



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

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September 16, 2010

Bobbi Allison
Chair, Pierce County Regional Council
2401 South 35th St. Rm. 228
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
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