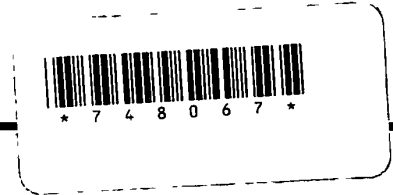


Schroader, Kathy



From: Orjiako, Oliver
Sent: Wednesday, October 21, 2015 8 20 AM
To: Euler, Gordon, Alvarez, Jose, Anderson, Colete, Albrecht, Gary
Cc: Schroader, Kathy
Subject: FW Comments on the SEIS preferred alternative for Oct 20 public hearing
Attachments: Futurewise Comments on Comp Plan Preferred Alt Oct 16 2015 pdf; WRIA 27-28 Reservations ESTIMATES w Totals for Clark County by Category.xlsx, WRIA 27-28 Reservations ESTIMATES.xlsx

FYI and for the record Thanks

From: Cnty Board of County Councilors General Delivery
Sent: Tuesday, October 20, 2015 11:50 AM
To: Mielke, Tom; Madore, David; Stewart, Jeanne
Cc: Tilton, Rebecca; Orjiako, Oliver
Subject: FW: Comments on the SEIS preferred alternative for Oct 20 public hearing

From: Tim Trohimovich [<mailto:Tim@futurewise.org>]
Sent: Friday, October 16, 2015 5:39 PM
To: Cnty Board of County Councilors General Delivery; Cnty 2016 Comp Plan
Subject: Comments on the SEIS preferred alternative for Oct 20 public hearing

Dear Sirs and Madams:

Enclosed please find Futurewise's comments on the Planning Commission's Sept. 17 recommendation of the preferred alternative for the county's next growth management plan which is the subject of the Clark County Board of County Councilors' October 20th public hearing. Several enclosures are included in the same PDF as the letter and included with this email as Excel spreadsheets. In a second email we will include the reference maps of the water reserves.

Please contact me if you require anything else.

Tim Trohimovich, AICP
Futurewise | Director of Planning & Law
816 Second Avenue, Suite 200 | Seattle, Washington 98104
p 206 343 0681 Ext 118
Email tim@futurewise.org

25 YEARS **futurewise**

Building Communities & Protecting the Land



October 16, 2015

The Honorable Tom Mielke
The Honorable David Madore
The Honorable Jeanne E. Stewart
Clark County Board of County Councilors
PO Box 5000
Vancouver, Washington 98666-5000

Dear Councilors Mielke, Madore, and Stewart:

Subject: Comments on the Planning Commission's Sept. 17 recommendation of the preferred alternative for the county's next growth management plan.
Sent via email to: boardcom@clark.wa.gov; comp.plan@clark.wa.gov

Thank you for the opportunity to comment on the on the Planning Commission's Sept. 17 recommendation for the preferred alternative for Clark County's next growth management plan. In short, we support the Planning Commission recommendation with two changes. This alternative meets community needs with the lowest cost. We urge you to designate it as the preferred alternative for the *Final Supplemental Environmental Impact Statement for the Clark County 2016 Comprehensive Growth Management Plan Update*.

Futurewise is working throughout Washington State to create livable communities, protect our working farmlands, forests, and waterways, and ensure a better quality of life for present and future generations. We work with communities to implement effective land use planning and policies that prevent waste and stop sprawl, provide efficient transportation choices, create affordable housing and strong local businesses, and ensure healthy natural systems. We are creating a better quality of life in Washington State together. We have members across Washington State including Clark County.

Why we support the Planning Commission Recommendation

The Planning Commission recommendation will save taxpayers and ratepayers money

Compact urban growth areas (UGAs) saves taxpayers and ratepayers money. In a study published in a peer-reviewed journal, John Carruthers and Gudmaundur Ulfarsson

analyzed urban areas throughout the United States including Clark County.¹ They found that the per capita costs of most public services declined with density and increased where urban areas were large.² Compact urban growth areas save taxpayers and ratepayers money.

Conserving farm and forest land also saves taxpayers money. Farm and forest land pays more in taxes than it requires in public services. For every dollar farm or forest land pays in taxes it only requires 35 cents in public services. For every dollar residential development pays in taxes, it requires \$1.16 in public services.³

The Planning Commission recommendation will protect water quality

The *Draft SEIS*, in Figure 2-3: Soil Limitations to Septic Sewer Systems on page 2-6, documents that most of Clark County is “very limited” for the use of onsite sewer systems. Marylynn Yates, in a peer-reviewed scientific journal, analyzed ground water pollution from septic tanks. She concluded that septic tanks are major contributors of waste water, septic tanks are the most frequently reported cause of ground water contamination, and the most important factor influencing ground water contamination from septic tanks is the density of the systems.⁴ Lot sizes associated with ground water contamination cases ranged from less than a quarter acre to three acres.⁵ More recent studies support these conclusions. For example, an “observational study identified septic system density as a risk factor for sporadic cases of viral and bacterial diarrhea in central Wisconsin children.”⁶ The greater the density of septic

¹ John Carruthers and Gudmaundur Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B PLANNING AND DESIGN 503, 511 (2003) Enclosed with the paper original of Futurewise's Sept. 10, 2015 letter commenting on the DSEIS

² *Id.* at 518

³ American Farmland Trust Farmland Information Center, *Cost of Community Services Studies* p. 6 (August 2010) accessed on Sept. 9, 2015 at http://www.farmlandinfo.org/sites/default/files/COCSS_08-2010_1.pdf and enclosed with the paper original of Futurewise's Sept. 10, 2015 letter commenting on the DSEIS. These numbers are median values and include Cost of Community Services Studies in Skagit and Okanogan Counties. *Id.* at p. 5.

⁴ Marylynn V. Yates, *Septic Tank Density and Ground-Water Contamination* 23 GROUND WATER 586, p. 590 (1985) accessed most recently on Sept. 9, 2015 at <http://info.ugwa.org/gwol/pdf/852537546.PDF> and enclosed with the paper original of Futurewise's Sept. 10, 2015 letter commenting on the DSEIS. Ground Water is a peer reviewed scientific journal. See the Ground Water Peer Review enclosed with the paper original of Futurewise's Sept. 10, 2015 letter commenting on the DSEIS.

⁵ Marylynn V. Yates, *Septic Tank Density and Ground-Water Contamination* 23 GROUND WATER 586, p. 590 (1985)

⁶ Mark A. Borchardt, Po-Huang Chyou, Edna O. DeVries, and Edward A. Belongia, *Septic System Density and Infectious Diarrhea in a Defined Population of Children* 111 ENVIRONMENTAL HEALTH PERSPECTIVES 742, p. 745 (2003) accessed most recently on Sept. 9, 2015 at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1241485/pdf/ehp0111-000742.pdf> and enclosed with the paper original of Futurewise's Sept. 10, 2015 letter commenting on the DSEIS. Environmental Health Perspectives is a peer reviewed scientific journal. See the Environmental Health Perspectives Journal Information accessed on Sept. 9, 2015 at <http://ehp.nichs.nih.gov/journal-information/> and enclosed with the paper original of Futurewise's Sept. 10, 2015 letter commenting on the DSEIS

tanks the greater the likelihood of diarrheal disease.⁷ And the highest septic tank densities studied were one septic tank per 11 acres.⁸

Given the large areas of the county that are “very limited” for the use of onsite septic systems and that most of the rest of the county is “somewhat limited,” the Planning Commission recommendation will protect water quality.

The Planning Commission Recommendation will protect property owners' wells

The Washington State Department of Ecology (Ecology) has determined that “[t]here is limited water available for new uses in [Water Resource Inventory Area] WRIA 27” the Lewis River Watershed and “much of the water in the Lewis River Watershed has already been spoken for.”⁹ The situation is the same in the Salmon-Washougal Watershed, WRIA 28. “There is limited water available for new uses ...” and “much of the water in this watershed has already been spoken for.”¹⁰ In fact, water is in such short supply that there is already evidence that the overdevelopment of rural lands has caused wells to run dry.¹¹

When Ecology adopted the instream flow rules for WRIs 27 and 28, Ecology established reserves for future domestic uses.¹² Enclosed with this letter are an email and two spreadsheets and, in a separate email, maps that show the status of those reserves as of the end of June 2015. Ecology estimates that the reserves can accommodate another 2,747 domestic wells with each well serving one house and with one household in the house, 1,627 households served by small community water systems, and Clark County Public Utilities can serve another 485 households outside cities.¹³ So Clark County should limit the number of currently vacant and new rural,

⁷ Mark A. Borchardt, Po-Huang Chyou, Edna O DeVries, and Edward A. Belongia, *Septic System Density and Infectious Diarrhea in a Defined Population of Children* 111 ENVIRONMENTAL HEALTH PERSPECTIVES 742, pp. 745 - 47 (2003)

⁸ *Id.* at 747.

⁹ Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Lewis River Watershed, WRIA 27* p 1 (Publication Number: 11-11-031 August 2012) accessed on Sept 8, 2015 at <https://fortress.wa.gov/ccy/publications/summarypages/1111031.html> and enclosed with the paper original of Futurewise's Sept 10, 2015 letter commenting on the DSEIS.

¹⁰ Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Salmon-Washougal Watershed, WRIA 28* p 1 (Publication Number 11-11-032 August 2012) accessed on Sept 8, 2015 at <https://fortress.wa.gov/ccy/publications/summarypages/1111032.html> and enclosed with the paper original of Futurewise's Sept 10, 2015 letter commenting on the DSEIS

¹¹ Personal Communication from Coyote Ridge Ranch to Tim Trohimovich (April 02, 2015) enclosed with the paper original of Futurewise's Sept 10, 2015 letter commenting on the DSEIS.

¹² Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Lewis River Watershed, WRIA 27* p 1 (Publication Number 11-11-031 August 2012), Washington State Department of Ecology Water Resources Program, *Focus on Water Availability Salmon-Washougal Watershed, WRIA 28* p 2 (Publication Number 11-11-032 August 2012).

¹³ The enclosed spreadsheet WRIA 27-28 Reservations ESTIMATES w Totals for Clark County by Category totals the Ecology data for Clark County.

agricultural, and forest land lots to about 4,859 and only in the parts of the county outside cities that have available reserves.

However, Clark County currently has 5,042 existing vacant lots in the rural areas and on resource lands as of 2014.¹⁴ So the County already has more lots than can be supported by the surface and ground water resources available in the rural areas and on resource lands. Since the Planning Commission recommendation allows a more moderate level of new lot creation than some alternatives, it will better protect existing water rights holders who may otherwise see their wells or their diversions run dry.

The county's water providers are not planning on serving most of the rural area with piped water. The *Clark County Coordinated Water System Plan Update: Regional Supplement* calls for serving rural development outside of "rural centers" with private wells.¹⁵ The *Clark County Coordinated Water System Plan Update* states that the rural areas "are not expected to accommodate large amounts of population growth."¹⁶ So the Planning Commission alternative is consistent with the plans of the county's water providers.

The Planning Commission recommendation will help keep healthy local food available for Clark County residents

The Planning Commission recommendation will help to continue to protect the county's working farms. This will help make healthy, local food available to county residents.

Changes we recommend to the Planning Commission Recommendation

Please do change combine the three rural comprehensive plan designations into one "Rural" designation

The Growth Management Act requires and the Washington State Supreme Court has held that the rural element of the comprehensive plan must include a variety of rural densities.¹⁷ In *Kittitas County v. Eastern Washington Growth Management Hearings Board*, the

¹⁴ *Clark County Buildable Lands Report* p 13 (June 2015) accessed on Oct 15, 2015 at http://www.clark.wa.gov/thegrid/documents/061015WS_2015BUILDABLE_LANDS_REPORT.pdf and cited page enclosed with this letter.

¹⁵ Clark County Water Utility Coordinating Committee, *Clark County Coordinated Water System Plan Update Regional Supplement* p 25 & p 36 (Nov. 2011) accessed on Sept. 4, 2015 at http://www.clark.wa.gov/planning/comp_plan/documents/Final_2011CWSP-optimized.pdf and enclosed with the paper original of Futurewise's Sept 10, 2015 letter commenting on the DSEIS.

¹⁶ *Id* at p 15

¹⁷ RCW 36 70A 070(5), *Thurston County v Western Washington Growth Management Hearings Board*, 164 Wn 2d 329, 357, 190 P 3d 38 (2008)

Kittitas County Comprehensive Plan had a single rural comprehensive plan designation. Kittitas County's Limited Areas of More Intense Rural Development (LAMIRDs) also had separate comprehensive plan designations. The county argued that the reference in the comprehensive plan to "zoning regulations that have included six possible designations (with three possible densities) and innovative zoning techniques" complied with the Growth Management Act requirement for a variety of rural densities.¹⁸ Based on the plain language of the Growth Management Act, the Washington State Supreme Court held that the comprehensive plan itself must include a variety of rural densities and the Kittitas County Comprehensive Plan violated this requirement.¹⁹

The Washington State Supreme Court identified a practical reason for this requirement:

¶ 40 We also note a practical concern raised by RIDGE and CTED. They argue that reading the GMA to not require that the Plan itself provide for a variety of rural densities will result in the evasion of GMA requirements through site-specific rezones. This is not the first time this court has recognized this potential problem. See *Woods v. Kittitas County*, 162 Wn. 2d 597, 629–32, 174 P.3d 25 (2007) (Becker, J., concurring). Because interested parties cannot raise GMA compliance issues in Land Use Petition Act (chapter 36.70C RCW) petitions, *id.* at 616, 174 P.3d 25 (majority opinion), site-specific rezones are only evaluated for compliance with the GMA through evaluation of their consistency with the existing Plan. A comprehensive plan that is silent on the provision of a variety of rural densities (and other protective measures for rural areas) effectively allows rezones that circumvent the GMA. This argument may prove too much, as rezones must also comply with development regulations, which can be challenged for compliance with the GMA. *Id.* at 615–16, 174 P.3d 25. However, in *Woods*, the petitioner's land was designated at one dwelling unit per 20 acres, and the County later approved a 3-acre rezone after it was too late for her to challenge the development regulations for compliance with the GMA. *Id.* at 629–30, 174 P.3d 25 (Becker, J., concurring) ("The rezone was the first and only time that the actual change of density on the subject site could have been challenged . . . as violating the GMA."); RCW 36.70A.290(2) (stating that petitions challenging a comprehensive plan or development regulation as noncompliant with the GMA "must be filed within sixty days after publication"). While we decide this question

¹⁸ *Kittitas Cnty v E Washington Growth Mgmt Hearings Bd*, 172 Wn 2d 144, 167, 256 P 3d 1193, 1204 (2011)

¹⁹ *Kittitas Cnty.*, 172 Wn. 2d at 169, 256 P. 3d at 1205 "A plain reading of the statute indicates that the Plan itself must include something to assure the provision of a variety of rural densities "

Clark County Board of County Councilors
Preferred EIS Alternative Comprehensive Plan Update
October 16, 2015
Page 6

on the basis of the plain statutory language, we recognize that reading out the requirement that counties include certain protections in the Plan itself, including to provide for a variety of rural densities, could result in the evasion of GMA requirements through site-specific rezoning.²⁰

The recommended single rural comprehensive plan designation is just like the single rural designation in Kittitas County. Like Kittitas County, that violates the Growth Management Act. So we recommend you do not include this feature in the preferred alternative.

Please do not include the urban growth area expansions

Urban growth areas may only be expanded to accommodate the County's need for housing and jobs.²¹ The existing urban growth areas can already accommodate the County's housing and employment projections.²² So we urge the Board of County Councilors to reject the urban growth area expansions including 3.a, Battle Ground and 3 b. La Center. Maintaining properly sized urban growth areas will save money for taxpayers and ratepayers.²³

Thank you for considering our comments. If you require additional information please contact me at telephone 206-343-0681 Ext. 118 and email tim@futurewise.org

Very Truly Yours,



Tim Trohimovich, AICP
Director of Planning & Law

Enclosures

²⁰ *Kittitas Cnty*, 172 Wn. 2d at 169, 256 P.3d at 1205

²¹ *Thurston County v Western Washington Growth Management Hearings Bd.*, 164 Wn.2d 329, 351 – 52, 190 P 3d 38, 48 – 49 (2008) See RCW 36 70A 110 and RCW 36 70A 115 which limit the size of UGAs

²² *Clark County Buildable Lands Report* pp 9 – 14 (June 2015) accessed on Oct. 15, 2015 at http://www.clark.wa.gov/thegnd/documents/061015WS_2015BUILDABLE_LANDS_REPORT.pdf and enclosed with Futurewise's Sept 16, 2015 comment letter on the DSEIS.

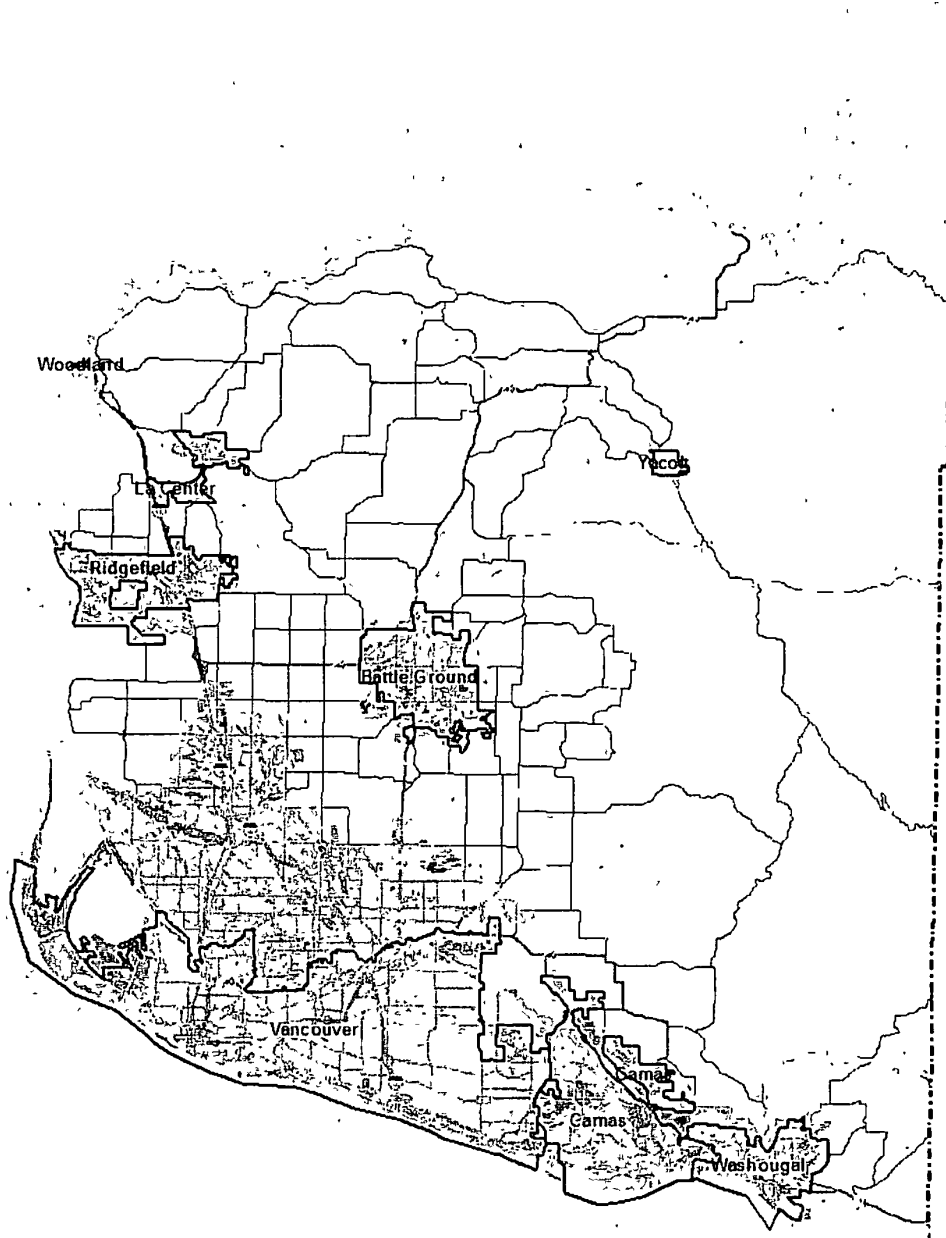
²³ John Carruthers and Gudmaundur Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B: PLANNING AND DESIGN 503, 518 (2003)

BUILDABLE LANDS REPORT, June 2015



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CLARK COUNTY
WASHINGTON



**Table 6
Rural Capacity Analysis, 2014**

Comprehensive Plan Designation	Conforming Vacant Lots			Undersized Vacant Lots (no minimum lot size)	Total Potential Vacant Lots	Rural Capacity
	Current	Potential Dividable	Total			
R-5	1,203	2,648	3,851	1,470	5,321	14,154
R-10	146	536	682	475	1,157	3,078
R-20	19	33	52	70	122	325
FR-40	34	90	124	643	767	2,040
FR-80	21	609	630	307	937	2,492
AG-20	156	432	588	498	1,086	2,889
Total Rural	1,579	4,348	5,927	3,463	9,390	24,977

Source: Clark County GIS



Wed 10/14/2015 3:59 PM

Hoff, Tryg (ECY) <THOF461@ECY.WA.GOV>

RE: Q about remaining water reserves for residential uses in WRJAs 27 and 28 in Clark Co

To: "Tim Trohanovich"

You forwarded this message on 10/14/2015 5:21 PM.



WRJA 27-28 Reservations ESTIMATES.xlsx (14 KB)



WRJA27withReservations.jpg (2 MB)



WRJA28withReservations.jpg (2 MB)

Bing Maps

Get more apps

Here are our estimates at the end of June this year

Let me know if you have any questions

Tryg

	Reservation Benefit (CFS)	Households Served	New Water Wells (ecy)	Public est* systems(doh)	CFS Permitted	TOTAL	RESERVATION % Used	Remaining Household Capacity
Kalama River Subbasin								
Kalama	1.92	1551					0	1,551
Small Community Water Systems - Cowlitz Co.	0.37	299	1				1	298
Domestic Wells - Cowlitz Co. NA 141 0.52 0.16 0.00 0.16	0.16	432	48				48	384
North Fork Lewis River Subbasin								
Small Community Water Systems - Cowlitz Co.	0.37	299	1				1	298
Small Community Water Systems - Clark Co.	0.75	606	3				3	603
Small Community Water Systems - Skamania Co.	0.4	323	0				0	323
Domestic Wells - Cowlitz Co.	0.07	189	82				82	107
Domestic Wells - Clark Co.	0.12	324	81				81	243
Domestic Wells - Skamania Co.	0.4	1080	0				0	1,080
Commercial - Skamania County	0.21		0				0	0
Ridgefield (Not applicable, due to location in tidally influenced area. (8))								0
East Fork Lewis River Subbasin								
CPU, Battle Ground and Ridgefield	4.4	3554			0.67		0	3,554
Small Community Water Systems - Clark Co.	0.37	299	2	19			21	278
Small Community Water Systems - Skamania Co.	0	0	0				0	0
Domestic Wells - Clark Co.	0.47	1269	122				122	1,147
Domestic Wells - Skamania Co.	0.02	54	0				0	54
Salmon Creek Subbasin								
CPU, Battle Ground and Ridgefield	0.25	202	7				7	195
Small Community Water Systems - Clark Co.	0	0	0				0	0
Domestic Wells - Clark Co.	0.12	324	92				92	232
Burnt Bridge Creek Subbasin								
Vancouver	0	0	0				0	0
Small Community Water Systems - Clark Co.	0	0	0				0	0
Domestic Wells - Clark Co.	0	0	0				0	0
Leicamas Creek Subbasin								
Camas	1	808					0	808
Clark Public Utilities (CPU)	0.6	485					0	485
Small Community Water Systems - Clark Co.	0.37	299	3	8			11	288
Domestic Wells - Clark Co. NA	0.17	459	71				71	388
Washougal River Subbasin								
Washougal	0	0					0	0
Small Community Water Systems - Clark Co.	0.37	299					0	289
Small Community Water Systems - Skamania Co.	0.2	162		10			10	162
Domestic Wells - Clark Co.	0.17	459	32				32	427
Domestic Wells - Skamania Co.	0.64	1728	26				26	1,702
Columbia River Tributaries Subbasin								
Small Community Water Systems - Clark Co.	0.21	170	0				0	170
Small Community Water Systems - Skamania Co.	0.12	324	3				3	167
Domestic Wells - Clark Co.	0.12	324	14				14	310
Domestic Wells - Skamania Co.	0.12	324	10				10	314
Total	14.58	16,490						15,855
Cities in Clark County								808
CPU for Cities								3,749
Clark Public Utilities (CPU)								485
Small Community Water Systems - Clark Co.								1,627
Domestic Wells - Clark Co.								2,747
Total Outside Cities								4,859

WRIA 27-28

	Reservation Benefit (CFS)	Households Served	New Water Wells (ecy)	Public est* systems(doh)	CFS Permitted	TOTAL	RESERVATION % Used
Kalama River Subbasin							
Kalama	1.92	1551				0	0.0%
Small Community Water Systems - Cowlitz Co.	0.37	299	1			1	0.3%
Domestic Wells - Cowlitz Co. NA 141 0.52 0.16 0.00 0.16	0.16	432	48			48	11.1%
North Fork Lewis River Subbasin							
Small Community Water Systems - Cowlitz Co.	0.37	299	1			1	0.3%
Small Community Water Systems - Clark Co.	0.75	606	3			3	0.5%
Small Community Water Systems - Skamania Co.	0.4	323	0			0	0.0%
Domestic Wells - Cowlitz Co.	0.07	189	82			82	43.4%
Domestic Wells - Clark Co.	0.12	324	81			81	25.0%
Domestic Wells - Skamania Co.	0.4	1080	0			0	0.0%
Commercial - Skamania County	0.21		0			0	
Ridgefield (Not applicable, due to location in tidally influenced area. (8)							
East Fork Lewis River Subbasin							
CPU, Battle Ground and Ridgefield	4.4	3554			0.67	0	15.2%
Small Community Water Systems - Clark Co.	0.37	299	2	19		21	7.0%
Small Community Water Systems - Skamania Co.	0	0	0			0	0.0%
Domestic Wells - Clark Co.	0.47	1269	122			122	9.6%
Domestic Wells - Skamania Co.	0.02	54	0			0	0.0%
Salmon Creek Subbasin							
CPU, Battle Ground and Ridgefield	0.25	202	7			7	3.5%
Small Community Water Systems - Clark Co.	0	0	0			0	
Domestic Wells - Clark Co.	0.12	324	92			92	28.4%
Burnt Bridge Creek Subbasin							
Vancouver	0	0	0			0	0.0%
Small Community Water Systems - Clark Co.	0	0	0			0	0.0%
Domestic Wells - Clark Co.	0	0	0			0	0.0%
Lacamas Creek Subbasin							
Camas	1	808				0	0.0%
Clark Public Utilities (CPU)	0.6	485				0	0.0%
Small Community Water Systems - Clark Co.	0.37	299	3	8		11	3.7%

Domestic Wells - Clark Co. NA	0.17	459	71	71	15.5%
Washougal River Subbasin					
Washougal	0	0		0	0.0%
Small Community Water Systems - Clark Co.	0.37	299	10	10	3.3%
Small Community Water Systems - Skamania Co.	0.2	162		0	0.0%
Domestic Wells - Clark Co.	0.17	459	32	32	7.0%
Domestic Wells - Skamania Co.	0.64	1728	26	26	1.5%
Columbia River Tributaries Subbasin					
Small Community Water Systems - Clark Co.	0.21	170	0	0	0.0%
Small Community Water Systems - Skamania Co.	0.21	170	3	3	1.8%
Domestic Wells - Clark Co.	0.12	324	14	14	4.3%
Domestic Wells - Skamania Co.	0.12	324	10	10	3.1%
Total	14.58	16,490			