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EXHIBIT F

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+Of Counsel
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++Retired

May 20, 2020

COMMUNITY & ECONOMIC DEVELOPMENT

City of Pasco
Community Development Department
P.O. Box 293
525 N. Third Ave.
Pasco, WA 99301
Attn: Rick White and/or Jacob Gonzalez
whiter@pasco-wa.gov;
gonzalezjb@pasco-wa.gov

City of Pasco Planning Commission
P.O. Box 293
525 N. Third Ave.
Pasco, WA 99301
Attn: Tanya Bowers, Chairperson

City of Pasco Executive Department
P.O. Box 293
525 N. Third Ave.
Pasco, WA 99301
Attn: Dave Zabell, City Manager

City of Pasco City Council
P.O. Box 293
525 N. Third Ave.
Pasco, WA 99301
Attn: Saul Martinez, Mayor

Franklin County Planning Commission
502 W. Boeing St.
Pasco, WA 99301
Attn: Claude Pierret, Chairperson

Franklin County Planning Department
502 W. Boeing St.
Pasco, WA 99301
Attn: Derrick Braaten
dbraaten@co.franklin.wa.us

Franklin County Commissioners
1016 N. 4th Avenue
Pasco, WA 99301
Attn: Robert Koch, Chairman

RE: Comments on CPA 2020-01, the Proposed (Modified) City of Pasco UGA
Expansion
Our Clients: Property Owner: Debra Kohler
Purchaser/Developer: Big Sky Developers, LLC

Dear Sirs/Madam:

Introduction and Background

Our office represents Big Sky Developers, LLC that currently has under contract for purchase and residential development approximately 100 acres of prime residential development property owned by Ms. Debra Kohler overlooking the Columbia River. Attached to this letter

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as **Exhibit A** is a Franklin County parcel map showing the property at issue (the "Property"). The Property originally was slated for inclusion in Pasco's proposed UGA expansion currently being considered by the City of Pasco ("City" or Pasco) and its Planning Commission as part of its required periodic review of its Comprehensive Plan. The City's original application that included the Kohler Property within its UGA was submitted to Franklin County and its Planning Commission under CPA 2018-03.

Following limited public comment, the City apparently withdrew or modified its original UGA expansion application and has scoped three alternative proposals in a draft Environment Impact Statement (EIS) recently issued for its proposed UGA expansion; (1) "Alternative #1, a no-action alternative where the City's UGA remains the same; (2) "Alternative #2" based on OFM population growth estimates, which proposed a UGA expansion of 4,700 acres and would include the Kohler Property; and (3) "Alternative #3" which proposes a smaller UGA expansion of only 3,300 acres and would not include the Kohler Property. Our client strongly supports Alternative #2 or a modified Alternative #3 that would include the Kohler Property within the City's proposed UGA. The City's Alternative #3 which significantly reduced its original proposed UGA expansion is shown in a draft (updated) Future Land Use Map dated October 2019 attached as **Exhibit B**. Alternative #3 was developed without specific notice to our client and without the input of affected property owners, and without substantial input from the Pasco development community.

Our client specifically requests that the Kohler Property be included in the City's proposed UGA expansion and that the Property be accepted by the County as part of the City's UGA for the reasons set forth in this letter. Inclusion of the Kohler Property into Pasco's UGA is consistent with the goals of the state's Growth Management Act, the City's stated Comprehensive Planning goals relating to housing and the as-built environment and available infrastructure. The Property's highest and best use is no longer commercial agriculture, and with our client's proposed City water and sewer extensions would allow urban level residential development needed by the City both on the Kohler Property itself and infill development in the surrounding area, and would allow such development to occur in a way that is protective of the environment.

Please consider this letter a specific and continuing request for special notice of all maps, recommendations, hearings and meetings relating to the City's UGA expansion requests, including those directly relating the Kohler Property and the City's evaluation of the three UGA alternatives set forth in its EIS issued in draft form on May 15, 2020.

The Kohler Property Should be Included in Pasco's UGA and Should be Designated Low Density Residential Under its Comprehensive Plan.

A. Notice of the new proposed map change and draft EIS has not been properly given.

The proposed draft, October 2019 Future Land Use Map proposed by the City (which provided the basis for "Alternative #3" in the draft EIS) was not properly published and circulated to affected property owners as required by applicable law. In fact, the proposal appears to have been developed by the City or its Planning Staff without any input from affected property owners or the development community in a way to ensure that property proposed for inclusion in its UGA is actually able to be developed for urban level growth.

Washington law is clear that county or city actions to change an amendment to a comprehensive plan triggers a statutory mandate for SEPA compliance, for public review and comment and robust public participation. **RCW 36.70A.035**. While apparently on prior Planning Commission meeting agendas, our client did not receive notice of the change in the City's proposed UGA which excluded the Kohler Property, and it was not allowed to provide any input on what the City now refers to as Alternative #3 in the draft EIS.

Our client's position is that prior Planning Commission meetings, including the one that occurred on March 19, did not meet the public participation requirements of the Growth Management Act and SEPA as applied to the development of Alternative #3 and any material modifications to the City's Future Land Use Map. If the City is starting over with the SEPA process (which legally must be completed **before** any formal government action), our client believes Alternative #2 is consistent with GMA goals and mandates and/or that minor modifications to Alternative #3 to include the Kohler Property would be appropriate. Please consider this letter and the attachments as our client's additional comments to be made part of the record on the City's proposed UGA expansion application and/or alternatives in its draft EIS, without in any way waiving or limiting its right to supplement the record with additional written materials or in-person testimony at future Planning Commission or Council meetings.

B. The Kohler Property should be included within the City's proposed expanded UGA.

The Property owner Debra Kohler and the developer, Big Sky both strongly support the inclusion of the Property within the City's new UGA. The Property is located immediately adjacent to the City's existing UGA overlooking the Columbia River, is designated primarily Rural Shoreline Development under the County's Comprehensive Plan and is zoned RC-1 and AP-20. Urban level residential development already exists north and south of the proposed Property. Under the County's zoning ordinance and Comprehensive Plan, the Property can be residentially developed at 1-acre densities with onsite wells and sewage systems. The owner no longer believes use of the Property for agricultural purposes is warranted.

With our client's proposed City water and sewer extensions consistent with the maps attached as **Exhibit C**, urban level residential development at slightly increased densities protective of the environment would be allowed. As the City recognized when originally submitting its UGA expansion application (now Alternative #2), an expanded UGA of up to 4,700 acres was warranted by OFM population growth projections. Inclusion of this Property (whether in Alternative #2 or a modified Alternative #3) is strongly supported by both GMA and the City's own Comprehensive Plan planning goals. Washington's GMA generally recognizes that urban growth areas and urban growth should encompass areas first already characterized by urban growth that have adequate existing public facilities and service capacities, and second in areas already characterized by urban growth that will be served by existing and additional public facilities and services. **RCW 36.70A.110(3)**. In this case, the Kohler Property would be ideal to be included within the City's UGA because urban growth already exists immediately south of the Property and all local access and urban collector roads are in place or would be available to be extended to the Property. Most importantly, our client's proposed sewer and water extensions would allow additional infill development and the Property itself to be developed in an environmentally responsible way (without onsite septic systems near the Columbia River and significantly reducing the need to use onsite wells and groundwater).

Most of the Property is not designated or suitable as agricultural lands of long-term commercial significance, and the Property owner is in the process of terminating all agricultural operations due to economic conditions. The Property contains view lots overlooking the Columbia River which would support a significant continuing demand for high-quality residential development in the area. Unlike many other properties the City proposes to include within its UGA, the Kohler Property is ready to be developed now.

Inclusion of the Kohler Property into the City's UGA also is consistent with multiple state GMA planning goals including but not limited to the following:

- (1) It encourages development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. **RCW 36.70A.020(1).**
- (2) It encourages efficient transportation systems coordinated with County and City Comprehensive Plans. **RCW 36.70A.020(3).**
- (3) It encourages economic developments consistent with adopted Comprehensive Plans and encourages growth in areas already experiencing economic growth where public services and facilities can be provided. **RCW 36.70A.020(5).**
- (4) It protects the property rights of landowners from arbitrary and discriminatory actions. **RCW 36.70A.020(6).**
- (5) It would help protect and preserve open space and the environment by limiting groundwater use in hydraulic continuity with the Columbia River and limiting onsite sewage disposal systems. **RCW 36.70A.020(9) and (10).**
- (6) It ensures public facilities and services necessary to support development will be adequate. **RCW 36.70A.020(12).**

The Kohler Property simply should not be a casualty of any new City-proposed UGA reduction or modification. It consists of property the owner and developer are ready to develop now. It does not contain enough sustainable agricultural lands and is likely to get developed at urban levels whether inside the City's UGA or outside of it in the County. UGA inclusion increases the likelihood that it will be done with City water and sewer which is more protective of the environment and which would allow infill development to occur.

Inclusion of the Kohler Property also is entirely consistent with many specific goals and policies of the Land Use elements of the City's draft Comprehensive Plan (02-24-2020), especially those in its housing element. Specifically, it meets the proposed land use goal to plan for a variety of compatible land uses within the City's urban growth area which includes a specific policy to ensure that adequate public services are provided within a reasonable time frame. **LU-2-C.** Our client's proposed sewer and water extension as well as the extension of nearby access roads would allow the Kohler Property as well as properties already in the UGA to be responsibly developed. In addition, proposed policy **LU-2-F** discourages developments dependent on septic systems and at densities below minimums to sustain urban level services. **LU-2-F.** Including the Kohler Property within the City's UGA coupled with our client's proposed sewer and water extensions shown on the enclosed maps

(see Exhibit C) would allow residential development along the Columbia River corridor consistent with development that already exists and projected future demand. The inclusion of the Kohler Property also is consistent with the City's draft proposed Capital Facilities and Water Comprehensive Plans. Extending City water one-half mile north along Dent Road would provide access to City water mains for perhaps as much as 420 acres of adjacent undeveloped land (including the Kohler Property). See proposed Water Extension maps collectively attached hereto as **Exhibit C**.

The Kohler Property meets all criteria for inclusion within the City's expanded UGA. Even if the City elects to reduce its proposed UGA size, the Kohler Property because of its location along the river and the availability of public infrastructure should be included as a unique 100-acre Property clearly slated for urban level growth within the next 20 years. It is immediately adjacent to the City's existing urban growth area boundary. It is bordered by existing residential development. All public facilities and services are immediately available to the Property especially with the proposed water and sewer extensions. The Property is highly likely to be developed for residential housing at urban levels whether within the City's UGA or within the County. UGA expansion allows for such residential development to occur with City water and sewer services more protective of the environment and the Rural Shoreline Development designation of the Property under the County's existing Comprehensive Plan.

Conclusion.

For the above-stated reasons Big Sky and the Property owner, Debra Kohler would specifically request that the City's proposed UGA expansion include the Kohler Property whether under Alternative #2 as originally proposed, or perhaps under a modified Alternative #3 described in the City's draft EIS. The Kohler Property is ready to be developed now, yet alone 20 years from now and should be included in the City's UGA under any applicable criteria.

Respectfully submitted,

Halverson | Northwest Law Group P.C.



Mark E. Fickes

MEF/jk

franklinwa.mapsiftr.com/defaultHTML5.aspx

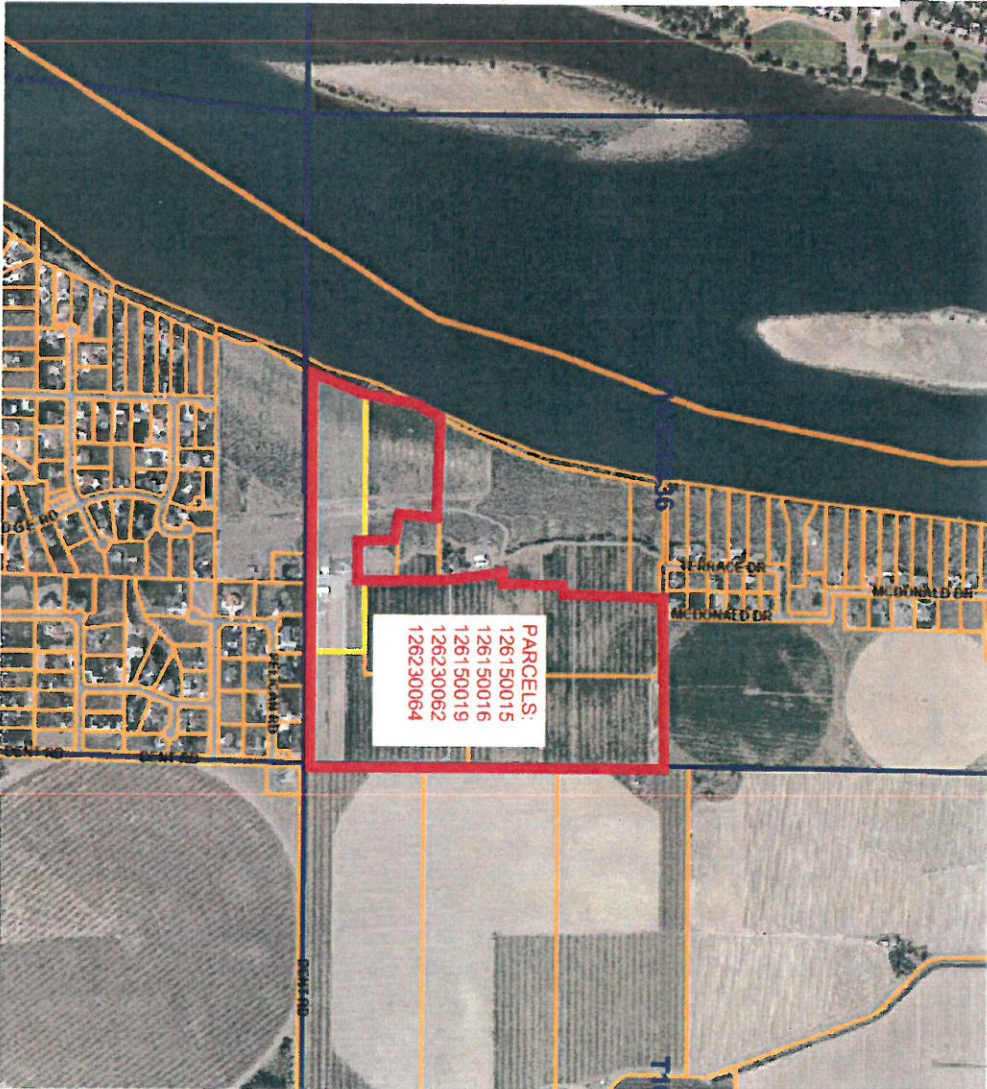
Legend

EXHIBIT A

About Print Zoom

1/2

46.3047N, 119.2277W Scale: 1:12,474



1/6/2020

TerraScan MapSifter - Franklin County Washington



Franklin
County
Washington

Self Service Government MapSifter

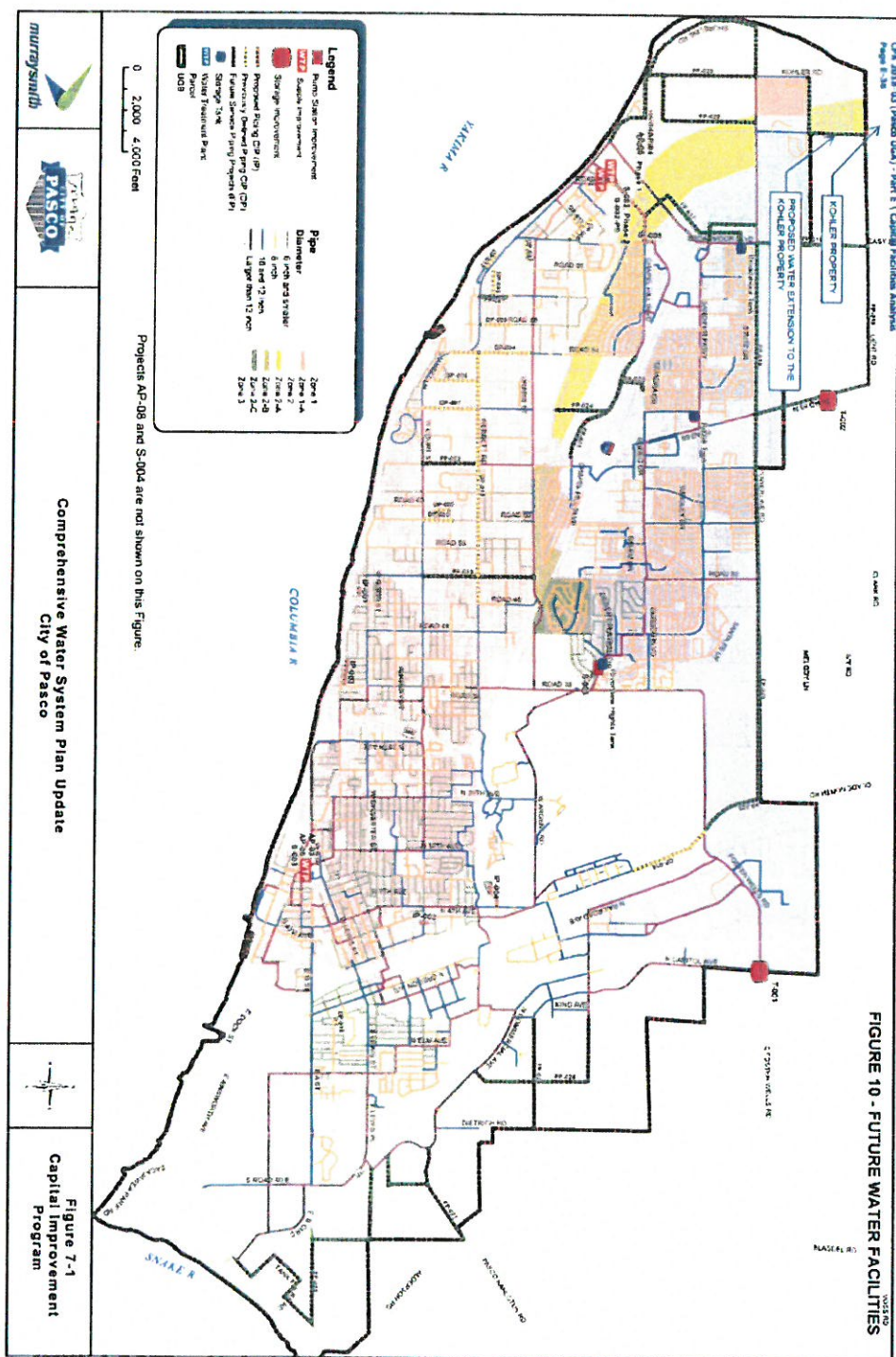
Search

Examples:

Parcel: 112012027
Address: 1016 n 4th
Owner: Jackson
Section: T11R29S30

MAP IS FOR INFORMATIONAL PURPOSES
ONLY. DATA MAY NOT BE CURRENT.





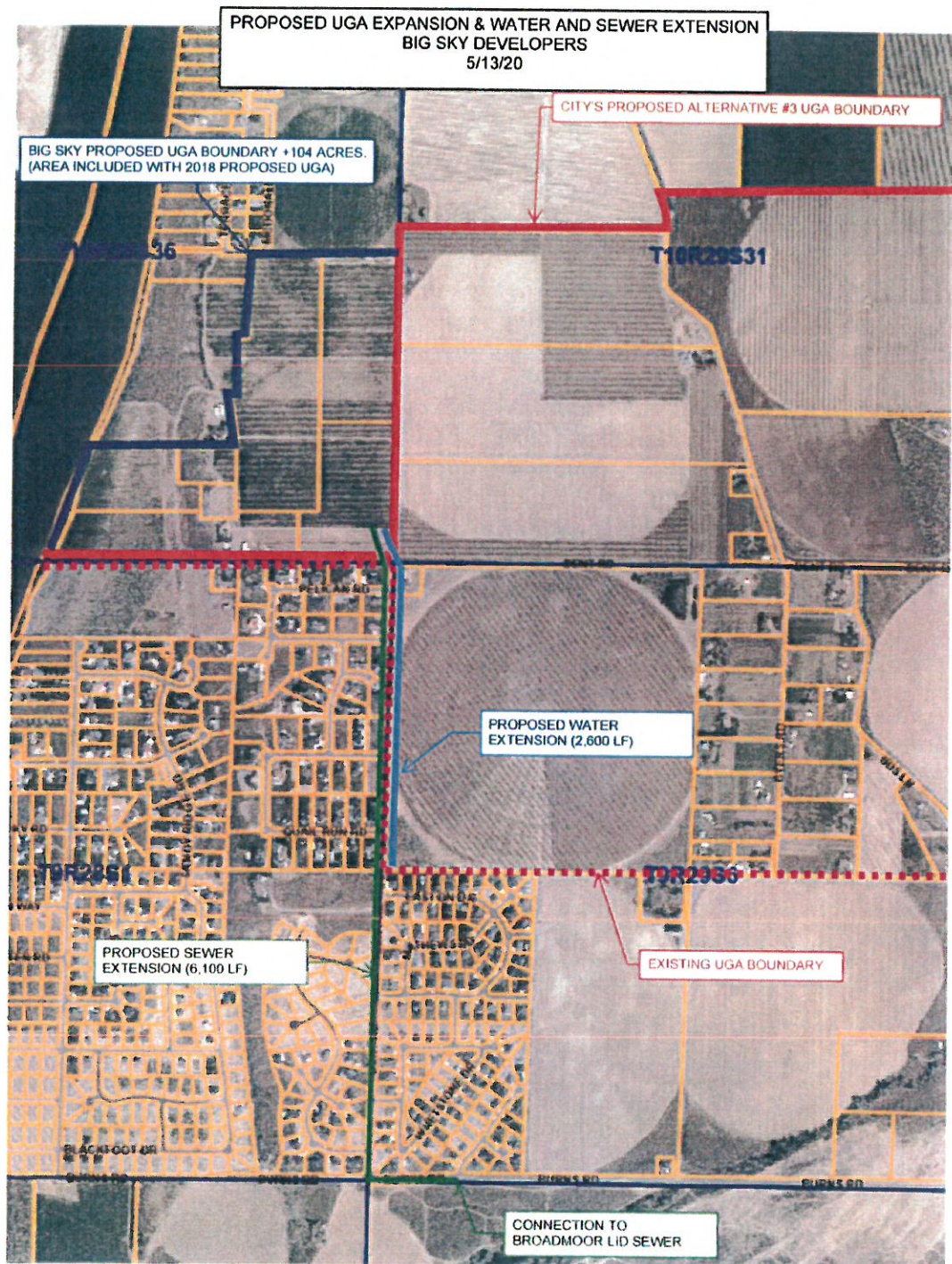


EXHIBIT C

