

February 27, 2018

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**Subject: Comments on the Franklin County Draft Comprehensive Plan Update (February 2017).**

Sent via email to: [planninginquiry@co.franklin.wa.us](mailto:planninginquiry@co.franklin.wa.us) and [nstickney@ahbl.com](mailto:nstickney@ahbl.com). Hard copy mailed to address above.

Dear Franklin County Planning Commissioners:

Thank you for the opportunity to comment on the Franklin County periodic update of its Comprehensive Plan Introduction, Land Use Element, Rural Lands Sub-Element, and Resource Lands Sub-Element. Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests and water resources. We have members across Washington State including Franklin County. We are pleased to provide the following comments on this portion of the plan.

**I. Comments on County-Wide Planning Policies**

**A. Include a complete streets policy under City/County Development standards and follow-up with a complete streets ordinance.**

This legislation provides grants that counties can apply for that have complete streets standards in accordance with RCW47.04.320. In addition to access to additional grant funding, complete streets policies and ordinances have many community benefits. They promote health by encouraging exercise, they enable all street and road users to effectively use the facility including children, and they can reduce transportation costs by allowing residents and employees to use lower cost transportation modes such as walking, bicycling, and transit.

RCW 47.04.320(1) provides that complete street ordinances [are] designed to provide safe access to all users, including bicyclists, pedestrians, motorists, and public transportation users, with the goals of:

- (a) Promoting healthy communities by encouraging walking, bicycling, and using public transportation;

- (b) Improving safety by designing major arterials to include features such as wider sidewalks, dedicated bicycle facilities, medians, and pedestrian streetscape features, including trees where appropriate;
- (c) Protecting the environment and reducing congestion by providing safe alternatives to single-occupancy driving; and
- (d) Preserving community character by involving local citizens and stakeholders to participate in planning and design decisions.

Complete streets are sometimes thought of as a city policy, but counties can benefit from complete streets policies too. The National Complete Streets Coalition's *Complete Streets Local Policy Workbook* includes helpful guidance for developing complete streets policies and ordinance.<sup>1</sup> A copy is enclosed with the paper version of this letter.

The Benton Franklin Council of Governments web site provides some information about complete streets on their web site<sup>2</sup> and will host a **free Complete Streets Workshop<sup>3</sup> on March 7, 2018 at March 7 @ 9:30 am - 2:30 pm at the Benton Franklin Transit administration building in Richland, WA.**

## **B. Include requirements for Low Impact Development (LID) for residential and commercial developments.**

Low Impact development (LID) requirements can reduce the adverse storm water impacts of new development and redevelopment. The benefits of LID include reduced flooding, improved water quality, and increased ground water recharge replenishing drinking and irrigation water supplies.<sup>4</sup> Low impact techniques can reduce costs for developers by reducing storm water facilities sizes and the land needed for those facilities. We recommend that the comprehensive plan include policy requiring new development to comply with the with low impact development (LID) requirements from the *Eastern Washington Low Impact Development Guidance Manual*.<sup>5</sup>

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<sup>1</sup> See the National Complete Streets Coalition webpages accessed on February 26, 2017 at:

<https://smartgrowthamerica.org/program/national-complete-streets-coalition/>

<sup>2</sup> Benton Franklin Council of Governments webpages accessed February 26, 2018 at: <http://bfcog.us/complete-streets/>

<sup>3</sup> *Id.* at: <http://bfcog.us/meetings/complete-streets-workshop/>

<sup>4</sup> U.S. Environmental Protection Agency, *Green Infrastructure in Arid and Semi-Arid Climates: Adapting innovative stormwater management techniques to the water-limited West* p. 2 (EPA-833-B-10-002 May 2010) accessed on February 26, 2018 at: [https://www3.epa.gov/nepdes/pubs/arid\\_climates\\_casestudy.pdf](https://www3.epa.gov/nepdes/pubs/arid_climates_casestudy.pdf) and enclosed with the paper version of this letter. The State of Washington Department of Ecology Low Impact Development (LID) Resources webpage has helpful resources on LID, accessed on February 26, 2018 at: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Low-Impact-Development-guidance>

<sup>5</sup> The *Eastern Washington Low Impact Development Guidance Manual* can be accessed on February 26, 2018 at: <https://fortress.wa.gov/ecy/publications/SummaryPages/1310036.html>

### **C. Include a reasonable market factor in sizing the urban growth areas (UGAs) on the Future Land Use Map**

The Washington State Supreme Court has held that a “UGA designation cannot exceed the amount of land necessary to accommodate the urban growth projected by [State of Washington Office of Financial Management] OFM, plus a reasonable land market supply factor.”<sup>6</sup> The courts and Growth Management Hearings Board have held that deductions beyond a market factor violate the GMA. As the Growth Management Hearings Board wrote “if the Legislature had wished for cities and counties to utilize such a variety of factors to adjust the available land supply ... it would have amended the GMA accordingly. ... This, the Legislature did not do and, therefore, by the GMA’s own terms, a UGA may be adjusted only to reflect a reasonable land market supply factor.”<sup>7</sup>

Market factors are not required, but the GMA allows the county to use a “reasonable” market factor.<sup>8</sup> **What a market factor does is allow a county to make an urban growth area larger than it needs to be.** A 25 percent market factor means the land in the urban growth area that can be developed for the new homes, businesses, and public and semi-public uses is 25 percent larger than necessary to build the needed homes, businesses, and public and semi-public uses over the next 20 years.

Market factors have been studied in other counties. To determine their market factor, Snohomish County hired The Gilmore Research Group to survey owners with developable land and asked them the relevant question when determining a market factor: if they would develop their land in the next twenty years. This survey found that “[a]bout 21% of all respondents indicated that they would be unlikely or very unlikely to have their parcels developed in the next 20 years.”<sup>9</sup> “A lower percentage of owners of vacant land (17%) compared to the owners of partially used or redevelopable properties (23%) percent indicated that it would be unlikely or very unlikely that their parcels would be available for development anytime within the next 20 years.”<sup>10</sup> “A lower percentage of owners of parcels designated for multi-family residences, mixed use, or commercial/industrial uses (17%) compared to owners of parcels designated for single family residences (24%) indicated their properties would be unlikely or very unlikely to be available for development over the next 20 years.”<sup>11</sup>

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<sup>6</sup> *Thurston County v. Western Washington Growth Management Hearings Bd.*, 164 Wn.2d 329, 351 – 52, 190 P.3d 38, 48 – 49 (2008).

<sup>7</sup> *Petree v. Whatcom County*, WWGMHB Case No. 08-2-0021c, Final Decision and Order (Oct. 13, 2008), at 30 of 78, 2008 WL 4949257, at \*18.

<sup>8</sup> *Thurston County v. Western Washington Growth Management Hearings Bd.*, 164 Wn.2d 329, 351 – 52, 190 P.3d 38, 48 – 49 (2008).

<sup>9</sup> The Gilmore Research Group, *Urban Land Availability Survey of Snohomish County Landowners: Prepared for Jones & Stokes and Snohomish County Planning and Development Services* p. 3 (June 14, 2005) accessed on February 23, 2018 at: <https://snohomishcountywa.gov/DocumentCenter/View/8766> and enclosed in a separate email.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at p.AA 4.

This data shows that a reasonable market factor based on real world data is from 17 to 24 percent depending on the mix of vacant and redevelopable land and the mix of commercial land, multi-family land, mixed-use land, and single-family residential land within the urban growth area. **We believe that a market factor of 20 to 25 percent is reasonable and defensible in Franklin County.**

#### **D. Comments on the Land Use Element**

##### **Add a policy encouraging compact development in urban growth areas.**

Carefully planned, compact development in urban growth areas has significant benefits to local governments, taxpayers, and ratepayers. In addition to a policy “encouraging higher density development where services have already been provided,” the County can plan for compact development even in places yet to get services throughout the UGAs for the next 20-years to help protect water quality,<sup>12</sup> conserve water,<sup>13</sup> and save taxpayers money.

In a study published in a peer reviewed journal, John Carruthers and Gudmaundur Ulfarsson analyzed urban areas throughout the United States including Franklin County.<sup>14</sup> They found that the per capita costs of most public services declined with density and increased where urban areas were large.<sup>15</sup> Compact development also better supports transit service.<sup>16</sup>

So, we recommend that a policy encouraging well designed, compact development in urban areas under purpose statement LU-1 as follows:

**Encourage, well-designed, compact development throughout urban growth areas to save taxpayers and ratepayers money, conserve water, reduce water pollution, and support transit use.**

#### **II. Comments on the Resource Lands Sub-element**

Futurewise strongly supports having an element focusing on agricultural and mineral resource lands of long-term commercial significance and the proposed agricultural lands policies. As the comprehensive plan correctly states, agriculture is very important to the county economy. We do have several suggestions to improve the Resource Lands Sub-element.

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<sup>12</sup> United States Environmental Protection Agency, *Growing Toward More Efficient Water Use: Linking Development, Infrastructure, and Drinking Water Policies* pp. 3 – 8 (EPA 230-R-06-001: January 2006). Accessed on Nov. 2, 2017 at: <https://www.epa.gov/smartgrowth/growing-toward-more-efficient-water-use>.

<sup>13</sup> United States Environmental Protection Agency Office of Sustainable Communities Smart Growth Program, *Protecting Water Resources with Higher-Density Development* p. 1 (EPA 231-R-06-001: Jan. 2006) accessed on Nov. 2, 2017 at: <https://www.epa.gov/smartgrowth/protecting-water-resources-higher-density-development>

<sup>14</sup> John Carruthers and Gudmaundur Ulfarsson, *Urban Sprawl and the Cost of Public Services* 30 ENVIRONMENT AND PLANNING B: PLANNING AND DESIGN 503, 511 (2003) enclosed with this letter.

<sup>15</sup> *Id.* at 518.

<sup>16</sup> Boris Pushkarev & Jeffrey Zupan. *Public Transportation and Land Use Policy* p. 30 (Indiana University Press, Bloomington, Indiana, 1977) (public transit use is minimal below a net residential density of seven dwelling units an acre).

**A. Please clarify the designation of agricultural lands of long-term commercial significance**

Under the “designation” on page RES – 2, the comprehensive plan indicates that there are three types of agricultural lands of long-term significance identified as 1. Prime Irrigated Land, 2. Prime Drylands, and 3. Quincy Fields (Unique). The “long-term commercial significance” criterion discussion on page RES – 3 states that:

In Franklin County, agricultural lands of long-term commercial significance have soils classified as 1-3 according to the Land Capability Classification of the USDA Soil Conservation service. The County’s Prime, Unique Farmland, and Farmlands of State and Local Significance are generally shown and mapped by the Franklin Conservation District on Maps RES 1-6 and are also designated as agricultural lands of long-term commercial significance in Franklin County.<sup>17</sup>

The Prime Irrigated Land, Prime Drylands, Quincy Fields (Unique) are mapped as are Agricultural lands. The Agricultural lands appear to be land capability 1-3 soils that are not prime and unique, and the farmlands of local and statewide significance. So, we recommend that the discussion on page RES – 2 be clarified to state that there are four types of agricultural lands of long-term commercial significance, the Prime Irrigated Land, Prime Drylands, Quincy Fields (Unique), and Agricultural lands.

**B. Please clarify the long-term commercial significance criteria**

The “long-term commercial significance” criterion discussion on page RES – 3 mentions the long-term commercial significance criteria in WAC 365-190-050(3)(c), it is not clear which, if any, of those criteria areas used in designating and de-designating agricultural lands of long-term commercial significance. We recommend that the comprehensive plan clarify that the criteria in WAC 365-190-050(3)(c) are used to designate agricultural lands of long-term commercial significance.

**C. Adopt policies and regulations to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products**

The Washington State Supreme Court has held that counties are “required to assure the conservation of agricultural lands and to assure that the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products.”<sup>18</sup> We were unable to identify a policy that addresses the requirement the use of adjacent lands does not interfere with their continued use for the production of food or agricultural products. We recommend that such a policy be included that could read as follows:

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<sup>17</sup> Franklin County Comprehensive Plan Land Use Element 2018 Update p. RES – 3 (Draft for Planning Commission Review – Feb. 19, 2018)

<sup>18</sup> *King County v. Central Puget Sound Growth Management Hearings Bd. (Soccer Fields)*, 142 Wn.2d 543, 556, 14 P.3d 133, 140 (2000) emphasis in original.

Uses of lands adjacent to Agricultural designations shall not interfere with the Agricultural designations continued use for the production of food or agricultural products.

**D. Include a policy reserving an adequate water for agriculture and value-added agricultural processing and manufacturing to maintain jobs and provide for employment growth.**

As will be documented below, research indicates that all of the water resources in Franklin County are already allocated.<sup>19</sup> Water conservation and focusing growth into existing cities and towns can stretch water supplies and accommodate growth and it is important to reserve water for agriculture and value-added agricultural processing and manufacturing to maintain and enhance the county economy. So, we recommend that a policy be added to the Agricultural policies to reserve sufficient water for agriculture and its related industries. We recommend a new policy like the following:

**Reserve sufficient water to maintain the agricultural industry and agricultural processing and value-added manufacturing.**

**III. Comments on the Rural Lands Sub-Element**

**A. Modify the Wells and Water Rights section to reflect that all of the water in Franklin County has already been allocated and Surface Water Source Limitations (SWSL) will prohibit additional use of surface water and ground water**

The Washington State Supreme Court held “the County must regulate to some extent to assure that land use is not inconsistent with available water resources. The GMA directs that the rural and land use elements of a county’s plan include measures that protect groundwater resources. RCW 36.70A.070(1), (5)(c)(iv).”<sup>20</sup>

The rural element must also protect rural character.<sup>21</sup> “‘Rural character’ refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan ... consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.”<sup>22</sup>

The discussion of wells and water rights and the associated policies do not adequately protect rural character. Franklin County is in two Water Resource Inventory Areas (WRIAs): Esquatzel Coulee Watershed, WRIA 36, and the Lower Snake Watershed, WRIA 32. According to the State of Washington Department of Ecology (Ecology):

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<sup>19</sup> State of Washington Department of Ecology Water Resources Program, *Focus on Water Availability Esquatzel Coulee Watershed, WRIA 36* pp. 2 – 4 (Publication Number: 11-11-040: Feb. 2015) accessed on Feb. 26, 2018 at: <https://fortress.wa.gov/ecy/publications/summarypages/1111040.html> and enclosed with the paper original of this letter; State of Washington Department of Ecology Water Resources Program, *Focus on Water Availability Lower Snake Watershed, WRIA 33* p. 2 (Publication Number: 11-11-037: June 2013) accessed on Feb. 26, 2018 at: <https://fortress.wa.gov/ecy/publications/summarypages/1111037.html> and enclosed with the paper original of this letter.

<sup>20</sup> *Kittitas Cty. v. E. Washington Growth Mgmt. Hearings Bd.*, 172 Wn.2d 144, 178, 256 P.3d 1193, 1209 (2011).

<sup>21</sup> RCW 36.70A.070(5)(b) and (c).

<sup>22</sup> RCW 36.70A.030(16).



The Esquatzel Coulee watershed has administrative restrictions known as Surface Water Source Limitations (SWSL), which limit most water sources in the watershed. Groundwater connected to the surface sources are also subject to SWSL restrictions. These restrictions indicate that most water has been appropriated within the watershed.<sup>23</sup>

Ecology also reports that:

The Lower Snake Watershed has administrative restrictions known as Surface Water Source Limitations (SWSLs), which limit water sources in the watershed. Groundwater connected to the surface sources are also subject to SWSL restrictions. These restrictions, along with those specified in WAC 173-564 (Water Resources Management Program for the Main Stem of the Snake River), indicate that most water has been appropriated within the watershed.<sup>24</sup>

In the Lower Snake, “water levels are declining and/or water is not legally available, so it is unlikely any water is available for new consumptive appropriation in most areas.”<sup>25</sup> In the Esquatzel Coulee watershed “surface and groundwater levels are declining and/or water is not legally available in most areas.”<sup>26</sup> So water is not physically or legally available for new wells and surface withdrawals (other than the Columbia Basin project water rights), including permit-exempt wells.

While we recognize that significant parts of the rural land in Franklin County is largely in limited areas of more intense rural development (LAMIRDs), policies like that at line 114 may lead people to believe that unallocated water is available when it is not. We recommend that a policy calling for match rural growth with the limited water resources be substituted.

Similarly, the policy at line 116 calls for the county to explore the specific hydrogeologic studies to supplement existing groundwater studies, to determine the availability of groundwater and the possibility for future impairment resulting from development reliant on exempt wells, subject to funding. But studies cannot find water that does not exist. We recommend this policy be deleted. A water bank is a more effective tool to allocate limited water.

The Wells and Water Rights section should also be updated to disclose that all of the county’s water is already allocated to other uses, so now withdrawals are not legally available.

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<sup>23</sup> State of Washington Department of Ecology Water Resources Program, *Focus on Water Availability Esquatzel Coulee Watershed*, WRLA 36 p. 2 (Publication Number: 11-11-040: Feb. 2015) accessed on Feb. 26, 2018 at: <https://fortress.wa.gov/ecy/publications/summarypages/1111040.html> and enclosed with the paper original of this letter.

<sup>24</sup> State of Washington Department of Ecology Water Resources Program, *Focus on Water Availability Lower Snake Watershed*, WRLA 33 p. 2 (Publication Number: 11-11-037: June 2013) accessed on Feb. 26, 2018 at: <https://fortress.wa.gov/ecy/publications/summarypages/1111037.html> and enclosed with the paper original of this letter.

<sup>25</sup> *Id.*

<sup>26</sup> State of Washington Department of Ecology Water Resources Program, *Focus on Water Availability Esquatzel Coulee Watershed*, WRLA 36 p. 4 (Publication Number: 11-11-040: Feb. 2015).

In addition, ESSB 6091 Section 102 provides that “[f]or the purposes of complying with the requirements of this chapter relating to surface and groundwater resources, a county or city may rely on or refer to applicable minimum instream flow rules adopted by the department of ecology under chapters 90.22 and 90.54 RCW. Development regulations must ensure that proposed water uses are consistent with RCW 90.44.050 and with applicable rules adopted pursuant to chapters 90.22 and 90.54 RCW when making decisions under RCW 19.27.097 and 58.17.110.” These sections apply to the approval of building permits and short subdivisions.

In WRIA 36 Ecology has adopted rules for the Odessa Subarea and “508-14” Subarea that apply to wells other than permit-exempt wells and would prohibit new appropriations.<sup>27</sup> So the county must include regulations with those limits in its development regulations. WRIA 33 also includes part of the “508-14” Subarea, so again the county needs to adopt development regulations for this area that address wells withdrawing more than 5,000 gallons a day for subdivisions or buildings permits.<sup>28</sup>

## **B. Provide more effective policies to protect people and property from wildfires**

Residential growth has increased the exposure of residents on the Wildland Urban Interface to wildfires.<sup>29</sup> The changing climate will also increase wildfires in the West including Franklin County. A recent peer-reviewed study showed that human caused global warming has made wildfire fuels drier and caused an increase in the area burnt by wildfires between 1984 and 2015.<sup>30</sup> Global warming’s drying of wildfire fuels is projected to increasingly promote wildfire potential across the western US.<sup>31</sup> The area of this increase in drying fuels includes Franklin County.<sup>32</sup>

While we appreciate the wildfire policies, they do not direct growth away from hazardous areas nor do they require common sense protections, such as two ways out. So, we recommend adopting policies that direct growth away from areas with a moderate to high wildfire threat level.<sup>33</sup> These areas should be zoned Agriculture or be designated and zoned for rural densities of one dwelling unit per 20-, 40-, or 80-acres. New developments should meet Firewise Communities Program standards or the equivalent. The Firewise Communities Program is a nationally recognized program to reduce the risk of damage from wildfires.

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<sup>27</sup> *Id.* at p. 2.

<sup>28</sup> State of Washington Department of Ecology Water Resources Program, *Focus on Water Availability Esquatzel Conlee Watershed, WRIA 36* pp. 1 – 2 (Publication Number: 11-11-040: Feb. 2015).

<sup>29</sup> *Franklin County, Washington Community Wildfire Protection Plan* pp. 48 – 51 (Approved by the Franklin County Commissioners 2014) accessed on Feb. 26, 2018 at: [https://www.dnr.wa.gov/publications/rp\\_burn\\_cwpp\\_franklin\\_co.pdf](https://www.dnr.wa.gov/publications/rp_burn_cwpp_franklin_co.pdf) and enclosed with the paper original of this letter.

<sup>30</sup> John T. Abatzoglou and A. Park Williams, *Impact of anthropogenic climate change on wildfire across western US forests* 113 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA (PNAS) 11770 p. 11773 (Oct. 18, 2016) accessed on Nov. 15, 2017 at: <http://www.pnas.org/content/113/42/11770> and enclosed with the paper original of this letter.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at p. 11771.

<sup>33</sup> See the *Franklin County, Washington Community Wildfire Protection Plan* pp. 45 – 46 (Approved by the Franklin County Commissioners 2014) for the threat level map.



We strongly support the County policies related to The Firewise Principles and recommend “‘two ways out’ of the neighborhood for safe evacuation during a wildfire emergency.”<sup>34</sup> So does the U.S. Fire Administration.<sup>35</sup> Two ways out is important to protect the safety of property owners, residents, and firefighters. The three firefighters who died in Twisp River Fire in Okanogan County in the summer of 2015, died on a relatively short dead-end road serving six houses.<sup>36</sup> A fourth firefighter was severely injured in the fire and a three-person bulldozer team was trapped on the same road.<sup>37</sup> If the area had two ways out, it is possible the firefighters would not have had to drive down a road in zero visibility<sup>38</sup> and would not have crashed. All new subdivisions and other significantly sized developments should have two ways out. We also support the *Community Wildfire Protection Plan* recommendation to adopt a “County ordinance requiring all existing and new construction to create and maintain ‘defensible space’ around homes.”<sup>39</sup>

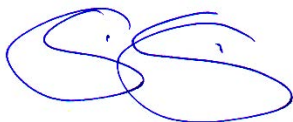
Thank you for considering our comments. If you require additional information, please contact Alison Cable at telephone (503) 807-2415 and email: [alison@futurewise.org](mailto:alison@futurewise.org) or Tim Trohimovich at telephone (206) 343-0681 Ext. 118 and email: [tim@futurewise.org](mailto:tim@futurewise.org).

Very Truly Yours,



Alison Cable

**Tri-Cities Program Manager**



Tim Trohimovich, AICP

**Director of Planning & Law**

Enclosures

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<sup>34</sup> *Firewise Toolkit A Guide to Firewise Principles* p. \*4 accessed on Nov. 20, 2017 at: <http://www.firewise.org/wildfire-preparedness/firewise-toolkit.aspx>.

<sup>35</sup> FEMA U.S. Fire Administration, *Wildfires: Protect Yourself and Your Community* accessed on Feb. 26, 2018 at: [http://www.usfa.fema.gov/downloads/pdf/publications/wildfires\\_protect\\_yourself\\_and\\_your\\_community.pdf](http://www.usfa.fema.gov/downloads/pdf/publications/wildfires_protect_yourself_and_your_community.pdf)

<sup>36</sup> Washington State Department of Natural Resources, *Twisp River Fire Fatalities and Entrapments Interagency Learning Review Status Report* pp. 8 –9 & pp. 15 – 18 of 24 (18 November 2015) accessed on Feb. 5, 2018 at: [http://wildfiretoday.com/documents/Twisp\\_River\\_Fire\\_Status\\_Report.pdf](http://wildfiretoday.com/documents/Twisp_River_Fire_Status_Report.pdf)

<sup>37</sup> *Id.*

<sup>38</sup> *Id.* at p. 15 of 24.

<sup>39</sup> *Franklin County, Washington Community Wildfire Protection Plan* p. 75 (Approved by the Franklin County Commissioners 2014).