

# Sewer Waiver

## Why are Sewer Waivers required?

New structures located within Urban Growth Areas (UGA) are required to connect to a public sewer system. Also, all new land divisions within an UGA must make provision for the connection of all new structures to a public sewer system. The Responsible Official can issue a waiver to this requirement if the structure or development meets certain exceptions.

## What are these “exceptions” that allow for a sewer waiver?

### For New Structures

1. The new structure is an alteration, expansion or replacement of an existing structure which will not entail a material increase in sewerage effluent production
2. The new structure lawfully incorporates no on-site sewerage system
3. The new structure is for single-family residential use or non-residential use, generating a projected effluent flow of not more than 700 gallons, per acre, per day, provided:
  - Such use does not generate hazardous or dangerous waste, as defined by applicable federal, state or local law; and,
  - Extension of public sewer is impractical. This is based upon the following criteria:
    - Public sewer would have to be extended more than 300 feet;
    - Necessary permission cannot be obtained from intervening landowner(s); or,
    - Intervening property contains natural or manmade obstructions, such as deep

canyons, elevation changes, and solid rock impediments which make public sewer extension prohibitively expensive or undesirable; and,

- A covenant to the county and sewer purveyor is recorded which commits the current and future property owner(s) to connect to public sewer within 12 months of sewer becoming available. The covenant shall also contain a provision that commits the current and future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer.

**Note:** The City of Vancouver and the Clark Regional Wastewater District review for sewer availability within 200 feet. The applicant is responsible for requesting a 300-foot review. Utility reviews of 200 feet will not be accepted for a sewer waiver under Clark County Code Section 40.370.010(C)(3)(b)(1).

### For Land Divisions - CCC Section 40.370.010(D)

Inside Urban Growth Areas, connection to public sewer is required as a condition of approval for land divisions unless the Responsible Official determines that one of the following exceptions apply:

1. A two-lot land division approved where one of the lots is, or will be, developed in a use that generates no sewage effluent. Any plat approved under this exception

Revised 4/13/12



Community Development  
1300 Franklin Street, Vancouver, Washington  
Phone: (360) 397-2375 Fax: (360) 397-2011  
[www.clark.wa.gov/development](http://www.clark.wa.gov/development)



For an alternate format, contact the Clark County ADA Compliance Office.  
Phone: (360)397-2322  
Relay: 711 or (800) 833-6384  
E-mail: [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov)

shall record a covenant prohibiting the installation of plumbing fixtures for any use on the designated lot unless the lot connects to sewer.

2. Short plats approved under CCC Section 40.200.050(B) as follows:

If at the time of passage of the ordinance codified in the Clark County Code, a lot of record was lawfully occupied by two or more single-family residences, such lot may be granted short plat approval under CCC Chapter 40.540. In order to permit the segregated sale of such residences, even though some or all of the resulting new lots will have dimensions less than required for the zoning district in which the property is located. This will be accepted, provided the degree of density nonconformity shall not be increased. All lots shall have a minimum of 20 feet of access to a public or private street.

**Urban enclave area** means an area within an Urban Growth Area (UGA) which includes a small group of parcels and is further characterized by predominantly developed lots of less than twenty-five thousand 25,000 square feet and where:

- Such lots are primarily served by on-site sewage treatment systems;
- The area is physically isolated from public sewer by man-made or topographical constraints, such as an interstate highway or deep canyon; and,
- Public sewer has been extended beyond such area.

**Urban fringe area** means an area within and typically near the edge of a UGA which is beyond the limit of existing sewer lines (i.e., 300 feet) and within which urban development has not generally occurred. Additionally, such area must be characterized by a majority of parcels five acres or less in size and be physically isolated from public sewer by one acre or smaller lots, or man-made or topographical constraints, such as an interstate highway,

unserviceable elevation, or deep canyon.

### **Does the review of a sewer waiver include review of site plan standards?**

No. A sewer waiver review does not include any review for use, bulk or dimensional standards. Site plan review will be required for any non-residential project proposed.

### **What is the application process?**

The first step is to identify the category under which you are requesting the sewer waiver (see above).

If it is for a new structure, a complete sewer waiver application package must be submitted. See attached Development Review Sewer Waiver Submittal Requirements for Structures.

If it is for a new land division, a complete sewer waiver application submittal package must accompany the land division application to include a narrative addressing item 1 and 2 above under For Land Divisions CCC Section 40.370.010(D).

If the sewer waiver is approved, submittal of the following will be required:

- Covenant Running with the Land (as attached) which the applicant must notarize and certify that the property will connect to public sewer at the appropriate time.

**Note:** This covenant is required within city sewer service districts and Clark Regional Wastewater District, but only for sewer waivers approved under CCC 40.370.010(C).

Once these items have been completed and assembled, the package should be submitted to the Public Service Center, Permit Center, at 1300 Franklin Street, first floor, Vancouver, Washington.

**What is the approval process?**

If you are applying for a Sewer Waiver under CCC Section 40.370.010(C)(1) (no increase in effluence) or CCC Section 40.370.010(C)(2) (no sewerage facilities), the approval can normally be completed at the Permit Center counter. However, if your case has special circumstances that require additional review, your application may be transferred to another staff member who will approve your waiver within 14 days of receipt.

**What if all the required information is not provided?**

Applications with incomplete information will be returned to the applicant at the counter.

**What kind of public notice is provided?**

There is no public notice required for this type of review.

**Can the decision be appealed?**

The Responsible Official's decision may be appealed to the County Hearings Examiner by the applicant or other person or group. An appellant must submit an appeal application and fee within 14 calendar days after the written notice of the decision is mailed.

**How long is the decision on a sewer waiver valid?**

Sewer waivers are valid for a period of one year, if not associated with any other action. When such a decision is made in conjunction with another application, such as short plat, subdivision, or site plan, the decision is valid for the same period as the decision on the related application.

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**Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code Chapter 40.370 Sewer and Water.**

**Submittal requirements**

The following checklist identifies information to be included with the sewer waiver application for structures. All items must be submitted before the application will be considered Counter Complete.

**1. \_\_\_ Application form**

The application form shall be completed and original signed in ink by the applicant.

**2. \_\_\_ Application fee**

The requisite fee for a sewer waiver shall accompany the application. The check is to be made payable to Clark County Community Development.

**3. \_\_\_ Vicinity map**

A vicinity map and/or an Assessor’s Parcel Map,

**4. \_\_\_ Site plan**

A site plan showing the location of existing structures, setbacks to lot lines and between buildings, and the location of any on-site septic systems, if applicable.

**5. \_\_\_ Sewer availability letter**

A service availability review letter from the area sewer provider, usually Clark Regional Wastewater District or the City of Vancouver, indicating that the subject lot is:

- Over 300 feet from a sewer service line; or,
- That the intervening property contains natural or manmade obstructions such as deep canyons, elevation changes, and solid rock impediments, which make public sewer extension prohibitively expensive or undesirable.

**6. \_\_\_ Sewerage effluent calculations**

Mathematical calculations shall be submitted in order to demonstrate that the subject structure will **not** generate a projected effluent flow of more than 700 gallons per day per acre. These calculations can be acquired from the respective sewer provider or Public Health.

**5. \_\_\_ Notarized statement of attempt to acquire access to sewer line**

If your application is based upon your inability to gain access through an intervening property to acquire sewer service, submittal of a notarized statement that you have made an attempt, without success, to acquire the needed access/easement, is required. This statement shall include the intervening property address and owner’s name and phone number.

**Fee schedule**

The following fees are required to be paid when the application is submitted.

Planning	\$222
Issuance	\$53

**Sewer Waiver Decision for Structures**

To be completed by county staff

Case Number: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Sewer Waiver Address: \_\_\_\_\_

\_\_\_\_\_

**Findings and Conclusions**

**Finding #1**

The new structure is proposed to be used for:

\_\_\_\_\_

**One of the following exceptions applies:**

**Finding #2**

The new structure is an alteration, expansion or replacement of an existing structure which will not entail a material increase in sewage effluent production?

**Finding #3**

The new structure will **not** lawfully incorporate any on-site sewage effluent facilities.

**Finding #4**

The proposed use will **not** generate a projected effluent flow of more than 700 gallons per day per acre.

**Finding #5**

The proposed use will **not** generate hazardous/dangerous waste, as defined by applicable federal, state or local laws.

**Finding #6**

One of the following conditions exists:

Public sewer would have to be extended more than three hundred (300) feet to serve the subject structure(s);

The necessary permission cannot be obtained from intervening property owners necessary to extend the sewer to the subject property; and/or,

I find that the intervening property contains natural or manmade obstructions such as deep canyons, elevation changes, and solid rock impediments, which make public sewer extension prohibitively expensive or undesirable.

**Decision**

Based on the information submitted in the application, a review of the application against the applicable standards and criteria in Clark County Code Section 40.370 Sewer and Water, and findings established above, this application is hereby:

**APPROVED, subject to following conditions:**

**Time limit**

This waiver is good for a period of 12 months from the date of approval unless in conjunction with another application. If in conjunction with another application, this decision shall be valid for the same period as the decision on the related application pursuant to CCC Section 40.370.010F.

**Public Health letter**

If the property has an existing building on a septic system, the applicant must submit documentation indicating that the Health Department has reviewed the existing septic system or has approved a septic system permit for the system. If the property has no buildings or septic systems, Health Department documentation is **not** required for this application.

**No additional review included**

Approval is strictly limited to the use of an on-site septic system for the proposed action. Review of this sewer waiver did not include any zoning review for use, stormwater, nor for site plan criteria. Approval is based solely upon the action being consistent with the criteria in CCC Section 40.370.010 (C), (D), and (E).

**Sewer hook-up covenant**

City and Clark Regional Wastewater District) The applicant shall record a "Covenant Running with the land" to the county and sewer purveyor which commits the current and future property owners to connect to public sewer within twelve (12) months of sewer becoming available. The covenant shall also contain a provision that commits the current and future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DENIED**

**Reasons: See finding(s)**

# \_\_\_\_\_

**Staff Signature:**

**Date:**

**Over the counter approval**

**Approved after additional staff review**

**COVENANT RUNNING WITH THE LAND**

IN accordance with Clark County Code 40.370 the undersigned, on behalf of \_\_\_\_\_, it's heirs, successors and assigns, hereby agrees to be bound by future local improvement district(s) to extend public sewer and, further agrees to connect to public sewer with payment of required connection fees within twelve (12) months of public sewer becoming available.

The real property encumbered by this covenant is described as:

\_\_\_\_\_  
\_\_\_\_\_

Parcel Number: \_\_\_\_\_

Located within the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East of the Willamette Meridian, Washington.

IN WITNESS WHERE OF, the undersigned have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
PROPERTY OWNER (S) SIGNATURE (S)

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

STATE OF WASHINGTON)  
COUNTY OF CLARK)

On this day personally appeared before me \_\_\_\_\_ to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that he/she signed the same as free and voluntary acts and deed for the uses and purposes therein mention.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of  
Washington residing at  
\_\_\_\_\_

# Development Application

<b>Project name:</b>		
Type(s) of application (see reverse side):		
Description of proposal:		
<b>Applicant name:</b>		Address:
E-mail address:	Phone and fax:	
<b>Property owner name</b> (list multiple owners on a separate sheet):		Address:
E-mail address:	Phone and fax:	
<b>Contact person name</b> (list if not same as applicant):		Address:
E-mail address:	Phone and fax:	
<b>Project site information:</b>		Comp plan designation:
Site address:		
Cross street:	Zoning:	Parcel numbers:
Overlay zones:	Legal:	Acreage of original parcels:
Township:	Range:	¼ of section:

## Authorization

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the county to enter the properties listed above.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property owner or authorized  
representative's signature

\_\_\_\_\_  
Date

**For staff use only**

Case number: \_\_\_\_\_

Work order number: \_\_\_\_\_

**Revised 6/14/12**



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**Application types**

If you have any questions regarding the type of application being requested, our Permit Technicians will be happy to assist you.

- Annual Review
- Appeal
- Boundary Line Adjustment and Lot Reconfiguration
- Conditional Use

**Environmental/Critical Areas**

- Critical Aquifer Recharge Area (CARA)
- Columbia River Gorge
- Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- Floodplain
- Geological
- Habitat
- Habitat Monitoring
- Historic
- SEPA
- Shoreline
- Wetland
- Wetland Monitoring

**Land Division**

- Binding Site Plan
- Final Plat
- Plat Alteration
- Short Plat (\_\_\_ Infill)
- Subdivision (\_\_\_ Infill)

**Miscellaneous**

- Addressing
- Accessory Dwelling
- Covenant Release
- Home Business
- Legal Lot Determination and Innocent Purchasers Determination
- Non-Conforming Use Determination
- Sewer Waiver
- Shooting Range
- Sign

**Planning Director Review**

- Post Decision
- Pre-Application Conference
- Pre-Application Waiver
- Public Interest Exception
- Similar Use
- Temporary Use
- Planned Unit Develop/Master Plan
- Road Modification
- Site Plan
- Variance
- Zone Change