

From: [John Peterson](#)
To: [Orjiako, Oliver](#); [Alvarez, Jose](#); [Cook, Christine](#)
Cc: [Shawn Moore](#); [Robin Krause](#); [Kim Thur](#); [Steve Stuart](#)
Subject: District General Sewer Plan - Updated Study Areas Language - Review Comments by City of Ridgefield
Date: Friday, December 14, 2018 3:15:17 PM

Oliver, Jose and Chris,

Thank you for your support and engagement in moving the District General Sewer Plan (GSP) review and approval processes forward. As you are aware, the District initially proposed language in the GSP to explain the intent for the Study Areas. That original language was approved earlier this year by the cities of Battle Ground, Ridgefield and Vancouver as a prelude to the Clark County planning commission and County Council approval processes. In the process of Clark County review of the Study Areas language, the description of the Study Areas was lengthened somewhat and made more explanatory.

Beyond Clark County, the new Study Area language only practically affects the City of Ridgefield, as there are no Study Areas in either Battle Ground or Vancouver. Ridgefield has recently reviewed the updated (Clark County) version of the Study Areas text and has provided comment on the new language to the District. Ridgefield is concerned that the updated language may be interpreted as inadvertently asserting Clark County jurisdiction over areas of responsibility that rightfully belong to the City. My understanding is that our intent was simply to provide a more complete explanation, but not to change the legal role of the County over County issues or the role of the City over City issues.

I have worked with Ridgefield City Manager Steve Stuart to make a minor edit to the preferred Clark County language to address this concern. Please see the text below with the word “and” changed to “or” in two locations. My understanding is that this updated language, if acceptable to Clark County, would prevent the need for Ridgefield to file written comments and appear at the County Council meeting seeking to address this issue before the GSP is adopted. Please advise if this approach is workable and if we can use this updated language in the final action presented to the County Council. I have already reviewed this with District legal counsel and the District is also supportive of this final version. The proposed minor edits are show **highlighted** below:

Study Areas

The District has studied the following areas as part of this Plan (Study Areas), consistent with the requirements of RCW 57.16.010(2), which requires the District to consider “present and reasonably foreseeable future needs” of the sewer system. (See Maps 2-1712A, B & 3-602A, B). This Plan establishes that the District sewer system has adequate capacity for the Study Areas and that sewer service is feasible for the Study Areas. Because Clark County has not yet approved sewer service for the Study Areas, the District cannot currently extend sewer service to the Study Areas. If Clark County (**or** the local government with jurisdiction if applicable) approves sewer service for a Study Area, the District then will have authority to extend sewer service to the Study Area. Clark County’s **or** the local government’s approval must be consistent with the requirements of RCW 36.70A.110 and RCW 57.16.010(7), which states in part that: “The general comprehensive plan [of the District] shall not provide for the extension or location of facilities that are inconsistent with RCW

36.70A.110.”

John M. Peterson, P.E.

General Manager | Clark Regional Wastewater District

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Office: 360.993.8819 | Email: jpeterson@crwwd.com

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**NOTICE OF PUBLIC HEARING
CLARK COUNTY COUNCIL**

NOTICE IS HEREBY GIVEN that the Clark County Council will conduct a public hearing on **January 8, 2019, at 10:00 a.m.**, at the Public Services Center, 1300 Franklin Street, Hearing Room, 6th Floor, Vancouver, Washington to consider the following:

2018 Annual Reviews and Dockets amending the 20-Year Growth Management Comprehensive Plan Text:

1. **CPZ2018-00020 – Clark Regional Wastewater District:** A proposal to amend Clark County Comprehensive Plan, Capital Facilities Element and Appendix E Capital Facilities Plans Review and Analysis Element to reflect the update of the Clark Regional Wastewater District Comprehensive General Sewer Plan.

Staff Contact: Jose Alvarez, Jose.Alvarez@clark.wa.gov (564) 397-4898

The staff reports, related materials and hearing agenda will be available 15 days prior to the hearing date on the county's web page at <https://www.clark.wa.gov/community-planning/annual-reviews-and-dockets>. Copies are also available at Clark County Community Planning, 1300 Franklin Street, 3rd Floor, Vancouver, Washington. For other formats, contact the Clark County ADA Office at ADA@clark.wa.gov.

Anyone wishing to give testimony at the hearing in regard to this matter should appear at the time and place stated above. Written testimony can be provided to the Clark County Council by e-mailing the clerk of the commission at Rebecca.Messinger@clark.wa.gov or via US Postal Service to the Clark County Council, c/o Rebecca Messinger, PO Box 5000, Vancouver, WA 98666-5000. Written testimony may also be submitted for the record during the hearing. Please ensure that testimony is received at least two (2) business days before the hearing if you would like staff to forward it to the Council before the hearing.

Approved as to Form only:

Anthony Golik
Prosecuting Attorney

By: 
Christine Cook
Senior Deputy Prosecuting Attorney

PLEASE PUBLISH:

Tuesday, December 25, 2018

Please Bill:

Clark County Community Planning
Attn: Sonja Wiser, Program Assistant
P. O. Box 9810
Vancouver, WA 98666-9810
Columbian Account 70914



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Phone (360) 750-5876 Fax (360) 750-7570 www.crwwd.com

December 26, 2018

Sue Marshall
President
Friends of Clark County
PO Box 156
Ridgefield, WA 98642-0156

Re: Public Comments - CPZ 2018-00020

Thank you for taking time to submit written comments on the proposed amendments to the capital facilities element and Appendix E of Clark County's comprehensive plan, related to the Clark Regional Wastewater District (District) Comprehensive General Sewer Plan (GSP), CPZ 2018-00020. The provision of sewer service is an important element in managing growth and protecting public health and the environment. The District shares your interest in ensuring that the community grows in a manner which is in conformance with local and state regulations. As stated below, the comments regarding the provision of sewer service to the Rural Industrial Land Bank (RILB) and the Freight Rail Dependent Use Overlay (FRDUO) areas have been addressed in the County's proposed comprehensive plan amendments and in the District's GSP.

Planning Commission Public Hearing

The Clark County Planning Commission conducted a public hearing on the matter on December 6, 2018. Written comments had been received in advance from two parties, Friends of Clark County and Futurewise. Both comment letters addressed the issue of sewer service to the RILB and the FRDUO areas. Both parties also recommended that the County either delay action on the proposed amendments or deny that portion of the amendments specific to the RILB and FRDUO areas. A representative from Friends of Clark County was also in attendance at the hearing and provided oral comment. A complete record of the hearing is available on-line at: <https://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>.

Proposed County Comprehensive Plan Amendments

The County and District have been working together to ensure the proposed amendments were presented in a manner consistent with local and state regulations. Prior to the Planning Commission hearing, the contemplated capital improvements for the RILB and FRDUO areas were removed from the County's proposed comprehensive plan amendments. As was explained by County staff to the Planning Commission, the County would therefore have to take additional action to further amend the comprehensive plan if it were to decide to allow sewer service to be extended to the RILB and FRDUO areas. Having understood this condition, the Planning Commission recommended approval of the amendments to the County Council.



GSP Framework

The GSP provides a framework for managing the collection system to meet the present and reasonably foreseeable future needs of the community. The District had "studied" the feasibility of providing service to the RILB and FRDUO areas as studying the provision of service to these areas is consistent with the requirements of RCW 57.16.010(2). Technical information regarding the feasibility of extending service and whether or not capacity is available would inform and facilitate discussions on the matter. It was understood that the decision as to whether sewer service would be provided has not been made and that there were broader planning and land use issues which remained to be addressed before making such a decision. As such, the FRDUO and RILB were represented as "Study Areas" in the GSP. The plan also clearly stated that service to the RILB and FRDUO areas had not been authorized nor did adoption of the GSP authorize such service (refer to GSP Section 3.3.1 for specific language). Furthermore, the plan reiterated that GMA compliance had to be demonstrated prior to the County authorizing the District to extend service within the RILB and FRDUO areas.

Again, thank you for providing public comment on the matter of CPZ 2018-00020. The proposed amendments promote consistency across the County and District's comprehensive plans and provide for the capital facilities to extend service within the urban growth area. If a future decision is reached regarding the extension of service within the RILB and FRDUO areas, subsequent County action to approve additional comprehensive plan amendments would be required.

Sincerely,



Shawn G. Moore, PE
Assistant Manager

cc: Oliver Orjiako, Director, Community Planning, Clark County
Christine Cook, Senior Deputy Prosecuting Attorney, Clark County



COMMISSIONERS
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Denny Kiggins
Neil Kimsey
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December 26, 2018

Tim Trohimovich
Director of Planning & Law
Futurewise
816 Second Ave, Suite 200
Seattle, WA 98104

Re: Public Comments - CPZ 2018-00020

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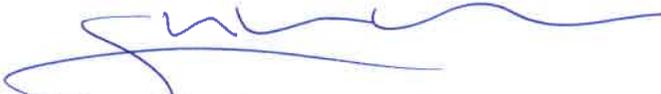


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Sincerely,

A handwritten signature in blue ink, appearing to read "Shawn G. Moore", with a long horizontal flourish extending to the right.

Shawn G. Moore, PE
Assistant Manager

cc: Oliver Orjiako, Director, Community Planning, Clark County
Christine Cook, Senior Deputy Prosecuting Attorney, Clark County