

From: [Oliver Orjiako](#)
To: [Sonja Wiser](#)
Subject: FW: Rural people deserve fairness and equity in ADU housing
Date: Monday, October 9, 2023 3:19:24 PM

Hi Sonja:

Please for the record. Thanks.

From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>

Sent: Monday, September 25, 2023 9:59 PM

To: Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>

Subject: Rural people deserve fairness and equity in ADU housing

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Clark County Council
P.O. Box 5000
Vancouver, Washington 98666

September 25, 2023

FOR THE PUBLIC RECORD

Re: Rural people deserve fairness and equity in ADU housing

Dear Councilors,

Clark County Citizens United, Inc. previously forwarded you CCCU testimony on Behalf of Carl and Tracy Bong. On Friday September 15, 2023, the Bongs received an explanation email from Water Resources Protection Team – Environmental Public Health - Clark County Public Health, Vancouver, WA, with an invitation to meet with county staff to discuss the OSS concerns. One sentence within the email is of major concern to CCCU. It reads,

- i.
- ii. **"For example – when someone formally increases the size of their home by adding bedrooms, or alternative dwelling units (ADUs), Community Development will require them to increase the size of their OSS before issuing a building permit."**

ADU stands for "Accessory Dwelling Unit". The name is self descriptive, and means it is subject to the main dwelling unit, or home, on the property. Those who are using ADUs use these structures for exactly that purpose. Generally these units house children who move out of the main house, an elderly parent who needs the help of their children, or a relative who simply needs a place to live, until they can find something to buy or rent. CCCU has done extensive research on other counties, who now allow ADU housing, and their approach is very different than Clark County's. As an accessory structure, it is part of the main house. If the OSS system for the main house can function properly with the additional ADU, it should be allowed. CCCU strongly supports that concept, for a very good reason. We do not want these structures to be forced to use portable toilets, or worse yet, outhouses. But, it is going to come to that, because the rural people simply do not have enough of affordable housing and using ADUs are a critical solution to that housing crisis in the rural area.

Consider what the US Supreme Court says about forced use of septic systems.

Supreme Court sides with Amish who argued septic systems violate their religious beliefs [John Fritze](#)

USA TODAY - Published July 2, 2021

WASHINGTON – [The Supreme Court on Friday sided with an Amish community that is challenging on](#)

[religious grounds a Minnesota county's requirement that its members install septic systems to treat wastewater.](#)

[The high court overturned a state court ruling that had sided with the county and asked the state's courts to review the case again in light of its recent ruling in favor of a Catholic foster care agency in Philadelphia that refused to screen same-sex couples.](#)

Fillmore County in 2013 began requiring that the Swartzentruber Amish, who reject modern technology as part of their religion, install septic systems to treat the wastewater from laundry, bathing and cooking – known as gray water. The Amish instead want to reuse that water for irrigation or treat it through less sophisticated systems.

In an opinion concurring with the Supreme Court's decision, Associate Justice Neil Gorsuch said the state courts misread a federal law dealing with how such land use regulations may be applied to religious entities. It was the latest example of the Supreme Court siding with a claim of religious freedom in a contest with an asserted governmental interest.

"County officials have subjected the Amish to threats of reprisals and inspections of their homes and farms. They have attacked the sincerity of the Amish's faith," Gorsuch wrote. "In this country, neither the Amish nor anyone else should have to choose between their farms and their faith."

CCCU thinks Clark County is moving toward enhancing already excessive and unreasonable regulations. It appears the goal is to stop any kind of rural growth, and the rural culture, no matter what. Is that what these taxpaying citizens deserve? Is that going to enhance our communities? Is that going to solve the housing crisis that plagues this county and the nation? Is that equity? Clark County Citizens United, Inc. believes the answer is a resounding, NO! Councilors, must change this destructive trajectory, with policies that are fair and equitable to all citizens.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

Chuck Harmon
Clark County Public Health
1601 East Fourth Plain Blvd. Bld. 17, 3rd Floor
P.O. Box 9825
Vancouver, Washington 98666

September 5, 2023

FOR THE PUBLIC RECORD

Re: Carl and Tracy Bong - Notice of Violation for On-site sewage system (OSS) at:

5517 NE Landerholm Road, LaCenter, Washington 98629 # CO0029606; #ON0040961

Dear Mr. Harmon and Clark County Public Health,

Clark County Citizens United, Inc. is a 501c4 non-profit organization formed in 1994, to aid rural landowners living in Clark County. In addition to navigating citizens through county policies, CCCU also provides data and research on their behalf. Carl and Tracy Bong, contacted CCCU over letters from Clark County Public Health regarding their on site septic sewage system. Extensive research was performed over on-site sewage systems, RCWs, WACs, CCCs, federal regulations, professional data and industry standards regarding OSS.

On **June 1, 2023** the Bongs received a certified letter from CCPH which states:

,"On May 2, 2023, Clark County Public Health (CCPH) received an application for septic release (SR0061495), regarding the existing in-ground pool under community development permit ADS-2022-01041/CF2-23-000296)..."

"On March 24, 2006, a new OSS was installed for a 3-bedroom single family residence in accordance with septic permit SR0001453.

The residence and an apparent residential structure, within an existing barn currently support 5 bedrooms...."

"The current OSS (ON0040961) is noncompliant with standards stipulated on the approved design under permit SR0001453 and **is failing** as defined under Clark County Code (CCC)24.17."

"By July 7, 2023 the Bongs must have CCPH staff visit the property to determine the OSS use, or install a

new OSS system."

CCPH claims the Bongs were using five (5) bedrooms, but did not provide supporting data. The 2006 OSS Permit said three (3) bedrooms, the 2020 online listing Property Information and Virtual Tour said three (3) bedrooms. But the Sellers Disclosure said four(4) bedrooms and GIS claims four (4) bedrooms, based on second floor rooms. The Bongs protested the letter, using state DOH information allowing four bedrooms for their 1000 gallon tank on site septic system. They have kept OSS inspections current since they bought the house in 2020. Those inspections indicated their OSS was performing as required.

Actual circumstances at their residence found they were mistaken about four *bedrooms*, even though Washington Department of Health standards approve four bedrooms per 1000 gallon tank. The Bongs have four *rooms* on the second floor, but that doesn't make them bedrooms. One room is the office and doesn't qualify because of size. Another room is the exercise room and not used for bedroom purposes. The Bongs are only using two (2) rooms for "bedrooms", which are the master bedroom and a guest bedroom, used for out of town company.

Washington State Department of Health indicates minimum tank sizes are 900 gallons per three (3) bedrooms and 1000 gallons per four (4) bedroom, which continues to be state guidelines. Staff claims the tank is not as important as the drainfields. Research shows a 1000 gallon tank must be compatible to the drainfield. that serves it. Federal guidelines and industry standards state the size of the tank is very important to the OSS system function. If the tank is too big for its use, the bacterial activity cannot function properly. The Bong system is working fine, so the system bacteria must be working fine. **In no instance did the Bong's OSS system present a health hazard to the public. That system was operating properly, given the use.**

. Clark County records are void of information related to extensive remodeling done to the 1935 farmhouse. At the time of the OSS permit, the house likely had three, second floor rooms and the remodel created another small fourth room that does not qualify for an OSS "bedroom". One of the other rooms doesn't qualify also, because it only has 110 sq. feet and it should have 120 sq. feet. The WSDOH, CCC and industry standards use two persons per bedroom to determine the number of bedrooms for OSS sizing. A "bedroom" must have 70 square feet for the first person, and an additional 50 square feet for the second person, which totals 120 square feet. Room number four (4) technically measures 9'8" X 9' and totals 88.2 square feet, which doesn't qualify for an OSS bedroom. It is used as an office. Only two rooms of the four rooms, are used for bedroom/sleeping purposes. a third is in a 1980 adjacent bunkhouse. There are no first floor bedrooms.

On **June 20, 2023**, the Bongs received an email from Sean Hawes, which was CC'd to Miles Lawson and Chuck Harmon.

---- Forwarded Message ----

From: "Sean Hawes" <Sean.Hawes@clark.wa.gov>

To: "tbong4@yahoo.com" <tbong4@yahoo.com>

Cc: "Miles Lawson" <Miles.Lawson@clark.wa.gov>, "Chuck Harman" <Chuck.Harman@clark.wa.gov>

Sent: Tue, **Jun 20, 2023** at 11:59 AM

Subject: On-Site Sewage System at 5517 NE Landerholm Road

Good Morning Tracy,

Thank you for reaching out to us at Clark County Public Health (CCPH). I am responding in regards to the on-site sewage system and it's connection to the 4 bedroom home and barn with 1 additional bedroom, per Clark County Building Card.

First, per **Washington Administrative Code 246-272A** and **Clark County Code 24.17**, on-site sewage **systems are designed with a minimum design flow of 120 gallons per day (gpd) per bedroom**. CCPH does not track or permit the design of residential systems based on current or future occupancy. On October 12, 2005, CCPH issued a permit for an intermittent sand filter to pressure distribution drainfield for the 3 bedroom residence (see attached permit). On May 2, 2006, the system was installed (see attached as-built). According to the design, permit, and as-built the barn and shop were not connected to this system.

Please note that on-site sewage systems are designated by drainfield. The number and type of tanks may vary from system to system, but the number of drainfields is one per system.

To date, CCPH has records of only one on-site sewage system serving a primary three bedroom residence. At some point between 2005 to the present two additional bedrooms were connected to the OSS without CCPH review. The current on-site sewage system is undersized for the number of bedrooms and is considered failing under **Washington Administrative Code 246-272A-0010**, and **Clark County Code 24.17.050** "Failure means a condition of an on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public, examples of failure include: Noncompliance with standards stipulated on the permit".

In your correspondence you note that there is a second system. Does that mean you have two drainfields in use?

We would be more than happy to speak with you in further detail about the on-site sewage system situation on your property and what steps

can be taken to address it.

I appreciate your time as we work together.

Sean Hawes

Environmental Health Specialist
ENVIRONMENTAL PUBLIC HEALTH

564-397-7381

1601 E Fourth Plain Blvd, Bldg 17, 3rd Floor

PO Box 9825 | Vancouver, WA 98666-8825

He gave the same information to the Bongs and offered to speak with them regarding the problem. When the Bongs tried to call, they got no response. When they emailed to agree to the visit, there was no response. Twice they received an email that agents were on vacation. They finally heard back, via a certified **August 25, 2023** letter, digitally signed by Chuck Harmon. In good faith, they have tried to rectify the problem, and felt this letter was very threatening. The letter reads:

" CCPH has provided notice to you on several previous occasions, June 1, 2023 Notice of violation, July 10, 2023 CCPH attempted contact via phone call. Left voice message. The conditions on your property are in violation of Clark County Code 24.17...."How this agency determined those "conditions" is a mystery, since there has never been any meaningful communication between the CCPH and the Bong family. The same letter now includes **ORDER, PENALTY, FINAL ORDER AND APPEAL.**

The **ORDER**, in simple terms, directs the Bongs to install a new system, or change the way they live and tell Community Development how they did it.

The **PENALTY** states, **"A penalty of \$250.00 per day may be assessed for failure to comply with the corrective action(s)..." " If all or a portion of the above mentioned penalty is not paid, the unpaid amount of the penalty will be charged as a lien against the herein described property..."**

The **FINAL ORDER** states, **"This order shall become final unless, no later than ten (10) working days after this Notice and Order is served, any person aggrieved by this order requests an appeal before the Hearing Examiner. All appeals must be in writing and received by the Clark County Public Health Office within the ten (10) working day period."**

The **APPEAL** states, **" If you wish to appeal, you must write to the Hearing Examiner c/o Clark County Public Health, P.O. Box 9825, Vancouver, Washington 98666-8825 within 10 days after the notice and order is received. PENALTIES CONTINUE DURING THE APPEAL PERIOD IN AN AMOUNT NOT TO EXCEED THREE (3) TIMES THE DAILY PENALTY AND MAY BE IMPOSED BY THE EXAMINER AT THE HEARING IF YOU ARE FOUND IN VIOLATION. FAILURE TO APPEAL WILL CONSTITUTE A WAIVER OF ALL RIGHTS TO AN ADMINISTRATIVE DETERMINATION OF THE MATTER.**

CCCU questions why this heavy-handed conversation is happening, when there have been no meaningful discussions. When the Bongs tried to communicate, they got no response from the CCPH agents. The APPEAL wording gives this couple no opportunity to explain their circumstances, except under cost and duress.

The Washington Department of Health approves four bedrooms consistent with the 1000 gallon OSS technical system that was installed. At the time of its installation, the 1935 house had three bedrooms. Extensive remodeling occurred, creating four rooms on the upper level., According to industry standards, the smallest room does not qualify as a bedroom because of its size.

Clark County Citizens United, Inc is very concerned over the lack of meaningful communication, incorrect accusations, and a flawed process, concerning the Bong family.. The Clark County Public Health letters appear to be premature. The department should make an honest effort to personally reach out to the Bongs, whereby clarifications of any legitimate problems could be addressed. Clark County Citizens United, Inc. recommends Clark County Public Health personally meet with Carl and Tracy Bong to settle the matter in a fair and equitable way. The purpose for these regulations are to protect the public, not punish them.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

Design requirements—Septic tank sizing.

Septic tanks shall:

(1) Have at least two compartments with the first compartment liquid volume equal to one-half to two-thirds of the total liquid volume. This standard may be met by one tank with two compartments or by two single compartment tanks in series.

(2) Have the following minimum liquid volumes:

(a) For a single family residence use Table VII, Required Minimum Liquid Volumes of Septic Tanks:

TABLE VII

Required Minimum Liquid Volumes of Septic Tanks

Number of Bedrooms	Required Minimum Liquid Tank Volume in Gallons
≤3	900
4	1000
Each additional bedroom	250

Property details for 5517 NE Landerholm Rd

Parking

Parking Information

- # of Garage/Parking Spaces: 4
- Off Street Parking, RV Access/Parking
- Detached Garage, Oversized Garage

Interior

Virtual Tours

- [Virtual Tour \(External Link\)](#)

Primary Bedroom Information

- Sq. Ft.: 247
- Length (ft.): 19
- Width (Ft.): 13
- Level: Upper
- Features: Bay Window, Suite, Wood Floors, Closet

Bedroom #2 Information

- Sq. Ft.: 132
- Length (Ft.): 11
- Width (Ft.): 12
- Level: Upper
- Features: Wood Floors

Bedroom #3 Information

- Sq. Ft.: 110
- Length (Ft.): 10
- Width (Ft.): 11
- Level: Upper
- Features: Wood Floors

: a room furnished with a bed and intended primarily for sleeping

1 bedroom / 'bɛd.ru:m/ *noun*

plural **bedrooms**

Britannica Dictionary definition of BEDROOM

[count]

: a room used for sleeping

[National Association of Realtors](#) (NAR). This code of ethics binds the agent to **the same bedroom definition inferred by the national and local building code requirements on that space**, including having two means of egress. In the real estate world, a space can be considered a bedroom if it has a door that can be closed, a window, and a closet.

Last Update: 8/2/10

Chapter 246-272A WAC

ON-SITE SEWAGE SYSTEMS

WAC Sections - WAC 246-272A-0010

Definitions.

"ANSI" means American National Standards Institute.

NSF" means National Sanitation Foundation International

Conforming system" means any on-site sewage system or component, meeting any of the following criteria:

(a) In full compliance with new construction requirements under this chapter; or

(b) **Approved, installed and operating in accordance with requirements of previous editions of this chapter; or**

Department" means the Washington state department of health.

"Design flow" means the maximum volume of sewage a residence, structure, or other facility is estimated to generate in a twenty-four-hour period. It incorporates both an operating capacity and a surge capacity for the system during periodic heavy use events. The sizing and design of the on-site sewage system components are based on the design flow.

"Failure" means a condition of an on-site sewage system or component that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

- (a) Sewage on the surface of the ground;
- (b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;
- (c) Sewage leaking from a sewage tank or collection system;
- (d) Cesspools or seepage pits where evidence of groundwater or surface water quality degradation exists;
- (e) Inadequately treated effluent contaminating groundwater or surface water; or
- (f) Noncompliance with standards stipulated on the permit.

"Operating capacity" means the average daily volume of sewage an OSS can treat and disperse on a sustained basis. The operating capacity, which is lower than the design flow, is an integral part of the design and is used as an index in OSS monitoring.

"Standard methods" means the *20th Edition of Standard Methods for the Examination of Water and Wastewater*, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

Clark County Code
24.17.050 Definitions.

"Bedroom" means any enclosed room that has been identified as a bedroom by the building department.

"BOH" means the Clark County board of health.

"CCPH" means Clark County public health.

"Conforming system" means any on-site sewage system meeting any of the following criteria:

- (a) The system is in full compliance with new construction requirements under this chapter; or
- (b) Approved, installed and operating in accordance with requirements of previous editions of this chapter, previous DOH WAC or previously permitted, inspected and approved; or
- (c) Permitted by the waiver process.

"Failure" means a condition of an on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:

- (g) Noncompliance with standards stipulated on the permit.

Minimum design flow - 120 gallons per day per bedroom.

120 gallons X 2 bedrooms = 240 gallons

120gallons X 3 bedrooms = 360 gallons

120 gallons X 4 bedrooms = 480 gallons

120 gallons X 5 bedrooms = 600 gallons

Encyclopedia of Building & Environmental Construction, Diagnosis, Maintenance & Repair

No ChatBot Pledge: The accuracy & trustworthiness of every InspectApedia article or Q&A is researched by human experts

Table of Required Septic Tank Size Based on Daily Waste-Water Volume in Gallons	
Average Sewage Wastewater Flow - Gallons Per Day	Minimum Septic Tank Size in Gallons of Effective Capacity Needed (1)
0-500 gpd	900 gals
601-700	1200
801-900	1500

1001-1240	1900
2001-2500	3200
4501-5000	5800

From: Tracy Bong <tbong4@yahoo.com>

To: Clark County Citizens United, Inc. <cccuinc@yahoo.com>

Sent: Wednesday, [June 7, 2023](#) at 09:12:52 PM PDT

Subject:

(Photo of letter will not copy and paste to this document)

This is the letter that was sent today via certified mail.

Sent from Yahoo Mail on Android (Mrs. Bong is referring to the letter they received from CCPH)

----- Forwarded Message -----

From: Tracy Bong <tbong4@yahoo.com>

To: Clark County Citizens United, Inc. <cccuinc@yahoo.com>

Sent: Tuesday, [June 20, 2023](#) at 12:49:42 PM PDT

Subject: Shawn Hawes

Hello Carol!

I forwarded you the very first email response today From Sean Hawes with the health department.

It's funny because I've never corresponded with him and he was not one of the people that I sent the letter to.

Tracy

----- Forwarded Message -----

From: "Sean Hawes" <Sean.Hawes@clark.wa.gov>

To: "tbong4@yahoo.com" <tbong4@yahoo.com>

Cc: "Miles Lawson" <Miles.Lawson@clark.wa.gov>, "Chuck Harman" <Chuck.Harman@clark.wa.gov>

Sent: Tue, [Jun 20, 2023](#) at 11:59 AM

Subject: On-Site Sewage System at 5517 NE Landerholm Road

Good Morning Tracy,

Thank you for reaching out to us at Clark County Public Health (CCPH). I am responding in regards to the on-site sewage system and it's connection to the 4 bedroom home and barn with 1 additional bedroom, per Clark County Building Card.

First, per [Washington Administrative Code 246-272A](#) and [Clark County Code 24.17](#), on-site sewage systems are designed with a minimum design flow of 120 gallons per day (gpd) per bedroom. CCPH does not track or permit the design of residential systems based on current or future occupancy. On October 12, 2005, CCPH issued a permit for an intermittent sand filter to pressure distribution drainfield for the 3 bedroom residence (see attached permit). On May 2, 2006, the system was installed (see attached as-built). According to the design, permit, and as-built the barn and shop were not connected to this system.

Please note that on-site sewage systems are designated by drainfield. The number and type of tanks may vary from system to system, but the number of drainfields is one per system.

To date, CCPH has records of only one on-site sewage system serving a primary three bedroom residence. At some point between 2005 to the present two additional bedrooms were connected to the OSS without CCPH review. The current on-site sewage system is undersized for the number of bedrooms and is considered failing under Washington Administrative Code 246-272A-0010, and Clark County Code 24.17.050 "Failure means a condition of an on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public, examples of failure include: Noncompliance with standards stipulated on the permit".

In your correspondence you note that there is a second system. Does that mean you have two drainfields in use?

We would be more than happy to speak with you in further detail about the on-site sewage system situation on your property and what steps can be taken to address it.

I appreciate your time as we work together.

-
Sean Hawes

Environmental Health Specialist
ENVIRONMENTAL PUBLIC HEALTH

564-397-7381

1601 E Fourth Plain Blvd, Bldg 17, 3rd Floor

PO Box 9825 | Vancouver, WA 98666-8825

----- Forwarded Message -----

From: Tracy Bong <tbong4@yahoo.com>

To: Clark County Citizens United, Inc. <cccuinc@yahoo.com>

Sent: Monday, June 26, 2023 at 08:09:23 AM PDT

Subject: Re: Seller Disclosure Statement

Good morning Carol.

The county kept saying that the septic was only approved for a three bedroom house but on our Sale Agreement you'll notice it shows the septic is approved for four.

Respectfully.

Tracy

SELLER DISCLOSURE STATEMENT (photo of the statement won't copy and paste to this document)

Sent from Yahoo Mail on Android

From: Sean Hawes <sean.hawes@clark.wa.gov>

To: Clark County Citizens United, Inc. <cccuinc@yahoo.com>

Sent: Monday, June 26, 2023 at 03:10:06 PM PDT

Subject: Automatic reply: Carl and Tracy Bong Report from Clark County Citizens United, Inc.

Hello and thank you for your e-mail. I'm currently out of the office and will return June 19, 2023. If this is an urgent matter please contact Allison Johnson at allison.johnson@clark.wa.gov.

-- Forwarded Message -----

From: Tracy Bong <tbong4@yahoo.com>

To: Clark County Citizens United, Inc. <cccuinc@yahoo.com>

Sent: Friday, June 30, 2023 at 09:22:15 AM PDT

Good morning Carol.

I was just wondering if it's unusual to not hear back from any of the county members that were addressed in the letters that I sent?

Tracy

----- Forwarded Message -----

From: Tracy Bong <tbong4@yahoo.com>

To: Clark County Citizens United, Inc. <cccuinc@yahoo.com>

Sent: Monday, [July 10, 2023](#) at 04:39:04 PM PDT

Subject: Clark County Environmental Health

-
Hello Carol!

I received a voicemail today from Chuck Harman, he is the program manager for Clark County Environmental Public Health.

He is requesting that I get back to him or Sean Hawes the Environmental Health Specialist that replied to our letter. Apparently he's been on vacation.

They are wanting a group telephone conference with myself and them.

Sincerely,

Tracy

--- Forwarded Message ---

From: "Tracy Bong" <tbong4@yahoo.com>

To: "Sean Hawes" <sean.hawes@clark.wa.gov>

Sent: Fri, [Jul 14, 2023](#) at 9:56 PM

Subject:

Hello Sean,

I'm responding to Chuck Harman's voicemail regarding setting up a telephone conference between the two of you & myself.

What exactly is the purpose of the phone conference and what will be discussed? I would prefer our conversations to be put in email form or in person, as whatever is discussed will need to be put in the public record.

As you read in the letters that were sent, we are only using four bedrooms for our 1,000 gallon septic tank that has been approved in state law.

The former three bedroom criteria was changed to four bedrooms in 2007 by the State Health Department. The system has been inspected each year since it was installed and passed inspection with the health department each time. Only four adults are using the system, and the system is not failing.

Whoever decided that we are using five bedrooms is wrong. I have reviewed all of the documents and data and disagree with the County's determination.

If I do have any conference call with your agents, I will be including board members from the Clark County Citizens United, Inc., who will be evaluating the conversation and information.

Sincerely,

Tracy Bong

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: Tracy Bong <tbong4@yahoo.com>

To: Clark County Citizens United, Inc. <cccuinc@yahoo.com>

Sent: Tuesday, [August 1, 2023](#) at 11:35:17 AM PDT

Subject: Pool permit

-
Hello Carol!

I still have not heard anything back from Sean at the Clark County Health Department in regards to the septic and the phone conference they requested. I emailed them back last month, but have received no response.

The inspectors did come out for the pool as well as the Assessor's Office.

I have a real difficult time trying to find our permit status on the Clark County website.

Would you be willing to look at that and see if there's any new information there for us?

I suppose we're just waiting to see what our next step may be?

Sincerely,

Tracy

Record of OSS for the Bong property

does not mention bedrooms

<https://ccd.docs.clark.wa.gov/portal/PublicAccessProvider.ashx?action=ViewDocument&docName=&Docid=662665>

"to repair onsite sewage system"

<https://ccd.docs.clark.wa.gov/portal/PublicAccessProvider.ashx?action=ViewDocument&docName=&Docid=660910>

<https://ccd.docs.clark.wa.gov/portal/PublicAccessProvider.ashx?action=ViewDocument&docName=&Docid=660900>

<https://ccd.docs.clark.wa.gov/portal/PublicAccessProvider.ashx?action=ViewDocument&docName=&Docid=660897>

<https://ccd.docs.clark.wa.gov/portal/PublicAccessProvider.ashx?action=ViewDocument&docName=&Docid=676386>

**** <https://ccd.docs.clark.wa.gov/portal/PublicAccessProvider.ashx?action=ViewDocument&docName=&Docid=660899>

<https://ccd.docs.clark.wa.gov/portal/PublicAccessProvider.ashx?action=ViewDocument&docName=&Docid=660908>

<https://ccd.docs.clark.wa.gov/portal/PublicAccessProvider.ashx?action=ViewDocument&docName=&Docid=660911>

**** <https://gis.clark.wa.gov/gishome/Property/?pid=findSN&account=222551000#>

**** [https://www.onlinerme.com/\(S\(zpfyj4m054ric5wpiojzlqj\)\)/ReportsOnline.aspx?ReportID=150338](https://www.onlinerme.com/(S(zpfyj4m054ric5wpiojzlqj))/ReportsOnline.aspx?ReportID=150338)

no deficiencies 2021 [https://www.onlinerme.com/\(S\(mchdgnvfxttype1kyf2u3oa\)\)/ReportsOnline.aspx?ReportID=1016521](https://www.onlinerme.com/(S(mchdgnvfxttype1kyf2u3oa))/ReportsOnline.aspx?ReportID=1016521)

no deficiencies 2022 [https://www.onlinerme.com/\(S\(b45twvqrbtmugqihdbhltqj\)\)/ReportsOnline.aspx?ReportID=1132875](https://www.onlinerme.com/(S(b45twvqrbtmugqihdbhltqj))/ReportsOnline.aspx?ReportID=1132875)

Trespasser cannot establish nonconforming use

McMilian v. King County, 161 Wn. App. 581 (2011) – **The court held that a trespasser onto land cannot lawfully establish a valid nonconforming use**, which use in this case was an auto wrecking yard that spilled over from adjacent property. The court remanded the case back to the superior court for a determination of whether the use of the property at issue was permissive, such that there had been no trespass

Grandfathering under building code

Sumner v. First Baptist Church, 97 Wn.2d 1 (1982) – A church-operated school is entitled to the benefit of the "grandfather clause" of the building code and the "nonconforming use" provision of the zoning ordinance. **The Uniform Building Code provided that "Buildings in existence at the time of the passage of this Code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the passage of this Code, provided such continued use is not dangerous to life."** There was no attempt to show, nor any finding, that continued use of the building as a church would be dangerous to life.
