

CLARK COUNTY
STAFF REPORT



DEPARTMENT: Public Works/Transportation Program

DATE: February 16, 2016

REQUESTED ACTION: Acknowledge the Section 4(f) de minimis use of Public Park for construction of the CRP #333122, NE 119th St (NE 50th to NE 72nd Ave) Road Improvement project

X Consent Hearing County Manager

PUBLIC WORKS GOALS:

- Provide safe and efficient transportation systems in Clark County
- Create and maintain a vibrant system of parks, trails and green spaces
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a healthy, desirable quality of life
- Increase partnerships and foster an engaged, informed community
- Cultivate a nimble, responsive work force
- Make Public Works a great place to work

BACKGROUND

Clark County Public Works received a federal grant to widen NE 119th St (NE 50th to NE 72nd Ave) to the standards of a two-lane minor arterial (M-2cb) which includes center left-turn lanes, sidewalks, and bike lanes. Stormwater facilities and drainage improvements are also a part of the project. The roadway project will result in 0.21 acres (9227 sq. feet) of permanent impacts to the Blueberry Neighborhood Park. This undeveloped park is 3.82 acres in size and is located south of the roadway near the intersection of NE 119th Street and NE 56th Ave.

The permanent impacts to the park will require the acquisition of a 35-foot wide strip along the park's NE 119th Street frontage. The improvements on park property include the construction of curb and gutter along the roadway, a rain garden, sidewalk, and a stormwater easement for off-site drainage. The sidewalk is an "enhancement measure" for the future park site, allowing safe passage to the park for pedestrians. This element of the roadway project is a benefit to the Section 4(f) resource.

Section 4(f) of the U.S. Department of Transportation Act of 1966 requires all potential impacts on Section 4(f) lands to be analyzed for prudent alternatives prior to implementation of a project. The incorporation of minor amounts of Section 4(f) lands in transportation projects is considered a de minimis use as long as the use does not adversely affect the activities, features or attributes that make the Blueberry Neighborhood Park eligible for Section 4(f) protection. Section 4(f) of the Transportation Act requires that de minimis use of resource lands be approved following a formal opportunity for public comment.

COUNCIL POLICY IMPLICATIONS

None

ADMINISTRATIVE POLICY IMPLICATIONS

No policy implications will result from this approval. The NE 119th St (NE 50th to NE 72nd Ave) Road Improvement project was approved as part of the 2016-2021 TIP and the 2016 ACP. Construction will also have to be approved by the BOCC at the time of contract solicitation. A letter of support from the Clark County Parks Division has also been obtained for this de minimis use of park property.

PW16-015

PREVIOUS REVIEWS AND ACTIONS

The NE 119th St (NE 50th to NE 72nd Ave) project was approved as part of the 2016-2021 Transportation Improvement Program, which has gone through BOCC work sessions and hearings. A letter of support from the Clark County Parks department has also been obtained for this de minimis use. This project has gone through the SEPA process.

COMMUNITY OUTREACH

This project was presented at several open houses, neighborhood association meetings, BOCC work sessions and hearings. The project is located on the county’s website. All adjacent property owners have been notified by mail and/or direct communication about the project. Also a public notification and comment period was provided through the SEPA process.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity. If the action is for a contract, a fiscal impacts page is still required even if there is existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	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.

BUDGET DETAILS

Local Fund Dollar Amount	N/A
Grant Fund Dollar Amount	N/A
Account	
Company Name	

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>



Tom Grange, P.E.
Engineering and Construction Program Manager

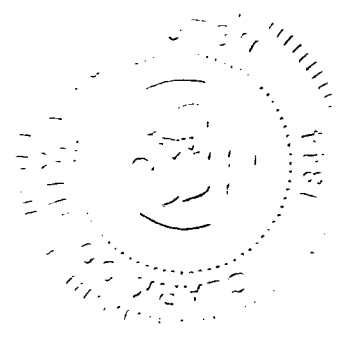


Heath H. Henderson, PE
Public Works Director/County Engineer

APPROVED: *M. W. [Signature]*
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: Feb. 16, 2016

SR# SR 033-16



APPROVED: _____
Mark McCauley, Acting County Manager

DATE: _____

Attachments:

- Section 4(f) De Minimis Impact Determination
- Parks Division Support Letter

CC: Robin Washington, Public Works
Heath Henderson, Public Works
Susan Wilson, Public Works
Michael Derleth, Public Works
Lisa Hemesath, Environmental Services

Section 4(f) De Minimis Impact Determination (per 23 CFR 774)

Date:	January 4, 2016
Lead Agency:	Clark County
Project Number:	STPUS-4430(005)
Project:	NE 119 th St (50 th to 72 nd Ave)
Project Description:	<p>Currently, NE 119th Street between NE 50th Ave and NE 72nd Ave is a narrow two-lane road with no sidewalks or bicycle lanes. The goal of this project is to widen the roadway to the standards of a two-lane minor arterial (M-2cb) which includes center left-turn lanes, sidewalks, and bike lanes. The road designation entails two 12-foot wide travel lanes, a 12-foot-wide center left turn lane/median, a 5-foot wide bicycle lane, 6-foot wide detached sidewalks, and drainage improvements. Roadside bioretention cells, stormwater vaults and two stormwater facilities will treat and detain road runoff. Utilities will be relocated and/or upgraded as deemed necessary. The project is located in T3N R2E Sections 30 and 31, and T3N R1E Sections 25 and 36 of Clark County, WA. See Figure 1.</p> <p>Widening NE 119th St will require strip takes from properties located on both sides of the roadway.</p>
Section 4(f) Resource	Blueberry Park (future park site)
Type of 4(f) Resource	<input checked="" type="checkbox"/> Public Park or Recreational Area <input type="checkbox"/> National Register-Eligible Historic Site <input type="checkbox"/> Publicly-owned Wildlife or Waterfowl Sanctuary
Size of the de minimis use of the 4(f) Resource in acres	The project will permanently impact 0.12 acres (5272 sq. feet) of a 3.82-acre park.
Official With Jurisdiction	Clark County Parks Division of Public Works

De minimis Documentation

1. Describe the Section 4(f) property and the attributes and features that qualify it for Section 4(f) protection, attach a map with shows the boundary of the resource, the locations of key features (e.g. ball fields, structures) and shows the area to be used;

Blueberry Park is an undeveloped park, consisting of two tax lots (TL#199086-002 and TL#199236-000) located on the south side NE 119th St, just west of the NE 56th Ave intersection (T3N R2E Section 31 NW ¼) (**Figure 2**). The park is 3.82 acres in size and contains a house and four outbuildings. Other than the trees and shrubs associated with the residence, the property is an open grassy field that has traditionally been used as a pasture. The house is currently used as a rental property. There are no recreational facilities at the undeveloped park, and the property is not open for public use.

The roadway project will require the purchase of a 20-foot wide sliver take from the frontage of Blueberry Park. Another 15-foot wide permanent stormwater easement will be necessary to accommodate drainage.

A temporary construction easement totaling approximately 0.01 acres (650 sq. feet) will be necessary for construction access. The access is necessary to regrade existing driveways on the property.

2. Describe the impacts to the Section 4(f) property, and any avoidance, minimization and mitigation or enhancement measures, and why they are considered de minimis as defined in 23 CFR 774.17;

Clark County Public Works is proposing to permanently impact a total of 0.21 acres (9227 sq. feet) of Blueberry Neighborhood Park (**Figure 3**). This impact is located along the park frontage adjacent to NE 119th St. The property will be incorporated into roadway improvements, including a bioretention cell (i.e. rain garden), sidewalk, and drainage improvements.

Improvements to the roadway extend evenly to the north and south from the existing centerline NE 119th St. All permanent and temporary impacts to the undeveloped park are adjacent to the current road right-of-way. Permanent impacts are the minimal necessary to build out the roadway to current standards for a two-lane minor arterial (M-2cb), including space for a rain garden which is necessary for adequate on-site treatment of road runoff. These impacts only extend at a maximum of 20 feet into the park from the road right-of-way, resulting in 0.12 acres (5272 sq feet) of permanent impact. The addition of a sidewalk along the park frontage can be considered an “enhancement measure” for the future park site, allowing safe passage to the park for pedestrians.

In addition to the permanent impact noted above, a 15-foot wide permanent stormwater easement totalling 0.09 acres (3955 sq. feet) will be necessary behind the sidewalk to accommodate off-site stormwater along the south shoulder of NE 119th St. The ditch will be no more than two feet deep with 3:1 side slopes. The permanent easement is necessary to allow continuing maintenance of the ditch (i.e. vegetation and sediment removal to maintain flow) when deemed necessary. Once the ditch has been relocated during construction, the area will be reseeded with grass.

In addition to the de minimis impact described in the previous paragraphs, the project’s contractor will need an additional 0.01 acres (650 sq. feet) in order to maneuver equipment and match the grade of the existing driveways to that of the new road grade. The area is currently used as two driveways leading into the park parcels. Use of this area by the contractor meets all

the conditions listed in 23 CFR 774.13(d) as a “temporary occupancy”, and thus will not constitute a Section 4(f) impact. Those conditions are outlined below:

1. Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and
5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The existing driveways will only be used when heavy equipment is operating at the project site. Minor grading of both driveways will be necessary to match grade with the new roadway, and will result in minimal changes to the property. The proposed temporary occupancy will not interfere with any protected activities, features, or attributes of the property. The proposed grade change to the driveways will ensure that access to the undeveloped park property is maintained. The park manager has agreed to the temporary use of the area.

3. For parks, recreational facilities, and wildlife and waterfowl sanctuaries:

a. Describe the Public Outreach that has been or is being conducted (leave blank for historic sites);

All adjacent property owners have been notified by mail and/or direct communication about the project. Public notification and comment periods were provided through the SEPA process. In addition, the County has provided the public the opportunity to comment on the proposed use of Blueberry Neighborhood Park as part of the NE 119th road project by placing this item on the Board of County Commissioner’s Consent Agenda on 02/16/2016.

b. Include written concurrence of the official with jurisdiction over to 4(f) resource with the de minimis determination.

The Blueberry Park is managed by the Clark County Parks Division of Public Works. Clark County Public Works, the department lead on the roadway project, has been coordinating with the Parks Division on this project. The Parks Division concurred with the de minimis take on 01/01/2016 (see attached letter). The county will continue to coordinate with the Parks Division during roadway construction. Clark County Public Works will be responsible for reseeding any temporary ground disturbance on park property as a result of roadway construction.

4. For historic resources, attach Section 106 Documentation (Include SHPO concurrence in project-level findings (DOEs and or FOEs) and Programmatic Agreement Memos for archaeological resources); and

No historic resources will be impacted by this project. SHPO concurred with the finding on 11/24/2015.

Request for Approval

Based upon this analysis we request FHWA approval that the use of the Section 4(f) resource described above is *de minimis* as defined in 23 CFR 774.17.

Trevin Taylor, Environmental Engineer
WSDOT Local Programs

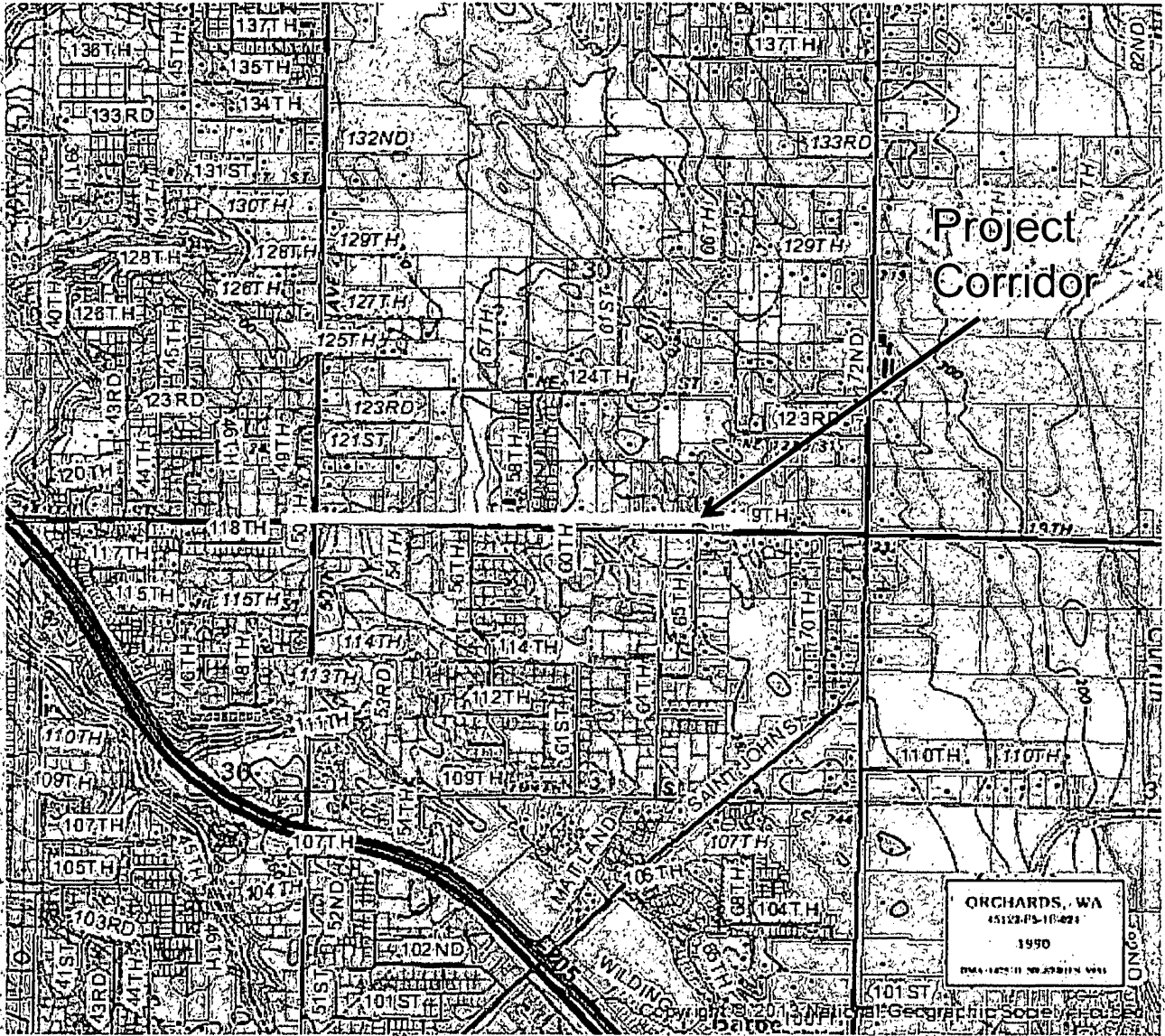
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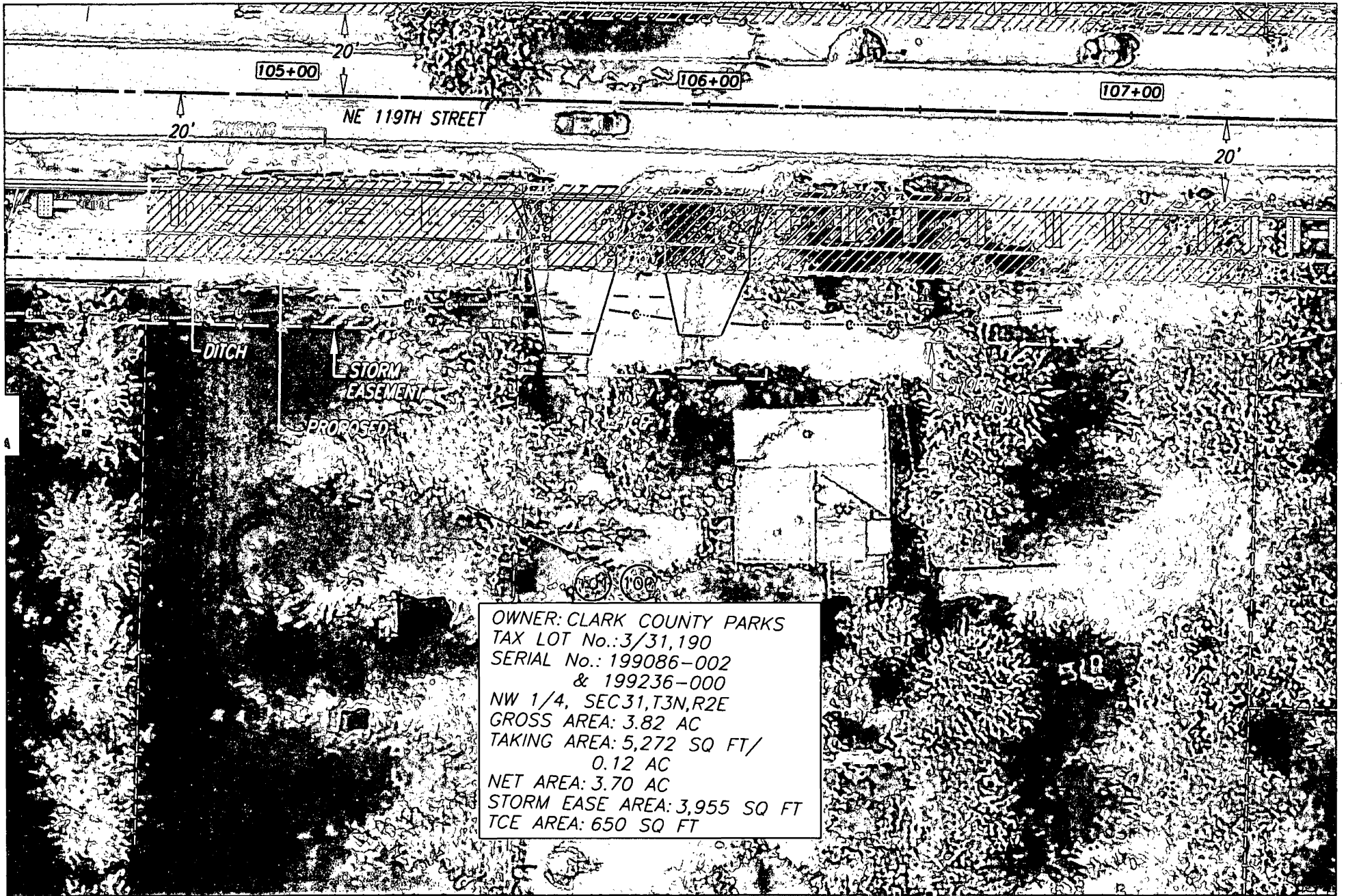
FHWA Approval

Liana Liu, P.E, Area Engineer
FHWA Washington Division

Date

NE 119th Street (NE 50th Ave. to NE 72nd Ave) Road Improvement Project







proud past, promising future

CLARK COUNTY
WASHINGTON

PUBLIC WORKS

Parks

January 1, 2016

Heath Henderson
Director
Clark County Public Works
P.O. Box 9810
Vancouver, WA 98666-9810

RE: Blueberry Park and Clark County's NE 119th St (50th to 72nd Ave) Road Improvement Project

The Clark County Department of Public Works is proposing to widen NE 119th Street between NE 50th Ave and NE 72nd Ave to the standards of a two-lane minor arterial (M-2cb). The road designation entails two 12-foot wide travel lanes, a 12-foot-wide center left turn lane/median, a 5-foot wide bicycle lane, 6-foot wide detached sidewalks, and drainage improvements. This project will impact the undeveloped, 3.82-acre Blueberry Neighborhood Park. Impacts to the park include 0.21 acres (9227 sq. feet) of permanent impact and 0.01 acres (650 sq. feet) of temporary impact.

The permanent impacts to the park will consist of a 35-foot wide sliver take of the park's street frontage along NE 119th St. The permanent impacts on park property include the construction of curb and gutter along the roadway, a rain garden, sidewalk, and a stormwater easement for off-site drainage. The sidewalk is an "enhancement measure" for the future park site, allowing safe passage to the park for pedestrians. This element of the roadway project is a benefit to the Section 4(f) resource.

The Parks Division has reviewed the Section 4(f) evaluation, along with the project plans, and concurs that the proposed NE 119th St (NE 50th Ave to NE 72nd Ave) Road Improvement Project will not adversely affect the activities, features or attributes that make the Blueberry Neighborhood Park eligible for Section 4(f) protection. We agree that this project will be a de minimis impact on these resources.

In addition to the de minimis impact described in the previous paragraph, the project's contractor will need an additional 0.01 acres (650 sq. feet) in order to maneuver equipment and match the grade of the existing driveways to that of the new road grade. The area is currently used as two driveways leading into the park parcels. Use of this area by the contractor meets all the conditions listed in 23 CFR 774.13(d) as a "temporary occupancy", and thus will not constitute a Section 4(f) impact. Those conditions are outlined below:

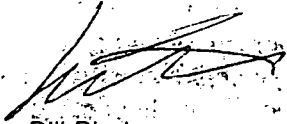
1. Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land;
2. Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal;
3. There are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
4. The land being used must be fully restored, i.e., the property must be returned to a condition which is at least as good as that which existed prior to the project; and

5. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

The existing driveways will only be used when heavy equipment is operating at the project site. Minor grading of both driveways will be necessary to match grade with the new roadway, and are a minor impact in nature and magnitude to the undeveloped park. The proposed temporary occupancy will not result in permanent adverse physical impacts, nor interfere with any protected activities, features, or attributes of the property, on either a temporary or permanent basis. Finally, the proposed grade change to the driveways will ensure that access to the undeveloped park property is maintained.

It is the opinion of the Parks Division that the temporary use of the existing driveways during construction along the frontage of the Blueberry Neighborhood Park meets all the conditions listed in 23 CFR 774.13(d) and is considered a "temporary occupancy", and thus does not rise to the level of being a use for purposes of Section 4(f).

Sincerely,



Bill Bjerke
Manager

Clark County Parks Division of Public Works