

## Agenda Summary Report (ASR)

### Franklin County Board of Commissioners

<b>DATE SUBMITTED:</b> August 11, 2023	<b>PREPARED BY:</b> Aaron Gunderson
<b>Meeting Date Requested:</b> August 23, 2023	<b>PRESENTED BY:</b> Derrick Braaten
<b>ITEM:</b> (Select One) <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Brought Before the Board Time needed: 10 minutes	
<b>SUBJECT:</b> Proposed text amendment to the Franklin County Development Regulations (Zoning Ordinance) 1-2005. Said text amendment request is to amend the zoning text to reduce the required open space set-aside for a Planned Unit Development (PUD) from 35% to 15%. The text requested to be amended is included in the following Chapter(s) and Section(s) of Title 17, of the Franklin County Development Regulations (Zoning) Ordinance #1-2005, Section 17.58.080(F) Open Space Requirements.	
<b>FISCAL IMPACT:</b> None anticipated.	
<b>BACKGROUND:</b> Originally this application was set to go before the Planning Commission back in April 2020, but was delayed until April 2021 due to the Covid-19 pandemic disruption. Planning Commission held a public hearing and voted to recommend approval to the Board of County Commissioners at their regular April 13, 2021 regular meeting. However, the item did not make it to the BoCC, due in part to the building permit crisis back in the spring of 2021. When it was brought to staff's attention that the application did not reach the BoCC, work began on moving the item forward.  Due to the amount of time elapsed and changes to the makeup of the Planning Commission, staff brought item back at their April 11, 2023 meeting for discussion of their previous recommendation. Based upon said discussion, staff concluded a new public hearing would need to be held. A new public hearing on the item was held by the Planning Commission at their hearing on June 20, 2023 and was voted on to recommend approval to the Board of County Commissioners.	
<b>RECOMMENDATION:</b> Staff and the Planning Commission recommends approval of the proposed text amendment to Title 17, Section 17.58.080(F) Open Space Requirements.  <i>Suggested Motion: Pass ordinance #____, amending Title 17, Section 17.58.080(F) Open Space Requirements based on the findings.</i>	
<b>COORDINATION:</b> In accordance with procedural requirements under RCW 36.70A.106, the proposed amendment to the Open Space Requirements was provided to the state Department of Commerce. A SEPA DNS was issued on both March 12, 2020 and November 17, 2020 and there were no comments. The County's prosecuting attorney's office has reviewed the proposed changes.	
<b>ATTACHMENTS:</b> (Documents you are submitting to the Board) Draft Ordinance, Planning Commission 6/20/2023 meeting minutes, Planning Commission Staff Report, SEPA DNS and checklist	
<b>HANDLING / ROUTING:</b> (Once document is fully executed it will be imported into Document Manager. Please list <u>name(s)</u> of parties that will need a PDF) <b>To the Clerk of the Board:</b> 1 Original Ordinance <b>To Planning:</b> 1 Copy Ordinance (note: Planning will forward a copy to the State Dept. of Commerce)	

I certify the above information is accurate and complete.

  
Derrick Braaten

FRANKLIN COUNTY ORDINANCE 07-2023  
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF  
FRANKLIN COUNTY, WASHINGTON

*Amendment to Title 17, Section 17.58.080(F)*

**IN THE MATTER OF COUNTY PLANNING – AMENDING TITLE 17, SECTION 17.58.080(F)  
CODE ADMINISTRATION, TO THE COUNTY CODE OF ORDINANCES**

**WHEREAS**, on August 23, 2023, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission to amend Title 17, Section 17.58.080(F) to the Franklin County Code of Ordinances; and

**WHEREAS**, at the public meeting the Board has found that the County Planning Commission, after a public hearing and consideration on TC 2020-02 did recommend the new amendment be adopted, and the Planning Commission forwarded the following listed findings of fact;

1. The proposal **IS IN** accord with the goals and policies of the Franklin County Comprehensive Plan, including the county-wide planning policies.
  - a. Amendment is supported by county-wide planning policy on open space and recreation in that it encourages the retention of open space in order to enhance the development of recreational opportunities (Pg. 5, 7).
  - b. Amendment supports the intent of Comprehensive Plan Land Use Element, Goal #3, encouraging “...the maintenance, preservation, conservation and otherwise continue in existence adequate open space lands (Pg. 36).”
  - c. Amendment supports the intent of Comprehensive Plan Land Use Element, Goal #6, which is to “encourage development of neighborhoods that support a high quality of life (Pg. 37).”
  - d. Amendment supports the intent of Comprehensive Plan Rural Lands Element, Goal #1, which will encourage the maintaining of the rural character of the County (Pg. 54).
  - e. Amendment will promote the development of Master Planned Resorts (MPRs) as provided in Goal #3 of the Comprehensive Plan Rural Lands Element (Pg. 56).
  - f. Amendment will promote the utilization of wetland natural hazard area and wildlife areas as open space as provided in Goal #6 of the Comprehensive Plan Capital Facilities Plan Element (Pg. 130).

- g. Amendment will “promote the protection, conservation, and restoration of natural areas, shorelines, and critical areas,” as provided in Goal #1 of the Comprehensive Plan Natural Environment Element (Pg. 86).
  - h. Amendment will help to “manage, conserve, and protect the County’s natural resources through a balance of development activities complemented with sound environmental practices” as provided in Goal #6 of the Comprehensive Plan Transportation & Circulation Element (Pg. 167).
2. The effect of the proposal **WILL NOT** be materially detrimental.
    - a. Requiring a 15% set aside for open space for a PUD still achieves the intent of FCC 17.58.
    - b. A 15% set aside for open space is comparable to development requirements of surrounding jurisdictions.
  3. There **IS** merit and value in the proposal for the community as a whole.
    - a. Reducing the required open space set aside may encourage the development of more PUD residential communities.
  4. Conditions **ARE NOT** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
    - a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.
  5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.
    - a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.
  6. All Notifications of the Public Hearing were posted as per County Ordinances and State law.

**WHEREAS**, A SEPA Determination of Non-Significance (DNS) was originally issued on March 12, 2020, and re-issued on November 3, 2020. SEPA notices were sent to various federal, state, and local commenting agencies; and

**WHEREAS**, In accordance with procedural requirements under RCW 36.70A.106, the proposed text amendment to the County’s Development Regulations were provided to the state Department of Commerce on May 3, 2023, for review in advance of potential adoption of changes to the development regulations, for distribution to state agencies, to allow an opportunity for agency comment; and

**WHEREAS**, the County finds it in the public interest to approve said addition of text;

**NOW, THEREFORE, BE IT ORDAINED** that amendment to Title 17, Section 17.58.080(F) be added to the County Code of Ordinances as shown in Attachment A.

**APPROVED THIS 20th DAY OF SEPTEMBER, 2023.**

**BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON**

**Approved as to form**

**Chair**

  
\_\_\_\_\_  
Prosecuting Attorney

\_\_\_\_\_  
**Chair Pro-Tem**

**Attest:**\_\_\_\_\_  
**Clerk of the Board**

\_\_\_\_\_  
**Member**

## ***Attachment A***

### **17.58.080 - Design standards and requirements.**

- A. Subdivision Requirements. If land or structures within a proposed PUD are to be sold to more than one person, partnership, firm or corporation, or are to include the dedication of land, then the proposed PUD shall be subject to the short plat or major subdivision ordinances.
- B. Right-of-Way Requirements. County policy with regards to the dedication of right-of-way and right-of-way improvements may be waived in a PUD.
- C. Zoning Requirements. A planned unit development shall be exempt from the minimum lot size and setback standards of this title, except where on-site parking is located in front of a structure that portion of the structure shall be set back twenty (20) feet from the property line.
- D. Density. The basic density in a planned unit development shall be established for each land use as provided in the zoning districts. The planning commission may recommend and the board of commissioners may authorize a density not more than twenty (20) percent greater than what is otherwise permitted following findings that the amenities or design features which promote the purposes of this chapter are provided.
- E. Lot Requirements. Minimum lot areas, lot dimensions, building heights, lot coverage and yard requirements shall be as established on the approved development plan.
- F. Open Space Requirements. The PUD shall provide not less than fifteen (15) percent of the gross land area for common open space.
- G. Setbacks Between Buildings. A distance between all structures shall, at a minimum, comply with the standards prescribed by the most current edition of the Uniform Building and Fire Codes as adopted by the county.

## **PC MEETING SUMMARY**

**TC 2020-02**

**Franklin County – Amending FCC 17.58.080(F)**

**Request to Adjust Open Space Percentage Requirement**

**FACT SHEET/STAFF SUMMARY**  
**Meeting before the Franklin County Planning Commission**

**Case file:** TC 2020-02 [Request to amend FCC 17.58.080(F)] and SEPA 2020-03.

**PC Meeting Date:** June 20, 2023

*See the staff report for the application details, description, explanation of public notice, etc.*

**SUMMARY OF THE PUBLIC HEARING:**

The request to amend Franklin County Code (FCC) 17.58.080(F) to reduce the required open space for a Planned Unit Development (PUD) from 35 to 15 percent went before the Planning Commission on June 20, 2023. Several public comments against the proposal were received in advance of the hearing, were concerned about potential loss of open space, and increased density. There were no public comments were provided during the public hearing regarding the proposal.

Staff provided a presentation and PowerPoint regarding the proposal. The applicant was given an opportunity to speak about the proposal, but applicant was not at the meeting. Time was allowed for clarification by the Planning Commission. *(See Staff Report and draft minutes)*

**Findings of Fact Criteria Used by Planning Commission:** The Planning Commission made and entered findings from the record and conclusions thereof as to whether or not:

1. The proposal is in accordance with the goals and policies of the comprehensive plan;
2. The effect of the proposal on the immediate vicinity will be materially detrimental;
3. There is merit and value in the proposal for the community as a whole;
4. Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal;
5. A concomitant agreement should be entered into between the County and the petitioner, and if so, the terms and conditions of such an agreement;
6. All notifications of the public hearing were posted as per County ordinances and state law.

As proposed, the application to amend Franklin County Code (FCC) 17.58.080(F), to reduce the required open space percentage from 35 to 15 percent.

At the June 20, 2023 meeting, the Planning Commission discussed the proposal, the comments made, the record as provided, and findings of fact. A motion was made for a recommendation that the Franklin County Board of Commissioners approve the request for the rezone of the properties,

regarding Application TC 2020-02, seconded, and approved, with the suggested six (6) findings of fact, as provided below.

**Findings of Fact – Planning Commission:** The Planning Commission (with assistance from Planning Staff) made and entered the following findings from the record, and conclusions thereof:

**Suggested Findings of Fact:**

1. The proposal **IS IN** accord with the goals and policies of the Franklin County Comprehensive Plan, including the county-wide planning policies.
  - a. Amendment is supported by county-wide planning policy on open space and recreation in that it encourages the retention of open space in order to enhance the development of recreational opportunities (Pg. 5, 7).
  - b. Amendment supports the intent of Comprehensive Plan Land Use Element, Goal #3, encouraging "...the maintenance, preservation, conservation and otherwise continue in existence adequate open space lands (Pg. 36)."
  - c. Amendment supports the intent of Comprehensive Plan Land Use Element, Goal #6, which is to "encourage development of neighborhoods that support a high quality of life (Pg. 37)."
  - d. Amendment supports the intent of Comprehensive Plan Rural Lands Element, Goal #1, which will encourage the maintaining of the rural character of the County (Pg. 54).
  - e. Amendment will promote the development of Master Planned Resorts (MPRs) as provided in Goal #3 of the Comprehensive Plan Rural Lands Element (Pg. 56).
  - f. Amendment will promote the utilization of wetland natural hazard area and wildlife areas as open space as provided in Goal #6 of the Comprehensive Plan Capital Facilities Plan Element (Pg. 130).
  - g. Amendment will "promote the protection, conservation, and restoration of natural areas, shorelines, and critical areas," as provided in Goal #1 of the Comprehensive Plan Natural Environment Element (Pg. 86).
  - h. Amendment will help to "manage, conserve, and protect the County's natural resources through a balance of development activities complemented with sound environmental practices" as provided in Goal #6 of the Comprehensive Plan Transportation & Circulation Element (Pg. 167).
2. The effect of the proposal **WILL NOT** be materially detrimental.
  - a. Requiring a 15% set aside for open space for a PUD still achieves the intent of FCC 17.58.
  - b. A 15% set aside for open space is comparable to development requirements of surrounding jurisdictions.



3. There **IS** merit and value in the proposal for the community as a whole.
  - a. Reducing the required open space set aside may encourage the development of more PUD residential communities.
4. Conditions **ARE NOT** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
  - a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.
5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.
  - a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.
6. All Notifications of the Public Hearing were posted as per County Ordinances and State law.

**Suggested Motion:** "I move that the Board of County Commissioners adopt the recommendation of the Planning Commission and approve TC 2020-02, based upon the six (6) written findings of fact."

**PC MEETING MINUTES**  
**&**  
**POWERPOINT PRESENTAION**

TC 2020-02

Franklin County – Amending FCC 17.58.080(F)

Request to Adjust Open Space Percentage Requirement

### **ITEM #3 – TC 2020-02 / SEPA 2020-03 (Planned Unit Developments)**

Proposal is to amend Franklin County Code Chapter 17.58, Planned Unit Development (PUD), specifically Section 17.58.080(F) Open Space Requirements. The amendment seeks to reduce the required open space for a PUD from 35 to 15 percent, bringing it into alignment with other neighboring jurisdictions that have a 10-15 percent requirement range for open space.

**APPLICANT:** Aqtera Engineering, LLC

**REPRESENTATIVE:** Peter Harpster, or other designated representative

#### **OPEN PUBLIC HEARING:**

Commissioner Gutierrez declared the public hearing to be open at 8:09PM.

- Before the staff report, Mr. Braaten explained that there was no declarations made regarding conflicts of interests earlier and it should have been stated since Commissioner Harpster does represent the applicant for this agenda item. However, with this item being legislative and not quasi-judicial, Commissioner Harpster does not have to recuse himself and can vote on this agenda item.
- Commissioner Harpster also explained that he had talked with his employer's attorney, the County's attorney, and MSRC online and found no reason for him to recuse himself being that it is a legislative matter and not quasi-judicial.
- Mr. Braaten further explained that when the original decision was made, Mr. Harpster was not a Planning Commissioner, but because there has been such a long delay on the item, things have changed and through no fault of Aqtera or Mr. Harpster though this item had already been done, only to realize that he had missed a step.
- Mr. Braaten wants the record to be clear that this is a legislative item, there is no requirement or recusal needed. However, most of the public should be aware of Mr. Harpster's relationship with Aqtera and that he concurs with Mr. Harpster as it was mentioned at the last meeting. The requirement to recuse oneself from a meeting are for quasi-judicial items. These are items that are basically the decision is based on law and the rules on the books and that the body (i.e. Planning Commission or the Board of County Commissioners) is acting like a judge in that they are looking at the rules, the application, and determining whether or not it meets those rules, they are making a judgement. Legislative items are not that and are changes to policy. Every item on tonight's agenda have been legislative items and are questions about our regulations and our rules. People are not only allowed to talk about legislative items, but are encouraged to talk about it, so the Planning Commission members can get a feel for an idea that community would want and represent those ideals when doing the legislative actions.
- Commissioner Didier had a question regarding the County attorney clearing this issue as far as this being legislative.
  - Mr. Braaten responded by stating "yes and no, they didn't have a choice because under state law you don't recuse yourself from legislative items. Otherwise the Board wouldn't be able to talk to anybody or the Planning Commissioners wouldn't be able to talk to anybody about our SMP or anything else that we (the County) are doing."

<b>ITEM UNDER REVIEW FROM JUNE 20, 2023 PC MEETING</b>
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**STAFF REPORT:**

- Mr. Braaten presented on this agenda item. Presentation lasted approximately 16 minutes.

**COMMISSIONER QUESTIONS FOR STAFF:**

- Commissioner Didier asked about if there is a requirement for the open space to be contiguous for a certain number of square feet or acreage or anything like that.
  - Mr. Braaten responded by stating no, it's going to be 35 percent, but will have to double check the contiguous as it is an interesting idea, however, he could also see where the developer creates like three pocket parks, which serves the immediate residents.
- Commissioner Harpster added that it could be part of the discussion between any applicant and County staff when an application comes in.
- Mr. Braaten added that staff does not just meet with the developer and its all said and done. PUD's are a quasi-judicial process and staff brings it up to the Planning Commission like a subdivision. All the discussions and what we come up with and the rationales as to why and where the deviations are, all comes out in the staff report and during the public hearing process. Which the Planning Commission will then make its recommendation, as a quasi-judicial action, meaning any such parties would recuse themselves, and then forward it to the Board of County Commissioners.
- Mr. Braaten further added that to apply for a PUD, an applicant needs a minimum of 10 acres.

**PUBLIC COMMENTS:**

- No public comments were made for, against, or neutral regarding this agenda item.

**STAFF FINAL COMMENTS:**

- No final comments from staff for this agenda item.

**CLARIFICATION OF PUBLIC STATEMENTS:**

- No clarification of public statements were needed by the audience.

**CLOSING PUBLIC HEARING ITEM:**

- Commissioner Gutierrez closed the public hearing portion of this item around 8:40PM.

**PLANNING COMMISSION DISCUSSION (before motion):**

- No discussion amongst the Planning Commission prior to the motion.

Commissioner Gutierrez entertained a motion.

Commissioner Harpster made a motion to forward to the Board of County Commissioners a positive recommendation of TC 2020-02/SEPA 2020-03 with the six (6) suggested findings of fact.

Commissioner Didier seconded the motion.

**PLANNING COMMISSION FURTHER DISCUSSION (after motion):**

- No further discussion amongst the Commissioners after the motion was made.

**ITEM UNDER REVIEW FROM JUNE 20, 2023 PC MEETING**

**ROLL CALL VOTE:**

Mike Corrales:	Absent
Melinda Didier:	Yes (call-in)
Mike Vincent:	Absent
Layton Lowe:	Absent
Peter Harpster:	Yes (This is a legislative item. Mr. Harpster did not have to recuse himself)
Manny Gutierrez:	Yes
Stacy Kniveton:	Yes (call-in)

The motion has been approved for TC 2020-02 / SEPA 2020-03 at 8:42 PM.

The portions of the meeting minutes regarding Planning Commission meeting Item #1 and #2 is being EXCLUDED, as they address an item that has already been heard by the Board of County Commissioners at an earlier date, which is subject to the Washington State Appearance of Fairness Doctrine.

# AGENDA ITEM # 3

TC 2020-02

## **TEXT CHANGE**

AQTERA ENGINEERING, LLC



FRANKLIN COUNTY PLANNING COMMISSION  
Tuesday, June 06, 2023

# TC 2020-02

## DESCRIPTION

- **Location:** County-Wide
- **Request:** Applicant request to amendment Franklin County Code (FCC) 17.58.080(F) to change open space minimum percentage requirement from 35 to 15 percent for Planned Unit Developments (PUD).
- **Reasoning:** To bring minimum percentage requirement closer in line to nearby jurisdictions, along with increasing the viability of PUDs as an option for developers. Also the increased amount of PUDs would allow in turn for more land set aside for open space.

# TC 2020-02

## PUBLIC/AGENCY NOTICE

- ❑ Public notice was originally published in the Franklin County Graphic and Tri-City Herald on March 12, 2020 for the April 2020 Planning Commission Meeting. This meeting was canceled due to Covid-19 Pandemic.
- ❑ Second public notice was published in the Franklin County Graphic and Tri-City Herald on April 1, 2021 for the April 2021 Planning Commission meeting.
- ❑ A SEPA Determination of Non-Significance (DNS) was originally issued on March 12, 2020, with a comment period ending on March 26, 2020. A second SEPA Determination of Non-Significance was issued on November 3, 2020, with a comment period ending on November 17, 2020. The reason for second issuance, was the Covid-19 Pandemic and potential of agencies not being able to comment during original comment period.
- ❑ In accordance with procedural requirements under RCW 36.70A.106, the proposed text amendment to the County's Development Regulations was provided to the Department of Commerce on May 3, 2023 for review.



# TC 2020-02

## STAFF ANALYSIS

- ❑ Originally application was to go before the Planning Commission back in April 2020, but was postponed until April 2021 due to Covid-19 Pandemic.
- ❑ Planning Commission held a public hearing in April 2021 and voted to recommend approval to the Board of County Commissioners (BoCC) on the item.
- ❑ However, said item did not reach the BoCC on account of the building permit crisis during the spring of 2021.
- ❑ When it was brought to staff's attention that the application did not reach the BoCC, staff began work on moving the item forward.
- ❑ Due to the amount of time elapsed and membership changes to the Planning Commission, staff brought the item back at their April 2023 meeting for discussion. Based upon said discussion, staff concluded that a new public hearing would need to be held.

# TC 2020-02

## STAFF ANALYSIS

- Planned Unit Development (PUD) allows for more development flexibility, such that options not normally allowed in traditional residential development may be developed.
- Clustered residential lot layouts, the allowance of mixed uses (mixture of residential & commercial/retail spaces, or other non-residential uses), neighborhood gathering and activity centers, and often act as pilot projects regarding new residential development concepts.
- The PUD approval process involves discussion between developers and staff in developing site layout and proposed uses, along with making sure the proposed development meets various PUD requirements (e.g., density standards, open space, setbacks, etc.).

# TC 2020-02

## STAFF ANALYSIS

- Though overall, a PUD concept may be flexible, the number of residential units permitted is limited to that number normally allowed within the zone, unless specific requirements are met allowing for a limited density increase.
- If all required elements are provided, then up to a 20 percent density increase may be permitted.
- One of the key components of PUDs is the requirement to set aside a certain amount of land for open space.
  - What counts as open space can vary from natural areas to developed parks, with any structures being ancillary to the space, such as gazebos, playground equipment, etc.

# TC 2020-02

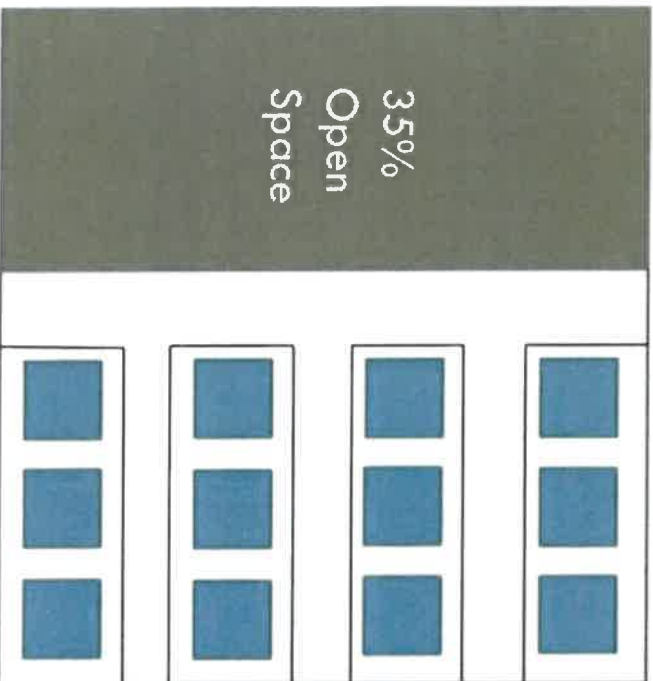
## STAFF ANALYSIS

- ☐ Based on a staff analysis of other jurisdictions within the Eastern Washington region, only Franklin County has an open space requirement of 35 percent.
- ☐ Most jurisdictions either have no percentage requirement for open space or a 15 percent requirement.
- ☐ Grant County is the closest with 30 percent.
- ☐ City of Pasco requires 15 percent open space.
- ☐ Yakima and Spokane Counties both have an open space percentage requirement of 10 percent.

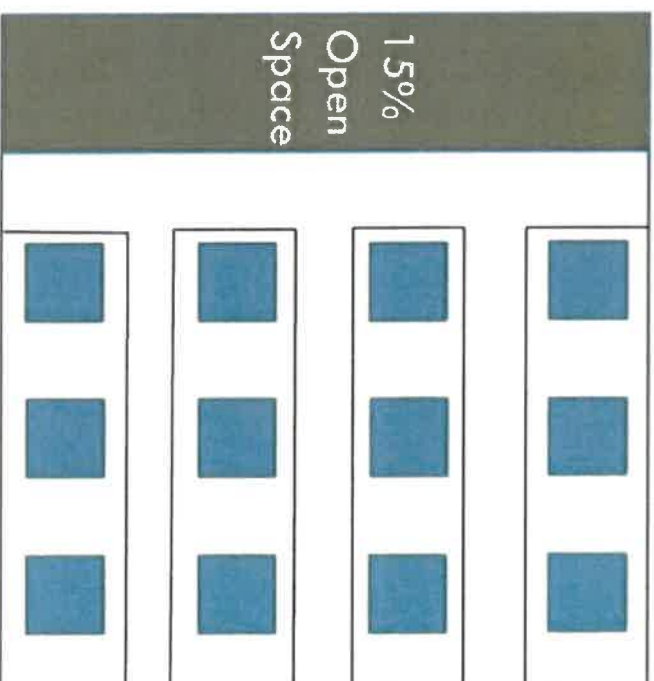
# TC 2020-02

## STAFF ANALYSIS

☐ **35% Open Space Requirement –  
10-acre, RC-1 zoned site**



☐ **15% Open Space Requirement –  
10-acre, RC-1 zoned site**



- ☐ Changing the open space requirement does not change the allowed number of residential units.
- ☐ PUD open space is not public open space, and is for the enjoyment of the residents living in the development, unless the development desires to make it public.

# TC 2020-02

## STAFF ANALYSIS

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□ Applicant stated in their narrative that decreasing open space percentage requirement would help the County better achieve said open space goals as were listed in the 2008 Comprehensive Plan, that was at the time of submittal.

□ Franklin County has since adopted the 2018-2038 Franklin County Comprehensive Plan, which contains some of the same open space goals listed in the 2008 plan.

# TC 2020-02

## STAFF ANALYSIS

- Staff concurs that decreasing the open space percentage requirement may encourage more PUD developments, allowing staff to better establish key areas to be preserved for open space through the negotiation process, as opposed to the subdivision regulatory process.
- It may also make PUDs a more attractive option for developers; encouraging them to set aside land for preservation or recreational use, while at the same time ensuring the development pencils out.
- Additionally, the percentage change would help bring the County into greater alignment with the City of Pasco's standard, which will minimize development conflicts in the City's Urban Growth Area (UGA).



# TC 2020-02

## PUBLIC COMMENTS

- ❑ Before the April 2023 Planning Commission meeting, staff received eleven (11) comments in opposition to the proposed change.
- ❑ The April 11<sup>th</sup> meeting was not a public hearing, nor was the item presented as such. However, because this item is a legislative matter, those comments were entered into the record and provided to the PC and BoCC.
- ❑ Commenters were provided with a response, clarifying the matter.

### Aaron Gunderson

From: Aaron Gunderson  
Sent: Tuesday, April 11, 2023 3:28 PM  
To: 'musefarm@icloud.com'; 'Maria Marin'; 'David Snyder'; 'jkrugs4@gmail.com'; 'Lancaster, Sack'; 'bobbear@msn.com'; 'lidsnyder@gmail.com'; 'steveagard.3@hotmail.com'; 'Sandy LePage'  
Cc: Derrick Braaten; Ryan Nelson; Rebecca Gilley  
Subject: Response to Comments on TC 2020-02

### Public Commenters,

Thank you for your comments. Please be advised, a public hearing on this item was held on April 13, 2021 and that there is no public hearing/testimony scheduled for this item tonight. The reason the item is being brought back to the Planning Commission, is to reacquaint the Planning Commission with the item, because though it was originally heard and recommended for approval at the April 13, 2021 PC meeting, it was not brought to the County Commissioners for final action. Due to this being a legislative action, the Planning Commission can move forward with its existing recommendation, or schedule additional hearings regarding the matter, at its discretion.

There does seem to be a misunderstanding regarding the term "open space", as used in a PUD. Open space, in this instance, refers to land being set aside for the enjoyment of the residents of the development/subdivision, not the public at large. A PUD's open space is maintained by a private HOA, paid for by the residents of that development, and not the public. This request does not relate to the use of public lands or other public open spaces.

If additional hearings are to be scheduled, they would likely take place in May or June of 2023.

Thank you,

*Aaron Gunderson*

Planner I

Franklin County, WA | Planning & Building Dept.

909-848-3521

agunderson@franklincountywa.gov





# TC 2020-02

## AGENCY COMMENTS



□ Staff received comments from the following technical agencies regarding this proposal:

□ Franklin PUD – Later reached out to staff and confirmed a withdrawn of their comments due to a misunderstanding of the application.

□ City of Pasco

# TC 2020-02

## RECOMMENDED FINDINGS OF FACT

1. The proposal **IS IN** accord with the goals and policies of the Franklin County Comprehensive Plan, including the County-Wide planning policies.
2. The effect of the proposal **WILL NOT** be materially detrimental.

# TC 2020-02

## RECOMMENDED FINDINGS OF FACT

3. The **IS** merit and value in the proposal for the community as a whole.
4. Conditions **ARE NOT** required to be imposed in order to mitigate any significant adverse .

# TC 2020-02

## RECOMMENDED FINDINGS OF FACT

5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.
6. All notifications of the public hearing were posted as per County Ordinances and State law.

# TC 2020-02

## SUGGESTED MOTION

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- “I move that the Franklin County Planning Commission adopt the findings of fact as contained in the staff report, and recommend approval of the proposed amendment of **Chapter 17.58 Planned Unit Development (PUD)** based on the findings.”

## **PC STAFF REPORT**

**TC 2020-02**

**Franklin County – Amending FCC 17.58.080(F)**

**Request to Adjust Open Space Percentage Requirement**

**Agenda Item #3**

**STAFF REPORT/PUD ARTICLES**

**TC 2020-01**

**Aqtera Engineering, LLC – Text Change Amendment; FCC 17.58.080(F)**

## **FACT SHEET/STAFF REVIEW**

Hearing before the Franklin County Planning Commission

**Case-file:** TC 2020-02 / SEPA 2020-03  
Amendment to Franklin County Code Chapter 17.58, Planned Unit Development (PUD), Specifically Section 17.58.080(F) Open Space Requirements.

**Hearing Date:** June 6, 2023

**Applicant:** Caleb Stromstad, Aqtera Engineering

**Location:** N/A – the code will apply to all lands in unincorporated Franklin County

### **ATTACHMENTS TO THIS STAFF REPORT:**

1. DRAFT Ordinance for BOCC adoption [Proposed code is shown as Attachment A]
2. SEPA DNS and Checklist

### **APPLICATION DESCRIPTION:**

This is a proposed amendment to Franklin County Code Chapter 17.58, Planned Unit Development (PUD), specifically Section 17.58.080(F) Open Space Requirements. The request seeks to reduce the required open space for a PUD from 35 to 15 percent. The applicant has stated the reason for this request, is to increase the availability of PUDs as a development option. It was pointed out in the narrative that other nearby jurisdictions have either no minimum percentage requirement or a 15 percent requirement. Additionally, the applicant mentioned that the change to the PUD open space percentage could inadvertently increase the amount of open space. This being due to the potential encouragement of PUD development over standard subdivision development within the County.

### **STAFF ANALYSIS:**

Originally, this application was set to go before the Planning Commission back in April 2020, but was unfortunately delayed until April 2021 due to the Covid-19 pandemic disruption. Planning Commission held a public hearing and voted to recommend approval to the Board of County Commissioners (BoCC) on the item at their April 13, 2021 regular meeting. However, the item did not make it to the BoCC, due in part to the building permit crisis back in the spring of 2021. When it was brought to staff's attention that the application did not reach the BoCC, work began on moving the item forward.

Due to the amount of time elapsed and changes to the makeup of the Planning Commission, staff brought item back at their April 11, 2023 meeting for discussion of the previous recommendation. Based upon said discussion, staff concluded a new public hearing would need to be held.



Planned Unit Development (PUD) allows for more development flexibility by allowing for options not normally allowed in traditional residential development, such as, clustered residential lot layouts and/or the allotment of mixed uses within a proposed development. The PUD process involves a negotiation between developers and staff in developing the site layout, along with making sure the proposed development meets the various PUD requirements (e.g., density standards, open space, setbacks, etc.). One of the key components of PUDs is the ability to set aside a certain amount of land for open space. What counts as open space within a PUD can vary from natural areas to parks, with the understanding of it not being used for the building of structures. Please refer to the attached APA quicknotes and MRSC articles for more information on PUDs.

According to staff analysis of other jurisdictions within the Eastern Washington region, only Franklin County has an open space requirement of 35 percent. Grant County is the closest with an open space percentage requirement of 30 percent. City of Pasco had at one point a 35 percent open space requirement, but has since rolled back the requirement to 15 percent in 2020. Other jurisdictions in the area have either no percentage requirement for open space or a 15 percent requirement. Both Yakima and Spokane counties have a lower open space percentage requirement of 10 percent.

The applicant stated in their narrative that decreasing the open space percentage would help the County better achieve said open space goals as were listed in the 2008 Franklin County Comprehensive Plan, as this was in effect at the time of submittal. However since 2020, Franklin County has approved the 2018-2038 Franklin County Comprehensive Plan, which nevertheless contains some of the same open space goals as in the 2008 plan (Pg. 5, 7, 36, 54, 56, 86, 130, 167).

Staff concurs with the applicant that decreasing the open space percentage requirement would allow for more open space, due in part to it increasing the flexibility of staff in being able to establish key areas to be preserved for open space within the negotiation process. This would in turn make PUDs more attractive for developers; due to the ability to both set aside land for preservation while at the same time making sure the development pencils out. Over time, it would allow more land to be preserved in comparison to traditional development. Additionally, the change in the open space percentage requirement would bring the County more in line with the City of Pasco, which is important due to the potential close proximity of some PUDs to the Pasco Urban Growth Area (UGA).

#### **PUBLIC NOTICE:**

1. A Public Notice was published in the Franklin County Graphic and Tri-City Herald March 12, 2020 for the Planning Commission meeting on April 14, 2020. This meeting was canceled due to Covid-19 Pandemic.
2. Second public notice was published in the Franklin County Graphic and Tri-City Herald on April 1, 2021 for the Planning Commission meeting on April 13, 2021.

3. A SEPA Determination of Non-Significance (DNS) was originally issued on March 12, 2020, with a comment period ending on March 26, 2020. A second SEPA Determination of Non-Significance (DNS) was issued on November 3, 2020, with a comment period ending on November 17, 2020. The reason for second issuance, was the Covid-19 Pandemic and potential of agencies not being able to comment during the original comment period.

**NOTICE TO THE STATE DEPARTMENT OF COMMERCE, GROWTH MANAGEMENT SERVICES:**

In accordance with procedural requirements under RCW 36.70A.106, the proposed text amendment to the County's Development Regulations was provided to the state Department of Commerce on May 3, 2023, for review in advance of potential adoption of changes to the development regulations, for distribution to state agencies, to allow an opportunity for agency comment.

**APPLICABLE STANDARDS/ORDINANCES:**

1. Franklin County Comprehensive Plan.
2. Franklin County County-Wide Planning Policies.
3. Franklin County Code Chapter 14.60 Zoning and Subdivision Code Text Amendments.
4. Local Project Review Act (RCW 36.70B)
5. Land Use Petition Act (Chapter 36.70C RCW)

**ADDITIONAL BACKGROUND INFORMATION:**

The County's prosecuting attorney's office has not reviewed this item yet. They will have a chance to review this item before it is presented to the BoCC.

**COMMENTS/CRITERIA FOR FINDINGS OF FACT:**

As of the date of this staff report, two agency comments were received from Franklin PUD and the City of Pasco. Franklin PUD's comments were in opposition to the text change. Their argument is based on the potential increased difficulty inherent with obtaining rights-of-way for utilities and the room they need for equipment. Franklin PUD has since reached out to staff confirming a withdrawn of their comments due to a misunderstanding of the application.

City of Pasco's comments indicated that their main opposition to the text change is due in part to the proposed changes only covering the open space percentage requirement, along with the lack of jurisdictional consultation. Both agency comments are included within the packet for review.

Additionally there were multiple emailed public comments received by our office before the item went before the April 11, 2023 Planning Commission meeting. The public comments were against the proposed change in the Planned Unit Development (PUD) ordinance. Due to what appeared to be confusion from public commenters, staff send an email clarification on why the item was not listed as public hearing item and what is meant by the term "open space."

Any additional comments received by the Planning Department prior to the Public Hearing will be distributed to the Planning Commission in an Exhibit packet for review at the Hearing.

**FINDINGS AND RECOMMENDATIONS: (TC 2020-02)**

Consistent with Chapter 14.60, the Planning Commission shall:

1. After completion of an hearing on the petition for change to the development regulations, the Planning Commission shall make and enter findings from the records and conclusions thereof which support its recommendation and find whether or not:
  - a. The proposal is in accord with the goals and policies of the comprehensive plan including the county-wide planning policies.
  - b. The effect of the proposal will be materially detrimental.
  - c. There is merit and value in the proposal for the community as a whole.
2. Render a recommendation to approve, approve with modifications and/or conditions, or reject the petition based on its findings and conclusions. The Planning Commission's recommendation, to include its findings and conclusions, shall be forwarded to the Board of Commissioners at a regularly scheduled business meeting thereof.

**Staff:** Staff recommends the Planning Commission forward a **POSITIVE RECOMMENDATION**, according to the following suggested findings of fact:

**Suggested Findings of Fact:**

1. The proposal **IS IN** accord with the goals and policies of the Franklin County Comprehensive Plan, including the county-wide planning policies.
  - a. Amendment is supported by county-wide planning policy on open space and recreation in that it encourages the retention of open space in order to enhance the development of recreational opportunities (Pg. 5, 7).
  - b. Amendment supports the intent of Comprehensive Plan Land Use Element, Goal #3, encouraging "...the maintenance, preservation, conservation and otherwise continue in existence adequate open space lands (Pg. 36)."
  - c. Amendment supports the intent of Comprehensive Plan Land Use Element, Goal #6, which is to "encourage development of neighborhoods that support a high quality of life (Pg. 37)."

## Amendment of Franklin County Code 17.58.080(F)

- d. Amendment supports the intent of Comprehensive Plan Rural Lands Element, Goal #1, which will encourage the maintaining of the rural character of the County (Pg. 54).
  - e. Amendment will promote the development of Master Planned Resorts (MPRs) as provided in Goal #3 of the Comprehensive Plan Rural Lands Element (Pg. 56).
  - f. Amendment will promote the utilization of wetland natural hazard area and wildlife areas as open space as provided in Goal #6 of the Comprehensive Plan Capital Facilities Plan Element (Pg. 130).
  - g. Amendment will “promote the protection, conservation, and restoration of natural areas, shorelines, and critical areas,” as provided in Goal #1 of the Comprehensive Plan Natural Environment Element (Pg. 86).
  - h. Amendment will help to “manage, conserve, and protect the County’s natural resources through a balance of development activities complemented with sound environmental practices” as provided in Goal #6 of the Comprehensive Plan Transportation & Circulation Element (Pg. 167).
2. The effect of the proposal **WILL NOT** be materially detrimental.
- a. Requiring a 15% set aside for open space for a PUD still achieves the intent of FCC 17.58.
  - a. A 15% set aside for open space is comparable to development requirements of surrounding jurisdictions.
3. There **IS** merit and value in the proposal for the community as a whole.
- a. Reducing the required open space set aside may encourage the development of more PUD residential communities.
4. Conditions **ARE NOT** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
- a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.
5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.
- a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.

6. All Notifications of the Public Hearing were posted as per County Ordinances and State law.

**SUGGESTED MOTION:**

*I move that the Planning Commission adopt the findings of fact as contained in the staff report, and recommend approval of the proposed amendment of **Chapter 17.58 Planned Unit Development (PUD)** based on the findings.*

# QUICKNOTES

Planning fundamentals  
for public officials and  
engaged citizens

This PAS QuickNotes was prepared by  
APA research staff with contributions  
from national planning law experts.

## Understanding Planned Unit Development

A planned unit development (PUD) is a large, integrated development adhering to a comprehensive plan and located on a single tract of land or on two or more tracts of land that may be separated only by a street or other right-of-way. PUD is a form of development that, although conceived decades ago, can be used today to advance a number of important smart growth and sustainability objectives. PUD has a number of distinct advantages over conventional lot-by-lot development. Properly written and administered, PUD can offer a degree of flexibility that allows creativity in land planning, site design, and the protection of environmentally sensitive lands not possible with conventional subdivision and land development practices. Moreover, properly applied, PUD is capable of mixing residential and nonresidential land uses, providing broader housing choices, allowing more compact development, permanently preserving common open space, reducing vehicle trips, and providing pedestrian and bicycle facilities. In exchange for design flexibility, developers are better able to provide amenities and infrastructure improvements, and find it easier to accommodate environmental and scenic attributes.

PUD is particularly useful when applied to large developments approved in phases over a number of years, such as master planned communities. PUDs are typically approved by the local legislative body (city council, board of supervisors, county commissioners) after a comprehensive review and recommendation by the planning board or commission, which normally includes a public hearing. Communities considering adoption of a PUD ordinance should be mindful that while planning boards and commissions are given a good deal of discretionary power in acting on PUDs, appropriate standards are essential. Moreover, a delicate balance must be found between the desire to be flexible in order to take into account unique site characteristics and the need to spell out concrete standards and criteria.

### WHY PLANNED UNIT DEVELOPMENT IS POPULAR

PUD has grown increasingly popular, in part because standard subdivision and zoning ordinances have serious limitations. Many older vintage zoning ordinances prohibit mixed use. Single family, multifamily, and nonresidential uses are often not allowed in the same zoning district. Older conventional ordinances also contain uniform site development standards that tend to produce monotonous outcomes. Subdivision control ordinances deal with narrow concerns, such as street, curb, and sidewalk standards and lot and block layout. The lack of meaningful amounts of well-placed, accessible open space and recreational amenities is another shortfall of conventional development controls.

### TYPES OF PLANNED UNIT DEVELOPMENT

Planned unit developments can take many forms, ranging from modest residential developments where housing units are clustered and open space is provided, to mixed use master planned communities that cover thousands of acres.

**Simple Residential Cluster.** Simple cluster subdivisions allow smaller lots on some parts of the site in exchange for permanently preserved common open space elsewhere on the site. Planning boards or commissions normally require the open space to be configured in a manner to protect sensitive natural features such as streams and riparian areas, vernal pools, ponds, and lakes, and to take into account hazard areas and areas of steep slope.

Communities may either limit the gross density of the tract to what would be permitted under conventional zoning, or may choose to offer a density bonus allowing more units than would other-



Mark Green

Showcasing a 120-acre regional multi-purpose public park, pedestrian-friendly design, and a 1500+ acre wetland system, the Buckwalter PUD and the Buckwalter Place urban center in Bluffton, South Carolina promote multiple aspects of sustainable development.



American Planning Association

Making Great Communities Happen

wise be allowed. By allowing a bonus, the community can require a greater percentage of the tract as common open space. Theoretically, communities can choose to allow any residential type (or combination of types) on a parcel in the cluster plan—single-family houses, attached houses, town houses, garden apartments, or high rises. As a practical matter, however, cluster subdivisions are developed mostly for single-family homes on individual lots.

**Mixed Uses.** PUD builds on the simple residential cluster idea by allowing nonresidential uses, often at higher densities. Retail and service establishments, restaurants, schools, libraries, churches, recreation facilities, offices, and even industrial uses can be included in PUDs. Downtown or village center development with apartments above shops and live-work arrangements are also possible. The extreme case is the master planned community, which usually involves substantial acreage and combines employment, office, retail, and entertainment centers with associated self-contained neighborhoods. This can include diverse housing types as well as retail, entertainment and office centers.

### WHICH ORDINANCE, WHICH AGENCY?

Individual state planning statutes control how communities handle the deliberative process leading to a decision about a PUD. In most states a PUD provision can be made part of the zoning ordinance or it may be written as a stand-alone ordinance. In either case, the decision to approve, approve with conditions, or disapprove a PUD falls to the legislative branch of local government. Some communities permit a PUD through a discretionary review process, such as a conditional or special use permit. These permits can be approved by the legislative body, planning commission, or board of adjustment, depending on the state enabling legislation and local policies. Some communities provide for the administrative approval of mixed use developments that normally require a discretionary PUD process.

The zoning ordinance is the most appropriate place to locate planned unit development regulations. Basic legislative decisions on use and density are normally the responsibility of the legislative body. Street design and infrastructure could also be resolved through PUD approval, though these considerations are normally built into a unified development ordinance. Decisions about plan details can be left to the planning board or commission and planning staff.

## ZONING FOR PUD

Communities face a number of questions when deciding how to fit planned unit development regulations into their zoning ordinances. One alternative is to provide for planned unit development as-of-right. Under this guideline the ordinance would specify the requirements for a planned unit development, and discretionary review and approval procedures would not be necessary.

Stand-alone PUD ordinances are now fairly common. Although there are variations, a typical ordinance will include a purpose clause; a statement of the type or types of PUD that are authorized; zoning procedures; and standards for approval. The ordinance may contain definitions.

## CONSISTENCY WITH THE COMPREHENSIVE PLAN

Consistency with the comprehensive plan should be required, especially if the PUD has a major effect on growth and development in the community and on public facilities. This will be true of master planned communities. Many statutes now require zoning to be consistent with a comprehensive plan, and consistency can be required by ordinance even if there is no statutory mandate. ☐

## REFERENCES

**1. Published by American Planning Association**

Mandell et al. Daniel S. 2007. Planned Unit Developments. Planning Advisory Service Report no. 545. Chicago: American Planning Association.

Mandelker Daniel R. 2007. Planned Unit Developments and Master Planned Communities: Review and Approval Process" Zoning Practice, March

## 2. Other Resources

American Planning Association, 2006.  
"Legal Foundations. Planned Unit  
Development." Pp. 500-501 in Part 5:  
Implementation Techniques in Planning  
and Urban Design Standards. Hoboken,  
NJ: John Wiley and Sons.



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## Planned Unit Developments - Real World Experiences

October 31, 2012 by [Bob Bengford](#)

Category: [Guest Author](#), [Subdivisions and Planned Developments](#)

By [Bob Bengford](#), AICP, [MAKERS](#)

### Introduction

The concept of planned unit developments has been around now for quite some time. Most cities and counties in Washington have adopted planned unit development ordinances. Much has been written over the years about the technical and legal nature of PUDs. This article, however, takes a look at how some of these ordinances are working in the real world. What are the major issues and challenges? Are PUD ordinances even necessary?

### What is a Planned Unit Development (PUD)?

A PUD is both a type of development and a regulatory process. Individual definitions can vary greatly depending on the community or jurisdiction and its goals. The purpose of a PUD is generally to allow greater flexibility in the configuration of buildings and/or uses on a site than is allowed in standard zoning ordinances. A major goal of PUDs is often to encourage unified plans that provide a more complete and integrated package (hopefully including special amenities) over piecemeal development. A typical PUD would include a cluster of small lots in conjunction with a common usable open space with some recreational amenities and a protected natural area functioning as permanent open space. This arrangement can benefit both sides: A developer gets extra flexibility in configuring lots and buildings and perhaps a density bonus and/or reduced infrastructure cost, while the city/county gets permanent open space and/or other desired amenities.

[top](#)



The most common PUD applications occur in suburban cities and rural county areas. Flexibility is the key principle for applications in both types of areas. The protection of critical areas is a common theme of many city PUDs. The protection of larger tracts of open space is a common theme for rural PUDs. Flexibility in clustering small lots in rural areas, however, is more challenging in Washington State under Growth Management Act provisions. Planned unit developments can range in size from large master planned communities (Snoqualmie Ridge, Issaquah Highlands, and Redmond Ridge are the three largest King County examples) to 1-2 acre projects containing a handful of lots. Many of the master planned residential developments are classified as Planned Residential Developments (PRD), a variant of PUD.

### Three Case Studies

This article is based on an examination of three case studies, including Bonner County (ID), Ellensburg (WA), and Bayview Ridge Subarea (Skagit County, WA).

#### Bonner County, Idaho

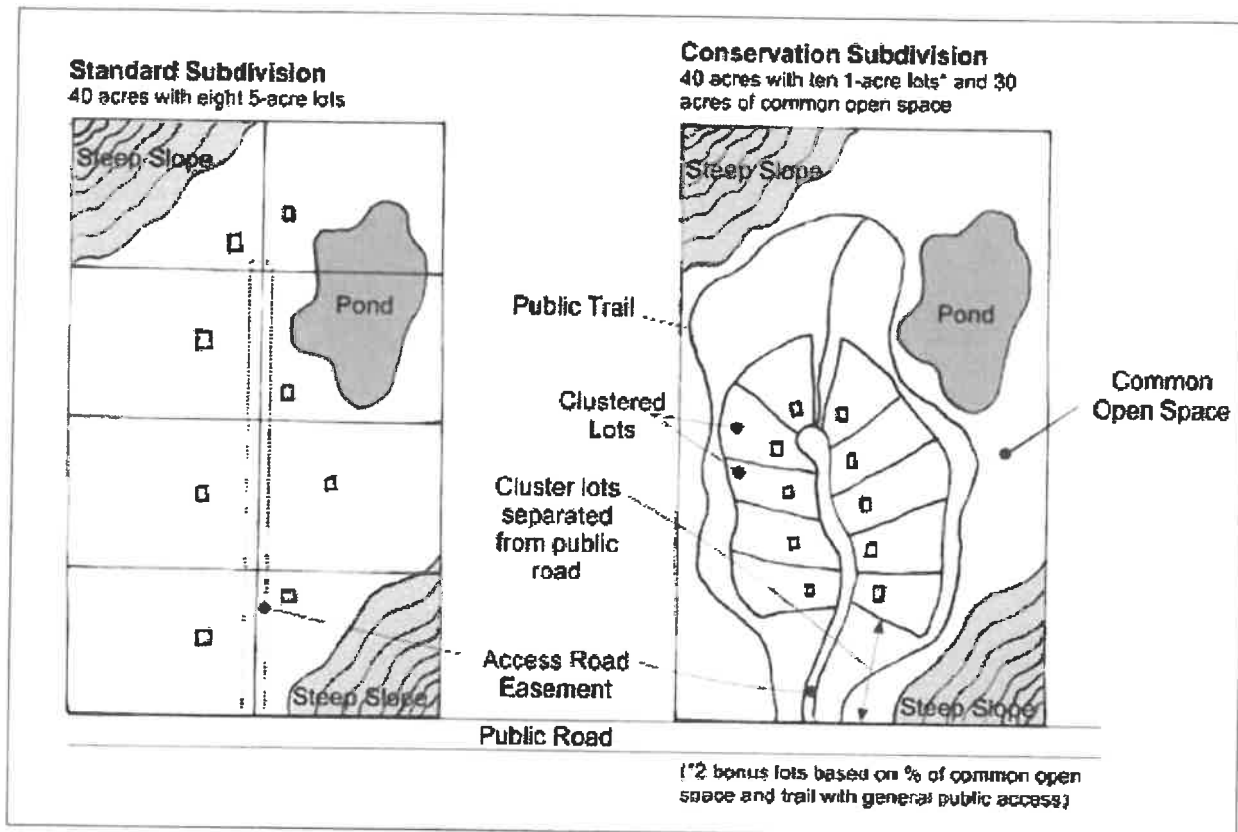
Bonner County is a large rural county in northern Idaho, stretching from the Washington to Montana borders. I served as an assistant planner in the mid 1990's processing a broad range of development permits, including PUDs. Most PUDs were recreational-based properties near lakes, rivers, or Schweitzer Mountain Ski Area. Nearly all sites included wetlands, steep slopes, or other sensitive lands. Some notable provisions of the ordinance in effect at the time included:

- PUDs functioned as a conditional use permit submitted in conjunction (or prior to) with a subdivision application (preliminary plat).
- Large scale PUDs (more than 5 acres) had extra flexibility to add commercial uses provided they were designed to support "primarily" the needs of the residents of the development. Flexibility with the types of housing units were allowed in all PUDs provided the project met the density provisions and other applicable standards.
- A minimum common open space requirement (10%).
- Up to 25% density bonus based on an increase in the amount of common open space provided.
- Projects required a pre-application meeting, simple environmental analysis and land capability report, a homeowners association, and covenants/articles of incorporation to be recorded with the final plat (as an enforcement tool).

While I processed a handful of PUDs during my two years with the county, the great majority of new lots were created through the standard subdivision process. Most of these were simple land divisions - for example, dividing a 20 acre parcel into four-five acre lots, surveyed into perfect rectangles, regardless of the site's features.

Several years later, working as a consultant with MAKERS, I had the chance to help the county update their entire land use code - to comprehensively examine objectives, issues, and opportunities. In the PUD area, changes were sought that would promote clustered development, greater design

flexibility, and environmental protections. While the code update only resulted in some relatively minor PUD ordinance updates, the most notable change was to allow lot clustering as part of the regular subdivision process (as part of a "Conservation Subdivision"). The resulting "Conservation Subdivision" provision allowed for "meaningful" density bonuses while it enhanced the standards for common open space and offered density bonuses for other public amenities (most notably public access and trails). The density bonuses were increased over existing PUD provisions to provide a greater incentive for their use. The open space in the conservation subdivision has to be valued as wildlife habitat, wetlands, timberland, active recreation, and/or include other unique vegetative qualities.



*Bonner County Land Use Code illustration comparing a standard subdivision with a conservation subdivision.*

It's noteworthy that had Bonner County been under GMA jurisdiction, the ordinance would have run up against GMA's laws governing urban and rural development. The conservation subdivision option allows urban-sized lots in rural areas, provided projects met the overall density provisions - in addition to other applicable requirements. The issue (urban lots in rural areas) was a concern amongst participants, but it was determined that the potential benefits of clustered development outweighed the drawbacks in this case - particularly after factoring in other standards and approval criteria. This included compatibility issues, adequate infrastructure, and access to services.

**Project Status:** *Economic conditions in the region have substantially decreased the number and types of development applications since the updated code was adopted (2008). Planning Director Clare Marley noted that only three PUD applications have been processed (mostly in more urbanized areas) and the*

*conservation subdivision provision hasn't been used yet (though several developers and property owners have expressed interest).*

City of Ellensburg, WA

Ellensburg is a small city of 20,000 in central Washington featuring a historic downtown and Central Washington University, surrounded by farms at the foothills of the Cascades. My firm (MAKERS) was hired in 2010 (along with O'Brien & Company, Transpo Group, and Cascadia Green Building Council) to update the city's land use code following the update of its comprehensive plan.

During the early visioning/analysis stage, we learned that the city's extensive PUD ordinance (adopted in 2001) had only been used once. Planning Director Mike Smith noted that the ordinance was perceived as too complicated and the incentives too small to encourage its use. Developers were utilizing the standard subdivision process in piecemeal fashion. Most of the newer subdivisions were simple, monotonous, and often poorly coordinated. The community sought code changes that would promote a more compact and connected development pattern that promoted walking and bicycling, and enhanced the character of Ellensburg.

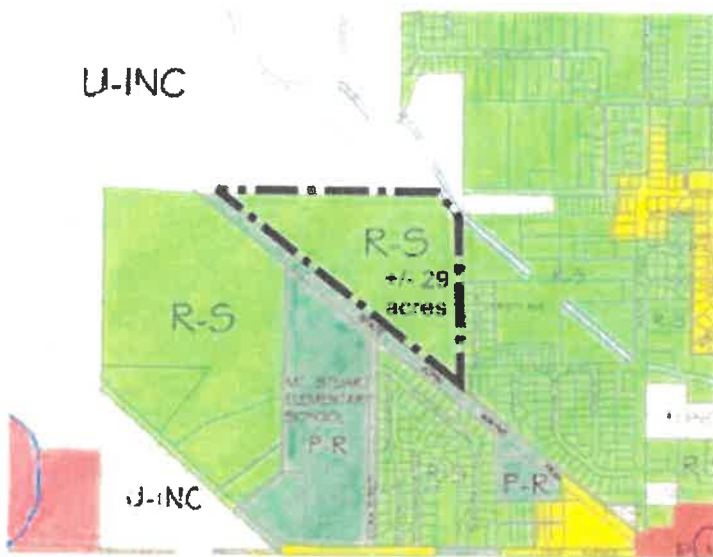
After a targeted outreach process with public officials and stakeholders, we ultimately decided to eliminate the PUD provision altogether. The solution was two-fold: Integrate design flexibility (clustering and density bonuses) into the subdivision process and update subdivision and street design standards to meet community objectives. Perhaps the biggest change was to eliminate the lot size minimum requirement in favor of the density averaging concept. Other notable changes:

- Allow a small increase in overall density in most districts combined with new design standards (house/garage frontage standards, streetscape design, better road and trail connectivity, and fence location and design standards).
- Adopt a density bonus system for key suburban zones - with generous bonuses (some up to 50% increase and beyond) for desired design and/or amenity features (trails, extra parkland, mix of housing types, energy efficient design, etc.).
- Allow for flexible lot design (zero lot line, courtyard access, etc.).
- Illustrate desirable subdivision layout examples.

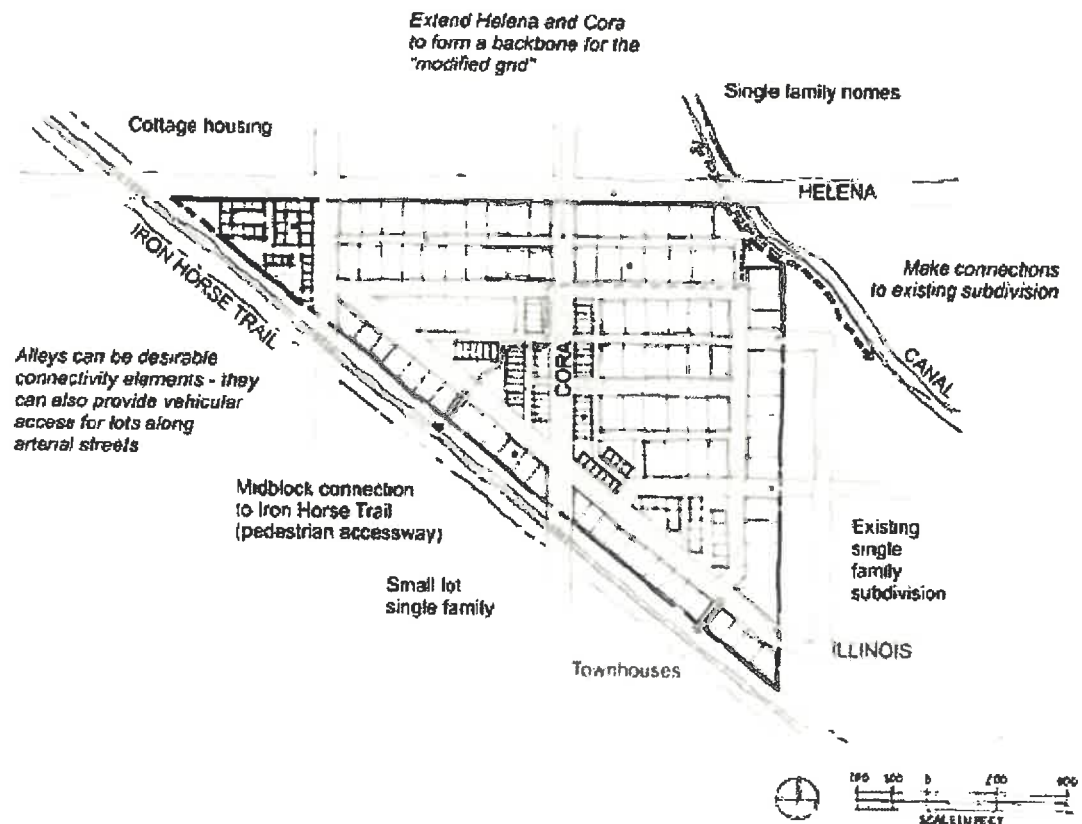
The biggest challenge with these changes was to craft the density bonus system in a way that met community policy objectives AND was simple enough (for a small city) to administer. In this case, we employed prescriptive, measurable benchmarks wherever practical - to provide a level of certainty and predictability. Measures eligible for density bonuses included a mixture of housing types (measured by percentages), integrating trails (measured by linear foot), and park/open space (measured by area). Another key bonus provision emphasized increased energy efficiency. Project teammate Katie Spataro (Cascadia Green Building Council) recommended specific environmental certification levels tied to a tiered system of density bonus levels. This requires third party verification and helps to simplify enforcement for staff. For exan

[Back to](#) ongoing certification is required during construction and project certification must be

completed prior to final occupancy. The most challenging density bonus provisions to craft were the affordable housing, historic preservation, and transfer of development rights (TDR) provisions. All were high priorities among project stakeholders and public officials and each includes specific benchmarks to help ensure compliance. Each, however, include their own unique implementation challenges. The TDR provision is subject to the city adopting a TDR program.



*As part of the code update, we took an undeveloped site and illustrated how it could be developed consistent with the code and integrating key density bonus provisions. The case study was particularly useful during the process as it resulted in reduced density bonus percentages for most of the features.*



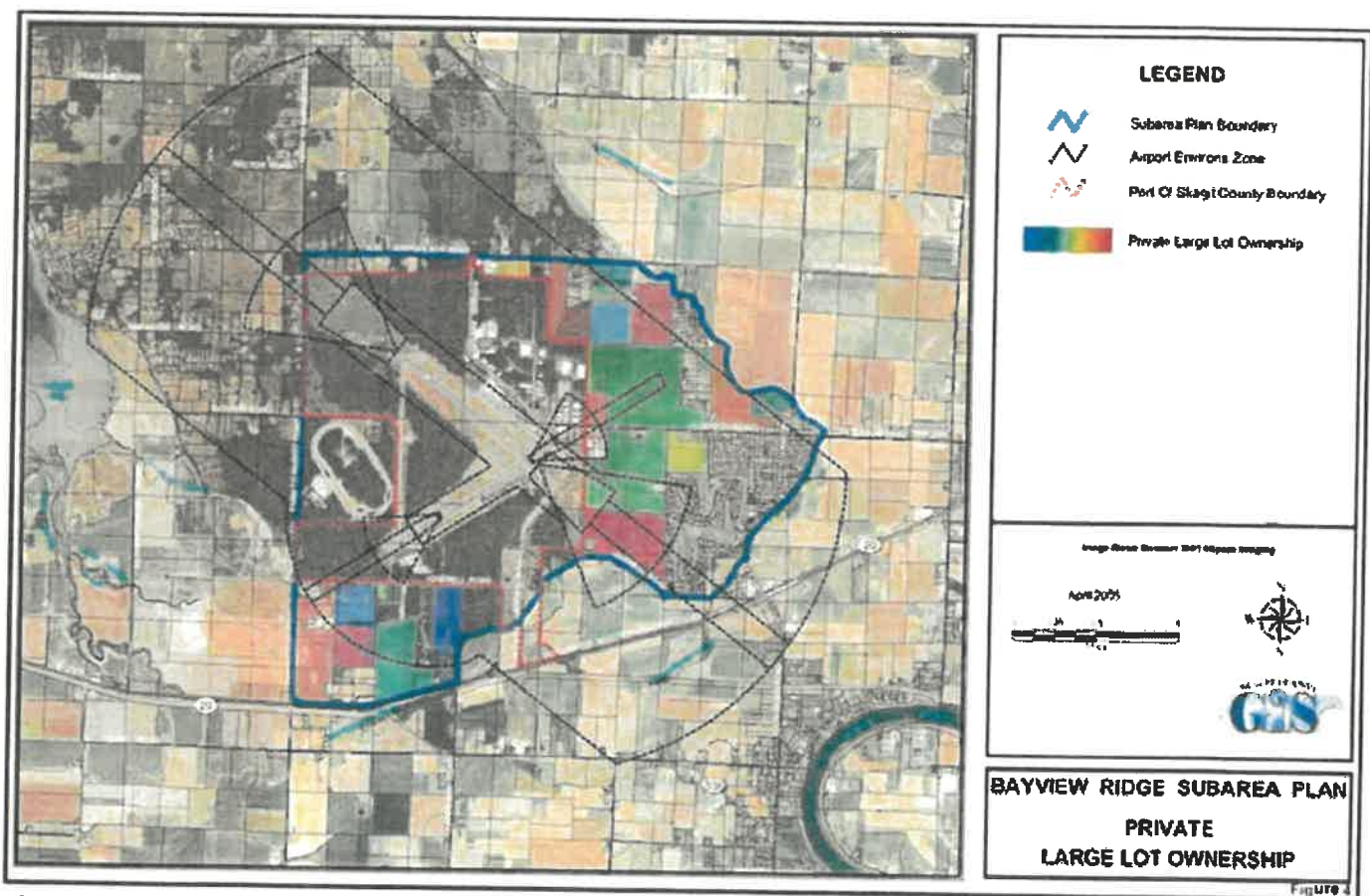


**Project Status:** The Ellensburg provisions, in the works since mid 2010, are now being refined and are scheduled for Planning Commission and City Council review during Winter 2013.

#### Bayview Ridge Urban Growth Area (Skagit County, WA)

MAKERS was hired to work with the Port of Skagit County, property owners, and Skagit County to write a PUD ordinance that would implement a recently adopted subarea plan. The project site is within an "island" urban growth area surrounding the Skagit County Airport, northwest of Mount Vernon and west of Burlington, in northwest Washington. The Urban Growth Area (UGA) includes industrial port lands surrounding the airport with large vacant tracts, scattered residential development, and subdivisions surrounding a golf course. The UGA sits on a bluff and is separated from nearby cities (Mount Vernon and Burlington) by farmland and floodplain.

The focus of the work was large tracts of vacant land owned primarily by a single property owner. Most of the land was designated for residential development between 4-6 dwelling units per acre, with a small village center (retail/mixed-use), a school (hopefully), and some additional light industrial land closer to the airport.



The focus area of the ordinance is the land highlighted in green and other color coded larger parcels to the east of the airport.

Project participants assumed that a PUD would be the regulatory mechanism needed to implement the plan and integrate with the county's land use code. Since Skagit County did not have an existing PUD

ordinance, a decision was needed on whether such an ordinance would or could apply countywide, be area-specific, or some combination of both. In developing a proper solution, it was necessary to examine all the components and issues. The chart below identifies some of the key issues together with the solution that the committee came up with.

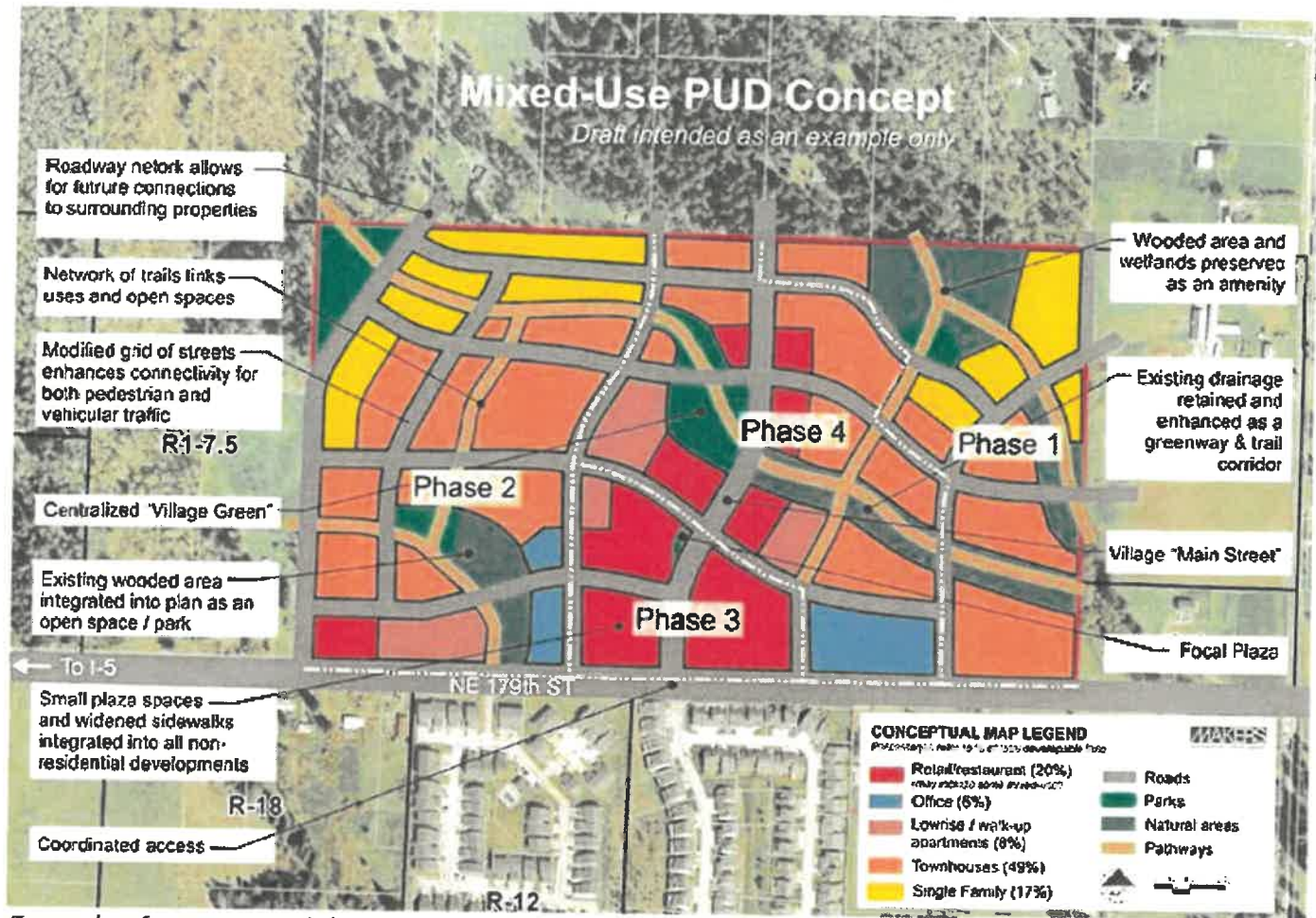
**Table 1: Key Issues and Solutions for Bayview Ridge**

Issue	Proposed Solution
Permit processing	Require a PUD for new land divisions in the planning area. PUD must include a conceptual development plan illustrating circulation, land use(s), design features, and planned phases. Applicants may submit a PUD prior to subdivision or binding site plan or one "integrated" application. Thus a PUD could cover a large site with multiple phases - including one or more subdivisions. Like all subdivision ordinances, the PUD ordinance includes provisions involving the alteration of PUDs and time limits.
Community outreach and design review	Prospective PUD applicants must conduct a pre-submittal neighborhood meeting to present and discuss the conceptual development plan and hear issues and concerns by area residents. Otherwise, PUDs follow similar review process for subdivisions. The County may hire outside design review consultant to assist with the projects' review (subject to a reimbursement agreement made between the County and the applicant).
Zoning provisions - update per subarea plan	Zoning district provisions were updated to meet density and design goals. Zoning provisions allow lot size variety (density averaging).
Community design	Adopt community design standards for planning area addressing street design, road and trail connectivity, school and park integration, and block frontage standards.
Project design	Adopt project design standards for new development in planning area. This includes standards for permitted housing types, site and building design standards, and landscaping and fencing standards.

While the PUD provision was a major discussion topic of the group and ultimately included in the proposed code provisions for Bayview Ridge, it was ultimately just one component of the proposed "Bayview Ridge Development Standards." The proposed new chapter encompasses a purpose statement, application/review process, zoning provisions, and design standards. The most important PUD component used in the draft ordinance is the "conceptual development plan." While development standards were crafted to ensure that new subdivisions and binding site plans met the road and trail connectivity provisions and other key community design provisions, the county advocated for a **conceptual development plan** - as a means to ensure that property owners/applicants are looking at the big picture. This required applicants (of the key larger parcels) to illustrate how contiguously-owned parcels would be developed over a number of phases (see example below). The level of detail could vary depending on the size of the property and the number of phases. For example, a shadow plat could be shown for second phases, while more conceptual "bubble" maps could be used in longer term phases. These conceptual plan to useful tool for all participants, particularly the county and interested citizens.



*Project Status: The Bayview Ridge provisions, in the works since late 2011, are scheduled for Planning Commission and City Council review during Winter 2013.*



*Example of a conceptual development plan map illustrating multiple anticipated phases. The concept includes plans for streets and trails, parks and open space corridors, and land uses/housing types. Such plans would be accompanied by sketches and photos of development examples, and numbers and/or parameters for the types and amount of development. A detailed subdivision application for Phase 1 could be submitted simultaneous with the PUD application, or within a specified time frame after PUD approval.*

## Other Case Studies

As part of the research for this article, I sought a variety of case studies and resources that might be instructive. They include a full range of development contexts from an urban city (Bellevue, WA) to a small resort town in central Washington (Chelan, WA). I wanted to include a rapidly growing suburban community (Marysville, WA) as well as a large county (Whatcom County, WA). I also spoke with a planner and an attorney from the planning law firm Van Ness Feldman GordonDerr who have considerable experience with PUD ordinances.

Table 2, available in [PDF](#) or [Word](#), provides a comparison of the PUD ordinances of these four communities, documenting the purpose and emphasis of each, whether there are any bonuses, use

flexibility, or street design flexibility, and unique provisions of each. Conclusions from each case study include:

**Bellevue** (based on discussion with Matthews Jackson, Neighborhood Development Planning Manager):

- Since Bellevue is largely built-out, there have only been six projects completed since the last PUD ordinance update in 2006. Most projects have been relatively small and all involve critical areas. While some projects have utilized density bonuses, the primary reason for doing a PUD is to get relief from strict lot size minimums in applicable zones.
- Bellevue has adopted special critical area subdivision provisions - that allow for reduced lot sizes, setbacks, lot coverage, and impervious area in exchange for larger conservation/open space areas. This provision reduces the number of projects that would otherwise use the PUD concept to achieve the desired flexibility.
- There is interest in updating the code to allow more administrative flexibility with lot sizes and housing types (cottage housing, for example) in applicable districts, perhaps without going through a PUD process. Redmond and Kirkland were cited as good code examples - both feature innovative housing demonstration projects.

**Whatcom County** (based on discussion with Amy Keenan, Senior Planner):

- Nearly all of the PUDs are in Birch Bay, an unincorporated UGA island. Most are single family developments and none have used the density bonus provision; All are impacted by critical areas - thus asking for reduced setbacks and changes to road standards.
- The county has been slow to enforce specific PUD conditions of approval.

**Marysville** (based on discussion with Gloria Hirashima, Chief Administrator and Community Development Director):

- The current (planned residential) ordinance, adopted in 2006, has been used three times, and only once since 2008 (economic slowdown). The ordinance offers flexibility in housing types (such as townhouses), which has been the primary draw for each use.
- In one example, owners were able to reconfigure a county-approved subdivision to integrate multiple housing types.
- The subdivision ordinance allows considerable flexibility in design, so it often reduces the need or desire to do a PRD.
- City should revisit density bonus provisions (increase density bonus percentages) to better incentivize high quality design and community amenity features.

**Chelan** (based on discussion with Craig Gildroy, Planning Director):

to



- While "innovative" provisions in the ordinance are good, the lack of parameters and design criteria make the ordinance difficult to administer.
- Most applicants appear to use the PUD process to circumvent code, but the city is not getting innovative development and desirable amenities in large part due to the lack of "teeth" in the code.

## Conclusions/Lessons Learned

While there are a great number of conclusions and lessons learned from analysis of these case studies, below are three primary conclusions:

- **PUDs can be a good tool** for jurisdictions, particularly where the land use code doesn't offer a lot of flexibility. For communities with existing PUD ordinances, it's important to continually reassess the ordinance over time to examine what's working, what isn't, and draft/review possible amendments.
- **In urbanized cities, PUD ordinances may not be needed at all**, particularly if the code integrates use and design flexibility, and master planning/phasing provisions in other sections of the code.
- **Consider integrating PUD design and flexibility features into code as "by right" features and part of the design standards for new development.** The flexibility provisions could reduce regulatory burden on applicants and encourage greater use of more innovative design techniques. Cities and counties are increasingly realizing the importance of setting good minimum design standards - to ensure that the most critical features are incorporated into all developments.

Additional conclusions and lessons learned:

- **Identify primary goals and objectives** when examining an existing PUD ordinance or creating new ordinances. Examine the range of regulatory and other options to help meet those goals and objectives. A new or revised PUD ordinance may be one of those tools that help to meet those objectives. Maybe a combination of flexible zoning, design standards, and master planning provisions will be sufficient to meet those goals.
- **Test it.** Take possible development sites (preferably a site where an owner is interested in developing) and sketch development plans under the proposed code to see how it might work (or not work). For provisions affecting height, density, and land uses, it's essential to factor in the local economics to make sure the ordinance can be viable.
- **Involve the development community** in PUD ordinance changes or consideration of a new ordinance. This was particularly valuable in the three case studies above, notably in the Bayview Ridge project.
- **Key PUD ordinance issues** warrant close examination:
  - Pre-application conference between the applicant and key staff is essential and should typically be a requirement.
  - Concept plans. Since PUDs can involve projects with multiple phases, where only the near term phases are detailed and certain, the ordinance should define what information is needed to illustrate

the later phases of development. Such concept plans are often referred to as sketch or "bubble" plans and typically include general circulation elements, land uses/mix, and special features.

- Vesting. Make sure that the provisions for vesting are very clear, particularly in multi-phase developments. For example, while the concept plans mentioned above can be very useful planning and communication tools, they may not have enough detailed information to warrant vested rights in terms of density or other key features.
- Phasing and time limits. In both Washington State case studies discussed above, the code ties the time limit for the initial phase to State requirements for final plats (RCW 58.17.170). For subsequent phases, the code references time limits set forth by RCW 58.17.140 or "other" approved phasing plan for the development. How are infrastructure and amenities phased in? Bayview's PUD ordinance requires implementation on a proportional basis, as reflected in Skagit County's concurrency ordinance (completing infrastructure and amenities on a basis roughly proportional to percentage of the completed development, where possible).
- Clear conditions of approval need to be recorded with the approved development plan - so that the applicant and staff understand the rules as time goes by. Good record-keeping by staff over time will be immensely helpful as well.
- Plan amendments. Multi-phased development projects change more often than not, and PUD ordinances need to identify what the procedures and standards are for any amendments.

## Resources

APA Zoning Practice: PUDs, June, 2007:

<http://www.planning.org/zoningpractice/2007/pdf/jun.pdf>

PSRC webpage: Tool: Planned Unit Development:

<https://www.psrc.org/planned-unit-development-pud>

University of Wisconsin Extension: Planning Implementation Tools Planned Unit Developments:

<ftp://ftp.wi.gov/DOA/public/comprehensiveplans/ImplementationToolkit/Documents/PUD.pdf>

State of Georgia: Planned Unit Development "How to" Guide:

[http://www.dca.state.ga.us/intra\\_nonpub/Toolkit/Guides/PUD.pdf](http://www.dca.state.ga.us/intra_nonpub/Toolkit/Guides/PUD.pdf)

Sequim PUD webpage:

<http://www.sequimwa.gov/index?NID=377>

Article titled "Planned Unit Developments" by attorney Mary McMaster:

<http://www.planningreports.com/wfiles/w490.html>

Article titled "Planned Unit Developments" by Michael Murphy, Senior Research Associate and Joseph Stinson, Senior Research Associate:

<http://landuse.law.pace.edu/landuse/documents/PublishedArticle/PlanUnitDevel.doc>

A Guide to Planned Unit Development - prepared by the NYS Legislative Commission on Rural Resources:  
[http://www.dos.ny.gov/lg/publications/Planned\\_Unit\\_Development\\_Guide.pdf](http://www.dos.ny.gov/lg/publications/Planned_Unit_Development_Guide.pdf)

Redmond Innovative Housing Demonstration Project:  
<http://www.codepublishing.com/wa/redmond/cdg/rcdg20c/RCDG20C3062.html>

*MRSC is a private nonprofit organization serving local governments in Washington State. Eligible government agencies in Washington State may use our free, one-on-one [Ask MRSC service](#) to get answers to legal, policy, or financial questions.*



### About Bob Bengford

Bob Bengford writes for MRSC as a guest author.

Bob Bengford, AICP, is a Partner with [MAKERS architecture](#), planning and urban design firm. Bob's community design work encompasses all transects, from urban downtowns and transit-oriented development to rural area planning. Bob's specialty has been helping communities craft usable development regulations and design guidelines.

*The views expressed in guest author columns represent the opinions of the author and do not necessarily reflect those of MRSC.*

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**Agenda Item #3**

**DRAFT ORDINANCE**

**TC 2020-01**

**Aqtera Engineering, LLC – Text Change Amendment; FCC 17.58.080(F)**

**FRANKLIN COUNTY ORDINANCE \_\_\_\_\_**  
**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF**  
**FRANKLIN COUNTY, WASHINGTON**

***Amendment to Chapter 17.58 Planned Unit Development, Subsection 17.58.080(F)***

**IN THE MATTER OF COUNTY PLANNING - AMENDING CHAPTER 17.58, SUBSECTION 17.58.080(F), IN THE COUNTY CODE OF ORDINANCES**

**WHEREAS**, on \_\_\_\_\_, 2023, the Board of Franklin County Commissioners, via public meeting, considered the positive recommendation of the Franklin County Planning Commission to amend Franklin County Code Chapter 17.58, Planned Unit Development (PUD), specifically Subsection 17.58.080(F), Open Space Requirements, in the Franklin County Code of Ordinances; and

**WHEREAS**, at the public meeting the Board has found that the County Planning Commission, after a public hearing and consideration on **TC 2020-01**, did recommend the amendment be adopted, and the Planning Commission forwarded the following listed findings of fact;

1. The proposal **IS IN** accordance with the goals and policies of the Franklin County Comprehensive Plan.
  - a. The amendment is supported by the intent of Comprehensive Plan Housing, Goal #1, encouraging the availability of affordable housing to all economic segments of the population.
2. The effect of the proposal on the immediate vicinity **WILL NOT** be materially detrimental.
  - a. Requiring a 15% set aside for open space for a PUD still achieves the intent of FCC 17.58.
  - b. A 15% set aside for open space is comparable to development requirements of surrounding jurisdictions.
3. There **IS** merit and value in the proposal for the community as a whole.
  - a. Reducing the required open space set aside may encourage the development of more PUD residential communities.
4. Conditions **ARE NOT** required to be imposed in order to mitigate any significant adverse impacts from the proposal.
  - a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.

5. A concomitant agreement between the County and the petitioner **IS NOT** required for this application.
  - a. N/ A - This criterion does not apply as this is not a change to the Zoning Map.
6. All Notifications of the Public Hearing were posted as per County Ordinances and State law.

**WHEREAS**, A SEPA Determination of Non-Significance (DNS) was issued on March 12, 2020, with a comment period ending on March 26, 2020; and

**WHEREAS**, In accordance with procedural requirements under RCW 36.70A.106, the proposed text amendment to the County's Development Regulations were provided to the state Department of Commerce on May 3, 2023, for review in advance of potential adoption of changes to the development regulations, for distribution to state agencies, to allow an opportunity for agency comment; and

**WHEREAS**, the intent of the amendment is to bring Franklin County's Planned Unit Development (PUD) development standards into better alignment with surrounding jurisdictions; and

**WHEREAS**, the County finds it to be in the public interest to approve said amendment of text;

**NOW, THEREFORE, BE IT ORDAINED** that Franklin County Code Chapter 17.58, Planned Unit Development, specifically Subsection 17.58.080(F) be amended, as shown in Attachment A.

**APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

**BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON**

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Chair Pro-Tem**

**Attest:** \_\_\_\_\_  
**Clerk of the Board**

\_\_\_\_\_  
**Member**

## ***Attachment A***

### **17.58.080 - Design standards and requirements.**

- A. **Subdivision Requirements.** If land or structures within a proposed PUD are to be sold to more than one person, partnership, firm or corporation, or are to include the dedication of land, then the proposed PUD shall be subject to the short plat or major subdivision ordinances.
- B. **Right-of-Way Requirements.** County policy with regards to the dedication of right-of-way and right-of-way improvements may be waived in a PUD.
- C. **Zoning Requirements.** A planned unit development shall be exempt from the minimum lot size and setback standards of this title, except where on-site parking is located in front of a structure that portion of the structure shall be set back twenty (20) feet from the property line.
- D. **Density.** The basic density in a planned unit development shall be established for each land use as provided in the zoning districts. The planning commission may recommend and the board of commissioners may authorize a density not more than twenty (20) percent greater than what is otherwise permitted following findings that the amenities or design features which promote the purposes of this chapter are provided.
- E. **Lot Requirements.** Minimum lot areas, lot dimensions, building heights, lot coverage and yard requirements shall be as established on the approved development plan.
- F. **Open Space Requirements.** The PUD shall provide not less than fifteen (15) percent of the gross land area for common open space.
- G. **Setbacks Between Buildings.** A distance between all structures shall, at a minimum, comply with the standards prescribed by the most current edition of the Uniform Building and Fire Codes as adopted by the county.

**Agenda Item #3**

**APPLICATION/SEPA CHECKLIST**

**TC 2020-01**

**Aqtera Engineering, LLC – Text Change Amendment; FCC 17.58.080(F)**

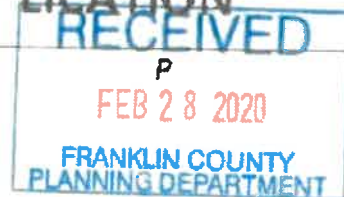




# FRANKLIN COUNTY

## PLANNING AND BUILDING DEPARTMENT

### GENERAL LAND DEVELOPMENT APPLICATION



<b>FOR STAFF USE ONLY:</b>	<b>FILE #:</b> CPTC - 2020-02	<b>Reviewed by:</b> <b>Hearing Date:</b>
	<b>Total Fees:</b> \$ 800.00	
	<b>Receipt #:</b> PL20-00437	
	<b>Date of Pre-App meeting:</b>	
	<b>Date deemed complete:</b>	

<b>CHECK ALL THAT APPLY AND ATTACH THE SUPPLEMENTAL FORM(S):</b>	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Boundary Line Adjustment
	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Shoreline Substantial Development
	<input type="checkbox"/> Variance	<input type="checkbox"/> Shoreline Conditional Use Permit
	<input type="checkbox"/> Rezone	<input type="checkbox"/> Shoreline Variance
	<input type="checkbox"/> Non-Conforming Use Determination	<input type="checkbox"/> Shoreline Exemption
	<input type="checkbox"/> Zoning Interpretation / Administrative Decision	<input type="checkbox"/> Shoreline Non-Conforming
	<input type="checkbox"/> Short Plat	<input checked="" type="checkbox"/> SEPA Environmental Checklist
	<input type="checkbox"/> Subdivision (Long Plat)	<input type="checkbox"/> Appeal (File # of the item appealed _____)
	<input type="checkbox"/> Binding Site Plan	<input type="checkbox"/> Critical Areas Determination / Review / Reasonable Use Exemption
	<input type="checkbox"/> Lot Segregation Request	<input type="checkbox"/> Temporary Use Permit
	<input type="checkbox"/> Alteration / Vacation	<input type="checkbox"/> Home Occupation
	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> H2A Farm Worker Housing (zoning review)
	<input checked="" type="checkbox"/> Other: Development Code Text Amendment	

<input checked="" type="checkbox"/> for contact person:	<b>CONTACT INFORMATION</b>
<input type="checkbox"/>	<b>Property Owner</b> Name: N/A Mailing Address: Phone: _____ Email: _____
<input type="checkbox"/>	<b>Applicant / Agent / Contractor (if different)</b> Company: Big Sky Developers, LLC      Name: Dave Greeno Address: 12406 Eagle Reach Court, Pasco, WA 99301 Phone: 509-521-4834      Email: ccolre@aol.com
<input checked="" type="checkbox"/>	<b>Surveyor / Engineer</b> Company: Aqtera Engineering, LLC      Name: Caleb Stromstad Address: 2705 St Andrews Loop, Suite C, Pasco, WA 99301 Phone: 509-845-0208      Email: caleb@aqtera.com

**BRIEF DESCRIPTION OF PROJECT OR REQUEST:**

Amend FCC 17.58.080(F) to reduce Planned Unit Development open space requirement.

**RECEIVED**

FEB 28 2020

FRANKLIN COUNTY  
PLANNING DEPARTMENT**PROPERTY INFORMATION:**

Parcel number(s) (9-digit tax number):

N/A

Legal Description of Property:

N/A

Site Address (describe location if no address is assigned):

County Wide

- All appropriate fees must accompany this application. Fees are non-refundable and subject to change. Please contact the Planning Department for current fee totals.
- This application, including attachments, must be completed in its entirety for all items applicable to your project.
- Supplemental information is generally required for land use approvals. Ensure that all required information is submitted along with this application form.
- If the property is owned by a corporation or LLC please attach documentation showing that the person signing as the "owner" has the authority to sign on behalf of the corporation or LLC. If there are multiple owners, provide an attachment in the same format and with the same declarations.

I, the undersigned, hereby authorize the filing of this application and certify under penalty of perjury that the information contained in this application is complete and correct to the best of my knowledge. Further, I hereby grant Franklin County staff or representatives to enter my property during the course of this review to inspect my property as needed.

I understand that any information submitted to the Franklin County Planning/Building Department is subject to public records disclosure laws for the State of Washington (RCW Chapter 42.17) and all other applicable laws that may require the release of the documents to the public.

☒ This authorizes the designated Applicant's representative (if applicable) to act on behalf of the applicant for the processing of this request.

Owner

Date

Applicant/Representative

Date

Print Name:

Print Name:

Rev. Jan 2019



February 28, 2020

Mr. Derrick Braaten  
Planning and Building Director  
Franklin County  
502 W. Boeing Street  
Pasco, WA 99301



RE: Narrative to Support Amendment Request for FCC 17.58 – Planned Unit Development

Dear Mr. Braaten:

On behalf of our client, Big Sky Developers, we are requesting an amendment to the Franklin County Code section 17.58.080(F). The referenced section provides the minimum open space requirement for a Planned Unit Development (PUD).

**Proposed Code Amendment - 17.58.080(F):**

*F. Open Space Requirements. The PUD shall provide not less than ~~thirty-five (35)~~ fifteen (15) percent of the gross land area for common open space. (Ordinance 7-2005)*

Per FCC 17.58.010, the purpose of the Planned Unit Development code is to provide opportunities for innovation, creativity and flexibility in land development. The intent for this amendment is to allow the purposes of the PUD code to be realized. Developing a PUD under the current code is cost prohibitive, primarily due to the steep minimum requirement for open space. This is supported by the lack of built or proposed PUDs in the County.

As a reference point we've summarized some similar PUD open space minimum requirements for the neighboring jurisdictions:

- Benton County: No minimum requirement (BCC 11.21)
- City of Pasco: 15% (PCC 21.140, Ordinance 4481)
- City of Kennewick: 15% (KCC 18.45)
- City of Richland: No minimum requirement (RMC 23.50)

**Amendment Supports the Goals of the Comprehensive Plan and Growth Management Act:**

- The Growth Management Act (GMA) seeks to provide a managed framework for growth and development throughout the state. The County's Comprehensive Plan provides the specific guidance and policies necessary to implement the goals of the GMA within Franklin County. Compliance with the goals of the Comprehensive Plan is by default compliance with the goals of the GMA.
- Franklin County Comprehensive Plan (FCCP), Economic Development, County Environment Goal #7 (pg 26): Maintain the environmental quality of life so that Franklin County is a preferred place to work.
  - Open space can help provide a sense of tranquility in a neighborhood, enhancing the quality of life for the nearby residents.
- FCCP, Natural Element, County Environmental Goal #1 (pg 34): Preserve the natural environment when possible.
  - Encouraging development with open space requirements will help preserve more of the natural environment in Franklin County.



- FCCP, Land Use, Purpose Statement 7, Goal #1 (pg 51): Encourage development of neighborhoods, which support a high quality of life.
  - Open space requirements encourage the development of parks and trails which promote physical activity, supporting a high quality of life.
- FCCP, Housing, Goal #1 (pg 65): Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing and encourage preservation of existing housing stock.
  - A planned unit development encourages a variety of lot sizes which translates to more housing options for various economic segments of the population.

This proposal will increase the amount of open space in the County by encouraging PUD development. It also provides developers more flexibility to provide a variety of housing types for Franklin County residents. These results help achieve the goals outlined in the Comprehensive Plan and serve the interests of the public. Thank you for considering our request. I am available at (509) 845-0208 or [caleb@aqtera.com](mailto:caleb@aqtera.com) should you have any further questions.

Sincerely,

Caleb Stromstad, PE  
Principle Engineer  
Aqtera Engineering



# FRANKLIN COUNTY, WASHINGTON

## STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NONSIGNIFICANCE (DNS)

**Description of proposal:** The proposal is requesting an amendment to Franklin County Code1) Chapter 17.58, Planned Unit Development (PUD), specifically Section 17.58.080(F) Open Space Requirements. This request seeks to reduce the required open space for a PUD from 35% to 15%.

**File Number:** SEPA 2020-03 (TC 2020-02)

**Proponent:** Big Sky Developers, LLC  
Dave Greeno  
12406 Eagle Reach Court  
Pasco, WA 99301

**Location:** Countywide

**Lead agency:** Franklin County, Washington.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under [WAC 197-11-350](#); the lead agency will not act on this proposal for 14 days from the date of publication (March 12, 2020). Comments must be submitted by: November 17, 2020.

**Responsible official:** Derrick Braaten

**Position/title/Phone:** Planning and Building Director – (509) 545-3521

**Address:** 502 W Boeing St. Pasco, Washington 99301

**Date/Signature:** 11/3/2020 - 

Any agency or person may appeal this SEPA determination by filing a written appeal to the responsible official no later than **November 17, 2020**. Contact the responsible official to read or ask about the procedure for SEPA appeals.



SEPA 2020-03

**SEPA ENVIRONMENTAL CHECKLIST  
FRANKLIN COUNTY, WASHINGTON**



***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

For guidance on completing this form or assistance in understanding a question, visit  
<http://www.ecy.wa.gov/programs/sea/sepa/ChecklistGuidance.html>

The SEPA Handbook is available online at:  
<http://www.ecy.wa.gov/programs/sea/sepa/handbk/hbintro.html>

***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the supplemental sheet for nonproject actions (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements—that do not contribute meaningfully to the analysis of the proposal.

## **A. Background**

- 1 Name of proposed project, if applicable:

Planned Unit Development Text Amendment

2. Name of applicant:

Big Sky Developers, LLC

3. Address and phone number of applicant and contact person:

Applicant:

Big Sky Developers, LLC

c/o Dave Greeno

12406 Eagle Reach Court, Pasco, WA 99301

(509) 521-4834

Applicant Representative:

Aqtera Engineering

c/o Caleb Stromstad

2705 St Andrews Ln, Ste C

Pasco, WA 99301

(509) 845-0208

4. Date checklist prepared:

02/24/2020

5. Agency requesting checklist:

Franklin County.

6. Proposed timing or schedule (including phasing, if applicable):

Immediate adoption upon County approval.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Not Applicable.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No.

10. List any government approvals or permits that will be needed for your proposal, if known.

A Franklin County Code Text Amendment approval to reduce the planned unit development open space requirement (FCC 17.58.080(F)).

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

This proposal is to amend a portion of text in FCC 17.58.080(F) to reduce the planned unit development open space requirement from 35% to 15% of the gross land area.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

County wide proposal.



## **B. ENVIRONMENTAL ELEMENTS**

### **1. Earth**

**a. General description of the site:**

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other

Not Applicable.

**b. What is the steepest slope on the site (approximate percent slope)?**

Not Applicable.

**c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

Not Applicable.

**d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

Not Applicable.

**e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

Not Applicable.

**f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

Not Applicable.

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Not Applicable.

**h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

Not Applicable.

**2. Air**

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not Applicable.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not Applicable.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not Applicable.

**3. Water**

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not Applicable.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not Applicable.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not Applicable.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not Applicable.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not Applicable.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not Applicable.

**b. Ground Water:**

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not Applicable.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not Applicable.

**c. Water runoff (including stormwater):**

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not Applicable.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not Applicable.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not Applicable.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not Applicable.

#### **4. Plants**

- a. Check the types of vegetation found on the site:

☐ deciduous tree: alder, maple, aspen, other  
☐ evergreen tree: fir, cedar, pine, other  
☐ shrubs  
☐ grass  
☐ pasture  
☐ crop or grain  
☐ Orchards, vineyards or other permanent crops.  
☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage,  
other  
☐ water plants: water lily, eelgrass, milfoil, other  
☐ other types of vegetation

Not Applicable.

- b. What kind and amount of vegetation will be removed or altered?

Not Applicable.

- c. List threatened and endangered species known to be on or near the site.

Not Applicable.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not Applicable.

- e. List all noxious weeds and invasive species known to be on or near the site.

Not Applicable.

**5. Animals**

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

Not Applicable.

- b. List any threatened and endangered species known to be on or near the site.

Not Applicable.

- c. Is the site part of a migration route? If so, explain.

Not Applicable.

The entire Columbia Basin is a migration route.

- d. Proposed measures to preserve or enhance wildlife, if any:

Not Applicable.

- e. List any invasive animal species known to be on or near the site.

Not Applicable.

**6. Energy and Natural Resources**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not Applicable.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not Applicable.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any

Not Applicable.

**7. Environmental Health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Not Applicable.

- 1) Describe any known or possible contamination at the site from present or past uses.

Not Applicable.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not Applicable.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

All existing chemicals being stored onsite for farming operations are in compliance with current regulatory requirements. No additional chemicals associated with this proposal.

- 4) Describe special emergency services that might be required.

Not Applicable.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Not Applicable.

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not Applicable.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not Applicable.

3) Proposed measures to reduce or control noise impacts, if any:

Not Applicable.

**8. Land and Shoreline Use**

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Not Applicable.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not Applicable.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not Applicable.

c. Describe any structures on the site.

Not Applicable.

d. Will any structures be demolished? If so, what?

Not Applicable.

e. What is the current zoning classification of the site?

Not Applicable.

f. What is the current comprehensive plan designation of the site?

Not Applicable.

g. If applicable, what is the current shoreline master program designation of the site?

Not Applicable.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not Applicable.

i. Approximately how many people would reside or work in the completed project?

Not Applicable.

j. Approximately how many people would the completed project displace?

Not Applicable.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not Applicable.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This text amendment will allow for more effective, innovative, and creative land development techniques that remain in compliance with their respective current comprehensive plan land use designations.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not Applicable.

## **9. Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.



Not Applicable.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not Applicable.

- c. Proposed measures to reduce or control housing impacts, if any:

Not Applicable.

**10. Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not Applicable.

- b. What views in the immediate vicinity would be altered or obstructed?

Not Applicable.

- b. Proposed measures to reduce or control aesthetic impacts, if any:

Not Applicable.

**11. Light and Glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not Applicable.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not Applicable.

- c. What existing off-site sources of light or glare may affect your proposal?

Not Applicable.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Not Applicable.

**12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Not Applicable.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Not Applicable.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not Applicable.

**13. Historic and cultural preservation**

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

Not Applicable.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not Applicable.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not Applicable.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not Applicable.

**14. Transportation**

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any

Not Applicable.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Not Applicable.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not Applicable.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not Applicable.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not Applicable.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not Applicable.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not Applicable.

- h. Proposed measures to reduce or control transportation impacts, if any.

Not Applicable.

**15. Public Services**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not Applicable.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Not Applicable.

**16. Utilities**

- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_

Not Applicable.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not Applicable.

### C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_

Name of signee \_\_\_\_\_

Position and Agency/Organization \_\_\_\_\_

Date Submitted: \_\_\_\_\_

*[Handwritten signature]*  
*Salvatore Strimstad*  
*Apex Forestry Applicant Representative*  
*2/24/20*

## **D. supplemental sheet for nonproject actions**

**(IT IS NOT NECESSARY to use this sheet for project actions)**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?  
Proposed measures to avoid or reduce such increases are:

The text amendment proposal would have no affect on the above mentioned items.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?  
Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Based on current development trends, the proposal would allow for more land to stay in its natural state, which would conserve native plants and provide habitat for animals. Presently standard long plats do not require open space. Reducing the open space requirement for PUDs will allow development to utilize this land use process and provide open space in the County. The present 35% open space requiment is cost prohibitive for development and as a result PUDs are not being developed.

3. How would the proposal be likely to deplete energy or natural resources?  
Proposed measures to protect or conserve energy and natural resources are:

The text amendment proposal would have no direct affect on the above mentioned items.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?  
Proposed measures to protect such resources or to avoid or reduce impacts are:

Encouraging development consistent with the goals of the Comprehensive Plan could reduce negative impacts for the mentioned items. Development is a regulated and conditioned activity which can result in new protection measures being placed to protect sensitive and/or critical areas.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

Allowing for development with open space requirements will encourage uses compatible with the Comprehensive Plan.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

The text amendment proposal would have no direct affect on the demands of transportation or public services and utilities.

- 7 Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No known conflicts.

PLANNING AND BUILDING DEPARTMENT  
502 W. Boeing St.  
Pasco, WA 99301  
509-545-3521

Receipt Number: PL20-00438

**Payer/Payee:** BIG SKY DEVELOPERS, LLC/AQTERA  
ENGINEERING, LLC  
12406 EAGLE REACH COURT  
PASCO WA 99301

**Cashier:** Rebeca Gilley

**Date:** 02/28/2020

SEPA-2020-03 STATE ENVIRONMENTAL POLICY ACT  
(SEPA)

**Fee Description**

State Environmental Policy Act (SEPA)

<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
\$150.00	\$150.00	\$0.00
<b>\$150.00</b>	<b>\$150.00</b>	<b>\$0.00</b>

<u>Payment Method</u>	<u>Reference Number</u>	<u>Payment Amount</u>
CHECK	2791	\$150.00
<b>Total Paid:</b>		<b>\$150.00</b>



**Agenda Item #3**

**PUBLIC NOTICE**

**PUBLIC COMMENTS**

**TC 2020-01**

**Aqtera Engineering, LLC – Text Change Amendment; FCC 17.58.080(F)**



# FRANKLIN COUNTY

## PLANNING AND BUILDING DEPARTMENT

### FRANKLIN COUNTY NOTICE OF PUBLIC HEARING & SEPA DETERMINATION

**NOTICE IS HEREBY GIVEN** that there has been proposed to the Franklin County Planning Commission an application by Big Sky Developments, LLC, 12406 Eagle Reach Court, Pasco, WA 99301 for a zoning text change, TC 2020-02/SEPA 2020-03.

Said application is a text amendment to the Franklin County Development Regulations (Zoning Ordinance) 1-2005. Said text amendment request is to amend the zoning text to reduce the required open space set-aside for a Planned Unit Development (PUD) from 35% to 15%. The text requested to be amended is included in the following Chapter(s) and Section(s) of Title 17, of the Franklin County Development Regulations (Zoning) Ordinance #1-2005:

**1) Chapter 17.58, Planned Unit Development (PUD)**

**Section 17.58.080(F) Open Space Requirements.**

**NOTICE IS FURTHER GIVEN** that said application will be considered by the Franklin County Planning Commission. Said consideration will be a public hearing on April 14, 2020 at the hour of 6:30 p.m. in the Commissioners Chambers, Room 201 of the Franklin County Courthouse, 1016 N. 4th Ave., Pasco, WA 99301 and all concerned may appear and present any support for or objections to the application.

**NOTICE IS FURTHER GIVEN** that said proposal has been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A determination has been made as to the environmental impacts of the proposal and a **Determination of Non-Significance (DNS)** has been issued. Accordingly, an Environmental Impact Statement is not required. This determination was made on March 12, 2020 and comments regarding the determination and the environmental impacts of the proposal can be made to the Planning Department by March 26, 2020.

Information concerning the proposal can be obtained at the Franklin County Planning Department, 1016 North 4th, Pasco, Washington 99301, or by calling 545-3521.

**DATED AT PASCO, WASHINGTON ON THIS 6<sup>th</sup> DAY OF MARCH 2020.**

**Derrick Braaten, Planning and Building Director**

**PUBLISH:**

Franklin County Graphic: March 12, 2020

Tri-Cities Herald: March 12, 2020



# FRANKLIN COUNTY

## PLANNING AND BUILDING DEPARTMENT

### NOTICE OF PUBLIC HEARING & SEPA DETERMINATION

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**1) Chapter 17.58, Planned Unit Development (PUD)**

Section 17.58.080(F) Open Space Requirements.

**NOTICE IS FURTHER GIVEN** that said application will be considered by the Franklin County Planning Commission. A public hearing will be held on **April 13, 2021 at 6:30 PM**. Due to the Covid-19 emergency declaration, the public may not attend in person. Written comments are accepted prior to public hearing and those comments shall be submitted by either email at [planninginquiry@co.franklin.wa.us](mailto:planninginquiry@co.franklin.wa.us), or by regular mail to Franklin County Planning Department, 502 W. Boeing Street, Pasco, WA 99301. Written Comments shall be submitted by **4:00 PM ON APRIL 12, 2021**. Further information on how to participate in the meeting is provided below.

**NOTICE IS FURTHER GIVEN** that said proposal has been reviewed under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information. A determination has been made as to the environmental impacts of the proposal and a **Determination of Non-Significance (DNS)** has been issued. Accordingly, an Environmental Impact Statement is not required. This determination was made on **November 3, 2020** and comment period for determination and environmental impacts of proposal was closed on **November 17, 2020**.

**HOW TO ATTEND VIRTUAL MEETING:** To participate in meeting, you will have to pre-register by phone at 509-545-3521 or email at [planninginquiry@co.franklin.wa.us](mailto:planninginquiry@co.franklin.wa.us) before end of business day **(4:00 PM) April 9, 2021**. WebEx invitations will be sent out through email **April 12, 2021 by 4:00 PM**. You can watch the proceeding on YouTube Live, by going to the Franklin County, WA agenda page at <https://www.co.franklin.wa.us/planning/agenda.html>. There you can access the virtual agenda with the YouTube Live link. Virtual agendas will be posted by the Friday before said meeting date.

Information concerning the proposal can be obtained by email at [planninginquiry@co.franklin.wa.us](mailto:planninginquiry@co.franklin.wa.us) or by calling 509-545-3521.

**DATED AT PASCO, WASHINGTON ON THIS 1<sup>st</sup> DAY OF APRIL 2021.**

**PUBLISH:**

Franklin County Graphic: April 1, 2021

Tri-City Herald: April 1, 2021



# FRANKLIN COUNTY

## PLANNING AND BUILDING DEPARTMENT

### AGENCY COMMENTS (TC 2020-02/SEPA 2020-03)

**DATE:** November 6, 2020

**RE:** TC 2020-02

**TO:** County Engineer  
Benton-Franklin Health Dist.  
Fire Code Official  
Assessor/GIS  
County E-911  
WSDOT

Irr. Dist.(FCID X SCBID X )  
Fire Dist. # 1, 2, 3, 4, 5  
Elec.Utility (PUD X BBEC X )  
County Building Official  
Bureau of Reclamation  
City of Pasco

**FROM:** Derrick Braaten, Planning & Building Director

**CC:** Matt Mahoney, Rebeca Gilley, Derrick Braaten

Agency Representative:

Enclosed is a copy of a proposed Text Change Amendment (TC) application. The TC is a request to amend FCC Chapter 17.58, Planned Unit Development (PUD), specifically subsection 17.58.080(F), seeking to reduce the 35% open-space requirement for a PUD to a 15% open-space requirement.

We would appreciate your review and comments **within ten (10) working days of the above listed date, if possible**. If it will take longer to review the CUP, please contact this office at (509) 545-3521.

Sincerely,

Derrick Braaten  
Planning & Building Director

See attached for additional information

**REPLY:**

**Signed:** \_\_\_\_\_  
**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Derrick Braaten

**From:** Greg Linden <GLinden@franklinpud.com>  
**Sent:** Monday, November 9, 2020 2:45 PM  
**To:** Derrick Braaten; Craig Erdman; John Christensen; Michael Morgan; Robin Moug; 'Rick Dawson'; agrogers@usbr.gov; bar-efo-mailroom@usbr.gov; ghoff@usbr.gov; dsolem@scbid.org; Eric Dixon; Tpo@scbid.org; mjdedlyen@bpa.gov; dxrodgers@bpa.gov; jectrell@bpa.gov; Ben Hooper; Robert Richmond; zunderhill@bbec.org; mmyers@bbec.org; Mark Hay; Rick White; mark-nielson@conservewa.net; Eric Mauseh; 1mooreag@gmail.com; Mike Harris; sbcfarms@ms.com; fdfranklin5@gmail.com; fcid1@pocketinet.com; jburn@pocketinet.com; 'separegister@ecy.wa.gov'; sepacenter@dnr.wa.gov; 'sepa@dahp.wa.gov'; 'SEPAdesk@dfw.wa.gov'; Freudenthal, Debra; scplanning@wsdot.wa.gov; Kaiser, Mark; 'sepaunit@ecy.wa.gov'; Kelly.Cooper@doh.wa.gov; Darryl Brown  
**Cc:** Matt Mahoney; Rebecca Gilley; Keith Johnson; Aaron Gunderson; Julie A. Micheli; Donna Crisp; Greg Linden  
**Subject:** [EXTERNAL] RE: Request for Review & Comment and Notice of SEPA Determination

**CAUTION:** This email originated from outside of Franklin County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Derrick:

Franklin PUD is opposed to a county-wide Text Change (TC) reducing the requirement for open space for Planned Unit Developments (PUD) from 35% to 15%. Utilities already have a difficult time obtaining rights-of-way with adequate, code-required separation between utilities and room for equipment. The proposed TC would make this more difficult in the future and a county wide application of this TC is not supported.

In addition, the application supplement requirement of support and explanation for the following items are not provided:

### Written narrative addressing the following:

1. Explain why the plan text amendment is needed and describe what public land use issue or problem is resolved by the proposed amendment;
  - a. Section 8L of the application indicates "This text amendment will allow for more effective, innovative, and creative land development techniques that remain in compliance with their respective current comprehensive plan land use designations." This statement does not describe why a TC is needed and is exceedingly vague. The application answered "Not Applicable" 87 times, which does not support a great need for a county-wide change reducing the open space requirement from 35% to 15%.
2. Explain how the proposed amendment is consistent with the goals of the Washington State Growth Management Act (RCW 36.70A.020) as amended;
  - a. There is no text addressing this requirement
3. Include a statement or explanation of how the proposed test amendment complies with or supports the Comprehensive Plan's goals and/or any applicable County-Wide Planning policies;
  - a. There is no text addressing this requirement
4. Address if the proposed amendment affect lands designated as resource lands of long term commercial significance and/or critical areas and if so, detail how the proposed amendment will impact those areas;



- a. There is no text addressing this requirement
5. Explain how the proposed change would serve the interest of the public as a whole, including health, safety or welfare.
- a. There is no text addressing this requirement.

Franklin PUD is not opposed to exceptions to the 35% open space requirement on a case by case basis, with compelling support and project drawings. A wholesale change to countywide rules are not supported in this case.

Please contact met if you would like to discuss.

Thanks!

Greg Linden, P.E.  
Engineering Manager  
509-542-5371



From: Derrick Braaten <dbraaten@co.franklin.wa.us>

Sent: Friday, November 6, 2020 11:40 AM

To: Craig Erdman <cerdman@co.franklin.wa.us>; John Christensen <jchristensen@co.franklin.wa.us>; Michael Morgan <mmorgan@co.franklin.wa.us>; Robin Moug <rmoug@co.franklin.wa.us>; 'Rick Dawson' <Rickd@bfhd.wa.gov>; agrogers@usbr.gov; bor-efo-mailroom@usbr.gov; ghoff@usbr.gov; dsolem@scbid.org; Eric Dixon <edixon@scbid.org>; Tpoer@scbid.org; mjdedlyen@bpa.gov; dxrodgers@bpa.gov; jectrell@bpa.gov; Ben Hooper <BHooper@franklinpud.com>; Robert Richmond <r-richmond@franklinpud.com>; Greg Linden <GLinden@franklinpud.com>; zunderhill@bbec.org; mmyers@bbec.org; Mark Hay <mhay@bbec.org>; Rick White <WHITE@pasco-wa.gov>; mark-nielson@conservewa.net; Eric Mauseth <ericmauseth@gmail.com>; 1mooreag@gmail.com; Mike Harris <mharris@fcfd3.org>; sbcfarms@me.com; fdfranklin5@gmail.com; fcid1@pocketinet.com; jburn@pocketinet.com; 'separegister@ecy.wa.gov' <separegister@ecy.wa.gov>; sepacenter@dnr.wa.gov; 'sepa@dahp.wa.gov' <sepa@dahp.wa.gov>; 'SEPAdesk@dfw.wa.gov' <SEPAdesk@dfw.wa.gov>; Freudenthal, Debra <FreudeD@wsdot.wa.gov>; scplanning@wsdot.wa.gov; Kaiser, Mark <KaiserM@wsdot.wa.gov>; 'sepaunit@ecy.wa.gov' <sepaunit@ecy.wa.gov>; Kelly Cooper@doh.wa.gov; Darryl Brown <dbrown@co.franklin.wa.us>

Cc: Matt Mahoney <mmahoney@co.franklin.wa.us>; Rebeca Gilley <rgilley@co.franklin.wa.us>; Keith Johnson <kjohnson@co.franklin.wa.us>; Aaron Gunderson <agunderson@co.franklin.wa.us>; Julie A. Michel <jamichel@co.franklin.wa.us>; Donna Crisp <dcrisp@co.franklin.wa.us>

Subject: Request for Review & Comment and Notice of SEPA Determination

EXTERNAL: Think Before You Click!

All,

Please find attached the Agency Notice, SEPA DNS, SEPA Checklist, Application, and Applicant Narrative for a request to amend FCC Chapter 17.58, specifically subsection 17.58.08(F), to reduce the open-space requirement for a Planned Unit Development (PUD) from the current 35% of open-space to 15% of open-space for a PUD.

Please feel free to contact me with any questions,

*David B. Branson*

Planning and Building Director  
Planning and Building Dept. | Franklin County, WA  
Office tel. (509) 545-3521 | [www.co.franklin.wa.us/planning/](http://www.co.franklin.wa.us/planning/)

If you think you have received this email in error, please notify the sender immediately by email and delete this email and any attachments from your system. Additionally, any correspondence exchanged with Franklin PUD, including emails, are public records. Public records may be produced for third-party requesters under the Public Records Act.



Community Development Department  
PO Box 293, 525 N 3<sup>rd</sup> Ave, Pasco, WA 99301  
P: 509.545.3441 / F: 509.545.3499

March 24, 2020

Franklin County  
502 W Boeing Street  
Pasco, Washington 99301

Attn: Derrick Braaten

RE: SEPA 2020-003 – Planned Unit Developments 17.58  
Determination of Non-Significance

The City of Pasco has received the proposed code amendment to Franklin County Code 17.58 seeking to reduce the open space requirements from 35% to 15%.

During the review of the proposed code amendment, City of Pasco staff have the following comments:

The Franklin County County-Wide Planning Policies approved through Resolution 2019-312 in October 2019 established a framework to ensure that county and city comprehensive plans are consistent with one another as required by the Washington State Growth Management Act.

Approximately 16% of Pasco's current Urban Growth Area resides within Unincorporated Franklin County.

City of Pasco staff requests that the proposed Planned Unit Development code amendment align with Ordinance 4481 approved by the Pasco City Council in February 2020.

Adopting the same standard for Planned Unit Developments within the Urban Growth Area would be in agreement with the Franklin County County-Wide Planning Policies identified below:

15. Joint county/city standard shall be established for development within each urban growth boundary, but beyond corporate limits of cities. It is in the public interest that joint standards be developed to preclude the creation of development patterns without municipal utilities and substandard infrastructure and property division that would burden the public with unnecessary costs to correct or compromise the ability of the UGA to accommodate the municipality's 20-year population forecast.





City of  
**Pasco**

Community Development Department  
PO Box 293, 525 N 3<sup>rd</sup> Ave, Pasco, WA 99301  
P: 509.545.3441 / F: 509.545.3499

28. City and county planning efforts will be coordinated within urban growth areas.

29. The county and each city shall jointly develop and implement development, land division, building standards, and coordinate permit procedures for the review and permitting of new subdivisions within Urban Growth Areas.

The City of Pasco's recent update to the Planned Unit Development (see attached) include considerations of affordable housing, transportation access, private streets, parking and open space requirements. The existing Franklin County Chapter on Planned Unit Developments does not include specific guidelines on the above items in the Design Standards and Requirements (17.58.080).

It should also be noted that the City of Pasco is currently updating its Comprehensive Plan that includes a proposed expansion of the Urban Growth Area Boundary (approximately 3,500 acres). The proposed expansion will accommodate the estimated population growth (over 48,000) as allocated by Franklin County.

Staff requests that the proposed code amendment be coordinated between Franklin County and the City of Pasco to ensure that planning goals required per RCW 36.70A.020 are met.

Sincerely,

Rick White, Director  
Community & Economic Development Department  
City of Pasco

cc: Will Simpson, AICP,  
Senior Planner, Growth Management Services  
Washington State Department of Commerce

**ORDINANCE NO. 4481**

**AN ORDINANCE OF THE CITY OF PASCO, WASHINGTON  
AMENDING CHAPTER 25.140 "PLANNED UNIT DEVELOPMENT"**

**WHEREAS**, pursuant to PMC 21.05.020, the City has identified that regulating the division of land within the Pasco Urban Growth Area to promote the health, safety, convenience, comfort, prosperity and general welfare of the present and future inhabitants of the Pasco Urban Growth Area; and

**WHEREAS**, Title 25 "Zoning" of the Pasco Municipal Code states that the City must encourage and facilitate the orderly growth and development of the Pasco Urban Area; and

**WHEREAS**, the purpose of a Planned Unit Development is to provide opportunities for innovation, creativity and flexibility in land development within the City; and

**WHEREAS**, the Planned Unit Development is intended to encourage the use of new techniques and technology resulting in a more creative approach to development of land that will realize economies of scale and permit flexibility that provides for aesthetic diversification of site layout and spatial arrangements as identified in PMC 25.140.010; and

**WHEREAS**, the regulations of the Planned Unit Development were last updated in April, 1999 through Ordinance No 3354; and

**WHEREAS**, the population of Pasco has increased by 133% from the year 2000 through 2018; and

**WHEREAS**, the Washington State Office of Financial Management (OFM) population estimates expect a 63% increase to a total of 121,828 in Pasco by the year 2038; and

**WHEREAS**, the minimum site area requirement of ten acres has been a limiting factor in the application of a planned unit development in Pasco; and

**WHEREAS**, the minimum density requirement will ensure that a proposed Planned Unit Development will meet the intent of the Land Use Classifications identified in the Comprehensive Plan; and

**WHEREAS**, the Bonus Criteria for Density and Open Space for a Planned Unit Development is now established; and

**WHEREAS**, the use of private streets is now clearly defined with approved standards as provided by the City of Pasco Public Works Department; and

**WHEREAS**, Policy LU-3-B of the City's Comprehensive Plan identified the encouragement of infill and density development to protect open space and critical areas, and to accommodate population increases and provide support for more walkable neighborhood; and

**WHEREAS,** Goal H-2 of the City Comprehensive Plan states that Pasco strive to maintain a variety of housing consistent with the local and regional market; and

**WHEREAS,** City Council Goals from 2018-2019 include growth management strategies of infill and consideration of affordable housing needs. **NOW THEREFORE,**

**THE CITY COUNCIL OF THE CITY OF PASCO, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** That Chapter 25.140 of the Pasco Municipal Code shall be amended and shall read as follows.

#### **Chapter 25.140 PLANNED UNIT DEVELOPMENT**

##### **Sections:**

- 25.140.010 - Purpose.**
- 25.140.020 - Permitted uses.**
- 25.140.030 - Minimum site area.**
- 25.140.040 - Relationship to adjacent areas.**
- 25.140.050 - Phased development.**
- 25.140.060 - Combined preliminary and final PUD.**
- 25.140.070 - Concurrent platting.**
- 25.140.080 - Design standards and requirements.**
- 25.140.090 - Procedure for approval of planned unit developments.**
- 25.140.100 - Effective preliminary planned unit development approval.**
- 25.140.110 - Preliminary PUD approval expiration.**
- 25.140.120 - Final PUD application.**
- 25.140.130 - Expiration of time limits.**
- 25.140.140 - Changes and modifications.**
- 25.140.150 - Building permits.**

##### **25.140.010 - Purpose.**

The purpose of this chapter is to provide opportunities for innovation, creativity and flexibility in land development within the City. ~~It is intended to encourage the use of new techniques and technology resulting in a more creative approach to development of land that will realize economies of scale and permit flexibility that provides for aesthetic diversification of site layout and spatial arrangements between geographic features, structures, circulation patterns, utilities and open space. It is intended to encourage the development of efficient high quality development through flexibility in building controls, including density, lot sizes, setbacks and heights. The result must preserve and enhance the public health, safety, welfare and access of the community and must be consistent with the Comprehensive Plan.~~

Furthermore, it is the purpose of this chapter to:

- (1) Encourage development that enhances the quality of life while protecting the health, safety ~~welfare and access and welfare~~ of residents;
- (2) ~~Encourage variety in housing opportunities~~ Increase housing supply and the choice of housing styles available in the community;
- (3) ~~Preserve to the greatest extent possible the existing land forms and natural vegetation and minimize adverse effect on sensitive environmental areas;~~
- (4) ~~Encourage the development of a viable economic base~~ Promote high-quality design and aesthetics;
- (5) ~~Encourage development of land uses that will be compatible with and complement existing or proposed adjacent land uses; and Lessen development impacts on adjacent areas through site design and necessary mitigation measures; and~~
- (6) Provide guidelines for development of planned unit developments. [Ord. 3354 § 2, 1999; Code 1970 § 25.62.010.]

#### **25.150.020 – Permitted uses.**

The planned unit development district may be approved for any use or combination of uses permitted by this title except combinations of residential and industrial uses. Uses permitted in any specific PUD district shall be enumerated in the ordinance establishing such a district. [Ord. 3354 § 2, 1999; Code 1970 § 25.62.020.]

#### **25.140.030 - Minimum site area.**

~~The minimum site area for a Planned Unit Development within a proposed development application, including the area of public and/or private streets, shall be as follows:~~

<del>Comprehensive Plan Land Use Classification</del>	<del>Minimum Site Area (Acres)</del>
<del>Low Density Residential</del>	<del>2</del>
<del>Mixed / Medium Residential</del>	<del>None</del>
<del>High-Density Residential</del>	<del>None</del>
<del>Mixed Residential / Commercial</del>	<del>None</del>

~~The minimum site area for a PUD is 10 acres. [Ord. 3354 § 2, 1999; Code 1970 § 25.62.030.]~~

#### **25.140.040 - Relationship to adjacent areas.**

The design and layout of a PUD shall take into account the relationship of the site to the surrounding areas.

- (1) ~~The street system of a proposed Planned Unit Development shall be designed to connect with existing, proposed, and planned streets outside of the proposed site;~~
- (2) ~~Planned streets shall connect with surrounding streets to permit the convenient movement of vehicles and to facilitate emergency access and evacuation; and~~

~~(3) The perimeter of the PUD shall be so designed as to minimize any adverse impact on adjacent properties.~~

~~The perimeter of the PUD shall be so designed as to minimize any undesirable impact on adjacent properties; and~~

~~(2) Setbacks from the property line of a PUD shall be comparable to those of the existing development of adjacent properties or to the type of development which may be permitted on adjacent properties. [Ord. 3354 § 2, 1999; Code 1970 § 25.62.040.]~~

**25.140.050 - Phased development.**

Development of a planned unit development may be phased, in which case all the property anticipated for PUD development shall be submitted as a preliminary PUD showing a conceptual depiction of the eventual development through all phases. Subsequent to legislative approval of the preliminary PUD plan, portions of the development may be submitted as a final PUD for review and approval. [Ord. 3354 § 2, 1999; Code 1970 § 25.62.050.]

**25.140.060 - Combined preliminary and final PUD.**

In all cases, the preliminary PUD and final PUD may be combined and processed as a final PUD. [Ord. 3354 § 2, 1999; Code 1970 § 25.62.060.]

**25.140.070 - Concurrent platting.**

Plats for PUDs requiring platting may be processed concurrently with the PUD approval procedures. [Ord. 3354 § 2, 1999; Code 1970 § 25.62.070.]

**25.140.080 - Design standards and requirements.**

(1) Subdivision Requirements. If land or structures within a proposed PUD are to be sold to more than one person, partnership, firm or corporation, or are to include the dedication of land, then the proposed PUD shall be subject to the short plat or long plat procedures of PMC Title 21;

(2) Right-of-Way Requirements. City policy with regards to the dedication of right-of-way and right-of-way improvements as established in Resolution No. 1372 and PMC 12.04.100 are waived in a PUD;

(3) Zoning Requirements. A planned unit development shall be exempt from the minimum lot size and setback standards of this title except, where on-site parking is located in front of a structure, that portion of the structure shall be set back 20 feet from the property line;

~~(4) Density Requirements. A minimum and maximum density requirement shall be established for each land-use identified in the Comprehensive Plan. The density requirements are provided in the table below:~~

Land Use Classification	Minimum Density	Maximum Density
-------------------------	-----------------	-----------------



Low Density Residential	5 du / acre	7 du / acre
Mixed Residential	12 du / acre	20 du / acre
High Density Residential	21 du / acre	35 du / acre
Mixed Residential / Commercial	17 du / acre	35 du / acre

**(54) Density Bonus.** ~~The basic density in a planned unit development shall be established for each land use as provided in the zoning districts of PMC Title 25. The Planning Commission may recommend and the City Council Hearing Examiner may authorize a density not more than 20 percent greater than what is otherwise permitted of the underlying land use, following findings that the amenities or design features which promote the purposes of this chapter are clearly identified and provided;~~

**(6) Amenities and Open Space Requirements.** ~~The PUD shall provide not less than 35~~15 percent of the gross land area for common open space. ~~Common open space shall be accessible to all owners or tenants of the development at the time of final approval. Open space shall be provided for active or passive recreational activities and for the preservation of existing natural site amenities whenever possible. Maintenance and operation of the open space shall be the responsibility of the property(s) owner or homeowners association.~~

~~(a) Open space shall not include:~~

- ~~i. Streets, alleys, and other rights-of-way;~~
- ~~ii. Vehicle drives, parking, loading and storage areas;~~

~~(b) Examples of amenities and open space can include but not limited to:~~

- ~~i. Pedestrian pathways and bike trails;~~
- ~~ii. Open lawn areas, playgrounds, recreation fields;~~
- ~~iii. Community gardens;~~
- ~~iv. Community club area;~~
- ~~v. Swimming pool;~~
- ~~vi. Plazas, sitting areas;~~

~~(c) Additional examples of uses may found in the latest edition of the City of Pasco Parks, Recreation and Forestry Plan~~

**(75) Lot Requirements.** Minimum lot areas, lot dimensions, building heights, lot coverage and yard requirements shall be as established on the approved development plan;

~~(6) Open Space Requirements.~~ ~~The PUD shall provide not less than 35 percent of the gross land area for common open space;~~

**(78) Setbacks between Buildings.** A distance between all structures shall at a minimum comply with the standards prescribed by the most current edition of the International Building and Fire Codes as adopted by the City Council; ~~and~~

**(9) Public Street Standards.** Public street standards, as identified in PMC 21.15.020 shall apply;

(10) Private Street Standards. Private streets require the authorization of the Community & Economic Development Director and may only be permitted if the applicant can demonstrate that the minimum density as identified in PMC 25.140.080(4) cannot be achieved without a modification to the public street standards. Justification must include alternative layouts. Private street improvements for a PUD shall meet the standards for Local Access Roads, at a minimum, with the exception being that sidewalk must be present on at least one side and on-street parking must be present on one side. This will result in a roadway section, with curb and gutter that measures 31' back-to-back of curb. Storm water facilities must be able to treat and retain all storm water on-site without any runoff enter City of Pasco right-of-way.

A PUD improvement will not be allowed where the property owner does not control both sides of the proposed roadway.

(11) Utility improvements. Water, sewer and irrigation (if applicable) improvements shall be required at the time the property is developed and shall be required for all properties. Water and sewer utilities shall be extended through the length of the property being developed. The design and construction of water and sewer utilities shall conform to the construction standards as prepared by the City Engineer. To the fullest extent possible City utilities shall be located in the roadway prism. Adequate easements must be provided for all utilities as determined by the City Engineer.

(12) Guest Parking. Guest parking shall be provided when on-street parking is not constructed. A minimum of one guest parking stall per ten dwelling units, and a maximum of one per six dwelling units is required. All guest parking shall be clearly identified with signage and striping; and

**(138)** Residential design standards: See PMC 25.165.100. [Ord. 3731 §§ 20 & 21, 2005; Ord. 3354 § 2, 1999; Code 1970 § 25.62.080.]

#### **25.140.090 - Procedure for approval of planned unit developments.**

The approval of a planned unit development shall be by the City Council, upon recommendation of the Hearing Examiner, and shall be processed in accordance with the following procedures:

(1) Who May Apply. Any owner or group of owners of contiguous property acting jointly may submit an application for a PUD.

(2) Pre-application. Prior to the acceptance of an application for PUD approval, a pre-application conference between representatives of the City and the potential applicant is required. This conference shall be set by the Planning Department at the request of the potential applicant. The purpose of the pre-application conference is to acquaint the applicant with various code requirements affecting PUD districts.

(3) Application. The applicant shall file a PUD district application for preliminary plan approval with the Planning Division. All applications will be processed in accordance with

the provisions of Chapter 25.210 PMC. The application shall be accompanied by the following:

- (a) A filing fee in an amount equal to the rezone fee;
- (b) A completed SEPA checklist;
- (c) A vicinity map; and
- (d) Twelve copies of maps and drawings comprising the preliminary plan.

(4) **Preliminary Plan.** The preliminary PUD district plan shall indicate or include the following:

- (a) Written documents, including but not limited to:
  - (i) A legal description;
  - (ii) Statement of present ownership;
  - (iii) Statement of intent, including any plans for selling or renting the property;
  - (iv) A timetable of development, including a phasing schedule if project will be developed in phases;
  - (v) Provisions to assure maintenance of all common areas; and
  - (vi) Proposed restrictive covenants, if any.
- (b) Relationship of the property to the surrounding area, including identification of land use and zoning of both the site and vicinal properties.
- (c) Names and dimensions of streets bounding, traversing or touching upon the site.
- (d) Location and width of proposed streets and pedestrian ways, arrangement of common off-street parking and recreational vehicle storage areas.
- (e) Location, layout and conceptual landscape design of all common yards, open space and recreational areas.
- (f) Proposed method of street lighting and signing.
- (g) Existing and proposed utility systems, including irrigation plan.
- (h) Existing site conditions, showing contours at five-foot intervals and location of significant geographic features.
- (i) Approximate building locations, buildable areas and building heights.

(5) **Public Hearing Before the Hearing Examiner.** Following a public hearing, the Hearing Examiner may recommend approval or denial of the application and accompanying PUD plans or may recommend imposition of such conditions of approval as are necessary to



ensure conformity to all applicable regulations and the purposes of the PUD district. A PUD may be recommended for approval only when it has been determined that:

- (a) The PUD district development will be compatible with nearby developments and uses.
- (b) Peripheral treatment ensures proper transition between PUD uses and nearby external uses and developments.
- (c) The development will be consistent with the Comprehensive Plan and the purposes of the PUD district.
- (d) The public health, safety and welfare have been served. [Ord. 4433 § 1, 2019; Ord. 3354 § 2, 1999; Code 1970 § 25.62.090.]

**25.140.100 - Effective preliminary planned unit development approval.**

Legislative approval of a preliminary PUD shall constitute a zone change of the subject property from the former zoning designation to a planned unit development zone. The ordinance establishing a PUD zone will enumerate the uses permitted and the district. [Ord. 3354 § 2, 1999; Code 1970 § 25.62.100.]

**25.140.110 - Preliminary PUD approval expiration.**

Preliminary PUD approval shall be effective for five years from the date of approval by the City Council, during which time a final PUD or the first phase of a staged PUD shall be submitted for approval. If the final PUD or initial phase is not submitted within the five-year approval period, the preliminary PUD shall be null and void, unless the Hearing Examiner grants an extension not to exceed a one-year period. A one-year extension of the preliminary PUD approval does not require a public hearing. In a phased PUD, successive phases are to be approved and constructed within five years of the previously approved phase. [Ord. 4433 § 2, 2019; Ord. 3354 § 2, 1999; Code 1970 § 25.62.110.]

**25.140.120 - Final PUD application.**

After receiving preliminary approval, the applicant may submit a detailed final development plan in conformity to the approved preliminary PUD. The procedures for final PUD approval shall be as those prescribed for preliminary PUD approval in PMC 25.140.090, except the Hearing Examiner review is not required for final PUD approval under this section. Detailed development plans shall contain the following information:

- (1) Vicinity map;
- (2) A detailed site plan in conformance with the approved preliminary plan showing land uses and vehicular and pedestrian ~~circulation~~ access and circulation;
- (3) Boundary survey of the entire property or the development phase;
- (4) Construction specification for streets and pedestrian ways, including a typical roadway section showing location of all utilities;

- (5) Location and height of all buildings indicating either the dimensions or the limits within which buildings will be constructed;
- (6) Preliminary engineering plans for water, sewer, storm drainage, electric power, telephone and gas;
- (7) Preliminary subdivision plat if the property is to be subdivided;
- (8) Landscape plans for open space, common areas, streets, pedestrian ways and recreational facilities;
- (9) Location, arrangement and dimensions of parking facilities and loading areas;
- (10) Preliminary architectural plans and elevations of typical buildings and structures; and
- (11) Covenants, property owner agreements or other provisions that will govern the use, maintenance and perpetual care of the PUD and all of its open space and property held in common. [Ord. 4433 § 3, 2019; Ord. 3354 § 2, 1999; Code 1970 § 25.62.120.]

**25.140.130 - Expiration of time limits.**

Construction of improvements in a PUD shall begin within one year from the date of final PUD approval by the City Council. An extension of time for improvements (streets and utilities) may be requested in writing by the applicant, and such request shall be granted by the City Council for a period of one year. If construction does not occur within five years from the legislative approval, the PUD district designation shall be dropped from the official zoning map and zoning shall revert to the former district designation. [Ord. 3354 § 2, 1999; Code 1970 § 25.62.130.]

**25.140.140 - Changes and modifications.**

(1) Major changes in the approved final development plan shall be considered as a new application for preliminary approval. Major changes include:

- (a) Change in use;
- (b) Major realignment of vehicular circulation patterns;
- (c) Increase in density or relocation of density pattern;
- (d) Reduction of open space;
- (e) Change in exterior boundaries, except survey adjustments;
- (f) Increase in building height.

(2) The Planning Division may approve changes in the development plan that are minor in nature and are consistent with the approved plan. [Ord. 4433 § 4, 2019; Ord. 3354 § 2, 1999; Code 1970 § 25.62.140.]

**25.140.150 - Building permits.**

No building permits shall be issued until final PUD or phase approval has been granted by the City Council. The construction and development of all common areas and open space of each project

phase shall be completed to coincide with the completion of structures. For example, when 25 percent of the structures are completed, 25 percent of the common areas are required to be completed. [Ord. 3354 § 2, 1999; Code 1970 § 25.62.150.]

**Section 2.** This ordinance shall be in full force and effect five days after passage and publication as required by the law.

**PASSED** by the City Council of the City of Pasco, Washington and approved as provided by law this 3<sup>rd</sup> day of February, 2020.



Saul Martinez  
Mayor

ATTEST:



Debra Barham, CMC  
City Clerk

APPROVED AS TO FORM:



Kerr Ferguson Law, PLLC  
City Attorney

PUBLISHED: 2/5/2020



# THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

## Submittal ID: 2023-S-6044

Submittal Date Time: 05/03/2023

### Submittal Information

Jurisdiction	Franklin County
Submittal Type	60-day Notice of Intent to Adopt Amendment
Amendment Type	Development Regulation Amendment

### Amendment Information

#### Brief Description

Text amendment request is to amend the zoning text [Franklin County Code 17.58.080(F)] to reduce the required open space set-aside for a Planned Unit Development (PUD) from 35% to 15%.

☐ Yes, this is a part of the 10-year periodic update schedule, required under RCW 36.70A.130.

Anticipated/Proposed Date of Adoption 07/11/2023

### Categories

#### Submittal Category

Development Regulations

### Attachments

Attachment Type	File Name	Upload Date
Development Regulation Amendment - Draft	TC 2020-02 Draft Ordinance.docx	05/03/2023 10:03 AM
EPA Materials	SEPA 2020-03 DNS.pdf	05/03/2023 10:05 AM
EPA Materials	SEPA 2020-03 Checklist.pdf	05/03/2023 10:05 AM
Materials Submitted	TC 2020-02 Application.pdf	05/03/2023 10:06 AM
Materials Submitted	TC 2020-02 Narrative.pdf	05/03/2023 10:06 AM
Public Notice	TC 2020-02 FC Graphic.pdf	05/03/2023 10:22 AM
Public Notice	TC 2020-02 TC Herald.pdf	05/03/2023 10:22 AM
Public Notice	TC 2020-02 Public Notice.doc	05/03/2023 10:27 AM

Contact Information

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Prefix	Mr.
First Name	Aaron
Last Name	Gunderson
Title	Planner I
Work	(509) 545-3521
Cell	
Email	agunderson@franklincountywa.gov

☐ Yes, I would like to be contacted for Technical Assistance.

Certification

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☒ I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.

Full Name	Aaron Gunderson
Email	agunderson@franklincountywa.gov

## Aaron Gunderson

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**From:** Aaron Gunderson  
**Sent:** Tuesday, April 11, 2023 3:28 PM  
**To:** 'musefarms@icloud.com'; 'Marla Marvin'; 'David Snyder'; 'jkrug540@gmail.com'; 'Lancaster, Staci'; 'bobbcar@msn.com'; 'lorisnyder1@gmail.com'; 'steveaagaard\_3@hotmail.com'; 'Sandy LePage'  
**Cc:** Derrick Braaten; Ryan Nelson; Rebeca Gilley  
**Subject:** Response to Comments on TC 2020-02

Public Commenters,

Thank you for your comments. Please be advised, a public hearing on this item was held on April 13, 2021 and that there is no public hearing/testimony scheduled for this item tonight. The reason the item is being brought back to the Planning Commission, is to reacquaint the Planning Commission with the item, because though it was originally heard and recommended for approval at the April 13, 2021 PC meeting, it was not brought to the County Commissioners for final action. Due to this being a legislative action, the Planning Commission can move forward with its existing recommendation, or schedule additional hearings regarding the matter, at its discretion.

There does seem to be a misunderstanding regarding the term "open space", as used in a PUD. Open space, in this instance, refers to land being set aside for the enjoyment of the residents of the development/subdivision, not the public at large. A PUD's open space is maintained by a private HOA, paid for by the residents of that development, and not the public. This request does not relate to the use of public lands or other public open spaces.

If additional hearings are to be scheduled, they would likely take place in May or June of 2023.

Thank you,

*Aaron Gunderson*

Planner I

Franklin County, WA | Planning & Building Dept.

509-545-3521

[agunderson@franklincountywa.gov](mailto:agunderson@franklincountywa.gov)



## **Aaron Gunderson**

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**From:** cynthia muse <musefarms@icloud.com>  
**Sent:** Monday, April 10, 2023 5:40 PM  
**To:** planninginquiry  
**Subject:** [EXTERNAL] PUD 15% open space proposal

CAUTION: This email originated from outside of Franklin County. Be careful when following links or opening attachments.

NO  
We just got back from NW ARK where planning and development of rural lands around large cities is being done with large lots, open space for walking and cycling and plenty of drainage space (which is not an issue here.) We can do better here. Doing the right thing now will be a win-win later and will honor the land on which rural ag. emerged and thrived. Leave urban density where it belongs!  
Thank you,  
Doug and Cynthia Muse  
River ridge  
Pasco  
Sent from my iPhone

## Aaron Gunderson

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**From:** Marla Marvin <marla\_marvin@msn.com>  
**Sent:** Monday, April 10, 2023 5:58 PM  
**To:** planninginquiry  
**Cc:** Aaron Gunderson; Marla Marvin  
**Subject:** [EXTERNAL] Open Space

**CAUTION:** This email originated from outside of Franklin County. Be careful when following links or opening attachments.

Dear Planning Commission –

I understand you are considering a MAJOR reduction in requirements for open space for planned unit developments. I hope you side with the citizens who would likely, if polled, overwhelmingly say, "Please retain the status quo. Development is proceeding at a significant pace. Developers clearly do not need incentives to transition farmland into housing developments so please maintain the current open space requirement." Because I can't be certain about others, I will unequivocally say that I and the other two voters in my household strongly oppose a change from 35 percent to 15 percent – or any reduction at all.

I am sorry I am unable to attend the meeting tomorrow night, but I do assure you I will be watching this. Such a tremendous change is particularly loathsome given Franklin County does not have any county parks (at least that is my understanding). I hope that changes, too.

Thank you for your work representing the people of Franklin County. The work of this commission is vital and challenging. Please protect the interests of the citizens and current taxpayers.

All the Best,  
Marla Marvin  
71 Terrace Dr.  
Pasco, WA 99301

Sent from [Mail](#) for Windows



## Aaron Gunderson

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**From:** David Snyder <snyderdave1@gmail.com>  
**Sent:** Monday, April 10, 2023 7:09 PM  
**To:** planninginquiry  
**Cc:** Aaron Gunderson  
**Subject:** [EXTERNAL] April 11, 2023, Franklin County Planning Commission, Other Business item TC 2020-02/SEPA 2020-03, Reduction in open space requirements for Planned Unit Developments.

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Planning Commission Members,

I've learned there is an attempt to reduce open space requirements for planned unit development in Franklin county.

I am strongly opposed such measures and hope you keep Franklin county residents' desires above the desires of a few developers who are driven by increased profit margins.

If the planning committee member employed by an engineering company which stands to profit from changes to platting, votes in favor of this reduced open space endeavor, I will wholly support any litigation against the county as this is clearly a conflict of interest.

Respectfully,  
LTC David Snyder  
US Army Retired

## **Aaron Gunderson**

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**From:** Jeff Krug <jkrug540@gmail.com>  
**Sent:** Tuesday, April 11, 2023 7:07 AM  
**To:** planninginquiry; Aaron Gunderson  
**Subject:** [EXTERNAL] PUD section 17.58080 F

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I am requesting the PUD recommend against the reduction of open space requirements.  
Preserve our open spaces in Franklin County.  
Thank you.

Jeff Krug  
540 McDonald Dr, Pasco, WA 99301

## **Aaron Gunderson**

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**From:** Lancaster, Staci <Staci.Lancaster@ctt.com>  
**Sent:** Tuesday, April 11, 2023 9:00 AM  
**To:** planninginquiry  
**Cc:** Aaron Gunderson  
**Subject:** [EXTERNAL] April 11, 2023, Franklin County Planning Commission, Other Business item TC 2020-02/SEPA 2020-03, Reduction in open space requirements for Planned Unit Developments

**CAUTION:** This email originated from outside of Franklin County. Be careful when following links or opening attachments.

**I strongly object to the proposal to reduce open space requirements in Franklin County Code Chapter 17.58, Planned Unit Development (PUD), specifically Section 17.58.080(F) Open Space Requirements. The whole point of moving into this area with these regulations was to have MORE open space, not to have more open space UNTIL developers decide to lobby to take that away from us by changing the rules AFTER we already have invested in an area set to protect those open spaces. The planning commission should uphold the PUD rules that we invested in, not allow changes for a developer to come in and make more money by taking away our grandfathered in rules. The county open space requirement of 35% must be upheld in PUD's.**

**In another matter, traffic control/traffic improvements for the amount of development going on near the RD100/Burns area is severely insufficient. I have almost been hit several times trying to take my kids to school across that intersection. Not to mention watching kids on bikes dodge cars trying to get to school. Someone is going to get hurt, or worse, if something isn't done at the Burns/100 intersection as well as burns all the way to the river. Is there an ETA for the improvements that should have had to be completed before the permits for additional housing were issued for the neighborhood under construction just NW of RD 100/Burns and to the East of Columbia River Elementary and the site development South of Burns/Dent? The increased traffic these projects have brought to the area has compounded the issue greatly and needs to be addressed immediately.**

**Staci Lancaster  
6702 Recurve Rd  
Pasco, WA 99301  
(509) 412-2950**

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**NOTICE:** The information contained in this message is proprietary and/or confidential and may be privileged. If you are not the intended recipient of this communication, you are hereby notified to: (i) delete the message and all copies; (ii) do not disclose, distribute or use the message in any manner; and (iii) notify the sender immediately.

## Aaron Gunderson

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**From:** ROBERT CAROSINO <bobbcar@msn.com>  
**Sent:** Tuesday, April 11, 2023 12:24 PM  
**To:** planninginquiry; Derrick Braaten; Aaron Gunderson  
**Subject:** [EXTERNAL] Subject: April 11, 2023, Franklin County Planning Commission, Other Business item TC 2020-02/SEPA 2020-03, Reduction in open space requirements for Planned Unit Developments.

**CAUTION:** This email originated from outside of Franklin County. Be careful when following links or opening attachments.

**Subject:** April 11, 2023, Franklin County Planning Commission, Other Business item TC 2020-02/SEPA 2020-03, Reduction in open space requirements for Planned Unit Developments.

**To:** Franklin County Planning Commission  
Derrick Braaten, Director, Planning and Building Department  
Franklin County Board of Commissioners

On behalf of myself and all other citizens of Franklin County, I am requesting that the Franklin County Planning Commission (FCPP) offer an additional opportunity for Public Comment on this proposal, and that the FCPP disapprove of the requested reduction in Open Space requirements for Planned Unit Developments (PUD).

The history of this proposal demonstrates that it has not had adequate opportunity for public comment, and that the proposed reduction in open space is not in the best interests of the general citizens of Franklin County.

Apparently, this proposal was made back in February of 2020 by the development consortium of Big Sky Developers and their representative Aqtera Engineering. The initial opportunity for public comment was cancelled due to the covid epidemic. It was apparently re-set for consideration on April 1, 2021, for a Planning Commission Meeting on April 13, 2021. This meeting was in the middle of the worst health pandemic that this nation has ever faced, and the citizens of Franklin County did not have the capacity or opportunity at the time to reasonably provide input to this decision. The notice Franklin County sent is difficult to understand and issued in a time period of limited public interaction, with no physical meeting opportunities, and most people just trying to exist during the pandemic. This past action simply did not provide adequate opportunity for public comment on a proposal of this significance. As the record shows, the only comment received was from Franklin County PUD, which opposed the requested reduction in open space.

Then suddenly on April 5, 2023, after two years of inaction, six days of notice are given to the public, in a notice of a Planning Commission Meeting for April 11, 2023, under an item listed as "Other Business".

Providing the opportunity for the public to comment on this proposal at the current time will demonstrate that this County is governed by the will of the people, and not be the desire of a single land development consortium. From a legal standpoint, the existence of the covid pandemic, that passage of time, and the changed facts regarding development opportunities in Franklin County and Pasco, make the past action on this matter stale, out of date and inadequate to support a Planning Commission recommendation on this matter.

**Not only did the public not have an adequate opportunity to comment during the covid pandemic, but the situation has changed dramatically during the subsequent two years.**

**Since the 2020-time frame, a vast portion of Franklin County land north of Pasco has been incorporated into the Pasco Urban Growth Boundaries, and approximately 3,000 acres of this land has already been annexed into the Pasco City Limits. Therefore, there are massive amounts of land in Pasco that can be developed to standards under the Pasco PUD requirements and smaller subdivision lot sizes that Pasco allows.**

**There is no need for unincorporated land in Franklin County to be developed with the reduced open space that the Big Sky Developers and their representative Aqtera Engineering were seeking. Franklin County residents cherish, and wish to protect open space in the County, and support the 35% open space requirement that the Franklin County Comprehensive Plan contemplates, and that the County Code requires at FCC Ch. 17.58.080F.**

**The applicant suggests that this change will protect open space in the County. That is simply incorrect. It will do nothing to limit future development in areas of the county that are zoned for residential development, as other landowners will seek to develop their land in whatever way they deem most effective. Rather, it will reduce the open space in PUDs, and replace developments that would be on single family lots that are required to be of one acre or larger in size. The open space on one acre or larger single family residential lots is much, much more than 15%, so there will be a net reduction in open space in the county under the proposal! Please don't play developer games with the citizens of Franklin County!**

**The Franklin County Planning Commission is required to represent the interests of the General Citizens of Franklin County. It should be obvious to the FCPP, if they have ever talked to their neighbors, that citizens are not in favor of this request, and that it will not lead to preservation of open space as the applicant suggests. But rather it will lead to development of land that would otherwise require one acre or larger lots, into much smaller PUD parcels with greater density and far less open space. A 15% level of open space in a PUD would leave much less open space than exists on individual lots, while the 35% current PUD requirement provides at least some closer level of compatibility, and the 35% requirement should be retained.**

**And we cannot count on other limitations, such as water or sewage availability, to limit the density of a PUD. Big Sky has in the past sought to have the city of Pasco supply water and sewer utilities to lands in the County north of Dent Road, and it could certainly do so again.**

**The residents of Franklin County have recently demonstrated their interest in protecting open space by their comments on the Kohler and Underwood rezoning proposals submitted by Aqtera which proposals violated the Franklin County Comprehensive Plan, and which proposals were subsequently withdrawn by the applicant. They feel the same way about this proposal.**

**On behalf of myself and the citizens of Franklin County, I urge the Franklin County Planning Commission to accept additional public comment, and to deny the requested reduction in Open Space requirements in PUDs from 35% to 15%, and therefore not recommend the proposed Code change to FCC Ch. 17.58.080F which has been sought by the applicant.**

**Respectfully submitted,**

**Robert M. Carosino**  
**130 Terrace Drive**  
**Franklin County, Pasco WA 99301**

## Aaron Gunderson

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**From:** LORI SNYDER <lorisnyder1@gmail.com>  
**Sent:** Tuesday, April 11, 2023 1:01 PM  
**To:** planninginquiry  
**Subject:** [EXTERNAL] April 11,2023 Franklin County Planning Commission, Other business item TC 2020-02/SEPA 2020-3, Reduction in open space requirements for planned Unit development

**CAUTION: This email originated from outside of Franklin County. Be careful when following links or opening attachments.**

I strongly object to the proposal to reduce open space requirements in Franklin County Code Chapter 17.58, planned Unit Development (PUD), specifically Section 17.58.080(F) Open space requirements. It is the duty of the Planning Commission to work in the best interest of the communities they represent, and should recommend against the change.

Regards,  
Lori Snyder  
285 McDonald Drive  
Pasco, WA 99301

## Aaron Gunderson

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**From:** Steve Aagaard <steveaagaard\_3@hotmail.com>  
**Sent:** Tuesday, April 11, 2023 1:39 PM  
**To:** planninginquiry; Aaron Gunderson  
**Subject:** [EXTERNAL] Other business item: TC 202002/SEPA 2020-03

**CAUTION: This email originated from outside of Franklin County. Be careful when following links or opening attachments.**

Dear Franklin County,

Once again, Big Sky Developers is proposing that the Franklin County Comprehensive Plan be changed to allow for increased housing density in rural Franklin County.

I object to this proposed change. Keep rural Franklin County rural.

Steven Aagaard  
60 Terrace Drive  
Pasco



## Aaron Gunderson

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**From:** Sandra LePage <sdlepage830@gmail.com>  
**Sent:** Tuesday, April 11, 2023 2:51 PM  
**To:** planninginquiry  
**Cc:** Aaron Gunderson  
**Subject:** [EXTERNAL] Reduction in Open Space

CAUTION: This email originated from outside of Franklin County. Be careful when following links or opening attachments.

Franklin Co. Planning Commission:

As a 44 year resident of Franklin Co. I object to the proposed reduction in open space requirements for Franklin County Planned Unit Developments. We can see the urbanization of West Pasco every time we drive to town and we do not want that same density of development in rural Franklin County. Please help preserve our rural way of life by not allowing this reduction in open space requirements.

Sincerely,

Sandra LePage  
(509) 531-5445

Sent from my iPhone

## Aaron Gunderson

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**From:** ROBERT CAROSINO <bobbcar@msn.com>  
**Sent:** Tuesday, April 11, 2023 3:46 PM  
**To:** Aaron Gunderson; musefarms@icloud.com; Marla Marvin; David Snyder; jkrug540@gmail.com; Lancaster, Staci; lorisnyder1@gmail.com; steveaagaard\_3@hotmail.com; Sandy LePage  
**Cc:** Derrick Braaten; Ryan Nelson; Rebeca Gilley  
**Subject:** [EXTERNAL] Re: Response to Comments on TC 2020-02

**CAUTION:** This email originated from outside of Franklin County. Be careful when following links or opening attachments.

Dear Mr. Gunderson,

Thanks for your email. We believe that the comments submitted by Robert Carosino explain why the Planning Commission should not take action on this stale matter, without any further opportunity for public comment. His comments explain the reason that additional consideration and opportunity for public comment is needed.

We sincerely hope and trust that the Board will do the right thing for the citizens of Franklin County and defer this matter for consideration of additional public input.

Robert Carosino

Sent from [Outlook](#)

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**From:** Aaron Gunderson <agunderson@franklincountywa.gov>  
**Sent:** Tuesday, April 11, 2023 3:27 PM  
**To:** musefarms@icloud.com <musefarms@icloud.com>; Marla Marvin <marla\_marvin@msn.com>; David Snyder <snyderdave1@gmail.com>; jkrug540@gmail.com <jkrug540@gmail.com>; Lancaster, Staci <Staci.Lancaster@ctt.com>; bobbcar@msn.com <bobbcar@msn.com>; lorisnyder1@gmail.com <lorisnyder1@gmail.com>; steveaagaard\_3@hotmail.com <steveaagaard\_3@hotmail.com>; Sandy LePage <sdlepage830@gmail.com>  
**Cc:** Derrick Braaten <dbraaten@franklincountywa.gov>; Ryan Nelson <ryann@franklincountywa.gov>; Rebeca Gilley <rgilley@franklincountywa.gov>  
**Subject:** Response to Comments on TC 2020-02

Public Commenters,

Thank you for your comments. Please be advised, a public hearing on this item was held on April 13, 2021 and that there is no public hearing/testimony scheduled for this item tonight. The reason the item is being brought back to the Planning Commission, is to reacquaint the Planning Commission with the item, because though it was originally heard and recommended for approval at the April 13, 2021 PC meeting, it was not brought to the County Commissioners for final action. Due to this being a legislative action, the Planning Commission can move forward with its existing recommendation, or schedule additional hearings regarding the matter, at its discretion.

There does seem to be a misunderstanding regarding the term "open space", as used in a PUD. Open space, in this instance, refers to land being set aside for the enjoyment of the residents of the development/subdivision, not the public at large. A PUD's open space is maintained by a private HOA, paid for by the residents of that development, and not the public. This request does not relate to the use of public lands or other public open spaces.

If additional hearings are to be scheduled, they would likely take place in May or June of 2023.

Thank you,

*Aaron Gunderson*

**Planner I**  
**Franklin County, WA | Planning & Building Dept.**  
**509-545-3521**  
**[agunderson@franklincountywa.gov](mailto:agunderson@franklincountywa.gov)**



**Aaron Gunderson**

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**From:** markhahn5@gmail.com  
**Sent:** Tuesday, April 11, 2023 5:52 PM  
**To:** planninginquiry  
**Subject:** [EXTERNAL] April 11, 2023, Franklin County Planning Commission, Other Business item  
TC 2020-02/SEPA 2020-03, Reduction in open space requirements for Planned Unit  
Developments.

**CAUTION:** This email originated from outside of Franklin County. Be careful when following links or opening attachments.

**I strongly object to the proposal to reduce open space requirements in Franklin County Code Chapter 17.58, Planned Unit Development (PUD), specifically Section 17.58.080(F) Open Space Requirements. I request that the Planning Commission must recommend against the change.**

**Mark Hahn  
23 Sunnybank Rd  
Pasco, WA 99301**

## Aaron Gunderson

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**From:** david mitchell <drmitchell2010@hotmail.com>  
**Sent:** Wednesday, April 12, 2023 12:38 AM  
**To:** planninginquiry  
**Cc:** drmitchell2010@hotmail.com  
**Subject:** [EXTERNAL] open space in Franklin county

**CAUTION:** This email originated from outside of Franklin County. Be careful when following links or opening attachments.

I am a Franklin county resident. I want time to review and comment on the proposal for reduction of open space . Personally I'm against it. [Mail](#) for Windows



Beaufort Gazette  
Belleville News-Democrat  
Bellingham Herald  
Bradenton Herald  
Centre Daily Times  
Charlotte Observer  
Columbus Ledger-Enquirer  
Fresno Bee

The Herald - Rock Hill  
Herald Sun - Durham  
Idaho Statesman  
Island Packet  
Kansas City Star  
Lexington Herald-Leader  
Merced Sun-Star  
Miami Herald

el Nuevo Herald - Miami  
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Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

Sun News - Myrtle Beach  
The News Tribune Tacoma  
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San Luis Obispo Tribune  
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Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
37241	452749	Print Legal Ad-IPL01344430 - IPL0134443		\$102.14	1	31L

### Attention: AP

FRANKLIN CNTY PLANNING & BUILDING/LEGALS  
502 W BOEING ST.  
PASCO, WA 99301

planninginquiry@franklincountywa.gov

### NOTICE OF OPEN RECORD HEARING

**TC 2020-02/SEPA 2020-03**  
NOTICE IS HEREBY GIVEN that the Franklin County Board of County Commissioners will be holding a closed record hearing, regarding TC 2020-02/SEPA 2020-03, Aqtera Engineering, on August 23, 2023, at their regular meeting, scheduled to begin at 9:00 am. in the Franklin County Courthouse, Commissioners Meeting Room, 1016 North 4th Avenue, Pasco, WA 99301.

The meeting agenda, links to view the meeting, and other information related to Franklin County Board of County Commissioners meetings can be found at: <https://franklincountywa.gov/614/Meeting-Agendas>

DATED AT PASCO, WASHINGTON ON  
THIS 8th DAY OF AUGUST, 2023

PUBLISH:  
Franklin County Graphic: August 10, 2023  
Tri-City Herald: August 8, 2023  
IPL0134443  
Aug 8 2023

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

Stefani Beard, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 08/08/2023, and ending on 08/08/2023 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:

08/08/23

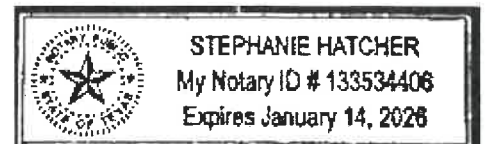
*Stefani Beard*

(Signature of Legals Clerk)

Sworn to and subscribed before me this 8th day  
of August in the year of 2023

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in  
Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

## AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON

SS:

COUNTY OF FRANKLIN

Katherine Trowbridge being first duly sworn on oath deposes and says that she is the manager of the FRANKLIN COUNTY GRAPHIC, a weekly newspaper. That said newspaper is a legal newspaper approved by the Superior Court of the State of Washington, in and for Franklin County, under order made and entered on the 11th day of January, 1955, and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a weekly newspaper, in Connell, Franklin County, Washington, and that the annexed is a true copy of

### FC PLANNING

### NOTICE OF PUBLIC HEARING

TC 2020-02

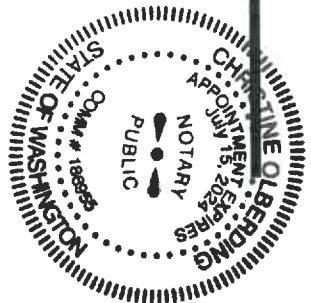
as it was published in regular issue (and not in supplemental form) of said newspaper, once each week for a period of one week to-wit, commencing on the 10th day of August, 2023, and that such newspaper was regularly distributed to its subscribers during all of said period, that the full amount of \$27.90 has not been paid in full at the legal rate.

Katherine Trowbridge  
Manager

Subscribed and sworn to before me this 10th day of

August, 2023

Christie O'Brien  
Notary Public in and for the  
State of Washington, residing in Connell.



NOTICE OF OPEN RECORD HEARING  
TC 2020-02/SEPA 2020-03  
NOTICE IS HEREBY GIVEN that the Franklin County Board of County Commissioners will be holding a closed record hearing regarding TC 2020-02/SEPA 2020-03, Aqueduct Engineering on August 23, 2023, at their regular meeting scheduled to begin at 9:00 am, in the Franklin County Courthouse, Commissioners Meeting Room, 1016 North 4th Avenue, Pasco, WA 99301. The meeting agenda, links to view the meeting, and other information related to Franklin County Board of County Commissioners meetings can be found at: <https://franklin-county.wa.gov/614/Meeting-Agendas>.  
DATED AT PASCO, WASHINGTON ON THIS 8th DAY OF AUGUST, 2023  
(Published August 10, 2023 in the Franklin County Graphic)

**PC STAFF REPORT**

**COMMENTS RECEIVED AFTER PC PACKET WAS SENT,  
ENTERED INTO THE RECORD AT JUNE 6, 2023 PC MEETING**

TC 2020-02

Franklin County – Amending FCC 17.58.080(F)

Request to Adjust Open Space Percentage Requirement



## Aaron Gunderson

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**From:** Scott and Kristin Hoey <sk2rji3@msn.com>  
**Sent:** Tuesday, June 6, 2023 1:08 PM  
**To:** planninginquiry  
**Cc:** ROBERT CAROSINO  
**Subject:** [EXTERNAL] REDUCTION IN OPEN SPACE REQUIREMENTS

CAUTION: This email originated from outside of Franklin County. Be careful when following links or opening attachments.

To whom it may concern,

I have written in opposition to changing the open space requirement in past challenges. It seems to me this zoning requirement was not in error. The zoning was established for a reason and those reasons do not change because of different new ownership. Changing the open spaces zoning is for monetary gain only. Franklin county please enforce the zoning as is changes are not needed or wanted.

Thank you,

Scott & Kristin Hoey  
260 McDonald dr

Sent from my iPhone

**From:** Ron Carlson <carlsonron@usa.net>  
**Sent:** Monday, June 5, 2023 8:40 AM  
**To:** planninginquiry  
**Cc:** Aaron Gunderson  
**Subject:** [EXTERNAL] Franklin County Planning Commission Meeting 6/6/2023 At 7:00PM. Item 3  
Reduction in Planned Unit Developments Open Space

Thank you for the opportunity to submit comments on this topic.

My personal opinion is that the current land density requirements of 35% are reasonable and I don't want the number reduced at the request of a developer. If the request to reduce the number came from an initiative from the people put to a public vote then I would be much more likely to consider supporting it.

Thanks,

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+++++
Ron Carlson      carlsonron@usa.net
+++++

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1

[reidclan2@gmail.com](mailto:reidclan2@gmail.com); Marla Marvin <[marla\\_marvin@msn.com](mailto:marla_marvin@msn.com)>

**Subject:** Fw: Franklin County Planning Commission Meeting 6/6/2023 At 7:00PM. Item 3 Reduction in Planned Unit Developments Open Space

I am forwarding on to you the notice of the Tuesday June 6 meeting of the Franklin County Planning Commission where item 3 will be consideration of the request by Aqtera Engineering to reduce the requirement for Open Space in Planned Unit Developments (PUDs) from 35% of land area to 15%.

I looked at the Planned Unit Development regulations and they allow a developer to propose a PUD development that includes residences on smaller lots than otherwise allowed, and that can be clustered together to allow open space that is available to all the residents in the PUD. The open space can be limited to use by just residents of the development and can exclude other residents of the county. The PUD rules give developers a bonus of allowing up to 20% more lots than the zoning for an area allows for standard subdivisions. That means that in a 100-acre area with 1 acre size minimum lots sizes that could include somewhere close to 100 residences, the PUD on that same size could include somewhere near 120 residences. Thus, it increases the density, or number of residences, that can be built on the same piece of land. If the area is zoned for ½ acre lots, it would allow close to 240 residences, instead of the normal 200 on that same piece of land. ( I have not calculated in land for roads in these examples, but they give you the general idea of the 20% increase that is allowed for PUDs.).

The current rules require that 35% of the land area in a PUD must be left in open space.

This seems a reasonable requirement given the increased density that is allowed in PUDS in this County, that is they are allowed to build more housing units.

The request to reduce the area of open space to 15% of the land in a PUD, is not well supported. Rather the proponent, (who has recently tried to reduce zoning requirements to ½ acre lots from the required 1 acre lots for land near our homes, and who may try again to do so) simply says that other jurisdictions do not require 35% open space and that it would be less expensive to develop with less open space.

I do not think that is an acceptable reason to change the open space requirements in PUDs. Franklin County is primarily a farming community that does not have plans to develop roads and parks to levels equivalent to what other cities and counties may do, and that 35% open space requirement is a reasonable trade-off for the 20% increased number of residences that can be built in a PUD in this County.

In the packet of materials included in the notice of the meeting that discuss PUDs in Washington, there was one Washington city, that said that in their area, the developers were using the PUDs to try to play games and get around density requirements. Given the recent actions of the proponent of this change, this is a concern worth considering.

It also appears that this proposal was made some time ago, and conditions have now changed such that the action is not necessary in Franklin County. Pasco has expanded its Urban Growth Boundaries and has annexed several thousand acres of Franklin County land near our area. Developers can build upon that land and use the Pasco PUD rules if they want to build this type of development. There is no need for Franklin County to change its rules, as there is now a very large part of land that was formerly under Franklin County development rules that is now part of Pasco.

However, it appears that in this case, the Franklin County Planning department staff supports the reduction in open space, on the theory of having a similar requirement to local cities.

You should each conduct your own review and decide how you might want to proceed. You can attend the meeting, or send comments before 4 PM on Tuesday by email to [planninginquiry@franklincountywa.gov](mailto:planninginquiry@franklincountywa.gov) , with a copy to Aaron Gunderson at [agunderson@franklincountywa.gov](mailto:agunderson@franklincountywa.gov) . , or not comment on this matter at all.

My earlier comments, and those that some of you provided earlier, are included in the record that you can review by clicking on the links in the email below.

Hope this helps,

Bob C.

Sent from [Outlook](#)

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**From:** Franklin County Planning & Building <[listserv@civicplus.com](mailto:listserv@civicplus.com)>  
**Sent:** Tuesday, May 30, 2023 3:32 PM  
**To:** [bobbcar@msn.com](mailto:bobbcar@msn.com) <[bobbcar@msn.com](mailto:bobbcar@msn.com)>  
**Subject:** Planning Commission Meeting 6/6/2023 At 7:00PM

[View this in your browser](#)

# PLANNING COMMISSION MEETING AGENDA

6/6/2023

7:00 PM

## **PUBLIC HEARING – ITEM #1 – TC 2023-02/SEPA 2023-06 (Franklin County)**

Text code amendments to Ch. 18.08 “Critical Area/Resource Area Protection Standards” or Critical Areas Ordinance (CAO) of the Franklin County Code.

**APPLICANT:** Franklin County

**REPRESENTATIVE:** Nicole Stickney of AHBL (or other designated representative)

## **PUBLIC HEARING – ITEM #2 – TC 2023-01/SEPA 2023-05 (Franklin County)**

Proposed amendment to Franklin County Code Chapter 17.66, Swimming Pools & Hot Tubs, specifically Section 17.66.220 Swimming Pool Barrier. This amendment seeks to lower the required barrier height for a residential swimming pool from five (5) feet in height to four (4) feet in height.

**APPLICANT:** Franklin County

**REPRESENTATIVE:** Derrick Braaten (or other designated representative)

## **PUBLIC HEARING – ITEM #3 – TC 2020-02/SEPA 2020-03 (Aqtera Engineering, LLC)**

Proposal is to amend to Franklin County Code Chapter 17.58, Planned Unit Development (PUD), specifically Section 17.58.080(F) Open Space Requirements. The amendment seeks to reduce the required open space for a PUD from 35 to 15 percent, bringing it into alignment with other neighboring jurisdictions that have a 10-15 percent range for open space requirement.

**APPLICANT:** Aqtera Engineering, LLC

**REPRESENTATIVE:** Peter Harpster (or other designated representative)

**For more information on the above items, please contact the Franklin County Planning and Building Department by phone at 509-545-3521 or by email at [planninginquiry@franklincountywa.gov](mailto:planninginquiry@franklincountywa.gov).**

You are receiving this message because you are subscribed to Franklin County Planning/Building on [www.franklincountywa.gov](http://www.franklincountywa.gov). To unsubscribe, click the following link:

[Unsubscribe](#)

**From:** ROBERT CAROSINO <bobbcar@msn.com>  
**Sent:** Tuesday, June 6, 2023 11:39 AM  
**To:** planninginquiry; Aaron Gunderson  
**Subject:** [EXTERNAL] Comments for FRANKLIN COUNTY PLANNING COMMISSION PUBLIC HEARING – ITEM #3 – TC 2020-02/SEPA 2020-03 (Aqtera Engineering, LLC) REDUCTION IN OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

**CAUTION:** This email originated from outside of Franklin County. Be careful when following links or opening attachments.

Please provide these comments to the Franklin County Planning Commission and County Commissioners for consideration in the June 6, 2023 Public Hearing on the above referenced proposal to reduce the amount of open space in Planned Unit Developments (PUDs) from 35% of land area, to 15% of land area.

I reconfirm my objection to the proposed change in open space requirements for Planned Unit Development rules for Franklin County, which were made in my earlier submitted comments, as included in the existing public record.

Having reviewed the matter in additional detail, I remain convinced that this action is not in the best interests of citizens of Franklin County and will only be of benefit to a minor number of developers.

My reasons for the objection to this change are as follows:

1. This proposed change to open space requirements in PUDs was requested several years ago, and the situation has now changed significantly. Since that time, thousands of acres of former Franklin County land that was subject to Franklin County building codes, has been annexed into the city of Pasco, and there is ample land available for developers to turn into PUDs in the city under city of Pasco PUD rules, if they so choose.
2. The request was never well supported, and merely suggested that it would be easier to develop if the open space requirement was less, and that other cities in the area did not require 35% open space in PUDs. These bald assertions that the 35 % open space requirement was precluding PUDs is simply an assertion , not a proven fact.
3. Franklin County is not like cities, and should not endeavor to follow what others do. It is a County that is proud of its farming heritage, and seeks to maintain less dense development in the non-city areas of the County,
4. The PUD rules allow a developer much flexibility and offer cost savings on developing roadways and other standard requirements of subdivisions. Most importantly, it allows a developer to increase the number of housing units that can be built in the development, by up to 20% more than the area zoning codes would otherwise allow. The 35% open space requirement is an appropriate counterbalance to the increase in density that the 20% higher number of housing units will allow.
5. The PUD rules can be applied to any zoning type. Thus, if a developer is able to obtain a change in zoning to ½ acre lots, instead of the generally applicable one-acre lot size, that developer can then apply the PUD rules to allow 20% more housing units than the ½ acre zoning would allow. On a 100-acre development that would increase the number of housing units from somewhere around 100 housing units for 1 acre zoning, to 240 housing units for a PUD on a ½ acre zoned plat. (exclusive of street areas) This is a huge increase in potential density. And this type of potential increase in

density is not just a hypothetical possibility. We have seen this same developer, Aqtera Engineering, submit recent land use applications that have attempted to circumvent the Franklin County Comprehensive Land Use Plan requirements, and allow land to be rezoned for ½ acre lots in violation of the Comprehensive Plan (e.g. recent Kohler rezone request ZC 2022-05/SEPA 2022-27). It was willing to make incorrect interpretations of county regulations in order to request these rezoning actions. While those rezone requests were withdrawn, they could be refiled. And then when a subdivision proposal is later made after a rezone has been approved, it could propose a PUD instead of a standard subdivision. Thus, the developer could bump up the density by over double what would normally be allowed.

6. Franklin County does not have the infrastructure, or even plans for future infrastructure, of roadways and other services that are needed to support these denser developments.

I speak for myself and many other citizens of Franklin County who ask that the County not approve the requested reduction in open space requirements for Planned Unit Developments in Franklin County. We have already given greatly to those who seek further urbanization, through the recent increase in size of the Pasco Urban Growth Boundary, and the annexation of thousands of acres into the city limits of Pasco. Those former County controlled lands are now available for developers to do as they wish under Pasco development rules. They do not need to destroy the rural environment of Franklin County outside city areas, with increased density. The current requirement that 35% of the area in a Planned Unit Development in a PUD be set aside as open space is a reasonable requirement that provides a necessary offset to the 20% greater density that is allowed in a PUD.

Please protect those who sought Franklin County for the rural environment which it offers.

Thanks,  
Robert Carosino  
130 Terrace Drive  
Franklin County

## Aaron Gunderson

---

**From:** jwr22222@gmail.com  
**Sent:** Monday, June 5, 2023 8:12 AM  
**To:** planninginquiry; Aaron Gunderson  
**Subject:** [EXTERNAL] Item 3 Reduction in Planned Unit Developments Open Space

CAUTION: This email originated from outside of Franklin County. Be careful when following links or opening attachments.

I'm commenting on my concern about the consideration of allowing reduction of open space in Franklin County. I have lived Franklin County for over forty years. I seen many changes. The small farms are mostly gone. The current development of housing developments have surpassed the existing infrastructure such as roads and sewer. Allowing additional housing density without first investing in roads and sewers would be a mistake. Especially the roads as it is quite challenging to get into town as it currently stands with traffic on two lane roads with no shoulders. I'm currently being passed by impatient drivers that want to flee their development and get into town. Please consider my comments before you make your decision.

Regards  
John Wright



## Aaron Gunderson

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**From:** cynthia muse <musefarms@icloud.com>  
**Sent:** Tuesday, June 6, 2023 5:11 AM  
**To:** planninginquiry  
**Subject:** [EXTERNAL] Open Space In Franklin County

CAUTION: This email originated from outside of Franklin County. Be careful when following links or opening attachments.

For developers and engineers wanting to amend our way of life in the beautiful open spaces of Franklin County...what part of RURAL do you not understand?

If you want 15% densities in "creative" new configurations that align with the neighbors, then develop your plans within the city limits!

Rural agricultural settings are or will be "Trusted" treasures as every other counties except Benton/Franklin have in place in the state of Washington. To allow developer greed and short sided influence is wrong for you most likely will not live in or live with consequences of your requested changes or actions.

The Franklin County Planning Commission and the staff within the planning department know what is right for the future here.

Thank you.  
Doug and Cynthia Muse

4:36 🌙

2 Messages



**Franklin County**

**PUBLIC HEARING – IT**  
**2020-02/SEPA 2020-03**  
**Engineering, LLC)**

Proposal is to amend to Franklin  
Chapter 17.58, Planned Unit Development  
specifically Section 17.58.080(F)  
Requirements. The amendment  
the required open space for a 10  
percent, bringing it into alignment  
neighboring jurisdictions that have  
range for open space requirements

Sent from my iPhone

**From:** cynthia muse <musefarms@icloud.com>  
**Sent:** Tuesday, June 6, 2023 7:59 AM  
**To:** planninginquiry  
**Subject:** [EXTERNAL] County density issues and their impact on governmental services

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Viii: extensions of urban governmental services (as connections into and impact upon north/south laterals at Road 100, Road 68, and North 4th/Glade.)

These choke points will only get worse as the population grows to the north. With the river to the west and a freeway/railway to the east, southerly traffic flow is already at capacity for urban or rural governmental entities to solve. The new proposed ramps and overpasses only solve the existing traffic problems. Logical thinking limits dense growth to urban boundaries.

comprehensive plan designations should be shown on the future land use map. Rural densities are a range of densities that:

(i) Are compatible with the primary use of land for natural resource production;

(ii) Do not make intensive use of the land;

(iii) Allow open space, the natural landscape, and vegetation to predominate over the built environment;

(iv) Foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(v) Provide visual landscapes that are traditionally found in rural areas and communities;

(vi) Are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(vii) Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(viii) Generally do not require the extension of urban governmental services;

(ix) Are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas; and

(x) Do not create urban densities in rural areas or abrogate the county's responsibility to encourage new development in urban areas.

## Aaron Gunderson

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**From:** ROBERT CAROSINO <bobbcar@msn.com>  
**Sent:** Sunday, June 18, 2023 6:27 AM  
**To:** planninginquiry; Aaron Gunderson  
**Subject:** [EXTERNAL] Comments for FRANKLIN COUNTY PLANNING COMMISSION PUBLIC HEARING – ITEM #3 – TC 2020-02/SEPA 2020-03 (Aqtera Engineering, LLC) REDUCTION IN OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

**CAUTION:** This email originated from outside of Franklin County. Be careful when following links or opening attachments.

**From:** ROBERT CAROSINO

**To:** planninginquiry <planninginquiry@franklincountywa.gov>; Aaron Gunderson <agunderson@franklincountywa.gov>  
**Subject:** Comments for FRANKLIN COUNTY PLANNING COMMISSION PUBLIC HEARING – ITEM #3 – TC 2020-02/SEPA 2020-03 (Aqtera Engineering, LLC) REDUCTION IN OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

Please provide these comments to the Franklin County Planning Commission and County Commissioners for consideration in the June 6, 2023 Public Hearing on the above referenced proposal to reduce the amount of open space in Planned Unit Developments (PUDs) from 35% of land area, to 15% of land area.

I am adding an additional reason to my objection to the reduction in Open Space requirements for Planned Unit Developments.

**NEW REASON:** The CHANGE IS PIECE-MEAL CHANGE, AND INCONSISTENT WITH OTHER GOALS OF FRANKLIN COUNTY, INCLUDING THE GOAL OF FOSTERING GREATER ACCESS TO THE COLUMBIA RIVER SHORELINE BY MEMBERS OF THE PUBLIC IN NEW RESIDENTIAL DEVELOPMENTS

This proposal is intended by the engineering firm/developer requestor, to make Planned Unit Developments more likely to be proposed, by significantly reducing the Open Space requirements in PUDs.

This change is a piece-meal amendment of the PUD regulations and should not be adopted as it significantly changes the overall impact of the PUD process on Franklin County land use. If it were to be adopted, the PUD rules should be changed at the same time to offset the negative effect of the change with other changes that will foster current Franklin County goals and needs.

For example, the County has recognized that as the Columbia River subunit area becomes more developed for residential use, there must be more access for the general public to the areas along the river shoreline. In contrast to this goal of increasing public access, the proposed PUD change will allow and foster, the creation of more gated communities along the shoreline, with no general access to the public, and therefore preclude or further hinder general public access to areas along the shoreline, or access to the public Corp of Engineers land along the river that should be open to the public. The PUD rules would need to be amended to preclude the use of Open Space lands by just the residents of the PUD community, and make those lands, at least lands along the river, and associated paths and trails leading to the river in the PUD, open to the General Public.

This example shows how a piece-meal amendment to the PUD regulations can have unintended and unforeseen consequences that would be inconsistent with other development goals of Franklin County.

Therefore, the current request to reduce the Open Space requirements in PUDs should be denied.

I reconfirm my objection to the proposed change in open space requirements for Planned Unit Development rules for Franklin County, which were made in my earlier submitted comments, as included in the existing public record.

Having reviewed the matter in additional detail, I remain convinced that this action is not in the best interests of citizens of Franklin County and will only be of benefit to a minor number of developers.

My earlier submitted reasons for the objection to this change are as follows:

1. This proposed change to open space requirements in PUDs was requested several years ago, and the situation has now changed significantly. Since that time, thousands of acres of former Franklin County land that was subject to Franklin County building codes, has been annexed into the city of Pasco, and there is ample land available for developers to turn into PUDs in the city under city of Pasco PUD rules, if they so choose.
2. The request was never well supported, and merely suggested that it would be easier to develop if the open space requirement was less, and that other cities in the area did not require 35% open space in PUDs. These bald assertions that the 35 % open space requirement was precluding PUDs is simply an assertion , not a proven fact.
3. Franklin County is not like cities, and should not endeavor to follow what others do. It is a County that is proud of its farming heritage, and seeks to maintain less dense development in the non-city areas of the County,
4. The PUD rules allow a developer much flexibility and offer cost savings on developing roadways and other standard requirements of subdivisions. Most importantly, it allows a developer to increase the number of housing units that can be built in the development, by up to 20% more than the area zoning codes would otherwise allow. The 35% open space requirement is an appropriate counterbalance to the increase in density that the 20% higher number of housing units will allow.
5. The PUD rules can be applied to any zoning type. Thus, if a developer is able to obtain a change in zoning to ½ acre lots, instead of the generally applicable one-acre lot size, that developer can then apply the PUD rules to allow 20% more housing units than the ½ acre zoning would allow. On a 100-acre development that would increase the number of housing units from somewhere around 100 housing units for 1 acre zoning, to 240 housing units for a PUD on a ½ acre zoned plat. (exclusive of street areas) This is a huge increase in potential density. And this type of potential increase in density is not just a hypothetical possibility. We have seen this same developer, Aqtera Engineering, submit recent land use applications that have attempted to circumvent the Franklin County Comprehensive Land Use Plan requirements, and allow land to be rezoned for ½ acre lots in violation of the Comprehensive Plan (e.g. recent Kohler rezone request ZC 2022-05/SEPA 2022-27). It was willing to make incorrect interpretations of county regulations in order to request these rezoning actions. While those rezone requests were withdrawn, they could be refiled. And then when a subdivision proposal is later made after a rezone has been approved, it could propose a PUD instead of a standard subdivision. Thus, the developer could bump up the density by over double what would normally be allowed.
6. Franklin County does not have the infrastructure, or even plans for future infrastructure, of roadways and other services that are needed to support these denser developments.

I speak for myself and many other citizens of Franklin County who ask that the County not approve the requested reduction in open space requirements for Planned Unit Developments in Franklin County. We have already given greatly to those who seek further urbanization, through the recent increase in size of the Pasco Urban Growth Boundary, and the annexation of thousands of acres into the city limits of Pasco. Those former County controlled lands are now available for developers to do as they wish under Pasco development rules. They do not need to destroy the rural environment of Franklin County outside city areas, with increased density. The current requirement that 35% of the area in a Planned Unit Development in a PUD be set aside as open space is a reasonable requirement that provides a necessary offset to the 20% greater density that is allowed in a PUD.

Please protect those who sought Franklin County for the rural environment which it offers.

Thanks,  
Robert Carosino  
130 Terrace Drive  
Franklin County



## Aaron Gunderson

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**From:** James H <bbbshot@hotmail.com>  
**Sent:** Monday, June 19, 2023 8:52 AM  
**To:** planninginquiry  
**Subject:** [EXTERNAL] June 20th Special Meeting Comment - Planning Commission

**CAUTION:** This email originated from outside of Franklin County. Be careful when following links or opening attachments.

Please consider my objection to the proposed change in open space requirements for Franklin County which is to be discussed at the June 20<sup>th</sup> special meeting. After reviewing the impacts I feel it would not be in the best interest of the current landowners or the county.

Please forward if necessary to the correct committee or personnel.

Thank you,

James Henriksen  
50 Ridgeview Dr  
Pasco  
Franklin Co Resident

## Aaron Gunderson

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**From:** Marla Marvin <marla\_marvin@msn.com>  
**Sent:** Monday, June 19, 2023 6:01 PM  
**To:** planninginquiry; Aaron Gunderson  
**Cc:** Marla Marvin  
**Subject:** [EXTERNAL] FRANKLIN COUNTY PLANNING COMMISSION PUBLIC HEARING – ITEM #3  
– TC 2020-02/SEPA 2020-03 (Aqtera Engineering, LLC) REDUCTION IN OPEN SPACE  
REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

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Planning Commission Members –

Please do not reduce the open space requirements for county planned unit developments. Franklin county is a rural county and should remain so. The commission should support the vision of those who put in place requirements that protected that rural lifestyle. While it may be true that some cities require less open space, that is as it should be: cities are, by definition, designed to be dense and may, understandably, provide less open space. Let's celebrate and maintain Franklin County's open space requirements for current and future residents.

I am part of a newly-formed organization – Save Our Shoreline -- that is trying to protect access to the Columbia River, seeking to preserve existing access and develop new access. Where developments are planned, having a higher requirement for open space increases the likelihood that at least those in the new development may have a way to the river instead of limiting access only to those lucky enough to afford the few river access lots. We would like to work with the Commission to learn how we could collaborate to protect shoreline access. The river is an amazing asset to Franklin County – let's develop its shorelines (and the rest of it) responsibly.

Please vote against the above-referenced request by Aqtera to reduce open space requirements.

Thank you,  
Marla Marvin  
71 Terrace Dr.  
Pasco, WA 99301  
509-845-2373