

**Citizen, Jim Halmo's Comments on CPPs
Submitted on 6/22/10 to Ian Munce and Dan Cardwell
The Clerk Forwarded to PCRC on 7/13/10**

Pierce County Countywide Planning Policies – Recommendations

Having read the DRAFT Countywide Planning Policies for the county, I would offer a few suggestions for your considerations –

Policy on Transportation Facilities and Strategies:

Pages 54-61 of May 20, 2010 Draft contains some new language on ways to make the operating transportation system safer and more efficient. However, some additional 'meat' could be added to 'the bone', particularly with regard to public traffic safety, in *Tr-2*

- I would modify *Tr-2* and offer the following for your consideration:

“Tr-2 Improve and promote safety in the transportation system in working toward the state's “zero death and disabling injury” target by:

1. developing signage policies which assure that official traffic regulation devices are easily visible and free from nearby visual obstructions and distractions, such as flashing signs, which prevent an excessive number of signs near intersections, and which prohibit signs that resemble official signs in any way signs.

2. limiting signage technologies that unduly interfere with motor vehicle drivers' vision and attention to the roadway, as well as encouraging energy conservation and the efficient use of electrical power in signage design.

3. develop regulations to ensure roadway construction, roadway maintenance, utility work, and construction projects provide for effective traffic control for motorists to include advance warning, understandable guidance, and visible delineation of work areas and roadways.

4. promote pedestrian and bicycle safety by providing more facilities for people to bike, including bikeways, bike lanes, roadway shoulders, bicycle and pedestrian paths, as well as trails in both rural and urban areas.

5. promote policies and regulations to locate utility lines underground as opposed to being strung along poles near roadways.

6. coordinate with state agencies in providing for adequate, safe and legal areas near state highways in the county where commercial truckers can park and rest.

7. coordinate with state agencies on enhancing the statewide emergency helicopter plan to include more landing sites along state and local highways.

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Policy on Education:

Policies *Ed-4* and *Ed-5* (pp. 31-32) address the issue of locating or siting of educational facilities. It is a given that schools are 'population magnets' for families. They want to live near schools to which their children can walk or obtain quick, reliable, and safe public transportation. The policies emphasize the locating of school in 'urban areas'. (VISION 2040 cites a Growth Management Hearings Board decision which says that educational facilities should be located within UGAs.) It is well recognized that school districts look for 'cheaper land' when locating schools. Rural areas normally offer land at much cheaper prices than comparable acreage found within UGAs. That frequent siting practice should be discouraged.

The discussion on 'Public Services' in *Policy on Rural Areas* (p. 107) should provide for some cross-reference to the *Policy on Education* regarding the discouragement of locating public schools in rural areas. The same pertains to other large civic institutions. (See proposed new **Rur-10** below)

Policy on Rural Areas:

- I would recommend adding the following to **Rur-3:**

"3.1 Suburban style development which fosters increased residential housing densities and the siting of schools, other civic institutions, and other urban uses should be restricted in rural areas."

"3.2 Permit densities traditionally and historically found at an intensity in rural areas but not in urban areas so as to preclude the increase of sprawling, low-density development."

"3.3 Promote clustering rural residential development and other techniques which protect and enhance significant open spaces, natural resources, and critical areas, and contribute to more efficient use of land. Clustering should not increase residential housing units in the overall area designate as rural and should be consistent with desired rural densities."

- I would modify **Rur-6** by adding the following to the end of the sentence:

"..., using such tools as purchase or transfer of development rights programs."

- I would modify the ending of **Rur-7** as follows:

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“...and discourage uses which by their nature are not rural in character.”

- I would add a new **Rur-10** [based on MPP-PS-22, VISION 2040, p.94]:

“Direct the location of schools, institutions, and other civic and community facilities serving rural residents into neighboring cities, towns, and urban areas as they have the cumulative effects typically associated with urban sprawl and create a strain on rural transportation facilities. If located in rural areas, design these facilities in keeping with the size and scale of the local community.”

- I would add a new **Rur-11** addressing visual aesthetics and rural lifestyle, and renumber the subsequent “Rur” designations:

“Protect and enhance the visual and aesthetic rural landscape by minimizing environmental impacts to rural lands and promoting policies which enhance the traditional rural lifestyle. This includes identifying rural lands on a long-term basis, supporting low level of rural density, supporting uses primarily functioning to support the surrounding rural areas, and establishing and maintaining rural level-of-services standards.”

- I recommend adding the following to the current **Rur-13**:

“13.1 Provide guidance on achieving low-impact development in rural areas, including guidance on balancing conservation with rural development that is compatible with fish and wildlife habitat, on preserving open spaces, on maintaining connectivity of lands serving ecological and habitat functions, on limiting impervious surfaces, and on restricting lighting and signage which can conflict with rural surroundings.”

- I recommend adding the following to the current **Rur-14**:

“14.1 Assure the conservation of agricultural and forest lands and assure that the uses of adjacent lands do not interfere with their continued use for agricultural or forestry purposes. Allowing conversion of agricultural or resource lands to other uses or allowing incompatible uses nearby impairs the viability of both industries.”

- I recommend adding the following to the end of the current **Rur-15**:

“... and to minimize negative environmental impacts. Planning and design should allow for road projects to fit more appropriately into the visual characteristics of the landscapes through which they pass.”

- I would modify the final clause at the end of the current **Rur-19** as follows:

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“..., so as not to negatively impact the rural character or provide new opportunities for increased development.”

Gas and Hazardous Liquid Transmission Pipelines

GOAL: To provide for public safety in the planning and siting of pipelines through populated areas and environmentally sensitive water protection areas, and to minimize the likelihood of large number of casualties in the event of a catastrophic rupture within the Graham Community Plan area.

CONCERNS: Pipelines failures over the past several years have severely tested the public's confidence in the critically important gas and liquid pipeline infrastructures. The tragedy of June 1999 in Bellingham which resulted in the death of three boys from a ruptured gas transmission line and the igniting of the fuel, remind the community of the need for rigorous control over the siting and permitting of pipelines. The continued environmental problems seen in Alaska with oil pipeline leakages remind us of the need to protect this County's sole source aquifer.

Events related to the terrorist attack of September 11, 2001, while raising appropriate security concerns, provide little comfort to concerned public raising serious questions about the physical security of pipelines infrastructure running through their neighborhoods. The public has a right to a review of those systems, since otherwise the situation is fraught with the opportunity for mischief and misdeed.

The siting of such pipelines close to public assemblies, such as school, has not been addressed in the Community Plan. ***There are no nationally accepted zoning standards for land use in close proximity to natural gas transmission pipelines.*** In the absence of accepted standards, the Graham Community Plan should provide guidelines that offer protection of the lives and property of those living, working and recreating in the vicinity of such pipelines.

BACKGROUND: Anecdotal evidence of building developments adjacent to transmission pipelines suggests that many of the risks to the public near pipelines have not been considered seriously by most local governments for the past 25 years.

Reasonable land use regulations minimizing risks to the residents of the plan area must not be left solely to the federal government deciding what are so-called '*acceptable*' risks.

The Bellingham experience teaches us that zoning should be used to limit the land uses that will bring large numbers of people into prolonged close proximity to a natural gas transmission pipeline. This is particularly true of those uses which involve *vulnerable populations* residing at certain types of facilities as well as groups of citizens who may be concentrated in public assembly facilities. The damage to property and injury to human

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beings are more severe with regard to natural gas pipelines ruptures as contrasted to hazardous liquid leakage which has a greater environmental impact.

Pipeline operators generally favor substantial setbacks for established pipeline easements. That lessens the likelihood of third party damage from encroachment activity and lessens the possibility of personal injuries if there a rupture from a transmission pipeline.

DEFINITIONS:

Hazardous Liquid Pipelines: Means a pipeline designed for the transmission of a “hazardous liquid”, as defined by Title 49, Code of Federal Regulations, Section 195.2, with an inside diameter of eight inches or more.

Extra Evacuation Assistance Facilities: These are those facilities whose residents may call for help by third-parties to get them out of harms way. These include, but are not limited to:

- a) Congregate living
- b) Convalescent services
- c) Day care services (commercial)
- d) Detention facilities
- e) Educational facilities, both public and private
- f) Hospitals, both general and limited
- g) Medical offices, exceeding 5,000 sq ft of gross floor space
- h) Retirement housing

Distance from Pipelines: All distances shall be measured from the center of the proposed or pre-existing pipeline, unless pipeline easements borders are specified.

Public Assembly Facilities: These include but are not limited to community recreation services, private or public education facilities, spectator or entertainment or sports, exhibition and convention facilities, major health services, religious assemblies, or facilities used for public gatherings.

SUPPLEMENTAL GUIDANCE: In view of the complexity of the issue, a few models and background papers exist which help in the drafting of acceptable policies and standards.

“*Pipelines – National Security and the Public’s Right-to-Know*,” prepared for the Washington City and County Safety Consortium (Richard B. Kuprewicz, May 14, 2003).

“*Setback and Zoning for Natural Gas and Hazardous Liquid Transmission Pipelines*”, prepared for the Municipal Research and Services Center, Seattle by Jim Doherty (August 2004).

“*Model Setback Ordinance for Transmission Pipelines*,” Municipal Research and Services Center of Washington (revised 11/2005)

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“*Transmission Pipelines and Land Use – A Risk-Informed Approach,*”
Transportation Research Board of the National Academies, Special Report No. 281
(2004).

“*Pipeline Safety Immediate Action Plan,*” developed by the City of Bellingham
and the Olympic Pipe Line Company.

ACTION: In view of the complexity of the issue, a number of *Principles* and *Standards*
are being proposed:

Principle: Pipelines shall be sited and constructed solely within areas which do
not impede the safety of citizens and which do not bring them into close proximity of
such pipelines for extended periods of time.

Standard: Proposed pipelines will follow existing utility corridors where
they are present and where feasible, and will avoid sensitive habitat areas, except where
avoidance of a sensitive habitat area is not feasible, and effective mitigation measure will
be employed to minimize adverse impacts.

1. Active faults or other geologically unstable areas will be avoided where
feasible, or the pipelines shall be designed to mitigate the potential impacts of
such hazards.
2. Pipelines shall be sited at least three feet underground; any pre-existing
“above-ground” pipelines shall be visually buffered with vegetation.
3. Setback distances shall be *doubled* for all principal buildings used for “*public
assembly purposes*”.

Standard: The following prohibition shall be applied to the Plan area.

1. Platted lots or structures shall not be permitted within the pipeline easement
area, with the exception of edifices used to house equipment intended to
regulate the flow and pressure of gases and liquids.
2. New construction, such as new homes and businesses shall not be permitted
within 100 feet of any transmission pipeline.
3. New construction shall require a conditional use permit if build within 500
feet of any natural gas transmission pipeline.
4. New construction of facilities requiring *extra evacuation assistance* shall be
prohibited outright within 200 feet of transmission pipelines easements.

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- a. New construction next to such facilities shall be prohibited outright within 500 feet of any existing or projected natural gas pipeline.
 - b. New construction within 500 feet to 1,000 feet from any existing or projected natural gas pipeline shall require approval of a conditional use permit.
 - c. Projected pipelines shall likewise meet the above siting criteria.
5. All new housing construction shall be set back at least 25 feet from residential property lines abutting pipeline easements.
 6. Septic tanks including their drain fields and water wells may not be sited within 25 feet from the property line easement of any exiting or proposed pipeline.

Standard: Any pre-existing structure in the plan area falling within the proposed prohibited pipelines zones may be rebuilt, repaired, or added to.

1. Any new work on a pre-existing structure requiring *underground excavation* shall require a conditional use permit.
2. The County shall clearly mark and label the location of transmission pipeline easements for walking paths, bike trails, and similar recreational venues along current or proposed pipeline rights-of-way.

Principle: The County shall ensure that appropriate disclosure is made regarding the location of transmission pipeline easements within the Plan area.

Standard: PALS shall ensure that all planning documents clearly mark and label the locations of transmission pipeline easements by type (natural gas or hazardous liquid).

1. PALS shall ensure that any exiting pipelines easements are cited and mapped when reviewing applications for construction of buildings or facilities within 500 feet of exiting pipelines easements or applications currently under review for new pipelines.
 - a. This citing and mapping shall occur when reviewing applications for new pipelines or the construction of *extra evacuation assistance* facilities as well as *public assembly facilities* within 1,000 feet existing or proposed new pipelines.
2. The County shall ensure that public disclosure of the proximity of pipeline easements is made whenever real property, either private or public, is conveyed to another party.

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- a. The County shall work with the real estate industry to ensure that such information is conveyed in writing to potential buyers of said properties *prior* to any financial closing.
- b. Such disclosure shall be made whenever the property to be conveyed is within 500 feet of any type of transmission pipeline.
 - i. This disclosure shall also apply to the conveyance of any *extra evacuation assistance* facility to a third party.
- c. Such written and signed disclosure documents shall be filed with the County Auditor's office as part of the the official land parcel records following any legal closing.

Standard: The County shall work with the pipeline transmission companies to develop policies, procedures, and "plans of action" to address environmental spills or leakages, as well as emergency evacuation plans in the event of a major catastrophe.

1. The County shall work with pipeline companies to develop and implement detail plans for closely monitoring and reporting on any excavation activity in rights-of-way.
2. The County shall work with pipeline transmission companies to ensure that effective containment and clean-up facilities and procedures exist for handling any accidental spills that do occur.
 - a. The County shall ensure that detailed "plans of action" for environmental clean-up are available as a matter of public records.
 - b. The "plans of action" for environmental clean-ups shall be finalized and in place within one year after the final adoption of the Community Plan.
3. The County shall prepare an emergency evacuation plan in the event of a major catastrophic involving the rupture of a natural gas transmission pipeline in the Plan Area, and the plan shall be in place within one year after the final adoption of the Community Plan.

James Halmo
10/9/2006



June 2, 2010

Bobbi Allison, Chair
Pierce County Regional Council
2401 South 35th, Room 228
Tacoma, WA 98409

Subject: Comments on Draft Revisions to Countywide Planning Policies

Dear Ms. Allison,

Over the past year, the Growth Management Policy Board's number one priority has been to work towards applying VISION 2040 at the local level. VISION 2040 has been adopted for two years. The Growth Management Policy Board recognizes that VISION 2040 will be successful only if its provisions are reflected at the local level. To that end, the Growth Management Policy Board directed staff to provide information and technical assistance to local jurisdictions to help make that happen. VISION 2040 calls for the countywide planning policies (CPP) in each county in the central Puget Sound region to be updated and aligned with the Multicounty Planning Policies (MPP) by the end of 2010.

Regional Council staff has had an opportunity to attend many of the meetings of the Growth Management Coordinating Committee staff group working on the revisions to the CPPs. The Regional Council appreciates that staff from Pierce County jurisdictions have worked to identify issues in VISION 2040 that were previously not addressed in the CPPs and have looked for opportunities to bring these new issues into the CPPs.

The Regional Council staff has reviewed the most recent draft of the CPPs. I plan on attending the June PCRC meeting and will be available to discuss our comments or address any questions. As you approach the December 2010 deadline for completing revisions to the CPPs, staff will continue to be available to provide additional review and comments. Regional Council staff would like to offer the following comments on the work completed so far.

THE FOLLOWING ASPECTS OF THE DRAFT CPPs ARE ESPECIALLY IMPRESSIVE:

- The overview of VISION 2040, including the lead-ins to each policy areas, the Regional Growth Strategy, and the MPPs.
- The continued support for planning for centers and mixed-use development.
- A new emphasis on using integrated and interdisciplinary approaches for environmental planning and assessment.
- New sections providing more guidance on planning for improved air quality and addressing climate change and its impacts.
- Several new chapters including Community and Urban Design, Health and Well-being, and Rural Areas.

THE REGIONAL COUNCIL STAFF WOULD LIKE TO BRING TO THE FOLLOWING ISSUES AND TOPICS OF CONCERN TO YOUR ATTENTION:

1. Organization of the Document.

The Pierce County CPPs have been organized alphabetically by topic since they were first adopted nearly two decades ago. Several additional chapters have been added to the end of the set of CPPs since their adoption. The result is a document that can be confusing as you make your way through chapters and try to identify which policies relate to each other and where they are located. It also makes it difficult to understand the countywide vision and the strategic framework to guide local planning. Consideration should be given to restructuring the CPPs.

Some counties, for example, have organized their countywide policies to begin with the county's vision for rural and resource lands, then lay out the approach for the urban area, including the county's strategy for centers. They then address housing and the economy, before concluding with policies on transportation and other service provisions. This approach provides a meaningful and clear structure to support the development strategy and growth vision for a county.

Also, to facilitate easier use of the document, it would be useful to include cross-references among some of the policies. For example, there are policies that deal with transportation issues in other sections, such as the transportation-related policies in the new Community and Urban Design Chapter, the Health and Well-being Chapter, and the Air Quality and Climate Change section. Cross-referencing would enable local jurisdictions to make sure they understand all pertinent CPPs as they work on developing elements of their local comprehensive plans.

2. MPP Language: Regional and Local Context.

The Regional Council staff noticed that a number of the MPPs have simply been inserted in their entirety throughout the draft CPPs. In some cases, the regional tone and context of an MPP has been left in the policy. This works in some cases, but in most cases, the policy should be edited to reflect the countywide context.

3. Housing Policies.

VISION 2040 recognizes that jurisdictions will need to work to increase the supply of housing. The comprehensive plan section of the Regional Council's plan review and certification manual asks jurisdictions to "show their work" in terms of addressing the housing MPPs. Jurisdictions are specifically asked to describe their planning provisions and efforts to increase housing production opportunities and address affordable housing needs, including diverse types and styles for all income levels and demographic groups.

The CPPs should reinforce this comprehensive planning work by providing direction for local jurisdictions to document in their comprehensive plans their strategies, implementation plans and actions, and programs that demonstrate the ability to accommodate the number of homes needed to meet their growth targets and housing goals.

4. Transportation Policies.

General. Generalized language is being proposed in the Transportation Chapter of the draft CPPs that mentions clean and sustainable transportation and the preservation and maintenance of existing facilities. However, the CPPs located in the Transportation Chapter do not offer specific local planning guidance for these topics (for example, see Policy 1 & Policy 15, pages 57 & 63). The CPPs should provide direction and describe the strategies and programs that Pierce County and its cities will pursue and plan for to address these issues.

As outlined previously, there are policies that deal with transportation issues in other chapters of the draft CPPs. In cases where these policies provide local direction and guidance for clean and sustainable transportation and the preservation and maintenance of existing facilities, a cross-reference should be provided.

Prioritization of Funding for Centers. The CPPs should provide clear direction for the prioritization of funds according to the countywide center designation framework. For example, the CPPs should specify that regional and countywide transportation and economic development funds should be prioritized for centers in Pierce County that have been designated regionally, and that it is also appropriate for countywide and local funding to be directed to centers designated exclusively at the countywide level or identified locally by a jurisdiction (for more information see MPP-DP-7, 10, & 13 of VISION 2040, page 48).

Complete Streets and Green Streets. VISION 2040 focuses on the development of an efficient multimodal transportation system and places an emphasis on reducing the impacts of transportation on the natural environment and improving health and well-being. It promotes the concept of complete streets and green streets (for example, see page 78 in the VISION 2040 report). The transportation CPPs should provide direction for addressing planning for both “complete streets” and “green streets” in county and local transportation provisions.

Add policy language that guides the development and implementation of “complete streets” in local comprehensive plans. Include language similar to the following:

The County and each municipality shall plan and implement programs for designing, constructing and operating transportation facilities for all users, including motorists, pedestrians, bicyclists, and transit users.

Add policy language that guides the development and implementation of “green streets” programs and practices in local transportation plans. Include language similar to the following:

The County and each municipality should use low-impact development practices or environmentally appropriate approaches for the design, construction and operation of transportation facilities to reduce and mitigate environmental impacts – including, but not limited to, polluted storm water runoff from streets and roadways.

Freight. VISION 2040 recognizes that reliable freight and goods movement is critical to maintaining a strong economy. The MPPs call for maintaining the existing freight system, identifying and designating preferred freight routes, and ensuring compatible land uses along designated freight corridors. Freight is addressed in a limited manner in the draft CPPs. At a minimum, add policy language similar to the following:

The County and cities will work in cooperation with WSDOT and port authorities to plan and implement projects and programs to meet freight mobility and access needs, including the establishment of programs designed to maintain, preserve and expand freight rail capacity including planning for needed capital improvements

Preservation of Right-of-Ways. VISION 2040 recognizes that a safe and efficient transportation system is the backbone of the region’s economy and essential to the quality of our lives. The MPPs call for promoting the preservation of existing rights-of-way for future high-capacity transit. The CPPs should call for the county and its cities to work with transit agencies to identify and preserve existing rights-of-way in order to preserve options for future transit alignments.

Emergency Management Planning to Protect the Transportation System. VISION 2040 emphasizes the importance of a safe and secure transportation system. MPP-T-8 specifically calls

for protecting the transportation system against disasters, developing prevention and recovery strategies, and planning for coordinated responses. The draft CPPs include a new policy (Policy 16, page 63) that supports this MPP. However, the CPPs should incorporate—and at a minimum reference—transportation-related preparedness, prevention, mitigation, response, and recovery strategies and procedures adopted in the emergency management plans and hazard mitigation plans of the county and cities, as well as the Washington State Comprehensive Emergency Management Plan.

Level-of-Service Standards. Transportation Policy 4.7, which addresses level-of-service (LOS) standards for highways of statewide and regional significance, has been removed from the draft CPPs. Including LOS standards for state-owned transportation facilities is a major component required in the transportation element of local comprehensive plans. The language of the existing transportation Policy 4.7 should be retained in the CPPs to help guide the development of local transportation elements that provide aid in the regional and state transportation monitoring and planning process and to help reinforce the planning requirement in the Growth Management Act.

5. Land Use Policies.

Airport Compatibility. VISION 2040 recognizes that incompatible uses may have a variety of negative and unintended impacts on adjacent land uses. In particular, encroachment of incompatible uses around airports can present significant problems. Both the MPPs and Washington State law call for the protection of airports from incompatible land uses. The following policy language could be incorporated into Policy 11:

The County and each municipality with a general aviation airport located within its boundaries should develop plans or planning provisions to protect the continued operation of these facilities by using adopted land compatibility standards (such as those published by the Federal Aviation Administration (FAA) and the Washington State Department of Transportation) to discourage incompatible land uses and development on adjacent land.

Military Compatibility Planning. VISION 2040 recognizes that incompatible uses may have a variety of negative and unintended impacts on adjacent land uses. In particular, encroachment of incompatible uses around military lands can present significant problems. The following policy language could be added after Policy 8 or 11:

The County and each municipality with lands neighboring military lands shall develop planning provisions, including development regulations that ensure adjacent land uses are compatible with military uses.

Fully Contained Communities. VISION 2040 recognizes that fully contained communities can create sprawl and undermine state and regional growth management goals. The MPPs state that fully contained communities should be avoided. The latest draft language calling for the county to “review and revise criteria and regulations to limit new fully contained communities outside of the urban growth area” does not fully reflect the adopted MPPs and needs to be revised. The word “avoid” needs to be restored to the draft policy to make it consistent (Policy 4, page 111).

Centers Framework Narrative. The current narrative on regional growth centers should be corrected to accurately reflect the adopted centers concept in VISION 2040. Revise the narrative on regional growth centers as follows (page 67):

VISION 2040, the adopted regional growth strategy, identifies ~~several different types of~~ centers as an integral feature for accommodating residential and employment growth, including (1) The strategy describes Regional Growth Centers, and other centers that

may be designated through countywide processes or locally. Regional Growth Centers are located either in ~~(2) Metropolitan Cityies Center,~~ or in Core Cities. ~~(3) VISION 2040 also identifies Manufacturing/Industrial Centers, which consist primarily of manufacturing and industrial uses. Pierce County has five Regional Growth Centers and two Manufacturing/Industrial Centers that have been adopted into the regional growth strategy. Pierce County Regional Growth Centers are designated as either located in Tacoma, which is a Metropolitan Centers City; Regional Growth Centers, or Countywide Centers as follows: and in Lakewood and Puyallup, which are Core Cities.~~

*Regional Growth Centers in the Metropolitan Centers City
Tacoma Central Business District
Tacoma Mall*

*Regional Growth Centers in Core Cities
Tacoma Mall
Lakewood
Puyallup Downtown
Puyallup South Hill*

Currently there are no designated Countywide Centers.

6. Economic Policies.

Policy 1.3. VISION 2040 calls for a significant portion of the region’s employment to be focused in centers and compact urban communities. The language in Policy 1.3 about employment being “equitably” distributed is problematic. This policy needs to be revised to reflect the MPPs, along with the intent of the *Regional Growth Strategy*, to focus employment in centers and compact urban communities. Revise Policy 1.3 as follows:

1.3 designating and zoning large tracts of developable land equitably distributed throughout the various jurisdictions based on the related population, employment base and land areas of the jurisdiction for planned commercial and industrial centers, and local residential and employment targets;

1.3.1. "Equitably," means with consideration for: the population and its characteristics, including the skills of the current population; the current employment base and its characteristics (i.e., type of businesses and industries, permanency of the existing employment base, past trends, and current projections); the amount of land in the jurisdiction; the amount of vacant land in the jurisdiction appropriately zoned for economic development; the current unemployment rate; current commuting patterns; and others, factors as appropriate.

7. Environmental Policies.

Members of the GMCC have notified Regional Council staff of a request from Pierce County Regional Council to explain the intent of the MPPs that address water quality [MPP-En – 12 through 16]. In drafting VISION 2040, the elected officials on the Growth Management Policy Board gave serious attention to issues of both water quality and water quantity. To better understand the intent, the MPPs should be read in the context of the accompanying narrative, including the introduction to the Environmental Chapter, the wording in the policies themselves, and in the related implementation actions.

It appears that a number of the Pierce County CPPs already address to a large degree the topics handled in MPP-En-12 through 16. For example, the CPPs include policies (Policy 5 & 8, page 41 and 42) addressing the relationship between environmentally sensitive lands—which includes

shorelines, creeks, lakes, streams, etc.—and planning and development. Other policies call for the County and its cities to be compliance “with and seek to exceed federal and state environmental quality standards (Policy 7, page 42).

There are various approaches that could be taken to further address these water quality issues in local comprehensive plans to implement the MPPs. For example, the regional policies call for maintaining the region’s ecosystems and watersheds and restoring them—where feasible— to a more natural state (MPP-En-13). In this example, the CPPs should provide direction to local comprehensive plans in using information from the Department of Ecology’s water resource inventory areas (WRIA) appropriate to their jurisdiction. This information could then be used in the local decision-making process.

One final issue.

Members of the GMCC have also approached Regional Council staff with a question about “altering” language that came directly from VISION 2040. Under the Growth Management Act, the MPPs provide the legally adopted regional policy framework to guide countywide and local planning in the four-county central Puget Sound region. Thus, CPPs can – and are expected to – provide more detailed guidance to local jurisdictions in each of the counties regarding how to address the MPPs in their respective countywide context. So, CPPs can add more specificity and direction to cities and towns for how to implement MPPs.

On the other hand, a CPP that was crafted with the intent to weaken or counter an MPP, and that resulted in an inconsistency between the CPPs and MPPs, could jeopardize the certification of a county’s countywide planning policies.

[Also see Appendix I: *VISION 2040 Legal Framework* in the VISION 2040 document].

If you have additional questions or would like further information, please do not hesitate to contact me at 206-464-7134 or email nabbott@psrc.org.

Sincerely,



Norman A. Abbott , Ph.D., FAICP
Director of Growth Management Planning

Cc: Ian Munce

TO: Bobbi Allison, Chair, Pierce County Regional Council
FROM: Norman Abbott, Director of Growth Management Planning, Puget Sound Regional Council
SUBJECT: Countywide Planning Policy Amendments and Transitions Chapter, Policy Number 2.3.2
DATE: September 1, 2010

Issue

This is a follow-up letter to our letter dated July 13, 2010 (please find attached). We would like to further address draft Policy 2.3.2 in the Amendments and Transitions Chapter of the Pierce County Countywide Planning Policies, which allows for the expansion of the urban growth areas (UGA) based on the needs of individual cities instead of the overall countywide need.

We previously recommended delaying action on this policy until after the Hearings Board (Board) issued its final order for a case involving similar language (case # 10-3-0003). We believe that the decision in this case reinforces our previous comments and sets a precedent for how individual city UGA expansions are to be treated. A summary of the Board's conclusion is provided below, followed by our recommendations.

Board Summary

Pierce County Amendment T-6: The Board states that the countywide sizing analysis for the UGA is the determining factor for UGA expansions (page 39 at 5, 12, & 22).

Pierce County Amendment U-5: The Board confirms that the test involved in determining an individual city UGA expansion must:

- 1) Take into account the countywide UGA sizing and be supported by the countywide land capacity analysis (page 46 at 24); and
- 2) Include an analysis of a city's current urban land to determine if re-designation instead of incremental UGA expansions can be used to meet their needs (page 46 at 18).

In addition, the Board states that the county's UGA is already oversized and goes on to describe that when there is adequate land capacity within the countywide UGA, expansions are not allowed without a new land capacity analysis or population and employment allocation, unless the proposed UGA expansion does not result in a net gain (page 46 at 28 and continued to page 47).

Recommendation

We continue to recommend adding language to the draft countywide planning policy that places the analysis of the needs of an individual city within the context of the countywide land supply. We have provided the underlined language to the existing draft policy below for your consideration as your move forward.

2.3.2 there is a demonstrated need for additional residential or employment capacity within the urban growth area affiliated with an individual jurisdiction ~~or~~ and a demonstrated need county-wide; or the expansion results in a no net gain to the countywide UGA.



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September 16, 2010

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Chair, Pierce County Regional Council
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Tacoma, WA 98409

Dear Ms. Allison:

Thank you for sending the Washington State Department of Commerce the proposed amendments to the Pierce County Countywide Planning Policies. We received the final transmittal from the Pierce County Regional Council (PCRC) on September 9, 2010. We recognize the substantial investment of time, energy, and resources of all the local governments represented by the PCRC, and we appreciate the opportunity to comment.

We especially like that the PCRC has worked to update the countywide planning policies, and is incorporating language from Vision 2040 and addressing emerging issues such as community design, health, and climate change. The proposed policies also support a center-based approach to prioritizing urban growth and infrastructure which should provide opportunities for multimodal transportation, a range of housing types and efficient use of infrastructure investments.

We are concerned about proposed Policy 2.3.2 in the Amendments and Transitions section of the Pierce County Countywide Planning Policies which allows for the expansion of the urban growth areas affiliated with an individual jurisdiction if there is a demonstrated local need for additional residential or employment capacity. We are concerned that this is inconsistent with the requirements of the Growth Management Act and with recent court and growth management hearings board cases.

RCW 36.70A.110 is clear that the county is to designate an urban growth area or areas (UGA) for the entire county, sized to accommodate the countywide population projection from the Washington State Office of Financial Management (OFM) for the succeeding twenty-year period. This statute requires that the countywide urban growth areas are sized to accommodate

the residential, employment, and other needs associated with the countywide population projection. The requirement for countywide sizing of urban growth areas was a topic in two recent legal cases.

The 2008 State Supreme Court, in *Thurston County v. W. Wash. Growth Mgmt. Hearings Bd.* No. 80115-1, held that changes to the size of individual growth areas associated with single cities constitute a change to the size of the overall county urban growth area. In the August 2, 2010 Growth Management Hearings Board decision regarding 2009 Pierce County Comprehensive Plan amendments (Case # 10-3-0003, *North Clover Creek*), the board was clear that UGA sizing for residential, employment and other purposes was to be based on OFM projections and not to be based on individually demonstrated need unless considered within the context of countywide need for UGA expansion. Commerce's WAC 365-196-310(3)(e) also recommends that piecemeal changes to an individual UGA have county-wide implications, and should not be made unless part of a comprehensive review of the countywide UGA.

The statute, the WAC, and these court and hearing board cases provide clear direction to the PCRC regarding the appropriateness of this policy language. We recommend that this policy be revised before adoption to state that the urban growth area of a jurisdiction may be expanded only if there is both a locally demonstrated need for additional residential or employment capacity and a demonstrated need county-wide.

Thank you for the opportunity to comment on these proposed amendments. If you have any questions or concerns about these comments, please contact me at (360) 725-3064 or Anne.Fritzel@commerce.wa.gov. We extend our continued support to Pierce County and all of her cities and towns in achieving the goals of growth management.

Sincerely,



Anne Aurelia Fritzel
Growth Management Planner
Growth Management Services

cc: Dan Cardwell, Pierce County Planning and Land Services
Leonard Bauer, Managing Director, Growth Management Services, Commerce
Ike Nwankwo, Financial & Technical Assistance Manager, Growth Management Services
Norm Abbot, Director of Growth Management Planning, Puget Sound Regional Council
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September 16, 2010

The Honorable Bobbie Allison, Chair
Pierce County Regional Council
c/o Pierce County Planning & Land Services
2401 So. 35th St., Rm. 228
Tacoma, Washington 98409

Dear Chair Allison and Members of the Pierce County Regional Council:

Subject: Comments on Proposed Pierce County Countywide Planning Policies Update and Population and Employment Allocations

Thank you for the opportunity to comment on the proposed update to the Pierce County Countywide Planning Policies and the Population and Element Allocations. In short we support the update to the Countywide Planning Policies to incorporate Vision 2040 and the Multicounty Planning Policies. We urge the Pierce County Regional Council to fully incorporate the multicounty planning policies into the countywide planning policies. We also urge you to modify the proposed population and employment allocations so they are consistent with the regional growth strategy and the multi-county planning policies. Unfortunately, it is not consistent and needs to be modified to make it so. We appreciate the hard work that county and city elected officials and staff have put into the updates.

The Friends of Pierce County's mission is to promote better environmental protection and more livable communities. Our mission at Futurewise is to promote healthy communities and cities while protecting working farms, working forests, and shorelines for this and future generations. Futurewise has members across Washington State, including Pierce County.

We support updating the Countywide Planning Policies so they fully implement the Multicounty Planning Policies

Amendments we particularly support

Vision 2040 and the multicounty planning policies are the four county Central Puget Sound region's long-term vision and land use plan. *Vision 2040* and the multicounty planning policies were adopted by Pierce County's elected officials together with the

elected officials of the other three counties. Vision 2040 a major step forward to achieve the goals we all share: a vibrant economy, more high quality family wage jobs, environmental stewardship including the recovery of Puget Sound, improved mobility, lower cost public facilities and services, better protection of working farms and forests, and better protection of the region's rural character. If implemented well, it will also help maintain the vitality of Pierce County's existing cities and towns by encouraging growth in those communities. We appreciate that the Pierce County Regional Council is working to update the countywide planning policies to incorporate Vision 2040 and the multicounty planning policies (MPPs). The new and amended policies we support include:

- The policies recognizing that protecting the county's working farms can promote food security and positively contribute to the county's economy.
- The policies calling for improved protections for working farms, including discouraging new transportation capacity in agricultural and rural areas.
- Policies giving priority to locating schools in urban growth areas. Locating schools near homes in the urban growth areas reduce transportation costs for school districts and promote the health of students by allowing them to walk and bicycle to school.
- Improved economic development policies.
- Additional policies to promote affordable housing.
- The focus on a safe and sustainable transportation system.
- Policies calling for the protection of the environment.
- Policies encouraging healthier lifestyles. There is now strong evidence that land use planning and development, when done right, can increase physical activity and health. This benefits those who live in our communities and, by providing a healthy work force, promotes economic development.
- The community and urban design policies to preserve those characteristics that give Pierce County communities their unique flavor. These measures can contribute both to improved livability and the county's attractiveness to new businesses and jobs.
- The policies to better manage the rural area. This will maintain the areas quality of life and protect the environment.
- Policies encouraging the protection of archaeological and cultural resources. These resources also contribute to our quality of life and ultimate the areas attractiveness to businesses and jobs.
- The policy providing that comprehensive plans and development regulations near Joint Base Lewis-McCord should be compatible with the use of the base. Joint Base Lewis-McCord is an important part of the county economy and our nation's security. Ensuring that it can operate efficiently is important to both. Preventing incompatible development will also be better for those residents who would

otherwise have located too close and that may experience noise and other adverse impacts.

Better align the urban growth area policies with Vision 2040

We do support some improvements to more fully incorporate the multi-county planning policies. Compact higher density urban growth areas bring significant benefits. Here are some examples that you are all familiar with.

- Compact, higher density urban growth areas reduce the costs of public facilities and services.¹ This can help control costs for taxpayers and ratepayers.
- If urban growth areas provide for higher density zoning, then an abundant supply of housing can be provided.² Higher density housing types also tend to be more affordable.
- More compact urban growth areas protect working farms and working forests from development. This allows the farms to continue to produce food and forests to continue to produce fiber. Protecting farms is important because in the United States most urban development is “taking place on the best soils.”³ Further, some urban growth area expansions in Pierce County, in the Puyallup Valley for example, were designated agricultural lands before they were included in the urban growth area.
- As the percentage of urban development and impervious surfaces increase within a basin, water quality and biotic integrity decline.⁴ So focusing development within urban growth areas helps maintain water quality and protects drinking water supplies. This is why the Puget Sound Action Agenda directs growth into existing cities and towns and calls for the protection of rural areas and natural resource lands including farms and forests.⁵ Consistent with this policy direction, the action agenda also calls for the implementation of Vision 2040.⁶

¹ John Carruthers and Gudmundur F Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B: PLANNING AND DESIGN 503, 520 – 21 (2003). Accessed on May 27, 2010 at: <http://www.mundyassoc.com/publications/urbspra.pdf>

² John I. Carruthers, *The Impacts of State Growth Management Programmes: A Comparative Analysis* 39 URBAN STUDIES 1959, 1976 (2002).

³ Marina Alberti, *The Effects of Urban Patterns on Ecosystem Function* 28 INTERNATIONAL REGIONAL SCIENCE REVIEW 168, 175 (2005).

⁴ *Id.* at 177.

⁵ Puget Sound Partnership, *Puget Sound Action Agenda: Protecting and Restoring the Puget Sound Ecosystem by 2020* pp. 30 – 35 (May 27, 2009). Accessed on May 27, 2010 at: http://www.psp.wa.gov/downloads/AA2009/Action_Agenda_FINAL_063009.pdf

⁶ *Id.* at p. 31.

Vision 2040 plans to accommodate the projected growth within the existing urban growth areas.⁷ Any “adjustments” are expected to be “minor.” Any adjustments “should avoid encroaching on important habitat and natural resource areas.”⁸ Unfortunately, the existing Pierce County Countywide Planning Policies have allowed urban growth expansions into important habitats, such as flood plains, and natural resource lands. So we believe that they require amendments to achieve the benefits we have identified and to be consistent with the Puget Sound Action Agenda and Vision 2040. To better comply with Vision 2040 we recommend the addition of two additional urban growth area policies.

- 2.1.4 Projected population and housing growth shall be accommodated within the existing urban growth areas.
- 2.1.5 Any urban growth area expansions shall be minor, less than 20 acres in size unless a larger area is needed to accommodate family-wage jobs, and shall not include natural resource lands or critical areas.

The Multicounty Planning Policies direct the county to “[a]void new fully contained communities outside of the designated urban growth area because of their potential to create sprawl and undermine state and regional growth management goals.”⁹ In large part this is because they have failed to fulfill their promise. So we recommend a policy to address this provision.

- 2.1.6 New urban growth areas should not be located outside the currently designated urban growth areas. If an urban growth area is proposed, the consultation required by the multicounty planning policies shall be undertaken.

Because the county’s urban growth areas are currently oversized and the combined metropolitan urban growth area functions largely as one market, we recommend the proposed new policy on page 101 should be modified to reflect that expansions may only be allowed if the contiguous urban growth area lacks capacity. This will also help the county and cities achieve the benefits of a compact urban growth area we summarized above. We recommend the following addition to proposed new Policy 2.3.2 which is underlined below:

- 2.3.2 there is a demonstrated need for additional residential or employment capacity within the urban growth area affiliated with an individual

⁷ Puget Sound Regional Council, *Vision 2040 Part III: Multicounty Planning Policies* p. 46 (December 2009). Accessed on September 16, 2010 at:

http://www.psrc.org/assets/1738/Part_III_Multicounty_Planning_Policies.pdf

⁸ *Id.* at pp. 46 –47.

⁹ Puget Sound Regional Council, *Vision 2040 Part III: Multicounty Planning Policies* MPP-DP-23 p. 55 (December 2009).

jurisdiction including the contiguous urban growth areas of nearby cities and urban unincorporated areas or demonstrated need county-wide.

Improve the Centers Policies

We appreciate that the countywide planning policies support centers development beginning with Policy UGA-30. This is also consistent with the Multicounty planning policies. An overarching goal of Puget Sound Regional Council's *Vision 2040* states that "the region will focus growth within already urbanized areas to create walkable, compact, and Transit Oriented Communities that maintain unique local character."¹⁰ We recommend that the countywide planning policies for centers incorporate the measures from our report *Transit-Oriented Communities: A Blueprint for Washington State*.¹¹ Research documented in *Transit-Oriented Communities* shows that these measures produce valuable community and environmental benefits consistent with *Vision 2040*. These benefits include more affordable housing, lower transportation costs, lower costs for public facilities and services, healthy residents, and better protection for water quality and the environment.

We recommend the centers policies include these features:

- Plan for "complete streets" that are designed and operated to allow safe access for users of all modes and ability levels with a street center line mile average of no less than 30 center line miles per square mile, as a measure of street connectivity. Street grids should strive to have blocks no larger than three hundred feet by three hundred feet square. In areas where this is not possible, well designed mid-block pedestrian and bicycle pathways could be used to accomplish a similar result.
- Plan for sidewalks and bicycle infrastructure commensurate with population and traffic patterns, including measures of street type, vehicle volume and speeds.
- Plan for housing affordable to low- and moderate-income households commensurate with Pierce County's fair share housing methodology.
- Plan and zone to allow a residential and employment density of no less than 25,000 housing and employment units, of which at least 15,000 must be housing units for metropolitan city centers. A residential unit is one housing unit. An employment unit is enough building space to accommodate one employee. For regional centers we recommend a residential and employment density of no less than 20,000 housing and employment units, of which at least 12,000 must be housing units. For countywide centers we recommend a residential and employment density of no less than 15,000 housing and employment units, of which at least 8,000 must be housing units.

¹⁰ Puget Sound Regional Council, *Vision 2040 Part III: Multicounty Planning Policies* p. 45 (December 2009).

¹¹ Futurewise | GGLO | Transportation Choices Coalition, *Transit-Oriented Communities: A Blueprint for Washington State* pp. 48 – 55 (2009). Accessed on September 16, 2010 at: <http://futurewise.org/priorities/resources/publications/TOC%20Blueprint%20Final%2011-23-09%20for%20Website.pdf>.

- Plan and zone for a balance of residential, commercial, retail and recreational uses. At least one housing unit shall be allowed for each employment unit in the center.
- Plan for adequate open space and public areas within the center.
- Plan and adopt development regulations to increase the urban tree canopy within the center and incorporate low impact development measures to minimize storm water runoff.
- Work with the community to adopt design guidelines and standards for buildings and streets that include criteria to make safe and activated streetscapes, discourage uses and designs that disrupt pedestrian and bicycle flow and access, incorporate locally important characteristics and historic structures, and promote good building design.
- Eliminate minimum parking requirements for all uses and set appropriate parking maximums for centers well served by transit. Prohibit surface parking lots and at-grade parking, with the exception of on-street parking.

The Population and Employment Update needs to be consistent with Vision 2040

We recommend that the population and employment update be consistent with the Regional Growth Strategy.¹² The proposed population and employment allocations are not consistent with Vision 2040 and the Multicounty Planning Policies the region has agreed to. This will prevent Pierce County from achieving the benefits we describe above. The update needs to be modified and a policy should be added to the countywide planning policies explicitly calling for an allocation consistent with the Regional Growth Strategy.

Thank you for considering our comments. If you require additional information please contact Marian Berejikian at FOPC@comcast.net or Tim Trohimovich at telephone 206-343-0681 Ext. 118 or e-mail: tim@futurewise.org

Sincerely,

Marian Berejikian
Executive Director
Friends of Pierce County

Tim Trohimovich, AICP
Co-Director of Planning and Law
Futurewise

¹² Please see Puget Sound Regional Council, *Vision 2040 Part II: Regional Growth Strategy* p. 19 (December 2009). Accessed on September 10, 2010 at: http://psrc.org/assets/1737/Part_II_Regional_Growth_Strategy.pdf



CITY OF SUMNER

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Community Development Department
Paul Rogerson, AICP, Director

September 15, 2010

Chair Bobbi Allison, Pierce County Regional Council
Pierce County Planning and Land Services
2401 South 35th, Room 228
Tacoma, WA 98409

Dear Chair Allison:

We have reviewed a copy of Norm Abbott's September 1, 2010 memorandum regarding T-6 amendments and Mr. Abbott's recommended changes to CPP 2.3.2. The City disagrees with Mr. Abbott's suggested change to CPP 2.3.2. In fact, making the change suggested (specifically, changing the word "or" to "and" would create a CPP that is directly contrary to the T-6 amendment to the County Comprehensive Plan that was recently upheld by the Growth Management Hearings Board (GMHB). The City believes that Mr. Abbott misunderstands the issues presented and, therefore, the effect of the decision of the GMHB in that recent appeal.

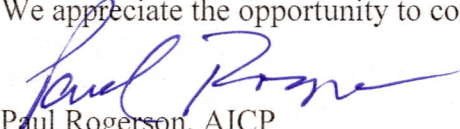
The City of Sumner was the primary party responsible for briefing and arguing the T-6 amendment issue before the GMHB. In that role, the City is intimately familiar with the record and arguments in that appeal on this issue. The Board was not asked in that appeal to offer opinion about the overall Pierce County UGA capacity. The 2007 Buildable Lands Report conclusions regarding capacity were not the issue on appeal before the Board. The Board's statements regarding the UGA capacity, based on the 2007 Buildable Lands Report, for that reason are, at best, dicta, and more likely would be considered inappropriate advisory opinion on a factual issue that was not presented to the Board on a county wide basis.

Most importantly, the issue of whether the T-6 amendment that expressly changed the UGA capacity evaluation from a county-wide evaluation to an individual jurisdiction evaluation was fully briefed and argued before the Board and the Board UPHELD this amendment. To suggest, as Mr. Abbott does, that the Board somehow ruled that a Countywide capacity evaluation is required by GMA is contrary to the Board's ruling on T-6 that upheld this approach.

While avoiding creating inconsistency with the GMHB's decision is reason enough to reject Mr. Abbott's suggested changes to the Countywide Planning Policies, we also believe that the changes ignore a fundamental principal of the GMA – namely that growth should occur in the most efficient pattern possible. Forcing growth to go to some far flung portion of a county-wide UGA simply because there is unused capacity there when a more efficient pattern might be accomplished by locating new development closer to employment, closer to transit, and in areas with better capacity to efficiently provide urban services, seems to us to be counter to those GMA fundamentals. While the City understands and supports the principal that UGA's should be as compact as possible, we also read GMA to require a balancing of this principal with the other goals of the Act. We see no logic in a rigid focus on overall UGA size if it removes the opportunity for analysis that can suggest a solution that better addresses the broader goal-set of the Growth Management Act. The Boards' decision regarding T-6 preserved the opportunity for just this sort of analysis to be made. On this broader basis also, the PCRC should not contradict the GMHB decision on T-6.

For these reasons, the City of Sumner would urge the PCRC to reject Mr. Abbott's suggested amendment to CPP 2.3.2.

We appreciate the opportunity to comment.


Paul Rogerson, AICP
Community Development Director
City of Sumner