

CLARK COUNTY STAFF REPORT



DEPARTMENT: Public Works

DATE: January 12, 2016

REQUESTED ACTION: Approve Clark Regional Wastewater District's request to annex an area to their Service Area Boundary that was added to the UGA in the 2007 Comprehensive Plan Update. This is identified as CRWWD Annexation #01-14.

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

The Clark Regional Wastewater District was approached by property owners within the current urban growth boundary and outside their current service area. It has always been anticipated the District would provide sanitary sewer service to these properties based on basin planning documents, as well as the practicality from both an engineering standpoint and the availability of service.

COUNCIL POLICY IMPLICATIONS

This action is consistent with RCW 57.02.040 which requires the county legislative authority to either approve the action or hold a hearing on the action. Since there is no opposition from other service providers, the area is within their planned service area, and this is the normal manner to provide wastewater services to the expanded urban area, we recommend approval.

ADMINISTRATIVE POLICY IMPLICATIONS

None

COMMUNITY OUTREACH

Request was initiated by property owners in the annexation area and a resolution was adopted at a Clark Regional Wastewater District Board Meeting.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
		Action falls within existing budget capacity but requires a change of purpose within

*mgp
ok
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PW16-002

	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.

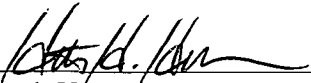
BUDGET DETAILS

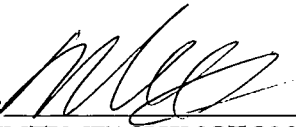
Local Fund Dollar Amount	\$0
Grant Fund Dollar Amount	\$0
Account	
Company Name	

cc: Anita Temme, Public Works

DISTRIBUTION:

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

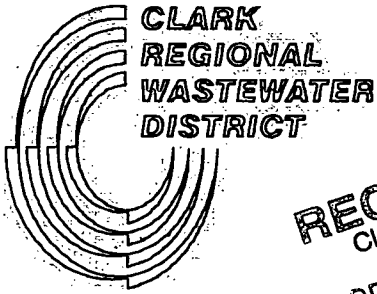

 Heath H. Henderson, PE
 Public Works Director/County Engineer

APPROVED: 
 CLARK COUNTY, WASHINGTON
 BOARD OF COUNTY COUNCILORS
 DATE: Jan. 12, 2016
 SR# SR 009-16



APPROVED: _____
 Mark McCauley, Acting County Manager

DATE: _____



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Vancouver, WA 98668-8979

8000 N.E. 52nd Court
Vancouver, WA 98665-0983

(360) 750-5876 ♦ FAX (360) 750-7570
www.crwwd.com

COMMISSIONERS
Norm Harker
Denny Kiggins
Neil Kimsey

GENERAL MANAGER
John M. Peterson

RECEIVED
Clark County

DEC 21 2015
Dept. of Public Works
Admin. / Records

Transmittal Cover

Project: District Annexation #01-14
Formal BOCC approval packet

Date: December 16, 2015

To:	Attention:	No. Copies	Action Requested	Transmitted Via
Clark County Public Works	Heath Henderson	1 copy	None	USPS

MESSAGE:

Enclosed is a copy of the Annexation #01-14 packet being sent to the Board of County Councilors for review and approval.

If you have any questions concerning this process, please contact Steve Bacon at sbacon@crwwd.com or 360.993.8810. If you have any questions concerning this mailing, please let me know.

Thank you,

Linda Bauer

Administrative Assistant III | PO Box 8979, Vancouver, WA 98668-8979
Office: **360.993.8809** | Email: lbauer@crwwd.com
APWA Accredited since 2005

C: File



An American Public Works Association Accredited Agency



Norm Harker
Denny Kiggins
Neil Kimsey
GENERAL MANAGER
John M. Peterson, P.E.

8000 NE 52 Court Vancouver, WA 98665 PO Box 8979 Vancouver, WA 98668
Phone (360) 750-5876 Fax (360) 750-7570 www.crwwd.com

December 15, 2015

Board of County Councilors
Clark County
PO Box 5000
Vancouver WA 98660-5000

RE: Approval of Clark Regional Wastewater District Annexation #01-14

Ladies and Gentlemen:

Clark Regional Wastewater District (District) has been approached by property owners within areas that were added to the UGA in the 2007 GMA update. It has been anticipated that the District would provide sanitary sewer service to these properties based on the practicality from both an engineering standpoint and the availability of service. In 2007, the Clark County Board of Commissioners designated the District as the sanitary sewer provider in the area. In conformance with RCW 57.02.040 the District is hereby submitting petitions to the Board of County Commissioners for approval.

As outlined in item 2 of Chapter 57.02.040 (copy attached) we are providing the required notice for the proposed action of annexing the areas shown on the attached maps and described in the attached legal description. We have also forwarded copies of this package to the Department of Ecology and the Department of Health as required. The County shall either approve the action or hold a hearing within 30 days.

As outlined in item 3 of Chapter 57.02.040 we include the following comments:

- a. County Development Program within the County Comprehensive plan. The County's Growth Management Plan (2007) identifies Goals and Visions. This annexation is compliant with the County's Goals and Vision. The Plan also discusses annexation and inclusion into future cities. This annexation does not prohibit nor increase any city annexation process; it merely provides service to new areas added to the urban boundary by the organization that has the closest point of service and capacity at that location.

The Plan also calls for a goal that Capital Facilities installation shall "ensure that those public facilities and services necessary to support development



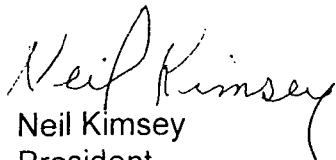
shall be adequate to serve the development at the time the development is available for occupancy ...". This annexation is compliant with this goal.

- b. Compliance with basin-wide sewerage plan – While the County has a county wide water plan, there is no county wide sewer plan. The County has two plans in place, the 1981 Salmon Creek Basin Sewer Master Plan (Robert Meyer) with 3 subsequent updates. The area depicted clearly includes the areas requesting annexation at this time. The 2004 plan primarily addresses the plant and transmission system and looks briefly at the collection system relative to population and flow projection. The area requesting annexation is shown in the District's Comprehensive Plan as referenced in the 2007 Clark County Comprehensive Plan.
- c. Compliance with the County's plan for sewerage facilities – As described in b (above) the area submitted is within the 1981 approved Salmon Creek Basin Sewer Master Plan and is stated by reference in the Clark County Comprehensive Plan.

As outlined in item 4, based on consistency shown above, the District requests that the County approves the submitted annexation of these properties into the Clark Regional Wastewater District, finding it consistent with the County's plan for sanitary sewer service.

Thank you for timely action on this matter. If you have any specific questions on these issues please contact John Peterson, General Manager at 360-993-8819 or by email at jpeterson@crwwd.com.

Sincerely,



Neil Kimsey
President
Clark Regional Wastewater District

Attachments (2)

**CLARK REGIONAL WASTEWATER DISTRICT
CLARK COUNTY, WASHINGTON**

RESOLUTION NO. 1655

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLARK REGIONAL WASTEWATER DISTRICT, CLARK COUNTY, WASHINGTON, APPROVING ANNEXATION OF REAL PROPERTY (#01-14) TO THE DISTRICT, SUBJECT TO FINAL APPROVAL BY THE CLARK COUNTY BOARD OF COMMISSIONERS.

WHEREAS, the District received a petition for annexation of land to the District, which was signed by the owners of not less than 60 percent of the land area, according to the records of the Clark County Auditor, of the land described in the petition; and

WHEREAS, on October 13, 2015, the Board of Commissioners considered the petition and found it to comply with the requirements of law, and fixed a public hearing on the petition for November 10, 2015; and

WHEREAS, RCW 57.24.090 authorizes the Board of Commissioners to annex all or any portion of the area described in a petition for annexation; and

WHEREAS, the District caused notice of hearing on the annexation area to be published and posted in accordance with law; and

WHEREAS, the hearing was held as scheduled; and

WHEREAS, the Board of Commissioners concurs with the boundary for the annexation area; now, therefore

BE IT RESOLVED by the Board of Commissioners of Clark Regional Wastewater District, Clark County, Washington, as follows:

Section 1. The Board of Commissioners finds that the annexation approved in Section 2 of this Resolution (1) complies with the requirements of Chapter 57.24 RCW, (2) is consistent with the District's Comprehensive Plan, (3) complies with the requirements of RCW 57.02.040, and (4) will be conducive to the public health, convenience and welfare, and will be of special benefit to the annexed property.

Section 2. The Board approves annexation of the land described in Exhibits A and B to the District, subject to final approval by the Clark County Board of Commissioners as required by RCW 57.02.040.

Section 3. The General Manager is authorized and directed to send a certified copy of this resolution to the Clark County Board of Commissioners, the Clark County Auditor, the Washington State Department of Ecology and the Washington State Department of Health, and to carry out any requirements and procedures prescribed by law for annexation of such land to the District.

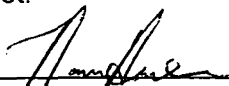
Section 4. The Board of Commissioners requests that the Clark County Board of Commissioners approve the annexation in accordance with RCW 57.02.040.

Section 5. The annexation shall be effective on the first day of the month following approval of the annexation by the Clark County Board of Commissioners, or on such later date as shall be determined by subsequent resolution of the District Board of Commissioners.

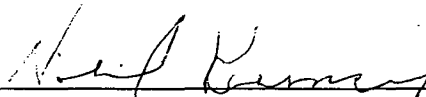
ADOPTED by the Board of Commissioners of Clark Regional Wastewater District, Clark County, Washington, at a regular meeting held on December 8, 2015.

CLARK REGIONAL WASTEWATER DISTRICT

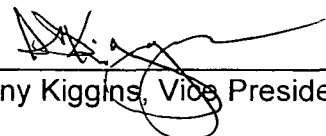
Attest:



Norm Harker, Secretary



Neil Kimsey, President



Denny Kiggins, Vice President

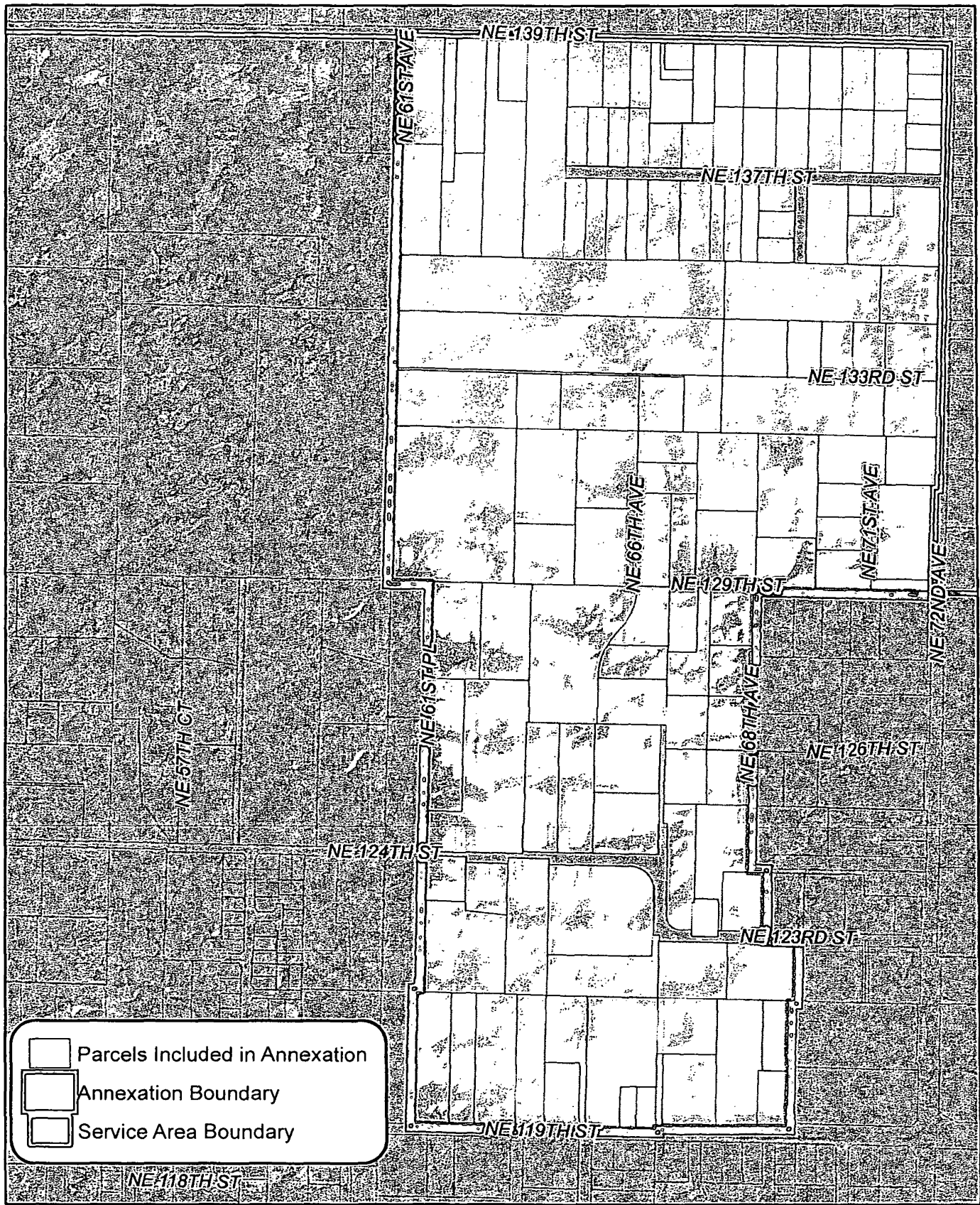
Exhibit A

Legal Description

The proposed annexation includes properties fully or partially within the following described area:

- The NE ¼ of Section 30 T.3N., R.2E., W.M. and,
- The W ½ of the SE ¼ of Section 30 T.3N., R.2E., W.M. except taxlots 198873-000, 198873-005, 198853-000 and 198802-000 and,
- The west 414.088 feet of the E½ of the SE ¼ of Section 30 T.3N., R.2E., W.M. and,
- Taxlots 198909-000 and 198988-000

Except portions lying within public roads.



Annexation 01-14

Exhibit B



I, the undersigned, Secretary of the Board of Commissioners of Clark Regional Wastewater District, Clark County, Washington, do hereby certify that the within and foregoing is a true and correct copy of Resolution No. 1655, adopted at the regular, open public meeting thereof held on the 8th day of December, 2015.



Norm Harker, Secretary



8000 NE 52 Court Vancouver, WA 98665 PO Box 8979 Vancouver, WA 98668
Phone (360) 750-5876 Fax (360) 750-7570 www.crwwd.com

November 4, 2015

Board of Commissioners
Clark Regional Wastewater District
PO Box 8979
Vancouver, WA 98668-8979

RE: Annexation #01-14
Certification of Sufficiency of Petition

I hereby certify that we have received a valid petition representing 154.01 acres within the proposed annexation area. The 154.01 acres of the total 253.46 acres equals 61% of the area and meets the requirement as outlined in RCW 57.24.070.

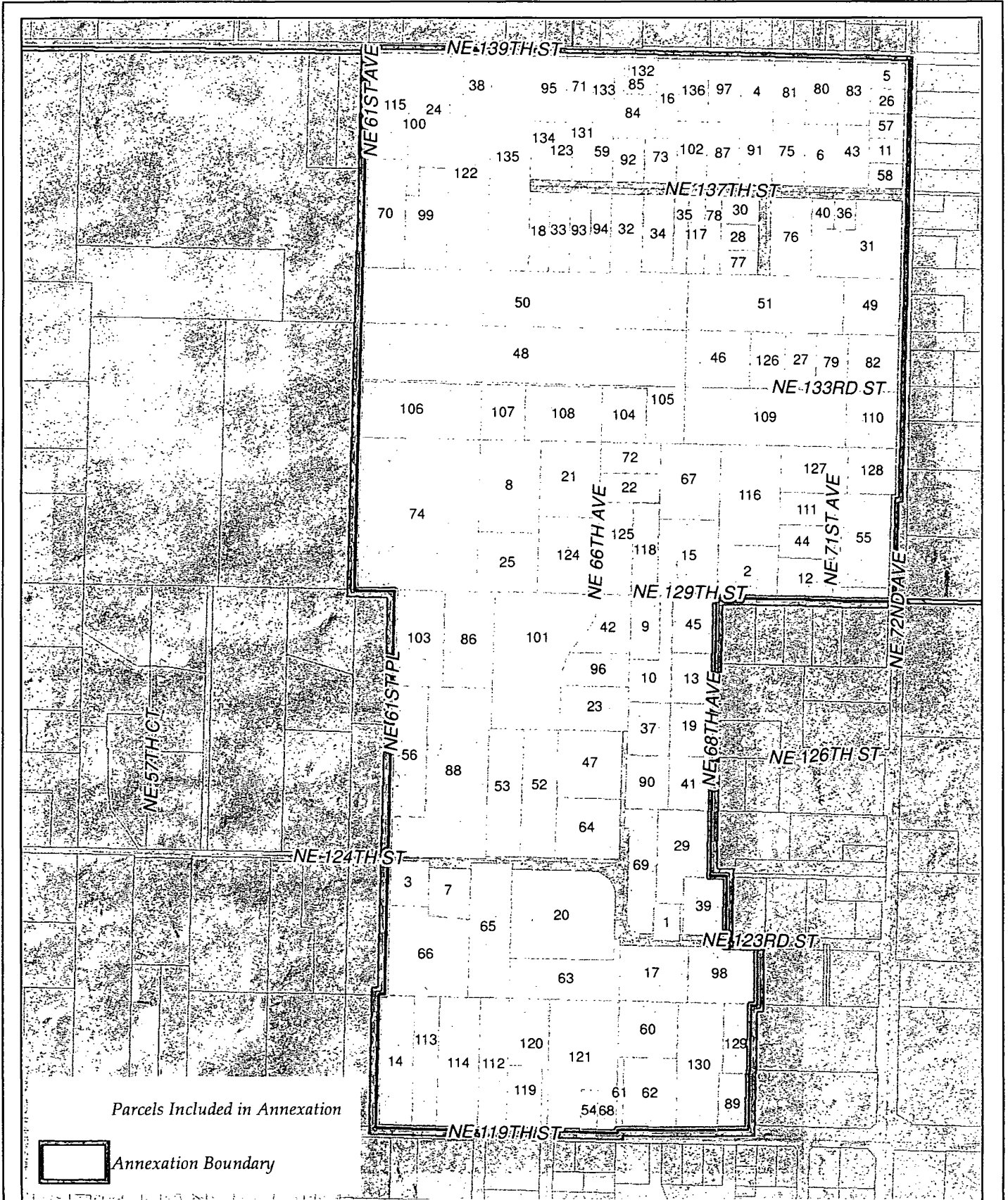
Sincerely,

Clark Regional Wastewater District

A handwritten signature in black ink that reads 'Robin Krause'.

Robin Krause, P.E.
District Engineer





Annexation 01-14



RCW 57.02.040

Water-sewer district activities to be approved—Criteria for approval by county legislative authority.

(1) Notwithstanding any provision of law to the contrary, the following proposed actions shall be approved as provided for in RCW 57.02.045:

- (a) Formation or reorganization under chapter 57.04 RCW;
- (b) Annexation of territory under chapter 57.24 RCW;
- (c) Withdrawal of territory under chapter 57.28 RCW;
- (d) Transfer of territory under RCW 57.32.160;
- (e) Consolidation under chapter 57.32 RCW; and
- (f) Merger under chapter 57.36 RCW.

(2) At least one of the districts involved shall give notice of the proposed action to the county legislative authority, state department of ecology, and state department of health. The county legislative authority shall within thirty days of receiving notice of the proposed action approve the action or hold a hearing on the action.

(3) The county legislative authority shall decide within sixty days of a hearing whether to approve or not approve the proposed action. In approving or not approving the proposed action, the county legislative authority shall consider the following criteria:

- (a) Whether the proposed action in the area under consideration is in compliance with the development program that is outlined in the county comprehensive plan, or city or town comprehensive plan where appropriate, and its supporting documents;
- (b) Whether the proposed action in the area under consideration is in compliance with the basinwide water and/or sewage plan as approved by the state department of ecology and the state department of social and health services; and
- (c) Whether the proposed action is in compliance with the policies expressed in the county plan for water and/or sewage facilities.

(4) If the proposed action is inconsistent with subsection (3)(a), (b), or (c) of this section, the county legislative authority shall not approve it. If the proposed action is consistent with subsection (3)(a), (b), and (c) of this section, the county legislative authority shall approve it unless it finds that water or sewer service in the area under consideration will be most appropriately served by the county itself under the

provisions of chapter 36.94 RCW, or by another district, city, town, or municipality. If there has not been adopted for the area under consideration a plan or program under subsection (3)(a), (b), or (c) of this section, the proposed action shall not be found inconsistent with such subsection.

(5) Where a district is proposed to be formed, and where no boundary review board is established in the county, the petition described in RCW 57.04.030 shall serve as the notice of proposed action under this section, and the hearing provided for in RCW 57.04.030 shall serve as the hearing provided for in this section and in RCW 57.02.045.

[1996 c 230 § 105; 1988 c 162 § 7; 1971 ex.s. c 139 § 2.]

NOTES:

Part headings not law—Effective date—1996 c 230: See notes following RCW 57.02.001.

1988 validation: RCW 57.06.180.

RCW 57.02.045

Approval by county legislative authority final, when—Boundary review board approval.

In any county where a boundary review board, as provided in chapter 36.93 RCW, is not established, the approval of the proposed action shall be by the county legislative authority pursuant to RCW 57.02.040 and shall be final, and the procedures required to adopt such proposed action shall be followed as provided by law.

In any county where a boundary review board, as provided in chapter 36.93 RCW, is established, a notice of intention of the proposed action shall be filed with the boundary review board as required by RCW 36.93.090 and with the county legislative authority. The county legislative authority shall transmit to the boundary review board a report of its approval or disapproval of the proposed action together with its findings and recommendations under RCW 57.02.040. Approval by the county legislative authority of the proposed action shall be final and the procedures required to adopt the proposal shall be followed as provided by law, unless the boundary review board reviews the action under RCW 36.93.100 through 36.93.180. If the county legislative authority does not approve the proposed action, the boundary review board shall review the action under RCW 36.93.150 through 36.93.180. The action of the boundary review board shall supersede approval or disapproval by the county legislative authority.

Where a district is proposed to be formed, and where no boundary review board is established in the county, the hearings provided for in RCW 57.04.030 shall serve as the hearing provided for in this section and in RCW 57.02.040.

[1996 c 230 § 106; 1988 c 162 § 6; 1971 ex.s. c 139 § 3. Formerly RCW 56.02.070.]

NOTES:

Part headings not law—Effective date—1996 c 230: See notes following RCW 57.02.001.

1988 validation: RCW 57.06.180.