

CLARK COUNTY STAFF REPORT

DEPARTMENT: Public Works, Clean Water Division

DATE: October 20, 2020

REQUESTED ACTION: Approve the Clark Regional Wastewater District's request to annex an area (identified as Annexation #01-20) 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

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. 1796. 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 Clark Regional Wastewater District; (2) Annexation Area Vicinity Map; (3) RCW 57.02.040; (4) Certified Copy of District Resolution No. 1796; and (5) PowerPoint

Jeff Schnabel

Jeff Schnabel
Interim Clean Water Division Manager

Ahmad Qayoumi

Ahmad Qayoumi, PE
Public Works Director/County Engineer

Eva Haney

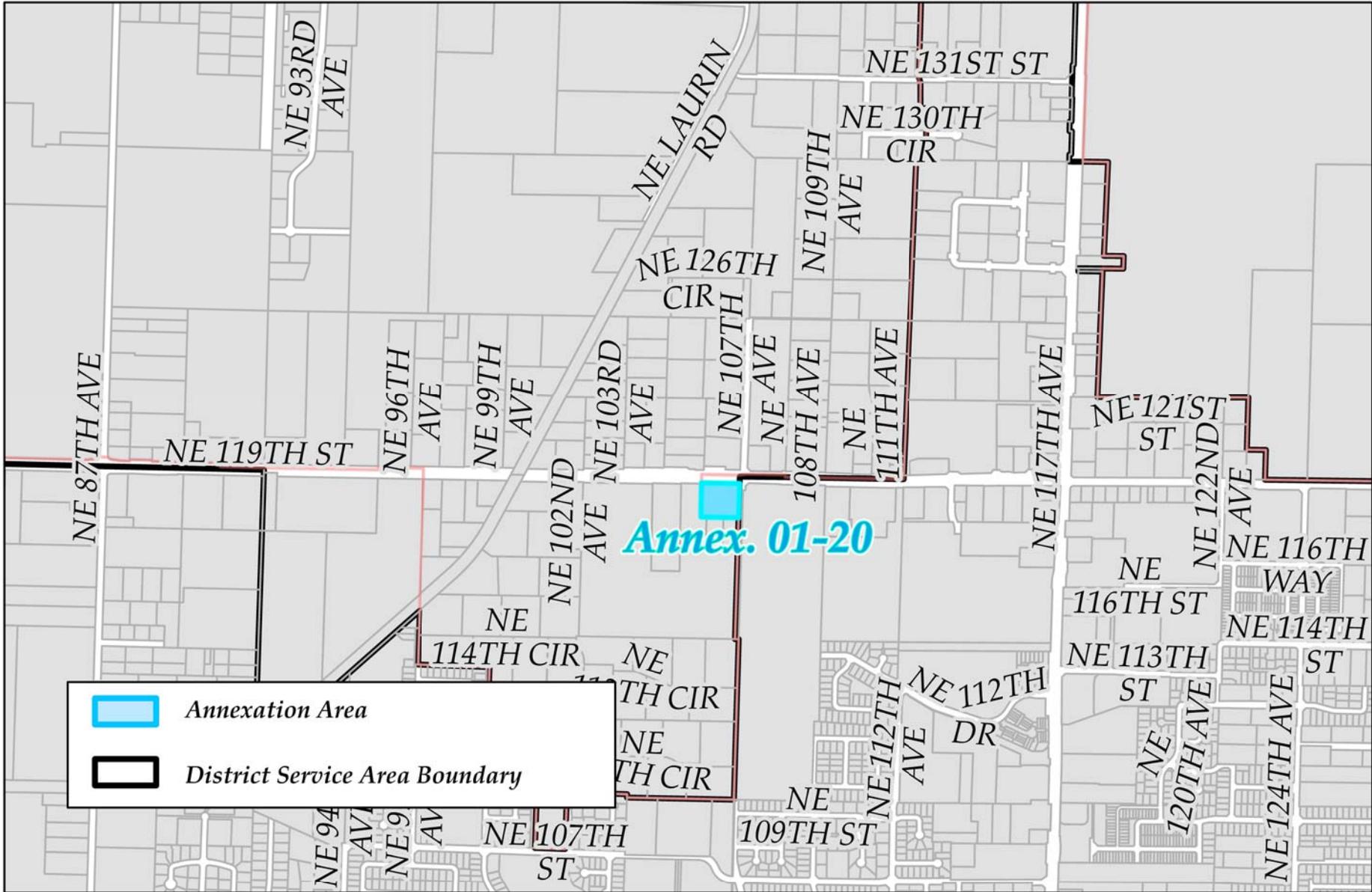
Eva Haney, CGFM
Finance Division Manager

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

APPROVED: _____
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: _____

SR# _____



Annex. 01-20

	Annexation Area
	District Service Area Boundary



Annexation 01-20 Vicinity Map



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.

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

RESOLUTION NO. 1796

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLARK REGIONAL WASTEWATER DISTRICT, CLARK COUNTY, WASHINGTON, APPROVING ANNEXATION OF REAL PROPERTY (#01-20) 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 August 25, 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 September 8, 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 Exhibits A and 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.

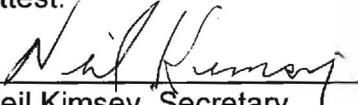
Section 4. The Board of Commissioners requests that the Clark County Board of County Councilors approve the annexation in accordance with RCW 57.02.040.

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 September 22, 2020.

CLARK REGIONAL WASTEWATER DISTRICT

Attest:


Neil Kimsey, Secretary


Denny Kiggins, President


Norm Harker, Vice President

Exhibit A

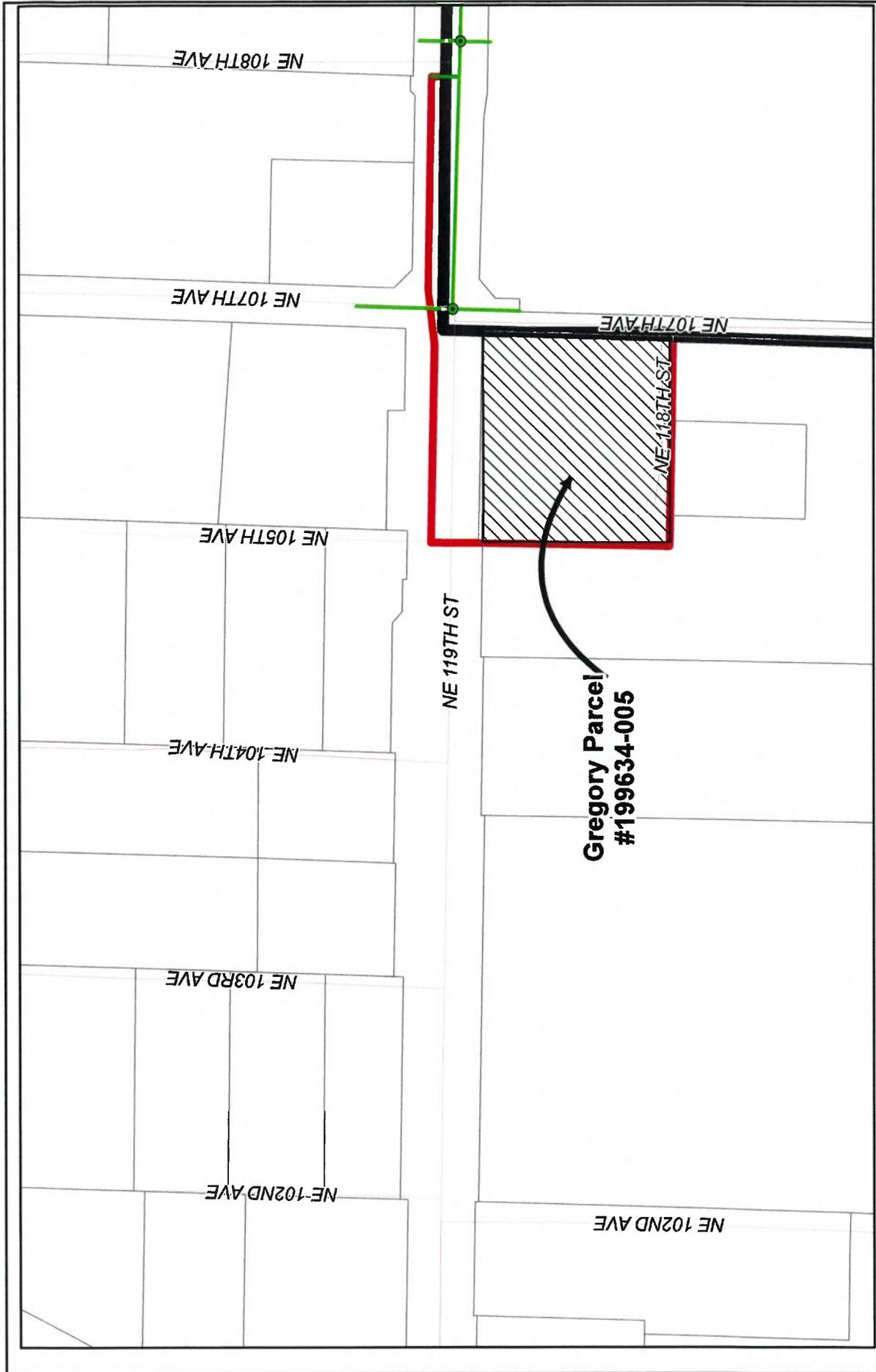
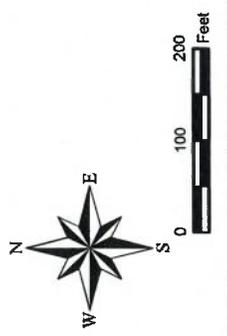
Legal Description

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

- Lot 2, SP 2-094; Assessor's serial number 199634-005



Annexation #01-20 Gregory 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. 1796, adopted at the regular, open public meeting thereof held on the 22nd day of September, 2020.


Neil Kimsey, Secretary

Clark Regional Wastewater District Annexation #01-20

Request for Approval of Annexation

Clark County Public Works



REQUESTED ACTION

Approve the Clark Regional Wastewater District's request to annex an area (identified as Annexation #01-20) to their Service Area Boundary which was added to the Urban Growth Area during the county's 2007 Growth Management Act update.



Clark Regional Wastewater District Annexation #01-20

- Clark Regional Wastewater District approved the annexation through Resolution No. 1796 on September 22, 2020.
- Property owners initiated the annexation request.
- This request complies 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.



CRWWD Annexation #01-20 Vicinity Map

