applicant/Owner: Federal Highways Administration, Western Federal Lands

Substantial Development

Conditional Use

Variance

Applicable Laws:

40.460 (Shoreline Master Program), Clark County Shoreline Management Master Program, Clark County Comprehensive Plan, and State Laws WAC 173-27 and RCW 90.58.

Project Description / Background

The proposal is to construct paved sidewalk along the west side of Main Avenue from approximately 100 yards north of N Depot St to the Ridgefield city limits, use extensive fill to raise the Main Avenue elevation, and construct one new creek crossing (replacing an undersized culvert) as part of a 0.40-mile project that extends north through Clark County to the Ridgefield National Wildlife Refuge and includes two total creek crossings. No parking or trailheads are planned. There will be no improvements relating to lighting, signage, or utilities.

A small portion of the project is within Clark County's Shoreline Jurisdiction within the Rural Conservancy – Residential Shoreline Designation. Under RCW 90.58, the County does not have Shoreline Jurisdiction on Federal Lands and under Federal Law, the scope of the County's jurisdiction over any Federal Agency is limited in scope to the elements of the County's Shoreline Master Program that pertain to water quality and discharge to waters of the United States. The Areas subject to the County jurisdiction is limited to the portions of the project within County Right-of-Way for NW Main Ave. and any affected areas outside of the ROW north and east of Gee Creek (see Exhibit "A").

Shoreline Analysis

Since the proposed project will be located in or near waters subject to the Clark County Shoreline Management Master Program, it is subject to the provisions of the Shoreline Management Act. Substantial developments must be consistent with:

- (1) Shoreline goals and policies of the Clark County Comprehensive Plan, Chapter 13;



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/development



For an alternate format,
contact the Clark County
ADA Compliance Office.
Phone: (360)397-2322
Relay: 711 or (800) 833-6384
E-mail: ADA@clark.wa.gov

- (2) Shoreline designation purpose and management policies in CCC 40.460;
- (3) Shoreline general regulations in CCC 40.460;
- (4) Specific use regulations in CCC 40.460; and
- (5) Shoreline modification regulations in CCC 40.460.

(1) SHORELINE MASTER PROGRAM GOALS AND POLICIES

This proposal is deemed consistent with the Shoreline Management Act (90.50.100(2) RCW), the Clark County Shoreline Master Program (SMP), and The Clark County Comprehensive Plan Chapter 13 pursuant to compliance with the standards in Clark County Code 40.460 as described below.

(2) SHORELINE DESIGNATION

The county classification system consists of shoreline designations that are consistent with and implement the Act (Chapter 90.58 RCW), the SMP Guidelines (Chapter 173-26 WAC) and the Clark County Comprehensive Growth Management Plan. These designations have been assigned consistent with the corresponding criteria provided for each shoreline designation. In delineating shoreline designations, the county aims to ensure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should be consistent with the policies for restoration of degraded shorelines. All the shoreline designations, even if they are not applied within the city limits or urban growth area, are listed here to maintain consistency countywide (see Sections 40.460.440(E) and 40.460.620).

Applicable Shoreline Designations

- Aquatic
- Urban Conservancy
- High Intensity
- Rural Conservancy – Resource Lands
- Natural
- Medium Intensity
- Rural Conservancy – Residential

Management Policies

The proposed development is deemed to be consistent with the management policies found in CCC 40.460.430 for the affected shoreline designations (identified above) pursuant to compliance with the standards in CCC 40.460 as described below.

Ordinary High Water Mark Determination

An Ordinary High Water Mark (OHWM) determination has been completed by Clark County pursuant to Ecology publication no. 16-06-29, *Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State*, that includes review of OHWM documentation provided by the applicant.

- OHWM confirmed
- OHWM modified
- Conditions needed

The following analysis addresses only OHWM determination issues that need to be clarified or conditions of approval warranted to ensure that the OHWM is shown correctly in subsequent review and approval process.

Analysis

The OHWM has been verified by the City of Ridgefield's Shoreline Administrator.

(3) SHORELINE GENERAL REGULATIONS

All uses and development activities in shorelines are subject to the general regulations in Section 40.460.500. The general regulations address archeological, critical areas, public access, restoration, site planning and development, vegetation conservation, views and aesthetics, and water quality and quantity.

40.460.530 Critical Areas Protection

The proposed development in the SMA could affect the following critical areas:

| <i>Critical Area Present</i> | <i>As Defined In Chapter</i> | <i>Avoided</i> | <i>Mitigated</i> |
|---|------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Critical Aquifer Recharge Areas | 40.410 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Flood Hazard Areas | 40.420 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Geologic Hazard Areas | 40.430 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Habitat Conservation Areas | 40.440 | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Wetlands or Wetland Buffers | 40.450 | <input type="checkbox"/> | <input type="checkbox"/> |

40.460.530.G. Wetlands.

A wetland determination has been completed by Clark County that includes review of a wetland delineation report and wetland mitigation plan provided by the applicant.

Wetlands within the Shoreline Management Area

| <i>Wetland Rating</i> | <i>Present</i> | <i>Shoreline Association and Buffers</i> | <i>Present</i> |
|-----------------------|-------------------------------------|--|--------------------------|
| Category I | <input type="checkbox"/> | Associated Wetlands Extend SMA | <input type="checkbox"/> |
| Category II | <input type="checkbox"/> | Water Quality Function Buffers | <input type="checkbox"/> |
| Category III | <input checked="" type="checkbox"/> | Habitat Function Buffers | <input type="checkbox"/> |
| Category IV | <input type="checkbox"/> | Functionally Isolated Buffers | <input type="checkbox"/> |

Impacts proposed Standards met Conditions needed Variance needed

The following analysis addresses only the wetland standards applicable to the proposed development plan where there are issues to be clarified, conditions of approval are warranted to ensure that the standards are met, or the standards cannot be met.

Analysis

The applicant has verified that they propose to purchase 0.178 credits from the Columbia River Wetland Mitigation Bank to address permanent wetland impacts east of NW Main Ave. The County has verified that the mitigation is sufficient to comply with the County's Shoreline Master Program.

40.460.560 Site Planning and Development

40.460.560.B. Grading, Fill, and Excavation.

Grading proposed Standards met Conditions needed Variance needed

The following analysis addresses only the grading standards applicable to the proposed development plan where there are issues to be clarified, conditions of approval are warranted to ensure that the standards are met, or the standards cannot be met. Note that grading below the OHWM is defined as dredging and is addressed under Chapter 40.460.640.B.

Analysis

The City of Ridgefield's findings and recommended conditions of approval related to grading and erosion control are sufficient to comply with the County's Shoreline Master Program.

40.460.570 Vegetation Conservation

Vegetation Conservation Zones are determined by the location relative to the Urban Growth Boundary and the stream type(s) within the SMA. Vegetation conservation standards in these zones are consistent with the Habitat Conservation Areas standards in Chapter 40.460.530.A.5 and F.

Applicable Vegetation Conservation Zones

| | | |
|---|---|----------------------------------|
| <input checked="" type="checkbox"/> Type S Waters | <input checked="" type="checkbox"/> 150 ft. (rural) | <input type="checkbox"/> 115 ft. |
| <input type="checkbox"/> Type F Waters | <input type="checkbox"/> 115 ft. (rural) | <input type="checkbox"/> 100 ft. |
| <input type="checkbox"/> Type Np Waters | 75 ft. | |
| <input type="checkbox"/> Type Ns Waters | 50 ft. | |
| <input type="checkbox"/> Lakes | 100 ft. | |

Impacts proposed Standards met Conditions needed Variance needed

The following analysis addresses only the vegetation conservation zone standards applicable to the proposed development plan where there are issues to be clarified, conditions of approval are warranted to ensure that the standards are met, or the standards cannot be met.

Analysis

The applicant proposes native planting within 150 ft. of the OHWM of Gee Creek to replace native vegetation cleared for proposed grading. All vegetation cleared can be replaced within 20 year. The proposed plan complies with the County's Shoreline Master Program.

40.460.590 Water Quality and Water Quantity

Water quality and quantity standards are generally addressed through compliance with Chapters 13.26A, 40.386, and 40.410 which are normally reviewed under a construction authorization and inspection process.

The following analysis addresses only the water quality and quantity standards applicable to the proposed development plan where there are issues to be clarified, conditions of approval are warranted to ensure that the standards are met, or the standards cannot be met.

Analysis

The City of Ridgefield's Findings and recommended conditions of approval related to grading and erosion control are sufficient to comply with the County's Shoreline Master Program.

(4) SPECIFIC SHORELINE USE REGULATIONS

In addition to the general requirements, all uses and development activities in shorelines are subject to applicable use-specific regulations in CCC 40.460.600. These regulations are intended to work in concert with all sections of the SMP and in particular the goals and policies (CCC 40.460.300) and general use and development regulations (CCC 40.460.500).

40.460.640. Shoreline Modification Regulations

Shoreline Modification Summary

| <i>Modifications Proposed</i> | <i>Standards Met</i> | <i>Conditions Needed</i> | <i>Variance Needed</i> |
|---|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> Dredging | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Dredge Material Disposal | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Flood Control Work | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> In-Stream Structures | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Shoreline Restoration | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Shoreline Stabilization | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The following analysis addresses only the shoreline modification standards applicable to the proposed development plan where there are issues to be clarified, conditions of approval are warranted to ensure that the standards are met, or the standards cannot be met. Standards related to fill and other grading are addressed under Chapter 40.460.560.B.

Analysis

The proposed culvert replacement, tributary realignment will restore water quality functions and specifically benefit threatened and endangered fish species in Gee Creek as required by the County's Shoreline Master Program.

Findings

Based on the analysis above, The County Shoreline Administrator has made the following Findings of Fact.

1. The portions of the proposed trail and culvert replacement project within Clark County's Shoreline Management Area, subject to the Conditions of Approval recommended by the City of Ridgefield's Shoreline Administrator, meet the standards for substantial development under the Clark County Shoreline Master Program.
2. Provided that a Memorandum of Understanding between Clark County and the City of Ridgefield authorizing the City to approve and administer a Shoreline Substantial Development Permit on the County's behalf is in place prior to issuance of said permit, a County Shoreline Permit will not be required.



proud past, promising future

CLARK COUNTY
WASHINGTON

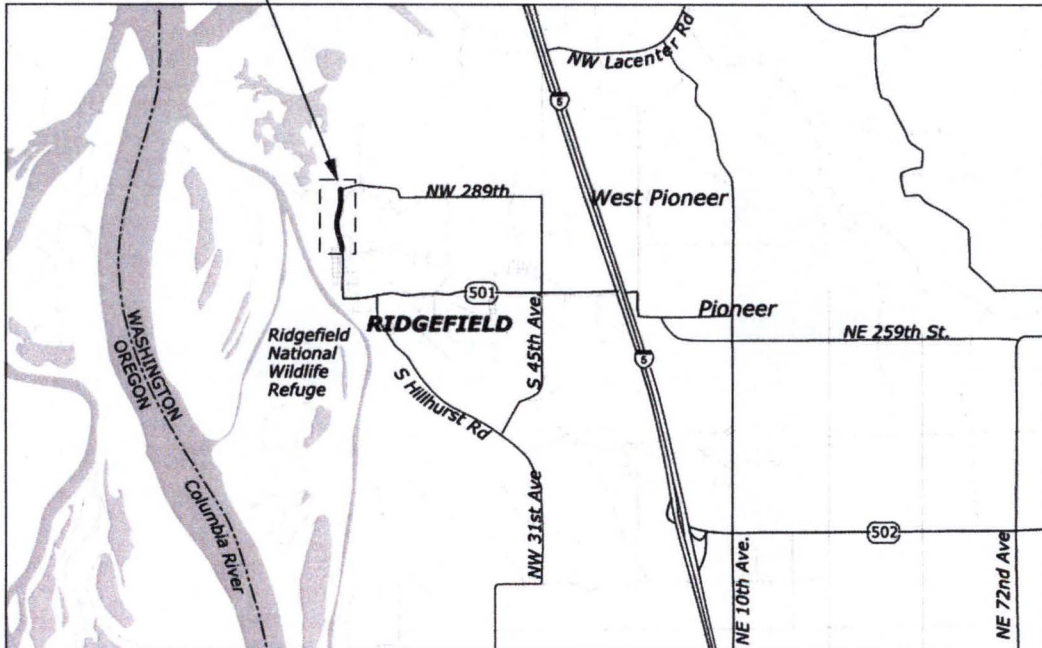
Department of Public Works
Engineering & Construction Division
Main Avenue Access Improvements
CRP# 352322

MAIN AVENUE ACCESS IMPROVEMENTS

RIDGEFIELD NATIONAL WILDLIFE REFUGE
CLARK COUNTY
WASHINGTON

PROJECT LOCATION

LENGTH 0.246 MILES



Vicinity Map