



Office of the Mayor and Other Concerned Cities

April 26, 2016

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Mayor Barbara Tolbert, City of Arlington/Other Cities in Snohomish County
Mayor Amy Walen, City of Kirkland
1011 Western Avenue, Suite 500
Seattle, WA 98104-1035

Re: Conditional Certification of Comprehensive Plans

Dear Boardmembers:

The undersigned small cities have all received a “Conditional Certification” of their respective Comprehensive Plans adopted under the Washington State Growth Management Act (GMA) generally as a result of meeting and/or exceeding their housing or employment growth targets adopted by King County. The purpose of this letter is to encourage the Puget Sound Regional Council Executive Board (Board) to either provide full certification of such Comprehensive Plans or alternatively approve such Conditional Certifications but direct Puget Sound Regional Council (PSRC) staff to address the issues raised by this letter. PSRC has stated the Conditional Certifications will not jeopardize the ability of our cities to be equally competitive for federal grants and accordingly, we are asking the Board to approve the Conditional Certification if the Board requires additional time to study the below issues so our cities are able to fully participate in the upcoming grant cycle.

- **Background – PSRC’s Role in Comprehensive Plan Certification**

PSRC was designated by the Governor, under federal and state laws as the Metropolitan Planning Organization (MPO) which authorizes it to manage federal funding for transportation projects for eligible agencies and as the Regional Transportation Planning Organization (RTPO) for central Puget Sound region, which encompasses King, Kitsap, Pierce and Snohomish Counties. As the MPO and RTPO for the four-county region, PSRC was given specific tasks to collaboratively work with the four-county partners on regional growth management and transportation planning issues that require regional cooperation and coordination as necessary to ensure compliance with both the GMA and Vision 2040 .

PSRC is authorized under state law to be a “regional *transportation* planning organization.”¹ Our four counties then entered into an Interlocal Agreement consistent with state law that requires a “regional *transportation* planning organization to certify the consistency of all *transportation* provisions of city and county comprehensive plans.”² Although the GMA does not require “certification” of Comprehensive Plans”, it is recommended in the Washington Administrative Code.³ PSRC’s expanded role beyond transportation into full certification of Comprehensive Plans is set forth in PSRC’s own manual wherein PRSC indicates they will review local plans for “transportation certification” and also assess overall consistency with VISION 2040 as directed by their own Framework Plan.⁴

PSRC’s “Conditional Certification” of our Comprehensive Plans as a result of our housing and/or employment growth targets appears to be beyond the scope of PSRC’s “*transportation* certification” authority described in the foregoing enabling ordinances and rules.

- **Rural Cities Designation is Inappropriate.**

The legislative purpose of the GMA is to foster growth in urban growth areas (UGA) and preserve lands in unincorporated rural areas. Vision 2040 created the new term “rural cities” which is contradictory to the GMA. GMA defines “rural” to mean land located *outside the*

¹ RCW 47.80.020

² Interlocal Agreement; RCW 47.80.023(3),(8). See also PSRC Plan Review Manual at 1-1.

³ WAC 365-196-430(2)(a)(iii).

⁴ PSRC Plan Review Manual at 1-3, PSRC Framework Plan

urban growth area in unincorporated King County.⁵ All of the undersigned cities are located within UGAs and accordingly are required to grow at an urban density and GMA requires such growth. Thus, any effort to place a cap on market housing or employment growth is inconsistent with the GMA.

Until this year, PSRC has provided guidance to our small cities consistent with state law and our obligation to grow at urban densities. Vision 2040 directed our cities to build to urban densities to support pedestrian mobility, transit, and an efficient use of land along with “helping channel investments in infrastructure within already built-up areas – especially cities – and to discourage growth in rural areas”⁶ Vision 2040 further described certain types of free-standing cities as “*urban islands surrounded by rural and resource lands*”. The description of free-standing cities states that these cities “should serve as hubs for relatively *higher density housing choices and as job and service centers for surrounding rural areas.*”⁷

Vision 2040 does not contemplate free-standing cities having a cap on either job growth or housing growth but being able to meet the needs of a vibrant urban city.

GMA requires that “urban growth occur in urban growth areas and that cities are the units of local government most appropriate to provide urban governmental services such as water, sewer, streets and other public services.”⁸ Any restriction on a small city’s ability to foster urban density will exacerbate the city’s ability to fund the necessary urban services that the state law mandates.

- **Equitable Treatment of Cities Regardless of Size.**

All cities should be treated in a similar fashion regardless of population size. Since Vision 2020 and Vision 2040, there are many medium and large cities who have been unable to achieve their housing and employment growth targets. However, we are not aware of these cities receiving “Conditional Certifications” of their Comprehensive Plans. If medium and large cities continue to receive full certification, we ask that the undersigned small cities also receive full certification of their respective Comprehensive Plans.

- **Growth Targets are a Floor, Not a Ceiling.**

Since the inception of the growth targets, the targets have been considered a “floor” not a “ceiling” and have been administered and articulated as such by PSRC until now. The GMA expressly states that cities are obligated to provide “sufficient land capacity for growth” to meet “allocated housing and employment growth” but are not restricted from providing excess land capacity for growth.⁹

⁵ RCW 36.70a.030(16)

⁶ Vision 2040 page 14 Urban Land.

⁷ Vision 2040.

⁸ RCW 36.70A.110(3) and (4).

⁹ RCW 36.70A.115

- **Conclusion - Good Governance and Affordable Housing.**

In conclusion, the undersigned small cities who have proactively executed smart growth planning principles aligned with the Growth Management Act and Vision 2040 should receive full Certification. It is stated within Vision 2040 that "*people, prosperity and planet*" provides the central theme of Vision 2040. This is the core fabric of good governance. The Urban Growth Areas were established and cities planned accordingly for urban populations, and employment balance and the services and infrastructure necessary to sustainably serve their citizens.

Placing an artificial cap on housing and employment targets within city limits will only result in increased growth pressures on the rural areas, underfunded cities that will not be able to provide urban services and skyrocketing home prices, virtually eliminating any affordable housing options within small cities.

We desire the Board to move forward with Conditional Certifications or full Certification, however we prefer full Certification. If the Board elects to moves forward with the Conditional Certifications, we respectfully ask that you study the foregoing issues and work collaboratively with the below cities to develop a regional growth strategy that is sustainable for all. We wish this to happen by Fall 2016.

Lastly, please confirm that a Conditional Certification will not jeopardize any of our cities' ability to be competitive for federal grant funds.

Sincerely,

NORTH BEND

Ken Hearing
Mayor of North Bend

SMALL CITIES & JURISDICTIONS CONCERNED

Kathy Lambert, District 3
City of Algona
City of Buckley
City of Carnation
City of Covington
City of Duvall
City of Gig Harbor
City of Milton
City of Newcastle
City of Poulsbo
City of Snoqualmie

PSRC CONDITIONAL CERTIFICATION INCONSISTENT WITH SCA FOUNDING PRINCIPLES

SCA is founded on the principle of all cities having the same voice regardless of size or age or population. Recently a policy change has come about that has a drastic effect on small cities, called free standing cities by PSRC.

The free standing cities and towns do not believe a policy determination with this many negative consequences should be made without a vote of the Executive Board. The cities of SCA feel strongly that PSRC's staff new practice of limiting access to federal transportation dollars by using the threat of withholding certification of comprehensive plans, in particular exceeding growth targets, is not and has never been a part of the expectations of cities in the GMA Plan.

We understand that policies were adopted that allowed those cities who had asked to become growth centers to have the possibility of additional federal funds for accepting additional growth. The GMA has never had a ceiling on growth. Cities in Urban Growth Areas have never previously been penalized for exceeding growth targets. There is no statement that says PSRC can withhold approval of a city's comprehensive plan and therefore disqualify them for transportation funds PSRC controls.

Policy Statement: SCA supports the free standing cities and ask that PSRC not penalize those small cities in King County who have not met or more commonly have exceeded their targeted growth estimates and are now being specifically threatened with the loss of federal funds for transportation managed by PSRC.

We request this practice stop at once and that a conversation be held with the cities under GMA to come to a practical application without the use of threats or withholding of funds.