

AGENDA REPORT

FOR: City Council June 13, 2018

TO: Dave Zabell, City Manager Regular Meeting: 6/18/18
Rick White, Director
Community & Economic Development

FROM: Dave McDonald, City Planner
Community & Economic Development

SUBJECT: Comprehensive Plan Amendment: Urban Growth Area Expansion (MF # CPA 2018-001)

I. REFERENCE(S):

Proposed UGA Map
Proposed Resolution
Memo to the Planning Commission
Appendix III-Urban Growth Area Expansion
Pasco Airport Land Use Compatibility Measures
Correspondence on the Proposed UGA Boundary
Planning Commission Minutes Dated: 5/17/18

II. ACTION REQUESTED OF COUNCIL / STAFF RECOMMENDATIONS:

MOTION: I move to approve Resolution No. _____, declaring the preferred Urban Growth Boundary for the City of Pasco.

III. FISCAL IMPACT:

Outside of some minor cost for municipal planning activities, there is no direct fiscal impact in the expansion of the City's Urban Growth Area (UGA).

Theoretically, the property within the proposed UGA may be annexed into the City which would result in an increase in the City's assessed valuation as well as revenues generated through commercial activities, population-based state shared revenues and other fees and taxes. The City will also be required to provide public safety and other City services to those areas eventually annexed into the City.

By contrast, not expanding the UGA and allowing the property to develop without

proper planning, sanitary sewer, municipal water, adequate fire suppression facilities, and other urban municipal services will likely result in the inefficient development of land, artificially drive prices upward within the current UGA as undeveloped land becomes more scarce, and severely impact the ability of the area and the City of Pasco to growth in a well-planned and efficient manner.

IV. HISTORY AND FACTS BRIEF:

The Growth Management Act (GMA) (RCW 36.70A.110) requires the establishment of Urban Growth Areas (UGA) around urban centers. Pasco's first UGA was established in April of 1993 and has been modified only four times since then. Development of the proposed Pasco UGA was guided by the Goals of the GMA and the provisions of RCW 36.70A.110 including the requirement to use OFM populations estimates for growth.

The population estimates provided by OFM are the primary consideration for the establishment of UGA boundaries. By law the UGA boundaries must be large enough to accommodate project growth for a 20 year planning period. OFM is estimating Pasco's population will reach 121,828 during the next 20 years. This would be an increase of 50,148 over the 2017 official population estimate. Using the current OFM household size of 3.278, 15,298 new housing units will be needed to accommodate the projected population growth.

In addition to providing land for housing the Growth Management Act (GMA) requires the city to include enough land within the UGA to provide for a broad range of uses including parks, open spaces, schools, community facilities, streets, medical, institutional, commercial, retail and other nonresidential uses. The GMA also permits the inclusion of a "reasonable land market factor" when establishing a UGA to insure the boundary is of a reasonable size so as not to drive up land costs in a way that impacts housing costs. The City is currently facing the problem with escalating land cost due to the limited size of the existing UGA.

Considering future housing growth and a broad range of supporting land uses the City will need to add about eight square miles to the current UGA (See Appendix III attached hereto for a detailed analysis of needs). The estimate of land needs is based on the fact that about 5,090 dwellings (apartments & single-family homes) can be accommodated within the current UGA boundaries. The remaining 10,208 dwellings will need to be located within an expanded UGA.

The City can only propose a UGA boundary. The GMA grants the authority to establish UGA boundaries to the County Commission only. The proposal process begins in the form of a Council resolution suggesting the City's preferred UGA boundary. Once accepted by the Council, the resolution along with a complete application packet will be forwarded to the County for consideration. The resolution and application must be submitted to the County before the end of June.

V. DISCUSSION:

The process of arriving at the preferred UGA boundaries involved an analysis of current and future land use needs (see appendix III attached hereto) based on the OFM population estimates. A draft UGA boundary was prepared and reviewed by the Planning Commission in two workshop sessions prior to the matter being the subject of a public hearing. A public meeting was also held for all of the property owners located within the proposed UGA boundaries to afford them the opportunity to full understand the extent of the proposed UGA.

The Council was also updated on the UGA needs during a workshop session on April 9, 2018 and June 11, 2018.

The Planning Commission hearing on the UGA was well attended mainly by property owners who were generally in favor of the proposal. Considerable discussion at the hearing center on the impact of the Airport overlay zones on property located directly north of the developing Madison Park subdivision and across Burns Road from Franklin Elementary School.

A few of the Planning Commission members did not support the UGA proposal due to the fact the boundary included the 160 acres north of Madison Park that is encumbered by Airport Overlay zoning to protect airport operations. A minority of the Planning Commission failed to understand or consider the cooperative work between the City, County and Port on the development of the Airport Master Plan and Airport Zoning regulations and the protection those regulations already afford the airport. The regulations prohibit all residential development on 32 acres of the 160 acres in question and further restrict development to 2 dwellings per acre (1.6 units per acre after roads are constructed) on another 40 acres. The overlay zones were adopted by the City to discourage development of incompatible land uses adjacent to the Tri-Cities Airport. The City's regulations provide greater protection to the airport than what is recommended by the WSDOT Guidebook (see the discussion under the Airport Land Use Compatibility attachment for more information); and as noted in the Council Workshop discussion of June 11, 2018, the Airport Overlay protections will apply to this property whether it is in or out of the UGA.

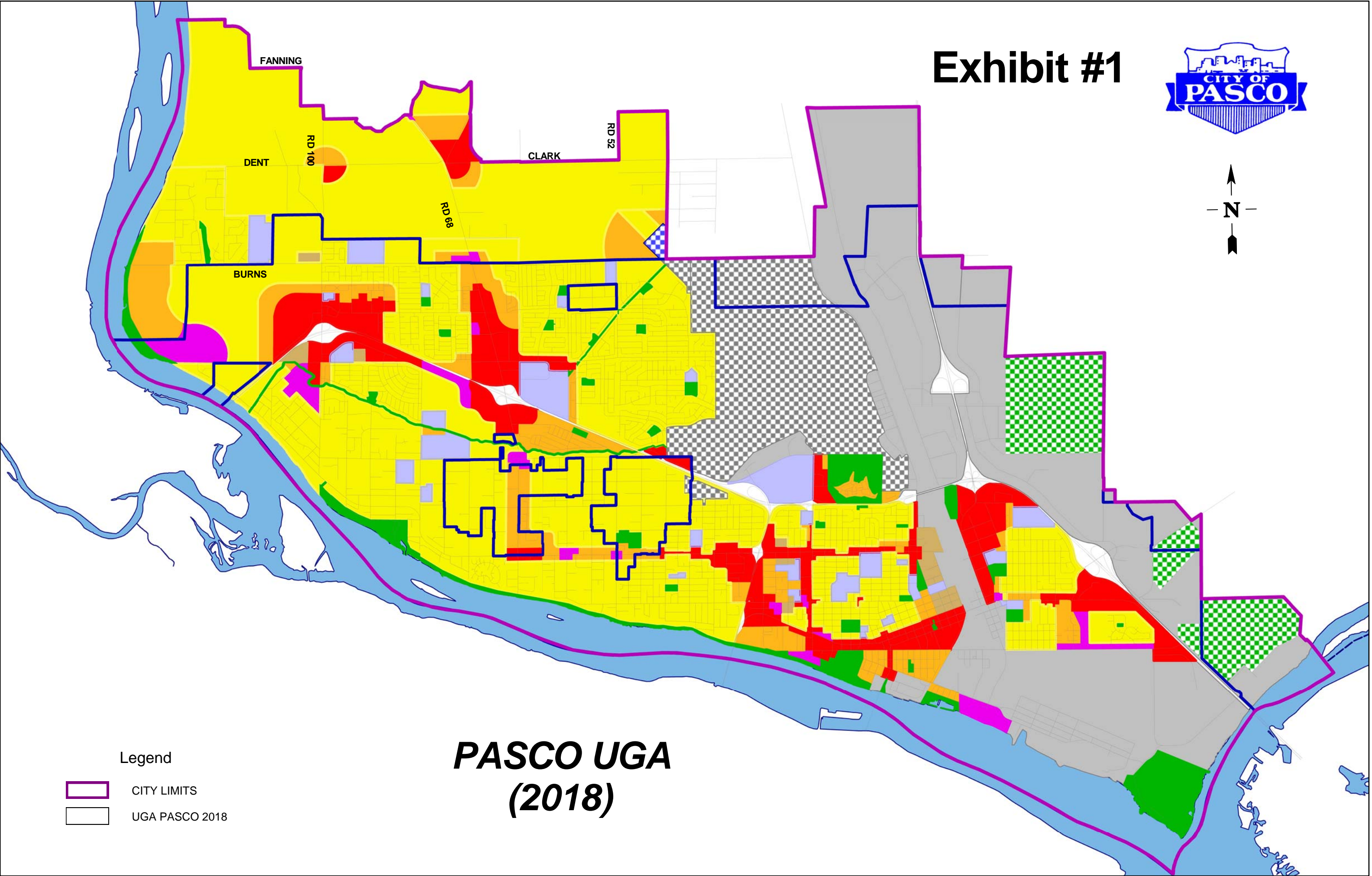
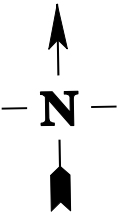
The Planning Commission recommended the City Council forward a UGA boundary proposal to the County that included about 6.5 square miles of land north and generally west of Road 44 (including the 160 acres adjacent to and encumbered by the airport overlay zones). The recommendation also included about a square mile of industrial land to the north of the Pasco Processing Center along Highway 395.

Following the Planning Commission meeting on May 17th staff meet with a representative of a major property who requested at the planning commission hearing that a portion of his property be excluded from the UGA because of irrigation ponds


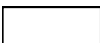
and irrigation equipment that is need to serve additional property far north of the proposed UGA. Staff has modified the proposed UGA boundary slightly to accommodate the farming operations to the north with no net loss to the overall area (6.5 sq. miles) recommended by the Planning Commission.

Staff recommends the Council pass the attached resolution on June 18th establishing a preferred UGA to enable staff to complete the UGA application and submitted it to the County before the end of June.

Exhibit #1



Legend

-  CITY LIMITS
-  UGA PASCO 2018

**PASCO UGA
(2018)**

RESOLUTION NO. _____

**A RESOLUTION DECLARING THE PREFERRED URBAN GROWTH
BOUNDARY FOR THE CITY OF PASCO.**

WHEREAS, the City of Pasco and Franklin County are planning under the State Growth Management Act (GMA) of 1990 as amended; and

WHEREAS, The GMA (RCW 36.70A.110) requires the establishment of Urban Growth Areas (UGA); and

WHEREAS, each city located in Franklin County must be included within a UGA; and

WHEREAS, UGA's may include portions of the County already characterized by urban growth or adjacent to urban growth; and

WHEREAS, the proposed UGA boundary includes a portion of the Clark Addition, the Desert Drive Area, the Byers Road Area the McDonald Road Area and the Douglas Fruit facilities which are areas characterized by urban type development; and

WHEREAS, the proposed UGA boundary is adjacent to the north City limits where schools, schools sites, roads and utilities exits to serve future urban growth in the proposed UGA; and

WHEREAS, per RCW 36.70a.110 UGA's are to include a sufficient area of land to accommodate forecasted growth for a 20 year planning period; and

WHEREAS, forecasted growth is determined by population projections provided by the State Office of Financial Management (OFM); and

WHEREAS, OFM projections indicate Pasco's population will increase by approximately 50,000 for a total population of 121,828 by the year 2038; and,

WHEREAS, to address the OFM population projections over 15,000 new residential dwelling units will need to be constructed in Pasco over the next 20 years; and

WHEREAS, based on available land the current UGA can only accommodate another 5,000 dwelling units or over 16,000 new residents; and

WHEREAS, it is necessary to expand the UGA to accommodate over 10,000 new dwelling units by the year 2018; and

WHEREAS, in addition to providing land for anticipated housing RCW 36.70a.110 suggests the UGA must also include areas sufficient to accommodate the

broad range of needs and uses that will accompany the projected urban growth including medical, governmental, institutional, commercial, service, retail, other nonresidential uses, parks, greenbelts and open space; and

WHEREAS, State and local housing goals encourage the provision of affordable housing (RCW 36.70A.210(3)e & County Policy #6) within the community; and

WHEREAS, due to the lack of land within the current UGA land prices have significantly risen recently, as indicated by sales records recorded in the Franklin County Courthouse, impacting the affordability of housing; and

WHEREAS, to meet State and local goals to encourage affordable housing the Pasco UGA needs to be expanded; and

WHEREAS, the proposed UGA expansion area is constrained on the north by prime irrigated agricultural resource lands making it difficult to provide the area necessary to fully accommodate the OFM projected growth; and

WHEREAS, reducing or removing areas from the proposed UGA will not enable the City to meet the mandate (RCW 36.70a.110) of providing sufficient lands for projected urban growth including the requirement to provide for a broad range of land uses; and

WHEREAS, removing developable lands adjacent to but not encumbered by the Airport Overlay zones will reduce the City ability to meet the mandates and goals of the Growth Management Act that requires the City to provide enough land to accommodate OFM growth projections and address needs for affordable housing; and

WHEREAS, the City has met the need to protect the operations of the Tri-Cities Airport by enacting zoning regulations that implement RCW 36.70.547 that address land use compatibility concerns near the airport; and

WHEREAS, Pasco's Airport Overlay regulations incorporate both Federal Aviation Regulation Part 77 requirements and the recommendations of the WSDOT Airport and Compatible Land Use Guide Book; and

WHEREAS, on February 15, 2018 and April 19, 2018 the Planning Commission held workshop to study and discuss the need for expanding the Pasco UGA ; and

WHEREAS, on April 9, 2018 and June 11, 2018 the Pasco City Council held a workshops to discuss the Comprehensive Plan and the UGA; and

WHEREAS, on May 9, 2018 City staff met with property owners within the proposed UGA boundaries to receive feedback from the owners and answer questions about the need to expand the UGA to accommodate the OFM population projections; and

WHEREAS, on May 17, 2018 Pasco Planning Commission held a public hearing to receive public input on the proposed Pasco UGA; and

WHEREAS, the Pasco City Council has determined the Pasco Urban Growth Area boundary must be expanded to permitted the City to properly plan for future growth and meet the requirements of the Growth Management Act; ***NOW THEREFORE***

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASCO:

Section 1. That the boundary identified in Exhibit “1” is the preferred boundary for the Pasco Urban Growth Area.

Section 2. That this resolution be forwarded to Franklin County for its due consideration of the City Council’s request for desired the UGA boundary as identified in Exhibit “1”.

Passed by the City Council of the City of Pasco this 18th day of June 2018.

Matt Watkins, Mayor

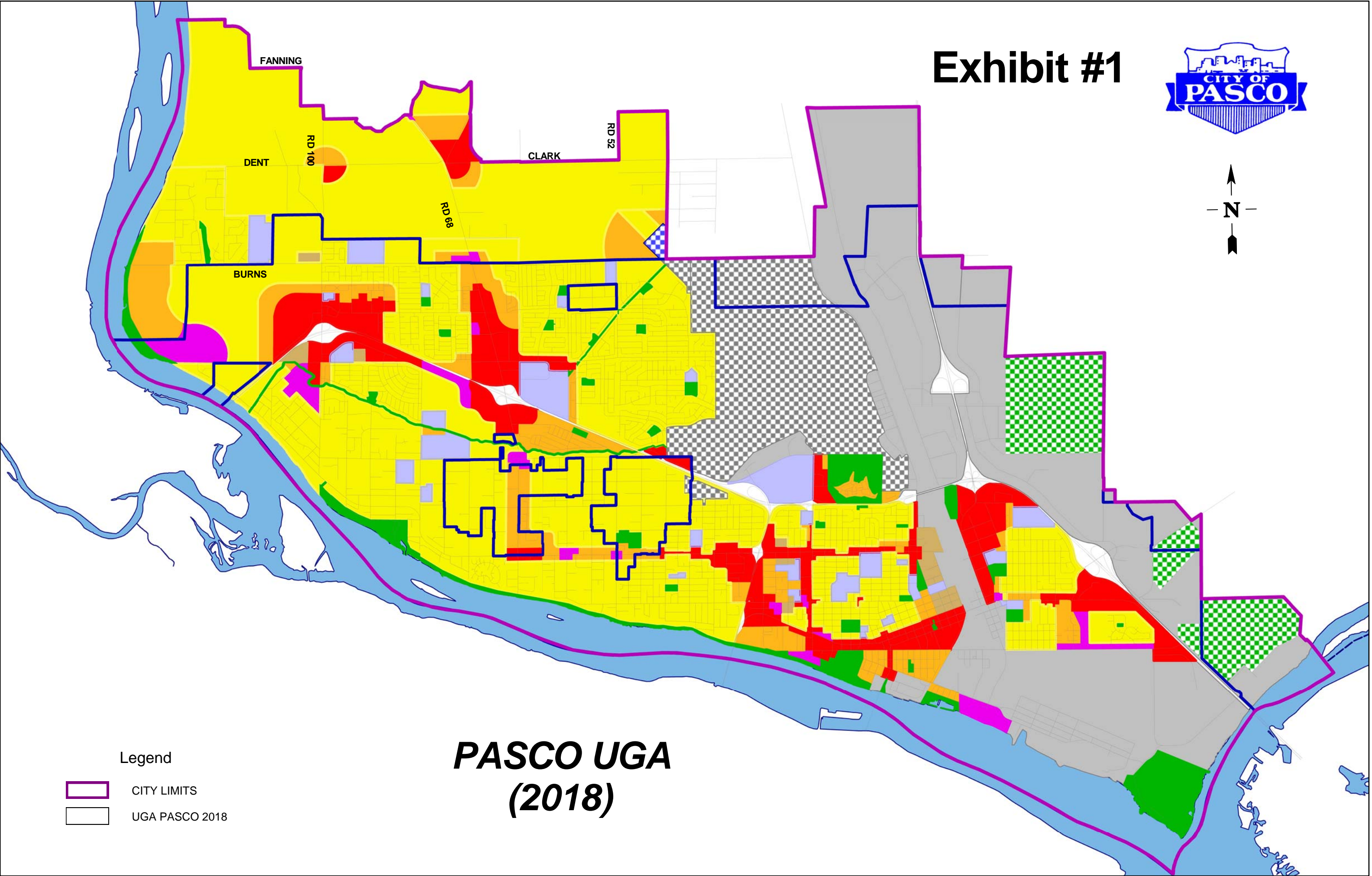
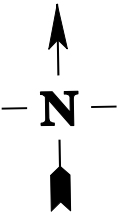
ATTEST:

Daniela Erickson
City Clerk

APPROVED AS TO FORM:


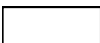
Leland B. Kerr, City Attorney

Exhibit #1



**PASCO UGA
(2018)**

Legend

-  CITY LIMITS
-  UGA PASCO 2018

MEMORANDUM

DATE: May 17, 2018
TO: Planning Commission
FROM: Dave McDonald, City Planner
SUBJECT: Urban Growth Boundary (UGA) CPA 2018-001

The City of Pasco is required by the Growth Management Act (GMA) to update the Comprehensive Plan this year. The key component to the update is determining a new Urban Growth Area (UGA).

Urban Growth Areas define the area in which a community is to encourage higher density urban development and the area in which urban services can be supported and promoted. Land located outside UGA's are to be reserved for the promotion of rural densities and functions. By directing growth to UGA's natural resource lands such as farmlands and forest lands can be conserved and the character of rural areas can be maintained for future needs.

Pasco's first Urban Growth Area was established in April of 1993 and has been modified only four times since then. The designation of the Pasco UGA was guided by the provisions of RCW 36.70A.110 the most pertinent portions of which are as follows:

- Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature.
- Each city that is located in such a county shall be included within an urban growth area.
- An urban growth area may include territory located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

- Based upon the growth management population projection made for the county by the Office of Financial Management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a National Historical Reserve.
- Each city must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other non-residential uses.
- Each urban growth area shall permit urban densities and shall include greenbelt and open space areas.
- An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances.
- Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.
- In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

Based on State law, the Pasco UGA is to include all lands within the City and may include lands outside the City if the lands are urban in nature or adjacent to territory that is already characterized by urban growth like the Byers Road area, the Clark Addition and the McDonald Road area. The UGA needs to contain a sufficient amount of land to accommodate expected population growth as determined by the Office of Financial Management (OFM). In addition to the population projections the City must also consider land needs for parks and open space, schools, retail businesses, churches, offices, industrial buildings and other land uses.

OFM provides population estimates for each county in the state. The City and the County have previously determined that 80 percent of the County-wide estimate should be assigned to Pasco. The remaining 20 percent is divided between the County and the small communities within the County. The table below shows Pasco's portion of the overall County population projections.

Pasco Population Projections

| Year | Low | Medium | High |
|-------------|------------|---------------|-------------|
| 2020 | 70,114 | 79,770 | 93,109 |
| 2025 | 76,486 | 91,025 | 112,931 |
| 2030 | 82,466 | 101,954 | 132,493 |
| 2035 | 89,970 | 114,470 | 153,705 |
| 2038 | 94,306 | 121,828 | 166,052 |
| 2040 | 93,311 | 126,859 | 174,830 |

Based on the OFM projections Pasco could become a city of 121,828 residents during the next 20 years. This would be an increase of 50,148 over the current 71,680 population estimate. Using the current OFM household size of 3.278, 15,298, new housing units will be needed to accommodate the projected population growth. The need to accommodate additional dwelling units translates into the need for additional land within the UGA. At about four units per acre about 3,500 acres of land will be needed for just the new housing units. Some of the new dwellings can be accommodated within the current UGA boundaries but much of the new housing can only be accommodate by increasing the size of the UGA. In the determination for UGA land needs local market supply factors may also be considered to ensure land prices are not artificially raised resulting from constraints placed on the market due to limited availability of lands within the UGA.

The current lack of available land within the UGA is driving up the cost of land. This is creating a conflict with the State goal (RCW 36.70A.210(3)e) and local County wide policy (#6) dealing with the need to provide affordable housing within the County and City. Land prices have risen from about \$32,000 an acre (181960 on 9/25/14) four years ago to about \$50,000 an acre in 2017 (1869033 on 10/11/17) and over \$65,000 (1876107 on 3/20/18) today.

Population projections, land market factors, and preservation of resource lands are not the only items to consider when determining the extent of the UGA. Utility capacities should also be considered. The City updates the Capital Improvement Plan (CIP) each year identifying various infrastructure projects necessary to support continued growth within the community. In addition, the City maintains a Comprehensive Plan for Sewer, Water and Parks to address service needs for an increasing population and the Traffic Improvement Plan addresses traffic related needs. These Plans include capital facilities elements and address needs within the proposed UGA Area. General locations of water lines, water towers and sewer lines are identified in these plans. The new Water Plan being adopted in 2018 will include specific guidelines for the location and looping of water lines that will apply within the proposed UGA.

In 2010 a new water treatment plant was constructed on Court Street near Road 111 to increase the City's capacity to provide potable water to the community. Construction of a new raw water intake structure and pump house adjacent to the Richland Bridge will be completed by June of 2018 increasing the treatment capacity of the new plant. The main Butterfield water treatment plant intake structure in the Columbia River was also rebuilt in 2015 to improve raw water pumping capacity. An annual budget amount is provided within the CIP to assist with line oversizing to address water line needs in developing areas. This program applies to the proposed UGA.

Over the past several years upgrades have been completed at the wastewater treatment plant to increase the City's capacity to accommodate residential and commercial growth. Another 25,000,000 million dollars of upgrades have been scheduled in the Capital Improvement Plan to further increase the capacity of the sewer plant. Additionally, an annual CIP budget amount is provided to assist with sewer line oversizing to address water needs in developing areas. This program applies to the proposed UGA.

In addition to planned upgrades to the City's utility systems the City is securing water rights or the means to secure water rights through the

platting process (PMC 26.04.115(B) & 3.07.160). A number of water rights transactions for securing additional water rights are listed in Tables 4-3, 4-4, 4-5 and Appendix 4-A of the Comprehensive Water Plan will address water needs for the projected growth to be experienced by the City.

The Franklin County PUD and Big Bend Electric built a new substation north of the Columbia Place subdivision (west of Road 68 north of Snoqualmie) in 2004. The PUD also enlarged and upgraded the Road 52 and Argent substation about three years ago to support future growth in the community. The PUD five year capital plan calls for a new substation to be located north of Burns Road to the east of Convention Drive which will further add to the PUD's capacity to serve the community with power needs.

Appendix III of the Comprehensive Plan (attached) provides a detailed explanation of the Urban Growth Area needs resulting from the new population estimates. Also attached is a draft land use map showing the possible extent of the UGA based on the new population and housing numbers.

The proposed UGA boundary includes 160 plus acres of land at the northeast corner of Road 52 and Burns Road. This parcel was previously the subject of a UGA amendment in 2014 and 2016. Rather than amend the boundary to include the 160 acres in the UGA the County suggested the matter be held for the 2018 Comprehensive Plan update when new OFM population projections were available. The population projections, showing a sizeable increase (50,148), were made available to the City in January of this year. Based on those projections the proposed UGA includes the 160 acres from the 2014 and 1016 application to the County.

During the early years of the 2018-2038 planning period development will first occur adjacent to the existing City limits where utility and street connections are available. The 160 plus acres in question is located across a street from an elementary school and at the intersection of arterial and collector streets. The property owners previously install a 16 inch water line in Road 52 to serve the new school and their property to the north. Being located between the school, the Madison Park subdivision to the south and the Clark Addition to the north the 160 acres is in an area already developed and characteristic by urban growth thereby meeting a key qualifying factor to be included within an Urban Growth Boundary. Based on the City's current and past Comprehensive Plans residential development has been encouraged in the western reaches of the community and industrial development has be encouraged

to the east around the Port facilities, railyards and other industrial features. As a result the 160 acres in question is located in westerly and northerly path of future residential development. With the need to find room for another 15, 298 new dwelling units every additional acre within the UGA is important to fill the mandate to create a UGA with sufficient size to match the population projections.

During the 2014 and 2016 UGA amendment process the Port of Pasco expressed concern over including the 160 acre parcel in the UGA because part of the property falls under Airport Safety Zones 2 and 4. Including the property in the Pasco UGA will not change the fact the property will be burdened with the airport zones. The City and the County adopted the safety zone regulations at the request of the Port for the purpose of protecting the viability of the Tri-Cities Airport as a significant resource to the community by encouraging compatible land uses, densities and reducing hazards that may endanger the lives and property of the public and aviation users. These regulations are intended to address land use issues around the airport and to provide protection to the approaches to the airport. The UGA boundary amendment cannot change the Airport Zoning regulations that are in place to protect the airport.

There is some minor difference between City and County zoning regulations for the Airport overlay zones in that the County limits development to one unit per five acre in Zone 4 and the City permits two units per acre. However, the Pasco regulations provide far less density and concentration of people than the recommended standards. The WSDOT Airports & Compatible Land Use Guidebook (M 3074.00) from which the Zoning overlays were modeled indicates there can be a different standard in the densities between Zone 4 in rural areas verses urban areas. Table F-1 of the Guidebook indicates Zone 4 inside UGA's can have higher densities and mixed use develop with 15 or more units per acre. Table F-2 states that mixed-use office/commercial/residential uses are permitted in Zone 4. Residential clusters with more than 40 percent open space, mobile home parks, boarding houses and residential infill are all permitted uses in Zone 4 on limited basis. The airport protection regulations the City adopted are more restrictive than the State Guidebook in that mixed-use office/commercial/residential uses are not permitted. Mobile home parks and boarding houses are also not listed as permitted uses. The Pasco regulations will net 1.6 dwelling units per acre. Far less density or concentration of people than the State guidebook recommends with the allowance of mixed-use office /commercial/residential buildings. The Pasco regulations provide greater protection to the airport by significantly reducing the concentration of buildings and people than what is recommended by the WSDOT Guidebook.

In addition to the adoption of protection overlay zones the City requires land developed within and near the Airport Safety Zones to have the following statement on all subdivision plats:

“Property within this (plat/short plat or binding site plan) may be subject to varying noise levels and vibrations due to proximity to the Tri-Cities Airport. Properties near the airport may be located within height and use restriction zones as described and illustrated by Federal standards and regulations and the City of Pasco Zoning Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Future airport expansion including runway extensions may impact the size and number of aircraft utilizing the airport. Developments near the airport should assume that at any given time there will be some impact from air traffic.”

The above statement becomes a notice of record when plats are recorded and follows the titles of each lot placing property owner’s on notice of nearby airport operations and airport zoning regulations.

The City adopted Airport Zoning regulations to provide a public benefit to the community by protecting the air space around the airport. These regulations will enable the airport to extend runway 12 in the future with or without the applicant’s property being in the UGA. The Compatibility Zones imposed on property owners benefit the airport, airlines and the traveling public. Land owners within the Airport Safety Compatibility Zones provide that public benefit by involuntarily accepting a significantly lower or no development potential for their land as compared to similar properties not burdened by the Airport Compatibility Zones. The land owner’s provide an additional benefit to protect airport operations by encumbering plats with a statement notifying future property owners of nearby airport operations. By excluding the 160 acres from the UGA the Port is asking the City to ignore or discount the adopted regulations that protect airport operations. The government is generally barred from forcing a few people to bear the burden of providing a public benefit which in all fairness and justice should be borne by the public as a whole. The owner of the 160 acres in question is already providing a public benefit by involuntarily accepting the restrictions of Zone 2 prohibiting all development on 32 acres of land and very limited development (more limited than the Recommendation of the WSDOT Handbook) on 40 acres within Zone 4. Rather than having the general public cover the cost of that burden the City is being asked by the Port to shift the burden to the owner of the 160 acres.

Findings of Fact

The following are initial findings drawn from the background and analysis section of the staff report. The Planning Commission may add additional findings to this listing as the result of factual testimony and evidence submitted during the public hearing.

1. The GMA (RCW 36.70A.110) requires the establishment of Urban Growth Areas.
2. The goals of the Growth Management Act related to UGA's include: i) Encouraging development of urban areas where adequate public facilities and services exist or can be provided in an efficient manner; ii) Reducing the inappropriate conversion of undeveloped land into sprawling low-density development; and, iii) Maintaining and enhance natural resource based industries, including productive timber, agriculture, and fisheries industries.
3. Each city located in Franklin County must be included within a UGA. (RCW 36.70a.110)
4. UGA's are to encompass lands within the City's recognized utility service area. (RCW 36.70a.110)
5. UGA's may include portions of the County already characterized by urban growth or adjacent to urban growth. The proposed UGA is adjacent to the northern boundary of the Pasco City limits and the Clark Addition. The Douglas Fruit facility, the Byers Road neighborhood and McDonald Road neighborhood are LAMRID developments within the proposed UGA that are urban in nature. (RCW 36.70a.110)
6. Designated Urban Growth Areas are to include enough undeveloped land to adequately accommodate forecasted growth for a 20 year planning period. (RCW 36.70a.110)
7. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. (RCW 36.70a.110)
8. Urban Growth Areas must include areas sufficient to accommodate the broad range of needs and uses that will

accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses. (RCW 36.70a.110)

9. Forecasted growth is determined by population projections provided by the State Office of Financial Management (OFM). (RCW 36.70a.110)
10. OFM provided Franklin County with population estimates in at the end of December 2017. The low, medium and high projections to the year 2038 as follows: 117,882, 152,285 and 207,565.
11. The Franklin County and the cities therein have used the medium range population projections for growth management planning purposes since the inception of the GMA. For the 2038 planning period the mid-range projection is again being used.
12. Per a January 18, 2018 County Memo eighty percent of the OFM population estimates were assigned to Pasco.
13. The Pasco mid-range population estimate from the County Memo is 121,828 for an increase of 50,148 over the 2017 population.
14. The current Pasco household size is 3.278 persons per house hold.
15. At 3.298 persons per household 15,298 new dwelling units will be need to accommodate 50,148 new residents in Pasco. The high projection results in the need for 28,789 new dwelling units.
16. Based on historic and current permitting trends approximately 2,447 of the projected new housing units will be multi-family units and 12,851 will single-family units.
17. Based on available land within the current UGA all of the estimated multi-family dwelling units and 2,643 single-family units can be absorbed within the current UGA boundaries. The remaining 10,208 single-family units will need to be located in an expanded UGA.

18. To meet Comprehensive Plan goals related to providing a wide variety or full range of housing options for all economic segments of the population there may be the need for some additional multi-family housing beyond the current UGA boundaries. Additional multi-family development within an expanded UGA will help provide needed buffer areas around commercial nodes.
19. Based on the housing estimates to accommodate the OFM population projections Pasco will need an additional 2,914 acres of land in the UGA for residential development, roads and a land market factor of about 10 percent.
20. To accommodate broad range of needs and uses as required by RCW 36.70a.110 the Pasco UGA will need land for parks and open spaces, churches, schools, daycares, fire stations, other government and other non-residential uses.
21. The full range of land uses to serve and complement housing needs is estimated to be 2,275 acres.
22. The current UGA boundaries have restricted the availability of land for development such that it has impacted the cost of land. Raw land price have risen from about \$32,000 per acre in 2014 to over \$60,000 an acre in 2018.
23. State and local housing goals encourage the provision of affordable housing (RCW 36. 70A.210(3)e and County Policy # 6) within the community. The current UGA boundaries are creating market demand factors that increase the cost of housing inconsistent with RCW 36.70A. 210(3)e.
24. A land market factor was added to the calculated land use needs to address escalating land values that impact housing affordability.
25. The City updates the Capital Improvement Plan (CIP) each year identifying various infrastructure projects necessary to support continued growth within the community.
26. The City maintains a Comprehensive Plan for Sewer, Water and Parks to address service needs for an increasing population and Traffic Improvement Plan to address traffic related needs.

These Plans include capital facilities elements and address needs within the proposed UGA Area.

27. The new Water Plan being adopted in 2018 includes specific guidelines for the location and looping of water lines that will apply within the proposed UGA.
28. The CIP includes an annual project to assist with water line oversizing to address water line needs in developing areas. This program applies to the proposed UGA.
29. The CIP includes an annual project to assist with sewer line oversizing to address water line needs in developing areas. This program applies to the proposed UGA.
30. Over the past several years upgrades have been completed at the wastewater treatment plant to increase the City's capacity to accommodate residential and commercial growth. Another 25,000,000 million dollars of upgrades have been scheduled in the Capital Improvement Plan to further increase the capacity of the sewer plant.
31. The City has an adopted concurrency ordinance requiring all development—residential or commercial--to install the necessary infrastructure to serve said development. Developers and property owners are required to install and extend streets and utilities to and through their developments.
32. The proposed UGA amendment area includes 102 acres of the Columbia River, a number of partially developed LAMRID areas, the Douglas Fruit facility and other uses occupying over 460 acres. These areas and lands are unavailable for future development.
33. The five year capital plan for the PUD calls for a another new substation to be located north of Burns to the east of Convention Drive which will further add to the PUD's capacity to serve the community with power needs.
34. In 2010 a new water treatment plant was constructed on Court Street near Road 111 to increase the City's capacity to provide potable water to the community.

35. Construction of a new raw water intake structure and pump house adjacent to the Richland Bridge will be completed in June of 2018 and will increase the treatment capacity of the West Pasco water treatment plant.
36. The main Butterfield water treatment plant intake structure in the Columbia River was also rebuilt in 2015 to improve raw water pumping capacity.
37. In 2014 the City updated the Comprehensive Sewer Plan that identifies near and long term sewer collection/treatment system needs to accommodate increased population. The update plan incorporated the proposed UGA area identifying the general location of future facilities to serve the area.
38. Per Municipal Code Sections 26.04.115(B) and Section 3.07.160 the assignment of water rights are a requirement of plat approval for new subdivisions and or for the issuance of building permits. Where no water rights are available to transfer to the City the property owner/developer must pay a water right fee in lieu thereof which enables the City to purchase additional water rights.
39. The City has undertaken future water rights planning as a part of the Comprehensive Water Plan update. The Plan indicates the City is addressing water needs by pursuing additional water rights through on going transactions (Tables 4-3, 4-4, 4-5 and Appendix 4-A of the Water Plan) that will increase the instantaneous capacity and the annual withdrawal volume to meet and surpass the needs of projected growth.
40. Per the National Cooperative Soil Survey much of the proposed UGA area contains Quincy Loamy fine sand and is identified as Map Unit Symbol 89 or 90 with Irrigated Capability Class Ratings of 3 & 6. Class 3 soils have severe limitations that reduce the choice of plants or that require special conservation practices. Class 6 soils have severe limitations that make them generally unsuitable for cultivation.
41. The proposed UGA boundary was held out of all soil areas that are better suited for agricultural production and that have been designated as Ag Resource Fields or Prime Irrigated Land.

42. A portion (72.6 acres) of the proposed UGA area falls under Airport Protection Zones Two and Four. The 72.6 acres are part of a larger 160 plus acre parcel of land. The Airport zoning regulations contained in apply to the property regardless of the location of the UGA Boundary.
43. The City and County adopted the safety zone regulations at the request of the Port for the purpose of protecting the viability of the Tri-Cities Airport as a significant resource to the community by encouraging compatible land uses, densities and reducing hazards that may endanger the lives and property of the public and aviation users. These regulations are intended to address land use issues around the airport and to provide protection to the approaches to the airport.
44. The UGA Boundary amendment cannot change the adopt airport protection regulations.
45. Airport safety Zone 2 does not allow any residential development. Zone 4 allows two units per raw acre in the City and one unit per five acres in the County.
46. The City's Zone 4 regulations after allowing for roads permits about 1.6 units per acre which is far more restrictive and protective of the airport than the recommended conditions in the WSDOT Airports and Compatible Land Use Guidebook (M 3074.00) January 2011. The City regulations provide greater protection than the State guidelines.
47. The State handbook recommends Zone 4 within UGA's permit mixed-use office/commercial /residential development. The State handbook also suggests permitting residential infill, residential cluster development, mobile home parks and boarding homes within Zone 4. The City regulations will not permit any of the State recommended higher density and higher population concentrations within Zone 4.
48. The City further protects airport interests by requiring an airport operational notice on all plats located within airport safety zones permitting development and the practice has been to require the notice on plats adjacent to but not in the safety zones.

49. The airport plat notice becomes a notice of record when the plats are recorded.
50. Based on the State handbook with suggested/recommended airport protection regulations and Pasco's adoption of stricter regulations areas outside the Airport Safety Zone can be fully developed to underlying zoning standards.
51. Approximately 94 acres of land within the 160 acre plus parcel that is partially burdened with the Airport Safety Zones can be developed without airport zoning restrictions.
52. By excluding the 160 acres from the UGA the Port is asking the City to ignore or discount the existing adopted regulations that protect airport operations. These special airport zoning regulations impact only a portion of the total 160 acres.
53. Further restricting the 160 acres in question from development by excluding it from the UGA because less than half of the land is development restricted adds an additional public burden that other property owners in the area with similar unrestricted land do not have to bear.
54. The government is generally barred from forcing one person or a few people to bear the burden ("Burden Shifting") of providing a public benefit which in all fairness and justice should be borne by the public as a whole. The owner of the 160 acres in question is already providing a public benefit by involuntarily accepting the restriction of Zone 2 prohibiting all development on 32 acres of land and very limited development (more limited than the recommendation of the WSDOT Handbook) on an additional 40 acres with Zone 4.

Recommendation

MOTION: I move to adopt findings of fact and conclusions therefrom as contained in the staff report dated May 17, 2016.

MOTION: I move based on the findings of fact and conclusions therefrom, the Planning Commission recommend

the Pasco Urban Growth Boundary be amended per Exhibit #1 attached to the staff memo dated May 17, 2018.

Appendix III - Urban Growth Area Expansion

RCW 36.70A.110 (1)

Mandatory GMA Provision

Introduction

Under the provisions of the GMA urban growth is to be principally contained within designated boundaries (Urban Growth Boundaries) around urban centers in all counties planning under the Act. The Urban Growth Boundary defines the location of the city's urban growth area (UGA). The UGA is where urban development is expected and where growth can be supported by urban services. The UGB is the demarcation line between where the community encourages urban growth and where rural activities are to be preserved. By directing growth to UGAs natural resource lands such as commercially significant farms lands can be conserved and the character of rural areas can be maintained for future needs. Each urban growth area including Pasco's is to contain sufficient land area to accommodate expected growth for a 20 year planning horizon. The expected growth is determined by population projections prepared by the State Office of Financial Management which are used by Franklin County and the cities therein to allocate urban and rural growth for each jurisdiction.

The UGA defines the area in which the City must plan under the GMA. The UGA establishes the boundaries to plan for land use, transportation, public services and utilities. Under the GMA, cities are identified as the units of government most appropriate to provide urban governmental services within the UGA. Only in limited circumstances where it is necessary to protect public health and safety or the environment can these service extend beyond the UGA.

Growth Management Mandate

Development of the Urban Growth Boundary recommendation was guided in particular by the following GMA Planning Goals:

Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Maintain and enhance natural resource-based industries, including productive timber, agriculture, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

The state goals, in turn, led to the following Countywide Planning Policies (CPP) that provide specific guidance for the establishment of Pasco's UGA.

COUNTYWIDE POLICY NO. 2

Policies to Implement RCW 36.70A.110 relating to the establishment of Urban Growth Areas.

- A. Each City within Franklin County will be included within a designated urban growth area.*
- B. Designated urban growth areas should include an amount of undeveloped area to adequately accommodate forecasted growth and development for the next 20 years.*
- C. Designated urban growth areas should include those portions of the county already characterized by urban growth and having existing public facilities and service capacities to serve existing and future growth.*
- D. Designated urban growth areas should include those areas that are within the recognized utility service areas of each City.*
- E. The size of urban growth areas will vary due to regional settings and should be adequate to promote viable economic development strategies promote choices in housing accommodations and insure adequate lands are available for associated open spaces and public purposes.*
- G. Municipalities should limit the extension of water and sewer service to areas within each jurisdiction's urban growth boundary.*

Growth Projections

The Washington State Office of Financial Management (OFM) is responsible for providing population estimates for all Counties and cities required to plan under the provisions of the 1990 Growth Management Act. OFM provides a low medium and high projection for each county. County population estimates are then assigned to the cities within the counties based local processes. The current low projection of 87,642 for 2020 is over 2,600 persons lower than the current 2017 estimate of 90,330 for the overall County population. It has been found that the low OFM series for population growth is constantly lower than actual population growth for Franklin County. The high series has been found to overestimate the population. As a result the County and jurisdictions there in rely on the mid-range population estimates for planning purposes. The 2018 population projections for Franklin County are contained in Table No.1

TABLE # 1

OFM Population Projections for Franklin County

| Year | Low | Medium | High |
|-------------|------------|---------------|-------------|
| 2020 | 87,642 | 99,712 | 116,386 |
| 2025 | 95,607 | 113,781 | 141,164 |
| 2028 | 99,972 | 121,792 | 155,370 |
| 2030 | 103,082 | 127,443 | 165,616 |
| 2035 | 112,462 | 143,087 | 192,131 |
| 2038 | 117,882 | 152,285 | 207,565 |
| 2040 | 121,639 | 158,574 | 218,538 |

Allocation of Future Population Growth

The OFM population estimate for Pasco (2017) is approximately 71,680. Over the years the population of the Pasco has represented 80 percent or more of the total County population. As a result the County has always been assigned 80 percent of the OFM County population projections to Pasco for Comprehensive Planning purposes. Historically the 80 percent assignment has been based on the OFM mid-range projection. Within the 20-year planning horizon the City of Pasco will need to anticipate a growth scenario where the County population reaches about 152,285. With 80 percent of that population assigned to Pasco the City's population is expected to reach about 121,828 by 2038. This is an increase of 50,148 over the current City population. Within the 10-year planning horizon, Pasco's population is anticipated to reach about 97,434.

Urban Growth Area Needs

Residential Needs

The future Pasco Urban Growth Area will need to accommodate an additional 50,148 new residents based on the OFM mid-range population projections. Using the current OFM household size of 3.278, 15,298, new housing units will be needed to accommodate the projected population growth. By comparison the OFM high projection would generate the need for about 28,789 additional dwelling units.

Over 80 percent of Pasco's housing stock consists of single-family homes. Over the past 18 years about 16 percent of new residential building permits have been issued for multi-family units. Prior to 2002 there were no multi-family units built for about 20 years. Based on past trends the City expects to see another 2,447 multi-family units built by 2038. The single-family stock will increase by 12,851 units during the same period.

Current multi-family development is split between R-2, R-3 and R-4 zoning with 41 percent being zone R-2, 43 percent being R-3 and 16 percent being R-4. Based on the multi-family densities prescribed by the zoning code around 251 acres will be needed. Streets and a land market factor will need to be added bring the total multi-family land needs to about 345 acres. The current UGA has 445 acres of land designated for multi-family development. It is anticipated much of the new multi-family development will occur in the current UGA. However, to provide a full range of residential environments and to create buffers between commercial and residential areas some key locations within the UGA will need to be identified for future multi-family development.

During the 2008 Comprehensive Plan update single-family densities were estimated to be about 9,600 square feet per dwelling unit. This was due to the significant areas in West Pasco that were zoned for large lots. The larger lots reflected that fact that large areas in unincorporated West Pasco were not served by sewer. For the 2018 plan update the overall density for single-family has been lowered to 8,200 square feet per lot. This higher-density is reflected in the fact that the larger West Pasco lots have been off-set by higher-density lots in the I-182 corridor. The 8,200 square foot lot size will enable the City to achieve about four (3.9) dwelling units per acre. Based on the available vacant land and lots about 2,643 single-family dwelling units can be accommodated within the current UGA. The remaining 10,208 dwelling units needed for the projected population must be accommodated beyond the current UGA boundaries. With streets and a 10 percent land market factor the Pasco UGA will need to expand by 4.13 square miles (**2,645 acres**) to accommodate single-family land needs by 2038. Combine multi-family and single-family land needed to provide for a wide range of residential environments for all income levels will required an additional **2,914 acres**.

Park and Open Space Needs

Based on the information in the “Summary of Park Land and Facilities Needs Table No. ?? of Chapter 7 “ the City will need an additional 1,935 acres of new park land and 503 acres for specialty recreation features new during the 20 year planning period. The combined total park land and specialty feature needs equals 2,438. With roads and a land market factor the total need is **3,352 acres**.

Church Needs

Based on the current population (71,680) and the number of church buildings (54) within Pasco there is one church building for every 1,327 people. However there are more congregations that church buildings. In addition at least three church groups are renting commercial buildings and eleven congregations are sharing just three buildings. Based on the current number of church congregations in the City, the church to population ratio drops to 1,156 people per congregation. If all church groups had their own building there would be 65 church buildings in the City. Based on the population to church building ratio of 1,327 people per church and additional 38 churches will be need by 2038. Based on congregation numbers there could be an additional 43 congregations

in the city by 2038. All churches seek to grow and growth can be inhibited by sharing buildings or renting store fronts. It would not be unreasonable to assume some of the doubled up church groups and store front churches will grow into additional church buildings within the city. Therefore future church land area needs will be calculated for an additional 40 church buildings.

The average lot size (from a sample of 14 churches) for church buildings in Pasco is around five acres. However, some of the newer churches have larger lots. The new LDS Stake Center on Porto Lane has 8.2 acres and the Faith Assembly Church on Road 72 has 15 acres. These church properties include buildings, large parking lots and play fields or structures. Base on the five acres per church the community will need another 200 acres of land for churches. With the addition of streets and a 10 percent land market factor total church land needs will be **275 acres**.

School Needs

The Pasco School District indicates for future school planning purposes the District is anticipating an average of .72 students per dwelling unit. Based on the need for an additional 15,298 new dwellings by 2038 the School District will need to plan for another 11,015 students. The increased student population will be divided between new elementary, middle and high schools. Each elementary school will house about 750 students while middle schools typically are built for 1,100 students and high schools house 2,200 students. The School District currently has a high school site two elementary school sites and a middle school site for future school buildings. Construction on elementary school # 16 will begin in the spring of 2018 followed by elementary school # 17 and middle school # 4. In addition to these proposed schools the District will need an additional 9 elementary schools and one more middle school. Nine elementary schools will occupy about 180 acres and another one or two middle schools will require 40-80 more acres. The School District will also need to purchase an additional high school site before the end of the planning period to secure land for a future high school prior to full development of the UGA. This will require another 80 acres of land. With required roads the School District will need about **425 acres** for future schools.

Daycare and Related Needs

There are currently sixteen commercial daycare related facilities in Pasco. Commercial daycares do not include the numerous family home daycares that are operated out of private family homes. For every 4,480 residents in Pasco there is one commercial daycare. An additional 12 commercial daycare facilities will be needed by 2038. Each daycare occupies about an acre of land that could otherwise be devoted to residential or commercial uses. Commercial daycare centers are not permitted uses in any zone. They require special permit review so they are not automatically factored into the mix of commercial or residential development. The city will need about **15 acres** of additional land for commercial daycares along with necessary roads and the land market factor.

Fire Station Needs

The National Fire Protection Association indicates for cities the size of Pasco there should be one firefighter for every 1,000 people. Pasco currently has .7 firefighters per 1,000 people. The projected population increase will generate a need for 35 to 50 new firefighters depending on what population to firefight ratio that is used. The Fire Department is working toward the NFPA standard. Fire stations in Pasco house between five to eight firemen per station. Potentially there is a need for another 10 fire station. The current plan for the fire Departments calls for another 4 fire station to be added to cover current needs and some future needs. Additional stations may be needed beyond the four proposed to service the projected increase in residents. A typical fire station can function on 1.5 acres of land. Stations with ladder trucks and other specialized equipment function better with two acres. Six new fire stations would need a minimum of 9 acres. If two of the proposed stations housed additional equipment the acreage would increase to 10. Add the streets and a land market factor and the city will need about **14 acres** for new fire station.

Commercial Land Needs

Most of the future commercial retail and office development in Pasco is anticipated to occur in the I-182 Corridor. Heavy commercial development requiring storage yards, equipment yards (wholesale businesses, distribution services, heavy equipment sales contractors etc.) will continue to locate in the Oregon Avenue area and the Columbia East/King City neighborhood. Heavy commercial uses require C-3 zoning and there is no C-3 zoning west of Road 36.

About 260 acres of land around the Road 68 and Road 100 Interchanges have been developed for commercial activity over the past 17 years. Another 490 acres of commercial property is still vacant in the I-182 Corridor. Based on the number of years it took for the existing commercial areas to develop there should be ample land remaining in the UGA to accommodate commercial development for the next 20 years. The only question related to this matter is the location of the vacant commercial land in relation to where residential development will occur. With the Road 100 Interchange being more or less in the geographic center of the Tri-Cities the City will likely see the development of regional services near that interchange. For neighborhood services and walkable shopping it will be necessary to include some commercial land in the UGA at key intersections near residential development. Perhaps as little as **100 acres** would be needed for neighborhood commercial development.

Industrial Land Needs

Pasco contains the Tri-Cities Airport, the Port of Pasco Marine Terminal and related lands, the Pasco Processing Center, a petroleum tank farm, about 70 percent of the Tri-City trucking firms, the BNSF classification yard and other industrial facilities. About 40 percent of the land area within Pasco is zoned for industrial development. There are over 900 acres of vacant industrial land south of "A" Street and over 1,500 acres of vacant industrial land east of SR 12 and

along SR 395. Over 900 acres of the industrial land east of the highways and inside the UGA is tied up in DNR ownership. DNR owns 1,234 acres of industrial land in the King City and the Pasco Kahlottus Highway areas. DNR has no interest in allowing their property to be developed for anything other than farming. As a result these lands will remain in agricultural production through the duration of the planning period. Sixty-two percent of these lands are in the City limits and cannot be removed from the UGA without removing the land from the City limits. The balance of the land is outside the City limits and zoned for industrial uses by the Franklin County. The Port of Pasco has asked for these lands to remain in the UGA in the hopes an agreement can be reached with the DNR to transition these lands to industrial functions. The DNR lands have been given a land use classification of DNR Reserve. The DNR Reserve denotes lands that may be zoned for industrial use but unavailable for development presently due to DNR ownership. The DNR property impacts the market factor by reducing the available acreage for industrial development. Rearranging the UGA boundary to avoid DNR property south of the Pasco/Kahlottus Road will not help because the DNR also owns significant acreage outside the UGA in that area. The Port of Pasco has expressed concern about the impact of the DNR property on the community's ability to attract industrial development and has asked that the City consider a market factor adjustment to provide land for job creating industries.

The Tri Cities Airport property also presents a unique challenge to the City in determining future land use needs. The Airport occupies 2.89 square miles of land not including the surround protection areas that are off the airport site proper. Much of the airport property is devoted to airport operations and is not generally available for industrial or commercial development. The exception being the East Business Park area which is almost completely occupied with industrial and heavy commercial uses and the Business Park area between Runway 3L and West Argent Road. Certain areas of the airport property could be developed for specialized airport related activities. Based upon the airports development activities over the past forty years the prospect for airport related development between the runways is very unlikely.

To address the market factor concern over the DNR land and the limited use options for airport lands there is a need to add several hundred acres of industrial lands to the UGA. The area between Highway 395 and Railroad Avenue north of the existing City Limits and UGA boundary is zoned for industrial development and is within a County Industrial LAMIRD. There are a total of 649 acres in this area. One hundred and six acres are occupied by Granite Northwest, 35.6 acres are owned by the Federal Government and Highway 395, the BNSF rail line occupy 90 acres and the PUD power plant contains 6 acres. The remaining 411 acres is undeveloped farmland. The 411 acres of undeveloped land would provide a 54 percent offset to the DNR Reserve lands. In addition to the need of offsetting the DNR lands there is also a need for a future community soccer complex. The Park and Open Space Element (Chapter 7) indicates the community is significantly underserved by parks and recreational facilities. One hundred and twenty acres (120 acres) of land for this purpose could be added to the east of Capitol Avenue. Although not industrial in nature the proposed soccer complex is located adjacent to other industrial zone lands and be zoned to match

nearby industrial areas. Parks and recreation complexes are unclassified uses that require special permit approval before locating anywhere in the City.

The additional recreational lands and replacement land for the DNR property total 769 acres. However, 160 acres of land at the northeast corner of E Foster Wells Road and Highway 395 has been removed from the UGA boundary to accommodate a large orchard. The net change or increase is only **609 acres**.

Public and Community Facility Needs

In addition to fire stations, school, parks and the other items discussed above communities also need libraries, lift stations, Public Works satellite yards, storm water facilities, various governmental offices, drug treatment homes and facilities, satellite police stations, cell tower sites, water tower/reservoir sites, booster station, substations and other facilities. One hundred and sixty acres (**160 acres**) has been assigned to these needs. It is difficult to determine the total acreage needed for these facilities. The 160 acres is an estimate. The need could be greater or smaller. A senior center, which is not listed, could use as much as 3 acres. A 2.5 million water tower usually occupies five acres.

Existing Vacant Lands Assessment

The current UGA contains 1710 vacant single-family lots, 679 vacant low density parcels and 445 acres of vacant mixed residential parcels. There are also 604 acres of vacant commercial lands, 2,400 acres of vacant industrial lands and 603 acres of government and other types of vacant lands within the current UGA. Fifty-eight percent of the government and other lands consist of the American Rock gravel pit and related lands. The remaining 42 percent of the government and other category are vacant government owned properties and or properties occupied by irrigation ditches and ponds, or properties reserved for future churches and other non-residential development (see Table 2).

Existing Vacant Lands Assessment

Current Development Patterns: Even though vacant land may be designated and zoned for certain uses there may be unknown reason why it has remained vacant or will continue to be vacant. The City has no means of compelling property owners to develop their vacant land and because land is vacant it does not necessarily mean it is available for immediate development. For example there are a number of lots in the Kutzman's Addition that have remained undeveloped since the plat was originally recorded in 1890. The same holds true for lots in the Terrance Heights (1911) subdivision and Gray's Amended Addition (1888). Likewise it is difficult to predict how and when vacant parcels and lots will develop in the West Pasco West. Pasco contains hobby farms, small pastures, truck farms and vineyards that have shaped the general character of the area for half a century. Pasco is an agricultural community and 4H activities will continue to persist in the West Pasco neighborhoods well into the future. As

a result hobby farms will continue to characterize large portions of the West Pasco.

Disconnected Access: A major problem with the vacant land within West Pasco is that fact that much of it consists of remnant parcels created from poor subdivision practices. The placement of houses in the path of future streets, the creation of very long narrow lots and the surrounding of large parcels with houses with no future access points limits opportunities to further divide property for home construction.

Lack of Services: Changing the land use designation for a given area to allow higher density will not lead to more housing units. Sewer service is needed for the higher densities and currently the area between Argent Road and Court Street is parsley developed making it very difficult for the area to finance the cost of sewer lines and lift stations necessary to serve the area.

The combination of hobby farms, poor subdivision practices and the difficulty in providing sewer service to Riverview creates practical difficulties for encouraging higher density development within West Pasco.

If the slight downward trend in household size continues an increasing number of housing units will be needed to serve the projected population. This is another reason to ensure a market factor is calculated into the UGA needs.

Table 2

Vacant Lands 2018

| Area | Low-Density | Mixed-Residential | Comm. | Ind. | Gov. | Other |
|--------------------|--------------------|--------------------------|---------------|--------------|--------------|---------------|
| 2008 UGA Area | 197.58 | 11 | | | | 25.68 |
| Adams/Wilson | 129 | 155 | 90.6 | | | 431.86 |
| Harris Rd - Rd 100 | 67.69 | 7.83 | 90.6 | | 25 | 1.58 |
| Rd 100 - Rd 84 | 43.5 | | 17.2 | | | 4.15 |
| Rd 84 - Rd 68 | 63.55 | 2.35 | 12.08 | | | 10 |
| Rd 68 DNR lands | | 18 | 103.45 | | | |
| Rd 68 - Rd 52 | 83.79 | | 13.93 | | | |
| Rd 52 - 395 | 58.37 | | 7.29 | | 21 | 53.14 |
| 395 - BNR | 6 | 3.39 | 14.43 | | | 12.91 |
| BNR - Hwy 12 | 8 | 18.84 | | 900 | | |
| East of Hwy 12 | | | | 1500 | | |
| 36 - 100 N of Fwy | 21.48 | 50 | 190.81 | | | 20 |
| Total Acres | 678.96 | 445.02 | 604.29 | 2,400 | 44.25 | 559.32 |

Designation of the Urban Growth Area

The OFM population estimate applicable to Pasco for the planning period is 50,148. There are 257 cities in the State of Washington that have a population of less than 50,000. According to 2000 US Census data cities with a population of 50,000 can range in size from 11 square miles to over 40 square miles in size. For example Renton, Washington had a population of 50,052 in 2000 and occupied an area of 17 square miles. The same Census data indicates the average density of a city with a population of 50,000 is 2,647 persons per square mile. Pasco will need enough land within the UGA boundary to essentially accommodate a city with a population of 50,000 by 2038. To make another comparison illustrating the magnitude of the challenge in selecting a UGA the City of Richland, Washington currently has a population of about 55,000. Pasco's challenge then is to accommodate a planning area large enough to absorb a city almost the size of Richland.

Based on the needs assessment discussed above Pasco will need 8,525 acres or 13.32 square miles of land to accommodate the OFM population projections. The calculated land area needs are at the lower end of the size for a typical 50,000 person city per the US Census Bureau. Most of the City's future land needs will be for residential development, park development and streets.

A portion of the future residential land needs can be assigned to areas within the current UGA. There are currently 678 acres of available vacant land in the UGA for residential development and 1,710 vacant or proposed residential lots. As a result the current UGA can be used to absorb a portion of the projected population growth. This will reduce the amount of additional residential land needs for an expanded UGA from 3,598 acres to 2,914 acres (see Table 3.)

The park and opens space needs for the planning period were determined by applying the adopted standards identified in the 2016 Park, Recreation and Forestry Plan to the projected population. Based on those standards the City will need over 3,352 acres (including streets and a market factor) of park land and recreation facilities by 2038.

The adopted park standards may not take into consideration that some of the standards could overlap with respect to level of service. A community park located conveniently to several subdivisions could serve to fulfill the neighborhood park needs for the subdivisions. Likewise a large urban park could also serve to fulfill community park needs in certain parts of the community. School playgrounds may also address some neighborhood park needs. The current inventory of park lands is equal to 54.5 percent of the adopted standards. If the current ratio of park land to standards continues through the planning

period and parks are used for overlapping purposes the City will need around 1,826 acres for parks and recreation facilities. The park land needs can be further reduced by assigning all of the 2018 needs (952 acres) to the current UGA. Specialized recreation facilities such as tennis courts and ball field needs can also be satisfied by facilities located on public school grounds. By assigning half the specialized recreation needs (197 acres) to school sites the overall parks and recreation needs for beyond the current UGA would then total 677 acres for the planning period.

Based on the OFM population projections and the assumptions and needs discussed above the City will need to add another **5,189 acres** to the UGA Boundary to accommodate project growth to 2018. Table 3 identifies the gross acres needed to accommodate projected growth verses the acreage that will need to be added to the UGA.

Table 3
Land Area Needs by 2038

| Land Use | Gross Acres | Future UGA Acres |
|-------------------------|--|---|
| Residential | 3,598 | 2,914 |
| Commercial | 100 | 100 |
| Industrial | 769 | 609 |
| Parks & Open Space | 3,352 | 677 |
| Schools | 425 | 425 |
| Churches | 275 | 275 |
| Daycares & Related Uses | 15 | 15 |
| Fire Stations | 14 | 14 |
| Miscellaneous | 160 | 160 |
| Total | 8,708 acres 13.60 sq. miles | 5,189 acres 8.10 sq. miles |

Population growth is only one factor to consider in determining a UGA Boundary. Existing development patterns, major transportation corridors and utilities are all issues that must be considered.

Pasco has developed over the years with industrial facilities locating on the eastern side of the City near the rail yards, airport, Port facilities, marine terminals, tank farms and highways. Residential development began near the rail yards in central Pasco and grew toward the west and northwest. Commercial development followed major arterials in central Pasco and also located around the Road 68 and Road 100 Interchanges. These growth trends have been reinforced by the land use designations of the Comprehensive Plan that continues to encourage industrial development toward the east and residential toward the west.

With industrial land uses being directed to the eastern portion of the City new residential growth will continue to follow the northwesterly pattern as encouraged by the Comprehensive Plan.

The City's utility system has been extended to the west and north through a combination of City and developer driven projects. The City's concurrency standards require developers to install all utilities to and through the length of their developments. Utilities available for extension to serve residential and commercial development are primarily located along the Burns Road. Major water lines designed to extend well north of the City are located in Road 68, Road 60, Road 52, Broadmoor Boulevard and Kohler Road. These lines range in size from 24 inches to 12 inches. All other streets that will connect north of the City include 8 inch water lines. The Comprehensive Water System Plan includes projects to extend major water lines to the north in Dent Road, Road 68 and Broadmoor Boulevard. The plan also calls for the placement of two new water storage tanks/reservoirs primarily to serve pressure zone three and areas east of Highway 395. Pressure zone three will extend north of the City limits beyond Dent Road. One of the water towers will be located on Rd 68 midway between Dent Road and Burns Road. Another will be placed northerly of the airport and the third reservoir will be near the intersection of Foster Wells and Capitol Avenue. The Comprehensive Water Sewer Plans anticipate Pasco's future growth will occur mainly west of Road 36 and north of Burns Road.

The current Comprehensive Sewer Plan indicates the proposed UGA expansion area is to be served by a 24 inch sewer trunk line running east and west in Dent Road connecting to a 21 inch line in Clark Road. Laterals will connect from the north and south long the alignment of Road 52, Convention Drive, Road 84, Broadmoor Boulevard and northerly along the future projection of the north/south section of Dent Road. The trunk line will connect back to the main system along the north/south portion of Dent Road. A lift station is proposed for the northerly end of Road 52 with a force main back to Clark Road.

Both the Water and the Sewer Comprehensive Plans contain capital budgeting information related to the utility system. Additionally the City's concurrency standards require the installation of utilities to and through all developments and subdivisions as mentioned above. Permitting and site development approvals are not given until developers submit utility plans meeting the City's standards and receive approval of said plans. Where development precedes City installation of utility lines the City participates in a cost sharing program through the Capital Facility planning process. The developers are required to install the lines and the City pays for the oversizing.

Given the significant population growth anticipated over the next 20 years, the location of utilities and the development patterns of the City the expansion of the UGA for residential purposes will need to occur to the north of Burns Road and west of the northerly alignment of Road 36. Expansion of the UGA for industrial purposes will occur east of the BNSF rail line. The attached map shows the extent of the proposed UGA that adds about 7.55 square miles to the current UGA that will provide generally 6.55 square miles of gross* land for new

residential development. The proposed boundary will result in a population density of 6,651 persons, within the UGA area, per square miles verses 2,378 persons per square mile for the typical city of 50,000 people (US Census Rankings @ demographia.com).

* This does not factor in a reduction of existing development, roads and farm structures and that portion of the UGA occupied by the Columbia River

**Pasco Airport Land Use Compatibility Measures
and
Implementation of RCW 36.70.547**

The City of Pasco adopted Ordinance 4111 in 2013 codified in Chapter 25.81 Airport Overlay District

Pasco Municipal Code Chapter 25.81 was developed with assistance from the Port of Pasco following the recommendations of the Land Use Compatibility Criteria of Appendix F, WSDOT Airports and Compatible Land Use Guidebook M 3074.00 January 2011. As required by RCW 36.70.547 the Pasco airport regulations were adopted to discourage development of incompatible land uses adjacent to the Tri-Cities Airport.

The Pasco Airport regulations incorporate both Federal Aviation Regulation Part 77 requirements and the recommendations of the WSDOT Airport Guidebook.

Airport Safety compatibility Zone 2 north of I-182 prohibits the construction of any type of dwelling unit.

Airport Safety compatibility Zone 4 limits development to two dwellings per acre. When roads are factored in Pasco's regulations will net 1.6 dwelling units per acre. Far less density or concentration of people than the State guidebook recommends with the allowance of mixed-use office /commercial/residential buildings. The Pasco regulations provide greater protection to the airport by significantly reducing the concentration of buildings and people than what is recommended by the WSDOT Guidebook.

In addition to the adoption of protection overlay zones the City requires land developed within and near the Airport Safety Zones to have the following statement on all subdivision plats:

“Property within this (plat/short plat or binding site plan) may be subject to varying noise levels and vibrations due to proximity to the Tri-Cities Airport. Properties near the airport may be located within height and use restriction zones as described and illustrated by Federal standards and regulations and the City of Pasco Zoning Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Future airport expansion including runway extensions may impact the size and

number of aircraft utilizing the airport. Developments near the airport should assume that at any given time there will be some impact from air traffic.”

The referenced statement becomes a notice of record when plats are recorded.

Airport land use compatibility is further ensured through the use of FAA Form 7460-1 that is required of any person or firm proposing to construct or alter an object that could affect airspace within the airports influence area. FAA Form 7460-1 is defined within PMC Chapter 25.81 Airport Overlay District

Correspondence to the City of Pasco on The Proposed UGA Boundary

City of Pasco Application for UGA Boundary Amendment 2018

MEMORANDUM

Date: May 11, 2018
To: City of Pasco – Planning Commission
From: James C. Carmody
Meyer, Fluegge & Tenney P.S.
230 South Second Street
Yakima, WA 98907
Subject: Urban Growth Area Boundary Expansion (UGA) CPA 2018-001 –
Farm 2005, LLC

This memorandum is submitted by Farm 2005, LLC (“Farm 2005”) with respect to City of Pasco’s (“City” or “Pasco”) expansion of its Urban Growth Area (UGA). Farm 2005 is the owner of a 160 acre parcel of land proposed to be included in the UGA expansion. **Attachment A.** We fully support Pasco Planning staff recommendations. The City of Pasco (“City” or “Pasco”) is required by the Growth Management Act (GMA) to periodically review and update its Comprehensive Plan. RCW 36.70A.130. A key component in the review is evaluation, assessment and planning for the Urban Growth Area (UGA). Pasco Planning Department has conducted an exhaustive review of long-term planning issues and developed a thoughtful recommendation for UGA expansion. Planning Staff recommends that the UGA expansion include 160 acres of property owned by Farm 2005, LLC.¹ The property meets or exceeds all criteria for inclusion within the Pasco UGA. The inclusion is recommended by Planning Staff and has twice been recommended by Pasco Planning Commission and approved by Pasco City Council.

¹ Farm 2005, LLC has previously submitted applications for expansion of the UGA in order to accommodate 160 acres of property located adjacent to the northern UGA boundary. The parcel is located at the intersection of Road 52 and Burns Road. Adjacent properties have been developed with single family residences, a new elementary school was recently constructed and full extension of public utilities including water and sewer are available to serve the property. A locational map is attached as **Attachment A**. The property is subject to the adopted airport safety overlay ordinance is adopted by Franklin County (FCC Ch. 17.75) and, with annexation, City of Pasco overlay ordinance (PMC Ch. 25.81). Farm 2005 has submitted two (2) prior applications for inclusion of this property within the growth boundary. In each instance, the application has been recommended and approved by Pasco Planning Commission and City Council. Franklin County denied the application and “...strongly encouraged [City of Pasco] to reconsider the UGA Amendment within the context of the 2018 periodic review as required by RCW 36.70A.130(5)(d).” *Franklin County Resolution No. 2015-395*. The property is now being considered and proposed for inclusion within the UGA as a part of the periodic review process.

Growth Management Mandate

Development of the UGA area is to be guided by specific state-wide planning goals. The UGA is intended to establish a sufficient area to accommodate growth over a twenty (20) year planning horizon. City of Pasco is facing significant pressures to meet and satisfy growth projections.² Even at the “medium” population projection, Pasco is projected to have an increase of 50,148 residents. Under the current OFM household size of 3.278, the city will need to plan on providing 15,298 new housing units. The housing demand includes both single-family and multi-family residential properties. This projected growth requires the addition of approximately 3,500 acres of land to the current urban growth area (UGA).³

The legislature has set forth a list of specific goals that must be considered and guide the development and adoption of comprehensive plans and development regulations. RCW 36.70A.020. The planning goals include the following:

- *Urban Growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*
- *Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.*
- *Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.*
- *Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of land owners shall be protected from arbitrary and discriminatory actions.*
- *Public Facilities and Services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and*

² State of Washington Office of Financial Management (OFM) provides population estimates for each county in the state. OFM has provided population estimates for Franklin County, Washington. The City of Pasco and Franklin County have previously determined that 80% of the county-wide population estimate will be assigned to Pasco. The remaining 20% is divided between the County and the small communities within the County. Pasco has a current population of 71,680 people. The “medium” population estimate indicates that municipal growth over the next twenty years would be to 121,828 residents. This is an increase of 50,148 residents.

³ Pasco Planning Staff has provided detailed analysis with respect to both the current available land inventory as well as appropriate population projections. The current UGA contains 702 vacant single-family lots and 82 multi-family lots. Additionally, there are 1,972 vacant acres of single-family land and 172 acres of vacant multi-family land within the current UGA. Of the 1,972 acres of vacant land in the UGA, roads will require 493 acres, schools and soccer complex will require 158 acres; American Rock pit occupies 330 acres; and 80 acres are unbuildable due to steep slopes, floodplain issues and past gravel mining. As a result, there are only 1,248 acres left within the UGA for residential development.

use without decreasing current service levels below locally established minimum standards.

There are three important planning goals applicable to the Farm 2005 property: (1) development should be located where “adequate public services and facilities exist”; (2) the city must promote a variety of residential densities; and (3) that “private property may not be taken for public use without just compensation.” Planning Staff recommendation is consistent with the statutory planning goals.

Of critical importance in this case is the planning goal that “...private property shall not be taken for public use without just compensation having been made....” The property rights of land owners is to be protected from *arbitrary and discriminatory actions*.⁴ The sole opposition to inclusion of the Farm 2005 property within the recommended UGA has come from Port of Pasco and Tri-Cities Airport. Stated in another way, Tri-Cities Airport asks that this private property owner sacrifice its property rights for an amorphous and unsubstantiated public benefit. To be clear, a denial of this application is a taking and contrary to the stated planning goal. “The talisman of a taking is government action which forces some private persons alone to shoulder affirmative public burdens, ‘which, in all fairness and justice, should be borne by the public as a whole.’” *Mission Springs, Inc. v. City of Spokane*, 134 Wn.2d 947, 964, 954 P.2d 250 (1998) (quoting *Armstrong v. United States*, 364 US 40, 49 (1960)). It should be remembered that the Farm 2005 property is (1) subject to the adopted airport safety overlay ordinance which future 1800 foot expansion of Runway 12; (2) is located outside of any required air space protection areas; and (3) is not within an area of incompatible noise contours for residential development.

Tri-Cities Airport is asking that the Farm 2005 property be sacrificed to the benefit of the airport and, theoretically the public. This exact action has been recognized by the courts as an unconstitutional exercise of governmental authority. *DeCook v. Rochester International Airport*, 796 N.W.2d 299 (2011) (holding ordinance extending runway safety zone was unconstitutional taking); and *McCarran International Airport v. Sisolak*, 122 Nev. 645, 137 P.3d 1110 (2006) (holding ordinance imposing height restriction for airport was a *per se* taking).

Farm 2005 Meets All Standards for Inclusion in the Pasco UGA.

Pasco Planning has reviewed the OFM population projections, prepared a land capacity analysis, evaluated facility availability and concurrency, and recommended a significant

⁴ Planning Goal 6 also seeks to address “arbitrary and capricious” actions. Washington Courts have defined “arbitrary and capricious” to mean “willful and unreasonable action, without consideration and a disregard of facts or circumstances.” *Hood Canal Sand & Gravel, LLC v. Goldmark*, 195 Wn. App. 284, 307, 381 P.3d 95 (2016). The denial of this application would be arbitrary and capricious.

expansion in the Urban Growth Area (UGA). The aggregate recommendation is for the addition of 4237 acres which will be necessary to accommodate 50,148 new residents. Farm 2005 property contributes 160 acres to the municipal need and requirements. Planning staff notes, however, that population projections are not the sole consideration in selecting properties for UGA expansion.

Population growth is only one factor to consider in determining a UGA Boundary. Existing development patterns, major transportation corridors and utilities are all issues that must be considered.

The Farm 2005 property meets all criteria for inclusion within the expanded UGA. Stated simply it is the most suitable parcel under the applicable standards.

- Farm 2005 property is immediately adjacent to the existing Urban Growth Area Boundary. The property is served is adjacent to established transportation corridors – Road 52 and Burns Road. The property is suited for northerly arterial expansion (potentially serving Clark addition). The property is easily developed with flexibility for establishing arterial location, contours and grid layouts.
- Farm 2005 property is adjacent to existing residential development and consistent with existing development patterns, includes designation for both single-family and multi-family residential land use. This designation meets GMA's planning goal to "...promote a variety of residential sites and housing types." RCW 36.70A.020(4) (Planning Goal 4). It also addresses the City's need to provide 345 acres of multi-family development land.
- All public facilities and services are immediately available to the property. Water and sewer mainlines extend to the intersection of Road 52 and Burns Road and extension will be a developer responsibility at time of development. The presence of adequate existing public facilities and services meets GMA Planning Goal 1. RCW 36.70A.020(1). It should be noted that the owners of the Farm 2005 property made a contribution of approximately \$1,000,000 to the extension of water lines to serve the property.
- The property is located immediately adjacent to Franklin STEM Elementary School. **Attachment A.** Development within the area allows for pedestrian access to the elementary school which would support family based occupancies.
- The proposed land use designation and zoning promotes the planning goal to provide "...a variety of residential densities and housing types...." The multi-family designation represents the only significant commitment within the new UGA area multi-family density residences.

- Market demand for this property reflects the need and suitability of the property for residential development. The property is currently under contract for sale which is conditioned upon inclusion within the Pasco UGA. The purchase recognizes the immediate need for additional residential development properties and the priority of this particular parcel of property.
- Planning staff recommendation recognizes (1) development limitations established by the airport zoning for Zone 2 (no residential development) and Zone 4 (limited residential development). The property located outside of the airport safety zones is recommended for both single family and multi-family residential occupancies. The multi-family residential recommendation came as a result of a request from Tri-Cities airport. Farm 2005 agrees with this designation.

Farm 2005 Property is Subject to Adopted Airport Safety Overlay Zones.

In accordance with the Growth Management Act (GMA), City of Pasco and Franklin County engaged in a comprehensive planning process that specifically addressed and established standards for protection of the Tri-Cities Airport. City of Pasco adopted PMC Ch. 25.81 Airport Overlay District. **Attachment B.** The stated purpose for the Airport Overlay District was as follows:

25.81.010 PURPOSE. The purpose of the Airport Overlay District is to protect the viability of the Tri-Cities Airport as a significant resource to the community by encouraging compatible land uses, densities and reducing hazards that may endanger the lives and property of the public and aviation users.

PMC 25.81.010. An overlay district establishes development criteria and standards to supplement the base zoning standards. *Schnitzer West, LLC v. City of Puyallup*, ___ Wn.2d ___ (May 10, 2018). The Airport Overlay District was established through consultation with both Franklin County, Tri-Cities Airport, Washington State Department of Transportation – Aviation Division (WSDOT-Aviation) and Federal Aviation Administration (FAA). Each of the participants agreed that the adopted provision established protections with respect to land use compatibility, permissible densities, hazard reduction and review standards. No appeals were filed and the ordinance is now the law for the municipality.

Farm 2005 property is subject to the specific overlay restrictions and requirements. No variances or exceptions have been requested with respect to the adopted rules.

- The Airport Overlay District establishes specific safety standards within the airport influence area which was based upon aircraft accident data from the National Transportation Safety Board (NTSB), the Federal

Aviation Regulations (FAR) Part 77 Imaginary Surfaces, and the “Airports and Compatibility Land Use Guidebook” produced by the Washington State Department of Transportation Aviation Division. PMC 25.81.020. The uses proposed for the Farm 2005 property are consistent with those guidelines.

- The “overlay” concept is summarized as follows:

As the name implies, this classification is laid over the existing City of Pasco zoning district to ensure that densities and land use requirements of the underlying zoning districts are consistent with the NTSB standards and provide for maximum protection to the public, health, safety and general welfare of the community and for those citizens working and residing within the airport influence area.

PMC 25.81.020.⁵ No further restrictions are necessary because the adopted ordinance provides the “maximum protection” for the public.

- Airport Overlay District establishes specific height limitation zones based on FAR Part 77 Surfaces – Objects Affecting Navigable Air Space. PMC 25.81.060. This ordinance provides for protection of the airport and en route airspace. WSDOT Compatibility Guidebook – p. 1-15. The restriction prevents a structure from penetrating the airspace surfaces. The limitations take into consideration precision instrument approach zones, non-precision instrument approach zones and visual approach zones. The Farm 2005 property is located within the extended approach area for Runway 12. Runway 12 is a non-precision instrument approach zone.
- Airport Safety District also establishes “Airport Safety Compatibility Zones”. The airport safety compatibility zones were established following WSDOT Aviation guidelines in “Airport and Compatibility Land Use Guidebook.” (“Compatibility Guidebook”). Farm 2005 property is subject to limitations set forth in Zone 2-Inner Approach Departure Zone and Zone 4-Outer Approach/Departure Zone. PMC 25.81.090.

⁵ WSDOT Compatibility Guidebook recognizes that land use compatibility can be addressed through an overlay zone which addresses both the FAR Part 77 *Imaginary Surfaces* and compatibility zones.

The best approach to promoting compatibility is using a combination of regulatory tools. For example, the use of zoning overlay’s rely on and have a symbiotic relationship to the underlying zoning districts and regulations. Additionally, there are two types of zoning overlays that are designed to achieve different purposes. One that is designed and shaped to address critical air space surfaces depicted in federal regulations FAR Part 77 *Imaginary Surfaces* and the other that addresses compatibility zones or the general operating environment of the airport.

(Italics WSDOT Compatibility Guidebook - page 2-57.) City of Pasco has adopted both the surface protection and compatibility element in its overlay ordinance.

- Residential development is prohibited in Zone 2. Residential development within Zone 4 is limited to RS-20 except south of I-182. This more restrictive than “compatibility criteria” for this zone in WSDOT Guidebook, Appendix F (allowing “high density and intensity mixed use development.” – i.e. 15 or more d.u. per acre). All residential development within Zone 4 must include a disclosure statement required by PMC 25.81.110 on plats, short plats and binding site plans. *Id.*
- There are no use restrictions outside of Zone 2 and Zone 4.
- Airport Safety District was adopted through a public process and compliant with Growth Management Act (GMA). No appeals were filed. The ordinance is binding on all land use decisions and planning. The adopted safety and compatibility determinations cannot be collaterally attacked through a subsequent but unrelated process. *Woods v. Kittitas County*, 162 Wn.2d 597, 628, 174 P.3d 25 (2007). The court in *Kittitas County v. Eastern Washington Growth Management Hearings Board*, 172 Wn.2d 144, 174-175, 256 P.3d 1193 (2011) address airport compatibility and stated that:

The County’s regulation differs from WSDOT recommendations by allowing higher densities and not flatly prohibiting residential uses in certain safety zones. [Citation omitted]. The Board, is supposed to give deference to the County unless the County clearly erred. RCW 36.70A.320(3). The statutory scheme requires only that counties “discourage” incompatible uses. RCW 36.70.547. *Discouragement is not the same as prohibition.*

- Airport Safety District was designed to specifically consider and protect future expansion of the Tri-Cities Airport. The adopted Airport Safety Overlay accounts for future expansion of Runway 12. Zone 2 and Zone 4 were designed to accommodate a future 1800 foot extension of the northwest runway (Runway 12). Tri-Cities Airport acknowledged this fact in comments regarding the Farm 2005 property.:

The zones were laid out according to our 20-year Master Plan which includes a future 1800 foot extension of our northwest runway. This had the effect of changing the area of the UGA expansion from 160 acres to 73 acres – a substantial reduction. The reduced UGA expansion also fell outside any required air space protections and incompatible noise contours for residential development.

Letter from Ron Foraker (Director of Airports) to Carter Timmerman (WSDOT – Aviation Planner) July 8, 2015.⁶ The facts are as follows:

- The adopted Airport Overlay District accommodates future expansion of Runway 12 as contemplated in the Tri-Cities Airport Master Plan.
- Any property located outside of Zone 2 and Zone 4 are not subject to “required airspace protections.” This determination is consistent with the WSDOT land use compatibility guidelines.
- Areas outside of Zone 2 and Zone 4 are also consistent with established noise contours for residential development. That is, the anticipated noise levels from air traffic activities are less than the established 65 db standard set forth in the Tri-Cities Airport Master Plan.
- Tri-Cities Airport suggested to Pasco Planning Staff that areas outside of Zone 2 and Zone 4 be designated for multi-family residential occupancies. This request is consistent with the WSDOT compatibility guidelines.

Conclusion.

Farm 2005 supports the Planning Staff recommendation with regard to expansion of the Urban Growth Area (UGA). The Farm 2005 property is immediately adjacent to the current UGA boundary, consistent with adjacent development patterns, served by available public facilities (water and sewer) and located on established transportation corridors. The property is subject to the adopted Airport Overlay District zoning and consistent with the adopted Tri-Cities Airport Master Plan including expansion. There is no basis to exclude this property from the UGA expansion. To do so would constitute an unconstitutional taking of property and be arbitrary and capricious conduct in violation of applicable planning goals.

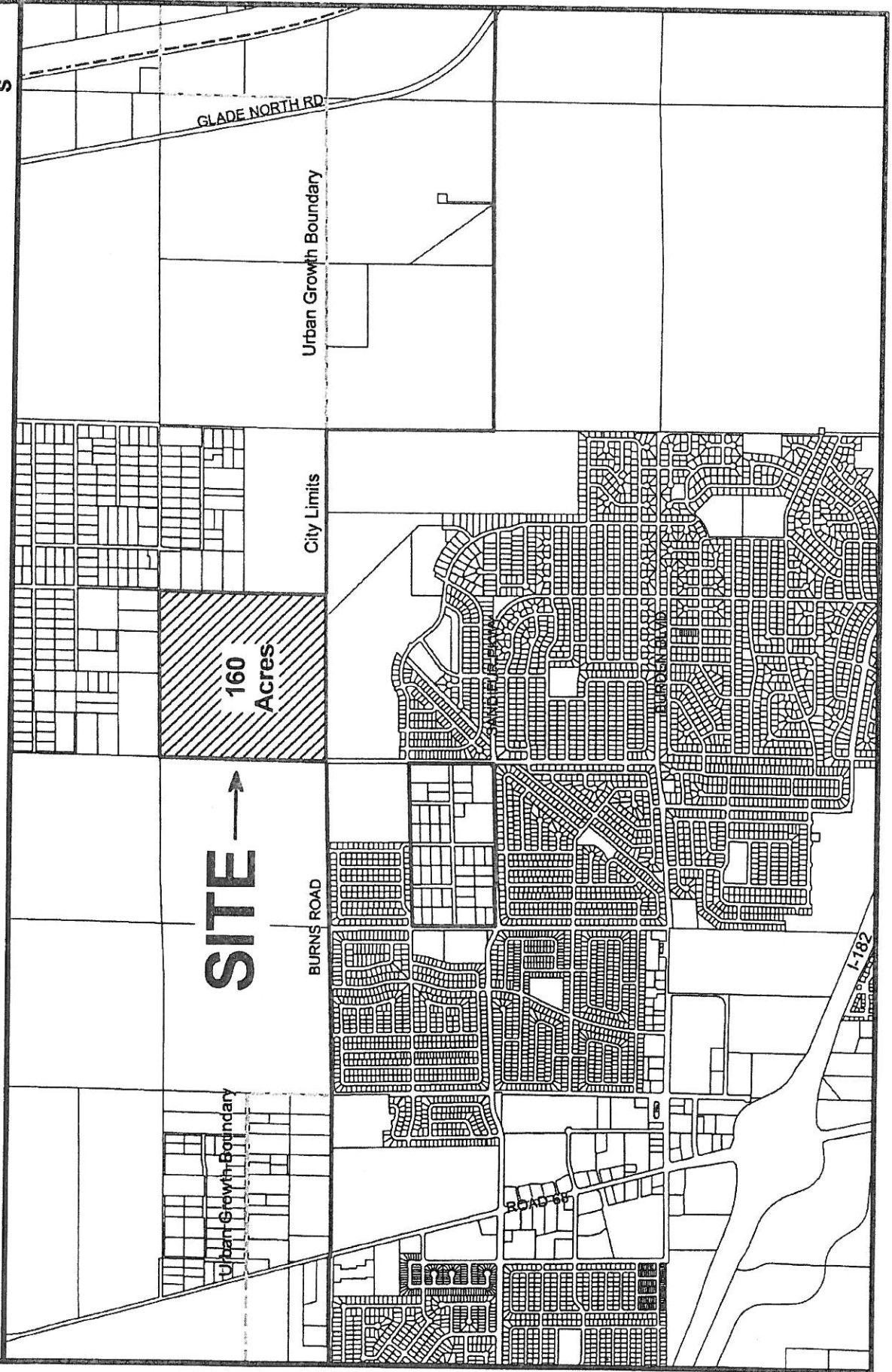
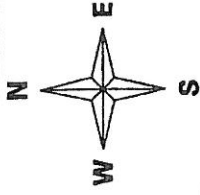
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⁶ In 2015, Farm 2005 submitted its initial application for inclusion of the subject property within the Pasco UGA. Tri-Cities Airport provided comment on the proposed expansion. The comment letter recognized that approximately 73 acres of the total 160 acres was subject to Zone 2 and Zone 4 restrictions. This restriction effectively eliminated residential development within those areas. Tri-Cities Airport recognized this land use restriction to be a “substantial reduction” in the area. This significance of the letter, however, is the recognition that the areas outside of the overlay zone were not subject to any required air space protections and were not incompatible with noise contours for residential development. The final significant point was that recognition that the adopted overlay zone included protection for future expansion of the “northwest runway”, i.e. Runway 12.

ATTACHMENT A

Exhibit #1

Item: UGB Adjustment
Applicant: Steve West/FARM 2005 LLC
File #: CPA 2016-002

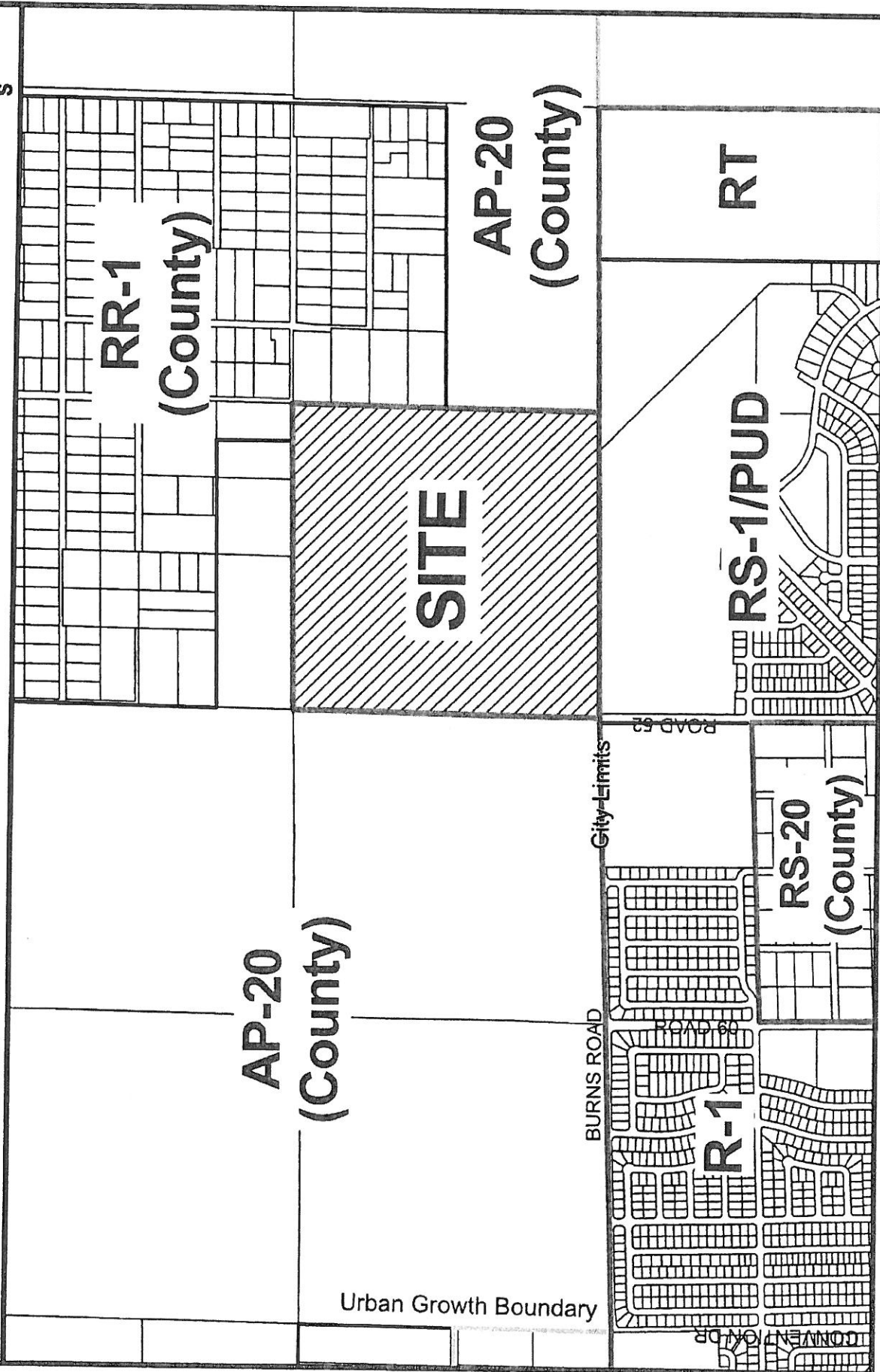
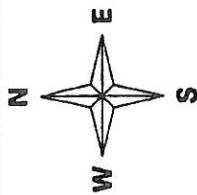


Zoning Map

Item: Urban Growth Boundary Amendment

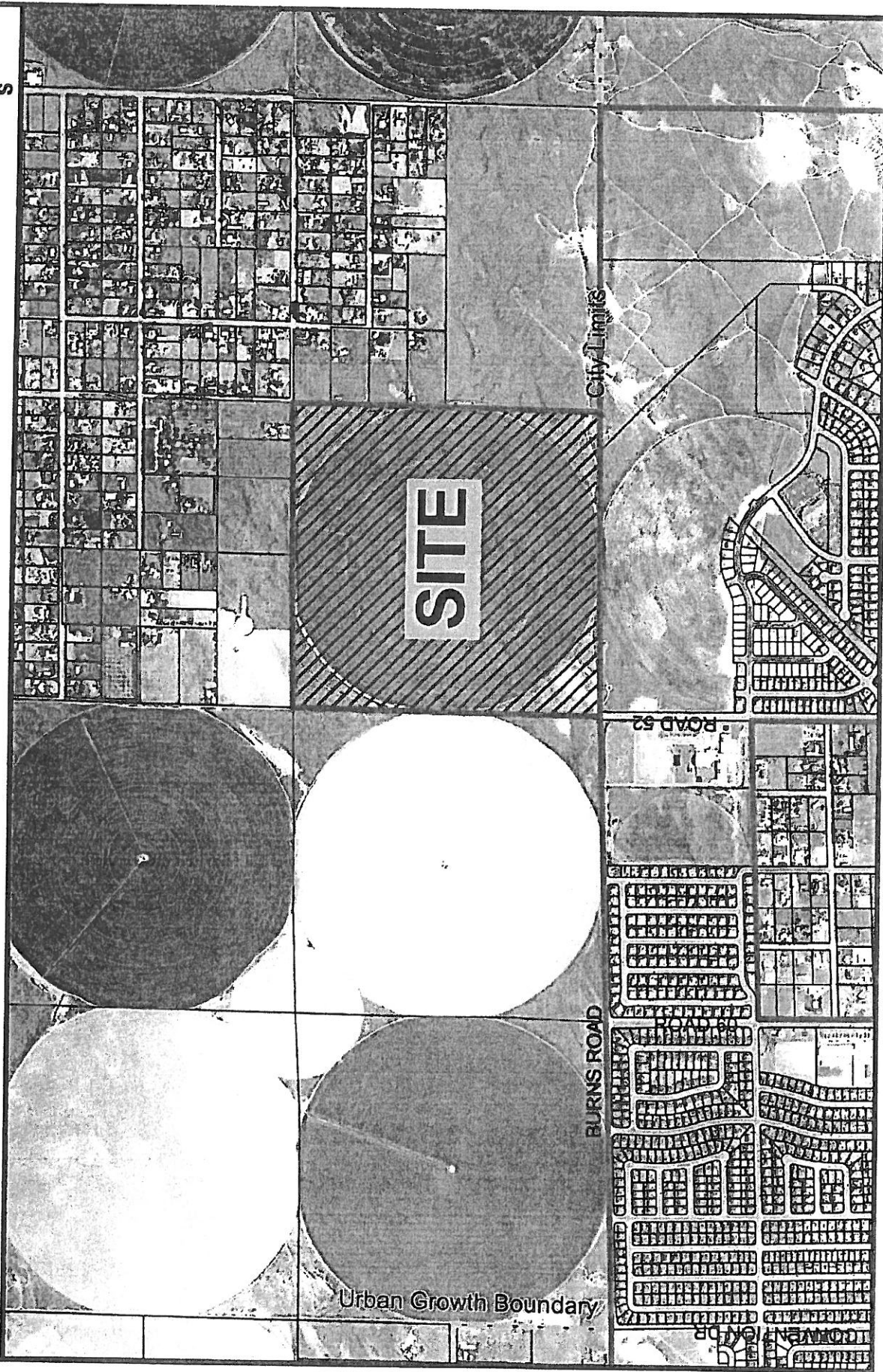
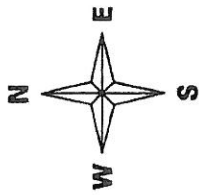
Applicant: Steve West

File #: CPA 2016-002

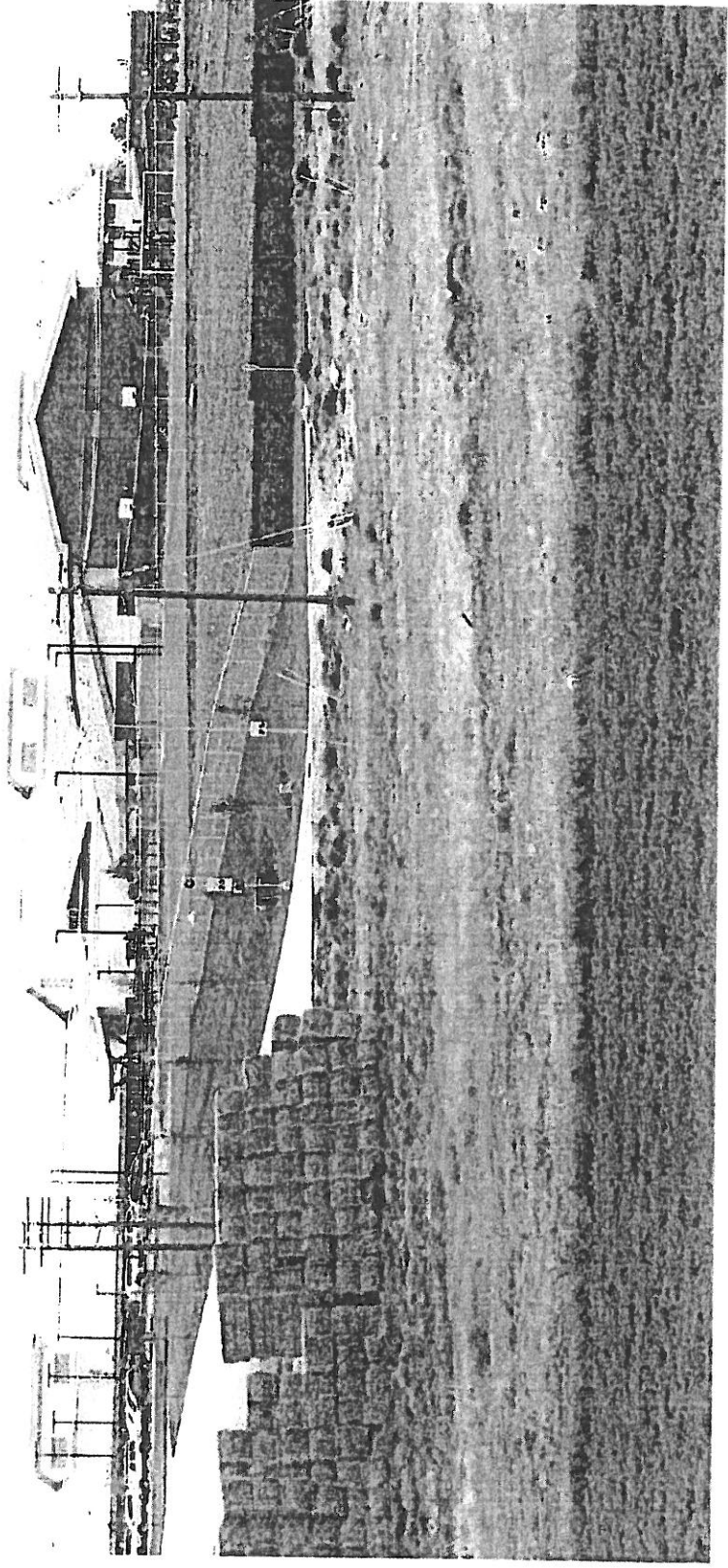


Vicinity Map

Item: Urban Growth Boundary Amendment
Applicant: Steve West
File #: CPA 2016-002



View of Elementary School



ATTACHMENT B

CHAPTER 25.81 AIRPORT OVERLAY DISTRICT

Sections:

| | |
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25.81.010 PURPOSE. The purpose of the Airport Overlay District is to protect the viability of the Tri-Cities Airport as a significant resource to the community by encouraging compatible land uses, densities and reducing hazards that may endanger the lives and property of the public and aviation users.

25.81.020 AIRPORT OVERLAY DISTRICT. There is hereby created an airport overlay district as identified in the map made a part hereof and labeled Tri-Cities Airport Future Part 77 Zones Map and the Airport Safety Compatibility Zones map, as established by the current Tri-Cities Airport Master Plan. All lands lying within the zones therein shown within the city limits of Pasco are subjected to the building and use restrictions within this chapter. This chapter shall be used in addition to and in combination with all other district and development regulations contained in this title. The Airport Authority shall be responsible for providing updated maps to the City coincident with 10 year updates to the Airport Master Plan. The Airport Overlay District classification identifies a series of imaginary surfaces and safety zones within the airport influence area that has historically been prone to hazards associated with aircraft and airports. This chapter is based on aircraft accident data from the National Transportation Safety Board (NTSB) and the Federal Aviation Regulations (FAR) Part 77 Imaginary Surfaces and the "Airports and Compatibility Land Use Guidebook" produced by the Washington State Department of Transportation Aviation Division. As the name implies, this classification is laid over the existing City of Pasco zoning districts to ensure that densities and land use requirements of the underlying zoning districts are consistent with the NTSB standards and provide for maximum protection to the public, health, safety and general welfare of the community and for those citizens working and residing within the airport influence area.

25.81.030 AUTHORITY. The legislature of the State of Washington through RCW 14.12 the "Airport Zoning Act" has given authority to local governments to adopt regulations within its jurisdiction to promote the public health, safety, and general welfare of its citizenry regarding airport hazards. RCW 36.70.547 requires every county, city, and

town in which there is located an airport to discourage the siting of incompatible uses adjacent to such aviation airport.

25.81.040 APPLICABILITY. The provisions of this chapter shall apply to all lands, buildings, structures, natural features or uses located within those areas that are defined by the Airport Overlay District and designated on the Tri-Cities Airport Part 77 Surfaces map which identifies areas of height limitations and the Airport Safety Compatibility Zones (ASCZ) map.

25.81.050 DEFINITIONS. The following terms shall have the meanings indicated, specific to this chapter only:

AIRPORT AUTHORITY: means the Port of Pasco

AIRPORT: The Tri-Cities Airport operated by the Port of Pasco including all property designated in the Tri-City Airport Master Plan as part of the airport.

AIRPORT ELEVATION: The highest point of an airport's useable landing area measured in feet from sea level. The Tri-Cities Airport is four hundred ten feet (410') above mean sea level.

AIRPORT INFLUENCE AREA: Includes airport property and all land within the Airport Safety Compatibility Zones 1 through 6 as described in PMC 25.81.090 and depicted in the Airport Safety Zones map adopted by PMC 25.81.020.

APPROACH SURFACE: An imaginary surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Chapter 25.81.060. The perimeter of the approach surface coincides with the perimeter of the approach zone.

CONICAL SURFACE: An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').

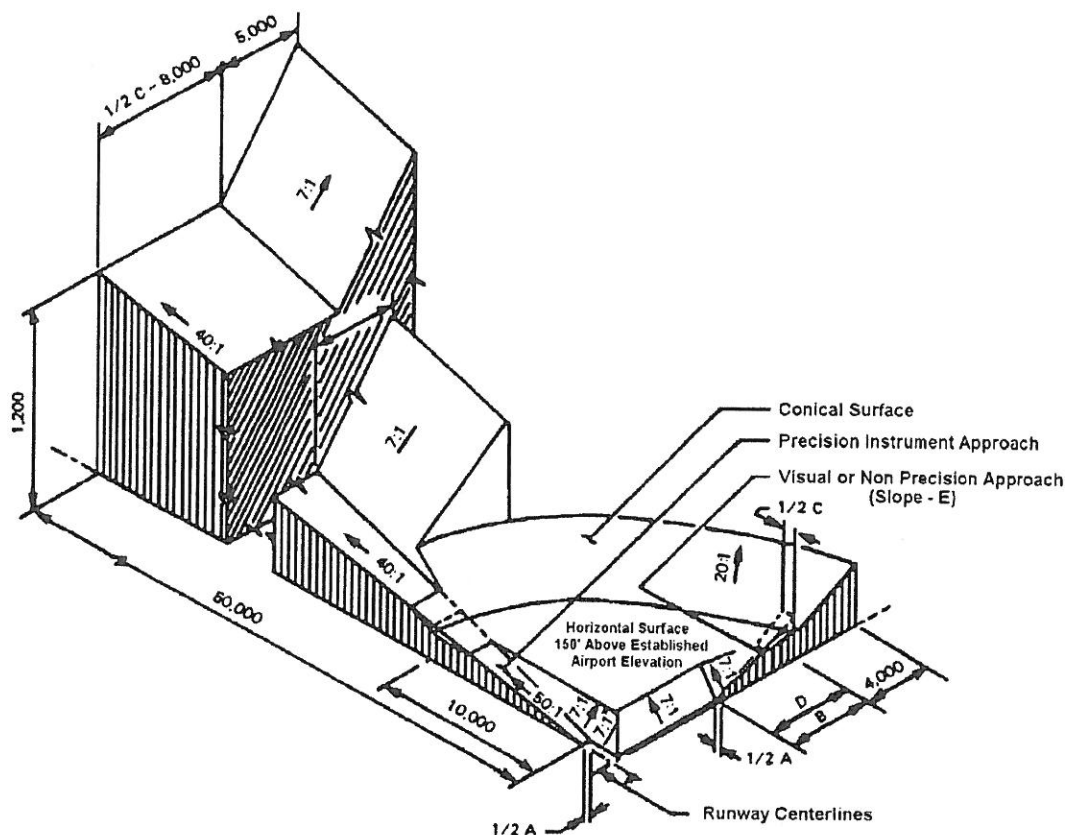
DEED NOTICE: A formal statement provided in 25.81.110 as a note on the face of a short plat, major subdivision or binding site plan or recorded against the property notifying potential property owners that the property is located adjacent to an active airport and said property may be impacted by aircraft noise, odors, vibration, and low flying aircraft.

FAA FORM 7460-1, NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION: A form which the Federal Aviation Administration requires to be completed by anyone who is proposing to construct or alter an object that could affect airspace

within the airport influence area and allows the FAA to conduct an airspace analysis to determine whether the object will adversely affect airspace or navigational aids.

FAR PART 77 SURFACES: The Part of 49 CFR of the Federal Aviation Regulations that deals with objects affecting navigable airspace.

FAR PART 77 ZONES: Imaginary airspace surfaces established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.



HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT: For the purpose of determining the height limits in all zones and as shown on the Tri-Cities Airport Future Part 77 Zones map, this datum shall be height above mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE: A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which plane coincides with the

inner perimeter of the conical surface. This is five hundred sixty feet (560') above mean sea level for the Tri-Cities Airport.

INFILL: Development on scattered vacant parcels of land which have remained vacant after the majority of development has occurred in an area.

OBSTRUCTION: Any object of natural growth, terrain, of permanent or temporary construction or alteration, including equipment or materials used therein which exceeds a limiting height set forth in Section 25.81.070.

OBJECT OF NATURAL GROWTH: Means a tree, shrub or similar organic or vegetative matter.

PRECISION APPROACH: A landing approach made without visual reference to the ground by the use of aircraft instruments and ground-based electronic or communications systems or devices. An aircraft making such an approach should be flying in accordance with an IFR (instrument flight rules) flight plan.

PRIMARY SURFACE: A surface longitudinally centered on a runway with a width of one thousand feet (1,000') for instrument approaches and five-hundred feet (500') for visual approaches. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The elevation of the Primary Surface at the Tri-Cities airport is four hundred ten feet (410') above mean sea level.

RUNWAY: A defined area on an airport prepared for landing and take-off of aircraft along its length.

TRANSITIONAL SURFACES: These imaginary surfaces extend outward at ninety-degree angles to the runway centerline, and runway centerline extended, at a slope of seven feet (7') horizontally for each foot vertically (7:1) from the sides of the primary and approach surfaces to where they intersect with the horizontal and conical surfaces.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan.

25.81.060 HEIGHT LIMITATION ZONES. The height limitation zones are hereby established, consistent with the FAR Part 77 Surfaces – Objects Affecting Navigable Airspace, and are described below.

(1) **PRECISION INSTRUMENT APPROACH ZONE.** Includes Runways 3L, 21R, 30. A precision instrument approach zone is established at each end of a precision instrument runway for instrument landings and takeoffs. The precision instrument approach zones shall have a width of one thousand feet (1,000') at a distance of two hundred feet (200') beyond each end of the runway, coinciding with the Primary Surface, widening thereafter uniformly to a width of sixteen thousand feet (16,000') at a distance of fifty thousand two hundred feet (50,200') beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

(2) **NON-PRECISION INSTRUMENT APPROACH ZONE.** Includes Runway 12. A Non-Precision instrument approach zone is established at each end of a Non-Precision instrument runway for improved landings and takeoffs. The non-precision instrument approach zones shall have a width of five hundred feet (500') at a distance of two hundred feet (200') beyond each end of the runway, thereafter widening uniformly to a width of three thousand five hundred feet (3,500') at a distance of ten thousand two-hundred feet (10,200') beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

(3) **VISUAL APPROACH ZONE.** Includes Runways 3R and 21L. A visual approach zone is established at each end of all visual runways for landings and takeoffs. The visual approach zones shall have a width of five hundred feet (500') at a distance of two hundred feet (200') beyond each end of the runway, widening thereafter uniformly to a width of one thousand five hundred (1,500) feet at a distance of five thousand two hundred feet (5,200') beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

(4) **TRANSITION ZONES.** Transition zones are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the Tri-Cities Airport Future Part 77 Zones map. Transition zones symmetrically located on either side of runways have variable widths as shown on the map. Transition zones extend outward from a line two hundred fifty feet (250') on either side of the centerline of the non-instrument runway, for the length of such runway plus two hundred feet (200') on each end; and five hundred feet (500') on either side of the centerline of the instrument runway, for the length of such runway plus two hundred feet (200') on each end, beginning at and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one foot vertically for each seven feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to both instrument and non-instrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the Tri-Cities Airport Future Part 77 Zones map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one foot vertically for each seven feet horizontally to the points where they intersect the horizontal and conical surfaces. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of five thousand feet measured horizontally from the edge of the

instrument approach zones at right angles to the continuation of the centerline of the runway.

(5) HORIZONTAL ZONE. A horizontal zone is hereby established as the area within a horizontal plane one hundred fifty feet (150') above the established airport elevation or at a height of five hundred sixty feet (560') above mean sea level, the perimeter of which is constructed by swinging arcs of ten thousand feet radii from the center of each end of the primary surface of each runway of the airport and connecting the adjacent arcs by lines tangent to those arcs. The horizontal zone does not include the instrument and non-instrument approach zones and the transition zones.

(6) CONICAL ZONE. A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of four thousand feet. The conical zone does not include the instrument approach zones and transition zones.

25.81.070 HEIGHT LIMITATIONS. No building, pipe, chimney, tower, steeple, stand, platform, pole, wire or structure or erection or object of natural growth, or obstruction of any kind or nature whatsoever, shall be built, placed, hung, or permitted to grow or allowed to be built, placed or hung which shall at any point or part thereof exceed the heights as provided in the zones established herein. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail. The restrictions shall apply to the area surrounding all runways and approaches situated thereon. The owner of any existing nonconforming building, structure, or object of natural growth shall be required to permit the installation, operation, and maintenance thereon of any markers and lights as deemed necessary by the airport authority or the FAA to indicate to operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such height limitations are hereby established for each zone as follows:

(1) Precision Instrument Approach Zone. Beginning at the end of and at the same elevations as the Primary Surface, slopes one foot in height for each fifty feet (50:1) in horizontal distance and extending to a distance of ten thousand two hundred feet (10,200') from the end of the runway; thence one foot in height for each forty feet in horizontal distance to a point fifty thousand two hundred feet (50,200') from the end of the runway;

(2) Non-Precision Instrument Approach Zone. Beginning at the end of and at the same elevations as the Primary Surface, slopes one foot in height for each thirty-four feet (34:1) in horizontal distance and extending to a distance of ten thousand two hundred feet (10,200') from the end of the runway;

(3) Visual Approach Zones. Beginning at the end of and at the same elevation as the Primary Surface, slopes one foot in height for each twenty feet (20:1) in horizontal distance and extending to a point ten thousand two hundred feet (10,200') from the end of the runway;

(4) Transition Zones. Slopes outward one foot in height for each seven feet (7:1) in horizontal distance beginning at the Primary Surface, extend to a height of one hundred fifty feet (150') above the airport elevation which is four hundred ten feet (410') above mean sea level. In addition to the foregoing, there are established height limits of

one foot vertical height for each seven feet horizontal (7:1) distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one foot for each seven feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of five thousand feet (5,000') from the edge of the instrument approach zone measured normal to the centerline of the runway extended;

(5) Horizontal Zone. One hundred fifty feet (150') above the airport elevation or a height of five hundred sixty feet (560') above mean sea level;

(6) Conical Zone. Slopes outward one foot in height for each twenty feet (20:1) of horizontal distance beginning at the periphery of the horizontal zone, extend four thousand feet (4,000') to a height of three hundred fifty feet (350') above the airport elevation or a height of seven hundred sixty feet above mean sea level (760').

25.81.080 USE RESTRICTIONS.

(1) General Requirements: Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for operators of aircraft to distinguish between airport lights and others, result in glare in the eyes of operators of aircraft using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft.

(2) Lighting: No new or expanded industrial, commercial, recreational or residential use shall project lighting directly onto an existing runway, taxiway, or approach/departure surface except where necessary for safe air travel. Lighting for these uses shall incorporate shielding to reflect light away from the airport and shall not imitate airport lighting.

(3) Communications Facilities: Approval of cellular and other communications or transmission towers located within any zone described within section 25.81.060 shall be conditioned to require their removal within 90 days of discontinuance of use.

25.81.090 AIRPORT SAFETY COMPATIBILITY ZONES. Zones described below are shown in the Airport Safety Compatibility Zones (ASCZ) map with the prohibited land uses listed below in order to promote the general safety and welfare of properties surrounding the airport and the continued viability of the airport.

Zone 1 – Runway Protection Zone (RPZ): only airport uses and activities are allowed within the RPZ.

Zone 2 – Inner Approach/Departure Zone: Prohibited land uses within this zone are: residences except residential infill development is permitted south of I-182, places of public assembly such as churches, schools (K-12), colleges, hospitals; high density office, retail or service buildings; shopping centers and other uses with similar concentrations of persons. Production of asphalt paving and roofing materials or rock

crushing are also prohibited. Fuel storage facilities or the storage or use of significant amounts of materials which are explosive, flammable, toxic, corrosive, or otherwise exhibit hazardous characteristics shall not be located within the Inner Approach/Departure Zone. Hazardous wildlife attractants including waste disposal operations, water management and storm water facilities with above-ground water storage, and man-made wetlands shall not be allowed within the Inner Approach/Departure Zone. All new infill residential development must include the disclosure statement in Chapter 25.81.110 on plats, short plats and binding site plans.

Zone 3 – Inner Turning Zone: Prohibited land uses within this zone are schools (K-12) and hospitals. New residential development is prohibited unless it is infill residential development. All new infill residential development must include the disclosure statement in Chapter 25.81.110 on plats short plats and binding site plans.

Zone 4 – Outer Approach/Departure Zone: Prohibited land uses within this zone are: places of public assembly such as churches except existing churches shall be permitted to expand, schools (K-12), hospitals, shopping centers and other uses with similar concentrations of persons. Residential density is limited to RS-20 except south of I-182. All new residential development must include the disclosure statement in Chapter 25.81.110 on plats, short plat and binding site plans.

Zone 5 – Sideline Zone: Prohibited land uses within this zone are residences, except residences that are constructed to replace existing residences, of like size and type, damaged by fire and other causes, places of public assembly such as churches, schools, hospitals, shopping centers and other uses with similar concentrations of persons. Mining, including sand and gravel pits are prohibited in the Sideline Zone.

Zone 6 – Traffic Pattern Zone: Prohibited land uses within this zone are new schools (K-12), hospitals and other uses with similar concentrations of persons. Replacement or expansion of existing schools is permitted. All new residential developments must include the disclosure statement in Chapter 25.81.110 on plats, short plats and binding site plans.

Use Interpretations – Appendix F of the January 2011 WSDOT Airport and Compatible Land Use Guidebook as amended may be used as a guide to determine uses with similar concentrations of persons as referenced in Compatibility Zones.

25.81.110 GENERAL REVIEW PROCEDURES. No use, building, structure, or development activity shall be permitted, established, altered or relocated by any person except as otherwise authorized by this chapter. All permit applications within the Airport Overlay District shall, in addition to being reviewed through the standard development review process, be subject to the following:

- A. All developments, permits or plats with proposed buildings and/or structures found to be within twenty feet (20') of any of the height limitation zone described in 25.81.070 and/or all buildings and structures over two hundred feet (200') in height must submit a site plan, building elevations and an FAA Form 7460-1 to the Port of Pasco Administrative Office for Port and FAA review and approval. Upon review, further documentation shall be required, if more

accurate data is necessary for a determination of impact including detailed surveys by a licensed land surveyor.

- B. All developments, permits or plats falling within the ASCZs described in 25.81.090 associated with special use permits, variances or existing non-conforming uses must also submit a site plan to the Port of Pasco Administrative Office for Port review.
- C. All applications for Comprehensive Plan amendments and rezones falling within the ASCZs described in 25.81.090 shall be forwarded to the Port of Pasco Administrative Office for Port review prior to any required public hearing.

25.81.120 DISCLOSURE. To all extents possible, property owners and potential property buyers should be made aware of the following disclosure. The disclosure statement shall be listed on all approved subdivision plats, short plats and binding site plans within any of the identified zones in section 25.81.060 or 25.81.090.

"Property within this (plat/short plat or binding site plan) may be subject to varying noise levels and vibrations due to proximity to the Tri-Cities Airport. Properties near the airport may be located within height and use restriction zones as described and illustrated by Federal standards and regulations and the City of Pasco Zoning Regulations. There is the potential that standard flight patterns will result in aircraft passing over the properties at low altitudes and during all hours of the day. Future airport expansion including runway extensions may impact the size and number of aircraft utilizing the airport. Developments near the airport should assume that at any given time there will be some impact from air traffic." (Ord. 4111, 2013.)

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Winston & Cashatt
L A W Y E R S

A Professional Service Corporation

*Winston & Cashatt has offices in Spokane, Washington
and Coeur d'Alene, Idaho*

May 11, 2018

City of Pasco
Planning Commission
Attn: Dave McDonald, City Planner
Second Floor
525 N. Third Ave.
Pasco, WA 99301

Re: Pasco Urban Growth Area Amendment-2018

Dear Commissioners:

I represent the Port of Pasco and Tri-Cities Airport (collectively "Port"). As you likely recall, the Port has opposed the inclusion of 160 acres of property owned by Farm 2005 LLC, Parcel No. 114-250-016 ("Property") in Pasco's Urban Growth Area (UGA). Previous applications were made as site specific amendments to the UGA. The matter presently before you is the 2018 Comprehensive Plan Update – Urban Growth Boundary (MF# CPA 2017-001), which proposes significant expansion of Pasco's UGA, including the Property. The Port continues to oppose inclusion of the Property as such would permit incompatible land uses to be situated too near the airport and within the Airport Safety Compatibility Zones.¹

Washington law is clear:

Every 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.

¹ This letter provides a summary of some of the legal considerations the Commission is expected to face in regard to the Property as it relates to Pasco's UGA. This is not an exhaustive analysis and the Port reserves the right to supplement this letter and provide additional comment and analysis to the Planning Commission, and the other legislative bodies that will consider this matter.

| | | | | |
|------------------------------------|------------------------------------|---|---------------------------------|-------------------|
| C. Matthew Andersen ^{WA} | Scott A. Gingras ^{WA, MT} | Jeffrey R. Ropp | <i>Of Counsel</i> | Carl E. Hueber |
| Beverly L. Anderson | Erika B. Grubbs ^{WA} | Gabrielle C. Roth | Courtney R. Beaudoin | Nancy L. Isserlis |
| Patrick J. Cronin ^{WA} | Natasha L. Hill ^{CA} | Kammi Mencke Smith ^{WA} | Greg M. Devlin ^{WA} | Fred C. Pilanz |
| Kevin J. Curtis | Michael T. Howard ^{WA} | Jenna M.K. Strohmeier ^{WA, PA} | Stephen L. Farnell | Richard W. Relyea |
| Darren M. Digiacinto ^{WA} | Collette C. Leland ^{WA} | Elizabeth A. Tellesen ^{WA} | Kenneth B. Howard ^{WA} | Lucinda S. Whaley |
| Timothy R. Fischer ^{WA} | Lisa A. Malpass ^{WA} | Nicholas R. Ulrich | | |
| David P. Gardner ^{WA, MT} | Benjamin H. Rascoff ^{WA} | Molly M. Winston ^{WA} | | |

All lawyers admitted in WA (except for Natasha Hill). Lawyers admitted in AZ, CA, FL, ID, MT, and PA as indicated.

RCW 36.70.547 (emphasis added). It is widely recognized that “[d]evelopment of incompatible land uses can degrade airport operations, impede airport expansion, and reduce quality of life for airport neighbors.” *WSDOT Airports and Compatible Land Use Guidebook*, M3074.00, p. iii, January 2011. “Ultimately, incompatible development reduces opportunity for economic development, reduces transportation access, reduces the value of public investment in airport infrastructure, and reduces quality of life for communities.” *Id.* at p. v.

The Tri-Cities Airport is a general aviation airport and transportation facility of local, statewide and regional significance. Thus, it is the City’s obligation, and the obligation of the Commission to discourage incompatible residential development from being sited near the airport. The proposed expansion of the UGA is contrary to the statutory obligation set out in RCW 36.70.547.

The Port, Washington State Department of Transportation (WSDOT), and Department of Commerce agree—urban development on the Property is incompatible with the airport. The Port adopted Resolution No. 1444, finding residential development is incompatible with the airport. WSDOT previously submitted a letter advising against inclusion of the Property in the UGA, and recommended:

Local jurisdictions practice a philosophy of “do no more harm” in regards [sic] to aviation land-use compatibility planning. Existing conditions should be maintained or improved to prevent future incompatible development.

The current zoning designation of agricultural is generally considered compatible with the airport operations.

Residential development is generally incompatible near airports because of noise, safety, fumes, vibration, light and perception of low-flying aircraft.

(*Timmerman*, February 27, 2017 (emphasis added)). Moreover, the Department of Commerce has stated that it has “serious concerns regarding encroachment and incompatible land uses adjacent to the Tri-Cities Airport.” (*Simpson*, February 6, 2018).

The City has recommended inclusion of the Property in the UGA under the guise that the City’s Airport Overlay District, PMC Chapter 25.81 allows urban development near the airport. Make no mistake, PMC 25.81 does not make urban development compatible with the airport. The authorities agree that the urban development, which would be permitted on the Property if included within the UGA, is incompatible. Not only is it incompatible, but it is a detriment to the viability of the airport, and the public investment that has been made.

When PMC 25.81 was adopted in 2012 it was applicable to land that was already developed, or entitled to be developed. In one instance, the adoption of PMC 25.81 resulted in a down zone of property entitled for development at a density in excess of what PMC 25.81 allowed. This adoption in essence resulted in a regulatory taking, causing the Port to have to purchase the

May 11, 2018

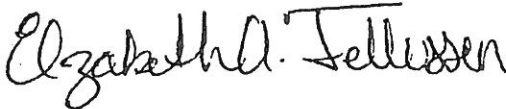
Page 3

affected property. But, there is no taking in this instance. The private property interests of the owner do not include a right to have the Property included in the UGA.

A regulatory taking does not exist unless a regulation deprives an owner of all economically viable uses of the property. Guimont v. Clarke, 121 Wn.2d 586, 602, 854 P.2d 1 (1993) (emphasis added). There is no taking where a landowner maintains the ability to make some economically viable use of the property. Id.; and see Jones v. King County, 74 Wn. App. 467, 874 P.2d 853 (1994). Further, there is no taking where the regulation safeguards the public interest. Guimont, 121 Wn.2d at 601. While the City may favor the owner's desire to develop the Property, such does not establish a vested right to develop an incompatible land use near the airport, particularly where the desired use is not presently allowed. Further, the City cannot place the owner's individual interest over the public's interest and ignore RCW 36.70.547's directive.

The Commission has a substantial task before it, to plan for Pasco's future. There are a variety of considerations that must be weighed. However, as it relates to the Property and the incompatibility of urban development with the airport, the answer is simple, urban development of the Property is incompatible and must not be included in the UGA.

Very truly yours,



ELIZABETH A. TELLESSEN

EAT:eat

Enclosures

cc: Randy Hayden, Port of Pasco
Buck Taft, Tri Cities Airport Port of Pasco
Patrick Wright, WSDOT
Nicole Stickney, Franklin County

RESOLUTION NO. 1444

A RESOLUTION OF THE PORT OF PASCO, SUPPORTING COMPATIBLE LAND USE PLANNING TO ENABLE FUTURE GROWTH OF THE TRI-CITIES AIRPORT

WHEREAS, the Port of Pasco owns and operates the Tri-Cities Airport, the fourth largest commercial airport in the State of Washington serving the Tri-Cities region along with a large portion of southeast Washington and northeast Oregon; and

WHEREAS, the number of enplaned passengers, frequency of flights, and size of aircraft at the Tri-Cities Airport has consistently increased and is expected to continue increasing into the future; and

WHEREAS, runway 12/30 to the northwest of the airport is the only runway which can be extended to accommodate larger aircraft; and

WHEREAS, the FAA encourages strong land use protections to accommodate future airport growth; and

WHEREAS, the Washington State Growth Management Act requires towns, cities, and counties to discourage development of incompatible land uses adjacent to public use airports through adoption of comprehensive plan policies and development regulations; and

WHEREAS, the current county zoning designation of agricultural is generally considered compatible with the airport operations; and

WHEREAS, residential development is generally incompatible near airports because of noise, safety, fumes, vibration, light and perception of low-flying aircraft; and

WHEREAS, there is currently a request to add an additional 160 acres to the City of Pasco's Urban Growth Area (UGA), potentially for new residential development; and

WHEREAS, the modification to residential could result in the airport being prevented from an expansion that would accommodate larger aircraft and growth of the airport; and

WHEREAS, approximately 74 acres of the requested UGA expansion falls within airport safety compatibility zones 2 and 4 as referenced in both the City of Pasco and Franklin County Airport Overlay Zoning Codes.

NOW, THEREFORE, the Port of Pasco Commission wishes to express the following recommendations on the 160-acre UGA expansion request:

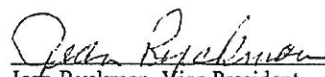
- 1) Under no circumstances should that portion of the land falling within Airport Safety Compatibility Zones 2 and 4 be added to the City of Pasco UGA for residential development; and
- 2) The Port would prefer that the entire 160-acres remain outside of the City UGA to reduce future conflicts between residences and aircraft operations.

BE IT RESOLVED, that copies of this Resolution be immediately transmitted to the City of Pasco, Franklin County, and the Washington State Department of Transportation Aviation Division.

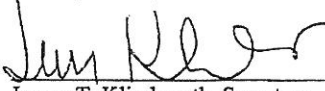
ADOPTED this 8th day of December, 2016

PORT OF PASCO COMMISSIONERS

Ronald P. Reimann, President



Jean Ryckman, Vice President



James T. Klindworth, Secretary



Washington State
Department of Transportation

Aviation Division
7702 Terminal St SW
Tacoma, WA 98501
360-709-8015 / FAX: 360-709-3009
Toll Free: 1-800-552-0668
TTY: 1-800-833-6388
www.wsdot.wa.gov

February 27, 2016

Dave McDonald, City Planner
Community & Economic Development Department
525 N. 3rd Avenue
Pasco, WA 99301

RECEIVED
FEB 27 2017
COMMUNITY & ECONOMIC DEVELOPMENT

RE: Urban Growth Area (UGA) Boundary Amendment

Dear Mr. McDonald:

This correspondence is to confirm that the City of Pasco has formally consulted with the Washington State Department of Transportation (WSDOT) Aviation Division regarding a proposed amendment to the UGA boundary to add 160 acres. WSDOT appreciates the City's efforts and recognizes the substantial time and resources this represents.

RCW 36.70.547 and 36.70A.510 requires local jurisdictions to formally consult with airport owners, managers, private airport operators, general aviation pilots, ports, and the Aviation Division of WSDOT prior to adoption of comprehensive plan policies or development regulations that may affect property adjacent to public use airports. The main goals of formal consultation are to avoid, minimize, and resolve potential land use conflicts with airports through the comprehensive plan and development regulations. WSDOT strongly recommends that formal consultation be initiated by local jurisdictions as early as possible in the planning process. This is to assure that all parties have an opportunity to work together to find comprehensive solutions of mutual benefit that fulfill the intent of the legislation, consistent with local jurisdictions' land use planning authorities and obligations under law.

The following is a general summary of observations and recommendations discussed during the formal consultation meeting:

- WSDOT Aviation recommends that the project record be reopened, so information about the airport and its operations can be included for decision makers.
- The subject property falls directly in the approach to Tri-Cities Airport's

primary runway 12.

- Tri-Cities Airport anticipates extending runway 12 by 1800 feet.
- The commercial service airport is home to over 120 based, jet, twin-engine business aircraft, helicopter, single-engine and experimental aircraft.
- In the past five years, the number of enplanements at the airport has increased by nearly 100,000, which represents both the continued vibrancy of the region and the growing flight service available at the airport.
- Encroachment of incompatible development is cumulative and temporal in nature. This slowly erodes the utility of the aviation facility and the public investment made in it.
- The City of Pasco should evaluate all proposed amendments to the UGA, comprehensive plan and capital facilities plan that will increase incompatible land uses or potential of incompatible development adjacent to the airport.
- WSDOT recommends that local jurisdictions practice a philosophy of "do no more harm" in regards to aviation land-use compatibility planning. Existing conditions should be maintained or improved to prevent future incompatible development.
- The current zoning designation of agricultural is generally considered compatible with the airport operations.
- Residential development is generally incompatible near airports because of noise, safety, fumes, vibration, light and perception of low-flying aircraft.
- WSDOT Aviation is available for further consultation.

The importance of Tri-Cities Airport to the region and state's transportation system cannot be overstated. It is critical that every effort be made to discourage incompatible land uses that impair the airport's ability to operate as an essential public facility. We thank you again for the opportunity to comment and remain available to provide technical assistance. Please don't hesitate to contact me at 360-709-6809 or timmerc@wsdot.wa.gov if you have any questions.

Sincerely,



Urban Growth Area Boundary Amendment
February 27, 2016
Page 2

Carter Timmerman
Aviation Planner

cc: Warren Hendrickson, Northwest Mountain Regional Manager, AOPA
Jim Posner, Washington Pilots Association WPA



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

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www.commerce.wa.gov

February 6, 2018

Mr. Loren Wiltse
1016 N. 4th Avenue
Pasco, Washington 99301

RE: Proposed amendment to the City of Pasco's Urban Growth Area (UGA) boundary designated in the Franklin County Comprehensive Plan

Dear Mr. Wiltse:

Thank you for the opportunity to comment on the proposed amendment to the Franklin County Comprehensive Plan. We received materials associated with this proposal on December 22, 2017 and processed the proposal with Material ID # 24484. We appreciate the County's continued coordination with our agency regarding our recommendations for adjusting UGA boundaries. We provided a letter, dated December 11, 2017, which describes general recommendations for UGA amendments. We also submitted a letter to Franklin County on July 8, 2015 in which we recommended the City and County consider a similar proposal as part of the periodic update of your respective Comprehensive Plans.

The City of Pasco's proposal requests an addition of 163 acres to the Pasco UGA for a Comprehensive Plan Land Use Designation of Low-Density Residential. We have procedural and substantive concerns about the application. We encourage you to consider the following prior to making a final recommendation to the Board of County Commissioners.

- We continue to have serious concerns regarding encroachment and incompatible land uses adjacent to the Tri-Cities Airport. The Tri-Cities Airport represents a significant investment of public funds, and is a critical component of the local and regional economy. The cumulative impacts of residential development in the proposed UGA expansion area could have detrimental effects on a vital component of the region and state's transportation system. We encourage the Board of County Commissioners to, once again, review whether the proposal is in the best interest of the whole community.

UGA expansions should only be considered after a review of alternative measures to accommodate projected growth. As we recommended in our previous letters to the County, the periodic review required by RCW 36.70A.130(5)(d) is the most appropriate time to consider these proposed amendments. The City's consultation on February 7, 2017 with the Washington State Department of Transportation (WSDOT), the Port of Pasco, and other aviation stakeholders revealed concerns about how residential development in the proposed expansion area is incompatible because of concerns over noise, safety, fumes, vibration, light, and low-flying aircrafts.

While the current, agricultural use of the property is likely the most compatible land use alternative for airport operations, we understand that the region is experiencing growth pressures. Should the City and County determine that future urban growth is necessary in this area, we strongly encourage closer coordination with the Port of Pasco, WSDOT aviation, and other aviation stakeholders. Additional

collaboration may reveal a use that meets the City's need to accommodate new urban growth, such as commercial or industrial, but is more compatible than new residential development.

- Our agency shares the City of Pasco's concerns about the need for affordable housing. The application, however, fails to clarify how adding a limited number of large-lot single family residences will actually impact housing affordability in the County. Of particular concern is the fact that, due to development constraints on the site, the site will only allow for 147 to 294 units of housing. This equates to development that ranges roughly between 1-2 units per acre. This does not appear to meet the requirements to ensure the UGA is developing at urban densities,¹ and provides additional support for considering other alternatives to including this particular site in the UGA for low-density development.
- The justification for the UGA expansion changed significantly during the review process. The City's original application, which was first transmitted formally to our agency prior to the WSDOT consultation meeting on February 7, 2017, used a 2038 population projection that the City selected without consulting the County. The City's revised application attempts to justify the need for an expansion based on existing growth figures and a horizon of 2008 to 2028. The fact that the City and County are currently reviewing new growth as part of the periodic update, raises concerns about how this proposal ties in to that process and whether, if approved, this proposal meets the GMA's public participation requirements.²
- The City's Buildable Lands Analysis does not consider the entire Pasco UGA. A land capacity analysis should evaluate the existing city limits and unincorporated portions of the UGA. The application includes an analysis of the 1,132 acres added to the Pasco UGA during the 2008 Comprehensive Plan update.

The GMA requires local governments to determine how much land should be included in the UGA to accommodate expected urban development based on the OFM population projection.³ Local governments must then determine which lands in particular should be included within UGAs according to the locational criteria in RCW 36.70A.110(3). Growth should be located first in areas already characterized by urban growth with existing services and the capacity to serve new development. Growth should then be considered and located in areas with existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Growth should next be located in remaining portions of the existing UGA.

- In our letter to the County dated July 8, 2015 we described the requirements regarding changes to the UGA and the necessity for underlying amendments to capital facilities and transportation elements. The City's supplemental application does not include the requisite amendments and claims that an update to the Capital Facilities Plan is not required. We disagree. The Growth Management Act (GMA) requirements for capital facilities and transportation infrastructure are based on an understanding that infrastructure represents a significant investment and a long-term liability. Operation, maintenance, and future replacement costs of that infrastructure must be carefully considered in the planning process, and communities should attempt to build infrastructure that has a positive return on investment.

The GMA requires that any proposed expansion must be accompanied by amendments to the capital facilities and transportation elements that show a financially realistic strategy to provide the proposed area with adequate public facilities.⁴ These amendments must address, at a minimum, the required components of the capital facilities and transportation elements in RCW 36.70A.070. Updates to these plans, with the services needed for an expanded UGA, will ensure the City of Pasco maintains a healthy

¹ RCW 36.70A.110 and WAC 365-196-300

² RCW 36.70A.140

³ RCW 36.70A.110(1) and RCW 36.70A.115(1)

⁴ WAC 365-196-320(3)

Mr. Loren Wiltse
February 6, 2018
Page 3

capital facilities budget and does not over-extend its fiscal capabilities for providing urban services with a financial plan that is acceptable to the community.

Based on information in the City's application, concerns over residential land consumption are directly related to development for non-residential purposes. This includes purchases by the Port of Pasco to support economic development, and purchases by the Pasco School District for new schools and community facilities. As the City and County consider development capacity and potential amendments to the Pasco UGA in upcoming Comprehensive Plan reviews, we encourage planning for land beyond that needed for residential. The City and County should be proactively working with local school districts, fire districts, municipal departments, economic development associations, and other important institutional stakeholders to ensure the UGA has sufficient areas to accommodate the broad range of needs accompanying projected growth. This growth may include medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.⁵

The County is currently coordinating on updated growth projections and reviews UGAs as part of the 2018 periodic update required by RCW 36.70A.130(5)(d). This is the appropriate process within which to consider changes to the UGA. However, given the site constraints and the potential impacts on the Tri-Cities Airport, we believe this should be one of the last alternatives you consider for residential development.

We extend our continued support to Franklin County in achieving the goals of the GMA and the vision of your community. Thank you again for the opportunity to comment. If you have any questions or would like technical assistance on any land use issues, please feel free to contact me at william.simpson@commerce.wa.gov or 509-280-3602.

Sincerely,



William Simpson, AICP
Senior Planner
Growth Management Services

WS:lw

cc: Dave McDonald, City Planner, City of Pasco
Rick White, Community and Economic Development Director, City of Pasco
Randy Hayden, Executive Director, Port of Pasco
Patrick Wright, Aviation Planner, WSDOT
Mark McCaskill, AICP, Managing Director, Growth Management Services
David Andersen, AICP, Eastern Region Manager, Growth Management Services
Ike Nwankwo, Western Region Manager, Growth Management Services

Enc: Letter from Commerce dated July 8, 2015
Letter from Commerce dated December 22, 2017

⁵ RCW 36.70A.110(2)

Land Use Stakeholders Meeting

Urban Growth Boundary

May 8, 2018

Present:

Patrick Wright, WSDOT AVN (PW)

Marjy Leggett, AOPA ASN (ML)

David McDonald, City of Pasco (DM)

Roger Black, local pilot (RB)

Bob Ransom, local pilot (BR)

Don Faley, Port of Pasco (DF)

Mitch Hooper, Mead & Hunt (MH)

Buck Taft, Port of Pasco (BT)

Elizabeth Tellessen, Winston & Cashatt (ET)

Randy Hayden, Port of Pasco (RH)

Nicole Stickney, Franklin County (NS)

Tara White, Port of Pasco (TW)

1:45 pm

DM reported that the population in the City of Pasco is projected to increase by 50,148 in the next 20 years. As a result of this increase, additional land is needed in the Urban Growth Boundary. The City is proposing adding approximately 6 square miles, including approximately 160 acres north of the airport, to accommodate the growth. He referenced the map that addresses the proposed areas to expand the Urban Growth Boundary. He noted that the gray area outlined in a maroon border (Hwy 395) is an industrial area currently in the county that is being proposed for the City UGA. He also pointed out the 160 acres north of the airport is being proposed as residential that would comply with the airport overlay zoning code as approved by the City and the Port. DM then asked for questions or comments.

PW asked if there was any way to not include the area off of the end of the runway. DM discussed the lack of other options available for residential. Further north is prime farming land. The Clark Edition is mostly developed.

ML expressed her support for reserving land to enable the extension of RWY 30 in the future. She mentioned that with increased population will come airport growth and that the airport needs to be protected.

BT spoke about airport operations. The 2013 Master Plan references a peak day of 345 operations; or 61 operations per hour. PSC is on target to be the size of GEG (Spokane airport) in 50 years. Runway 30 is the only runway that can be expanded. He said the growth of PSC must be protected. Flights leave early and arrive late which are times when people are at home sleeping or eating meals. RWY 30 is used for 40% of the flights.

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PW and MH talked about the use of the WSDOT airport land use and compatibility guide. These guidelines need to be incorporated in the planning of the Urban Growth Boundary.

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PW expressed appreciation that the city has taken into account the airport overlay map and that he has been working with other municipalities to do the same. He said he will compose a letter that recommends the best solution for everyone to protect the public, the pilots, the economy and the growth of the airport for the hearing on May 17. A decline at the airport would have a negative impact on the city's economy.

Adjourned 2:42 pm.

**Tri-Cities Airport Administrative Office**

Phone: 509.547.6352

Fax: 509.547.9040

tri-citiesairport@portofpasco.org

3601 N. 20th Avenue

Pasco, Washington U.S.A. 99301

Port Commissioners

Jean Ryckman

James T. Klindworth

Vicki Gordon

Director of Airports

Buck Taft

May 11, 2018

City of Pasco Planning Commission and
 Mr. Rick White, Community and Economic Development Director
 City of Pasco
 525 N 3rd
 Pasco, WA 99301

Re: Comprehensive Plan Amendment to Modify the Urban Growth Boundary Near the Tri-Cities Airport

Honorable Planning Commission,

Thank you for the opportunity to comment on your proposed update to the City of Pasco Urban Growth Boundary (UGB). Overall, we are in agreement with the City's proposal for expanding the UGA to accommodate future growth planned for the City of Pasco. We are in a dynamic, thriving community and it is exciting to see plan for the changes ahead.

However, for the long term protection of our regional airport and air services into the Tri-Cities, the Port would request that land to the northwest of the airport remain in the County to reduce future conflicts between residences and aircraft operations (see 160-acre pink dashed area on attached figure). Stating the obvious, there will be low flying aircraft arriving and departing above the subject parcel which is incompatible with residential development.

For safety purposes, the Port would strongly recommend that only compatible development be permitted under the runway approaches to the airport, shown as Zones 2 and 4 on the figure. These zones and others were added to the Pasco Zoning code in 2012-13 as an Airport Overlay District, based upon guidance provided by the Washington State Department of Transportation's (WSDOT) "Airports and Compatible Land-Use Guidebook."

As part of the City's Airport Overlay District, it was agreed that no residential development would be allowed in Zone 2. With respect to Zone 4, however, some modifications to the WSDOT guidelines were agreed upon because of existing development already built out under other runway approaches. These modifications to the WSDOT guidelines should not be applied to undeveloped ground, however, particularly ground that is presently outside the current Urban Growth Boundary.

In the County code, Zone 4 allows only 4 residential units per 20 acres with clustering preferred. This type of development conforms with the WSDOT compatibility guidelines. In the City code, Zone 4 allows up to 2 residential units per acre, which is much higher than WSDOT recommends. Clearly the zoning allowed in the County is more compatible and is in compliance with the WSDOT recommended guidelines. Leaving the property outside of the City UGB maintains the present compatible uses.

Along with safety concerns, we are also concerned that adding the subject parcel to the UGA would introduce inherent conflicts between aircraft operations and residential quality of life, including effects of aircraft noise, vibration, fumes, etc. In prior applications to add this parcel to the UGA, WSDOT commented "do no more harm" with regard to adding higher residential development than permitted by the County. Similarly, the Department of Commerce expressed serious concerns regarding urban residential encroachment and incompatible land uses near the airport runway. We agree with these comments and request that the City promote thoughtful and well-reasoned planning by keeping the entire parcel outside of the UGA. We are in the fortunate position of having an existing use in the County that is entirely compatible with airport operations and future growth. The City would be wise to preserve this land use while it has the opportunity to do so.

Thank you for your consideration.



Buck Taft, Director
Tri-Cities Airport
Port of Pasco

Exhibit Attached



**Washington State
Department of Transportation**

Aviation Division
7702 Terminal St SW
Tumwater, WA 98501
360-709-8015 / FAX: 360-709-8009
Toll Free: 1-800-552-0666
TTY: 1-800-833-6388
www.wsdot.wa.gov

May 10, 2018

Dave McDonald, City Planner
Community and Economic Development Department
525 N. Third Ave.
Pasco, WA 99301

RE: Pasco's Proposed Expansion of the Urban Growth Boundary (UGB) 160 acres
North West of the Tri-Cities Airport

Dear Mr. McDonald,

Thank you for the opportunity to conduct an official Land Use Consultation with representatives from the City of Pasco regarding the expansion of the UGB that is proposed North West (160 Acres Farm 2005 LLC – Attachment A) of the Tri-Cities Airport. The Washington State Department of Transportation (WSDOT) is concerned 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.

WSDOT's Airport Land Use Compatibility Program addresses elements of safety, airspace hazards, noise and land use in relation to public use airports. WSDOT is primarily concerned with the safety and compatibility of placing incompatible development adjacent to the airport and within the airport operating environment.

WSDOT feels that the cumulative impacts of residential development in the proposed UGA expansion area could have detrimental effects on a vital component of the region and state's transportation system. UGA expansion in this area should only be considered after a review of alternative measures to accommodate projected growth.

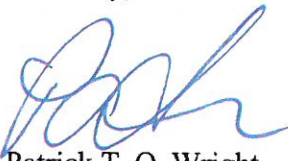
The Growth Management Act (GMA) recognizes public use general aviation airports as essential public facilities and requires cities and counties to **discourage** incompatible land uses adjacent to them through their comprehensive plan policies and development regulations (RCW 36.70.547 and RCW 36.70A.200). The encroachment of incompatible land uses upon Washington state airports diminishes their ability to function as essential public facilities and often leads to operational impacts and closures.

As a condition of approval and after all other alternatives have been exhausted and deemed unachievable, WSDOT would recommend to the City of Pasco:

- 1) Adopt the Airport Compatibility Zoning structure and recommended development guidelines around the Tri-Cities Airport as outlined in the WSDOT Airports and Compatible Land Use Guide for inclusion into the city's comprehensive plan and development regulations.
- 2) Ensure all residential structures in the proposed 160 acres of the UGA are constructed as far away as possible from the extended runway centerline (Zone 2 and Zone 4). The majority of off-airport property aircraft accidents occur along the extended runway centerline.
- 3) All proposed stormwater facilities shall meet both the FAA's and WSDOT's best management practices for aviation related stormwater facilities. Wildlife strikes pose great threats to pilots and aircraft in the United States.
- 4) All structures built within the 160 acres will remain clear of man-made and naturally occurring objects that penetrate the FAA's FAR Part 77 'Imaginary Airspace Surfaces of Tri-Cities Airport.
- 5) A notice shall be placed on titles for all lots within the 160 acre UGA that states that "The subject property is located adjacent to Tri-Cities Airport and may be impacted from a variety of aviation activities. Such activities may include but are not limited to noise, vibration, odors, hours of operation, low overhead flights and other associated activities."

Again, I appreciate the opportunity to offer written comments and am available for any questions or concerns you may have. Please don't hesitate to contact me at 360-709-8019 or wrightp@wsdot.wa.gov.

Sincerely,

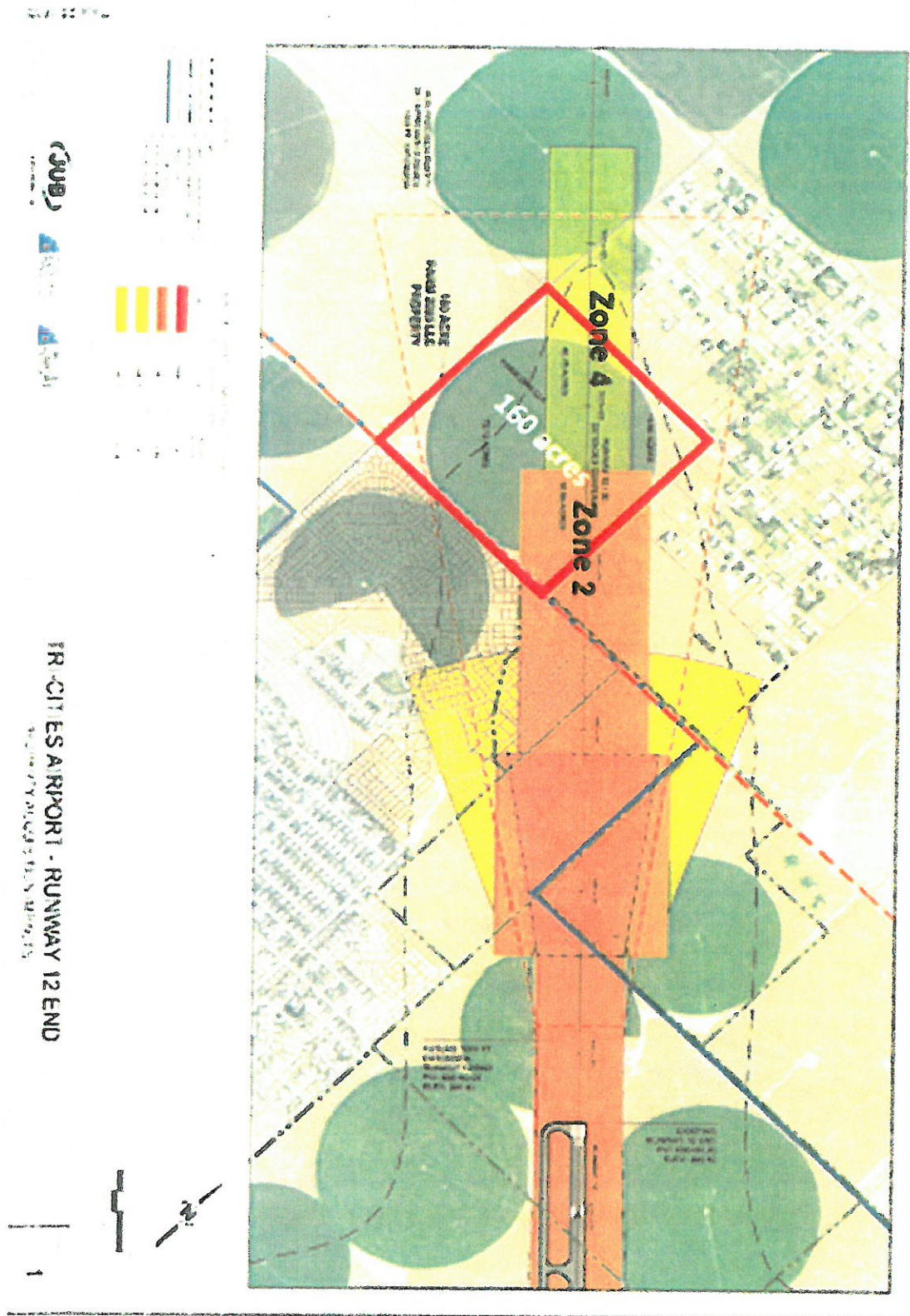


Patrick T. O. Wright
WSDOT Aviation Division

Attachment A: Tri-Cities Airport Map with WSDOT Airport Compatibility Zones

Attachment A: WSDOT Airport Compatibility Zones

For Reference Only:



Airport Consultation Meeting RCW 36.70a.510

Land Use Stakeholders Meeting

Urban Growth Boundary

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Adjourned 2:42 pm.

May 29th, 2018

Franklin County Commissioners
1016 N 4th Ave.
Pasco, WA. 99301

RECEIVED

JUN 01 2018

COMMUNITY & ECONOMIC DEVELOPMENT

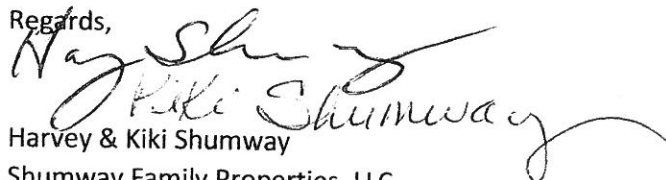
To: Franklin County Commissioners,

We recently attended the Pasco Urban Growth public hearing on May 18th, 2018. According to the maps that were used that evening and sent to us in the mail, the most southern tip of Shumway Family Properties, LLC is being considered as part of the new Pasco Urban Growth boundary.

We would like it to be known that we support the boundary changes and would like to see an increased number of acres from Shumway Family Properties, LLC included in the proposed boundary changes. We are aware that there are some negative feelings towards the new proposed growth boundary changes by neighboring farmers who have no desire to quit farming their ground. It appears to us that the natural flow of development would be to have the boundary set with the land west of Taylor Flats and south of Selph Landing road. It would be a natural division between county and city. It seems that because of the lay of our land and location it would be a great addition to the natural growth of the city of Pasco, and that both commercial and residential requirements could be met satisfactorily with these added acres. We know that types of farm ground have to be a consideration in your decision as well but the truth is that today with center pivot irrigation and water and soil management there is very little difference in soil types concerning growing conditions of crops in the Columbia Basin.

If the boundary lines need to be significantly enlarged and more acres are needed to conform with state population projections we currently have the acres needed and they are adjacent to what is now proposed and would fit with the projected growth expected and the number of acres needed. We would ask that you would consider adding these acres to the proposed boundary line changes.

Regards,



Harvey & Kiki Shumway
Shumway Family Properties, LLC
401 Shumway Rd
Pasco, WA 99301
509-948-2836

cc: Pasco Planning Dept
Pasco Planning Commission
Pasco City Council
Franklin County Planning Dept.

PLANNING COMMISSION MINUTES
PUBLIC HEARING ITEM
5/17/2018

F. Comp. Plan Amendment Urban Growth Boundary (MF# CPA 2018-001)

Chairman Cruz read the master file number and asked for comments from staff.

David McDonald, City Planner, discussed the Comprehensive Plan Amendment to the Urban Growth Boundary. The City is obligated to update the Comprehensive Plan this year to meet a mandate with the Growth Management Act. The Comprehensive Plan Update requires the City to make a recommendation to the County amending the urban growth boundary.

Amending the urban growth boundary will provide land for the increased population estimated by the Office of Financial Management (OFM) within Pasco over the next 20 years. The City cannot create its own population estimates – it is required to use the estimates provided by the OFM. Over the years in doing the GMA planning, Pasco has always been assigned 80% of the county-wide population number. In January, the City received a memo from the County indicating the population would be over 121,000 by 2038. The City has to find land to accommodate the expected growth within the urban growth boundary. The population increase translates to 15,000 new homes, impacting the amount of land needed to be included within the urban growth boundary. Other land uses must be considered in addition to housing, such as commercial, schools, fire stations, churches, parks and open space. In addition, utilities and infrastructure must be considered. Staff calculated that a little over 8 square miles will need to be added to the urban growth boundary in addition to residential that will develop inside the current urban growth boundary.

In looking at the trends and availability of utilizes, the City would need to expand to the north or the existing urban growth boundary. Staff provided a proposed new urban growth boundary. There are two new areas recommended to be included. There is an area to the northwest city limits for residential – low density with some multi-family and commercial at the nodes. Then an area of industrial land up Highway 395 north of Foster Wells. Maps were provided in the staff report memo on proposed utilities and how they would be extended.

The City cannot establish the urban growth boundary on its own. By law, the Franklin County Commissioners are the only body that can approve the urban growth boundary. The Planning Commission recommendation will go to City Council. The City Council will then send their recommendation to the Franklin County Commissioners for the final acceptance or modifications.

Mr. McDonald discussed a piece of property the City has proposed including in the urban growth boundary located in Safety Zone 2 and Safety Zone 4 of the airport overlay zone. The Planning Commission deliberated a code amendment to include this property into the urban growth boundary in the past. It is a 160 acre tract located at the end of Road 52. Staff has included this parcel in the proposed urban growth boundary as the

City will need every acre that it can get to meet the State requirements.

Handouts were provided to the Planning Commissioner's on the bench prior to the meeting of documents received from the public, attorneys, the WA State Department of Transportation and the Port of Pasco.

Commissioner Greenaway asked if Staff had taken into consideration of the runway that is extended with the airport overlay.

Mr. McDonald responded yes. The extension falls under Zone 2 and that area is where no development can occur. Zone 4 is in roughly 40 acres and under the current code, 2 units per acre is allowed. When streets are taken out it is down to 1.6 units per acres. In the County, only 1 unit per 5 acres is allowed. In the rest of the acreage on the site there are no overlay zones at all and development should be able to occur as normal.

Commissioner Greenaway asked why the parcel near the airport overlay, which looks like a "pie wedge" is shown as mixed-residential.

Mr. McDonald replied that would allow apartment buildings or single-family development on smaller lots.

Commissioner Greenaway voiced concern for apartment buildings located near the airport overlay.

Mr. McDonald said the original suggestion for higher density came from the airport. The developer is looking to develop single family homes.

Commissioner Bowers asked staff to discuss the Rio Del Sol project documents that were submitted as a part of the packet to the Planning Commission.

Mr. McDonald explained that the owners of Rio Del Sol own 5 acres along the Columbia River west of the Moore Mansion. They have tried to develop the property for many years as higher density, taller buildings and mixed-use with some coffee shops or restaurants on the bottom floor with apartments on the upper floors. He discussed the issues of that proposal as it pertains to the Comprehensive Plan.

Commissioner Roach pointed out variations of the map that was in the packet and what was presented.

Mr. McDonald explained the differences.

Commissioner Myhrum asked for more information on the 5,000 dwelling units the City plans to absorb.

Mr. McDonald stated that it was just an estimate based on the current inventory of land.

Rick White, Community & Economic Development Director, added that the number is based on averages. He stated that there is opportunity for higher density as well in the Broadmoor Area.

Randy Hayden, Executive Director of the Port of Pasco, 110 Osprey Pointe Boulevard, spoke on behalf of the Port of Pasco. He stated that the Port of Pasco is supportive of growth in Pasco and the expansion of the urban growth boundary. He expressed concerns on the 160 acre piece of property located in the airport overlay zone. He explained reasons to leave that out of the urban growth boundary pertaining to the concerns with the airport.

Chairman Cruz asked Mr. Hayden if the letter to the Planning Commission from Ms. Tellessen was on the behalf of the Port of Pasco.

Mr. Hayden said yes.

Commissioner Roach asked if the Port has considered purchasing the land.

Mr. Hayden responded that they were not able to come to an agreement with the land owner on price.

Carl Adrian, President/CEO of TRIDEC, 7130 W. Grandridge Boulevard, Kennewick, WA spoke on this item in favor of the Port of Pasco's comments.

Buck Taft, Director of the Tri-Cities Airport, 3601 N. 20th Avenue, spoke on behalf of the airport. He played a video of an airbus taking off as an example of what the homeowner's would experience if the 160 acres of land was developed in the city limits. He was in agreement with the comments of the Port of Pasco.

Mitchell Hooper, Mead & Hunt, 9600 Cascades Parkway, Portland, OR spoke on this item in favor of the Port of Pasco's comments. He showed a graphic to the Planning Commission of flight paths.

There was discussion between Chairman Cruz and Mr. Hooper on the types of airbuses the airport has currently and what they anticipate.

Elizabeth Tellessen, Winston & Cashatt, 601 W. Riverside, Suite 1900, Spokane, WA spoke on behalf of the Port of Pasco as their legal representative. She addressed supplemental information she had provided the Planning Commission including proposed changes to the findings of fact in the staff report.

Commissioner Roach stated that they just received the proposed changes and would like time to read them.

Commissioner Bowers asked how the proposed UGA would change if they removed the contested 160 acres of land in the airport overlay zone.

Mr. McDonald replied the City would have to find land elsewhere to add to the boundary.

Chairman Cruz asked if it would create uneven boundary lines.

Mr. McDonald explained the options of other potential land to incorporate in the urban growth boundary, although those options were problematic.

Chairman Cruz agreed with Mr. McDonald.

Mr. Taft, Tri-Cities Airport, stated that as an option the City could zone more areas for higher density residential to meet the density requirements rather than trying to find another 160 acres elsewhere.

Commissioner Campos added that the Planning Commission received several letters from farmers in favor of being included in the UGA – one from a farmer who is already in the proposed UGA and one that isn't included but would like to be included.

Chris Bolkan, 450 McDonald Drive, spoke in support of the Port of Pasco's comments.

Tom Kidwell, 4320 Riverhaven, spoke in support of including his 160 acres of land into the urban growth boundary. He discussed the improvements he has made to this area with the expectations of someday annexing into the City. He explained the history of this property and prior public hearings regarding this property and the input from the Port of Pasco.

Eric Weinheimer, 2220 SLI Road, Sunnyside, WA spoke on behalf of the land owner of the 160 acres. He addressed some of the safety issues that were discussed by the Port pertaining to flight lines. He presented documents on an overhead projector for the Planning Commission. He requested the Planning Commission approve the UGA as recommended by Staff.

There was some discussion between Chairman Cruz and Mr. Weinheimer.

James Carmody, 230 S. 2nd Street, Yakima, WA spoke on behalf of the property owner of the 160 acres of land. He presented supporting information and incentive to include the 160 acres of land into the urban growth boundary.

The Planning Commission took a brief recess.

Al Yenney, 936 N. Beech, spoke on behalf of the rights of the property owner of the 160 acres of land in question of being included in the urban growth boundary. He believed the Port should purchase the property if they want to limit development.

Randy Hayden, Port of Pasco, addressed some of the arguments made in regards to the 160 acres he would like left out of the proposed UGA.

Chris Bolken, spoke again in favor of the opinions of the Port of Pasco.

Commissioner Roach asked Mr. McDonald for clarification of land use surrounding the 160 acre parcel.

Mr. McDonald replied with the land uses and owners of property surrounding the site.

Dave Retter, Sotheby's Realty, 3205 S. Auburn, Kennewick, WA represented Mr. Miles and Mr. Beasley of Rio Del Sol in a project they wish to develop west of the Moore Mansion. They would like to increase the density, which would help in meeting the future growth in Pasco, and to do something unique in Pasco. They asked for consideration in land use in order to make the project happen.

Chairman Cruz asked if this was an issue relating to the Comprehensive Plan.

Mr. McDonald said it was but not in regards to the urban growth boundary. There will be other opportunities in the future to address land use and zoning in the Comprehensive Plan Update.

Margy Leggett, 4019 Horizon Drive, spoke in support of the Port of Pasco's comments and addressed concerns for future residents of homes that would be built should the 160 acres of land be included in the urban growth boundary.

Pete Rieke, 9104 Pooler Road, discussed traffic and safety concerns from increasing the urban growth boundary to the north and how the City will address those issues.

Don Myers, 1321 Road 62, stated that the City or Port needs to purchase the 160 acre property in order to protect the citizens and community. He addressed the Rio Del Sol property and after thought, he would like to keep that area single-family dwelling units. He discussed the northern boundary and that there will need to be more infrastructure.

George Dockstader, Desert Hills Realty, 6119 Burden Boulevard, spoke on behalf of the property owners in the northern boundary proposed to be included in the urban growth boundary. The property owners near Clark Road in the County would like to be left out of the urban growth boundary. He also wants coordination between the City and County regarding roads. There are problems when properties in the County get annexed to the City due to the different standards of roads between the two jurisdictions.

Patty Dean, 417 Road 37, stated she was opposed to any type of multi-family dwelling units on the undeveloped property near the Moore Mansion in her area due to safety concerns and would rather homes or duplexes be developed. As to the 160 acres near the airport, she stated that she understands both arguments agreed with the speaker who advised the Port purchase the property.

Fred Olberding, 911 Birch Road, believed the Port should buy the property near the airport and also advised the City to plan for infrastructure and utilities.

Chris Bolken, 450 McDonald Drive, addressed his concerns for the infrastructure and traffic plans as the urban growth boundary expands.

Chairman Cruz responded to Mr. Bolken's concerns. He stated that infrastructure, traffic and utilities are addressed in other parts of the Comprehensive Plan.

James Carmody, 230 S. 2nd Street, Yakima, WA discussed his legal opinions again on the property located within the 160 acres near the airport.

With no further questions or comments the public hearing was closed.

Commissioner Roach asked if the Office of Financial Management (OFM) provided demographic information along with the population estimates.

Mr. McDonald replied no.

Chairman Cruz asked the Planning Commission to make a motion. He proposed making deliberations on this item at the following meeting.

Mr. McDonald responded that this item is time sensitive. It needs to go to City Council in order to forward to the County, which must be completed by the end of June. At the previous meeting the Planning Commission held a workshop on this item. The City Council will be able to modify if needed but they need a recommendation from the Planning Commission.

Mr. White added that there is an option to hold a special meeting for the Planning Commission in one week.

The Commissioners were not inclined to hold a special meeting.

Mr. White reminded the Commission that there is a joint workshop between the Planning Commission and City Council on June 11, 2018 where this item can be discussed.

Commissioner Roach wanted to see land use designation changes already within the city limits to accommodate the increased population growth.

Mr. White responded that it could be a multi-year effort and explained that many areas within the city limits don't have the capacity for multi-family.

Chairman Cruz stated that the Planning Commission has to be pragmatic.

Commissioner Roach said she didn't want Pasco to be perceived as a "bedroom" community. This would be a way to alleviate that. Utilities and infrastructure are in those areas already as well.

Commissioner Bowers said she was concerned with developing the 160 acres near the airport and was against including that in the urban growth boundary. She also wanted to see the development proposed by Rio Del Sol allowed.

Commissioner Myhrum said he was comfortable moving forward with the motion as presented in the staff report, including the 160 acres.

Commissioner Portugal asked how the Planning Commission should move forward with the feedback they have heard and how the City would handle lawsuits in regards to the airport.

Mr. McDonald replied that the City has codes and regulations in place to protect from the airport and capability issues. There will be wording on the each plat as well on each title for each new homeowner, even if the home sells, for those purchasing land in that area.

Commissioner Portugal said that answered his question and gave him enough information to vote in favor of the motion as presented.

Commissioner Roach asked how many Commissioners felt comfortable on making a recommendation.

Commissioner Campos said that he heard both sides made strong arguments.

Mr. McDonald responded that many of the questions or issues relating to land use designations will be worked on from now until fall. First the urban growth boundary needs to be set in place.

Commissioner Portugal moved, seconded by Commissioner Myhrum, to adopt findings of fact and conclusions, therefrom, as contained in the staff report dated May 17, 2018. The motion passed with Commissioner Roach, Commissioner Greenaway, Commissioner Mendez and Commissioner Bowers dissenting.

Commissioner Portugal moved, seconded by Commissioner Myhrum, based on the findings of fact and conclusions, therefrom, the planning Commission recommend the Pasco Urban Growth Boundary be amended per Exhibit #1 attached to the staff memo dated May 17, 2018. The motion passed with Commissioner Roach, Commissioner Greenaway, Commissioner Mendez and Commissioner Bowers dissenting.