INTERLOCAL AGREEMENT FOR CO-MANAGEMENT WITHIN THE UNINCORPORATED URBAN GROWTH AREAS

This agreement is made by and between Lewis County (herein after referred to as the "County"), a political subdivision of the State of Washington, and the City of Chehalis (herein after referred to as the "City"), pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW.

Section 1. Definitions

(A) "Capital investment" means any roadway or roadway feature exceeding $100,000 in construction cost which is approved by the County on or after the date of this agreement, and which is fifty percent (50%) or more completed during the effective dates of this agreement.

"Chehalis Urban Growth Area (UGA)" means the urban growth area adopted pursuant to RCW 36.70A.110 (Comprehensive plans - urban growth areas) as illustrated in Chapter 17.200 Lewis County Code (LCC – Maps), and in conjunction with the City of Chehalis comprehensive Plan.

(B) "City" means the City of Chehalis, Washington.

(C) "CMC" means Chehalis Municipal Code.

(D) "County" means Lewis County, Washington.

(F) "LCC" means Lewis County Code.

(G) "Project permit application" means any land use or environmental permit or license required from the City or the County for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations. [*Note: RCW 36.708.020(4)*]

(H) "Roadway feature" means any improvement within, or adjacent to the right- of-way that materially supports roadway function, such as traffic signals, traffic control devices, roadway signage, bridges, drainage structures, and storm water facilities.

Section 2. County and City authority within the unincorporated Chehalis UGA.

(A) The County and County Board of Health shall retain all permitting, regulatory authority, and adopted policies within the unincorporated Chehalis UGA except as provided in (B) of this section.

(B) The County grants the City permitting authority for the implementation of the following provisions:

(1) Appendix Chapter E CMC (List of International, Uniform, and SBCC Codes Adopted by the City);

(2) Chapter 13.04 CMC (Water system);

(3) Chapter 13.08 CMC (Sewer system);

(4) Title 15 CMC (Environment);

(5) Title 17 (Uniform Development Regulations); except the County shall retain authority relating to the following items:

(a) Approval of final plats. In accordance with CMC 17.12.178 (Final plat review and approval – Outside city limits) and .180 (Recording and maintenance of the plat):

(i) Upon receipt of the final plat and accompanying data specified, the City's DRC shall review the final map and document to determine whether the plat conforms with the approved preliminary plat and complies with the provisions of this title and other applicable laws.

(ii) Within 28 days, the DRC shall submit a staff report and the final plat with a recommendation to the board of county commissioners.

(iii) The board of county commissioners shall approve all final plats in the unincorporated UGA.

(iv) The board of county commissioners may take such action on such final plat application as they deem appropriate.

(v) Upon approval by the board of county commissioners, the County community development director shall forward the final plat to the county auditor's office for recording.

(vi) The original of the final plat shall be filed by the County community development director for record with the county auditor within 30 days of approval. The original of the final plat shall be maintained by the community development director and copies of such plat shall be made available to any party at cost.

(vii) The applicant shall submit to the county final plat approval fees as provided under LCC Title 18 Fee Schedule.

(b) The County shall retain Lead Agency status as provided under Section 17.15.060 CMC {State Environmental Policy Act} for any County sponsored projects within the unincorporated UGA;

(c) The County shall retain all administration and permitting authority under Chapter 17.22 CMC (Frequently Flooded Areas - Flood Hazard Zones [FHZ]); and

(d) Siting and permitting of facilities for marijuana production, processing, and retail sale;

(C) Until the final adoption of a draft Shoreline Master Program consistent with Chapter 173-26 WAC (State Master Program approval/amendment procedures and Master Program Guidelines), the City shall adopt and administer Chapter 17.25 LCC (Shoreline Management) within the unincorporated Chehalis UGA.

Section 3. Interjurisdictional Coordination on Project Permit Applications.

(A) Except within FEMA designated 100-year floodplain, the City may issue expedited approval without County review and comment for the following project permit applications authorized under Section 2:

(1) Building permits issued under Appendix Chapter E, CMC (List of International, Uniform, and SBCC Codes Adopted by the City):

(a) Mechanical and plumbing permits;

(b) Repair, restoration, or remodel of existing structures, including re-roofing projects;

(c) Additions and extension to existing residential structures;

(d) Construction of new single-family residences on existing lots;

(e) Construction or modification of non-building structures, such as swimming pools, fences, and retaining walls; and

(f) Connection from existing sewer and water utility lines; and

(2) Variances under approved under Section 17.09.120 CMC (Variances). (B)

For all other project permit applications under the authority granted to the City under Section 2 (B) of this Agreement, the City shall forward to the Lewis County Department of Community Development the following:

(1) Copy of the development application and all related materials;

(2) Copy of SEPA checklist and threshold determination, if applicable; and

(3) Copy of the notice for public hearing, if applicable.

(C) The County shall review the development application and provide comment to the City within 15 days of receiving notice under (B) of this section. The City shall not act on the development application until consideration of the County's comments.

(D) Any party may appeal a decision by the City's Development Review Committee, Planning Commission, or Hearing Examiner to the County in accordance with Section 2.25.020(3)(0), LCC (Hearing Examiner).

(E) The City may appeal an administrative decision taken by the County within the Urban Growth Area in accordance with Section 2.25.020(3) (a), LCC (Hearing Examiner).

(E) Both the City and the County shall have access to all Information and documents held by either party relating to a project permit application, approval, and/or appeal within the Urban Growth Area.

Section 4. Infrastructure development standards

(A) New city streets within the unincorporated Chehalis UGA shall conform to the design and construction standards set forth under Article III, Sections 12.04.270 through .330 CMC (General considerations; Streets; Sidewalks, curbs and gutters; Illumination; Signals; Roadside features; Traffic impact analysis). Streets identified for mitigation within a traffic impact analysis under Section 12.04.330 J CMC (Traffic impact analysis) shall similarly conform to the design and construction standards under Section 12.04.280 CMC (General considerations).

(B) New or expanded development within the unincorporated Chehalis UGA shall meet the storm drainage and erosion control design and construction standards set forth under Article IV, Sections 12.04.340 (Stormwater management) and 12.04.350 CMC (Erosion control).

Section *5.* Code enforcement.

(A) Code enforcement in the unincorporated Chehalis UGA shall be a cooperative effort between the City and the County and shall be coordinated through the designated official for each jurisdiction.

(1) The code enforcement designated official for the City shall be the Development Review Specialist.

(2) The code enforcement designated official for the County shall be the Environmental Services Supervisor.

(B) Whenever the City or the County receives a code violation complaint within the unincorporated Chehalis UGA, the designated official will immediately notify their designated counterpart by telephone, in writing, or personal contact.

(C) The City shall provide assistance to the County in code violations related to the following code provisions:

(1) Appendix Chapter E CMC; List of International, Uniform, and SBCC Codes Adopted by the City;

(2) Chapter 13.04 CMC (Water System);

(3) Chapter 13.08 CMC (Sewer System);

(4) Title 15 CMC (Environment);

(5) Title 17 CMC (Uniform Development Regulations); and

(6) Chapter 17.25 LCC (Shoreline Management).

(D) The City shall assist the County in code violations for any code authority granted to the City under Section 2 (B) by conducting all investigations and seeking voluntary compliance from the violator. The City designated official shall consult with the County designated official throughout this process, including providing the County notification whenever the City discusses a violation before the Development Review Committee.

(E) If voluntary compliance in resolving the violation is not possible, the City designated official shall assemble all written reports and affidavits related to the violation into a single tile and forward It to the County designated official. Upon receipt of the file, the County designated official will review the file to determine if the county will pursue issuing a citation, abatement, and/or lien relating to the code violation. The County designated official shall immediately notify the City designated official of the County's decision.

Section 6. Utilities.

The City agrees to make sewer and water utility service available in the unincorporated Chehalis UGA consistent with CMC Chapters 13.04 (Water System) and 13.08 (Sewer System), provided there is adequate capacity and infrastructure in place to accommodate the service increase. The City and the developer may enter into latecomer agreements consistent with Section 12.04.130 CMC (Latecomer agreements) to provide said utilities.

Section 7. Fees and Charges.

(A) The City shall retain any fees and charges for any project permit applications that the County has granted jurisdiction to the City as provided under Section 2(B) of this agreement.

(B) Fees and charges for project permit applications within the unincorporated Urban Growth Areas shall be the same as within the city limits.

(C) (C) The County shall retain all court fines and charges for code enforcement actions within the unincorporated Chehalis UGA except as regulated by Section 21.61.

(D) The City shall pay the cost of all fire investigations within the unincorporated Urban Growth Area.

Section 8. Development Agreements

(A) The City may execute development agreements within the unincorporated Chehalis UGA as provided by WAC 365-196-845 (17) (b) (Local project review and development regulations).

(B) Upon annexation, the City shall assume all administrative duties for developer agreements executed by the County within the affected area.

Section 9. Annexations.

(A) Unless the County agrees to retain a specific road in County jurisdiction, the City shall annex the entire right-of-way of County roads adjacent to an annexation boundary and will assume full maintenance responsibility for those roads upon the effective date of annexation.

(B) The City shall not create through annexation an unincorporated island or a peninsula substantially surrounded by property within the City.

(C) The City agrees to reimburse the County for the depreciated value of capital road and/or stormwater construction projects completed during the 5- year period before annexation. Depreciation shall be based on a 5-year, straight line depreciation.

(D) Reimbursement shall be for the value of the County's share of funds spent for the construction of the capital road and/or stormwater, excluding grant funding or other outside funding sources. Reimbursement shall not include costs Incurred for routine maintenance expenditures. The actual reimbursement amount and the timing of payments shall be negotiated between the City and County before annexation occurs.

(E) The County shall retain its share of property taxes levied within an annexed territory from the start of the fiscal year until the date the annexation is final. The County shall retain any delinquent taxes owed, including penalties and interest, before the date of annexation. Upon request by the City, the County shall provide to the City the amounts owed.

(F) In addition, the County shall retain its share of any delinquent property tax revenues received after the date of annexation, including penalties and interest.

Section 10. Agreement Oversight and Dispute Resolution.

(A) Communications regarding this Agreement shall be in writing and hand delivered or sent by registered mail to the designated official of the jurisdiction for which it is intended:

(1) Designated Official for Lewis County:
Community Development Director
125 NW Chehalis Avenue
Chehalis, WA 98532

(2) Designated Office for City of Chehalis:
City Manager
350 N. Market Blvd, Room 101
Chehalis, WA 98532

(B) The City and the County mutually agree to use mediation for a minimum of 90 days if agreement cannot be reached on any provision of this agreement. After the 90rday period, any party may elect to utilize binding arbitration, If arbitration is necessary, one member of the arbitration team shall be selected by the City, one member shall be selected by the county, and the third member shall be selected by the other two members. The decision of the arbitration team on

the issue shall be final.

Section 11. Hold Harmless.

The City shall protect, save harmless, and indemnify at its own expense, the County, its elected and appointed officials, officers, employees, and agents, from any loss or claim for damages of any nature whatsoever arising out of the City's performance of this agreement. The County shall protect, save harmless, and indemnify at its own expense, the City, its elected and appointed officials, officers, employees, and agents, from any loss or claim for damages of any nature whatsoever arising out of the County's performance of this agreement.

Section 12. Effective Date, Duration, and Termination

(A) This Agreement shall be effective upon signature by both the City of Chehalis City Manager and Chair of the Board of County Commissioners.

(B) This agreement shall remain in effect until March 31, 2026, unless modified or terminated by written agreement of both parties. If annexation does not occur, the parties agree to enter into a new interlocal agreement governing permitting and associated matters within the urban growth area.

(C) Either party may terminate this Agreement at will after giving the other party at least 30-days' notice.

Section 13. Severability

If any provision of this agreement or its application to any person or circumstance Is held invalid, the remainder of the provisions and/or application of the provisions to other persons or circumstances shall not be affected.

EXECUTED IN TRIPLICATE and effective as of the date and year first above written.

_____ _____

Stacey Denham Date
City Manager, City of Chehalis

_____ _____

Mindy Brooks Date
Community Development Director, Lewis County

APPROVED AS TO FORM:

_____ _____

By: City Attorney Date

APPROVED AS TO FORM:
Jonathan L. Meyer, Prosecuting Attorney

_____ _____

By: Civil Deputy Date

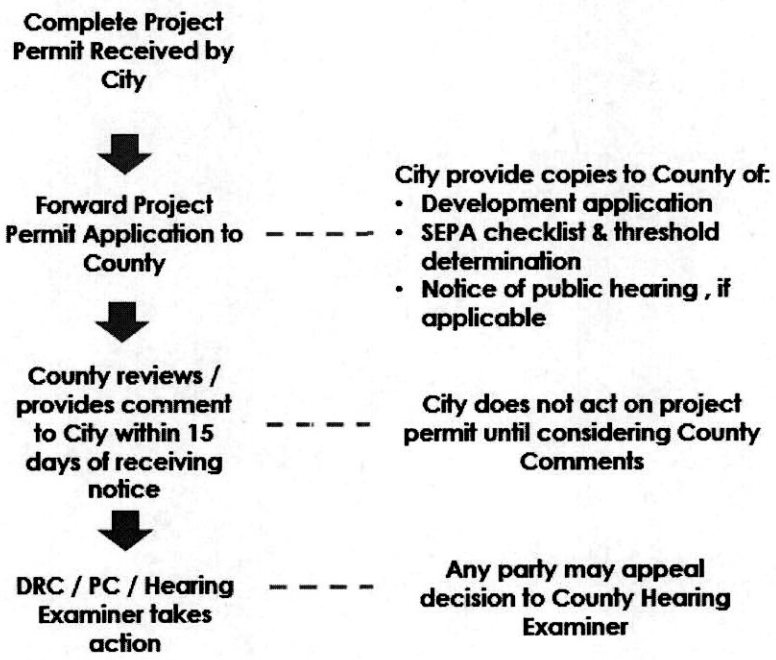
Chehalis Unincorporated Urban Growth Area
Quick Reference Tables and Diagram

City Permitting Authority	Exceptions (Consult ILA)
• Building Codes (Appendix E CMC)	
• Water systems (Chapter 13.04 CMC)	
• Sewer systems (Chapter 13.08 CMC)	
• Title 15, Environment CMC	
o Storm Water and Storm Water Runoff	
o Land-disturbing activities	
• Title 17, Uniform Development Regulations CMC	
o Division I. Administrative	
o Division II. Subdivisions	• Approval of final subdivision plat [see §2 (B) (5) (a)]
o Division III. Environmental Districts	• County assumes Lead Agency Status for County sponsored projects [see §2 (B) (5) (b)] • County retains administration & permitting for frequently flooded areas [see §2 (B) (5) (c)] • County retains siting & permitting of facilities for marijuana production, processing, & retail sale [see §2 (B) (5) (d)] • Until City has approved SMP, City adopts & administers County SMP [see §2 (C)]
o Division IV. Special Districts	
o Division V. Land Use Zones (Zoning)	
o Division VI. Us Chart/Zoning Map	
o Division VII. General Provisions	

City Code Enforcement Participation
• Building Codes (Appendix E CMC)
• Water systems (Chapter 13.04 CMC)
• Sewer systems (Chapter 13.08 CMC)
• Title 15, Environment CMC
• Title 17, Uniform Development Regulations CMC
"Fast Track" Permitting not requiring County Review
• The following Building Codes (Appendix E CMC) permits
o Mechanical and plumbing permits
o Repair, restoration, or remodel of existing structures, including re-roofing projects
o Additions & extensions to existing residential structures

	o Construction of new single-family residences on existing lots
	o Construction or modification of non-building structures, such as swimming pools, fences, & retaining walls
	o Connections to existing sewer and water utility lines
•	Variances issued under §17.09.120 CMC (Variances)

Project Permit Review Process



BOCC AGENDA ITEM SUMMARY

Resolution:

BOCC Meeting Date: Apr 30, 2018

Suggested Wording for Agenda Item:

Agenda Type: Consent

Interlocal Agreement between City of Chehalis and Lewis County regarding regulation and coordination with the Chehalis Urban Growth Area.

Contact Lee Napier

Phone: x2606

Department: Community Development

Action Needed: Approve Resolution

RECEIVED
APR 2 0 2018
LEWIS COUNTY
PROSECUTING ATTORNEY

Description

The purpose of the Chehalis Urban Growth Area (UGA) is to set aside an area that will accommodate future urban growth associated with the City of Chehalis over the next 20 years. Under the Growth Management Act and the Countywide Planning Policies, there is the expectation that a UGA eventually will incorporate urbanized residential, commercial, industrial, and public lands.

Lewis County acknowledges that the land use policies of the City of Chehalis will best guide the extension of urban development into the Chehalis UGA. The Interlocal Agreement (ILA) establishes a process whereby both parties can work together to expedite the integration of the unincoporated UGA into the city.

Approvals:

User	Group	Status
Napier, Lee		Pending
Lester, Rieva		Pending
Eisenberg, Eric		Pending
Gowing, Graham		Pending
York, Danette		Pending
Martin, Erik		Pending

Additional Copies

Lee Napier, Erik Martin, Eric Eisenberg, and Danette York