

**CLARK COUNTY COUNCILORS  
MINUTES OF JANUARY 8, 2019**

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The Board convened in the Councilors' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Councilors Temple Lentz, Julie Olson, John Blom, and Eileen Quiring, Chair, present.

**PUBLIC HEARING: 2018 ANNUAL REVIEWS & DOCKETS**

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

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.

QUIRING: We will move on to our hearing on annual review and dockets. Okay.

ORJIAKO: Good morning, Councilors. For the record, Oliver Orjiako, Community Planning Director.

The public hearing item before you is a proposal to amend Chapter 6 of the County Growth Management Plan and also Appendix E associated with that plan. This is a request, and typically when the County adopts or takes a land use action, the Clark Regional Wastewater District updates their general sewer plan to be consistent with the action of the Council or the County, so this is an example.

For example, if the County during the general plan update expands the urban growth boundary, typically the district will come back a year or two later

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and update their general sewer plan, so this is that effort. And Jose Alvarez will go over two exhibits, Exhibit 1 and 2, that shows the edits, putting dollar amount and the studies that the district have done to that reflect the update that is being proposed.

What I will add is that there are two areas that the district studied, the freight rail overlay area and the rural industrial land bank area. Our legal counsel and the counsel representing the sewer district drafted a language in a sense that says that the land use decision for those areas has not been formalized, if you will, the Council is aware that the rural industrial land bank area is still in litigation. So the language that the two attorneys agreed to is on Page 1 of the staff report and we can go over that during the presentation.

So let me turn it over to Jose to walk you through the changes that are being proposed. I will only add that there are representatives from the school district, they're here to answer questions and they have agreed to the language and the changes that are made that are before you.

ALVAREZ: Thank you, Oliver. Good morning, Councilors. Jose Alvarez with Community Planning for the record.

This is CPZ2018-00020. As Oliver said, the wastewater district has amended their capital facilities plan which has necessitated some changes in our comprehensive plan Chapter 6 and Appendix E. There's a representative from the wastewater district here to answer questions if

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you have some specifically about that.

The service, the district serves an area primarily of the unincorporated Vancouver urban growth area and the Ridgefield UGA, and the update further general sewer plan requires us to update our plan to be consistent with RCW 36.70A.110 and the Washington Administrative Code 365-196-415 and Clark County Policy 6.1.7.

I provided you a summary of the exhibits for Exhibit 1 and 2 and this is where the changes are instead of going through the chapters. So I'll reference that the Exhibit 1 is our Chapter 6 capital facilities element. So going through this, it's mostly text amendments that correspond with the update to their capital facilities plan.

On table, Page 167, Table 6.2, it's an updated cost for the sewer collection and treatment of \$64,840,700, and this differs from the totals in Table 6.4, these totals are just for the sewer collection and do not include the treatment. There are three treatment plants that the sewer district contracts with and so those costs are, the total costs are included in Table 6.2 but not in Table 6.4, so I just wanted to clarify that. And then the rest of the changes here are text amendments.

Do you have any questions about that before I go to Exhibit 2?

QUIRING: Are there questions on Exhibit 1?

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ALVAREZ: So Exhibit 2 is the Appendix E and these figures are the 20-year capital costs going to 102,000,000, this is for the Vancouver area and then the Ridgefield is 40,640,000 for the 20 year, and then again the text amendments and this is the same table again showing the six year. I believe this December 2017 isn't underlined and highlighted in your packet, but we recognize that we need to do that, so...

And as Oliver mentioned, there is one change that was made subsequent to the Planning Commission hearing. We got a letter from the City of Ridgefield through the wastewater district and they are just wanting to change this "and" to "or" and this is in the general sewer plan. This describes what the process would be for serving the study areas, and so there's one area, the Ridgefield UGA, where they've brought in some land to serve, so I just want to be clear that it's not dependent on the County taking action.

The Planning Commission heard this matter on December 6, 2018, and found that all of the applicable criteria for the amendment had been met and unanimously recommended approval. That concludes our presentation. If you have any questions.

QUIRING: Are there questions?

OLSON: Just, and this is what the sewer district is doing, is just planning for potential changes in those areas --

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ALVAREZ: Correct.

OLSON: -- not that they're planning to put service there, but until the County makes a decision or takes a move in that regard, they're just preparing themselves for if that might occur in the future.

ORJIAKO: That is correct.

ALVAREZ: Yeah. And they estimated costs from that, but we excluded that from the 20 year knowing that we would have to come back and amend those and have those when the time is appropriate.

OLSON: If the County took some action.

ALVAREZ: Correct. Yes. Correct.

BLOM: So I'm going to ask the same question I think, but just to put it in a different way. This is not authorizing sewer to go into these areas that are under litigation, the freight rail dependent use and the rural industrial land bank; correct?

ALVAREZ: Yes.

BLOM: It's just to study it.

ORJIAKO: That's correct, Councilor.

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ALVAREZ: Yeah. That can't happen until we come back and you take an action.

BLOM: Thank you.

HENESSEE: Essentially they're reactive to what the Council decides, and so they're just trying to update their plan to reflect what the Council has or has not decided so far and the Council has not elected to --

QUIRING: In preparation.

OLSON: It's in preparation for what we may or may not do in the future.

HENESSEE: Correct.

ORJIAKO: Correct.

QUIRING: Right. So I have a question on the issue of Exhibit 3 adding the "or" and you said the Planning Commission did not hear that?

ALVAREZ: Correct. This, after we had worked on the language with counsel of the wastewater district, the City of Ridgefield was concerned after they saw the language and they just wanted to be clear that the, I think the way they read it it would, it might require that the County be responsible for taking an action if it was related to an area within their

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jurisdiction.

QUIRING: Okay. Is this consistent with other language throughout the --

ALVAREZ: And this is language that's going to go into the sewer district's general sewer plan, it's not going to be in our comprehensive plan.

QUIRING: Okay. Well, I guess then I would ask, do you know or is anybody here from the sewer district that could tell us whether that sort of language exists in other jurisdictions?

OLSON: I would think generally the County would not need to take action on any --

ALVAREZ: No.

OLSON: -- any items inside the city limits of Ridgefield or any other city --

ALVAREZ: Correct.

OLSON: -- for sewer-type purposes, it's only their jurisdiction and their decision, and this just clarifies that.

ORJIAKO: Yes. And if you look at the language the -- what the Planning Commission saw was the "and" and that in a sense makes it only restrictive

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to the County, and the cities are saying, in this case Ridgefield that, no, we shouldn't be making a decision on properties that is under their jurisdiction, so which, that's why the "or" was added.

QUIRING: And I understand that completely. I guess what I'm asking is do other jurisdictions, is there language similar to this in this -- in the, in the other regulations that the water district has?

MOORE: So Shawn Moore, Assistant Manager, Clark Regional Wastewater District. So I'm not entirely clear on the scope of your question. The district, the study area is the initial proposal. This -- historically our comp plan did not have a study area, so this is a new language and so we do not have this exact language, but it is consistent again with the RCWs which requires the district to study present and reasonably foreseeable future needs.

And I would state that the City of Vancouver, City of Ridgefield and City of Battle Ground council have already reviewed and adopted the district's general sewer plan and we engage them through the development process.

QUIRING: Okay. I understand what you're saying that this is a study, that really wasn't my question. We have language that says or that local government and my question is, would that be consistent with other things in the water district's plans? A simple yes is what I need.

MOORE: Yes. Yes.



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QUIRING: Thank you.

ORJIAKO: And I will echo that, Councilors, because if you take example of Vancouver and any of the other jurisdictions, they will probably have the same objection that we don't put this language there --

QUIRING: Absolutely.

ORJIAKO: -- because they will be the one responsible for providing sewer within their city limits.

QUIRING: Understood. Thank you. Any other questions? Okay. Carol Levanen for testimony.

LEVANEN: Carol Levanen for Clark County Citizens United. Senate Bill 5517 clearly has language over whether or not freight rail dependent uses would require sewer connections and they chose, the legislature chose to have language to say it is not required, so economic viability in the rural areas was the scope of this bill.

That being said, it would be impossible to provide sewer, sewer service into all of those areas that might be considered for say for instance lumber mills and, and places that transferred rock and so forth and so on, so, so that was clearly put in the bill for that purpose.

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What we see here in the proposal was that all three of these items have been included and there was an argument over that they were in litigation and so therefore there could be a problem and so there should be a delay, but the 5517 freight rail dependent uses is not in litigation. So we believe that that should be separated with consideration that the Council be considering in the future over freight rail dependent uses.

The City of Vancouver just was fined \$60,000 for a spill of their septic or sewer system into the Columbia River twice. Vancouver has problems with their sewer system that's been ongoing.

So when we talk about the regional system, we're talking about what is the best way to use that regional system so it doesn't fail, and that's why that too we would assume the 5517 has the language that says it's not required to have a sewer system connecting to the freight rail dependent uses as it involves commercial industrial land is a very good reason to protect the regional wastewater system.

So we recommend, Clark County Citizens United recommends that you remove the freight rail dependent uses from this language at this point. We understand that it is a potential possible use and it certainly could be included in particular circumstances, but there needs to be language that separates them when it comes to the fact that they're in litigation, so we ask that you consider language to change that around a little bit to reflect really what the bill intended and then also what reality really is. Thank you.

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QUIRING: Thank you. Any other testimony on this particular item?

OLSON: Madam Chair, I move that we approve CPZ2018-00020.

BLOM: Second.

QUIRING: It's been moved and seconded. Is there a discussion?

OLSON: I think it makes sense. I think we're following along with our obligation.

QUIRING: I guess my question would be, does it negate the possibility of extending sewer along with 5517? I know that there's some ambivalence in the bill about whether sewer can be extended into these areas. Would leaving that in, does leaving that in create any statement on our part about what we think that bill says?

ORJIAKO: I will probably have our legal counsel answer the question. In my opinion, this language doesn't preclude the County taking action in the future or changing our policy or development regulation that will then enable the district to come back and amend their sewer district plan to allow for sewer, but I'll let our legal counsel chime in.

COOK: Chris Cook, Senior Deputy Prosecuting Attorney. I concur with Dr. Orjiako, this is not language that requires sewer extension right now nor

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does it prohibit sewer extension right now. It says that the areas have been studied, doubt it would be feasible to provide sewer in the areas that were studied and those are demarcated. So it's not some unknown way, you know, out in the far reaches of the railroad areas, it's a particular study area, but it says that when the County or in the case of the Ridgefield land, the local government, takes action, then the sewer district can take action.

QUIRING: Okay. Thank you.

COOK: You're welcome.

QUIRING: Any further questions or discussion? Hearing and seeing none, I think you can call the roll.

LENTZ: AYE

OLSON: AYE

QUIRING: AYE

BLOM: AYE

QUIRING: No opposed because we're all here. Thank you very much.

ORJIAKO: Thank you, Councilors.

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CLARK COUNTY COUNCIL

  
Eileen Quiring, Chair

  
Temple Lentz, Councilor

  
Julie Olson, Councilor

  
Jona Blom, Councilor

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, Councilor



ATTEST:  
  
Rebecca Messinger, Clerk to the Council

Minutes Transcribed by:  
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