

Freight Rail Dependent Use Advisory Committee – Final Recommendation June 20, 2018

Note: New language = underline and highlight; Delete = ~~strikethrough~~

1 **40.370.010 Sewerage Regulations**

2 A. Purpose.

3 The purpose of this section is to further the public health by providing clear rules for when connection to public
4 sewer is required or prohibited. Nothing in this section shall be construed to permit violation of regulations for on-site
5 sewage disposal systems promulgated by the Washington Department of Health or local governments.

6 B. Definitions.

7 1. “Public sewer” means extension of a public sewer system operated by a public entity or, where such
8 extension is impractical, connection to an alternative public sewer system operated by the designated public
9 sewer purveyor.

10 2. “UGA” means an urban growth area designated in the comprehensive plan.

11 3. “Sewer Tightline” – Tightlining of sewer means that a sewer is designed and sized to only serve a particular
12 structure.

13

14 C. New Structures within UGA and Rural Centers Served by Public Sewer – Public Sewer Connection Required –
15 Exceptions.

16 Inside UGAs and rural centers served by public sewer, connection to public sewer is required as a condition of
17 building permit issuance for any new structure which has the potential to increase sewage effluent, or additions to
18 existing structures which have the potential to increase sewage effluent, unless the responsible official determines,
19 using a Type I review process, that the new structure or addition is for single-family detached residential use, or a
20 nonresidential use for which an on-site sewage disposal system can be approved by the Clark County Health
21 Department and:

22 1. Such use does not generate hazardous/dangerous waste, as defined by applicable federal, state or local law;
23 and

24 2. Extension of public sewer is impractical based upon the following criteria:

25 a. Public sewer would have to be extended more than three hundred (300) feet to the property line; or

26 b. Necessary permission cannot be obtained from intervening landowner(s); or

27 c. Intervening property contains natural or manmade obstructions, such as deep canyons, elevation
28 changes, and solid rock impediments, which make public sewer extension prohibitively expensive or
29 undesirable; and

30 3. A covenant to the county is recorded which commits the current and future property owner(s) to connect to
31 public sewer within twelve (12) months of sewer becoming available. The covenant shall also contain a provision
32 that commits the current and future property owner(s) to participate in a future local improvement district if this is
33 the method used to extend sewer.

34 (Amended: Ord. 2008-06-02; Ord. 2011-08-08; Ord. 2012-07-03)

35 D. Land Divisions within UGA – Public Sewer Connection Required – Exceptions.

36 Inside UGAs, connection to public sewers is required as a condition of approval of new land divisions, whether by
37 plat, short plat or site plan application, unless the following exception applies:

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1 1. A two (2) lot land division where one (1) of the lots is, or will be, developed in a use that generates no
2 sewage effluent. Any plat approved under this exception shall record a covenant prohibiting the installation of
3 plumbing fixtures for any use on the designated lot unless the lot connects to sewer.

4 2. Short plats approved under Section 40.200.050(B).

5 (Amended: Ord. 2008-06-02)

6 E. Public Sewer Connection Prohibited Outside UGAs – Exceptions.

7 For proposed structures or other developments outside of a UGA, connection to public sewer is prohibited except
8 as follows:

9 1. In response to documented health hazards; or

10 2. To provide public sewer to regional park facilities, K – 12 public schools or to uses within the urban reserve
11 district otherwise required to be served by public sewer; or

12 3. Where the county has contractually committed to permit public sewer connection; or

13 4. To provide public storm and sanitary sewer to Freight Rail Dependent Uses. Freight Rail Dependent Uses
14 sewer(s) shall be tightlined.

15 If sewer is extended outside the UGA, other than for Freight Rail Dependent Uses, the maximum number of
16 permitted hookups should be specified at the time of extension and no additional development exceeding this
17 number should be permitted.

18 (Amended: Ord. 2008-06-02)

19 F. Period of Validity.

20 A Type I decision under this section shall be valid for a period of one (1) year if not associated with any other
21 action. When such a decision is made in conjunction with another application (e.g., short plat, plat or site plan), the
22 decision shall be valid for the same period as the decision on the related application.

23 **40.370.020 Water Supply**

24 A. Definitions.

25 1. For the purpose of this section, “public water system” means a potable water supply system operated by a
26 designated public agency including a city, town or Clark Public Utilities.

27 B. Purpose.

28 Water serving new development in urban areas is necessary.

29 C. Connection Required for Building Permits.

30 1. Inside urban growth boundaries, connection to public water is required as a condition of building permit
31 issuance for multifamily dwellings exceeding three (3) units, and all structures required to meet fire flow
32 standards.

33 2. In areas located inside urban growth boundaries, where the public agency purveyor is willing and able to
34 provide safe and reliable service, connection to public water is required as a condition of building permit issuance
35 for all new residential uses of less than four (4) units, and other uses that are not required to meet fire flow
36 standards, when public water is within seven hundred fifty (750) feet of the lot. Subject to a Type I review, the
37 responsible official may conclude that public water is not available to the developer with reasonable economy
38 and efficiency, within the above distances, based on the following considerations:

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- 1 a. Permission cannot be obtained from intervening property;
- 2 b. Intervening property contains natural or manmade obstructions which make extension extraordinarily
- 3 expensive, such as a deep canyon, solid rock or reconstruction of a road or sidewalk;
- 4 c. Intervening changes in elevation make adequate service to the property extraordinarily expensive.

5 D. Connection Required for Land Divisions.

6 Inside urban growth boundaries, connection to public water is required for all new lots, as a condition of
7 preliminary plat or short plat, and site plan approval. Priority for public water service will be the extension from an
8 existing public water line and, secondly, by construction of, or connection to, a satellite system built to standards
9 established, and operated, by the designated water purveyor in the applicable water service area. Where the purveyor
10 refuses to accept the option of accepting a satellite system the third option is to approach an adjacent purveyor for
11 service. No private wells shall be permitted for purposes of providing potable water intended for human consumption.