

## CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Public Works, Clean Water Division

**DATE:** July 21, 2020

**REQUESTED ACTION:** Approve the Clark Regional Wastewater District's request to annex an area (identified as Annexation #01-19) to their Service Area Boundary which was added to the Urban Growth Area during the county's 2007 Growth Management Act update.

Consent    Hearing    County Manager

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### BACKGROUND

The Clark Regional Wastewater District was approached by property owners seeking sewer service within the current urban growth boundary, but outside their current service area. The District's 2017 Comprehensive General Sewer Plan provides a plan for sewer service to these properties and the design was adopted by Clark County and the District. The plan has also been submitted to the Department of Ecology.

The District approved the request for annexation with Resolution No. 1777. To provide sewer service to this area, the District is requesting the county's approval to annex this area into the Clark Regional Wastewater District's corporate boundaries.

### 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. There is no opposition from the other service providers, the area is within the property owners' planned service area, and this is the normal practice to provide wastewater services to the expanded urban area.

### ADMINISTRATIVE POLICY IMPLICATIONS

None. The District is complying with RCW 57.02.040 and has submitted all required documentation for county review.

### COMMUNITY OUTREACH

The 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.  |
|     | 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                  | N/A |
| Company Name             | N/A |

**DISTRIBUTION:**

Council staff will post all staff reports to the web. <https://www.clark.wa.gov/council-meetings>

**ATTACHMENTS:** (1) Request for Annexation from CRWWD; (2) Annexation Area Vicinity Map; (3) RCW 57.02.040; and (4) Certified Copy of District Resolution No. 1777

*Jeff Schnabel*

Jeff Schnabel  
Interim Clean Water Division Manager

*Ahmad Qayoumi*

Ahmad Qayoumi, PE  
Public Works Director/County Engineer

*Eva Haney*

Eva Haney, CGFM  
Finance Division Manager

Primary Staff Contacts: Jeff Schnabel, ext. 4583; Travis Capson, ext. 1713

APPROVED: *[Signature]*  
CLARK COUNTY, WASHINGTON  
CLARK COUNTY COUNCIL

DATE: *July 21, 2020*

SR# *09920*





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June 23, 2020

Board of County Councilors  
Clark County  
P.O. Box 5000  
Vancouver, WA 98660-5000

RE: Clark Regional Wastewater District Annexation #01-19  
Request for Approval of Annexation Per Chapter 57.02.040 RCW

Dear Councilors:

The Clark Regional Wastewater District (District) has been approached by property owners seeking sewer service within areas that were added to the Urban Growth Area (UGA) in Clark County's 2007 Growth Management Act (GMA) update. Through the related infrastructure planning processes, it has been anticipated that the District would provide sanitary sewer service to these properties as a logical extension of the District's wastewater collection system in this area.

The District recently approved the request for annexation. For reference, please note the subject area is shown on the attached vicinity map (Attachment 1). In conformance with Chapter 57.02.040 RCW (Attachment 2), the District is hereby submitting the required documentation, a certified copy of Resolution No. 1777 (Attachment 3) approving the annexation.

In addition to the attached documentation, the District is providing the following information regarding the statutory criteria for approval by the county legislative authority.

- Chapter 57.02.040 RCW Subsection 2 contemplates notice to Clark County, the State Department of Ecology (Ecology) and the State Department of Health (Health). This letter serves as the required notice, as copies have been distributed to each agency. Please note, per this subsection, Clark County will need to either approve the action or hold a hearing on the action within 30 days. Given that the District is the only logical sewer provider for this area and all required planning documents support this outcome, the District would request that Clark County elect the option to simply approve the annexation.
- Chapter 57.02.040 RCW Subsection 3 outlines criteria for consideration by the county legislative authority including consistency with the county comprehensive planning processes and policies and with any relevant sewerage plans. As noted earlier, this area is designated as an urban growth area in all of Clark County's growth management, land use and planning documents.



June 23, 2020  
Board of County Councilors  
Page 2

As a designated urban growth area, sewer service is required to support urban development. The District's 2017 Comprehensive General Sewer Plan (District Plan) provides a plan for sewer service to these properties. The District Plan has been adopted by Clark County and the District, and it has been submitted to Ecology.

Based on the request of property owners, consistency with applicable planning processes and compliance with the statutory requirements described herein, the District requests that Clark County approve the annexation of these properties into the Clark Regional Wastewater District corporate boundaries.

Thank you for timely action on this matter. If you have any specific questions on these issues, please contact Steve Bacon, Development Program Manager, by telephone at 360-993-8810 or by email at [Sbacon@crwwd.com](mailto:Sbacon@crwwd.com).

Sincerely,



John M. Peterson, P.E.  
General Manager

Attachments:

- Attachment 1 - Annexation Area Vicinity Map
- Attachment 2 - Chapter 57.02.040 RCW
- Attachment 3 - Certified Copy of District Resolution No.

c: Washington State Department of Ecology  
Washington State Department of Health



## Attachment 2

### 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 basin-wide 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.*

## ATTACHMENT 3

### CERTIFICATION

I, the undersigned, Secretary of the Board of Commissioners (the "Board") of Clark Regional Wastewater District, Clark County, Washington (the "District"), hereby certify as follows:

1. The attached copy of Resolution No. 1777 (the "Resolution") is a full, true, and correct copy of a resolution duly adopted at a regular meeting of the Board held at the regular meeting place thereof on March 10, 2020, as that resolution appears on the minute book of the District; and the Resolution is now in full force and effect;

2. A quorum of the members of the Board was present throughout the meeting and a majority of those members present voted in the proper manner for the adoption of the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand this 10<sup>th</sup> day of March, 2020.

CLARK REGIONAL WASTEWATER  
DISTRICT, CLARK COUNTY, WASHINGTON



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Neil Kimsey  
Secretary of the Board of Commissioners

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

**RESOLUTION NO. 1777**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLARK REGIONAL WASTEWATER DISTRICT, CLARK COUNTY, WASHINGTON, APPROVING ANNEXATION OF REAL PROPERTY (#01-19) TO THE DISTRICT, SUBJECT TO FINAL APPROVAL BY THE CLARK COUNTY BOARD OF COUNTY COUNCILORS.**

**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 January 14, 2020, 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 February 11, 2020; 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 Exhibit A and shown in Exhibit B to the District, subject to final approval by the Clark County Board of County Councilors 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 County Councilors, 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 County Councilors approve the annexation in accordance with RCW 57.02.040.

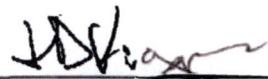
**Section 5.** The annexation shall be effective on the first day of the month following approval of the annexation by the Clark County Board of County Councilors, or on such later date as shall be determined by subsequent resolution of the District Board of Commissioners.

**ADOPTED** by the Board of Commissioners of Clark Regional Wastewater District, Clark County, Washington, at a regular meeting held on March 10, 2020.

**CLARK REGIONAL WASTEWATER DISTRICT**

Attest:

  
\_\_\_\_\_  
Neil Kimsey, Secretary

  
\_\_\_\_\_  
Denny Kiggins, President

  
\_\_\_\_\_  
Norm Harker, Vice President

## ***Exhibit A***

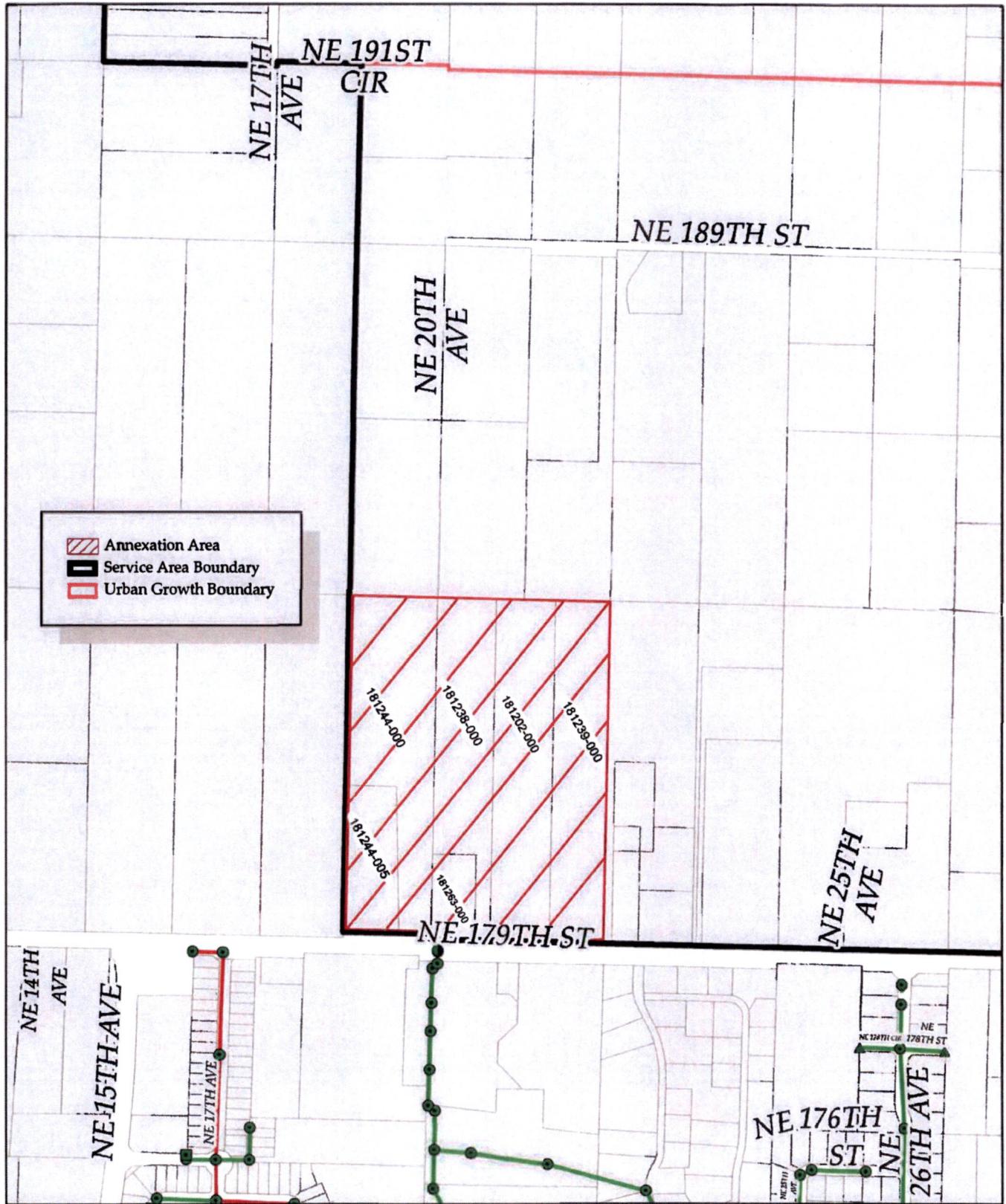
### **Legal Description**

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

**Auditor's Tax Parcel Numbers:**

- 181202-000
- 181238-000
- 181263-000
- 181244-000
- 181239-000
- 181244-005

Except portions lying within public roads.



Annexation 01-19  
Exhibit B



# Clark Regional Wastewater District Annexation #01-19

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Request for Approval of Annexation



# Clark Regional Wastewater District Annexation #01-19

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- **Clark Regional Wastewater District approved annexation resolution #1771 on June 23, 2020.**
  - Property owners initiated annexation request.
  - In compliance with RCW 57.02.040 which requires county legislative authority to approve action.
    - No opposition from other service providers, property owners and normal to expand wastewater services in expanded area.
    - Plan has been submitted to the Department of Ecology.
  - Annexation area within current urban growth boundary but outside current CRWWD service area.



