

RESOLUTION NO. 2018-10

A RESOLUTION of the City Council of the City of Lakewood, Washington, Ratifying the 2018 Interlocal Agreement and Countywide Planning Policy Updates relating to Dry Sewer Lines and Urban Growth Area (UGA) Banking.

WHEREAS, on December 21, 2017, the Pierce County Regional Council (PCRC) recommended the attached amendments to the Pierce County Countywide Planning Policies (CPPs) related to dry sewer lines and Urban Growth Area (UGA) “banking”; and

WHEREAS, the County Council adopted Ordinance No. 2018-15s on May 15, 2018 authorizing the County Executive to execute interlocal agreements with the cities and towns of Pierce County to ratify the amendments; and

WHEREAS, cities and towns are asked to take action by November 13, 2018 to ratify or oppose the amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON HEREBY RESOLVES as follows:

Section 1. That the Mayor is authorized to execute the Interlocal Agreement related to Amendments to the Pierce County Countywide Planning Policies regarding dry sewers and UGA Banking as set forth in Exhibit A.

Section 2. Severability. If any sections, sentence, clause or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution or its application to any other person, property or circumstance.


Section 3. This Resolution shall be in full force and effect thirty (30) days after adoption.

PASSED by the City Council this 20th day of August, 2018.

CITY OF LAKEWOOD


Don Anderson, Mayor

Attest:


Briana Schumacher, City Clerk

Approved as to Form:



Heidi A. Wachter City Attorney

EXHIBIT A

Exhibit B to Ordinance No. 2018-15s

INTERLOCAL AGREEMENT

AMENDMENTS TO THE PIERCE COUNTY COUNTYWIDE PLANNING POLICIES

This agreement is entered into by and among the cities and towns of Pierce County and Pierce County. This agreement is made pursuant to the provisions of the Interlocal Cooperation Act of 1967, Chapter 39.34 RCW. This agreement has been authorized by the legislative body of each jurisdiction pursuant to formal action and evidenced by execution of the signature page of this agreement.

BACKGROUND:

- A. The Pierce County Regional Council (PCRC) was created in 1992 by interlocal agreement among the cities and towns of Pierce County and Pierce County. The organization is charged with responsibilities, including: serving as a local link to the Puget Sound Regional Council, promoting intergovernmental cooperation, facilitating compliance with the coordination and consistency requirements of the Growth Management Act (Chapter 36.70A RCW) and the Regional Transportation Planning Organization (Chapter 47.80 RCW), and developing a consensus among jurisdictions regarding the development and modification of the Countywide Planning Policies.
- B. The Pierce County Countywide Planning Policies provide for amendments to be adopted through amendment of the original interlocal agreement, or by a new interlocal agreement. The Pierce County Countywide Planning Policies may be amended upon the adoption of amendments by the Pierce County Council and ratification by 60 percent of the jurisdictions in Pierce County representing 75 percent of the total Pierce County population as designated by the State Office of Financial Management at the time of the proposed ratification.
- C. A demonstration of ratification shall be by execution of an interlocal agreement or the absence of a legislative action to disapprove a proposed amendment.
- D. A jurisdiction shall be deemed as casting an affirmative vote if it has not taken legislative action to disapprove a proposed amendment within 180 days from the date the Pierce County Council formally authorizes the Pierce County Executive to enter into an interlocal agreement.
- E. The amendment incorporates new policies that set criteria and a process for the formal recognition of areas that serve as important centers within Pierce County communities. This formal recognition may be used in future countywide project evaluations.
- F. The Pierce County Regional Council recommended adoption of the proposed amendment on December 21, 2017.



1 PURPOSE:

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3 This agreement is entered into by the cities and towns of Pierce County and Pierce County for
4 the purpose of ratifying and approving the attached amendments to the Pierce County
5 Countywide Planning Policies (attachment).

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7 DURATION:

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9 This agreement shall become effective upon execution by 60 percent of the jurisdictions in
10 Pierce County, representing 75 percent of the total Pierce County population as designated by the
11 State Office of Financial Management at the time of the proposed ratification. This agreement
12 will remain in effect until subsequently amended or repealed as provided by the Pierce County
13 Countywide Planning Policies.

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15 SEVERABILITY:

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17 If any of the provisions of this agreement are held illegal, invalid, or unenforceable, the
18 remaining provisions shall remain in full force and effect.

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20 FILING:

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22 A copy of this agreement shall be filed with the Secretary of State, Washington Department of
23 Commerce, the Pierce County Auditor, and each city and town clerk.

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25 IN WITNESS WHEREOF, this agreement has been executed by each member
26 jurisdiction as evidenced by the signature page affixed to this agreement.
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INTERLOCAL AGREEMENT

AMENDMENTS TO THE PIERCE COUNTY
COUNTYWIDE PLANNING POLICIES

Signature Page

The legislative body of the undersigned jurisdiction has authorized execution of the
Interlocal Agreement, Amendments to the Pierce County Countywide Planning Policies.

IN WITNESS WHEREOF

This agreement has been executed by City of Lakewood
(Name of City/Town/County)

BY: John J. Confial, City Manager
(Mayor/Executive)

DATE: 8/24/2018

Approved:

BY: _____
(Director/Manager/Chair of County Council)

Approved as to Form:

BY: _____
(City Attorney/Prosecutor)

Approved:

BY: [Signature]
(Pierce County Executive)

Approved as to Form:
Heidi Ann Wachter
Heidi Ann Wachter, City Attorney

Attest:
Briana Schumacher
Briana Schumacher, City Clerk

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Attachment to the
Interlocal Agreement

Proposed Amendments
to the
Pierce County Countywide Planning Policies
to
Amend Dry Sewer Lines and UGA Capacity Bank



1 Dry Sewer Lines CPPs

2 *Urban Public Services*

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UGA-5. Within the delineated urban growth areas, the County, and each municipality in the County, shall adopt measures to ensure that growth and development are timed and phased consistent with the provision of adequate public facilities and services.

5.4 Public Sanitary Sewer Service. The following policies shall be applicable to the provision of public sanitary sewer service in the County and its municipalities:

5.4.3 On-Site and Community Sewage Systems

- a. In order to protect the public health and safety of the citizens of Pierce County and of the municipalities in the County, to preserve and protect environmental quality including, but not limited to, water quality and to protect aquifer recharge areas, to work toward the goal of eliminating the development of new residential and commercial uses on on-site and community sewage systems within the urban areas in the unincorporated County or within municipal boundaries consistent with the Countywide Planning Policies, the County and each municipality shall adopt policies on the use of on-site and community sewage including:
 - (i) the most current Tacoma-Pierce County Board of Health Land Use Regulations for On-Site and Community Sewerage Systems.
 - (ii) policies which require connection to sanitary sewers when they are available in the following circumstances:
 - (a) if a septic system fails,
 - (b) for all new development except existing single-family lots,
 - (c) for development with dry sewer systems.
 - (iii) if sewer service is not available, dry sewer facilities shall be required unless the local jurisdiction has adopted criteria that otherwise must be met.

1 UGA Banking CPPs

2 AT-2. Urban Growth Area boundaries designated by the County pursuant to the Growth
3 Management Act may be amended by Pierce County and accepted by the
4 municipalities in the County pursuant to the same process by which the Urban
5 Growth Areas were originally adopted and pursuant to subpolicies UGA-1 and
6 UGA-2 of the "Countywide Planning Policy on Urban Growth Areas, Promotion of
7 Contiguous and Orderly Development and Provision of Urban Services to Such
8 Development."
9

10 2.1 An amendment to Urban Growth Area boundaries may be initiated by the
11 County or any municipality in the County.
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13 2.2 A proposed amendment to Urban Growth Area boundaries shall include:
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15 2.2.1 a map indicating the existing ~~Urban~~ Growth ~~Area~~ boundary and the
16 proposed boundary modification;
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18 2.2.2 a statement indicating how, and the extent to which, the proposed
19 boundary modification complies with each of the factors listed in
20 subpolicies 2.2, 2.4, 2.5 and 2.6 of the Countywide Planning Policy on
21 Urban Growth Areas, Promotion of Contiguous and Orderly
22 Development and Provision of Urban Services to Such Development-;
23

24 2.2.3 a statement indicating the factors, data or analyses that have changed
25 since the designation of the initial Urban Growth Area boundaries
26 and/or the experience with the existing Urban Growth Area boundaries
27 that have prompted the proposed amendment-; and
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29 2.2.4 documentation, if applicable, that an adequate number of capacity
30 credits have been authorized to be withdrawn from the Urban Growth
31 Area Capacity Bank as set forth in AT-2.5.
32

33 2.3 The ~~Urban~~ Growth ~~Area~~ of a jurisdiction may be expanded only if:
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35 2.3.1 the jurisdiction's observed development densities are consistent with
36 the planned density assumptions as documented in the most recently
37 published Buildable Lands Report as required by RCW 36.70A.215,
38 and
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40 2.3.2 there is a demonstrated need for additional residential or employment
41 capacity within the ~~Urban~~ Growth ~~Area~~ affiliated with an individual
42 jurisdiction and a demonstrated need county-wide; ~~or~~ the expansion
43 results in a no net gain to the countywide UGA Urban Growth Area; or
44 an adequate number of capacity credits from the Urban Growth Area
45 Capacity Bank are available and have been authorized to be used, and
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2.3.3 the consistency evaluation, as required through the Countywide Planning Policies on Buildable Lands, policies BL-3. and BL-4., identifies an inconsistency between the observed and planned densities, the jurisdiction shall either:

- 1) demonstrate reasonable measures were adopted to rectify the inconsistencies. Documentation shall also be submitted that summarizes the monitoring results of the effectiveness of the measures in rectifying density inconsistencies, or
- 2) document updated development data that indicates consistency.

2.4 To ensure the orderly development of urban lands, predictability in the provision of urban services, and the eventual annexation of ~~an~~Urban ~~an~~Growth ~~an~~Areas, Pierce County may incorporate criteria into its comprehensive plan policies for evaluating amendments proposing to remove properties from the ~~an~~Urban ~~an~~Growth ~~an~~Area. The criteria should, at a minimum, include the existing development pattern and density, vested development applications, and infrastructure and service needs to accommodate the existing and future residents. In general, any lands proposed to be removed from the ~~an~~Urban ~~an~~Growth ~~an~~Area shall be rural in character and not require any urban level infrastructure or service needs.

2.5 Pierce County, in conjunction with its cities and towns, may establish and utilize an Urban Growth Area Capacity Bank for unincorporated lands that are removed from the Urban Growth Area.

2.5.1 Portions of the existing Urban Growth Area, which are rural in character or where it has been determined that urban services will not be available, may be removed from the Urban Growth Area.

2.5.2 The land capacity associated with undeveloped or underutilized properties removed from the Urban Growth Area may be placed in the Urban Growth Area Capacity Bank in the form of housing and/or employment capacity credits.

2.5.2.1 The land capacity for underdeveloped and underutilized properties shall be calculated using the methodology and assumptions incorporated in the most recent Pierce County Buildable Lands Report.

2.5.3 The Urban Growth Area may be expanded using capacity credits from the Urban Growth Area Capacity Bank.

2.5.3.1 The banked capacity credits should only be utilized for the expansion of the Urban Growth Area when the area is affiliated with a city or town through the designation of a Potential Annexation Area.

2.5.4 Pierce County Regional Council is the body for authorizing distribution of capacity credits from the Urban Growth Area Capacity Bank.

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2.5.5 The Pierce County Regional Council shall establish an application and review process for authorizing use of capacity credits.

2.5.6 The Pierce County Regional Council shall consider the following preference in the distribution of capacity credits:

- a. cities and towns that have not had a Potential Annexation Area since 1996;
- b. cities and towns that have had a reduction in their Potential Annexation Area that has resulted in deposits into the Urban Growth Area Capacity Bank;
- c. cities and towns that have annexed all of their associated Potential Annexation Area; and
- d. the creation of logical city or town boundaries.

2.5.7 Cities and towns utilizing capacity credits to expand its Urban Growth Area must demonstrate a commitment to annex the associated property.

2.5.8 Pierce County will provide an annual report to the PCRC identifying the number of available capacity credits in the Urban Growth Area Capacity Bank.

2.5.9 Participation in the Pierce County Transfer of Development Rights (TDR) program is not required when the Urban Growth Area is expanded using capacity credits from the Urban Growth Area Capacity Bank.

2.56 A proposed amendment to the Urban Growth Area boundaries shall be referred to the PCRC for its review and recommendation.

UGA-1. The County shall designate the countywide ~~u~~Urban ~~g~~Growth ~~a~~Area and Potential Annexation Areas within it, in consultations between the County and each municipality.

1.1 County referral of proposed ~~u~~Urban ~~g~~Growth ~~a~~Area and Potential Annexation Area designations to the Pierce County Regional Council (PCRC).

1.1.1 The PCRC may refer the proposed designations to the Growth Management Coordinating Committee (GMCC), or its successor entity for technical advice and for a report.

1.1.2 The PCRC may conduct public meetings to review the proposed designation and, at such meetings, may accept oral or written comments and communications from the public.

1.1.3 At the conclusion of its review and analysis, the PCRC shall make a recommendation to the County and to the municipalities in the County.



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1.2 Once adopted by the County, the "Urban Growth Area and Potential Annexation Area designations shall not be changed except in accordance with the Countywide Policy on "Amendments and Transition."

1.2.1 A jurisdiction shall not be required to modify existing "Urban Growth Area boundaries or Potential Annexation Areas in order to reduce the residential or employment capacity to conform to adopted growth targets reflecting VISION 2040's Regional Growth Strategy. Jurisdictions shall, however, consider the adopted growth targets when updating their local comprehensive plans.

1.2.2 Growth targets are the minimum number of residents, housing units, or jobs a given jurisdiction is planning to accommodate within the appropriate planning horizon and are to be developed through a collaborative countywide process that ensures all jurisdictions are accommodating a fair share of growth. These targets are informational tools integrated into local land use plans to assist in formulating future residential and employment land needs.

UGA-2. The following specific factors and criteria shall dictate the size and boundaries of urban growth areas:

2.7 The "Urban Growth Areas in existence prior to the adoption of VISION 2040 may contain capacity beyond that needed to accommodate the growth target per regional geography for the succeeding 20-year planning period based upon existing zoning designations, allowed density, existing land division patterns, and similar factors. It is permissible for such areas to continue to be designated as "Urban Growth Areas. Expansion of these "Urban Growth Area boundaries is acknowledged to be inconsistent with the CPPs and strongly discouraged if the "Urban Growth Area expansion is not in accordance with policy AT-2.3.

1 Sponsored by: Councilmembers Connie Ladenburg and Derek Young
2 Requested by: Executive/Planning and Public Works
3
4

5 **ORDINANCE NO. 2018-15s**
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7

8 **An Ordinance of the Pierce County Council Acknowledging its Approval of**
9 **Proposed Policies in the Pierce County Countywide Planning**
10 **Policies as Recommended by the Pierce County Regional**
11 **Council; Authorizing the Pierce County Executive to Execute**
12 **Interlocal Agreements with the Cities and Towns of Pierce**
13 **County to Ratify the Proposed Amendments; Amending**
14 **Chapter 19D.240 of the Pierce County Code, "Pierce County**
15 **Countywide Planning Policies," Upon Ratification; and**
16 **Adopting Findings of Fact.**
17

18 **Whereas**, the Pierce County Regional Council (PCRC) was created in 1992 by
19 interlocal agreement among the cities and towns of Pierce County and Pierce County,
20 and charged with responsibilities, including: serving as a local link to the Puget Sound
21 Regional Council, promoting intergovernmental cooperation, facilitating compliance with
22 the coordination and consistency requirements of the Growth Management Act (GMA)
23 and the Regional Transportation Planning Organization (Chapter 47.80 Revised Code
24 of Washington [RCW]), and developing a consensus among jurisdictions regarding the
25 development and modification of the Countywide Planning Policies; and
26

27 **Whereas**, on January 31, 1995, the PCRC passed Resolution No. R95-17
28 affirming the commitment of the County to continue discussions with other local
29 jurisdictions to resolve implementation of the GMA; and
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31 **Whereas**, the Pierce County Countywide Planning Policies (CPPs) are written
32 policy statements which are to be used solely for establishing a countywide framework
33 from which the County and municipal comprehensive plans are developed and adopted;
34 and
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36 **Whereas**, the CPPs were originally adopted on June 30, 1992 and amended on
37 April 9, 1996, December 17, 1996, November 18, 2004, November 17, 2008, June 26,
38 2012, August 27, 2012, July 11, 2014, and July 27, 2014; and
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40 **Whereas**, the PCRC considered various options to address issues associated
41 with the expansion of the Urban Growth Area in 2016; and
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43 **Whereas**, the current CPPs contain a policy that requires dry sewer facilities to
44 be installed if sanitary sewer service is not available for a project within the designated
45 Urban Growth Area; and
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1 **Whereas**, situations exist in which it is not practical or feasible to require dry
2 sewer facilities within the designated Urban Growth Area; and

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4 **Whereas**, the Pierce County Growth Management Coordinating Committee
5 (GMCC) is a technical subcommittee to the PCRC, and the GMCC includes staff
6 representatives from the County and the cities and towns within Pierce County; and

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8 **Whereas**, the GMCC forwarded its proposed recommendation to amend the
9 CPPs to the PCRC for consideration; and

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11 **Whereas**, the PCRC, based upon the recommendation from the GMCC and its
12 own discussions, recommended approval of the proposal at its December 21, 2017
13 meeting; and

14
15 **Whereas**, amendments to the CPPs must be adopted through amendment of the
16 original interlocal agreement or by a new interlocal agreement ratified by 60 percent of
17 member jurisdictions in Pierce County representing 75 percent of the total population;
18 and

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20 **Whereas**, demonstration of ratification shall be by execution of an interlocal
21 agreement or the absence of a legislative action to disapprove a proposed amendment;
22 and

23
24 **Whereas**, a jurisdiction shall be deemed as casting an affirmative vote if it has
25 not taken legislative action to disapprove a proposed amendment within 180 days from
26 the date the Pierce County Council formally authorizes the Pierce County Executive to
27 enter into an interlocal agreement; and

28
29 **Whereas**, when ratified by the necessary number of cities and towns, Section
30 19D.240 of the Pierce County Code (PCC), "Pierce County Countywide Planning
31 Policies", shall be amended, without a subsequent ordinance of the County Council, to
32 incorporate the recommended proposal; and

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34 **Whereas**, the Pierce County Planning Commission, at its February 27, 2018,
35 regular public hearing, reviewed the proposed amendments to the CPPs; and

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37 **Whereas**, the Pierce County Environmental official has determined the proposal
38 is exempt from SEPA, per WAC 197-11-800(19) procedural actions; and

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40 **Whereas**, the Community Development Committee of the Pierce County Council
41 held a public hearing on April 2, 2018, where it considered oral and written testimony
42 and forwarded its recommendation to the full County Council; and

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44 **Whereas**, the County Council held a public hearing on May 15, 2018, where oral
45 and written testimony was considered; and

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1 **Whereas**, the County Council finds that it is in the public interest to authorize the
2 Pierce County Executive to execute the interlocal agreement; **Now Therefore**,

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4 **BE IT ORDAINED by the Council of Pierce County:**

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6 Section 1. The Pierce County Council acknowledges its approval of the
7 amendments to the CPPs recommended by the Pierce County Regional Council as set
8 forth in Exhibit A, which is attached hereto and incorporated herein by reference.

9
10 Section 2. The Pierce County Council authorizes the Pierce County Executive to
11 execute Interlocal Agreements as set forth in Exhibit B, which is attached hereto and
12 incorporated herein by reference, thereby ratifying the attached amendments to the
13 CPPs and amending Chapter 19D.240 of the Pierce County Code as recommended by
14 the Pierce County Regional Council.

15
16 Section 3. Findings of Fact are hereby adopted as shown in Exhibit C, which is
17 attached hereto and incorporated herein by reference.

18
19 **PASSED** this 15th day of May, 2018.

20
21 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

22
23
24 Denise D. Johnson
25
26 **Denise D. Johnson**
27 Clerk of the Council

Douglas G. Richardson
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29 **Douglas G. Richardson**
30 Council Chair

Bruce F. Dammeier
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32 **Bruce F. Dammeier**
33 Pierce County Executive
34 Approved Vetoed _____, this
35 21st day of May,
36 2018.

37 Date of Publication of
38 Notice of Public Hearing: April 25, 2018

39
40 Effective Date of Ordinance: May 31, 2018

