

From: [Neil Caulkins](#)
To: [Dan Valoff](#); [Jeff Watson](#)
Subject: split zoning question
Date: Tuesday, April 26, 2011 3:02:15 PM

Dear Jeff and Dan,

How are you? I am fine. I think our authority to deny the BLA that would create a parcel with split zoning comes from the consistency requirements of the GMA and the certification of satisfaction of all land use controls provisions from Ch. 58.17 RCW. RCW 36.70A.040 requires consistency between comprehensive plans and development regulations. RCW 36.70A.120 requires that planning activities be internally consistent. Hence, the GMA requires that comp plans, development regs., and planning activities all be consistent. It would not be consistent to create a parcel with split zoning because the parcel then could not be consistent with the zoning regulations as part of it could be developed a certain way and another portion could be developed another way. It makes no sense (is inconsistent in GMA-speak) when the zoning says a parcel can have one single family house or duplex and requires thus and such set backs, for example , if part of the parcel would be zoned for different structures and set backs. Many aspects of zoning restrictions cease to make sense (become inconsistent) if they are only applicable to part of a parcel.

RCW 58.17.195 prohibits the approval of plats or short plats unless the County finds/certifies that all applicable land use controls have been satisfied. Something that results in split zoning could not be certified as satisfying the GMA's consistency requirements nor making any sense under a zoning regime, in that zoning says what you can/cannot do on a parcel, but if there are two zoning classifications, that permission/restriction falls apart. In many ways, the parcel with split zoning is like the scarecrow in the Wizard of Oz telling Dorothy which direction she should go towards the Emerald City (he kept pointing in two opposite directions at once). I also think that, because split zoning would allow a more intense development in one designation than the other contemplates, this appears to be an attempt to skirt the subdivision code, something the courts will not tolerate.

I hope this helps.

Neil Caulkins

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