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August 31, 2018

Mr. Claude Pierret, Chairperson
Franklin County Planning Commission
502 W. Boeing
Pasco, Washington 99301

Dear Chair Pierret and Planning Commissioners:

Subject: Comments on CPA 2018-03, the proposed City of Pasco UGA expansion.

Sent via email to: planning@co.franklin.wa.us; rgilley@co.franklin.wa.us; nstickney@ahbl.com

Thank you for the opportunity to comment on CPA 2018-03 the proposed City of Pasco urban growth area (UGA) expansion. Futurewise recommends that the proposed City of Pasco UGA expansion be denied for three independent reasons: the expansion is oversized and, perhaps, unneeded, the expansion will lead to the conversion of agricultural lands with adverse impacts on the Franklin County economy, and the expansion will adversely impact the operations and potential for expansion of the Tri-Cities Airport again adversely impacting the county economy. Our concerns are detailed below after we discuss why Washington State has UGAs.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has supporters throughout Washington State including Franklin County.

Why does Washington have Urban Growth Areas?

To Save Taxpayers and Ratepayers Money

The Growth Management Act (GMA) requires urban growth areas and limits their size for many reasons. One of the most important is that compact urban growth areas (UGAs) save 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 Franklin 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.** This study was published in a peer reviewed journal.

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 this letter.

² *Id.* at 518.



To Conserve Water Long-Term

Compact urban growth areas also help conserve water long-term. Large lots and low densities increase water demand, increase leakage from water systems, and increase costs to water system customers.³ So accommodating the same population in a right-sized UGA can reduce future water demands and costs.⁴

To encourage growth in existing cities and towns and to protect farmland

Urban growth areas encourage housing growth in cities and protect rural and resource lands. To examine the effect of King County, Washington's urban growth areas on the timing of land development, Cunningham looked at real property data, property sales data, and geographic information systems (GIS) data. These records include 500,000 home sales and 163,000 parcels that had the potential to be developed from 1984 through 2001.⁵ Cunningham concluded that "[t]his paper presents compelling evidence that the enactment of a growth boundary reduced development in designated rural areas and increased construction in urban areas, which suggests that the Growth Management Act is achieving its intended effect of concentrating housing growth."⁶ He also concluded that by removing uncertainty as to the highest and best use of the land that it accelerated housing development in King County.⁷ This study was published in a peer reviewed journal.

Reducing development in rural areas and natural resource lands can also have significant environmental benefits, such as protecting water quality and working farms and forests.

One of the most controversial issues related to urban growth areas is whether the restricted land supply causes increases in housing costs. Carruthers, in another peer reviewed study, examined the evidence for the Portland urban growth area and concluded that it was not increasing housing costs because the city's high-density zoning allowed the construction of an abundant housing supply.⁸

To keep our existing cities and towns vibrant and economically desirable

Urban growth areas help keep our existing cities and towns vibrant and economically desirable. In a peer reviewed study, Dawkins and Nelson found that the city of Yakima's share of the metropolitan housing market increased after adoption of the GMA.⁹ This and other measures showed that center cities in states with growth management laws attract greater shares of the metropolitan area's housing market

³ United States Environmental Protection Agency, *Growing Toward More Efficient Water Use: Linking Development, Infrastructure, and Drinking Water Policies* pp. 3 – 5 (EPA 230-R-06-001: January 2006). Accessed on Aug. 29, 2018 at: <https://www.epa.gov/smartgrowth/growing-toward-more-efficient-water-use>.

⁴ *Id.* at p. 8.

⁵ Christopher R. Cunningham, *Growth Controls, Real Options, and Land Development* 89 THE REVIEW OF ECONOMICS AND STATISTICS 343, 343 (2007).

⁶ *Id.* at 356.

⁷ *Id.* at 356 – 57.

⁸ John I. Carruthers, *The Impacts of State Growth Management Programmes: A Comparative Analysis* 39 URBAN STUDIES 1959, 1976 (2002). Carruthers included Washington's GMA in his analysis but concluded that it was too early to tell if it was successful since it had only been in place for seven years in the data he analyzed, but he believed the GMA had promise if "consistently enforced." *Id.* at 1977.

⁹ Casey J. Dawkins & Arthur C. Nelson, *State Growth Management Programs and Central-City Revitalization*, 69 Journal of the American Planning Association 381, 386 (2003).



than center cities in states without growth management aiding center city revitalization.¹⁰ This reduces the tendency to move out of existing center cities such as the City of Pasco.

To encourage healthy lifestyles

Urban growth areas promote healthy lifestyles. Aytur, Rodriguez, Evenson, and Catellier conducted a statistical analysis of leisure and transportation-related physical activity in 63 large metropolitan statistical areas, including Seattle, Tacoma, and Spokane from 1990 to 2002.¹¹ Their peer reviewed study found a positive association between residents' leisure time physical activity and walking and bicycling to work and “strong” urban containment policies such as those in Washington State.¹²

We agree the proposed UGA expansion is oversized and so should be denied

The Washington State Supreme Court has held that an “UGA designation cannot exceed the amount of land necessary to accommodate the urban growth projected by the [State of Washington Office of Financial Management] OFM, plus a reasonable land market supply factor.”¹³ We agree with County staff that the UGA expansion is oversized.¹⁴ We also suggest four modifications to the capacity analysis so that it is consistent with the GMA.

First, we suggest the dedications from the gross acreage be limited to a market supply factor. The courts and Growth Management Hearings Board have held that deductions beyond a market factor violate the GMA. As the Growth Management Hearings Board wrote “if the Legislature had wished for cities and counties to utilize such a variety of factors to adjust the available land supply ... it would have amended the GMA accordingly. ... This, the Legislature did not do and, therefore, by the GMA’s own terms, a UGA may be adjusted only to reflect a reasonable land market supply factor.”¹⁵ In addition to the 20 percent market factor, the capacity estimates use a “[s]pecial 20 percent reduction to the ‘low density’ category ...”¹⁶ This deduction in addition to the market factor is inconsistent with the GMA.

It is also unneeded since the 20 percent market factor is at the high end of what the available data supports. Market factors are not required, but the GMA allows the county to use a “reasonable” market factor.¹⁷ What a market factor does is allow a county to make an urban growth area larger than it needs to be. To determine their market factor, Snohomish County hired The Gilmore Research Group to survey owners with developable land and asked them the relevant question when determining a market factor: if they would develop their land in the next twenty years. This survey found that “[a]bout 21% of all

¹⁰ *Id.* at 392 – 93 (2003).

¹¹ Semra A. Aytur, Daniel A. Rodriguez, Kelly R. Evenson, & Diane J. Catellier, *Urban Containment Policies and Physical Activity: A Time-Series Analysis of Metropolitan Areas, 1990–2002* 34 AMERICAN JOURNAL OF PREVENTIVE MEDICINE 320, 325 (2008).

¹² *Id.* at 330.

¹³ *Thurston Cty. 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.

¹⁴ *Summary of Request and Analysis* on CPA 2018-03 the proposed Pasco UGA expansion p. 16 (8/24/2018 version).

¹⁵ *Petree v. Whatcom County*, Western Washington Growth Management Hearings Board (WWGMHB) Case No. 08-2-0021c, Final Decision and Order (Oct. 13, 2008), at 30 of 78, 2008 WL 4949257, at *18.

¹⁶ *Summary of Request and Analysis* on CPA 2018-03 the proposed Pasco UGA expansion p. 4 (8/24/2018 version).

¹⁷ *Thurston County v. Western Washington Growth Management Hearings Bd.*, 164 Wn.2d 329, 351 – 52, 190 P.3d 38, 48 – 49 (2008).



respondents indicated that they would be unlikely or very unlikely to have their parcels developed in the next 20 years.”¹⁸ “A lower percentage of owners of vacant land (17%) compared to the owners of partially used or redevelopable properties (23%) percent indicated that it would be unlikely or very unlikely that their parcels would be available for development anytime within the next 20 years.”¹⁹

The capacity estimates “calculated future growth based on development of vacant residential land. Redevelopment of under-developed sites was not considered.”²⁰ So, for vacant land, the Gilmore Research Group survey would support a 17 percent market factor since the capacity estimate only looked at vacant land.

Futurewise’s second recommended modification would be to incorporate an estimate of the redevelopable land in the existing UGA. WAC 365-196-310(3)(f) provides that “[c]ounties and cities should develop and evaluate urban growth area proposals with the purpose of accommodating projected urban growth through infill and redevelopment within existing municipal boundaries or urban areas.” WAC 365-196-310(4)(b)(ii) provides that in “determining the need for urban growth areas expansions to accommodate projected population and employment growth” counties and cities should prepare a land capacity analysis that includes “a projection of the additional urban population and employment growth that may occur on the available residential, commercial and industrial land base. The projection should consider the portion of population and employment growth which may occur through redevelopment of previously developed urban areas during the twenty-year planning period.” Consistent with these regulations, estimates used to size UGAs must include redevelopable land. The capacity estimate “calculated future growth based on development of vacant residential land. Redevelopment of under-developed sites was not considered.”²¹ We recommend the Franklin County not move forward with the UGA expansion proposals until the City of Pasco estimates the redevelopment capacity of the existing UGA.

Futurewise’s third recommended modification is to include vacant and redevelopable platted land within the existing UGA in the estimates of developable land. In calculating development capacity the capacity estimates determined the gross amount of land available for development and then deducted a market factor and other deductions.²² “The gross amount of land in each residential land use category is equal to that which is not “platted,” owned by the school district for future school development, used as parklands, located within the Broadmoor Planning Area, or already developed ...”²³ Like excluding redevelopable land, excluding platted land that is vacant or redevelopable undercounts the capacity in the existing UGA and is inconsistent with the GMA requirement that the size of the “UGA designation cannot exceed the amount of land necessary to accommodate the urban growth projected by the OFM, plus a reasonable land market supply factor.”²⁴ So again, we recommend the Franklin County not move forward with the UGA expansion proposals until the City of Pasco estimates the capacity of the platted lands.

¹⁸ The Gilmore Research Group, *Urban Land Availability Survey of Snohomish County Landowners: Prepared for Jones & Stokes and Snohomish County Planning and Development Services* p. 3 (June 14, 2005) accessed on Aug. 30, 2018 at: <https://snohomishcountywa.gov/DocumentCenter/View/8766/Jones-Stokes-Final-Report-6-14-05> and enclosed in a separate email.

¹⁹ *Id.*

²⁰ *Summary of Request and Analysis* on CPA 2018-03 the proposed Pasco UGA expansion p. 4 (8/24/2018 version).

²¹ *Id.*

²² *Id.* at pp. 4 – 6.

²³ *Id.* p. 4.

²⁴ *Thurston Cty. 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.



Futurewise's fourth recommended revision is to include the full capacity of the West Pasco/Broadmoor Development Master Plan of over 8,000 housing units in the capacity calculations.²⁵ The development master plan process is well along, the scoping for the environmental impact statement has been completed.²⁶ The increased housing capacity in West Pasco/Broadmoor is certainly more probable than an oversized UGA expansion that requires the conversion of agricultural land of long-term commercial significance.

The UGA should not be expanded onto agricultural lands of long-term commercial significance

Agricultural land of long-term commercial significance cannot be included in a UGA unless it retains its designation and zoning and the county or city has adopted a transfer of development rights program for the land.²⁷ If the City of Pasco wishes to convert the agricultural lands of long-term commercial significance to urban development, then the city must conduct a regional or areawide study showing the land no longer qualifies as agricultural land of long-term commercial significance.

WAC 365-190-050(1) requires that in “designating agricultural resource lands, counties must approach the effort as a county-wide or area-wide process.” WAC 365-190-040(10)(b) also requires “a county-wide or regional process” when amending designations of agricultural lands of long-term commercial significance. These WACs are part of the “minimum guidelines that apply to all jurisdictions” and are to guide the designation of agricultural lands of long-term commercial significance.²⁸ When WAC 365-190-050 uses mandatory language, local governments are required to use that provision.²⁹

Based on these requirements, the Growth Management Hearings Board reversed a county de-designation of agricultural lands of long-term commercial significance to put the land in an urban growth area.³⁰ The Board wrote:

The Board considers Benton County's de-designation of agricultural lands for this small section of land, in isolation from a much larger County or area-wide study to be inappropriate and, by de-designating lands that qualify as agricultural lands of long term commercial significance, the County violated WAC 365-190-050 and corresponding GMA sections RCW 36.70A.030, RCW 36.70A.050, and RCW 36.70A.170.³¹

²⁵ *Summary of Request and Analysis* on CPA 2018-03 the proposed Pasco UGA expansion p. 4 footnote 6 (8/24/2018 version).

²⁶ City of Pasco Determination of Significance and Request for Comments on the Scope of EIS for West Pasco/Broadmoor Development Master Plan accessed on Aug. 30, 2018 at:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwi8xs---ZXdAhVJ6Z8KHdlQCMcQFjAAegQIABAC&url=https%3A%2F%2Ffortress.wa.gov%2Fecy%2Fsepar%2FMain%2FSEPA%2FDocument%2FDocumentOpenHandler.ashx%3FDocumentId%3D7222&usq=AOvVaw068HppT-H>If_HgiBqF57v

²⁷ RCW 36.70A.060(1); RCW 36.70A.060(4).

²⁸ RCW 36.70A.050(3).

²⁹ *Clark Cty. Washington v. W. Washington Growth Mgmt. Hearings Review Bd.*, 161 Wn. App. 204, 232 – 33, 254 P.3d 862, 875 (2011).

³⁰ *Futurewise v. Benton County*, EWGMHB Case No. 14-1-0003, Final Decision and Order (Oct. 15, 2014), at 37 of 38, 2014 WL 7505300, at *23 – 24.

³¹ *Id.* at 35 of 38, 2014 WL 7505300, at *22.





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So, before the lands currently designated Agriculture in the Franklin County Comprehensive Plan can be included in a UGA for residential and other urban uses, a regional or areawide dedesignation analysis must be prepared. We have reviewed every page of the City of Pasco’s UGA expansion materials and a regional or areawide dedesignation analysis is not included. In our professional opinion we are skeptical that an objective a regional or areawide dedesignation analysis would support the dedesignation of these lands.

If a complete land capacity analysis shows there is a need for a UGA expansion and given the omissions in the existing data documented above that is far from certain, we think the *Summary of Request and Analysis’s* recommendation to focus on rural designations and to consider increasing residential densities are smart recommendations.³² As it is now, the City of Pasco UGA expansion fails the requirements for dedesignating agricultural land and must be denied.³³

The UGA should not be expanded into airport safety zones or in areas that limit future expansion of the Tri-Cities Airport

RCW 36.70A.510 and RCW 36.70.547 require that “[e]very county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport.” The Tri-Cities Airport in Pasco is a major economic asset for Franklin County.³⁴ We agree with the Washington State Department of Transportation Aviation Division that “that the proposed expansion, if approved in its current form, would allow incompatible development adjacent to the Airport and would impeded future development and extension of Runway 12/30.”³⁵ So the proposed City of Pasco UGA expansion is inconsistent with RCW 36.70A.510 and RCW 36.70.547 and must be denied.

Thank you for considering our comments. If you require additional information, please contact Alison Cable at telephone (206) 343 0681 Ext. 114 and email: alison@futurewise.org or Tim Trohimovich at telephone (206) 343-0681 Ext. 102 and email: tim@futurewise.org.

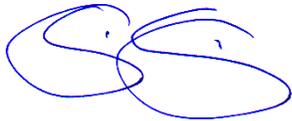
Very Truly Yours,

Alison Cable
 Tri-Cities Program Manager

³² *Summary of Request and Analysis* on CPA 2018-03 the proposed Pasco UGA expansion p. 9 (8/24/2018 version).
³³ *Futurewise v. Benton County*, EWGMHB Case No. 14-1-0003, Final Decision and Order (Oct. 15, 2014), at 35 of 38, 2014 WL 7505300, at *22.
³⁴ Washington State Department of Transportation Aviation Division Letter to City of Pasco Community and Economic Development Department RE: Pasco’s Proposed Expansion of the Urban Growth Boundary (UGB) 160 acres North West of the Tri-Cities Airport p. 1 (May 10, 2018) accessed on Aug. 30, 2018 at: https://www.ezview.wa.gov/site/alias_1967/uga_applications/37285/uga_applications.aspx in the file “CPA 2018-03_B_PASCO_UGA_AVIATION_CONSULT.pdf”
³⁵ *Id.*



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Tim Trohimovich, AICP
Director of Planning & Law

Enclosures

cc: Rick White, City of Pasco Community & Economic Development Director