Good afternoon Councilmembers –

I am sending along some additional information PDS and WCHCS put together following the presentation at the May 27 Public Works and Health Committee about the Coordinated Water System Plan update. CM Scanlon reached out to learn more about how the CWSP work will be incorporated into the comprehensive plan; below is the information PDS and WCHS put together in response. We thought this information would be helpful to share with the entire council in advance of the presentation and discussion relating to preliminary "preferred alternatives" for the Final Environmental Impact Statement (EIS) associated with the 2025 Comprehensive Plan Update that is scheduled next Tuesday at the special joint Council/Planning Commission meeting.

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Q1 &Q2: How will PDS Incorporate the CWSP Update into the Comp Plan? How are they assessing the CWSP information?

PDS Response | *The draft CWSP includes language that addresses rural development, permit exempt wells and the preliminary rural population allocations for the comp plan update identified in Council Resolution 2025-011 (the Non-Binding Multi-Jurisdictional Resolution Regarding Population, Housing and Employment Allocations). PDS has also incorporated language in the Utilities and Environment Elements of the draft comp plan update regarding the CWSP update as well as supporting alternative approaches to increasing water supplies for beneficial uses. That includes natural water storage system improvements to take advantage of high flows in winter to use for beneficial uses, including groundwater recharge, during later low stream flow periods. In addition, the Countywide Planning Policies (CWPPs) require that if new water extensions are made, they must be consistent with the service area boundaries and other provisions of the CWSP. As was discussed and presented to Council by PDS at numerous meetings during Council's deliberations on the Non-Binding Multi-Jurisdictional Resolution earlier this year, the non-UGA 20-year population growth allocations proposed in the comp plan update represent a significant reduction in the allocated growth share to rural areas (more reliant on permit exempt wells) compared to past trends and the current adopted comp plan rural growth allocation.*

Commensurately, the share of future urban growth allocation (reliant on municipal water supplies) is larger under Council Resolution 2025-011 than the current adopted comp plan. In effect, the proposed future population growth allocations direct growth towards areas with greater available water supply (i.e., urban municipalities) consistent with recommendations of the draft CWSP as shown below in Section 9.6:

9. Whatcom County will consider future rural water supply needs for areas that rely on private water systems supplied by permit-exempt wells. Permit-exempt wells may be less available in the future. Land use plans for growth and development should be directed towards areas that have available water supply for future growth. Water supply should drive land use and development policies.

PDS plans to present a high-level overview of the preliminary draft preferred alternative for each of the UGAs in the Final EIS on the Comp Plan with the Council at their July 22nd COTW

meeting which will include maps of preliminary preferred UGA expansions/retractions for all the cities (but not capital facility plans because that planning is still on-going for all the jurisdictions since the Council only approved the preliminary growth targets for the cities three months ago). The GMA requires that jurisdictions adopt capital facility plans as a part of their comp plan updates that plan for the provision of urban services and facilities necessary to serve that allocated future growth. ***PDS has made the cities all aware that they must have corresponding capital facility plans (including water system plans) that plan for accommodating their allocated 20-year growth in their preferred UGA alternative (especially if UGA expansions are proposed).*** *If and when those water system plans are approved, the corresponding water system service area map in the CWSP is updated accordingly.*

Q3: **What are the consequences/impact of UGA Boundaries being outside of water system boundaries?**

PDS Response | *Based on the inquiry from the email, this question seems to focus on the cities of Blaine and Sumas proposed changes to their UGAs and how that may affect their water system service area and plans and is best answered by the municipal water providers. If there are changes that need to be made to their water system plans to match their proposed new 20-year growth targets and UGA geography, the cities' water and sewer system plans that serve their UGAs* ***must*** *address (and plan for) that allocated growth in their respective capital facility plans. The municipal water providers (e.g., cities) prepare and adopt those water system plans—not the county. Those adopted capital facility plans (e.g., sewer and water system plans)* ***must*** *be included in the record to support final city (and county) approval of new UGAs in the respective jurisdiction's comprehensive plan updates.*
Per the discussion above, UGA boundaries generally cannot be outside of water system service areas unless they are limited to areas of non-urban densities within UGAs such as open space areas, parks, critical areas or areas subject to permanent conservation easements, agriculturally zoned parcels within UGAs or very low density zoned parcels in unincorporated UGAs where the adjacent city may be the water provider but does not extend public water service needed to achieve urban levels of development until the parcel(s) are annexed. In these limited cases, permit exempt wells may be allowed.

Health Response |
Outside of UGAs, in rural areas for example, individual public water systems may provide water service within their service areas according to the requirements of the system (i.e., approved water rights and available connections) and the CWSP provisions for providing "timely and reasonable" service. HCS determines water quality and quantity at the time of site-specific development permitting. If you have additional questions about that process, including the provisions identifying when and where permit-exempt wells may be allowed inside a public water system service area when the system cannot provide service in a "timely and reasonable" manner, I'd be happy to field them or put you in touch with our drinking water supervisor.
Utilities will need to update their service area boundary maps and demonstrate they can serve the projected connections or increased water quantity. This process is required by and overseen by the State Department of Health. When these areas are updated the maps and plans are sent to PDS who then provides a GIS layer of the service area boundaries. Without a service area boundary, HCS cannot behold an applicant to connect to a public water system and a permit exempt well can be pursued. The WRIA 1 Nooksack Basin, new permit exempt wells are generally limited to a maximum of 500 gallons/day for household use.

As an aside, more water supply options for site-specific development applications can be addressed by HCS in cases where physical water availability for a permit exempt well is limited, such as through the use of rainwater catchment. This potential option may be affected by adjudication and contingent on a denial from a water service provider. The draft CWSP acknowledges the "certainty of uncertainty" regarding the future of private water systems supplied by permit-exempt wells given the unknown outcomes of the adjudication process, climate change and the success of mitigation efforts to offset consumptive use by future permit-exempt well use under the Streamflow Restoration Act at the end of Section 4 noted below:

> To date, where public water is not available, private water systems supplied by permit-exempt wells have been presumed to be a viable option. However, the availability of permit-exempt wells in the future is uncertain due to the current planning period utilized by the Streamflow Restoration Act (mitigation for future domestic permit-exempt uses is only covered through 2038) and the WRIA 1 – Nooksack Adjudication. Due to these and other complexities, the standard tool of a permit-exempt well for rural water supply may be less available in the future.

The draft comp update (and the associated environmental review process) also reflect this uncertainty but also identify additional measures that could help mitigate water supply deficiencies in the future, including potential reductions in allowed densities or purchase/transfer of development rights in rural areas more reliant on permit-exempt wells, increasing water use efficiencies, opportunities to enhance recharge to instream flows during summer months, new natural water storage enhancement projects, projects to redistribute water supply to areas of high need during peak demand, etc. Some of these potential "water supply solutions" are being addressed through the WRIA 1 Watershed Management planning process that can benefit both salmon and people and will also be referenced in the comp plan update.

Q4: Are additional studies needed?

Response | PDS

There have been some preliminary conceptual studies done to date to identify some water supply solutions including, for example, the use of deep aquifers for future water supply that are not in hydraulic connectivity with the Nooksack Basin. In addition, new proposed policies in both the Utilities and Environment chapters of the comp plan update provide specific guidance on assessing and evaluating the future water supply needs of the rural and resource lands industries and population (recommended by the WRIA 1 Planning Unit). ***Feed free to reach out to Gary Stoyka*** *at PW since he has been managing those efforts and can speak best about them as well as address potential consumptive use mitigation projects in the Nooksack Basin funded under the Streamflow Restoration Act. Public Works has also invested in a groundwater study and groundwater/surface water interaction model that can contribute to our understanding of potential implications of the management of groundwater and/or surface water withdrawals, particularly on stream flows.*

Response | Health

Group B wells and service areas could be further studied and supported in order to identify sanitary control areas and to assist with pollution notifications that could impact public water systems such as Group B systems.