



Planning Commission Recommendation

TO: Clark County Council
FROM: Steve Morasch, Planning Commission Chair
PREPARED BY: Jose Alvarez, Planner III
DATE: January 8, 2019
SUBJECT: CPZ2018-00020 COMPREHENSIVE GROWTH MANAGEMENT PLAN 2015-2035 POLICY AND CORRESPONDING TEXT AMENDMENTS (CHAPTER 6 Capital Facilities Element and Appendix E)

PLANNING COMMISSION RECOMMENDATION

On December 6, 2018, the Planning Commission voted 7 to 0 to approve the staff recommendation to amend the Comprehensive Growth Management Plan 2015-2035 Capital Facilities Element and Appendix E to reflect the update to Clark Regional Wastewater District Comprehensive General Sewer Plan (GSP).

PROPOSED ACTION

The proposal is to amend the Comprehensive Growth Management Plan 2015-2035 Capital Facilities Element and Appendix E to reflect the update to Clark Regional Wastewater District Comprehensive General Sewer Plan (GSP). The district has studied several 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. Two of these areas, the Rural Industrial Land Bank and the 2016 Ridgefield UGA expansion, are in litigation. The third area is the Freight Rail Dependent Use Overlay. The district has determined there is sufficient capacity to serve the study areas. However, the County has not determined that these study areas are in compliance with the provisions of RCW 36.70A.110 and extension of sewer service will be prohibited until the County makes that determination. These areas are not included in the 6-year CIP. For the County to adopt the GSP by reference, any projects and or costs related to the study areas must be removed from the GSP 20 year list of projects. Below is the language from the GSP that addresses the study areas:

GSP Service Area & Land Use - Study Areas (pg. 3-12)

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

(and 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 and 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."

Exhibit 3 contains the language in the GSP that addresses the study areas. The proposed amendments to the Comprehensive Plan are attached in Exhibit 1 and Exhibit 2.

BACKGROUND

A Comprehensive General Sewer Plan (CGSP) provides a comprehensive aid in managing and operating a system of public sewers and coordinating expansions, upgrades and renewal of the collection system infrastructure for the next 20 years. The CGSP serves as a guide for policy development and decision making, providing information on the plans for improvements to the sewer system within the District's service area. The CGSP satisfies the requirements for a general comprehensive plan (GCP) and a general sewer plan (GSP). The GCP is prepared in accordance with the requirements of RCW 57.16.010. The GSP is prepared in accordance with the requirements of RCW 90.48.110 and WAC 173-240-010, 173-240-020, and 173-240-050.

SUMMARY OF PUBLIC INVOLVEMENT PROCESS

A draft of the proposed amendments to the Comprehensive Growth Management Plan 2015-2035 Capital Facilities Element and Appendix E was sent to the Department of Commerce on September 11, 2018 under RCW 36.70A.106. Clark Regional Wastewater District took lead agency status and published a Notice of Determination of Non-Significance and SEPA Environmental Checklist on May 4, 2018. A legal notice was published for the Planning Commission hearing on November 21, 2018.

December 6, 2018 Friends of Clark County submitted comments concerned with the extension of sewer service outside of the UGA to serve the Freight Rail Dependent Use Overlay and Rural Industrial Land Bank.

December 6, 2018 Futurewise submitted comments concerned with the extension of sewer service outside of the UGA to serve Freight Rail Dependent Use Overlay and the Rural Industrial Land Bank.

APPLICABLE CRITERIA, EVALUATION AND FINDINGS

CRITERIA FOR COMPREHENSIVE PLAN POLICY OR TEXT CHANGES

The amendment shall meet all the requirements of and be consistent with the Growth Management Act (GMA) and other requirements, the countywide planning policies, the Community Framework Plan, the comprehensive plan, local comprehensive plans, applicable capital facilities plans and official population growth forecasts. [CCC40.560.010(N)(2)(a)].

Growth Management Act (GMA)

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA lists thirteen overall goals in RCW 36.70A.020 plus the shoreline goal added in RCW 36.70A.480(1). The goals are not listed in order of priority. The GMA goal that applies to the proposed action is Goal 12.

Goal 12 speaks directly to public facilities and services to “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 and use without decreasing current service levels below established minimum standards.” [RCW 36.70A.020(12)].

RCW 36.70A.110(4) Comprehensive Plans - Urban Growth Areas

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

WAC 365-196-415 Capital Facilities Element

(4) Relationship to plans of other service providers or plans adopted by reference. A county or city should not meet their responsibility to prepare a capital facilities element by relying only on assurances of availability from other service providers. When system plans or master plans from other service providers are adopted by reference, counties and cities should do the following:

- (a) Summarize this information within the capital facilities element;
- (b) Synthesize the information from the various providers to show that the actions, taken together, provide adequate public facilities; and
- (c) Conclude that the capital facilities element shows how the area will be provided with adequate public facilities.

Finding: The proposed amendments reflect CRWWD’s updated general sewer plan and are consistent with the provisions of the GMA.

Community Framework Plan

The Community Framework Plan (Framework Plan) provides guidance to local jurisdictions on regional land use and service issues. The Framework Plan encourages growth in centers, urban and rural, with each center separate and distinct from the others. The centers are oriented and developed around neighborhoods to allow residents to easily move through and to feel comfortable within areas that create a distinct sense of place and community. The Community Framework Plan policies applicable to this proposal include the following:

Goal 6.0 notes “the need for capital facilities to accommodate expected growth and establish policies to ensure that these facilities are available when development is occupied and to provide for the extension of public utilities to new development in a timely manner.”

[Framework Plan, page 18] The following capital facilities and utilities policies apply to the proposed action:

6.1.0 Major public and private expenditures on facilities and services (including libraries, schools, fire stations, police, parks and recreation) are to be encouraged first in urban and rural centers.

6.1.1 Establish level-of-service standards for capital facilities in urban and rural areas. [Framework Plan, page 18].

6.2.0 Public sanitary sewer service will be permitted only within urban areas, except to serve areas where imminent health hazards exist.

These framework plan policies are implemented by Clark County Code 40.370.010 Sewerage Regulations. It is the purpose of this section to further the public health by providing clear rules for when connection to public sewer is required or prohibited.

Finding: The proposed amendments reflect CRWWD's updated general sewer plan and are consistent with the Community Framework Plan policies.

Countywide Planning Policies (CWPP)

The GMA, under RCW 36.70A.210, requires counties and cities to collaboratively develop Countywide Planning Policies (CWPP) to govern the development of comprehensive plans. The WAC 365-196-305(1) defines "the primary purpose of CWPP is to ensure consistency between comprehensive plans of counties and cities sharing a common border or related regional issues. Another purpose of the CWPP is to facilitate the transformation of local governance in the urban growth areas, typically through annexation to or incorporation of a city, so that urban governmental services are primarily provided by cities and rural and regional services are provided by counties."

Policy 6.0.15 states "Plans for providing public utility services shall be coordinated with plans for designation of urban growth areas, rural uses and for the transition of undeveloped land to urban uses."

Policy 6.1.2 states "The primary role of Clark County regarding service provisions shall involve the planning and delivery of regional, rather than urban, services. It is the policy of Clark County that, in general, cities or special service districts are the most appropriate units of local government to provide urban governmental services and that, in general, it is not appropriate that urban governmental services be extended or expanded to rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development."

Finding: The proposed amendments reflect CRWWD's updated general sewer plan and are consistent with the policies in the Community Framework Plan and the Countywide Planning Policies.

Comprehensive Growth Management Plan 2015-2035 (2016 Plan)

The 20-year Comprehensive Growth Management Plan contains many policies that guide urban form and efficient land use patterns. The most relevant goals and policies applicable to this application are as follows:

Goal: Ensure that necessary and adequate capital facilities and services are provided to all development in Clark County in a manner consistent with the 20-Year Plan.

- 6.1.1 Continue to plan for and provide capital facilities and services as necessary to support development consistent with the 20-Year Plan and coordinate and facilitate the planning and provision of such facilities and services by other public or private entities.

- 6.1.7 Clark County incorporates by reference the sewer and water Capital Facilities Plans of the Clark Regional Wastewater District, Clark Public Utilities and the City of Vancouver. The county should review future changes to these Capital Facilities Plans on an ongoing basis to ensure that consistency with county capital facility and land use plans is maintained.

Goal: Provide sewer service within urban growth areas efficiently and at least public cost.

- 6.3.8 Extension of public sewer service shall not be permitted outside urban growth areas, except in response to documented health hazards; or to provide public sewer to regional park facilities, K-12 public schools, in designated rural centers; or where the county has contractually committed to permit public sewer connection.

- 6.3.9 Sewer service plans shall be coordinated with the 20-Year Plan policies and maps, including urban growth area designations.

Finding: The proposed amendments reflect CRWWD's updated general sewer plan and are consistent with the Comprehensive Growth Plan policies.

RECOMMENDATION AND CONCLUSIONS

Based on the information presented in this report, the Planning Commission forwards a recommendation of **APPROVAL** to Clark County Councilors to adopt the Comprehensive plan amendments (Exhibit 1 and 2) and the GSP by reference including the amended language (Exhibit 3). Any projects and or costs related to the study area shall be removed from the GSP 20 year list of projects.

COMPLIANCE WITH APPLICABLE CRITERIA		
Criterion for Policy/Text Amendments	Criteria Met?	
	Staff Report	Planning Commission Findings
Consistency with GMA	Yes	Yes
Community Framework Plan	Yes	Yes
Countywide Planning Policies	Yes	Yes
20-Year Comprehensive Plan	Yes	Yes
Capital Facilities Plan	Yes	Yes
Recommendation: Approval	Yes	Yes