

# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

## NOTICE OF APPLICATION

**TO:**

WA State Dept. Ecology SEPA Registrar	Kittitas Co. Life Safety- Fire Marshal
WA State Dept. Ecology, Yakima	Kittitas Co. Environmental Health
WA State Dept. Fish & Wildlife, Ellensburg	Kittitas Co. Fire District No. 6
WA State Dept. of Transportation- Yakima	City of Ellensburg Fire
WA State Dept. of Community, Trade, and Economic Development*	Kittitas Co. Public Works
Yakama Nation	Kittitas Co. Solid Waste
Yakama Nation – Department of Natural Resources	Kittitas Co. Sheriff's Office
Kittitas Co. Board of Commissioners	Cle-Elum/Roslyn School District
	Adjacent Property Owners
	Applicant

**FROM:** Scott Turnbull, Staff Planner

**DATE:** April 10, 2008

**SUBJECT:** **Notice of Application: Cle Elum River Trails Planned Unit Development (PUD) Amendment Rezone (Z-08-03) and Preliminary Plat (P-08-04)**

Applications for the following: 1. Cle Elum River Trails PUD (Planned Unit Development) Amendment Rezone (File No. Z-08-03), an amendment to the existing Cle Elum River Trails PUD approved in 1996 through Ordinance No. 96-18, and 2. Cle Elum River Trails PUD Amendment Phase 1 Plat, which is a 6-lot plat identified as Phase 1 of the PUD Amendment (File No. P-08-04). The proposed PUD Amendment is to amend the existing and approved Cle Elum River Trails Planned Unit Development and four existing Division 1 lots, two existing Division 2 lots, and the addition of six parcels to the PUD. The application is proposing development in four phases. Proponent: Terra Design Group, authorized agent for Evergreen Valley LLC and Ronald Rock LLC, landowner. The subject property is approximately 44.74 acres and is located south of SR-903 and Evergreen Loop Road, and Bakers Road at Evergreen Loop Road, Tamarack Drive, Red Cedar Drive and Douglas Fir Drive, Ronald, WA 98940 in Section 12, T20N, R14E, WM in Kittitas County. Map numbers 20-14-12030-0001, 20-14-12058-0001, -0023, 20-14-12057-0002, -0004, -0006, -0016, 20-14-12053-0012, -0013, -0022, -0021, -0020, and -0019.

Enclosed please find a Notice of Application, Rezone Application, Long Plat Application, SEPA Environmental Checklist, and related documents for the referenced application. Please retain these items for future reference. Interested parties may obtain copies of related file documents by contacting our office. The full project file is available for review at the CDS office.

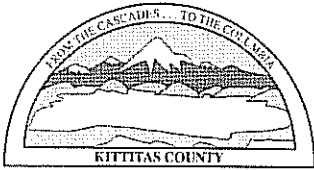
Written comments from the public on environmental impacts may be submitted to the Kittitas County Community Development Services Department (CDS) no later than **May 13, 2008 @ 5:00 p.m.**, after which a SEPA threshold determination will be issued pursuant to 43.21CRCW (State Environmental Policy Act) and WAC 197-11-355 (Optional DNS Process). This may be the only opportunity to comment on the environmental impacts of this proposal pursuant to SEPA, as a Determination of Non-Significance, (DNS), is expected to be issued. A copy of this subsequent threshold determination will be available to the public upon request.

This proposal may include, incorporate or require mitigation measures under applicable codes regardless of whether a determination of Significance (DS) is issued and subsequent Environmental Impact Statement (EIS) is prepared. Written comments may be submitted to Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926.

An open record hearing will be scheduled after a SEPA threshold determination has been made. A Public Hearing Notice with the exact date, time and location will be issued.

**WRITTEN COMMENTS ON ENVIRONMENTAL IMPACTS AND THE OVERALL APPLICATION MUST BE SUBMITTED NO LATER THAN May 13, 2008 @ 5:00 p.m.**

\*This constitutes the required 60-day filing notification to the Department of Community Trade and Economic Development as required by law.



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### Notice of Application

#### Cle Elum River Trails PUD Amendment Rezone and Preliminary Plat

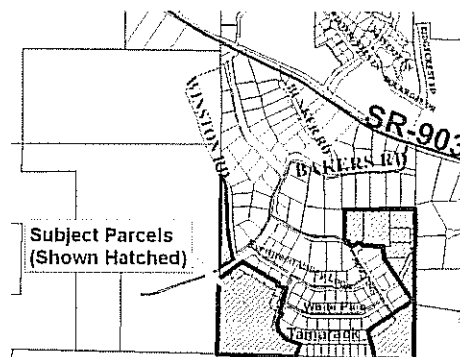
Pursuant to 15A.03 K.C.C., NOTICE IS HEREBY GIVEN that Kittitas County did on March 14, 2008 deem complete applications for the following: 1. Cle Elum River Trails PUD (Planned Unit Development) Amendment Rezone (File No. Z-08-03), an amendment to the existing Cle Elum River Trails PUD approved in 1996 through Ordinance No. 96-18, and 2. Cle Elum River Trails PUD Amendment Phase 1 Plat, which is a 6-lot plat identified as Phase 1 of the PUD Amendment (File No. P-08-04). The proposed PUD Amendment is to amend the existing and approved Cle Elum River Trails Planned Unit Development and four existing Division 1 lots, two existing Division 2 lots, and the addition of six parcels to the PUD. The application is proposing development in four phases. Proponent: Terra Design Group, authorized agent for Evergreen Valley LLC and Ronald Rock LLC, landowner. The subject property is approximately 44.74 acres and is located south of SR-903 and Evergreen Loop Road, and Bakers Road at Evergreen Loop Road, Tamarack Drive, Red Cedar Drive and Douglas Fir Drive, Ronald, WA 98940 in Section 12, T20N, R14E, WM in Kittitas County. Map numbers 20-14-12030-0001, 20-14-12058-0001, -0023, 20-14-12057-0002, -0004, -0006, -0016, 20-14-12053-0012, -0013, -0022, -0021, -0020, and -0019.

Any person desiring to express his /her views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the CDS office between 8:00 A.M. and 5:00 PM at 411 N. Ruby St., Ellensburg, WA 98926. Staff Planner: Joanna Valencia. Information is also available online at <http://www.co.kittitas.wa.us/cds/current/>.

Written comments from the public may be submitted to CDS no later than May 13, 2008 at 5:00 pm after which a SEPA threshold determination will be issued pursuant to 43.21C RCW (State Environmental Policy Act) and WAC 197-11-355 (Optional DNS Process). This may be the only opportunity to comment on the environmental impacts of this proposal pursuant to SEPA, as a Determination of Non-Significance, (DNS), is expected to be issued. A copy of this subsequent threshold determination will be available to the public upon request. This proposal may include, incorporate or require mitigation measures under applicable codes regardless of whether a Determination of Significance (DS) is issued and subsequent Environmental Impact Statement (EIS) is prepared. Written comments may be sent to the CDS Office, 411 N Ruby Suite 2, Ellensburg, WA 98926, or emailed to [cgs@co.kittitas.wa.us](mailto:cds@co.kittitas.wa.us), or faxed to 509-962-7682.

An open record hearing will be scheduled after a SEPA threshold determination has been made. A Public Hearing Notice with the exact date, time and location will be issued.

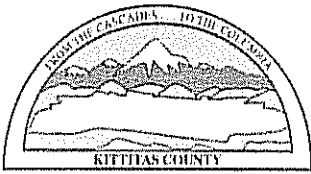
Dated: April 10, 2008, Publish: April 11, 2008 Daily Record and April 17, 2008 Northern Kittitas County Tribune



DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION



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## LONG PLAT APPLICATION

(To divide lot into 5 or more lots)

KITTITAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CONTACT COMMUNITY DEVELOPMENT SERVICES TO SET UP A PRE-APPLICATION MEETING TO DISCUSS A PROPOSED PROJECT.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. PURSUANT TO KCC 15A.03.030, A COMPLETE APPLICATION IS DETERMINED WITHIN 28 DAYS OF RECEIPT OF THE APPLICATION SUBMITTAL PACKET AND FEE. THE FOLLOWING ITEMS MUST BE ATTACHED TO THE APPLICATION PACKET:

### REQUIRED ATTACHMENTS

- Ten large copies of plat with all preliminary drawing requirements complete (reference KCC Title 16 Subdivision Code for plat drawing requirements) and one small 8.5" x 11" copy
- Address list of all landowners within 500 feet of the subject parcel(s). If adjoining parcels are owned by the applicant, then the 500 foot area shall extend from the farthest parcel. If the parcel is within a subdivision with a Homeowners' or Road Association, then please include the mailing address of the association.
- SEPA Checklist (Only required if your subdivision consists of 9 lots or more.  
Please pick up a copy of the Checklist if required)

### OPTIONAL ATTACHMENTS

(Optional at preliminary submittal, but required at the time of final submittal)

- Certificate of Title (Title Report)
- Computer lot closures

RECEIVED

JAN 29 2008

Kittitas County  
CDS

### FEES:

\$200 plus \$10 per lot for Public Works Department;  
 \$625 plus \$75 per hour over 12.5 hours for Environmental Health Department;  
 \$2000 for Community Development Services Department, PLUS \$400 if SEPA Checklist is required  
 \*One check made payable to KCCDS

### FOR STAFF USE ONLY

APPLICATION RECEIVED BY:  
(CDS STAFF SIGNATURE)

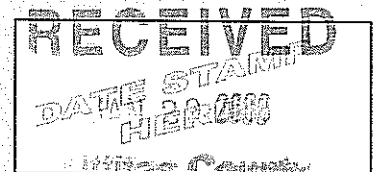
x [Signature]

DATE:

1/29/08

RECEIPT #

055757



NOTES:

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

1. **Name, mailing address and day phone of land owner(s) of record:**  
*Landowner(s) signature(s) required on application form.*

Name: Evergreen Valley LLC & Ronald Rock LLC

Mailing Address: PO Box 808

City/State/ZIP: Cle Elum, WA 98922

Day Time Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

2. **Name, mailing address and day phone of authorized agent** (if different from land owner of record):  
*If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.*

Agent Name: Terra Design Group

Mailing Address: PO Box 686

City/State/ZIP: Cle Elum, WA 98922

Day Time Phone: 509-857-2044

Email Address; \_\_\_\_\_

3. Street address of property:

Address: Tamarack Road & Red Cedar Drive

City/State/ZIP: Ronald, WA 98940

4. Legal description of property: See attachment of preliminary plat submittal (portion of 20-14-12030-0001)

5. Tax parcel number(s):  
Portion of 20-14-12030-0001

6. Property size: Plat size is 4.03 acres being a portion of 20-14-12030-0001

7. **Narrative project description:** Please include the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):  
See Rezone application for narrative project description.

8. Are Forest Service roads/easements involved with accessing your development? Yes No (Circle)  
If yes, explain: \_\_\_\_\_

9. What County maintained road(s) will the development be accessing from? Evergreen Valley Loop Road, Patrick's Park Drive, Red Cedar Road, and Morell Road, and Bakers Road

10. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

Signature of Authorized Agent:  
(REQUIRED if indicated on application)

Date:

X Charles Balan

1-29-08

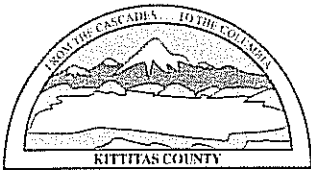
Signature of Land Owner of Record  
(Required for application submittal):

Date:

X Patrick D. Devenen

1-29-08

PATRICK D. DEVENEN  
MANAGER



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## REZONE APPLICATION

*(To change from the existing zone to another zone)*

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### REQUIRED ATTACHMENTS

- ADDRESS LIST OF ALL LANDOWNERS WITHIN 500 FEET OF THE SUBJECT PARCEL(S). IF ADJOINING PARCELS ARE OWNED BY THE APPLICANT, THEN THE 500 FOOT AREA EXTENDS FROM THE FARTHEST PARCEL. IF THE PARCEL IS WITHIN A SUBDIVISION WITH A HOMEOWNERS' OR ROAD ASSOCIATION, THEN PLEASE INCLUDE THE MAILING ADDRESS OF THE ASSOCIATION.
- SITE PLAN OF THE PROPERTY WITH ALL PROPOSED BUILDINGS, POINTS OF ACCESS, ROADS, PARKING AREAS, SEPTIC TANK, DRAINFIELD, DRAINFIELD REPLACEMENT AREA, AREAS TO BE CUT AND/OR FILLED, NATURAL FEATURES SUCH AS CONTOURS, STREAMS, GULLIES, CLIFFS, ETC.
- SEPA CHECKLIST
- REQUESTED ZONE CHANGE: FROM Rural-3 TO PUD  
PUD

### APPLICATION FEE:

\$2550 (\$2150 Rezone + \$400 SEPA) to Kittitas County Community Development Services Department (KCCDS)

### FOR STAFF USE ONLY

APPLICATION RECEIVED BY:  
(CDS STAFF SIGNATURE)

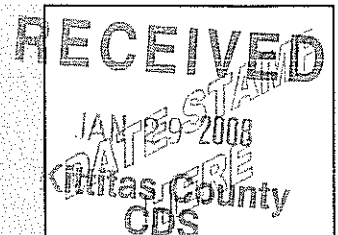
[Signature]

DATE:

1/29/08

RECEIPT #

055757



NOTES:

\_\_\_\_\_

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

1. **Name, mailing address and day phone of land owner(s) of record:**

*Landowner(s) signature(s) required on application form.*

Name: Evergreen Valley LLC & Ronald Rock LLC

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Day Time Phone: \_\_\_\_\_

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2. **Name, mailing address and day phone of authorized agent, if different from landowner of record:**

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Agent Name: Terra Design Group

Mailing Address: PO Box 686

City/State/ZIP: Cle Elum, WA 98922

Day Time Phone: 509-857-2044

Email Address: \_\_\_\_\_

3. **Street address of property:**

Address: Evergreen Valley Loop Road, Bakers Road, Patrick's Park Drive, Tamarack Drive, Red Cedar Drive, & Douglas Fir Drive

City/State/ZIP: Ronald, WA 98940

4. **Legal description of property:**

See attachment G

5. **Tax parcel number:**

20-14-12030-0001	20-14-12057-0002
20-14-12053-0012	20-14-12057-0004
20-14-12053-0013	20-14-12057-0006
20-14-12053-0022	20-14-12057-0016
20-14-12053-0021	20-14-12058-0001
20-14-12053-0020	20-14-12058-0023
20-14-12053-0019	

6. **Property size:**

Approximately 44.74 acres

7. **Narrative project description:** Please include the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):

Existing and approved Cle Elum River Trails Planned Unit Development:

On November 19<sup>th</sup> 1996 the Board of County Commissioners, who at that time were Ray Owens, Mary Seubert, and Donald Sorenson, signed Ordinance No. 96-18 approving the Cle Elum River Trails Planned Unit Development (PUD). This PUD was approving 62.48 acres from a Rural- 3 zoning designation to a Planned Unit Development of 75 single-family residential units with associated open space, in the form of a park, within a portion of Section 12, Township 20N. Range 14E.

At the time of approval this proposal was consistent with the 1994 Kittitas County Comprehensive Plan and is still consistent under the current comprehensive plan. The state environmental policy act (SEPA) was complied with and a mitigated determination of non-significance was issued on August 14, 1996. Since 1996, divisions of Cle Elum River Trails have been finalized thus meeting all of the mitigated conditions placed via the MDNS and Ord. 96-18.

The Kittitas County Planning Commission found that the proposal substantially met the applicable aspects of the rezone criteria found in Kittitas County Code 17.98.020C. The WA State Dept. of Ecology determined there was no impairment of surrounding ground water by the developer's water rights or their request for a water right application and that the use of a Group A Water System would be a more effective use of water in the area, protecting both quality and quantity. Furthermore, the Planning Commission reviewed and made a recommendation of approval based on policies contained in the Kittitas County Comprehensive Plan, last amended in January 1994, and that there are no density limitations in the PUD ordinance other than site characteristics and that the project is located in an area which is a natural extension of other growth areas.

There were four additional conditions placed on the approved Cle Elum River Trails Planned Unit Development proposal.

1. That the lots be reconfigured to meet wastewater requirements.
2. That the applicant makes a commitment to a time line for park completion.
3. Under the direction of the Board of County Commissioners, regular county procedures shall be used in determining the fire protection plan.
4. Cle Elum River Trails will include, within its Restrictive Covenants, a requirement for all individual lots to connect to a regional sewer system when such a system is approved, designed, funded and built. Until Cle Elum River Trails is included within such a regional sewer system lots may be developed with septic systems as approved by the Kittitas County Health Department with said approval being based on the state and county regulations.

Since 1996, divisions of Cle Elum River Trails have been finalized and parcels created meeting these four additional conditions. Condition 1. The lots meet the wastewater requirements. Condition 2. The applicant made a commitment early on in the process. As stated by the applicant in the original application, there is currently a existing gravel pit that has produced the source material for road construction throughout the proposals/divisions in this area and this gravel pit is to be reclaimed and will be the location of the park. The timing for the completion of the park is when the Cle Elum River Trails PUD is finally approved, plus the park design is required to be presented to the Kittitas County Planning Commission for review. See Park Size Comparison/timeline description submitted by the applicant. Condition 3. The applicant submitted, for the file, the Evergreen Valley Water System Fire Plan for Evergreen Valley Divisions II-V and Cle Elum River Trails PUD. This fire plan was thoroughly reviewed by the Fire Marshall. At the June 6<sup>th</sup>, 1996 Agenda Session, the Board of County Commissioners approved the plan. Please note that the WA State Dept. of Health has approved the amended Water System Plan meeting all the DOH's requirements including fire flow. Condition 4. Within the existing recorded CC&Rs there is the requirement for lots to connect to a regional sewer system when established, but until that time septic systems are allowed as long as they are approved based on county and state regulations. We have further met this condition in that we have existing a Kittitas County approved community septic system.

#### **Proposed Amended Cle Elum River Trails Planned Unit Development:**

**This application proposes to amend the existing/approved Cle Elum River Trails Planned Unit Development (Ordinance 96-18) and 4 existing Division 1 lots, 2 existing Division 2 lots and includes 6 additional parcels to this existing Planned Unit Development.**

This new application proposes four phases. Phase 1 will be a preliminary plat of 6 lots on approximately 4 acres located in the southeastern area of the property and accessed off of Tamarack Drive with individual driveways for each lot. Phase 2 will include the rest of the existing Cle Elum River Trails Planned Unit Development along with lots 2, 4, 6 & 16 of Division 1 and lots 1 and 23 of Division 2. This phase will contain 2-6 density units per acre



(dua) and will have a private road accessing this phase that could connect Patrick's Park Drive to Bakers Road. Phase 3 will be the inclusion of 6 parcels that are currently part of the Evergreen Valley Plat Div. III totaling 14.86 acres. This phase will propose 6 duplexes for a total of 12 units located on the 6 parcels being added (One duplex per parcel). The access to Phase 3 will be a private road that will connect Evergreen Valley Loop Road and connecting back to Evergreen Valley Loop Road via Douglas Fir Drive. Please note that Douglas Fir Drive has never been built but is shown on the Kittitas County Road maps. There will be individual and possibly joint driveways accessing the actual duplex units within this phase. Phase 4 will include a revised timeline for the beginning stages of the gravel pit reclamation therefore creating the park. This phase will reduce the park size that was originally proposed to be the actual size of what the gravel pit is. The actual gravel pit size is 6.9 acres. This will also include a reduced parking area associated with the park as it will be for the use of the Evergreen Valley, and Cle Elum River Trails land owners. This will include park concepts to be finalized at a later date and will include playground facilities; landscaping and buffering that will help keep with the character of the established community.

This amendment proposal is adjacent to the existing Evergreen Valley Plat Divisions I, II and III to the north and east and is located at approximately milepost 8 on Highway 903 just west of Ronald and south of Highway 903.

The land in this proposal has a land use designation of Urban Residential under the Kittitas County Comprehensive Plan and could include attached and detached housing at urban densities. Since the land use designation for the project site is Urban Residential, it makes this proposal consistent with the Kittitas County Comprehensive Plan.

This amended planned unit development includes zero lot line concepts, attached and detached residential housing as well as associated uses such as, but not limited to, single family residences, condominiums, duplexes, parking, recreation opportunities, and open space as allowed by the Planned Unit Development zoning for this property.

#### WATER

This amended Cle Elum River Trails Planned Unit Development, including the 6 additional parcels, is already served by the Evergreen Valley Group A Water System and is actively serving Divisions 1, 2, 3 & 4 of the original Cle Elum River Trails PUD and Evergreen Valley Plat Divisions 1 thru 3. This water system is currently designed and built and has adequate capacity to serve this proposal along with its existing service area. The Evergreen Valley Group A Water System is operated by the Evergreen Valley Utility Company, and meets the Washington State Department of Health requirements, including testing protocols, water monitoring, engineering, fire flows etc, and also completed its 6 year comprehensive plan amendment process in 2006.

Since 2007, Kittitas County has had an approved Satellite Management Agency (SMA). This SMA is currently managing this existing Group A Water System. This SMA established a protocol for monitoring, testing etc which provides for on-going operation of this water system and other private water systems as well.

#### SEWER

The Evergreen Valley Utility Company (EVUC) is a privately owned and operated utility, which is a DBA of LCU, Inc, a Washington Corporation. In addition to acting as a water purveyor, EVUC operates community septic systems that serve a portion of the service area. All of these community septic systems are Septic Tank Effluent Pumping (STEP) systems that provide primary treatment in the form of septic tanks and pumping chambers located on individual lots. These primary treatment elements are owned and maintained by the individual lots owners. These primary treatment elements then pump to a common collection point where they are then conveyed to community drain fields. At the time of creation of the STEP systems, it was determined by EVUC that throughout the service area, the collection system would be constructed in a manner to be easily adapted to a centralized wastewater treatment facility. EVUC has evaluated available alternatives and decided to construct a centralized wastewater treatment facility that would allow for reclaiming water to provide a supply of high quality effluent for reuse within the service area. The most practical design for the collection system and treatment system would be to continue to operate the STEP system and to treat that septic tank effluent with a Membrane Bioreactor to create Class A Reclaimed Water under Revised Code of Washington (RCW) 90.46.

With regards to actual operation of this Class A Reclaimed Water facility, as the volume of sewage effluent increases to sufficient levels (approximately 10,000 gallons per day), a Class A Reclaimed Water System will be constructed to provide for the sewage needs for this proposal, which is part of the existing service area of the Evergreen Valley Water System. This system has been approved by the Department of Health and by the Department of Ecology and is now in the design process. The facility is planned to be operational by the winter of 2008. This amendment proposal of the Cle Elum River Trails Planned Unit Development is proposing that any of these future densities as proposed will be served by this Class A Reclaimed Water Facility and that building

structures will not be allowed until this facility is operational. The development and use of this Class A Reclaimed Water Facility further supports Condition #4 of the original approval document, Ord 96-18.

#### TRANSPORTATION

All new roads within this proposed amended planned unit development will be privately owned and maintained, thereby relieving the county of any additional road maintenance expenses. All of the new roads will be engineered and built to Kittitas County Road Standards as private roads and will connect with existing county roads.

Phase 1 will be a preliminary plat of 6 lots having access off of Tamarack Drive with individual driveways for each lot.

Phase 2 will have a private road accessing this phase that could connect Patrick's Park Drive to Bakers Road.

Phase 3 access will be a private road that will connect Evergreen Valley Loop Road connecting back to Evergreen Valley Loop Road via Douglas Fir Drive. Please note that Douglas Fir Drive has never been built but is shown on the Kittitas County Road maps. There will be individual and possibly joint driveways accessing the actual duplex units being proposed within this phase.

#### RECREATION

Recreational opportunities are available and located within the Evergreen Ridge Planned Unit Development (located on the north side of SR903), which includes the Roslyn Ridge Activity Center. The existing activity center provides a 25 meter swimming pool, spa, tennis court, sports court, basketball, volley ball, training room, family room and a picnic area. Membership to the Roslyn Ridge Activity Center is included and available with each lot that is created through this proposal. This amendment proposal is to size the park to the actual gravel pit size that has been created and to reclaim said gravel pit into the park. Therefore, this amendment proposal begins the initial planning stages for the park creation. Currently, the gravel pit size is estimated at 6.9 acres, which will be the size of the actual park.

As for a Phasing Plan pursuant to 17.36.030(4)

Phase 1 includes:

- Preliminary plat of 6 lots;
- Revise the park completion timeline and size;
- Install the water and sewer infrastructure for these 6 lots;
- Complete construction of this portion of road that will access these 6 lots;
- Create the CC&Rs that will govern and control the aesthetics etc. of these 6 lots;
- Create the ability for these lots to have membership to the recreational facility and use of other associated recreational uses tied with this development.
- Lots to be served by the Class A Reclaimed Water Facility once operational. Building structures will not be allowed until this facility is operational.
- It is anticipated that this preliminary plat be completed within the 1<sup>st</sup> year once approval is granted

Phase 2 includes:

- Creates the development concept around the gravel pit/park.
- Plat approximately 18.97 acres by existing gravel pit;
- Road layout;
- Infrastructure;
- Lots to be served by the Class A Reclaimed Water Facility once operational. Building structures will not be allowed until this facility is operational.
- It is anticipated that this phase be completed within 5 years once approval is granted

Phase 3 includes:

- Development concept (duplex scenario on the EVG parcels);
- Lot layout;
- Road layout;
- Infrastructure;
- Lots to be served by the Class A Reclaimed Water Facility once operational. Building structures will not be allowed until this facility is operational.
- It is anticipated that this phase be completed within 5 years once approval is granted

Phase 4 includes:

- Gravel Pit reclamation;

- Park layout concepts;
- Parking;
- Park infrastructure (playground, picnic tables etc);
- Buffers and landscaping of park.
- It is anticipated that this phase be completed within 5 years once approval is granted

It is anticipated that it may take 5 years for this project to reach full build-out.

KCC 17.36.030(5)(a): A narrative relating the development plan to adjacent development and natural areas;

This proposal is located within the Ronald Urban Growth Node and is consistent with the land use designation of urban residential designated by the Kittitas County Comprehensive Plan. The land surrounding, adjacent, and included within the boundaries of this amendment has been developed to urban densities. This proposal is to amend the existing Cle Elum River Trails Planned Unit Development and lots 2, 4, 6, & 16 of Div. 1 and lots 1 & 23 of Div. 2 and to include an additional 14.86 acres of property. Currently the subject property is zoned Rural-3 and PUD. Impacts to surrounding areas will be minimized by directing urban types of density to the UGN and areas that have been developed to such urban densities, as this area has been, which is where it is intended to occur. In 2006 Kittitas County adopted the high population numbers recommended by Kittitas County Conference of Government. This adoption designated 15 percent of the projected population for 2025 to go towards the Urban Growth Areas in the County. This property has the ability to take on a portion of the projected population. It is a benefit that growth occurs in this area where a Group A Water System currently exists and Class A Reclaimed Water facility has been approved and expected to be operational by the summer of 2008. Also this area is served by county and private roads that are maintained year-round and designed to provide emergency access if needed.

This subject proposal is surrounded entirely by property used either for recreational or urban residential uses. The land located to the west of this proposal is part of the Bakers Acres Development. To the north of this proposed amendment is the Evergreen Valley Community. The unincorporated town of Ronald, Pine Loch Sun 3, Grant Short Plat, and other residential/recreational properties are located to the east. The Suncadia Master Planned Resort is located to the south of this proposal. Upper Kittitas County has a unique situation where the property in this area is used primarily for second homes. It is only 80 miles to Seattle so many people recreate and vacation in this area. It is the intent of this proposal to keep with the natural setting as much as possible; in fact, the mountain environment is what attracts most people to this area. This proposal is consistent with the adjacent development and natural areas.

This proposal is rezoning a portion of the subject property from Rural – 3 to Planned Unit Development. This proposed project, by rezoning to Planned Unit Development, will bring the land into conformance with the adjacent land and will reduce the chance that activities on the property, as allowed by the Rural – 3 zone, could be materially detrimental to the adjacent properties and the existing properties already contained within the Cle Elum River Trails Planned Unit Development.

The following uses are allowed in the Rural-3 zone, **which will not be allowed** under the Planned Unit Development zone:

#### 17.30.020 Uses permitted.

Uses permitted. The following uses are permitted:

- mobile homes;
- Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
- Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
- All buildings and structures not listed above which legally existed prior to the adoption of the ordinance codified in this chapter;
- Uses customarily incidental to any of the uses set forth in this section;
- Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal

such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process.

- (Blank; Ord. O-2006-01, 2006)
- Accessory Dwelling Unit (if in UGA or UGN)
- Accessory Living Quarters
- Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 92-4 (part), 1992)

#### 17.30.030 Conditional uses.

The following uses are conditional:

- Campgrounds, guest ranches;
- Group homes, retreat centers;
- Gas and oil exploration and production;
- Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
- Mini-warehouses subject to conditions provided in Section 17.56.030. (Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 92-4 (part), 1992)

The above uses will not be allowed in this Planned Unit Development thereby protecting the adjacent properties and the properties in the immediate vicinity from the above activities.

This planned unit development will incorporate the designation of approximately 15% of the land into open space throughout the property. This open space will preserve the land and allow the continued use of recreational activities to occur within the area.

KCC 17.36.030 (3) Landscaping Plan & (5)(b): A narrative of the developer's intent with regard to providing landscaping and retention of open spaces;

The use of native vegetation will be encouraged for landscaping purposes, as this proposal is located in a natural wooded area. Lawns, gardens, etc. are not to cover more than 5000 sq. ft. of the property. A landscaping plan must be submitted to the Home Owners Association and approved prior to tree removal. Landscaping will be regulated by the Covenants, Conditions and Restrictions placed on this proposal.

Landscaping of portions of the project will be designed to use naturally occurring vegetation where applicable. Some landscaping around the recreation areas of the property will use vegetation that is not naturally occurring. The Covenants, Conditions and Restrictions will include the entire proposal acreage and will require that the bulk of the landscaping be native vegetation, which will also provide for more open space that could be incorporated with trails and used to support habitat for native wildlife.

KCC 17.36.030(5)(c): A narrative outlining future land ownership patterns within the development including homeowners associations if planned;

The Planned Unit Development may consist of a mix of ownerships, individual lot owners, community owned land, owners with an undivided interest in the land, and jointly owned land. As allowed under the planned unit development, density can range from all residential uses, multifamily residences to condominiums where there could be undivided interest in the underlying property and associated open space and other amenities associated with said attached and detached housing. This area will have urban type densities as allowed by the Urban Residential designation. At this time, it is planned that there will be one all encompassing Homeowners Association for this proposal.

KCC 17.36.030(5)(d): A narrative outlining the proposed water supply, storage and distribution system, sewage disposal/treatment plan, solid waste collection plan;

Water:

The proposed Planned Unit Development site is already located within the existing Evergreen Valley Group A Water System service area. This water system is currently designed and built, has adequate capacity to serve the existing/established urban residential density on the properties included in the water system's service area and contains the ability to serve the proposed property included in this application. The Evergreen Valley Group A Water System meets the Washington State Department of Health requirements, including testing protocols, water monitoring, engineering, and fire flows etc. This system includes two water storage tanks; 8" looped main lines

with fire hydrants placed at the required intervals meeting the appropriate standards. Furthermore, this system is constantly monitored by a Satellite Management Agency approved by the WA ST Dept. of Health and Kittitas County.

Sewage:

A Class A Reclaimed Water Facility that is currently in the final design stages and is expected to be operational by the winter of 2008 will handle sewage disposal. This facility will treat the domestic sewage to the highest standard recognized by the Department of Health and Department of Ecology, allowing the reclaimed water to be used for several beneficial uses. Please note that Evergreen Valley Utilities has obtained approval for a private Class A Reclaimed Water sewer treatment plant by the State Department of Health and the WA State Dept. of Ecology. It is expected that this facility will be constructed in the winter of 2008. The existing lots in CERT Divisions I, II, III, and IV will eventually transition to this facility. The Class A Reclaimed Water System Comprehensive Plan was approved on November 6th, 2006.

KCC 17.36.030(5)(e): Documentation from the Community Development Services department that environmental review (SEPA) has been completed or will be completed;

The applicant has completed a SEPA form for the County's review and it is included with this application. Additionally, there were SEPAs performed on the subject properties in the mid-1990s through the Evergreen Valley Division III Plat and the Cle Elum River Trails PUD. There is also a completed SEPA that already covered the Class A Reclaimed Water Facility in March of 2006 (file no. Z-05-33) (Attachment Q)

KCC 17.36.030(5)(f): An explanation and specification of any nonresidential uses proposed within the project;

This project is proposing to dedicate approximately 15% of the total acreage as open space for perpetuity to allow for the retention of the natural areas and recreational uses. Trails may be provided connecting this proposal with some of the adjoining developments. In addition, the existing gravel pit, totaling approximately 6.9 acres, will be reclaimed and designated as a park and may provide picnic areas with barbeques, play fields, horseshoe pits, etc. These recreational uses will be outlined in the Covenants, Conditions and Restrictions imposed on this proposal. This project is designed to preserve the natural area as much as possible by enforcing landscaping with naturally occurring vegetation whenever possible. The recreational opportunities and natural environment is what attracts people to this area, so it is the developer's intent to preserve it as much as possible.

KCC 17.36.030(5)(g): Timing for the construction and installation of improvements, buildings, other structures and landscaping;

This project is ready to begin as soon as it is approved and the appropriate permits are obtained by the applicant from county and/or state offices. It is anticipated that phase 1 of this proposal will be completed within one year or sooner of this proposal's approval. It is anticipated that phase 2 will begin within 2-3 years of this application being approved. It is anticipated that phase 3 will begin within 3-4 years. Landscaping will be provided during phase 4 of this project as part of the gravel pit reclamation and park creation within 5 years from approval.

KCC 17.36.030(5)(h): The method proposed to insure the permanent retention and maintenance of common open space;

There will be one all encompassing Homeowners Association that will be required to ensure that the Conditions, Covenants, and Restrictions are being abided by. The CC&Rs will be written in such a manner as to ensure the permanent retention and maintenance of the common open space.

KCC 17.36.030(5)(i): Proposed Setbacks;

At this time Phase 1 will have the standard setbacks that have been required by other existing approved divisions of the original Cle Elum Rive Trails Planned Unit Development. These setbacks will be as follows:

- Front setback of lot: 20 feet
- Side setback of lot: 10 feet
- Back setback of lot: 10 feet

For Phase 2 and 3 the applicant is proposing the zero lot line scenario so there would be no setbacks required.

It is possible that the open space percentage, as part of this proposal, could be used as a buffering mechanism within this proposal.

KCC 17.36.030(5)(j): A master plan of the site, if the proposed PUD is to be developed in phases. The master plan need not be fully engineered, but shall be of sufficient detail to illustrate the property's physical features and probable development pattern. The master plan will serve as a guide in each successive stage of development until its completion;

This application is proposing a Four Phase build-out plan. Phase 1 will be the platting of 6 lots. Phase 2 will include a development concept around the gravel pit/park. Phase 3 will include the development concept of duplexes on the additional parcels totaling approximately 14.86 acres. Phase 4 will be the gravel pit reclamation and park creation along with the landscaping and the designation of open space. Landscaping will be provided around the residential units and buffers will be created as deemed necessary by the applicant.

KCC 17.36.030(5)(k): A narrative of planned residential (housing) densities expressed in terms of living units per building and per net acre (total acreage minus dedicated rights-of-way).

Housing densities are explained in phases and at full build-out will provide approximately 54 to 126 units. Phase 1 will consist of 6 units on approximately 4 acres, which is approximately 1.5 units per acre. Phase 2 allows for 2 to 6 units per acre. Phase 3 will allow 12 units across 6 parcels consisting of approximately 14.86 acres (1.2 du).

It is important to recognize that this proposal is located within the Ronald Urban Growth Node where these types of densities are supposed to occur. This proposal is able to provide for a Group A Water System and a Class A Reclaimed Water Facility to handle the water and sewer needs of this project, which is something many areas of the County cannot provide.

8. **What is the present zoning district?**  
Planned Unit Development & Rural 3
9. **What is the zoning district requested?**  
Planned Unit Development
10. **Applicant for rezone must demonstrate that the following criteria are met (attach additional sheets as necessary):**

**A. The proposed amendment is compatible with the comprehensive plan.**

This rezone is consistent with the Urban Residential Land Use (Chapter 2) of the Kittitas County Comprehensive plan, which allows for a variety of residential densities and housing types.

The property is within the land use designation of "Urban Residential" as described in Chapter 2 of the comprehensive plan. The proposed rezone meets the general policies and objectives of the Urban Residential Land Use designation of the Kittitas County Comprehensive plan, specifically:

GPO 2.92C: "Encourage and accommodate future expansion of utilities and roadways for urban densities."

With this proposal being within the existing Ronald Urban Growth Node and designated as urban residential, it further supports this goal, policy and objective. This proposal is already within the service area of the existing and operating private Evergreen Valley Group A Water System that has the capacity to serve this proposal along with additional fire hydrants etc. and the Class A Reclaimed Water Plan, thus the expansion of utilities for this proposal have already been met. As for roadways, they will be built to the private road standards and will be privately maintained meeting all the requirements of the Kittitas County Department of Public Works.

GPO 2.93: "Innovations in housing development should be encouraged, this includes, but is not limited to, cluster development, master planned developments/resorts, shadow platting, fully contained communities, transfer of development rights and planned unit developments."

This proposal is consistent with this GPO as it is being proposed as a planned unit development. Furthermore, this proposal is within the urban residential land use designation, which allows for urban residential densities and is adjacent to existing and approved Planned Unit Developments within the Ronald Urban Growth Node thus being consistent with the comprehensive plan of Kittitas County.

GPO 2.94a: “A consideration for all future development should be the adaptability of a proposal to both public and private utilities such as municipal water systems.”

This proposal is also consistent with this goal, policy and object since it is within the service area of the Evergreen Valley Group A Water System and has the capability of providing potable water to this proposal. This proposal is also consistent as the approved Class A Reclaimed Water Plan service area includes this proposal and will eventually provide sewer service to this proposal.

It must be noted that the Ronald Urban Growth Node is still operating under the comprehensive plan as an urban growth node until a review is completed determining whether or not Urban Growth Nodes in general should be re-designated as Urban Growth Areas or LAMIRD. Currently, this proposal is consistent with the Urban Growth Node (UGN) and the urban residential land use designation that encompasses the UGN.

GPO 2.97: The UGNs shall be consistent with the following general goals:

- a. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

This proposal is consistent with GPO 2.97 (a) since it's proposing to concentrate urban type density within a currently designated urban area, the Ronald Urban Growth Node. This area is dedicated, by the current UGN and urban residential land use designation, for urban density like this proposal. It is the intent of this proposal to hopefully prevent the inappropriate conversion of undeveloped land into sprawling low-density development by concentrating density in an urban designated area with the appropriate services.

- b. Provide for the efficient provision of public services;

This proposal is already within the service area of the existing and approved Evergreen Valley Group A Water System, which provides potable water and fire flow, and within the approved Class A Reclaimed Water service area that will provide sewer service.

- c. Protect natural resource, environmentally sensitive areas;

This proposal is within a designated urban growth node, where proposals like this should be located. Therefore, by already having an area currently designated for urban residential, Kittitas County has already taken into consideration the importance of protecting the natural resources and environmentally sensitive areas. Furthermore, this proposal will be required to go through critical areas review etc.

- d. Promote a variety of residential densities;

This proposal is consistent with (d) as it is promoting a variety of densities from 2 to 6 units to the acre also being consistent with the adjacent approved planned unit development and the urban residential land use designation.

- e. Include sufficient vacant and buildable lands.

The urban growth node of Ronald is allocated a percentage of the growth population; furthermore this proposal is land that is already within the urban growth node, which is to accommodate that percentage of growth. This planned unit development proposal will be taking vacant and buildable land and develop it to accommodate the percentage of growth that has been allocated. Therefore this proposal is consistent with (e).

GPO 2.98A states that UGNs and or UGAs shall be consistent with the following criteria:

- a) Each UGN shall provide sufficient urban land to accommodate future population projections through designated planning period.

The urban growth node of Ronald is allocated a percentage of the growth population. Furthermore, this proposal is land that is already within the urban growth node, which is to accommodate that percentage of growth. This planned unit development proposal will be taking vacant and buildable land and developing it to accommodate the percentage of growth that has been allocated. Therefore this proposal is consistent.

- b) Land included within UGNs shall either be already characterized by urban growth or adjacent to such lands:

This amendment is consistent in the fact that this area is already characterized with urban growth by having approved PUDs in the vicinity and commercially zoned land within the Urban Growth Node.

- c) Existing urban land uses and densities should be included with in UGNs:

This proposal is already designated in the Kittitas County Comprehensive Plan as Urban Residential Land Use thus already being consistent.

- d) UGNs and/or UGAs shall provide a balance of industrial, commercial, and residential lands.

This proposal is providing additional residential lands; pursuant to the KCC 17.36 permitted uses, to the exiting urban growth node, which already contains other residential and commercially zoned property. Currently, there is property zoned for industrial uses north of SR903 in the Ronald Urban Growth Area, but there is a submitted proposal to Kittitas County to remove that zone which will help create more consistency with the surrounding/developing commercial and residential character of the area.

The industrial uses of this area have changed over the past 100 years as the industrial needs of the community have changed. The industry of the Upper County for the first 60 years of the 1900's was mining and this area was used for that purpose. As mining died out and timber became king, the area morphed in to a lumber manufacturing location. Property in this area was zoned Industrial in 1974, a time when timber from the surrounding Federal, State, and Private forests was abundant for processing into wood products specifically veneer sheets for plywood manufacturing. During the 1970's and early 1980's this general area provided an industrial base that provided employment opportunities for the area.

As the Federal Forests were closed down to logging and the major lumber companies began pulling out of the Upper County, the raw log product was not available to be processed so the veneer manufacturing industry faded away. Now upper Kittitas County has again transformed itself. There is growing residential, both primary and secondary, pressure throughout the upper Kittitas County area with the SR903 corridor being impacted more because of the proximity to King County and the easy access to recreation areas.

The clear facts are that the mining industry no longer exists. The land is no longer served by rail, the abundant federal forest areas have all but shut down to the timber industry. Plum Creek Timber Company has sold vast timber production areas to be used as resort developments and residential developments. Clearly the use of property in this area as a place to process the areas natural resources has come to an end. Circumstances have changed dynamically and the current land uses in this area reflect it.

#### Consistency with the Kittitas County Countywide Planning Policies (KCCPP):

Number 5 "Unincorporated Urban Growth Nodes", Policy B states all growth in the county shall be accomplished in a manner that minimizes impacts on agricultural land, forestry, mineral resources, and critical areas. By proposing this project within an existing urban growth node, we are minimizing impacts to these types of lands. By having this proposal located within an existing UGN we are reducing the number of wells that could be drilled in the county. More importantly, this property is already in the existing service area of the Evergreen Valley Group A Water System, which contains an existing well with an existing water right. Additionally, this proposal would direct growth where it should occur, in this case within urban growth nodes.

Kittitas County Countywide Planning Policies – Contiguous and Orderly Growth Policy 4A states: "PUDs which include commercial and/or industrial uses in addition to residential uses shall be located in UGAs or UGNs..."

The definition of "urban lands" included in the Glossary of Terms in the County Wide Planning Policies states: "Urban lands are located inside urban growth areas, urban growth nodes, or cities and are generally characterized by densities of more than three units per acre and municipal services provided."

Please see Attachments N, O, & P for entire wording of GPOs, KCCWPPs and RCW 36.70A.



The proposed rezone is compatible with the Kittitas County Comprehensive Plan.

**B. The proposed amendment bears a substantial relation to the public health, safety or welfare.**

Though this application is only required to show a substantial relationship to one of the above, this project bears a substantial relationship to each of the following:

In regards to the Public Health: the county has adopted the high population projections as provided by the Washington State Office of Financial Management (OFM) to guide growth in the county for the next twenty years. These projections provide for substantial growth in the county outside of the cities and UGAs and have designated 15% to the UGNs. In addition to the OFM population projections for full time residential growth, there is a rapid increase in the growth and development of second homes.

One of the main concerns in regards to Public Health in the county, expressed by Kittitas County Citizens, the Department of Ecology, the County, and Upper County Cities, is the continued development of unmonitored, untested and uncontrolled exempt wells. Every new exempt well that is drilled increases the possibility of aquifer pollution, reduction of the usable aquifer, and the possibility to interfere with existing water rights. In the past four years there has been in excess of 1,200 exempt wells drilled in Kittitas County, which serve both primary and secondary homes.

This proposed Planned Unit Development is within the existing service area and the future service area of the Evergreen Valley Group A Water System, which has already been approved by the Washington State Department of Health. This Group A Water System provides greater public health protection than individual exempt wells or Group B water systems due to increased federal and state testing requirements. By approving this application, a portion of the county's projected residential and second home growth will be directed from other rural areas of the county where multiple individual exempt wells could be drilled to serve multiple homes and the growing population. With this Planned Unit Development proposal and inclusion of 6 additional parcels, a Group A Water System already exists with existing water rights and the ability to serve this growth. For example, attachment L shows a map of the exiting water infrastructure already in place, specifically noting the main water line running along the western boundary of Phase 3. This redirection of the population growth from areas that may require the development of individual exempt wells to an area served by an existing and approved Group A Water System bears a substantial relation to the public health, safety, or welfare.

Another of the main concerns regarding Public Health in the county is the continued growth in the rural areas of the county. There is an increase in use of individual septic systems that could pollute the aquifer and/or surface waters of the Upper Yakima River basin. Kittitas County Citizens, County Government, Washington State Department of Health, Washington State Department of Ecology, and the Upper County Cities have expressed this view. This proposal is also consistent as the approved Class A Reclaimed Water Plan service, which will provide sewer service to this proposal. As a requirement for this proposal, no building structures will be allowed until the reclaimed water facility is operational.

A Class A Reclaimed Water System will be constructed to provide for the sewage needs of the Evergreen Valley Water System service area, which includes this Planned Unit Development. This proposed Class A system has received approval by the State of Washington department of Health and the Department of Ecology for its sewer plan and is currently in the design process. It is proposed to be operational by the winter of 2008 or as required by the volume created by construction on the parcels that have been previously created.

This facility will be constructed to meet the requirements of the Washington State Department of Health and Department of Ecology. This facility will take effluent from the project and treat it to a level that meets or exceeds Class A Reclaimed Water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class A Reclaimed Water is suitable for many beneficial uses including irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire fighting/protection. The standards for Class A Reclaimed Water, established by Department of Health and Department of Ecology, require treatment and disinfection to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria.

The Class A Reclaimed Water Facility includes the same coverage area as the Evergreen Valley Group A Water System's current and future service area.

This project provides at least three Public Safety benefits:

1. This proposal will be using the existing/approved Evergreen Valley Group A Water System. The water system is currently designed with enough capacity to serve the existing service area and the proposed Planned Unit Development. The infrastructure will need to be expanded to provide water service to certain areas for this proposal.
2. The Evergreen Valley Group A Water System is designed to provide fire protection to its current users and existing and future service areas of the water system, as required to do so by the approved WA ST Dept. of Health water plan. Approval of this application will allow the redirection of a portion of the projected population growth, both primary and secondary homes, from rural areas of the county, which have limited or no water rights, no fire suppression storage, no ability to deliver fire fighting water, and no fire hydrants to an area that will provide all of the above.
3. In addition, this proposal will provide safe year round access for health and personal safety emergencies on paved and well maintained private roads. Under Kittitas County Road Standards, the roads for this proposal must meet or exceed private road standards and will be constructed to a higher standard and provide greater public safety than is typically found in other areas of the county. These improved roads not only reduce the risks to individual users, but also reduce the risks to the community at large. This is because county resources such as police, fire, and ambulances are able to serve these residences more efficiently than the same number of residential units spread out over a larger area of three to twenty acre tracts in other rural portions of the county.

There is a higher potential for fire to get out of hand in an area without adequate water supplies or without easy access than there is in an area that meets or exceeds the State and County requirements for fire flows and road access. Any of the above mentioned components of the project by themselves meet the criteria for providing Public Safety benefits and combined, provide a standard that cannot be achieved in many other areas of the rural county.

The Public Welfare of the county will also be benefited by approval of this proposal. As stated above, the County has adopted the high population projections as provided by the Washington State Office of Financial Management. These projections provide for substantial growth in the county outside of the cities and UGAs and have designated 15% to the UGNs. This project will provide residential units within a Planned Unit Development with sophisticated water and sewer systems. In addition, this project provides for recreational opportunities within the boundaries of the project for its residents thereby reducing the pressures on the Federal, State, County, and City's recreational facilities. The provided recreational opportunities and/or recreational facilities will be privately funded, reducing the public funding of recreational facilities and/or recreational opportunities.

Another benefit to the Public Welfare is that the applicant will designate approximately 15% of the land into open space for perpetuity, which will preserve the newly proposed trails and recreational activities on the property. Subsequent benefits include wildlife protection corridors; pedestrian trail systems; open space and recreational opportunities. The existing gravel pit, totaling approximately 6.9 acres, will be reclaimed and designated as a park and may provide picnic areas with barbeques, play fields, horseshoe pits, etc. Additionally, there exists an activity center just north of this proposal in the Evergreen Ridge PUD. This existing activity center provides a 25 meter swimming pool, spa, tennis court, sports court, basketball, volley ball, training room, family room and a picnic area. Membership to the Roslyn Ridge Activity Center is included and available with each lot that is created through this proposal.

The open space land that is provided for in this proposal will be managed as open space under the Planned Unit Development Policies.

Again, as stated above to meet this criteria, "The proposed amendment bears a substantial relation to the public health, safety, or welfare" only one substantial relation needs to be shown and this proposal clearly provides benefits to all three elements: the public health, safety, and welfare of the county.

**C. The proposed amendment has merit and value for Kittitas County or a sub-area of the county. The proposed rezone of the property provides merit and value to Kittitas County, as it will add to and increase the tax base while minimizing the impacts to its operational costs. The Planned Unit Development will provide private**

roads, private utilities and private recreational opportunities for its residents as it increases the tax base for the county.

A recent small study of a developed residential development in Upper Kittitas County showed that the development produced in excess of \$500,000.00 in tax revenue. In addition, the study found that the development created over \$222,000.00 in tax revenue for the local and state schools within a 6-year period (Attachment S).

Kittitas County has adopted the high population projections as provided by the Washington State Office of Financial Management to guide growth in the county for the next twenty years. It can be predicted, based on these population projections that a large portion of this population growth as well as most of the growth of the second home market will be occurring in the Rural Lands of the county. There is merit and value in directing this growth to a location that can provide the services that will substantially reduce the impact to the environment through state of the art utility systems. This is done as stated above by providing for a Group A Water System and a Class A Reclaimed Water Facility as well as providing for open spaces and/or buffers between the existing population and the anticipated growth in the population. By situating a portion of the anticipated growth in this area with these services, open spaces, and buffers increases merit and value for Kittitas County and meets the Planned Unit Development Comprehensive Plan Policies.

It is clear that by providing an increased tax base, privately funded roads, privately funded recreation activities, privately funded utilities that provide for fire protection, environmental enhanced sewage treatment, limiting rural sprawl, and creating/preserving open space, this proposal provides merit & value to Kittitas County.

**D. The proposed amendment is appropriate because of changed circumstances or because of a need for additional property in the proposed zone or because the proposed zone is appropriate for reasonable development of the subject property.**

Though a proposal need only meet one of the criteria above; this proposal meets all three criteria contained in the above statement as demonstrated by the following:

First, there has been a substantial change in circumstances: For over 100 years this area has been used for industrial purposes. It has relied exclusively on the surrounding areas natural resources for the raw materials to be processed at the industrial site. Not only do some citizens of the surrounding area continue to request a reduction of the industrial uses of this property, but also the raw materials from the region have become unavailable for industrial processing.

The industrial uses of this area have changed over the past 100 years as the industrial needs of the community have changed. The industry of the Upper County for the first 60 years of the 1900's was mining and the site was used for that purpose. As mining died out and timber became king, the site morphed in to a lumber manufacturing location. During the 1970's and early 1980's the area provided an industrial base that provided employment opportunities for the area.

As the Federal Forests were closed down to logging and the major lumber companies began pulling out of the Upper County, the raw log product was not available to be processed so the veneer manufacturing industry faded away. Now upper Kittitas County has again transformed itself. There is growing residential, both primary and secondary, pressure throughout the upper Kittitas County area with the SR903 corridor being impacted more because of the proximity to King County and the easy access to recreation areas.

The clear facts are that the mining industry no longer exists. The land is no longer served by rail, the abundant federal forest areas have all but shut down to the timber industry. Plum Creek Timber Company has sold vast timber production areas to be used as resort developments and residential developments. Clearly the use of this area as a place to process the area's natural resources has come to an end. Circumstances have changed dynamically as illustrated through the current land uses in the area.

Third, this proposal provides for the reasonable development of the property: The proposed Planned Unit Development is adjacent to urban densities, such as the Evergreen Valley Plat Division I, II, and III and the Cle Elum River Trails PUD. Additionally, this proposal is in the near vicinity of Pine Loch Sun, Sunshine Estates, Wildwood, Bakers Acres, and the Unincorporated Town of Ronald. In the Evergreen Ridge Planned Unit Development located north of this proposal, there is the Roslyn Ridge Activity Center which is an active recreational facility that includes a 25 meter swimming pool, basketball court, tennis court, volleyball court, other court sports, a spa, picnic area, trail facilities, family meeting room, and large changing areas. Landowners in this proposed Planned Unit Development will become members of the Mountain Ridge Activity Center, which will

allow them to take advantage of all the amenities it has to offer if they choose. On the east side of the property is the unincorporated town of Ronald that also includes urban densities.

With the inclusion of the membership to the activity center and recreational uses and the adjacent urban residential lands and the second home market phenomena, this proposal of a Planned Unit Development is consistent with the Kittitas County Comprehensive Plan and clearly is a reasonable use of the land. As this proposal is only required to meet one of the above criteria and as shown, meets all of the required, it is clear that the proposal meets and exceeds the requirements of this section.

**E. The subject property is suitable for development in general conformance with zoning standards for the proposed zone.**

The proposed Planned Unit Development zone is one of the planning tools available that will allow for the creation of open space for the continued preservation of the Cle Elum Valley corridor, while allowing for the existing urban residential development and future urban residential development to occur on this property being consistent with the Growth Management Act 36.70A.020(1) and the Planned Unit Development Zone. KCC 17.36.

Further, this property is suitable for development in general conformance with zoning standards for the proposed zone as supported by the Kittitas County County-Wide Planning Policies. These Policies clearly support the designation of this property as a Planned Unit Development. By designating this property as a planned unit development the uses that are allowed within this zone also create the flexibility to achieve the goals of Kittitas County Comprehensive Plan and GMA 36.70A by allowing innovative development techniques to occur, such as the Planned Unit Development (PUD). The PUD allows you to maximize your land use capabilities for efficiency of utilities, densities, housing structures, open space areas and preservation of land therefore creating a more appealing and livable community.

**F. The proposed amendment will not be materially detrimental to the use of properties in the immediate vicinity of the subject property.**

The proposed rezone is consistent with and characteristic of the existing development in the immediate vicinity of the subject properties. The applicant previously developed the adjacent property into recreational/residential lots. The proposed Planned Unit Development will enhance the adjacent property.

The property to the north and west is a mixture of residential parcels and high urban density developments such as Pine Loch Sun, Pine Loch Sun 2, Sunshine Estates, Evergreen Valley Plat Division I, II, and III, Roslyn Ridge, Condos at Roslyn Ridge and Wildwood developments. This proposal will not be materially detrimental, as the residential housing units will be placed appropriately on the property, eliminating impacts to the adjacent property owners.

The land to the east, which is buffered by steep topography, contains residential parcels, high urban density developments like Pine Loch Sun 3 and the Unincorporated Town of Ronald.

The land adjacent to the south of the proposal is an urban residential style development, such as Cle Elum River Trails PUD. Farther south is the Suncadia Master Planned Resort. Care will be taken to ensure that there will be connectivity between the open space areas within this proposal and the existing development in the area.

By using the Planned Unit Development zoning option, this proposed project will bring this land into conformance with the adjacent land uses and reduce the chance that activities on the property will be materially detrimental to the adjacent properties.

The following uses are allowed in the Rural – 3 zone, which will not be allowed under the Planned Unit Development zone:

17.30.020 Uses permitted.

Uses permitted. The following uses are permitted:

- mobile homes:

- Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots:

Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment:

- All buildings and structures not listed above which legally existed prior to the adoption of the ordinance codified in this chapter:
- Uses customarily incidental to any of the uses set forth in this section:
- Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code. Project permit application process.
- (Blank: Ord. O-2006-01, 2006)
- Accessory Dwelling Unit (if in UGA or UGN)
- Accessory Living Quarters
- Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 92-4 (part), 1992)

17.30.030 Conditional uses.

The following uses are conditional:

- Campgrounds, guest ranches:
- Group homes, retreat centers:
- Gas and oil exploration and production:
- Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code:
- Mini-warehouses subject to conditions provided in Section 17.56.030. (Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 92-4 (part), 1992)

The above uses will not be allowed in this Planned Unit Development thereby protecting the adjacent properties and the properties in the immediate vicinity from the above activities.

This proposal will not be materially detrimental to the properties in the immediate vicinity of this subject proposal.

**G. The proposed changes in use of the subject property shall not adversely impact irrigation water deliveries to other properties.**

No irrigation delivery structures or delivery systems that service other properties will be impacted by this rezone.

11. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

Signature of Authorized Agent:  
(REQUIRED if indicated on application)

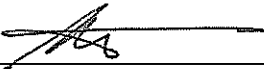
X Chris Belton


Date:

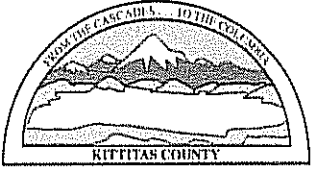
1-24-08

Signature of Land Owner of Record  
(REQUIRED for application submittal):

Date:

X   
PATRICK A DENIZEN  
Manager, SAV LLC

  
Patrick A Denizen  
manager Ronald Park LLC



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

## SEPA ENVIRONMENTAL CHECKLIST FEE \$400.00

### PURPOSE OF CHECKLIST:

The State Environmental Protection Act (SEPA), chapter 43.21C RCW. Requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

### INSTRUCTIONS FOR APPLICANTS:

This environmental checklist asks you to describe some basic information about your proposals. Governmental agencies use this checklist to determine whether the environmental impacts or your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "don not know" or "does not apply" Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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.

### USE OF CHECKLIST FOR NONPROJECT PROPOSALS:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS.

For non-project actions, the references in the checklist to the words "project," "applicant" and "property or site" should be read as "proposal," "proposer" and "affected geographic area" respectively.

### TO BE COMPLETED BY APPLICANT

### FOR STAFF USE

#### A. BACKGROUND

1. Name of proposed project, if applicable:

\_\_\_\_\_

\_\_\_\_\_

**Cle Elum River Trails Planned Unit Development Amendment**

2. Name of applicant:

\_\_\_\_\_

\_\_\_\_\_

**Evergreen Valley LLC & Ronald Rock LLC**

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

\_\_\_\_\_

\_\_\_\_\_

**PO Box 808, Cle Elum WA 98922, 509-857-2044**

**Contact person: Terra Design Group, Inc, PO Box 686, Cle Elum, WA 98922**

**509-857-2044**

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

4. Date checklist prepared: January 9, 2008

5. Agency requesting checklist: Kittitas County Community Development Service Department

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

**Depending on the weather and ground conditions the project is ready to begin as soon as approvals are granted. This project is phased out over 5 years**

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

**All uses will be within this amended Planned Unit Development Proposal. As for activity connected with this proposal there are existing approved developments that are adjacent to this proposal that are currently being serviced by the same Evergreen Valley Group A Water System and once fully operational, will also be served by the same Class A Reclaimed Water Facility.**

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

**SEPA's were completed on the subject properties in the mid-90s for the Evergreen Valley Plat Division III and the Cle Elum River Trails PUD. SEPA was also completed with regards to the Class A Reclaimed Water Facility under the Evergreen Ridge PUD Amendment Rezone (File No. 05-33)**

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. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**None known.**

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

**As part of amending the Cle Elum River Trails PUD and rezoning this property to a Planned Unit Development (PUD), along with any future development within this PUD, it is anticipated that a storm water permit may be required and issued by the Washington State Department of Ecology if more than 1 acre is disturbed.**

**Access permits could possibly be required and issued by Kittitas County Department of Public Works.**

**Building permits issued by Kittitas County will be required for all new structures constructed on the property.**



**There could also be the possibility of a surface reclamation permit required at the time of Phase 4 is applied for. (Gravel Pit reclamation)**

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.)

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**This is a proposal to amend the existing Cle Elum River Trails PUD along with lots 2, 4, 6 & 16 of Division 1 and lots 1 & 23 of Division 2 and to include an additional 14.82 acres (six parcels), designating the additional property as a Planned Unit Development Zone. It is proposed that this amended planned unit development will be comprised of single family residences, duplex structures, multifamily structures, condominiums, time-shares, and/or fractionally owned accommodations of all kinds. All uses will be allowed pursuant to KCC 17.36. There is an existing gravel pit located within the existing Cle Elum River Trails PUD. It is proposed that the gravel pit will be reclaimed. A park will be developed on the reclaimed gravel pit property and it is anticipated to cover approximately 6.9 acres. This park will be made available to residents of the entire Cle Elum River Trails PUD.**

**This new application proposes four phases. Phase 1 will be a preliminary plat of 6 single family residential lots. Phase 2 will include the rest of the existing Cle Elum River Trails Planned Unit Development along with lots 2, 4, 6 & 16 of Division 1 and lots 1 & 23 of Division 2. This phase will have a density between 2-6 density units per acre (dua). Phase 3 will be the inclusion of six parcels that are currently part of the Evergreen Valley Plat Div. III totaling 14.86 acres. This phase will propose 6 duplexes for a total of 12 units located on the 6 parcels being added (One duplex per each parcel). Phase 4 will be a revised timeline for the beginning stages of the gravel pit reclamation therefore creating the park. This phase will reduce the park size that was originally proposed, to be the actual size of what the gravel pit is. The actual gravel pit size is 6.9 acres. This will also include a reduced parking area associated with the park. This will include park concepts to be finalized at a later date and will include playground facilities landscaping and buffering that will help keep with the character of the established community.**

**The total acreage included in the PUD Amendment is estimated at 44.74 acres.**

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.

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**See map, Attachment A, for location and boundaries of parcels included.**

**The following parcels are included within this proposal:**

- 20-14-12053-0012      20-14-12057-0002
- 20-14-12053-0013      20-14-12057-0004
- 20-14-12053-0022      20-14-12057-0006
- 20-14-12053-0021      20-14-12057-0016
- 20-14-12053-0020      20-14-12058-0001
- 20-14-12053-0019      20-14-12058-0023
- 20-14-12030-0001 (currently already designated as the original Cle Elum River Trails Planned Unit Development)

**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

a. General description of the site (circle one): flat, rolling, hilly, steep slopes, mountainous, other.

\_\_\_\_\_

\_\_\_\_\_

**This project site ranges from flat to steep slopes**

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

\_\_\_\_\_

\_\_\_\_\_

**The subject property varies in slope from approximately 0% to 90%.**

**Steepest slopes are within the existing Gravel Pit**

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 prime farmland.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Numerous types of soil could be within the site. These types are as follows:**

**Dystroxerepts, 45 to 65 percent slopes;  
Roslyn ashy sandy loam, moist, 3 to 25 percent slopes;  
Racker ashy sandy loam, 0 to 5 percent slopes**

**Please refer to Attachment E for Soils Report.**

**Please note that there is an existing operational gravel pit that includes crushing activity and would Continue through Phase 1, 2 & 3 of this development.**

d. Are there surface indications or history of unstable soils in the immediate vicinity?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**To our knowledge there are no unstable soils in the immediate vicinity.**

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Phase 1 includes the construction of road connecting Tamarack Drive to Red Cedar Drive therefore completing a loop road. It will also require the development of 6 lots. These activities may require some filling and grading associated with road and infrastructure construction. There will be road material extracted by the existing gravel pit located on site. Road grading (rough and final) is estimated at 1600 linear feet. It's estimated that there will be an estimated 350**

cyds of road base, 470 tons of 4 inch rock and 235 tons of 2 in rock and 273 tons of bst as top surface for Phase 1 road.

Phase 2 includes constructing a road through approximately 18.97 acres of property and connecting said road system to existing roads in the area such as Patrick's Park Drive and Evergreen Valley Loop Road. Additionally, there may be the need for some filling and/or grading of building sites at a density of 2 to 6 units per acre along with associated road and infrastructure construction. There will be road material extracted by the existing gravel pit located on site. During this phase also could be the beginning stages of reclaiming some of the gravel pit. It is unknown regarding the actual quantities for this phase.

Phase 3 includes the construction of a road system connection to Evergreen Valley Loop Road and Red Cedar Drive. This will require some cut and fill as this phase is located in an area with slopes estimated to be as steep as 70 %. The road will follow the topography as much as possible. In addition, 6 duplexes will be built in this phase so the building sites which will most likely be cut into the hill. Fill material will come from on-site sources. It is unknown regarding the actual quantities for this phase.

Phase 4 will include the continued operation and reclamation of the existing gravel pit. At this time it is not known how much fill will be required for the reclamation. Fill material will come from either on site sources or approved off site sources as needed. Additionally, some grading may be required for the parking area associated with the 6.9-acre park to be built on the reclaimed gravel pit.

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

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During the course of construction, some erosion could occur. Necessary storm water erosion controls will be incorporated to mitigate any soil erosion run-off. Implementation of the Best Management Practices (bmp's) will be used addressing storm water and erosion control. A storm water permit will be applied for and issued by the Washington State Department of Ecology for this proposal if more than 1 acre is disturbed. This will be accomplished by amending an existing storm water pollution prevention plan and permit.

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

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The roads and other infrastructure as well as buildings and residences will be the only impervious surfaces. It is estimated that Phase 1 could have approximately 2-3% of the site covered with impervious surfaces. Phase 2 could have up to 50% or more, depending upon the type of development plan that could be covered with impervious surfaces. Phase 3 could have approximately 1-2% of the site covered with impervious surfaces. Methods of reducing the impervious surfaces will be explored. This may include reducing the width of the road surfaces while providing for a road structure capable of bearing traffic loads while also allowing storm water to penetrate the surface thereby reducing storm water run-off.

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

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A storm water permit is only required by the Washington State Department of Ecology if more than 1 acre is disturbed. As part of the Washington State Department of Ecology's storm water permit, the applicant is required to develop a storm water pollution prevention plan (swpp) utilizing/implementing best management practices therefore reducing and controlling possible erosion issues during storm water events. This will be accomplished by amending an existing storm water pollution prevention plan and permit. Regarding the long-term impact to the earth, the applicant will try to re-vegetate with mostly native vegetation and will also be placing approximately 6.9 acres or and estimated 15% of the total acreage into open space.

2. AIR

a. What types of emissions to the air would result from the proposal (i.e. dust, automobiles, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The normal construction work would cause a certain amount of emissions to the air. During the construction phase, best management practices will be used for dust abatement.

When the project is complete, the only emissions would be automobile exhaust, possible wood smoke from fire stoves and fireplaces and/or other common home emissions.

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

\_\_\_\_\_  
\_\_\_\_\_

There could be the possibility of smoke from adjacent properties and residences that have Fireplaces, along with emissions generated from the normal traffic associated with the residential roads in the immediate vicinity such as Evergreen Valley Loop Road, Bakers Road, White Pine Road, Red Cedar Drive, Tamarack Drive and Patrick Park's Drive.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dust abatement will be in place during the construction phase addressing dust issues. At the same time, standard emission control devices will be used as part of the measures to control emissions.

3. WATER

a. Surface  
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 streams or river it flows into.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There are no natural creeks etc that run through the subject property, and no saltwater, lakes, ponds, or wetlands. There do exist roadside storm water ditches that pick up and transport storm water. Some of these roadside ditches/swales are also already incorporation into some stormwater pollution prevention plans that will be amended.

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.

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**The designation of this property to a Planned Unit Development will not require any work over, in or adjacent to any described water. (As stated above there are no natural watercourses that run through the subject property and no saltwater, lakes, ponds, or wetlands on or near the project.)**

3 ) Estimate the 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.

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**No fill or dredging will occur from surface water or wetlands. There will be fill required for all phases associated with road and utility construction. Fill will be also required for the construction of the park, which will be part of the gravel pit reclamation process.**

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

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**There will be no surface water withdrawals or diversions with this proposal.**

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

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**This proposal does not lie within a 100-year floodplain**

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.

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**There will be no discharges of waste materials to surface waters.**

**This proposal will be served by a Class A Reclaimed Water facility that has been approved by the Washington State Department of Health and permitted by the Washington State Department of Ecology. The reclaimed water facility's service area is compatible with the existing and future service area of the Group A Water System that will also be serving the property that this proposal covers. It is anticipated that this reclaimed water facility will be operational by summer of 2008.**

**This facility will take domestic sewage from the project and treat it to a level that meets or exceeds Class A Reclaimed Water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class A Reclaimed Water is suitable for many beneficial uses and may be used for any of the uses provided by law within this project including, but not limited to, irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, aquifer recharge, stream enhancement, and fire fighting/protection. The standards for Class A Reclaimed Water established by the Department of Health and Department of Ecology require treatment and disinfection to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of**

treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria. Elimination of individual septic systems and treatment of wastewater from the project to these high standards provides for increased benefit to Public Health far above that seen in conventional wastewater treatment plants or soil based treatment of septic systems.

The system will be sized to adequately treat and reclaim the domestic sewage from the residences and facilities served by the Group A Water System that serves this property.

A Class A Reclaimed Water sewer plan has been approved by the Washington State Department of Health and the Washington State Department of Ecology for the area covered by this proposal.

b. Ground

1) Will ground water be withdrawn, or will water be discharged to surface waters? If so, give general description, purpose, and approximate quantities if known.

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This proposed Planned Unit Development is within the service area of the Evergreen Valley Group A Water System and has been approved by the WA ST Dept. of Health with the water right being approved by the Washington State Department of Ecology. This system has the capability to serve all of the proposed development within this proposal and is currently serving the existing Cle Elum River Trails PUD. If and when development occurs, storm water will be discharged from the site to surface waters. Bmp's will be used to design and build a storm water control plan that meets Kittitas County standards. All withdrawals of water from the ground associated with this project are allowed by an existing ground water right.

2) Describe waste materials 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.

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This proposal will be served by a newly constructed Class A Reclaimed Water facility that has been approved through the Washington State Department of Health and permitted by the Washington State Department of Ecology. It is anticipated that this reclaimed water facility will be operational by winter of 2008. The service area of the reclaimed facility will be consistent with the existing approved Evergreen Valley Group A Water System, which covers this proposal and adjoining developments.

The Class A Reclaimed Water facility will take domestic sewage from the project and treat it to a level that meets or exceeds Class A Reclaimed Water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class A Reclaimed Water is suitable for many beneficial uses including, but not limited to, irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire fighting/protection. The standards for Class A Reclaimed Water established by

Department of Health and Department of Ecology require treatment and disinfection to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria. Elimination of individual septic systems and treatment of wastewater from the project to these high standards provides for increased benefit to Public Health far above that seen in conventional wastewater treatment plants or soil based treatment of septic systems.

The system will be sized to adequately treat and reclaim the domestic sewage from the residences and facilities served by the Group A Water System that serves this property.

Construction of this reclaimed water facility will include a central treatment facility, underground collection and distributions systems, and storage facilities. The system will continue to use the community drain fields as an alternate location to dispose of the reclaimed water as allowed by the Class A Reclaimed Water plan for this project.

- c. Water Runoff (including storm water):
- 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.

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There are three naturally occurring sources of run off for this land.

Summer Precipitation run-off:

Winter Precipitation run-off:

Spring Thaw (Snow melt) Precipitation run-off:

When precipitation occurs during the summer months the runoff infiltrates into the exiting ground and also flows down existing roadside ditches.

During the winter months, snow accumulates on the property. Rain on snow events can also occur during the winter, which creates additional runoff on the property. This rain on snow storm water event flows on top of the existing snow pack, as it has historically occurred, eventually reaching existing road side ditches.

Finally, during the spring thaw/snow melt events, the historical spring snowmelt creates runoff from the property, which travel in ditches that eventually lead to roadside ditches.

After infiltration has reached its saturation point, the excess water will continue to flow down existing roadside ditches.

A storm water permit will be required by the Washington State Department of Ecology if more than 1 acre is disturbed. A storm water pollution prevention plan (SWPP) will be developed for implementing measures to reduce and control storm water if needed. The SWPP will describe the methods and collection systems (if required) that will help control storm water events (runoff). The SWPP also allows for flexibility, thus changes can be made if certain preventative measures (BMP's) need changing.

Currently there is a storm water pollution prevention plan for a previous approved development within the Cle Elum River Trails PUD. This plan and permit will be amended to include this proposal.

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

There will be no waste materials entering ground or surface waters. This proposal will be served by a newly constructed Class A Reclaimed Water facility that has been approved through the Washington State Department of Health and permitted by the Washington State Department of Ecology. It is anticipated that this reclaimed water facility will be operational by summer of 2008. The service area of the reclaimed facility will be consistent with the existing approved Evergreen Valley Group A Water System, which covers this proposal and adjoining developments.

This facility will take domestic sewage from the project and treat it to a level that meets or exceeds Class A Reclaimed Water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class A Reclaimed Water is suitable for many beneficial uses including, but not limited to, irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire fighting/protection. The standards for Class A Reclaimed Water established by Department of Health and Department of Ecology require treatment and disinfection to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria.

The system will be sized to adequately treat and reclaim the domestic sewage from the residences and facilities, served by the Group A Water System. This system is proposed to be operational by summer of 2008.

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

As this Planned Unit Development proposal progresses, storm water runoff will be addressed through the expansion of the existing storm water pollution prevention plans for original Cle Elum River Trails Division Planned Unit Development. Furthermore, Cle Elum River Trails Division 3 has a plan designed and approved accordance with the Best Management Practices (Bmp's) that meet the Washington State Department of Ecology requirements.

A storm water permit will only be required if more than 1 acre is disturbed.

Roads that serve the development will be narrowed. This will decrease the impervious surfaces that contribute to storm water runoff. Other new technologies such as pervious asphalt, pervious concrete, and grasscrete will be investigated and possibly used in and around the proposed project where their application is appropriate.



4. PLANTS

a. Check or circle 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
- wet soil plants: cattails, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation: \_\_\_\_\_

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

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**As development progresses, clearing and grading could occur as well as disruption of some of the deciduous and evergreen trees and some grasses and shrubs that populate the proposed site. There will also be the reclamation portion of this proposal (phase 4) that will require fill to reclaim the gravel pit back and implement the creation of a 6.9 acre park.**

**Once construction is completed, these affected areas will be re-vegetated with both native and non-native vegetation.**

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

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**None that we are aware of at this time.**

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

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**As part of this proposal, the property will be covered by protective covenants that will limit the amount of vegetation that can be removed for any reason including the construction of homes, roads, or driveways. CC&Rs have already been written and recorded for the first three divisions of the existing Cle Elum River Trails PUD. The CC&Rs for the new divisions, which will be created through this amended PUD application, will be written in the same manner as the existing CC&Rs. The use of native plants will be required to be replanted in many areas around the development as it proceeds in an effort to maintain the natural state of the project. There will be areas where non-native vegetation will be used. A landscaping plan will be designed and implemented by a landscaping professional.**

**As part of the gravel pit reclamation there will be a 6.9 -acre park created in its place. This park will require landscaping so that it fits in**

with the character of the community. Vegetation used for the landscaping of the park may be non native vegetation.

Construction on any part of the property included within this proposal will be required to meet the protective covenants, which could limit the amount of vegetation that may be removed.

These protective measures allow the applicant to preserve or enhance the vegetation on the site and keep or return most of the landscape to its natural state.

5. ANIMALS

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site: \_\_\_\_\_

\_\_\_\_\_ birds: hawk, heron, eagle, songbirds, other:  
\_\_\_\_\_ mammals: deer, bear, elk, beavers, other:  
\_\_\_\_\_ fish: bass, salmon, trout, herring, shellfish, other: \_\_\_\_\_

b. List any threatened or endangered species known to be on or near the site. \_\_\_\_\_

None that we are aware of. There are spotted owl locations in the upper county, but none are known to be on the subject or adjacent property.

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

Elk and deer range through this area

d. Proposed measures to preserve or enhance wildlife, if any. \_\_\_\_\_

It is the intent of this proposal to maintain approximately 6.9 acres of land in open space.

As part of this Planned Unit Development the placement of homes outside of the established open space achieves two goals: #1) Establishing the best location for residences, #2) Preserving as much open space as possible, and #3) Providing a recreational area for the immediate residences.

The use of native plants for a natural landscape setting will be encouraged

6. ENERGY AND NATURAL RESOURCES

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

Electric and propane will be used in the residences to be built. It is possible that solar energy and wood stoves will be included in the residences as well

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

**There will be no affect on neighboring solar energy uses by this project**

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.

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**The protective covenants will include provisions to conserve water use. The existing divisions of Cle Elum River Trails PUD are already covered by protective covenants and new divisions in this amended PUD will include protective covenants as well. All newly constructed buildings will meet the requirements of Kittitas County relating to energy conservation.**

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.

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**No environmental health hazards are anticipated with this project. There is the potential for forest fire risk, but as required in the Evergreen Valley Group A Water System, fire flow is designed into the system for the developments it serves.**

1) Describe special emergency services that might be required.

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**Fire Department services would be provided by the local Fire District #6. As part of the Group A Water System plan through the Washington State Department of Health, fire flow is required to be designed into the system. The local fire district also will have access to existing/onsite fire hydrants for fire fighting purposes. Emergency services related to Police and Medical would be provided for through the local County contact facility through the 911 service. A first responder and first aid facility will be provided on site. The use of medical facilities would be utilized within the County either in the City of Cle Elum or the City of Ellensburg.**

2) Proposed measures to reduce or control environmental health hazards, if any.

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**There will be no environmental health hazards located on the property. As for possible issues, the jurisdictional agency would be contacted, whether it is Kittitas County Environmental Health Department, Kittitas County Community Development Services Department or the Department of Ecology.**

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

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Noises that exist in the area that may affect this proposal are typical household noises, noise from residential and recreational uses and local traffic along with traffic from Winston Bridge Road.

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

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On a short-term basis during the construction of the project, there would be noise associated with construction equipment and other work being done on-site. These noises typically would be from 7:00 am to dusk. On a long-term basis, there would be automobile noise from homeowners. There would also be construction noise associated with Phase 4 of this proposal, which pertains to the gravel pit reclamation and park creation.

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

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In an effort to reduce or control possible noise impacts during the construction period, construction hours would be limited to the hours between 7:00 am and dusk

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8. LAND AND SHORELINE USE

a. What is the current use of the site and adjacent properties?

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Currently, the uses within the subject property are vacant land, recreational land and urban residential land use. Adjacent properties are urban residential properties such as Evergreen Valley Plat Divisions I, II and III, Bakers Acres, Evergreen Ridge PUD, Pine Loch Sun, rural residential and the unincorporated town of Ronald (urban residential lots) and the Suncadia Master Plan Resort.

b. Has the site been used for agriculture? If so, describe.

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No.

c. Describe any structures on the site.

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There are no building structures located on the subject property. There is the Roslyn Water line that cuts the southern portion of this property. Lot 16 of Cle Elum River Trails Division 1 contains structures associated with the operation of the existing Gravel Pit.

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

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No structures will be demolished at the immediate time. At Phase 4 when the gravel pit begins it's reclamation and transition into a park the associated structures to the gravel pit will be removed.

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

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Planned Unit Development Zone and Rural-3 zone.

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

\_\_\_\_\_

\_\_\_\_\_

**The proposed site has an Urban Residential land use designation by Kittitas County. This proposal is within the existing Ronald Urban Growth Node.**

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

\_\_\_\_\_

\_\_\_\_\_

**There is not a shoreline master program designation associated with this proposal.**

h. Has any part of the site been classified as an:  
 environmentally sensitive area?

\_\_\_\_\_

\_\_\_\_\_

**Not that we know of.**

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

\_\_\_\_\_

\_\_\_\_\_

**None**

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

\_\_\_\_\_

\_\_\_\_\_

**It is not anticipated that there will be people working within the completed project, as this is a residential/recreational PUD proposal. There could be approximately 135 to 315 people residing in this proposed development at full build out. Please note that there is second home market phenomena occurring in upper county and this estimated population number could be reduced in half.**

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

\_\_\_\_\_

**Impacts will be assessed and if appropriate, measures to avoid or reduce impacts will be implemented, if any are required. None are expected at this time.**

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

\_\_\_\_\_

\_\_\_\_\_

**This proposal is consistent with the Kittitas County Comprehensive Plan Designation of Urban Residential land uses, which allows the development of a Planned Unit Development at urban densities. It is also compatible with the existing residential development that has occurred on portions of this property under the Planned Unit Development concepts, which falls under the existing land use designation of Urban Residential. This proposal is also consistent with the Kittitas County-County Wide Planning Policies. The measures that are allowed under KCC 17.36 Planned Unit Developments provide for the ability to develop while protecting all natural resources as much as possible. This proposal is also implementing a Phase 4, which will begin the gravel pit reclamation changing it into a 6.9 acre park with reduced parking therefore staying consistent with the original approved Planned Unit Development. This amendment proposal is also consistent with other planned unit developments in the immediate areas in that they are also, as proposed**

with this application, are being served by the same Group A Water System and will also be served eventually by the same Class A Reclaimed Water Facility.

9. HOUSING

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

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**Phase 1 will contain 6 lots (residential units) (see preliminary plat submittal).  
Phase 2 will vary between 2 to 6 units per acre.  
Phase 3 will contain 12 units in the form of 6 duplexes on the 14.82 acres being included in this amended PUD.  
These units will be for middle to high-income housing.**

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

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**None. There will be no units eliminated by the project.**

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

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**Currently there do exist CC&Rs that have been recorded and enforced for earlier approved divisions of the original Cle Elum River Trails PUD. These existing CC&Rs will be amended and will contain measures that will reduce or control housing impacts.**

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?

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**The maximum height of any structure should not exceed three stories. The principal exterior building material would be wood or materials with a wood look and native stone and masonry products.**

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

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**No views would be impacted by this project. The majority of the home sites will be situated in a manner that will not alter or obstruct any views in the immediate vicinity. Strict guidelines will be set for any additional removal of trees during the construction process along with strict protective covenants and an association committee to review any requests to remove or alter any existing trees or vegetation on the proposed property.**

**It must be noted that to the south of this property is the Suncadia Master Plan Resort. This adjacent portion of the MPR property is an established buffer, as part of the MPR.**

c. Proposed measures to reduce or control aesthetic impacts, if any.

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**The protective covenants of the project will control aesthetic impacts**

11. LIGHT AND GLARE

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

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The project would produce normal residential light or glare. Lights, such as porch lights or outer garage lights will be required to be directed downward with wattage controlled by the protective covenants.

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

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It is not expected that light or glare from the finished project would be a safety hazard or interfere with views. More importantly, due to the topography and timbered area, there will be limited areas where residential units would be seen. The wattage of all lighting would be controlled by the protective covenants. There are no view corridors in this immediate area.

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

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There could be the possibility of light or glare from existing residences from adjacent developments, which could affect this proposal.

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

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The protective covenants would require downward facing outdoor lighting on residences and yards with no large, halogen yard lights. The wattage of all lighting would be controlled by the protective covenants.

12. RECREATION

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

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Hiking, hunting, snowmobiling, fishing and horseback riding. There is an recent built recreation amenity, Roslyn Ridge Activity Center, that the residents of this proposal will become members. This recreation amenity is The Roslyn Ridge Activity Center that includes a 25 meter swimming pool, basketball court, tennis court, volleyball court and other court sports, a picnic area, family/conference meeting rooms and shower/changing rooms, just north of SR 903.

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

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No, the project will enhance existing recreational uses. The open space designation will add additional recreational activity with various

types of recreational uses. These uses will be for the use of the homeowners within the proposal and the existing residences that are being served by the Group A Water System. This will reduce the burden, maintenance costs, and recreational uses on existing recreational areas in the vicinity.

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

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As part of this proposal and the existing approved planned unit development, we have and will incorporate at least two types of recreational activities: Passive Recreation and Active Recreation. Passive and Active recreation will include trails throughout the property north of SR903. Also along these trails, there will be areas designated as picnic location and viewpoints. In addition, residents will become member of the existing Roslyn Ridge Activity Center located just north of SR903. This membership is required with the purchase of each lot in the amended Cle Elum River Trails PUD. This proposal also includes a Phase 4, which is the gravel pit reclamation. This is to reclaim the gravel pit and create a 6.9-acre park and a reduced associated parking area for the residences of this and other developments.

13. HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

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To our knowledge, there are no sites that are listed or proposed for listing on national, state, or local preservation registers.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

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At this time we know of no evidence of historic, archaeological, scientific, or cultural importance

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

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Since there is no indications of historic, archaeological, scientific or cultural importance known to be on the site, there are no proposed measures to reduce or control impacts

14. TRANSPORTATION

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

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As part of the original Cle Elum River Trails Planned Unit Development and the Evergreen Valley Subdivisions there were public roads proposed. Morell Road, Bakers Road, Evergreen Valley Loop road, Red Cedar Drive, White Pine Drive, & Patrick's Park Drive have been approved and built and are currently on county system roads. There is currently one private road and that is Tamarack Drive that has been built. Douglas Fir Drive has not been built, even though the County maps show it.

Phase 1 will be a preliminary plat of 6 lots having access off of Tamarack Drive with individual driveways for each lot.

Phase 2 will have a private road accessing this phase that could connect Patrick's Park Drive to Bakers Road.

Phase 3 access will be a private road that will connect Evergreen Valley Loop Road connecting back to Evergreen Valley Loop Road via Douglas Fir Drive. Please note that Douglas Fir Drive has never been built but is shown on the Kittitas County Road maps. There will be individual and possibly joint driveways accessing the actual duplex unit locations being proposed within this phase.

Phase 4, which is the park. The park design itself will include a parking location of 20 to 25 parking spaces.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

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No public transit in the area.

c. How many parking spaces would the completed project have? How many would the project eliminate?

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The project would have the normal amount of parking spaces associated with residences. Phase 1 will have 2 parking spaces per unit. Phase 2 will have 2 parking spaces per unit. Phase 3 will have 2 parking spaces per unit. In the original Cle Elum River Trails Planned Unit Development parking was to be provided with the Park. This parking area will now contain 20-25 parking spaces when the park is constructed.

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

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Yes. There will be new road systems that will meet the Kittitas County Private Road Standards.

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

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No, the site is away from water, rail and air transportation.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

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The project, at full build out, will generate approximately 540 to 1,260 trips per day at a worst-case scenario. Please keep in mind that these traffic estimates are at the worst-case scenario. This proposal is a Planned Unit Development that will eventually cater to the second home market phenomenon thus it can be safely stated that ½ the trips could occur. Because of the nature of the second home market, the peak volumes would most likely occur on weekends and holiday periods.

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

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No measures are proposed at this time.

15. PUBLIC SERVICE

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

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In developing new building lots, the proposal could result in an increased need for police and fire protection. It must be noted as part of the existing Group A Waters System it is required to have the appropriately designed fire flow in place. There are existing fire hydrants located along Evergreen Valley Loop Road, Patrick's Park Drive, and Tamarack Road that allow outside fire districts the ability to connect to and draw water for fire fighting purposes. It is possible that there would be impacts on health care and schools.

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

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There is an existing Group A Water System serving the existing urban residential developments and this proposal to amend the Cle Elum River Trails PUD (as illustrated in the water service area map) that has established fire hydrants and water storage for fire flow as required by the Washington State Department of Health, which the developer has borne the cost to build. The increased tax base will help to offset the public costs of the increased need for services. The development of the internal roads will be financially borne by the applicant and built to Kittitas County Private Road Standards thus relieving the county from any costs of construction or maintenance.

16. UTILITIES

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

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

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The project will require electricity, telephone, cable or satellite television and Internet services. This will require ditches to be dug to locations that are adjacent to this property so this property can be connected to the various utilities.

Puget Sound Energy will provide the electric power. Inland Networks will provide phone, cable and internet service. LCU Inc. will provide the Class A Reclaimed Water Facility and potable water through the existing Group A Water System that will expand infrastructure to serve new phases of development within this proposed amended Planned Unit Development.

A Class A Reclaimed Water facility will provide for the domestic sewage disposal for this proposed amended PUD. The facility will be approved through the Washington State Department of Health and permitted by the Washington State Department of Ecology. This reclaimed water facility will serve the property included within this proposal. That service area is compatible with the current and future service areas of the Evergreen Valley Group A Water System that will also be serving the property that this proposal covers.

This facility will take domestic sewage from the project and treat it to a level that meets or exceeds Class A Reclaimed Water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class A Reclaimed water is suitable for many beneficial uses including, but not limited to, irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire-fighting/protection. The standards for Class A Reclaimed Water established by the Department of Health and Department of Ecology require treatment and disinfection to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria. Elimination of the community septic systems and treatment of wastewater from the project to these high standards provides for increased benefit to Public Health far above that seen in conventional wastewater treatment plants or soil based treatment of septic systems.

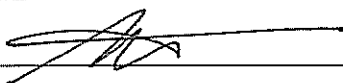
The system will be sized to adequately treat and reclaim the domestic sewage from the residences and facilities served by the Group A Water System that serves this property.

Construction of this Class A Reclaimed Water facility will include a central treatment facility, underground collection and distribution systems, and storage facilities. The system will continue to use the community drain fields and alternate location to dispose of the reclaimed water as allowed by the Class A Reclaimed Water plan for this project. It is intended that the Class A Reclaimed Water System Facility will be operational by summer of 2008.

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:  \_\_\_\_\_

Date: 1-29-08

Print Name: Patrick Deneen

SEPA ENVIRONMENTAL CHECKLIST QUESTIONS FOR NON-PROJECT ACTIONS ONLY. WHEN ANSWERING THESE QUESTIONS, BE AWARE THE EXTENT OF THE PROPOSAL, OR THE TYPE OF ACTIVITIES LIKELY TO RESULT FROM THE PROPOSAL, WOULD AFFECT AN ITEM AT A GREATER INTENSITY OR AT A FASTER RATE THAN IF THE PROPOSAL WERE NOT IMPLEMENTED. RESPOND BRIEFLY AND IN GENERAL TERMS (ATTACH ADDITIONAL SHEETS AS NECESSARY)

**FOR STAFF USE**

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.

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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.

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

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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.

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5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses? Proposed measures to avoid or reduce shoreline and land use impact.

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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).

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

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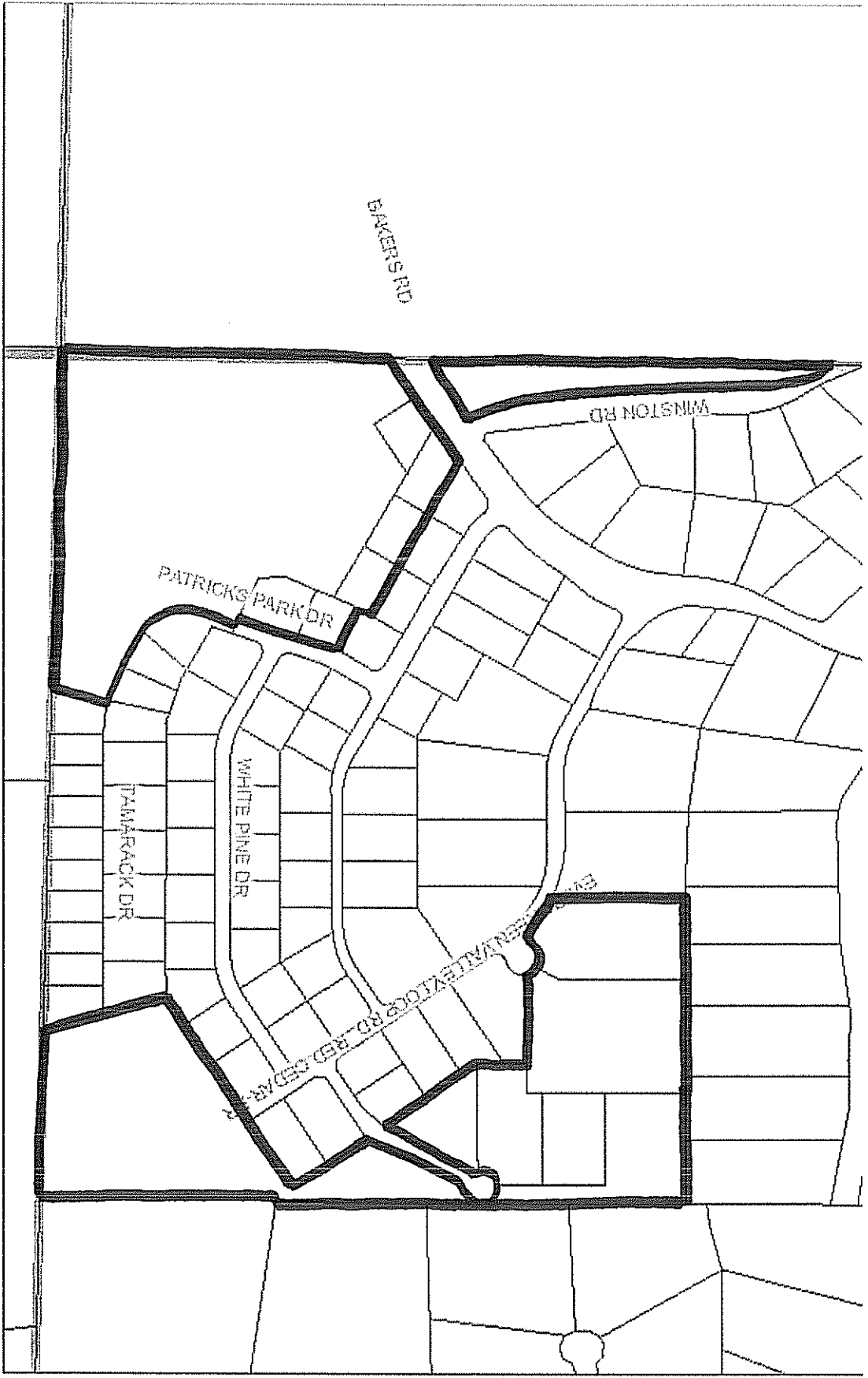
# Cle Elum River Trails PUD Amendment Attachments

- A. Parcel Map
- B. Vicinity Map
- C. Zoning Map
- D. Land Use Map
- E. Soils Map
- F. Subdivisions Guarantee
- G. Legal Description
- H. Preliminary Plat
- I. Lot Line closures
- J. Gravel Pit Topography
- K. Concept Map
- L. Existing Water Lines
- M. Zoning Codes
  - a. R-3
  - b. PUD
- N. GPOs
- O. Kittitas County – County Wide Planning Policies
- P. RCW 36.70A (GMA)
- Q. SEPA for Z-05-33
- R. COG Population Forecast
- S. White Paper Tax Study
- T. Adjoiners List

# Attachment A



### Kittitas County Mapsifter

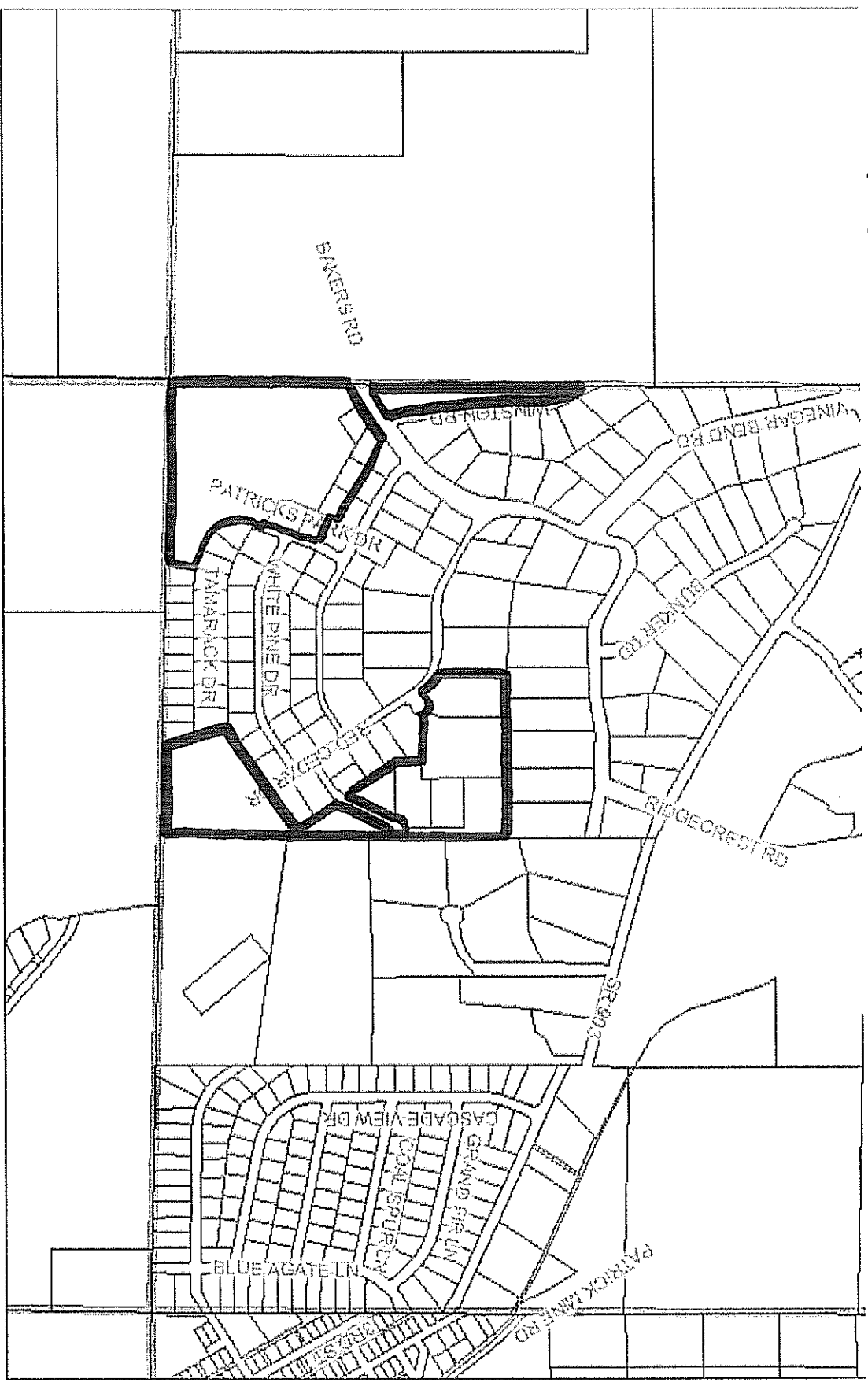


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TerraScan Inc.

# Attachment B

### Kittitas County Mapsifter

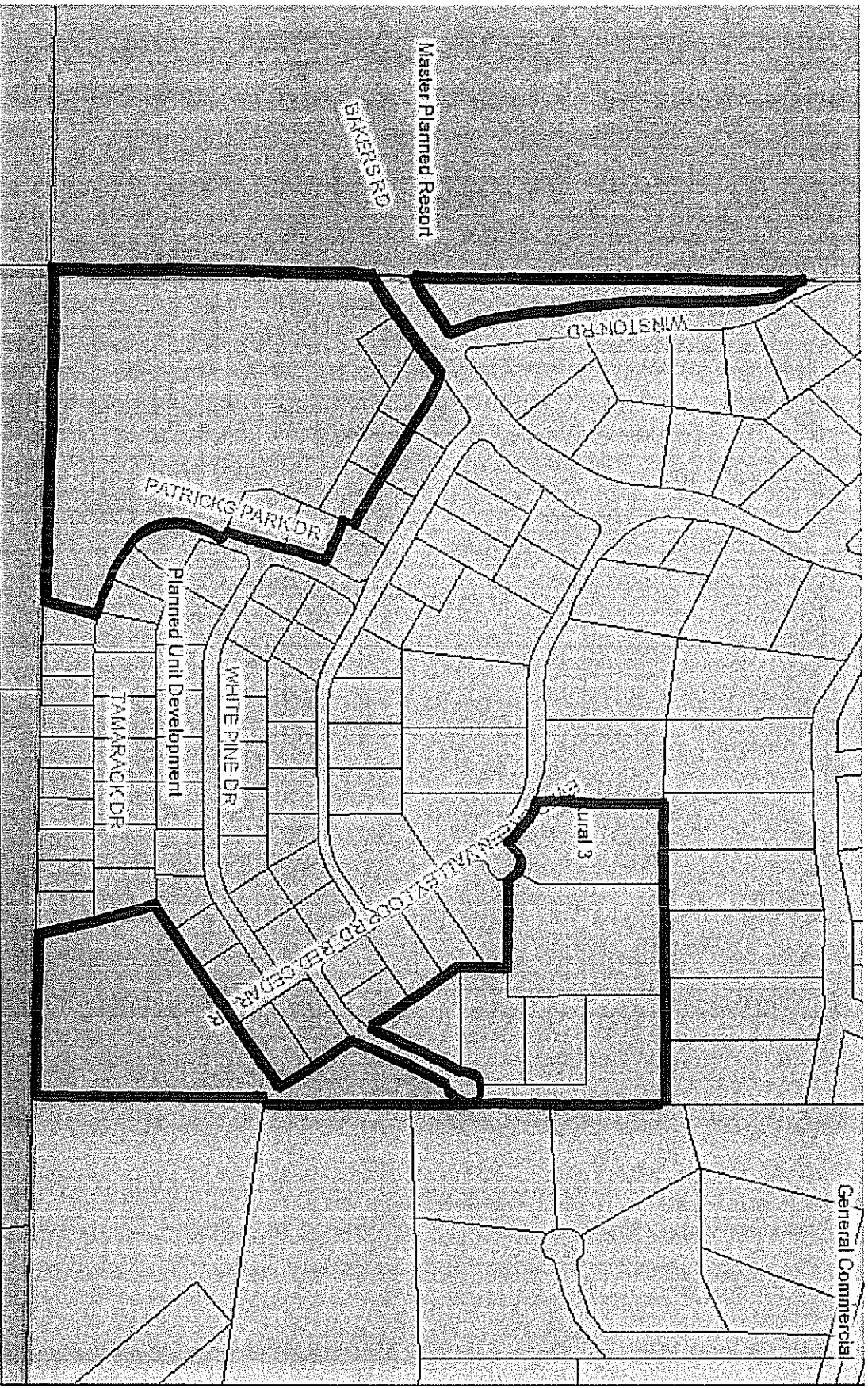


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# Attachment C

# Kititas County Mapsifter

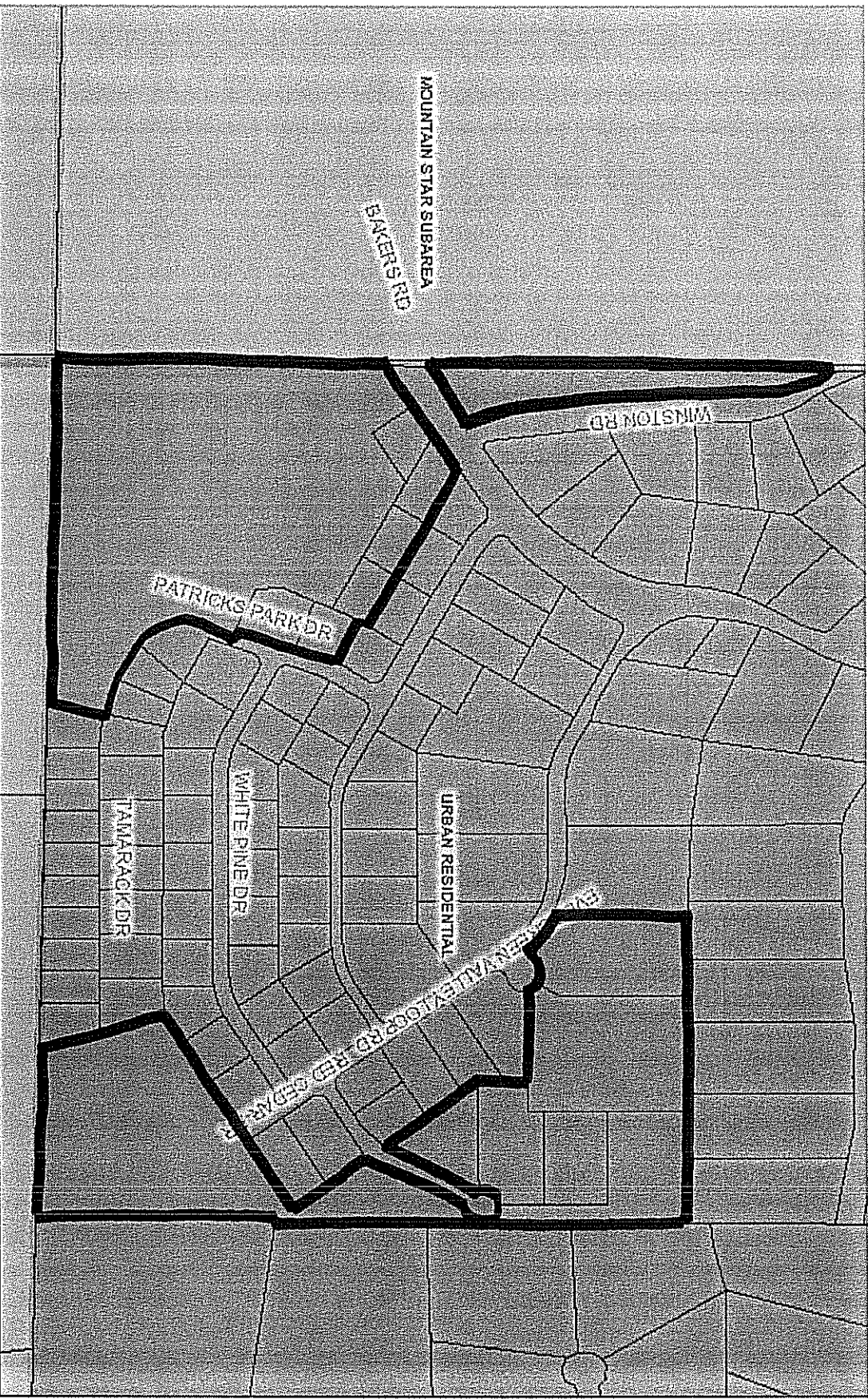


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Attachment D

# Kititas County Mapsifter



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Attachment E





United States  
Department of  
Agriculture

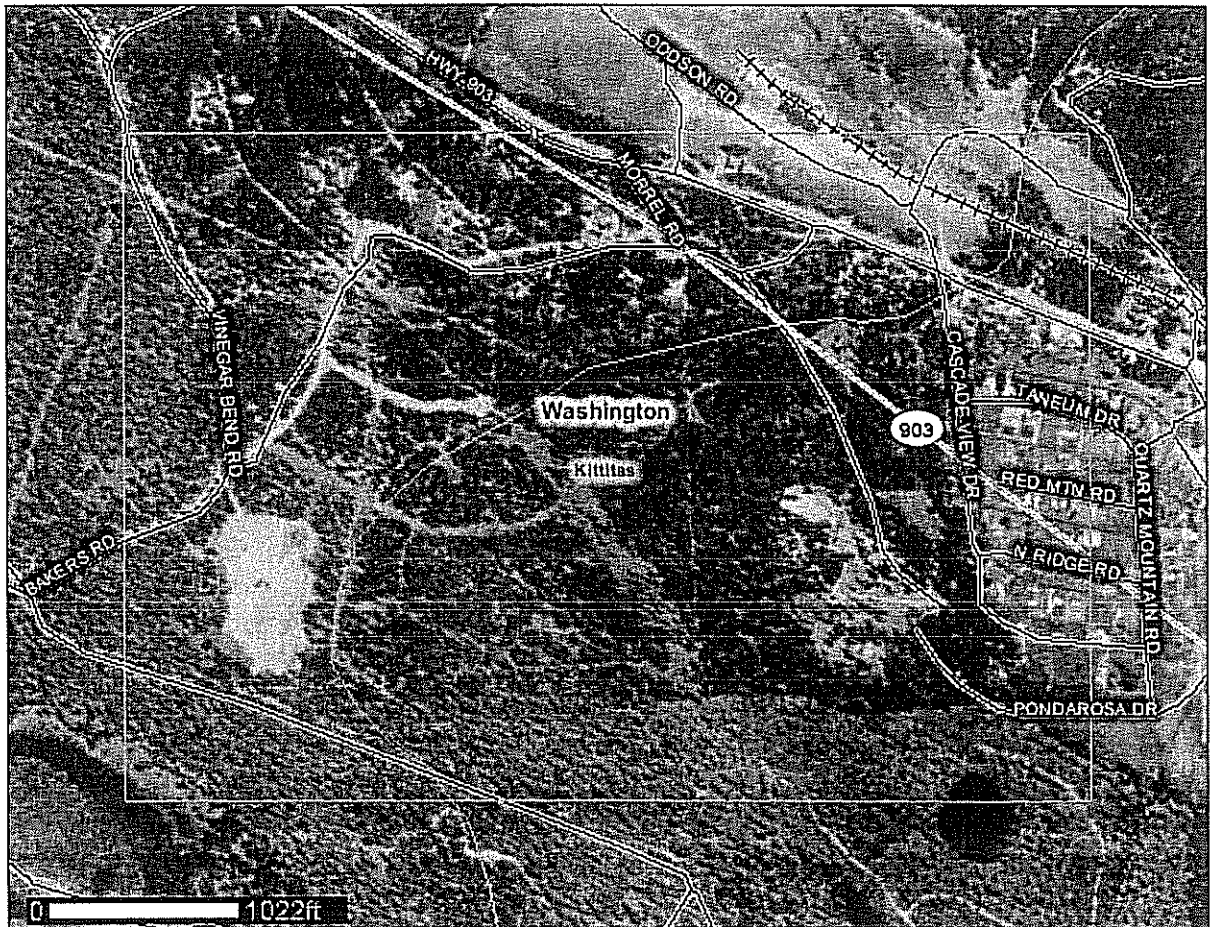


NRCS

Natural  
Resources  
Conservation  
Service

A product of the National  
Cooperative Soil Survey,  
a joint effort of the United  
States Department of  
Agriculture and other  
Federal agencies, State  
agencies including the  
Agricultural Experiment  
Stations, and local  
participants

# Custom Soil Resource Report for Kittitas County Area, Washington



# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Soil Data Mart Web site or the NRCS Web Soil Survey. The Soil Data Mart is the data storage site for the official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil scientists classified and named the soils in the survey area, they compared the

## Custom Soil Resource Report

individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

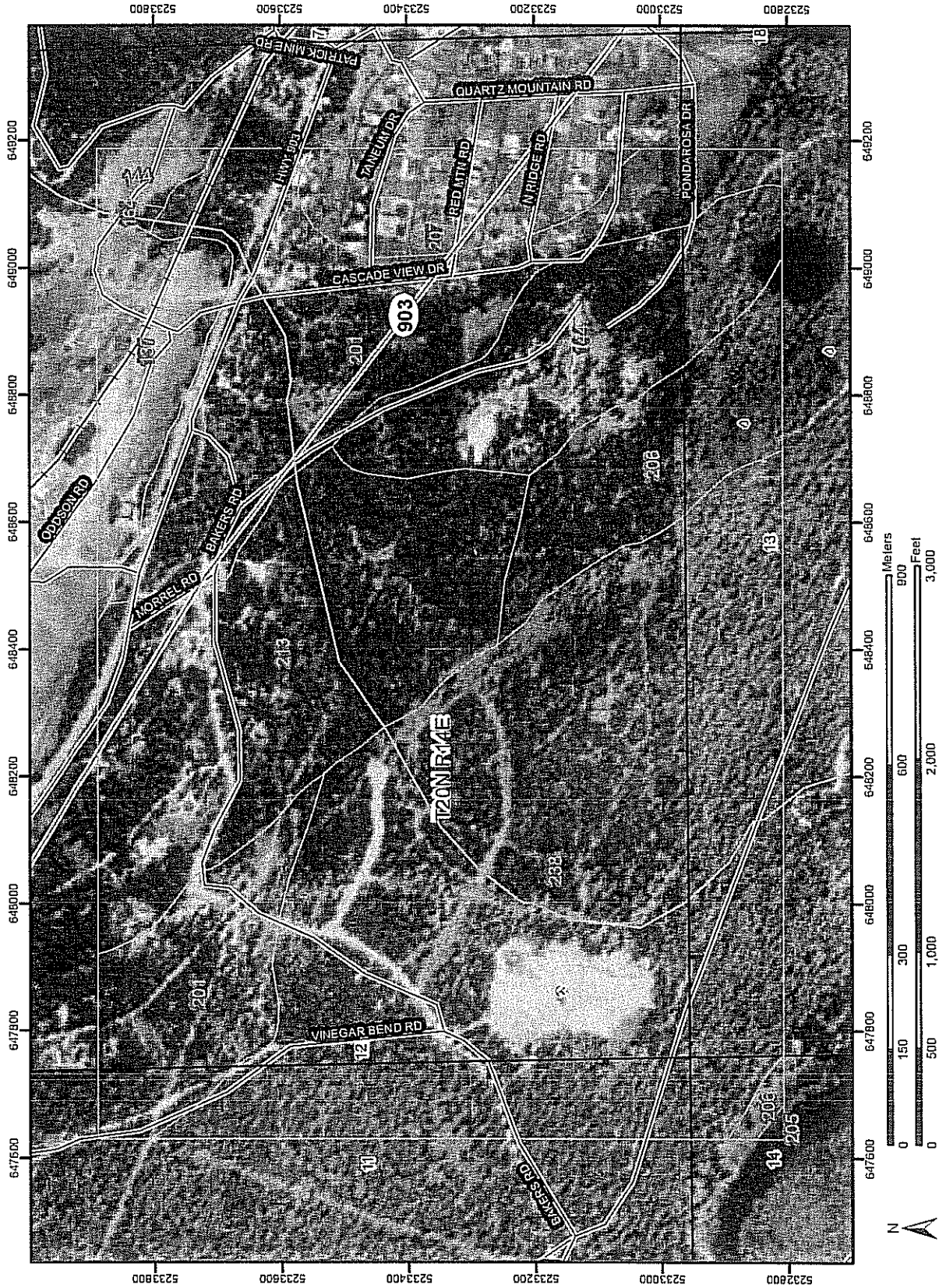
After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

# Soil Map

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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report  
Soil Map



### MAP LEGEND

	Area of Interest (AOI)		Very Stony Spot
	Soils		Wet Spot
	Soil Map Units		Other
	Special Point Features	<b>Special Line Features</b>	
	Blowout		Gully
	Borrow Pit		Short Steep Slope
	Clay Spot		Other
	Closed Depression	<b>Political Features</b>	
	Gravel Pit	<b>Public Land Survey</b>	
	Gravelly Spot		Township and Range
	Landfill		Section
	Lava Flow	<b>Municipalities</b>	
	Marsh		Cities
	Mine or Quarry		Urban Areas
	Miscellaneous Water	<b>Water Features</b>	
	Perennial Water		Oceans
	Rock Outcrop		Streams and Canals
	Saline Spot	<b>Transportation</b>	
	Sandy Spot		Rails
	Severely Eroded Spot	<b>Roads</b>	
	Sinkhole		Interstate Highways
	Slide or Slip		US Routes
	Sodic Spot		State Highways
	Spot Area		Local Roads
	Stony Spot		Other Roads

### MAP INFORMATION

Original soil survey map sheets were prepared at publication scale. Viewing scale and printing scale, however, may vary from the original. Please rely on the bar scale on each map sheet for proper map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: UTM Zone 10N

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Kittitas County Area, Washington  
Survey Area Data: Version 1, Sep 19, 2007

Date(s) aerial images were photographed: 7/25/1998

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



## Map Unit Legend

Kittitas County Area, Washington (WA637)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
137	Dumps, mine	18.0	4.3%
144	Nard ashy loam, 5 to 25 percent slopes	38.4	9.2%
164	Nard ashy loam, 25 to 45 percent slopes	0.9	0.2%
201	Roslyn ashy sandy loam, 0 to 5 percent slopes	83.4	19.9%
205	Xerofluvents, 0 to 5 percent slopes	0.3	0.1%
206	Dystroxerepts, 45 to 65 percent slopes	26.2	6.3%
207	Quicksell loam, 0 to 5 percent slopes	17.5	4.2%
213	Roslyn ashy sandy loam, moist, 3 to 25 percent slopes	70.7	16.9%
238	Racker ashy sandy loam, 0 to 5 percent slopes	162.6	38.9%
Totals for Area of Interest (AOI)		418.1	100.0%

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally

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are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Kittitas County Area, Washington

### 137—Dumps, mine

#### Map Unit Setting

*Elevation:* 2,000 to 3,600 feet

#### Map Unit Composition

*Dumps, mine:* 100 percent

#### Description of Dumps, Mine

##### Interpretive groups

*Land capability (nonirrigated):* 8

### 144—Nard ashy loam, 5 to 25 percent slopes

#### Map Unit Setting

*Elevation:* 1,800 to 4,500 feet

*Mean annual precipitation:* 30 to 40 inches

*Mean annual air temperature:* 43 to 45 degrees F

*Frost-free period:* 80 to 120 days

#### Map Unit Composition

*Nard and similar soils:* 85 percent

#### Description of Nard

##### Setting

*Landform:* Mountain slopes

*Down-slope shape:* Linear

*Across-slope shape:* Convex

*Parent material:* Residuum and colluvium from sandstone and old alluvium with an influence of volcanic ash in the upper part

##### Properties and qualities

*Slope:* 5 to 25 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.57 in/hr)

*Depth to water table:* About 20 to 36 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water capacity:* High (about 9.7 inches)

##### Interpretive groups

*Land capability (nonirrigated):* 4e

*Other vegetative classification:* grand fir/pinemat manzanita (CWS338)

##### Typical profile

*0 to 1 inches:* Slightly decomposed plant material

*1 to 4 inches:* Ashy loam

*4 to 12 inches:* Ashy loam

*12 to 24 inches:* Loam

## Custom Soil Resource Report

*24 to 34 inches: Clay loam*  
*34 to 60 inches: Clay loam*

### **164—Nard ashy loam, 25 to 45 percent slopes**

#### **Map Unit Setting**

*Elevation: 1,800 to 4,800 feet*  
*Mean annual precipitation: 30 to 40 inches*  
*Mean annual air temperature: 43 to 45 degrees F*  
*Frost-free period: 80 to 120 days*

#### **Map Unit Composition**

*Nard and similar soils: 80 percent*

#### **Description of Nard**

##### **Setting**

*Landform: Mountain slopes*  
*Down-slope shape: Linear*  
*Across-slope shape: Convex*  
*Parent material: Residuum and colluvium from sandstone and old alluvium with an influence of volcanic ash in the upper part*

##### **Properties and qualities**

*Slope: 25 to 45 percent*  
*Depth to restrictive feature: More than 80 inches*  
*Drainage class: Well drained*  
*Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)*  
*Depth to water table: About 20 to 36 inches*  
*Frequency of flooding: None*  
*Frequency of ponding: None*  
*Available water capacity: High (about 9.7 inches)*

##### **Interpretive groups**

*Land capability (nonirrigated): 7e*  
*Other vegetative classification: grand fir/vine maple (CWS551)*

##### **Typical profile**

*0 to 1 inches: Slightly decomposed plant material*  
*1 to 4 inches: Ashy loam*  
*4 to 12 inches: Ashy loam*  
*12 to 24 inches: Loam*  
*24 to 34 inches: Clay loam*  
*34 to 60 inches: Clay loam*

### **201—Roslyn ashy sandy loam, 0 to 5 percent slopes**

#### **Map Unit Setting**

*Elevation: 1,900 to 2,400 feet*  
*Mean annual precipitation: 30 to 40 inches*  
*Mean annual air temperature: 43 to 45 degrees F*  
*Frost-free period: 85 to 115 days*

## Custom Soil Resource Report

### Map Unit Composition

*Roslyn and similar soils: 85 percent*

### Description of Roslyn

#### Setting

*Landform: Terraces*

*Down-slope shape: Concave*

*Across-slope shape: Concave*

*Parent material: Glacial drift with a mantle of loess and volcanic ash*

#### Properties and qualities

*Slope: 0 to 5 percent*

*Depth to restrictive feature: More than 80 inches*

*Drainage class: Well drained*

*Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)*

*Depth to water table: More than 80 inches*

*Frequency of flooding: None*

*Frequency of ponding: None*

*Available water capacity: Moderate (about 8.0 inches)*

#### Interpretive groups

*Land capability (nonirrigated): 3c*

*Other vegetative classification: grand fir/common snowberry/pinegrass (CWS336)*

#### Typical profile

*0 to 1 inches: Moderately decomposed plant material*

*1 to 8 inches: Ashy sandy loam*

*8 to 15 inches: Ashy sandy loam*

*15 to 37 inches: Loam*

*37 to 49 inches: Gravelly loam*

*49 to 60 inches: Gravelly loam*

## 205—Xerofluvents, 0 to 5 percent slopes

### Map Unit Setting

*Elevation: 500 to 2,500 feet*

*Mean annual precipitation: 7 to 50 inches*

*Mean annual air temperature: 43 to 50 degrees F*

*Frost-free period: 110 to 180 days*

### Map Unit Composition

*Xerofluvents and similar soils: 85 percent*

*Minor components: 5 percent*

### Description of Xerofluvents

#### Setting

*Landform: Flood plains, stream terraces*

*Down-slope shape: Concave*

*Across-slope shape: Concave*

*Parent material: Alluvium*

## Custom Soil Resource Report

### Properties and qualities

*Slope:* 0 to 5 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Somewhat excessively drained

*Capacity of the most limiting layer to transmit water (Ksat):* High (1.98 to 5.95 in/hr)

*Depth to water table:* About 36 inches

*Frequency of flooding:* Frequent

*Frequency of ponding:* None

*Available water capacity:* Low (about 4.4 inches)

### Interpretive groups

*Land capability (nonirrigated):* 4s

*Other vegetative classification:* Douglas-fir/elk sedge (CDG132)

### Typical profile

*0 to 2 inches:* Moderately decomposed plant material

*2 to 20 inches:* Sandy loam

*20 to 23 inches:* Loamy sand

*23 to 60 inches:* Extremely cobbly sand

### Minor Components

#### Aquolls

*Percent of map unit:* 5 percent

*Landform:* Flood plains

*Ecological site:* WET ALKALI MEADOW 6-9 PZ (R007XY603WA)

## 206—Dystroxerepts, 45 to 65 percent slopes

### Map Unit Setting

*Elevation:* 1,900 to 2,400 feet

*Mean annual precipitation:* 30 to 50 inches

*Mean annual air temperature:* 45 to 47 degrees F

*Frost-free period:* 70 to 100 days

### Map Unit Composition

*Dystroxerepts and similar soils:* 80 percent

### Description of Dystroxerepts

#### Setting

*Landform:* Escarpments

*Down-slope shape:* Linear

*Across-slope shape:* Convex

*Parent material:* Glacial outwash with an influence of volcanic ash in the upper part

#### Properties and qualities

*Slope:* 45 to 65 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 5.95 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

## Custom Soil Resource Report

*Frequency of ponding:* None  
*Available water capacity:* Low (about 5.3 inches)

### **Interpretive groups**

*Land capability (nonirrigated):* 7e  
*Other vegetative classification:* Douglas-fir/pinegrass (CDG131)

### **Typical profile**

*0 to 1 inches:* Moderately decomposed plant material  
*1 to 7 inches:* Ashy sandy loam  
*7 to 18 inches:* Gravelly ashy loam  
*18 to 60 inches:* Very gravelly sandy loam

## **207—Quicksell loam, 0 to 5 percent slopes**

### **Map Unit Setting**

*Elevation:* 1,800 to 3,100 feet  
*Mean annual precipitation:* 25 to 40 inches  
*Mean annual air temperature:* 46 to 48 degrees F  
*Frost-free period:* 90 to 120 days

### **Map Unit Composition**

*Quicksell and similar soils:* 80 percent

### **Description of Quicksell**

#### **Setting**

*Landform:* Terraces  
*Down-slope shape:* Concave  
*Across-slope shape:* Concave  
*Parent material:* Alluvium

#### **Properties and qualities**

*Slope:* 0 to 5 percent  
*Depth to restrictive feature:* 14 to 26 inches to abrupt textural change  
*Drainage class:* Somewhat poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Very low to moderately high (0.00 to 0.20 in/hr)  
*Depth to water table:* About 5 to 15 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water capacity:* Low (about 3.9 inches)

#### **Interpretive groups**

*Land capability classification (irrigated):* 3w  
*Land capability (nonirrigated):* 3w  
*Other vegetative classification:* Douglas-fir/common snowberry/  
pinegrass (CDS638)

#### **Typical profile**

*0 to 5 inches:* Loam  
*5 to 20 inches:* Clay loam  
*20 to 43 inches:* Clay  
*43 to 60 inches:* Clay loam

## 213—Roslyn ashy sandy loam, moist, 3 to 25 percent slopes

### Map Unit Setting

*Elevation:* 1,900 to 2,400 feet

*Mean annual precipitation:* 30 to 40 inches

*Mean annual air temperature:* 43 to 45 degrees F

*Frost-free period:* 85 to 115 days

### Map Unit Composition

*Roslyn, moist, and similar soils:* 85 percent

### Description of Roslyn, Moist

#### Setting

*Landform:* Kame terraces, terraces, valley sides

*Down-slope shape:* Concave, linear

*Across-slope shape:* Concave, convex

*Parent material:* Glacial drift with a mantle of loess and volcanic ash

#### Properties and qualities

*Slope:* 3 to 25 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water capacity:* Moderate (about 8.5 inches)

#### Interpretive groups

*Land capability (nonirrigated):* 4e

*Other vegetative classification:* grand fir/vine maple (CWS551)

#### Typical profile

*0 to 1 inches:* Moderately decomposed plant material

*1 to 8 inches:* Ashy sandy loam

*8 to 15 inches:* Ashy sandy loam

*15 to 37 inches:* Loam

*37 to 60 inches:* Gravelly loam

## 238—Racker ashy sandy loam, 0 to 5 percent slopes

### Map Unit Setting

*Elevation:* 1,800 to 2,500 feet

*Mean annual precipitation:* 30 to 45 inches

*Mean annual air temperature:* 46 to 48 degrees F

*Frost-free period:* 85 to 120 days

### Map Unit Composition

*Racker and similar soils:* 85 percent



## Custom Soil Resource Report

### Description of Racker

#### Setting

*Landform:* Terraces

*Down-slope shape:* Concave

*Across-slope shape:* Concave

*Parent material:* Glacial outwash with a mantle of volcanic ash

#### Properties and qualities

*Slope:* 0 to 5 percent

*Depth to restrictive feature:* 9 to 15 inches to strongly contrasting textural stratification

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* High (1.98 to 5.95 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water capacity:* Very low (about 1.7 inches)

#### Interpretive groups

*Land capability (nonirrigated):* 3s

*Other vegetative classification:* Douglas-fir/pinegrass (CDG131)

#### Typical profile

*0 to 1 inches:* Moderately decomposed plant material

*1 to 5 inches:* Ashy sandy loam

*5 to 12 inches:* Gravelly ashy sandy loam

*12 to 31 inches:* Very cobbly loamy sand

*31 to 60 inches:* Very cobbly loamy sand

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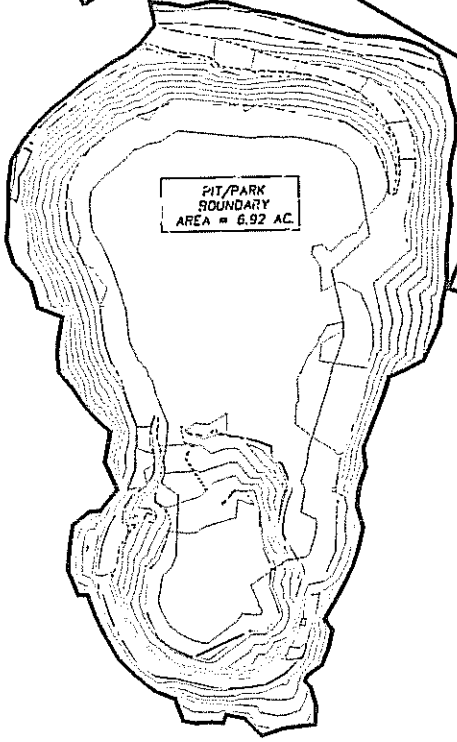
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Attachment J

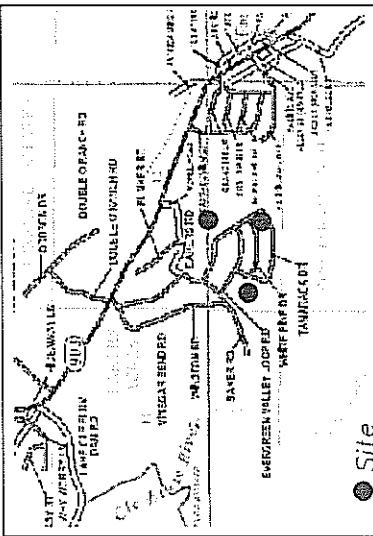
Contour make-up of  
existing gravel pit.  
NOT TO SCALE



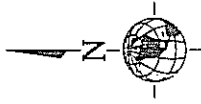
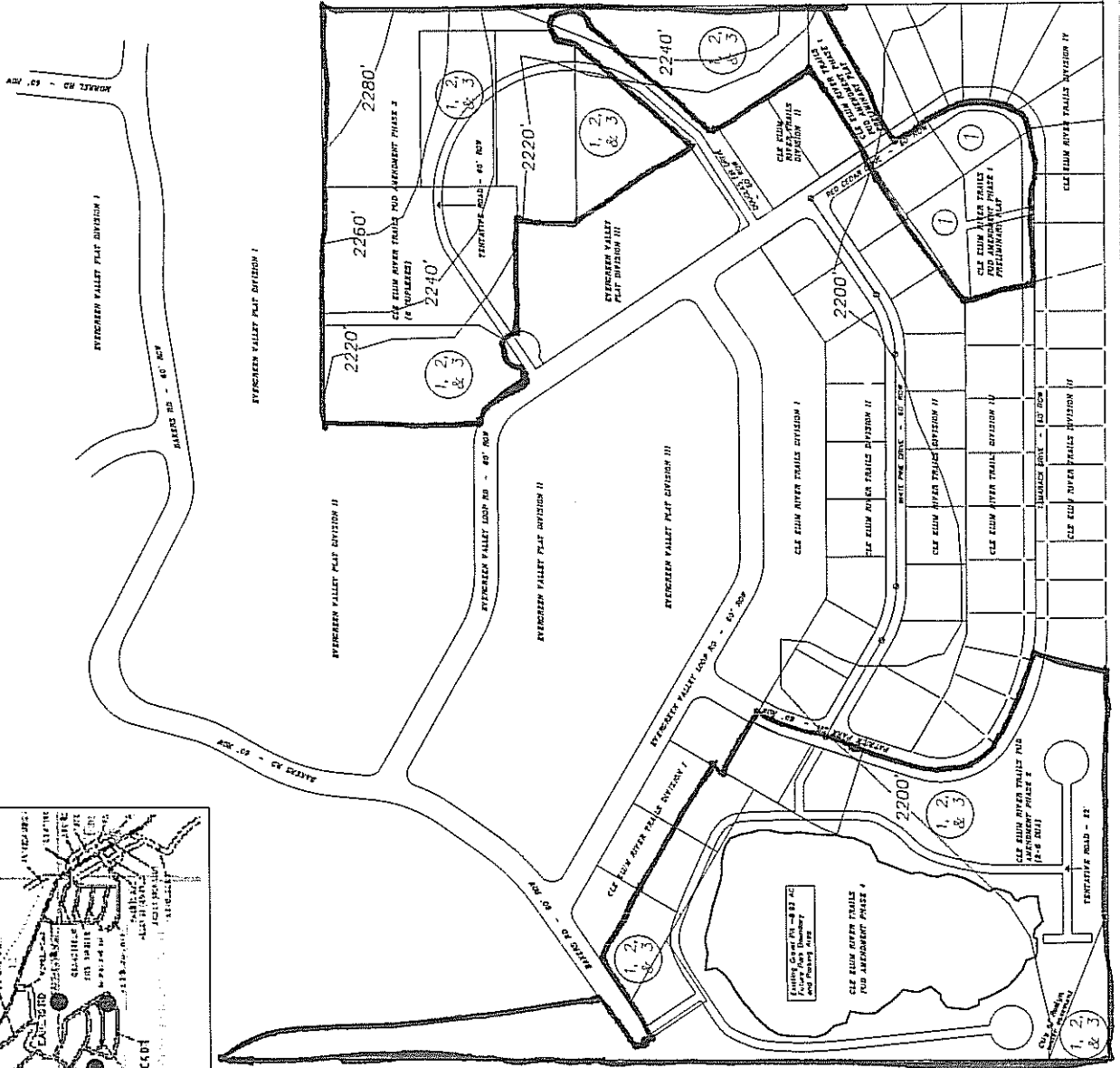
PIT/PARK  
BOUNDARY  
AREA = 6.92 AC.

# Attachment K

# Vicinity Map



# Cle Elum River Trails PUD Amendment



SCALE  
0 100 200 400  
(FEET)  
1 INCH = 200 FT

Possible/Approximate Uses, Percentages, and Transportation
① 17.36.020(1): All residential uses including multifamily structures; 10-85%
② 17.36.020(3): Condominiums; 0-75%
③ 17.36.020(4): Fractionally-owned units; 0-75%
④ Open Space/Parks; 15%

LEGAL DESCRIPTION
Single Family = 2 parking spaces per unit Multi-Family = 2 parking spaces per unit Condo = 2 parking spaces per unit Fractionals = 2 parking spaces per unit Park = 20 to 25 total parking spaces
Please see Attachment G in the submittal packet.

Attachment L



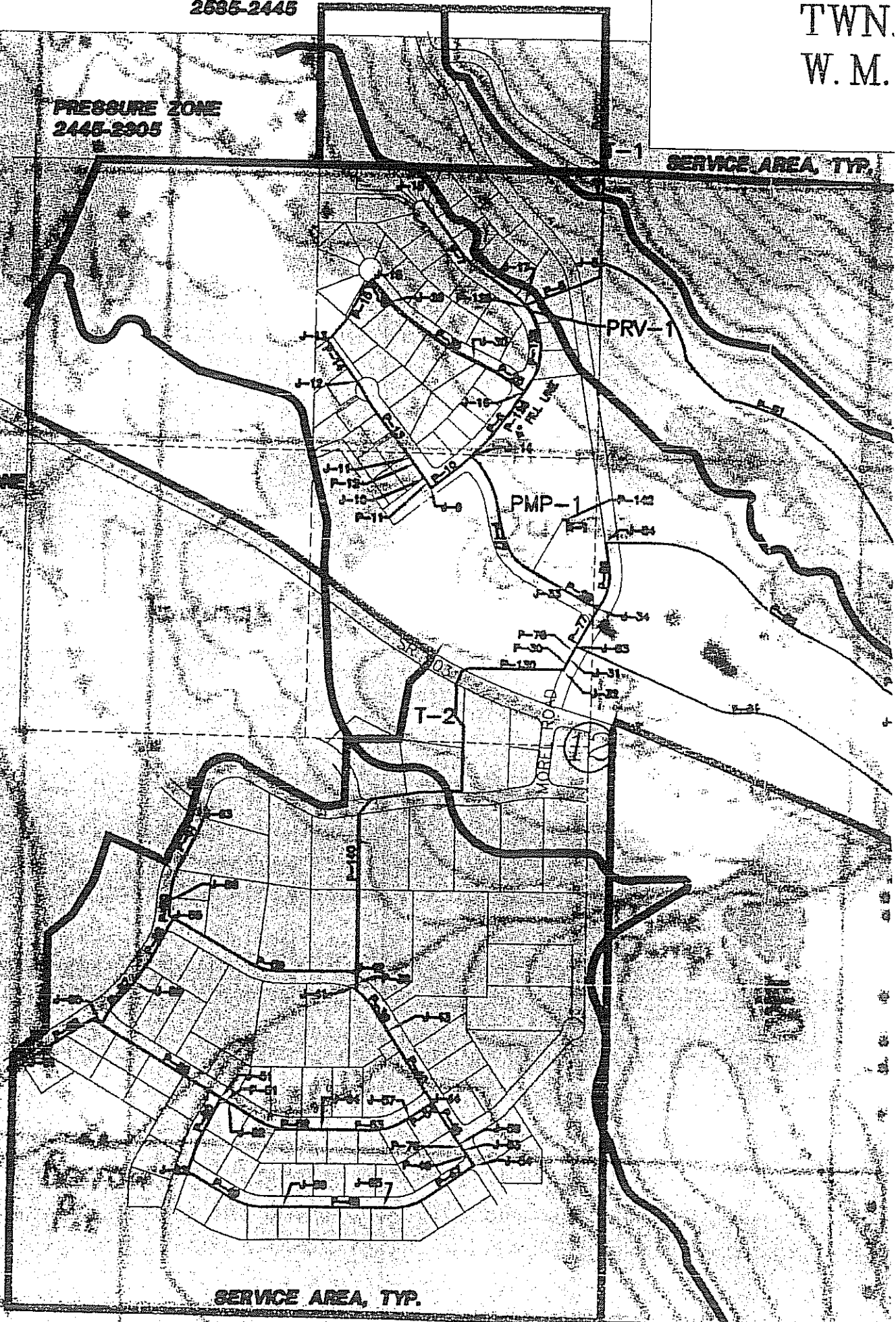
PRESSURE ZONE  
2585-2445

TWN.  
W. M.

PRESSURE ZONE  
2445-2305

SERVICE AREA, TYP.

PRESSURE ZONE  
2305-2165



SERVICE AREA, TYP.

Attachment M

**Chapter 17.36**  
**PLANNED UNIT DEVELOPMENT ZONE\***

**Sections**

- 17.36.010 Purpose and intent.
- 17.36.020 Uses permitted.
- 17.36.030 Preliminary development plan.
- 17.36.040 Final development plan.
- 17.36.050 Permit issuance and conditions.
- 17.36.060 Required improvements.
- 17.36.070 Inter-jurisdiction review.
- 17.36.080 Planned Unit Development Alterations.
- 17.36.090 Expiration.

\* Prior history: Ords. 74-6, 2.

**17.36.010 Purpose and intent.**

The purpose of this chapter is to provide for and encourage a harmonious mixture of land uses with greater flexibility in land use controls than is generally permitted by other sections of this title. (Ord. 90-6 (part), 1990; Res. 83-10, 1983). This includes:

- a. To allow greater flexibility and to encourage more innovative design for the development of residential areas that is generally possible under conventional zoning and subdivision regulations;
- b. To encourage more economical and efficient use of land, streets, and public services;
- c. To preserve and create usable open space and other amenities superior to conventional developments;
- d. To preserve important natural features of the land, including topography, natural vegetation, and views;
- e. To encourage development of a variety of housing types and densities;
- f. To encourage energy conservation, including the use of passive solar energy in project design and development to the extent possible;
- g. To encourage infill development of areas or site characterized by special features of geography, topography, size, shape, or historical legal nonconformity;
- h. To permit flexibility of design that will create desirable public and private open space, to vary the type, design and layout of buildings, and to utilize the potentials of individual sites and alternative energy services to the extent possible;

**17.36.020 Uses permitted.**

The following uses may be permitted:

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1. All residential uses including multifamily structures;
2. Manufactured Home Parks;
3. Hotels, motels, condominiums;
4. Fractionally-owned units (for PUDs proposed within Urban Growth Areas);
5. Retail businesses;
6. Commercial-recreation businesses;
7. Restaurants, cafes, taverns, cocktail bars;
8. Any other similar uses deemed by the planning commission to be consistent with the purpose and intent of this chapter. Such determination shall be made during review of the development plan required under Section 17.36.030. (Ord. 90-6 (part), 1990; Res. 83-10, 1983).

**17.36.030 Preliminary development plan.**

Any persons or corporation applying for a planned unit development zone shall file a preliminary development plan with an application for zone change. The development plan shall include all of the following:

1. A vicinity map showing the location of the site and its relationship to surrounding areas;
2. A map of the site drawn to a scale, no smaller than two hundred feet to the inch showing the following:
  - a. Arrangement of land uses by type (residential, commercial, open spaces, etc.). A narrative on the approximate percentage of land in each category. The map should show proposed traffic circulation;
  - b. Names and dimensions of dedicated roads bounding or near the site;
  - c. Planned off-street parking areas including approximate number of spaces to be provided;
  - d. Elevation contours of no more than twenty-foot intervals;
  - e. Legal description of the subject property including section, township, range, parcel numbers and number of acres;
  - f. Name of proposed Planned Unit Development;
3. A Landscaping Plan.
4. A Phasing Plan with identified timelines.
5. A Development Plan addressing the following:
  - a. A narrative relating the development plan to adjacent development and natural areas;
  - b. A narrative of the developer's intent with regard to providing landscaping and retention of open spaces;
  - c. A narrative outlining future land ownership patterns within the development including homeowners associations if planned;
  - d. A narrative outlining the proposed water supply, storage and distribution system, sewage disposal/treatment plan, solid waste collection plan;
  - e. Documentation from the Community Development Services department that environmental review (SEPA) has been completed or will be completed;

- f. An explanation and specification of any nonresidential uses proposed within the project;
- g. Timing for the construction and installation of improvements, buildings, other structures and landscaping;
- h. The method proposed to insure the permanent retention and maintenance of common open space;
- i. Proposed setbacks;
- j. A master plan of the site, if the proposed PUD is to be developed in phases. The master plan need not be fully engineered, but shall be of sufficient detail to illustrate the property's physical features and probable development pattern. The master plan will serve as a guide in each successive stage of development until its completion;
- k. A narrative of planned residential (housing) densities expressed in terms of living units per building and per net acre (total acreage minus dedicated rights-of-way). (Ord. 90-6 (part), 1990; Res 83-10, 1983).

**17.36.040 Final development plan.**

Following approval of the preliminary development plan by the county and before lot sales or building construction commences, the developer (owner) shall submit a final development plan for approval by the board of county commissioners which shall include all of the following as listed below. Submittal shall be consistent with the process as outlined for Final Plat Development in Kittitas County Code 16.20.

- 1. A staging plan describing the timing or sequence of construction for all the elements of the plan. Subdivision lot sales may precede other elements of the development upon final plat approval;
- 2. A map or maps of the site drawn at a scale no smaller than one hundred feet to one inch showing the following:
  - a. Preliminary engineering plans including site grading, road improvements, drainage and public utilities extensions;
  - b. Arrangement of all buildings which shall be identified by type;
  - c. Preliminary building plans including floor plans and exterior design and/or elevation views;
  - d. Location and number of off-street parking areas including type and estimated cost of surfacing;
  - e. The location and dimensions of roads and driveways including type and estimated cost of surfacing and road maintenance plans;
  - f. The location and total area of common open spaces;
  - g. Proposed location of fire protection facilities;
  - h. Proposed storm drainage plan;
- 3. Certification from state and local health authorities that water and sewer systems are available to accommodate the development;
- 4. Provisions to assure permanence and maintenance of common open spaces;
- 5. Statement of intent including estimated cost for landscaping and restoration of natural areas despoiled by construction including tree planting. (Ord. 96-19 (part), 1996; Ord. 90-6 (part), 1990; Res. 83-10, 1983).

**17.36.050 Permit issuance and conditions.**

Building permits and other permits required for the construction or development of property under provision of this section shall be issued only when, in the opinion of the county building inspector, the work to be performed substantially conforms with the final development plan approved by the board of county commissioners. (Ord. 96-19 (part), 1996; Ord. 90-6 (part), 1990; Res. 83-10, 1983).

**17.36.060 Required improvements.**

All improvements including parking lots, driveways, landscaping, which are a part of the approved plan, but which do not otherwise require building permits, shall be completed or bonded before occupancy permits are issued by the building inspector. The amount of the bond shall be determined by the building inspector on the basis of information presented with the final development plan. (Ord. 90-6 (part), 1990; Res. 83-10, 1983).

**17.36.070 Inter-jurisdiction review.**

Proposed projects occurring within the Urban Growth Area shall be jointly reviewed with the associated city.

**17.36.080 Planned Unit Development Alterations.**

Proposed alterations to approved Planned Unit Developments shall be processed in a manner similar to the alteration of a subdivision.

**17.36.090 Expiration.**

Within a period of five years following the approval of the preliminary development plan by the Kittitas County Board of County Commissioners, the applicant shall file with Kittitas County Community Development Services a final development plan. The director of Community Development Services, for good cause, may extend for one year the period for filing of the final development plan. If the applicant fails to apply for final approval for any reason within the specified time frame, the rezone shall become void. All future permits shall be subject to the requirements of the underlying zone unless a new application for a planned unit development is submitted and approved.

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**Chapter 17.37**

**MASTER PLANNED RESORTS**

**Sections**

17.37.010 Legislative findings, purpose and intent.

17.37.020 Definitions.

17.37.030 Uses permitted.

17.37.040 Applications/approvals required for master planned resorts.

**17.37.010 Legislative findings, purpose and intent.**

**Chapter 17.30**  
**R-3 –RURAL-3 ZONE**

**Sections**

- 17.30.010 Purpose and intent.
- 17.30.020 Uses permitted.
- 17.30.030 Conditional uses.
- 17.30.040 Lot size required.
- 17.30.045 Development Standards.
- 17.30.050 Yard requirements.
- 17.30.055 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.30.060 Sale or conveyance of lot portion.
- 17.30.070 Nonconforming uses.
- 17.30.080 Shoreline setbacks.
- 17.30.090 Administrative uses.

**17.30.010 Purpose and intent.**

The purpose and intent of the Rural-3 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting R-3 zones will be to minimize adverse effects on adjacent natural resource lands. (Ord. 92-4 (part), 1992).

**17.30.020 Uses permitted.**

Uses permitted. The following uses are permitted:

1. Single-family homes, mobile homes, cabins;
2. Lodges and community clubhouses;
3. Agriculture, livestock, poultry or hog raising, and other customary agricultural uses traditionally found in Kittitas County, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
4. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
5. Home occupations which do not produce noise, such as accounting, photography, etc.;
6. Cluster subdivision, when approved as a platted subdivision;
7. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located within an established mining district;
8. All buildings and structures not listed above which legally existed prior to the adoption of the ordinance codified in this chapter;
9. Uses customarily incidental to any of the uses set forth in this section;
10. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases, all adjacent property

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owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process.

11. (Blank; Ord. O-2006-01, 2006)
12. Accessory Dwelling Unit (if in UGA or UGN)
13. Accessory Living Quarters
14. Special Care Dwelling (Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 92-4 (part), 1992).

**17.30.030 Conditional uses.**

The following uses are conditional:

1. Campgrounds, guest ranches;
2. Motor trail clubs (snowmobiles, bikes, etc.);
3. Group homes, retreat centers;
4. Golf courses;
5. All mining including, but not limited to, gold, rock, sand and gravel excavation, rock crushing, and other associated activities when located outside an established mining district;
6. Gas and oil exploration and production;
7. Home occupations which involve outdoor works or activities or which produce noise, such as engine repair, etc. This shall not include the cutting and sale of firewood which is not regulated by this code;
8. Travel trailers for a limited period not to exceed one year when used for temporary occupancy related to permanent home construction;
9. Mini-warehouses subject to conditions provided in Section 17.56.030.

**17.30.040 Lot size required.**

1. The minimum residential lot size shall be three acres in the Rural-3 zone. The overall density of any residential development shall not exceed one dwelling for each three acres, except as provided for in Kittitas County Code 16.09, Performance Based Cluster Platting.

**17.30.050 Yard requirements.**

There shall be a minimum front yard setback of twenty-five feet. Side and rear yard setbacks shall be fifteen feet. (Ord. 92-4 (part), 1992).

**17.30.055 Yard requirements – Zones Adjacent to Commercial Forest Zone.**

Properties bordering or adjacent to the Commercial Forest zone are subject to a 200' setback from the Commercial Forest Zone. (KCC 17. 57.050(1)). For properties where such setback isn't feasible, development shall comply with Kittitas County Code 17.57.050(2).



**17.30.060 Sale or conveyance of lot portion.**

No sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot, yard or setback requirements of this zoning district. (Ord. 92-4 (part), 1992).

**17.30.070 Nonconforming uses.**

No legal structure or land use existing at the time of adoption of the ordinance codified in this chapter shall be considered a nonconforming use or subject to restrictions applied to nonconforming uses. (Ord. 92-4 (part), 1992).

**17.30.080 Shoreline setbacks.**

The following setbacks shall be enforced for residences, accessory buildings, and on-site septic systems constructed or placed on shorelines or floodplains;

1. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots abutting the shorelines or floodplains under the jurisdiction of the Washington State Shoreline Management Act;
2. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for lots fronting on reservoirs including Keechelus, Cle Elum, Kachess, and Easton Lakes and Wanapum reservoir;
3. One hundred feet (measured horizontally) from the ordinary high water mark or line of vegetation for all such structures constructed or placed on other streams, including intermittent streams, which are not regulated under the Shoreline Management Act. (Ord. 92-4 (part), 1992).

**17.30.090 Administrative uses.**

The following uses may be permitted in any R-3 zone subject to the requirements set forth in Chapter 17.60B.

1. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. O-2006-01, 2006; Ord. 95-8, 1995).

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**Chapter 17.30A**  
**R-5 - RURAL-5 ZONE**

**Sections**

17.30A.010 Purpose and intent.

17.30A.020 Uses permitted.

17.30A.030 Conditional uses.

17.30A.040 Lot size required.

17.30A.050 Yard requirements.

17.30A.055 Yard requirements- Zones Adjacent to Commercial Forest Zone.

17.30A.060 Sale or conveyance of lot portion.

Attachment N

GPO 2.91L The County should develop and adopt regulations for an airport industrial zone at the Kittitas County Airport.

GPO 2.91M All aviation related land uses should be considered acceptable in the area designated as "industrial" and provided that the FAA airport design criteria are met.

GPO 2.91N The County should promote economic development and employment opportunities for the Airport Industrial Zone.

GPO 2.91O The County should establish zoning standards which will insure that the industrial uses will not impact airborne aircraft because of height structures, smoke, glare, lights which shine upward, and radio transmissions, nor any water impoundments or sanitary landfills which would create hazards from waterfowl to airborne aircraft.

## 2.3 LAND USE PLAN

The Land Use Plan shown on the maps in this chapter provides an official guide for the orderly growth of residential, business and industrial areas in the County. The Plan shows the relationship of these and other land uses to each other, to major parks and to existing and proposed arterials. The Comprehensive Plan Map is generalized and not intended do be precise or permanent. It should not, above all, be interpreted as a zoning map.

The following land use designations are used to establish general locations for different types of activities throughout the County.

### 2.3(A) Urban Land Use

#### *Urban Residential Land Use*

This designation contains those lands within urban growth areas and urban growth nodes, which appear to be most suitable and likely for future development and city utilities. The areas are, for the most part, highly suited to orderly street systems and land subdivision. Residential densities and housing types are the subject of this Plan and should be based on the expansion of the Ellensburg Comprehensive Plan or other cities' comprehensive plans and zoning ordinances.

GPO 2.92A The future urban residential areas may be both residential and agricultural. Ongoing agriculture should be supported in development regulations.

GPO 2.92B The current use of future urban residential areas may be both residential and agricultural. Meanwhile, ongoing agriculture should be supported as the lands are in transition.

GPO 2.92C Encourage and accommodate future expansion of utilities and roadways for urban densities.

GPO 2.93 Innovations in housing development should be encouraged, this includes but is not limited to cluster developments, master planned developments/resorts, shadow platting, fully contained communities, transfer of development rights and planned unit developments.

### *Urban Growth Areas and Urban Growth Nodes*

Though the areas included within the urban growth area boundaries are intended to urbanize and become annexed in the proceeding 20 years, these lands will continue to be under County jurisdiction. To ensure both consistency and coordination, the planning for these areas will be done in concert with the respective cities. In addition, interlocal agreements with the individual cities may be necessary to provide the necessary administrative guidance and services to these unincorporated areas.

Two major issues arise in the discussion of urban growth area boundaries. These include phased growth and transitional land uses. Most communities preparing plans for the urban growth area have elected to plan under a phased growth scenario. The overall concept of phased growth indicates that growth will occur in "phases." The first phase usually includes those areas that are already served by public water and/or sewer, and where the second phase of growth will occur in areas where services do not presently exist but are eventually. The inclusion of land within an urban growth area indicates that the land will be developed at an urban density within the next 20 years. Therefore, the existing Agricultural Land Use or Rural Residential Land Use within the urban growth areas will eventually transition from Agricultural Land Use to Urban Residential Land Use, which serves the 20-year forecasted population. This transition from Agriculture Land Use to Urban Residential Land Use within the urban growth area will require land uses and densities which allow this change to occur in as efficient a manner as possible.

As portions of the urban growth areas develop, it is assumed that these areas will be annexed to the adjacent city. Intergovernmental agreements will need to be created in order to deal with the allocation of financial burdens that result from the transition of land from county to city jurisdiction. Similarly, agreements will need to be drafted to coordinate planning efforts for the unincorporated areas of the urban growth areas and with facility providers in the other areas throughout the county. Kittitas County has offered the opportunity to prepare an interlocal agreement with the cities for the preparation of a draft urban growth area plans. This agreement and the work resulting from it are expected to be completed in the end of 2008. The following are additional issues that must be resolved by the cities and Kittitas County for the preparation and implementation of goals, objectives and policies contained in this comprehensive plan:

\*Joint interlocal agreements:

- 1) Unified or consistent subdivision code;
- 2) Municipal utility extension agreement for water, sewer and gas;
- 3) Intergovernmental service agreements for libraries, fire, EMS, parks and recreation;
- 4) Unified or consistent zoning code with provisions for urban zoning, transitional zoning, and other transitional uses;
- 5) Density and land use mapping;

Urban Growth Area or as a LAMIRD could be determined. It is suggested that the UGN designation be dropped as under the Growth Management Act this designation does not exist and with the introduction of the LAMIRD designation might be better designated as such. Further, as the planning process develops to analyze the existing Urban Growth Node, the UGN designation shall remain until analysis is completed that indicates whether the designation should be an Urban Growth Area or LAMIRD.

GPO 2.94a A consideration for all future development should be the adaptability of a proposal to both public and private utilities such as municipal water and sewer systems.

GPO 2.94b Expansion of the UGA should be encouraged in areas least suited for agriculture and areas not impacted by Critical Areas

GPO 2.95 Within the UGAs and UGNs, in the absence of urban utilities, a system of subdivision and development should be encouraged which would produce a pattern capable of re-division to a higher density at such time when utilities are available.

GPO 2.96a Adopt urban growth node (UGN) and urban growth area (UGA) boundaries to accommodate residential and employment increases projected within the boundaries over the next 20 years.

GPO 2.96b As allowed in GPO 2.10B and GPO 2.10C develop a study area around each Urban Growth Area that may lead to the development of a Rural Transition Zone overlay. The study area should consider but not be limited to:

- Strategies to accommodate urban development in the 20 to 50 year planning horizon
- Shadow platting to plan for and accommodate future development.
- Transfer of Development Rights receiving areas
- Use of Cluster Development.
- Urban design standards consistent with adjacent or nearby cities.

GPO 2.97 The UGAs shall be consistent with the following criteria:

- a. Each UGA shall provide sufficient urban land to accommodate future population/employment projections through the designated planning period.
- b. Lands included within UGAs shall either be already characterized by urban growth or adjacent to such lands.
- c. Existing urban land uses and densities should be included within UGAs.
- d. UGAs shall provide a balance of industrial, commercial, and residential lands.
- e. Each UGA shall have the anticipated financial capability to provide infrastructure/services needed in the areas over the planning period under adopted concurrency standards.
- f. Protect natural resource and critical areas
- g. Encourage the conversion of undeveloped lands into urban densities. (infill)
- h. Provide for the efficient provision of public services;
- i. Promote a variety of residential densities; and,

- j. Include sufficient vacant and buildable land.

GPO 2.97 The UGNs shall be consistent with the following general goals:

- a. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- b. Provide for the efficient provision of public services;
- c. Protect natural resource, environmentally sensitive areas;
- d. Promote a variety of residential densities; and,
- e. Include sufficient vacant and buildable land.

GPO 2.98A The UGNs and/or UGAs shall be consistent with the following criteria:

- a. Each UGN and/or UGA shall provide sufficient urban land to accommodate future population/employment projections through the designated planning period.
- b. Lands included within UGNs and/or UGAs shall either be already characterized by urban growth or adjacent to such lands.
- c. Existing urban land uses and densities should be included within UGNs and/or UGAs.
- d. UGNs and/or UGAs shall provide a balance of industrial, commercial, and residential lands.
- e. Each UGA shall have the anticipated financial capability to provide infrastructure/services needed in the areas over the planning period under adopted concurrency standards.

GPO 2.98B Per RCW 36.70A.06094 forest land and agricultural land located within urban growth areas shall not be designated by a county or a city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170, unless the city or county has enacted a program authorizing transfer or purchase of development rights.

GPO 2.99 Analysis of each of the areas of Easton, Ronald, Snoqualmie Pass, Thorp and Vantage need to occur through the subarea planning process. Each area should be prioritized regarding the need and timing of the planning process. This subarea planning process may explore the viability of a particular area currently identified as an Urban Growth Node, to determine if the area might be more appropriately designated as an Urban Growth Area or as a LAMIRD. The subarea planning process should be completed by the end of 2009.

### *Commercial Land Use*

The present and long established land use pattern in Kittitas County is the basis for planning future business development. That pattern finds most business located in established communities and/or business districts.

GPO 2.100 Kittitas County will act to preserve the viability and integrity of existing business districts within the incorporated and unincorporated county.

GPO 2.101 Most comparison shopping (general merchandise, clothing, appliance, auto, sporting goods) should be located in or near existing business districts.

Attachment 0

roads, and other municipal services. These communities are usually typical of new cities.

**Suburban Lands:** Suburban lands are those lands within urban growth areas or urban growth nodes which provide all public and private services available inside an urban area but exhibit lower density. Suburban lands are also planned to accommodate future urban development.

**Transferable Development Rights:** Transferable Development Rights are the conveyance of development rights to another parcel of land where restrictions placed on development of the original parcel prevent its previously allowed development. Usually associated in a program which involves sending and receiving zones.

**Urban Growth Areas:** Urban growth areas are those areas designated by an incorporated city and approved by the county, in which urban growth is encouraged. Urban growth areas are suitable and desirable for urban densities as determined by the sponsoring city's ability to provide urban services.

**Urban Growth Nodes:** Urban growth nodes are those existing unincorporated areas which are established town sites or communities having at a minimum: a community water system; established residential, commercial and industrial settlements; a grouping of pre-existing small lots with urban densities; and other vestiges of urban development, with a defined boundary established by the County.

**Urban Lands:** Urban lands are located inside urban growth areas, urban growth nodes, or cities and are generally characterized by densities of more than three units per acre and municipal services provided.

**Urban Service Area:** Urban service areas are those areas mutually determined by a city and the county which receive or are subject to special, municipal services. Urban service areas may include those within and beyond designated urban growth areas. Cities and the county may enter into special agreements to provide such services and compensation within the designated urban service area.

**Utilities:** Utilities means the supply, treatment and distribution, as appropriate, of domestic water, sewage, storm water, natural gas, electricity, telephone, cable television, microwave transmissions and streets. Such utilities consist of both the service activity along with the physical facilities necessary for the utilities to be supplied. Utilities are supplied by a combination of general purpose local governments as well as private and community based organizations.



facilities, and school facilities.

#### 4. Municipal Service Extension.

Policy A: City services should be provided only within and not beyond UGAs. Such services include central sewage collection and treatment, public water systems, urban street infrastructure, and stormwater collection facilities. City services may be extended beyond UGAs to serve a master planned resort approved pursuant to the Kittitas County Comprehensive Plan MPR Policies and RCW 36.70A.360.

Policy B: Cities may provide water service beyond a designated UGA if the service areas is required by agreement through a Coordinated Water Supply Plan; provided, however, nothing in this section shall preclude the authorization of master planned resorts by the County pursuant to RCW 36.70A.360 and the County's Comprehensive Plan MPR policies.

Policy C: The availability of the full range of urban government services will be subject to the annexation policy of the adjacent municipality. The time of utility extensions into the UGA shall be consistent with the adopted comprehensive plan and capital facilities plan of the utility purveyor.

#### 5. Unincorporated "Urban Growth Nodes."

Policy A: Urban growth nodes (UGNs) shall be limited to Thorp, Easton, Vantage, Ronald, and Snoqualmie Pass. These communities exhibit urban characteristics such as established residential, commercial, and industrial settlements. Each UGN is mapped per *Attachment #2*.

Policy B: All growth in the county shall be accomplished in a manner that minimizes impacts on agricultural land, forestry, mineral resources, and critical areas.

#### 6. Comprehensive Planning Responsibilities in UGAs.

Policy A: Comprehensive Growth Management planning within the UGA shall be accomplished on a joint basis between the City and the County. Primary planning responsibility should be vested with the City by virtue of the UGA designation.

Policy B: All planning efforts by the Cities within the UGAs shall utilize a high degree of involvement and participation from unincorporated county residents, which shall be demonstrated to the satisfaction of the County. The City and County may want to consider joint planning committees.

#### 7. Amendment Process and Procedure.

Policy A: Amendments or changes to the UGA designation may only be proposed once a

#### 4. Planned Unit Developments.

Policy A: PUDs which include commercial and/or industrial uses in addition to residential uses shall be located in UGAs or UGNs; provided, however, that nothing in this section shall preclude the authorization of master planned resorts by the County pursuant to RCW 36.70A.360 and the County's Comprehensive Plan MPR Policies. The boundaries of UGNs will be defined as part of the County's completed Growth Management Plan. (See Attachment #2.)

Policy B: The location of all PUDs shall be established to foster the efficient expansion and management of infrastructure and utilities and demonstrate compatibility with resource land uses; provided, however, that nothing in this section shall preclude the authorization of master planned resorts by the County pursuant to RCW 36.70A.360 and the County's Comprehensive Plan MPR Policies. Impact fees may be assessed to compensate the cost of increased demands upon infrastructure, services, and utilities.

Policy C: Only residential PUDs will be allowed outside of UGAs or UGNs, and subject to the policies contained herein; provided however, that nothing in this section shall preclude the authorization of master planned resorts by the County pursuant to RCW 36.70A.360 and the County's Comprehensive Plan MPR Policies.

Policy D: Standards shall be developed for residential PUDs outside of UGAs and UGNs for a maximum density adjustment to not exceed a 3:1 ratio of the underlying zone; provided however, that nothing in this section shall preclude the authorization of master planned resorts by the County pursuant to RCW 36.70A.360 and the County's Comprehensive Plan MPR Policies.

Policy E: A maximum of two years will be allowed from preliminary approval to final PUD approval providing other necessary approvals can be obtained within this time period; provided however, that nothing in this section shall preclude the authorization of master planned resorts by the County pursuant to RCW 36.70A.360 and the County's Comprehensive Plan MPR Policies. The final approval shall include a schedule for any phased development of the PUD. PUDs should be required to achieve a fifty percent (50%) build out of each phase within four (4) years of the scheduled start date of each phase. Fifty percent build out shall include phased construction of infrastructure improvements, required structural construction, and implementation of the required natural and social amenity bonuses. If any of these requirements are not completed, the underlying zones shall be reinstated. All phases to be completed within 16 years of the final approval.

#### 5. Density within PUDs.

Policy A: Density of PUDs shall be determined by the underlying zoning district's density

Attachment P

**Chapter 36.70A RCW**  
**Growth management — planning by selected counties and cities**Chapter Listing**RCW Sections**

- [36.70A.010](#) Legislative findings.
- [36.70A.011](#) Findings -- Rural lands.
- [36.70A.020](#) Planning goals.
- [36.70A.030](#) Definitions.
- [36.70A.035](#) Public participation -- Notice provisions.
- [36.70A.040](#) Who must plan -- Summary of requirements -- Development regulations must implement comprehensive plans.
- [36.70A.045](#) Phasing of comprehensive plan submittal.
- [36.70A.050](#) Guidelines to classify agriculture, forest, and mineral lands and critical areas.
- [36.70A.060](#) Natural resource lands and critical areas -- Development regulations.
- [36.70A.070](#) Comprehensive plans -- Mandatory elements.
- [36.70A.080](#) Comprehensive plans -- Optional elements.
- [36.70A.090](#) Comprehensive plans -- Innovative techniques.
- [36.70A.100](#) Comprehensive plans--Must be coordinated.
- [36.70A.103](#) State agencies required to comply with comprehensive plans.
- [36.70A.106](#) Comprehensive plans -- Development regulations -- Transmittal to state -- Amendments -- Expedited review.
- [36.70A.108](#) Comprehensive plans -- Transportation element -- Multimodal transportation improvements and strategies.
- [36.70A.110](#) Comprehensive plans -- Urban growth areas.
- [36.70A.115](#) Comprehensive plans and development regulations must provide sufficient land capacity for development.
- [36.70A.120](#) Planning activities and capital budget decisions -- Implementation in conformity with comprehensive plan.
- [36.70A.130](#) Comprehensive plans -- Review procedures and schedules -- Amendments.
- [36.70A.131](#) Mineral resource lands -- Review of related designations and development regulations.
- [36.70A.140](#) Comprehensive plans -- Ensure public participation.
- [36.70A.150](#) Identification of lands useful for public purposes.
- [36.70A.160](#) Identification of open space corridors -- Purchase authorized.
- [36.70A.165](#) Property designated as greenbelt or open space -- Not subject to adverse possession.
- [36.70A.170](#) Natural resource lands and critical areas -- Designations.
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- 36.70A.510 General aviation airports.
- 36.70A.520 National historic towns -- Designation.
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- 36.70A.540 Affordable housing incentive programs -- Low-income housing units.
- 36.70A.550 Aquifer conservation zones.
- 36.70A.560 Viability of agricultural lands -- Deferral requirements -- Definition.
- 36.70A.5601 Viability of agricultural lands -- Ruckelshaus Center examination, report.
- 36.70A.570 Regulation of forest practices.
- 36.70A.800 Role of growth strategies commission.
- 36.70A.900 Severability -- 1990 1st ex.s. c 17.
- 36.70A.901 Part, section headings not law -- 1990 1st ex.s. c 17.
- 36.70A.902 Section headings not law -- 1991 sp.s. c 32.

**Notes:**

Agricultural lands -- Legislative directive of growth management act: See note following RCW 7.48.305.

Building permits--Evidence of adequate water supply required: RCW 19.27.097.

Expediting completion of industrial projects of statewide significance -- Requirements of agreements: RCW 43.157.020.

Impact fees: RCW 82.02.050 through 82.02.100.

Population forecasts: RCW 43.62.035.

Regional transportation planning: Chapter 47.80 RCW.

Subdivision and short subdivision requirements: RCW 58.17.060, 58.17.110.

36.70A.010  
Legislative findings.

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

[1990 1st ex.s. c 17 § 1.]

36.70A.011  
Findings — Rural lands.

The legislature finds that this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment, while respecting regional differences. Rural lands and rural-based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life.

The legislature finds that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Further, the legislature finds that rural counties must have the flexibility to retain existing

businesses and allow them to expand. The legislature recognizes that not all business developments in rural counties require an urban level of services; and that many businesses in rural areas fit within the definition of rural character identified by the local planning unit.

Finally, the legislature finds that in defining its rural element under RCW 36.70A.070(5), a county should foster land use patterns and develop a local vision of rural character that will: Help preserve rural-based economies and traditional rural lifestyles; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; be compatible with the use of the land by wildlife and for fish and wildlife habitat; foster the private stewardship of the land and preservation of open space; and enhance the rural sense of community and quality of life.

[2002 c 212 § 1.]

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#### 36.70A.020 Planning goals.

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
- (9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

[2002 c 154 § 1; 1990 1st ex.s. c 17 § 2.]

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36.70A.030  
Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by \*RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of community, trade, and economic development.

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under \*RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.



(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Recreational land" means land so designated under \*\*RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(15) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(17) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(18) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(19) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(20) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(21) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

[2005 c 423 § 2; 1997 c 429 § 3; 1995 c 382 § 9. Prior: 1994 c 307 § 2; 1994 c 257 § 5; 1990 1st ex.s. c 17 § 3.]

**Notes:**

**Reviser's note:** \*(1) RCW 84.33.100 through 84.33.118 were repealed or decodified by 2001 c 249 §§ 15 and 16. RCW 84.33.120 was repealed by 2001 c 249 § 16 and by 2003 c 170 § 7.

\*\* (2) RCW 36.70A.1701 expired June 30, 2006.

**Intent -- 2005 c 423:** "The legislature recognizes the need for playing fields and supporting facilities for sports played on grass as well as the need to preserve agricultural land of long-term commercial significance. With thoughtful and deliberate planning, and adherence to the goals and requirements of the growth management act, both needs can be met.

The legislature acknowledges the state's interest in preserving the agricultural industry and family farms, and recognizes that the state's rich and productive lands enable agricultural production. Because of its unique qualities and limited quantities, designated agricultural land of long-term commercial significance is best suited for agricultural and farm uses, not recreational uses.

The legislature acknowledges also that certain local governments have either failed or neglected to properly plan for population growth and the sufficient number of playing fields and supporting facilities needed to accommodate this growth. The legislature recognizes that citizens responded to this lack of planning, fields, and supporting facilities by constructing nonconforming fields and facilities on agricultural lands of long-term commercial significance. It is the intent of the legislature to permit the continued existence and use of these fields and facilities in very limited circumstances if specific criteria are satisfied within a limited time frame. It is also the intent of the legislature to grant this authorization without diminishing the designation and preservation requirements of the growth management act pertaining to Washington's invaluable farmland." [2005 c 423 § 1.]

**Effective date -- 2005 c 423:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 12, 2005]." [2005 c 423 § 7.]

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW 36.70A.3201.

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

**Finding -- Intent -- 1994 c 307:** "The legislature finds that it is in the public interest to identify and provide long-term conservation of those productive natural resource lands that are critical to and can be managed economically and practically for long-term commercial production of food, fiber, and minerals. Successful achievement of the natural resource industries' goal set forth in RCW 36.70A.020 requires the conservation of a land base sufficient in size and quality to maintain and enhance those industries and the development and use of land use techniques that discourage uses incompatible to the management of designated lands. The 1994 amendment to RCW 36.70A.030(8) (section 2(8), chapter 307, Laws of 1994) is intended to clarify legislative intent regarding the designation of forest lands and is not intended to require every county that has already complied with the interim forest land designation requirement of RCW 36.70A.170 to review its actions until the adoption of its comprehensive plans and development regulations as provided in RCW 36.70A.060(3)." [1994 c 307 § 1.]

**Effective date -- 1994 c 257 § 5:** "Section 5 of this act shall take effect July 1, 1994." [1994 c 257 § 25.]

**Severability -- 1994 c 257:** See note following RCW 36.70A.270.

36.70A.035

Public participation — Notice provisions.

(1) The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations of proposed amendments to comprehensive plans and development regulation. Examples of reasonable notice provisions include:

- (a) Posting the property for site-specific proposals;

(b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and

(e) Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

(2)(a) Except as otherwise provided in (b) of this subsection, if the legislative body for a county or city chooses to consider a change to an amendment to a comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comment has passed under the county's or city's procedures, an opportunity for review and comment on the proposed change shall be provided before the local legislative body votes on the proposed change.

(b) An additional opportunity for public review and comment is not required under (a) of this subsection if:

(i) An environmental impact statement has been prepared under chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

(ii) The proposed change is within the scope of the alternatives available for public comment;

(iii) The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;

(iv) The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or

(v) The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

(3) This section is prospective in effect and does not apply to a comprehensive plan, development regulation, or amendment adopted before July 27, 1997.

[1999 c 315 § 708; 1997 c 429 § 9.]

#### Notes:

**Part headings and captions not law -- 1999 c 315:** See RCW 28A.315.901.

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW 36.70A.3201.

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

#### 36.70A.040

Who must plan — Summary of requirements — Development regulations must implement comprehensive plans.

(1) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

Once a county meets either of these sets of criteria, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter.

(3) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

(7) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000.

[2000 c 36 § 1; 1998 c 171 § 1; 1995 c 400 § 1; 1993 sp.s. c 6 § 1; 1990 1st ex.s. c 17 § 4.]

**Notes:**

**Effective date -- 1995 c 400:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 16, 1995]." [1995 c 400 § 6.]

**Effective date -- 1993 sp.s. c 6:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1993." [1993 sp.s. c 6 § 7.]

## 36.70A.045

Phasing of comprehensive plan submittal.

The department may adopt a schedule to permit phasing of comprehensive plan submittal for counties and cities planning under RCW 36.70A.040. This schedule shall not permit a comprehensive plan to be submitted greater than one hundred eighty days past the date that the plan was required to be submitted and shall be used to facilitate expeditious review and interjurisdictional coordination of comprehensive plans and development regulations.

[1991 sp.s. c 32 § 15.]

## 36.70A.050

Guidelines to classify agriculture, forest, and mineral lands and critical areas.

(1) Subject to the definitions provided in RCW 36.70A.030, the department shall adopt guidelines, under chapter 34.05 RCW, no later than September 1, 1990, to guide the classification of: (a) Agricultural lands; (b) forest lands; (c) mineral resource lands; and (d) critical areas. The department shall consult with the department of agriculture regarding guidelines for agricultural lands, the department of natural resources regarding forest lands and mineral resource lands, and the department of ecology regarding critical areas.

(2) In carrying out its duties under this section, the department shall consult with interested parties, including but not limited to: (a) Representatives of cities; (b) representatives of counties; (c) representatives of developers; (d) representatives of builders; (e) representatives of owners of agricultural lands, forest lands, and mining lands; (f) representatives of local economic development officials; (g) representatives of environmental organizations; (h) representatives of special districts; (i) representatives of the governor's office and federal and state agencies; and (j) representatives of Indian tribes. In addition to the consultation required under this subsection, the department shall conduct public hearings in the various regions of the state. The department shall consider the public input obtained at such public hearings when adopting the guidelines.

(3) The guidelines under subsection (1) of this section shall be minimum guidelines that apply to all jurisdictions, but also shall allow for regional differences that exist in Washington state. The intent of these guidelines is to assist counties and cities in designating the classification of agricultural lands, forest lands, mineral resource lands, and critical areas under RCW 36.70A.170.

(4) The guidelines established by the department under this section regarding classification of forest lands shall not be inconsistent with guidelines adopted by the department of natural resources.

[1990 1st ex.s. c 17 § 5.]

## 36.70A.060

Natural resource lands and critical areas — Development regulations.

(1)(a) Except as provided in \*RCW 36.70A.1701, each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this subsection may not prohibit uses legally existing on any parcel prior to their adoption and shall remain in effect until the county or city adopts

development regulations pursuant to RCW 36.70A.040. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

(b) Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice for mineral resource lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170. For counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

(3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

[2005 c 423 § 3; 1998 c 286 § 5; 1991 sp.s. c 32 § 21; 1990 1st ex.s. c 17 § 6.]

**Notes:**

\*Reviser's note: RCW 36.70A.1701 expired June 30, 2006.

**Intent -- Effective date -- 2005 c 423:** See notes following RCW 36.70A.030.

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36.70A.070

Comprehensive plans — Mandatory elements.

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to \*RCW 36.70A.030(14). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to \*RCW 36.70A.030(14). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;



(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the six-year improvement program developed by the department of transportation as required by **\*\*RCW 47.05.030**;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, RCW 35.58.2795 for public transportation systems, and **\*\*RCW 47.05.030** for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

[2005 c 360 § 2; (2005 c 477 § 1 expired August 31, 2005); 2004 c 196 § 1; 2003 c 152 § 1. Prior: 2002 c 212 § 2; 2002 c 154 § 2; 1998 c 171 § 2; 1997 c 429 § 7; 1996 c 239 § 1; prior: 1995 c 400 § 3; 1995 c 377 § 1; 1990 1st ex.s. c 17 § 7.]

**Notes:**

**Reviser's note:** \*(1) RCW 36.70A.030 was amended by 2005 c 423 § 2, changing subsection (14) to subsection (15).

\*\* (2) RCW 47.05.030 was amended by 2005 c 319 § 9, changing the six-year improvement program to a ten-year improvement program.

**Expiration date -- 2005 c 477 § 1:** "Section 1 of this act expires August 31, 2005." [2005 c 477 § 3.]

**Effective date -- 2005 c 477:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 13, 2005]." [2005 c 477 § 2.]

**Findings -- Intent -- 2005 c 360:** "The legislature finds that regular physical activity is essential to maintaining good health and reducing the rates of chronic disease. The legislature further finds that providing opportunities for walking, biking, horseback riding, and other regular forms of exercise is best accomplished through collaboration between the private sector and local, state, and institutional policymakers. This collaboration can build communities where people find it easy and safe to be physically active. It is the intent of the legislature to promote policy and planning efforts that increase access to inexpensive or free opportunities for regular exercise in all communities around the state." [2005 c 360 § 1.]

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW 36.70A.3201.

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

**Construction -- Application -- 1995 c 400:** "A comprehensive plan adopted or amended before May 16, 1995, shall be considered to be in compliance with RCW 36.70A.070 or 36.70A.110, as in effect before their amendment by this act, if the comprehensive plan is in compliance with RCW 36.70A.070 and 36.70A.110 as amended by this act. This section shall not be construed to alter the relationship between a county-wide planning policy and comprehensive plans as specified under RCW 36.70A.210.

As to any appeal relating to compliance with RCW 36.70A.070 or 36.70A.110 pending before a growth management hearings board on May 16, 1995, the board may take up to an additional ninety days to resolve such appeal. By mutual agreement of all parties to the appeal, this additional ninety-day period may be extended." [1995 c 400 § 4.]

**Effective date -- 1995 c 400:** See note following RCW 36.70A.040.

36.70A.080

Comprehensive plans — Optional elements.

(1) A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

- (a) Conservation;
- (b) Solar energy; and
- (c) Recreation.

(2) A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.

[1990 1st ex.s. c 17 § 8.]

36.70A.090

Comprehensive plans — Innovative techniques.

A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights.

[1990 1st ex.s. c 17 § 9.]

36.70A.100  
Comprehensive plans — Must be coordinated.

The comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW 36.70A.040 of other counties or cities with which the county or city has, in part, common borders or related regional issues.

[1990 1st ex.s. c 17 § 10.]

36.70A.103  
State agencies required to comply with comprehensive plans.

State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter except as otherwise provided in RCW 71.09.250 (1) through (3), 71.09.342, and 72.09.333.

The provisions of chapter 12, Laws of 2001 2nd sp. sess. do not affect the state's authority to site any other essential public facility under RCW 36.70A.200 in conformance with local comprehensive plans and development regulations adopted pursuant to chapter 36.70A RCW.

[2002 c 68 § 15; 2001 2nd sp.s. c 12 § 203; 1991 sp.s. c 32 § 4.]

**Notes:**

**Purpose -- Severability -- Effective date -- 2002 c 68:** See notes following RCW 36.70A.200.

**Intent -- Severability -- Effective dates -- 2001 2nd sp.s. c 12:** See notes following RCW 71.09.250.

36.70A.106  
Comprehensive plans — Development regulations — Transmittal to state — Amendments — Expedited review.

(1) Each county and city proposing adoption of a comprehensive plan or development regulations under this chapter shall notify the department of its intent to adopt such plan or regulations at least sixty days prior to final adoption. State agencies including the department may provide comments to the county or city on the proposed comprehensive plan, or proposed development regulations, during the public review process prior to adoption.

(2) Each county and city planning under this chapter shall transmit a complete and accurate copy of its comprehensive plan or development regulations to the department within ten days after final adoption.

(3)(a) Any amendments for permanent changes to a comprehensive plan or development regulation that are proposed by a county or city to its adopted plan or regulations shall be submitted to the department in the same manner as initial plans and development regulations under this section. Any amendments to a comprehensive plan or development regulations that are adopted by a county or city shall be transmitted to the department in the same manner as the initial plans and regulations under this section.

(b) Each county and city planning under this chapter may request expedited review for any amendments for permanent changes to a development regulation. Upon receiving a request for expedited review, and after consultation with other state agencies, the department may grant expedited review if the department determines that expedited review does not compromise

the state's ability to provide timely comments related to compliance with the goals and requirements of this chapter or on other matters of state interest. Cities and counties may adopt amendments for permanent changes to a development regulation immediately following the granting of the request for expedited review by the department.

[2004 c 197 § 1; 1991 sp.s. c 32 § 8.]

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#### 36.70A.108

Comprehensive plans — Transportation element — Multimodal transportation improvements and strategies.

(1) The transportation element required by RCW 36.70A.070 may include, in addition to improvements or strategies to accommodate the impacts of development authorized under RCW 36.70A.070(6)(b), multimodal transportation improvements or strategies that are made concurrent with the development. These transportation improvements or strategies may include, but are not limited to, measures implementing or evaluating:

(a) Multiple modes of transportation with peak and nonpeak hour capacity performance standards for locally owned transportation facilities; and

(b) Modal performance standards meeting the peak and nonpeak hour capacity performance standards.

(2) Nothing in this section or RCW 36.70A.070(6)(b) shall be construed as prohibiting a county or city planning under RCW 36.70A.040 from exercising existing authority to develop multimodal improvements or strategies to satisfy the concurrency requirements of this chapter.

(3) Nothing in this section is intended to affect or otherwise modify the authority of jurisdictions planning under RCW 36.70A.040.

[2005 c 328 § 1.]

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#### 36.70A.110

Comprehensive plans — Urban growth areas.

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the

location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

[2004 c 206 § 1; 2003 c 299 § 5; 1997 c 429 § 24; 1995 c 400 § 2; 1994 c 249 § 27; 1993 sp.s. c 6 § 2; 1991 sp.s. c 32 § 29; 1990 1st ex.s. c 17 § 11.]

**Notes:**

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

**Construction -- Application -- 1995 c 400:** See note following RCW 36.70A.070.

**Effective date -- 1995 c 400:** See note following RCW 36.70A.040.

**Severability -- Application -- 1994 c 249:** See notes following RCW 34.05.310.

**Effective date -- 1993 sp.s. c 6:** See note following RCW 36.70A.040.

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36.70A.115

Comprehensive plans and development regulations must provide sufficient land capacity for development.

Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.

[2003 c 333 § 1.]

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36.70A.120

Planning activities and capital budget decisions — Implementation in conformity with comprehensive plan.

Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform its activities and make capital budget decisions in conformity with its comprehensive plan.

[1993 sp.s. c 6 § 3; 1990 1st ex.s. c 17 § 12.]

**Notes:**

**Effective date -- 1993 sp.s. c 6:** See note following RCW 36.70A.040.

**36.70A.130**

Comprehensive plans — Review procedures and schedules — Amendments.

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsections (5) and (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget;

(iv) Until June 30, 2006, the designation of recreational lands under \*RCW 36.70A.1701. A county amending its comprehensive plan pursuant to this subsection (2)(a)(iv) may not do so more frequently than every eighteen months; and

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation

a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except as provided in subsections (5) and (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(c) A city that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter"

under the terms of RCW 36.70A.040(1). Only those counties and cities: (a) Complying with the schedules in this section; (b) demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas; or (c) complying with the extension provisions of subsection (5)(b) or (c) of this section may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8) Except as provided in subsection (5)(b) and (c) of this section:

(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection (4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section;

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section; and

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section, or the extension provisions of subsection (5)(b) or (c) of this section, may receive preferences for grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030.

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations is deemed to be making substantial progress towards compliance.

[2006 c 285 § 2. Prior: 2005 c 423 § 6; 2005 c 294 § 2; 2002 c 320 § 1; 1997 c 429 § 10; 1995 c 347 § 106; 1990 1st ex.s. c 17 § 13.]

**Notes:**

\*Reviser's note: RCW 36.70A.1701 expired June 30, 2006.

**Intent -- 2006 c 285:** "There is a statewide interest in maintaining coordinated planning as called for in the legislative findings of the growth management act, RCW 36.70A.010. It is the intent of the legislature that smaller, slower-growing counties and cities be provided with flexibility in meeting the requirements to review local plans and development regulations in RCW 36.70A.130, while ensuring coordination and consistency with the plans of neighboring cities and counties." [2006 c 285 § 1.]

**Intent -- Effective date -- 2005 c 423:** See notes following RCW 36.70A.030.

**Intent -- 2005 c 294:** "The legislature recognizes the importance of appropriate and meaningful land use measures and that such measures are critical to preserving and fostering the quality of life enjoyed by Washingtonians. The legislature recognizes also that the growth management act requires counties and cities to review and, if needed, revise their comprehensive plans and development regulations on a cyclical basis. These requirements, which often require significant compliance efforts by local governments are, in part, an acknowledgment of the continual changes that occur within the state, and the need to ensure that land use measures reflect the collective wishes of its citizenry.

The legislature acknowledges that only those jurisdictions in compliance with the review and revision schedules of the growth management act are eligible to receive funds from the public works assistance and water quality accounts in the state treasury. The legislature further recognizes that some jurisdictions that are not yet in compliance with these review and revision schedules have demonstrated substantial progress towards compliance.

The legislature, therefore, intends to grant jurisdictions that are not in compliance with requirements for development



regulations that protect critical areas, but are demonstrating substantial progress towards compliance with these requirements, twelve months of additional eligibility to receive grants, loans, pledges, or financial guarantees from the public works assistance and water quality accounts in the state treasury. The legislature intends to specify, however, that only counties and cities in compliance with the review and revision schedules of the growth management act may receive preference for financial assistance from these accounts." [2005 c 294 § 1.]

**Effective date -- 2005 c 294:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 5, 2005]." [2005 c 294 § 3.]

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW [36.70A.3201](#).

**Severability -- 1997 c 429:** See note following RCW [36.70A.3201](#).

**Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347:** See notes following RCW [36.70A.470](#).

RCW [36.70A.130\(2\)](#) does not apply to master planned locations in industrial land banks: RCW [36.70A.367\(2\)\(c\)](#).

36.70A.131

Mineral resource lands — Review of related designations and development regulations.

As part of the review required by RCW [36.70A.130\(1\)](#), a county or city shall review its mineral resource lands designations adopted pursuant to RCW [36.70A.170](#) and mineral resource lands development regulations adopted pursuant to RCW [36.70A.040](#) and [36.70A.060](#). In its review, the county or city shall take into consideration:

(1) New information made available since the adoption or last review of its designations or development regulations, including data available from the department of natural resources relating to mineral resource deposits; and

(2) New or modified model development regulations for mineral resource lands prepared by the department of natural resources, the department of community, trade, and economic development, or the Washington state association of counties.

[1998 c 286 § 7.]

36.70A.140

Comprehensive plans — Ensure public participation.

Each county and city that is required or chooses to plan under RCW [36.70A.040](#) shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW [36.70A.300](#) declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed.

[1995 c 347 § 107; 1990 1st ex.s. c 17 § 14.]

Notes:

**Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347:** See notes following RCW [36.70A.470](#).

**36.70A.150**

Identification of lands useful for public purposes.

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

[1991 c 322 § 23; 1990 1st ex.s. c 17 § 15.]

**Notes:**

**Findings – Intent -- 1991 c 322:** See notes following RCW 86.12.200.

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**36.70A.160**

Identification of open space corridors — Purchase authorized.

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030. Identification of a corridor under this section by a county or city shall not restrict the use or management of lands within the corridor for agricultural or forest purposes. Restrictions on the use or management of such lands for agricultural or forest purposes imposed after identification solely to maintain or enhance the value of such lands as a corridor may occur only if the county or city acquires sufficient interest to prevent development of the lands or to control the resource development of the lands. The requirement for acquisition of sufficient interest does not include those corridors regulated by the interstate commerce commission, under provisions of 16 U.S.C. Sec. 1247(d), 16 U.S.C. Sec. 1248, or 43 U.S.C. Sec. 912. Nothing in this section shall be interpreted to alter the authority of the state, or a county or city, to regulate land use activities.

The city or county may acquire by donation or purchase the fee simple or lesser interests in these open space corridors using funds authorized by RCW 84.34.230 or other sources.

[1992 c 227 § 1; 1990 1st ex.s. c 17 § 16.]

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**36.70A.165**

Property designated as greenbelt or open space — Not subject to adverse possession.

The legislature recognizes that the preservation of urban greenbelts is an integral part of comprehensive growth management in Washington. The legislature further recognizes that certain greenbelts are subject to adverse possession action which, if carried out, threaten the comprehensive nature of this chapter. Therefore, a party shall not acquire by adverse possession property that is designated as a plat greenbelt or open space area or that is dedicated as open space to a public agency or to a bona fide homeowner's association.

[1997 c 429 § 41.]

**Notes:**

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

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**36.70A.170**

Natural resource lands and critical areas — Designations.

(1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

(a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;

(b) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;

(c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and

(d) Critical areas.

(2) In making the designations required by this section, counties and cities shall consider the guidelines established pursuant to RCW 36.70A.050.

[1990 1st ex.s. c 17 § 17.]

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#### 36.70A.171

Playing fields — Compliance with this chapter.

In accordance with RCW 36.70A.030, 36.70A.060, \*36.70A.1701, and 36.70A.130, playing fields and supporting facilities existing before July 1, 2004, on designated recreational lands shall be considered in compliance with the requirements of this chapter.

[2005 c 423 § 5.]

**Notes:**

\*Reviser's note: RCW 36.70A.1701 expired June 30, 2006.

Intent -- Effective date -- 2005 c 423: See notes following RCW 36.70A.030.

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#### 36.70A.172

Critical areas — Designation and protection — Best available science to be used.

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, a growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas.

[1995 c 347 § 105.]

**Notes:**

Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347: See notes following RCW 36.70A.470.

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#### 36.70A.175

Wetlands to be delineated in accordance with manual.

Wetlands regulated under development regulations adopted pursuant to this chapter shall be delineated in accordance with the manual adopted by the department pursuant to RCW 90.58.380.

[1995 c 382 § 12.]

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### 36.70A.177

Agricultural lands — Innovative zoning techniques — Accessory uses.

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

(a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;

(b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;

(c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;

(d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and

(e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

(3) Accessory uses allowed under subsection (2)(a) of this section shall comply with the following:

(a) Accessory uses shall be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties, and shall comply with the requirements of this chapter;

(b) Accessory uses may include:

(i) Agricultural accessory uses and activities, including but not limited to the storage, distribution, and marketing of regional agricultural products from one or more producers, agriculturally related experiences, or the production, marketing, and distribution of value-added agricultural products, including support services that facilitate these activities; and

(ii) Nonagricultural accessory uses and activities as long as they are consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site. Nonagricultural accessory uses and activities, including new buildings, parking, or supportive uses, shall not be located outside the general area already developed for buildings and residential uses and shall not otherwise convert more than one acre of agricultural land to nonagricultural uses; and

(c) Counties and cities have the authority to limit or exclude accessory uses otherwise authorized in this subsection (3) in areas designated as agricultural lands of long-term commercial significance.

(4) This section shall not be interpreted to limit agricultural production on designated agricultural lands.

[2006 c 147 § 1; 2004 c 207 § 1; 1997 c 429 § 23.]

#### Notes:

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

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**36.70A.180**

Report on planning progress.

(1) It is the intent of the legislature that counties and cities required to adopt a comprehensive plan under RCW 36.70A.040(1) begin implementing this chapter on or before July 1, 1990, including but not limited to: (a) Inventorying, designating, and conserving agricultural, forest, and mineral resource lands, and critical areas; and (b) considering the modification or adoption of comprehensive land use plans and development regulations implementing the comprehensive land use plans. It is also the intent of the legislature that funds be made available to counties and cities beginning July 1, 1990, to assist them in meeting the requirements of this chapter.

(2) Each county and city that adopts a plan under RCW 36.70A.040 (1) or (2) shall report to the department annually for a period of five years, beginning on January 1, 1991, and each five years thereafter, on the progress made by that county or city in implementing this chapter.

[1990 1st ex.s. c 17 § 19.]

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**36.70A.190**

Technical assistance, procedural criteria, grants, and mediation services.

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

[1991 sp.s. c 32 § 3; 1990 1st ex.s. c 17 § 20.]

## 36.70A.200

## Siting of essential public facilities — Limitation on liability.

(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17.020, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(2); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

[2002 c 68 § 2; 2001 2nd sp.s. c 12 § 205; 1998 c 171 § 3; 1991 sp.s. c 32 § 1.]

**Notes:**

**Purpose -- 2002 c 68:** "The purpose of this act is to:

(1) Enable the legislature to act upon the recommendations of the joint select committee on the equitable distribution of secure community transition facilities established in section 225, chapter 12, Laws of 2001 2nd sp. sess.; and

(2) Harmonize the preemption provisions in RCW 71.09.250 with the preemption provisions applying to future secure community transition facilities to reflect the joint select committee's recommendation that the preemption granted for future secure community transition facilities be the same throughout the state." [2002 c 68 § 1.]

**Severability -- 2002 c 68:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2002 c 68 § 19.]

**Effective date -- 2002 c 68:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 21, 2002]." [2002 c 68 § 20.]

**Intent -- Severability -- Effective dates -- 2001 2nd sp.s. c 12:** See notes following RCW 71.09.250.

## 36.70A.210

## County-wide planning policies.

(1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from July 16, 1991, the legislative authority of each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040 shall convene a meeting with representatives of each city located within the county for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy. In other counties that are required or choose to plan under RCW 36.70A.040, this meeting shall be convened no later than sixty days after the date the county adopts its resolution of intention or was certified by the office of financial management.

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith.

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under RCW 36.70A.340.

(d) If there is no agreement by October 1, 1991, in a county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or if there is no agreement within one hundred twenty days of the date the county adopted its resolution of intention or was certified by the office of financial management in any other county that is required or chooses to plan under RCW 36.70A.040, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community, trade, and economic development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under RCW 36.70A.340 on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction.

(e) No later than July 1, 1992, the legislative authority of each county that was required or chose to plan under RCW 36.70A.040 as of June 1, 1991, or no later than fourteen months after the date the county adopted its resolution of intention or was certified by the office of financial management the county legislative authority of any other county that is required or chooses to plan under RCW 36.70A.040, shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a county-wide or statewide nature, including transportation facilities of statewide significance as defined in RCW 47.06.140;

(d) Policies for county-wide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for county-wide economic development and employment; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in RCW 36.70A.340. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth management hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

[1998 c 171 § 4; 1994 c 249 § 28; 1993 sp.s. c 6 § 4; 1991 sp.s. c 32 § 2.]

**Notes:**

**Severability -- Application -- 1994 c 249:** See notes following RCW 34.05.310.

**Effective date -- 1993 sp.s. c 6:** See note following RCW 36.70A.040.

**36.70A.215**

**Review and evaluation program.**

(1) Subject to the limitations in subsection (7) of this section, a county shall adopt, in consultation with its cities, county-wide planning policies to establish a review and evaluation program. This program shall be in addition to the requirements of RCW 36.70A.110, 36.70A.130, and 36.70A.210. In developing and implementing the review and evaluation program required by this section, the county and its cities shall consider information from other appropriate jurisdictions and sources. The purpose of the review and evaluation program shall be to:

(a) Determine whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the county-wide planning policies and the county and city comprehensive plans with actual growth and development that has occurred in the county and its cities; and

(b) Identify reasonable measures, other than adjusting urban growth areas, that will be taken to comply with the requirements of this chapter.

(2) The review and evaluation program shall:

(a) Encompass land uses and activities both within and outside of urban growth areas and provide for annual collection of data on urban and rural land uses, development, critical areas, and capital facilities to the extent necessary to determine the quantity and type of land suitable for development, both for residential and employment-based activities;

(b) Provide for evaluation of the data collected under (a) of this subsection every five years as provided in subsection (3) of this section. The first evaluation shall be completed not later than September 1, 2002. The county and its cities may establish in the county-wide planning policies indicators, benchmarks, and other similar criteria to use in conducting the evaluation;

(c) Provide for methods to resolve disputes among jurisdictions relating to the county-wide planning policies required by this section and procedures to resolve inconsistencies in collection and analysis of data; and

(d) Provide for the amendment of the county-wide policies and county and city comprehensive plans as needed to remedy an inconsistency identified through the evaluation required by this section, or to bring these policies into compliance with the



requirements of this chapter.

(3) At a minimum, the evaluation component of the program required by subsection (1) of this section shall:

(a) Determine whether there is sufficient suitable land to accommodate the county-wide population projection established for the county pursuant to RCW 43.62.035 and the subsequent population allocations within the county and between the county and its cities and the requirements of RCW 36.70A.110;

(b) Determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area since the adoption of a comprehensive plan under this chapter or since the last periodic evaluation as required by subsection (1) of this section; and

(c) Based on the actual density of development as determined under (b) of this subsection, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the twenty-year planning period used in the most recently adopted comprehensive plan.

(4) If the evaluation required by subsection (3) of this section demonstrates an inconsistency between what has occurred since the adoption of the county-wide planning policies and the county and city comprehensive plans and development regulations and what was envisioned in those policies and plans and the planning goals and the requirements of this chapter, as the inconsistency relates to the evaluation factors specified in subsection (3) of this section, the county and its cities shall adopt and implement measures that are reasonably likely to increase consistency during the subsequent five-year period. If necessary, a county, in consultation with its cities as required by RCW 36.70A.210, shall adopt amendments to county-wide planning policies to increase consistency. The county and its cities shall annually monitor the measures adopted under this subsection to determine their effect and may revise or rescind them as appropriate.

(5)(a) Not later than July 1, 1998, the department shall prepare a list of methods used by counties and cities in carrying out the types of activities required by this section. The department shall provide this information and appropriate technical assistance to counties and cities required to or choosing to comply with the provisions of this section.

(b) By December 31, 2007, the department shall submit to the appropriate committees of the legislature a report analyzing the effectiveness of the activities described in this section in achieving the goals envisioned by the county-wide planning policies and the comprehensive plans and development regulations of the counties and cities.

(6) From funds appropriated by the legislature for this purpose, the department shall provide grants to counties, cities, and regional planning organizations required under subsection (7) of this section to conduct the review and perform the evaluation required by this section.

(7) The provisions of this section shall apply to counties, and the cities within those counties, that were greater than one hundred fifty thousand in population in 1995 as determined by office of financial management population estimates and that are located west of the crest of the Cascade mountain range. Any other county planning under RCW 36.70A.040 may carry out the review, evaluation, and amendment programs and procedures as provided in this section.

[1997 c 429 § 25.]

**Notes:**

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

**36.70A.250**

Growth management hearings boards.

(1) There are hereby created three growth management hearings boards for the state of Washington. The boards shall be established as follows:

(a) An Eastern Washington board with jurisdictional boundaries including all counties that are required to or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains;

(b) A Central Puget Sound board with jurisdictional boundaries including King, Pierce, Snohomish, and Kitsap counties; and

(c) A Western Washington board with jurisdictional boundaries including all counties that are required or choose to plan under RCW 36.70A.040 and are located west of the crest of the Cascade mountains and are not included in the Central Puget Sound board jurisdictional boundaries. Skamania county, should it be required or choose to plan under RCW 36.70A.040, may elect to be included within the jurisdictional boundaries of either the Western or Eastern board.

(2) Each board shall only hear matters pertaining to the cities and counties located within its jurisdictional boundaries.

[1994 c 249 § 29; 1991 sp.s. c 32 § 5.]

**Notes:**

**Severability -- Application -- 1994 c 249:** See notes following RCW 34.05.310.

**36.70A.260**

Growth management hearings boards — Qualifications.

(1) Each growth management hearings board shall consist of three members qualified by experience or training in matters pertaining to land use planning and residing within the jurisdictional boundaries of the applicable board. At least one member of each board must be admitted to practice law in this state and at least one member must have been a city or county elected official. Each board shall be appointed by the governor and not more than two members at the time of appointment or during their term shall be members of the same political party. No more than two members at the time of appointment or during their term shall reside in the same county.

(2) Each member of a board shall be appointed for a term of six years. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. The terms of the first three members of a board shall be staggered so that one member is appointed to serve until July 1, 1994, one member until July 1, 1996, and one member until July 1, 1998.

[1994 c 249 § 30; 1991 sp.s. c 32 § 6.]

**Notes:**

**Severability -- Application -- 1994 c 249:** See notes following RCW 34.05.310.

**36.70A.270**

Growth management hearings boards — Conduct, procedure, and compensation.

Each growth management hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Removal of any member of a board by the tribunal shall disqualify such member for reappointment.

(2) Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. If it is determined that the review boards shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined that a review board shall operate on a part-time basis, each member shall receive compensation pursuant to RCW 43.03.250, provided such amount shall not exceed the amount that would be set if they were a full-time board member. The principal office of each board shall be located by the governor within the jurisdictional boundaries of each board. The boards shall operate on either a part-time or full-time basis, as determined by the governor.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of each board shall constitute a quorum for making orders or decisions, adopting rules necessary for the

conduct of its powers and duties, or transacting other official business, and may act even though one position of the board is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

(5) The board may appoint one or more hearing examiners to assist the board in its hearing function, to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The boards shall specify in their joint rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners selected by a board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition.

(6) Each board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

(7) All proceedings before the board, any of its members, or a hearing examiner appointed by the board shall be conducted in accordance with such administrative rules of practice and procedure as the boards jointly prescribe. All three boards shall jointly meet to develop and adopt joint rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals. The boards shall publish such rules and decisions they render and arrange for the reasonable distribution of the rules and decisions. Except as it conflicts with specific provisions of this chapter, the administrative procedure act, chapter 34.05 RCW, and specifically including the provisions of RCW 34.05.455 governing ex parte communications, shall govern the practice and procedure of the boards.

(8) A board member or hearing examiner is subject to disqualification under chapter 34.05 RCW. The joint rules of practice of the boards shall establish procedures by which a party to a hearing conducted before the board may file with the board a motion to disqualify, with supporting affidavit, against a board member or hearing examiner assigned to preside at the hearing.

(9) The members of the boards shall meet jointly on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

[1997 c 429 § 11; 1996 c 325 § 1; 1994 c 257 § 1; 1991 sp.s. c 32 § 7.]

**Notes:**

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW 36.70A.3201.

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

**Severability -- 1996 c 325:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 325 § 6.]

**Effective date -- 1996 c 325:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1996]." [1996 c 325 § 7.]

**Severability -- 1994 c 257:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 c 257 § 26.]

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36.70A.280

Matters subject to board review.

(1) A growth management hearings board shall hear and determine only those petitions alleging either:

(a) That a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

[2003 c 332 § 2; 1996 c 325 § 2; 1995 c 347 § 108; 1994 c 249 § 31; 1991 sp.s. c 32 § 9.]

**Notes:**

**Intent -- 2003 c 332:** "This act is intended to codify the Washington State Court of Appeals holding in *Wells v. Western Washington Growth Management Hearings Board*, 100 Wn. App. 657 (2000), by mandating that to establish participation standing under the growth management act, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the growth management hearings board." [2003 c 332 § 1.]

**Severability -- Effective date -- 1996 c 325:** See notes following RCW [36.70A.270](#).

**Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347:** See notes following RCW [36.70A.470](#).

**Severability -- Application -- 1994 c 249:** See notes following RCW 34.05.310.

**36.70A.290**

Petitions to growth management hearings boards — Evidence.

(1) All requests for review to a growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board. The board shall render written decisions articulating the basis for its holdings. The board shall not issue advisory opinions on issues not presented to the board in the statement of issues, as modified by any prehearing order.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, or the parties have filed an agreement to have the case heard in superior court as provided in RCW 36.70A.295, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

[1997 c 429 § 12; 1995 c 347 § 109. Prior: 1994 c 257 § 2; 1994 c 249 § 26; 1991 sp.s. c 32 § 10.]

**Notes:**

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW 36.70A.3201.

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

**Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347:** See notes following RCW 36.70A.470.

**Severability -- 1994 c 257:** See note following RCW 36.70A.270.

**Severability -- Application -- 1994 c 249:** See notes following RCW 34.05.310.

**36.70A.295**

**Direct judicial review.**

(1) The superior court may directly review a petition for review filed under RCW 36.70A.290 if all parties to the proceeding before the board have agreed to direct review in the superior court. The agreement of the parties shall be in writing and signed by all of the parties to the proceeding or their designated representatives. The agreement shall include the parties' agreement to proper venue as provided in RCW 36.70A.300(5). The parties shall file their agreement with the board within ten days after the date the petition is filed, or if multiple petitions have been filed and the board has consolidated the petitions pursuant to RCW 36.70A.300, within ten days after the board serves its order of consolidation.

(2) Within ten days of receiving the timely and complete agreement of the parties, the board shall file a certificate of agreement with the designated superior court and shall serve the parties with copies of the certificate. The superior court shall obtain exclusive jurisdiction over a petition when it receives the certificate of agreement. With the certificate of agreement the board shall also file the petition for review, any orders entered by the board, all other documents in the board's files regarding the action, and the written agreement of the parties.

(3) For purposes of a petition that is subject to direct review, the superior court's subject matter jurisdiction shall be equivalent to that of the board. Consistent with the requirements of the superior court civil rules, the superior court may consolidate a petition subject to direct review under this section with a separate action filed in the superior court.

(4)(a) Except as otherwise provided in (b) and (c) of this subsection, the provisions of RCW 36.70A.280 through 36.70A.330, which specify the nature and extent of board review, shall apply to the superior court's review.

(b) The superior court:

(i) Shall not have jurisdiction to directly review or modify an office of financial management population projection;

(ii) Except as otherwise provided in RCW 36.70A.300(2)(b), shall render its decision on the petition within one hundred eighty days of receiving the certification of agreement; and

(iii) Shall give a compliance hearing under RCW 36.70A.330(2) the highest priority of all civil matters before the court.

(c) An aggrieved party may secure appellate review of a final judgment of the superior court under this section by the supreme court or the court of appeals. The review shall be secured in the manner provided by law for review of superior court decisions in other civil cases.

(5) If, following a compliance hearing, the court finds that the state agency, county, or city is not in compliance with the court's prior order, the court may use its remedial and contempt powers to enforce compliance.

(6) The superior court shall transmit a copy of its decision and order on direct review to the board, the department, and the governor. If the court has determined that a county or city is not in compliance with the provisions of this chapter, the governor may impose sanctions against the county or city in the same manner as if a board had recommended the imposition of sanctions as provided in RCW 36.70A.330.

(7) After the court has assumed jurisdiction over a petition for review under this section, the superior court civil rules shall govern a request for intervention and all other procedural matters not specifically provided for in this section.

[1997 c 429 § 13.]

**Notes:**

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW 36.70A.3201.

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

**36.70A.300**  
Final orders.

(1) The board shall issue a final order that shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW.

(2)(a) Except as provided in (b) of this subsection, the final order shall be issued within one hundred eighty days of receipt of the petition for review, or, if multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated.

(b) The board may extend the period of time for issuing a decision to enable the parties to settle the dispute if additional time is necessary to achieve a settlement, and (i) an extension is requested by all parties, or (ii) an extension is requested by the petitioner and respondent and the board determines that a negotiated settlement between the remaining parties could resolve significant issues in dispute. The request must be filed with the board not later than seven days before the date scheduled for the hearing on the merits of the petition. The board may authorize one or more extensions for up to ninety days each, subject to the requirements of this section.

(3) In the final order, the board shall either:

(a) Find that the state agency, county, or city is in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW; or

(b) Find that the state agency, county, or city is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to adoption of plans, development regulations, and amendments thereto, under RCW 36.70A.040 or chapter 90.58 RCW, in which case the

board shall remand the matter to the affected state agency, county, or city. The board shall specify a reasonable time not in excess of one hundred eighty days, or such longer period as determined by the board in cases of unusual scope or complexity, within which the state agency, county, or city shall comply with the requirements of this chapter. The board may require periodic reports to the board on the progress the jurisdiction is making towards compliance.

(4) Unless the board makes a determination of invalidity as provided in RCW 36.70A.302, a finding of noncompliance and an order of remand shall not affect the validity of comprehensive plans and development regulations during the period of remand.

(5) Any party aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of the final order of the board.

[1997 c 429 § 14; 1995 c 347 § 110; 1991 sp.s. c 32 § 11.]

**Notes:**

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW 36.70A.3201.

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

**Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347:** See notes following RCW 36.70A.470.

**36.70A.302**

Determination of invalidity — Vesting of development permits — Interim controls.

(1) A board may determine that part or all of a comprehensive plan or development regulations are invalid if the board:

(a) Makes a finding of noncompliance and issues an order of remand under RCW 36.70A.300;

(b) Includes in the final order a determination, supported by findings of fact and conclusions of law, that the continued validity of part or parts of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(c) Specifies in the final order the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(2) A determination of invalidity is prospective in effect and does not extinguish rights that vested under state or local law before receipt of the board's order by the city or county. The determination of invalidity does not apply to a completed development permit application for a project that vested under state or local law before receipt of the board's order by the county or city or to related construction permits for that project.

(3)(a) Except as otherwise provided in subsection (2) of this section and (b) of this subsection, a development permit application not vested under state or local law before receipt of the board's order by the county or city vests to the local ordinance or resolution that is determined by the board not to substantially interfere with the fulfillment of the goals of this chapter.

(b) Even though the application is not vested under state or local law before receipt by the county or city of the board's order, a determination of invalidity does not apply to a development permit application for:

(i) A permit for construction by any owner, lessee, or contract purchaser of a single-family residence for his or her own use or for the use of his or her family on a lot existing before receipt by the county or city of the board's order, except as otherwise specifically provided in the board's order to protect the public health and safety;

(ii) A building permit and related construction permits for remodeling, tenant improvements, or expansion of an existing structure on a lot existing before receipt of the board's order by the county or city; and

(iii) A boundary line adjustment or a division of land that does not increase the number of buildable lots existing before receipt of the board's order by the county or city.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall

determine under subsection (1) of this section whether the prior policies or regulations are valid during the period of remand.

(5) A county or city subject to a determination of invalidity may adopt interim controls and other measures to be in effect until it adopts a comprehensive plan and development regulations that comply with the requirements of this chapter. A development permit application may vest under an interim control or measure upon determination by the board that the interim controls and other measures do not substantially interfere with the fulfillment of the goals of this chapter.

(6) A county or city subject to a determination of invalidity may file a motion requesting that the board clarify, modify, or rescind the order. The board shall expeditiously schedule a hearing on the motion. At the hearing on the motion, the parties may present information to the board to clarify the part or parts of the comprehensive plan or development regulations to which the final order applies. The board shall issue any supplemental order based on the information provided at the hearing not later than thirty days after the date of the hearing.

(7)(a) If a determination of invalidity has been made and the county or city has enacted an ordinance or resolution amending the invalidated part or parts of the plan or regulation or establishing interim controls on development affected by the order of invalidity, after a compliance hearing, the board shall modify or rescind the determination of invalidity if it determines under the standard in subsection (1) of this section that the plan or regulation, as amended or made subject to such interim controls, will no longer substantially interfere with the fulfillment of the goals of this chapter.

(b) If the board determines that part or parts of the plan or regulation are no longer invalid as provided in this subsection, but does not find that the plan or regulation is in compliance with all of the requirements of this chapter, the board, in its order, may require periodic reports to the board on the progress the jurisdiction is making towards compliance.

[1997 c 429 § 16.]

**Notes:**

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW [36.70A.3201](#).

**Severability -- 1997 c 429:** See note following RCW [36.70A.3201](#).

**36.70A.305**

Expedited review.

The court shall provide expedited review of a determination of invalidity or an order effectuating a determination of invalidity made or issued under \*RCW [36.70A.300](#). The matter must be set for hearing within sixty days of the date set for submitting the board's record, absent a showing of good cause for a different date or a stipulation of the parties.

[1996 c 325 § 4.]

**Notes:**

\***Reviser's note:** The reference to RCW [36.70A.300](#) appears to refer to the amendments made by 1996 c 325 § 3, which was vetoed by the governor.

**Severability -- Effective date -- 1996 c 325:** See notes following RCW [36.70A.270](#).

**36.70A.310**

Limitations on appeal by the state.

A request for review by the state to a growth management hearings board may be made only by the governor, or with the governor's consent the head of an agency, or by the commissioner of public lands as relating to state trust lands, for the review of whether: (1) A county or city that is required or chooses to plan under RCW [36.70A.040](#) has failed to adopt a comprehensive plan or development regulations, or county-wide planning policies within the time limits established by this chapter; or (2) a county or city that is required or chooses to plan under this chapter has adopted a comprehensive plan, development regulations, or county-wide planning policies, that are not in compliance with the requirements of this chapter.

[1994 c 249 § 32; 1991 sp.s. c 32 § 12.]



**Notes:**

**Severability -- Application -- 1994 c 249:** See notes following RCW 34.05.310.

## 36.70A.320

Presumption of validity — Burden of proof — Plans and regulations.

(1) Except as provided in subsection (5) of this section, comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

(4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of this chapter under the standard in RCW 36.70A.302(1).

(5) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

[1997 c 429 § 20; 1995 c 347 § 111; 1991 sp.s. c 32 § 13.]

**Notes:**

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW 36.70A.3201.

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

**Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347:** See notes following RCW 36.70A.470.

## 36.70A.3201

Intent — Finding — 1997 c 429 § 20(3).

In amending RCW 36.70A.320(3) by section 20(3), chapter 429, Laws of 1997, the legislature intends that the boards apply a more deferential standard of review to actions of counties and cities than the preponderance of the evidence standard provided for under existing law. In recognition of the broad range of discretion that may be exercised by counties and cities consistent with the requirements of this chapter, the legislature intends for the boards to grant deference to counties and cities in how they plan for growth, consistent with the requirements and goals of this chapter. Local comprehensive plans and development regulations require counties and cities to balance priorities and options for action in full consideration of local circumstances. The legislature finds that while this chapter requires local planning to take place within a framework of state goals and requirements, the ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and implementing a county's or city's future rests with that community.

[1997 c 429 § 2.]

**Notes:**

**Prospective application -- 1997 c 429 §§ 1-21:** "Except as otherwise specifically provided in RCW 36.70A.335, sections 1 through 21, chapter 429, Laws of 1997 are prospective in effect and shall not affect the validity of actions taken or decisions made before July 27, 1997." [1997 c 429 § 53.]

**Severability -- 1997 c 429:** "If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 429 § 54.]

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**36.70A.330**  
Noncompliance.

(1) After the time set for complying with the requirements of this chapter under RCW 36.70A.300(3)(b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW 36.70A.300, the board shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter and with any compliance schedule established by the board in its final order. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, county, or city. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board. The board shall issue any order necessary to make adjustments to the compliance schedule and set additional hearings as provided in subsection (5) of this section.

(3) If the board after a compliance hearing finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed. The board shall take into consideration the county's or city's efforts to meet its compliance schedule in making the decision to recommend sanctions to the governor.

(4) In a compliance hearing upon petition of a party, the board shall also reconsider its final order and decide, if no determination of invalidity has been made, whether one now should be made under RCW 36.70A.302.

(5) The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

[1997 c 429 § 21; 1995 c 347 § 112; 1991 sp.s. c 32 § 14.]

**Notes:**

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW 36.70A.3201.

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

**Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347:** See notes following RCW 36.70A.470.

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**36.70A.335**  
Order of invalidity issued before July 27, 1997.

A county or city subject to an order of invalidity issued before July 27, 1997, by motion may request the board to review the order of invalidity in light of the section 14, chapter 429, Laws of 1997 amendments to RCW 36.70A.300, the section 21, chapter 429, Laws of 1997 amendments to RCW 36.70A.330, and RCW 36.70A.302. If a request is made, the board shall rescind or modify the order of invalidity as necessary to make it consistent with the section 14, chapter 429, Laws of 1997 amendments to RCW 36.70A.300, and to the section 21, chapter 429, Laws of 1997 amendments to RCW 36.70A.330, and RCW 36.70A.302.

[1997 c 429 § 22.]

**Notes:**

**Prospective application -- 1997 c 429 §§ 1-21:** See note following RCW 36.70A.3201.

**Severability -- 1997 c 429:** See note following RCW 36.70A.3201.

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**36.70A.340**

### Noncompliance and sanctions.

Upon receipt from the board of a finding that a state agency, county, or city is in noncompliance under RCW 36.70A.330, or as a result of failure to meet the requirements of RCW 36.70A.210, the governor may either:

(1) Notify and direct the director of the office of financial management to revise allotments in appropriation levels;

(2) Notify and direct the state treasurer to withhold the portion of revenues to which the county or city is entitled under one or more of the following: The motor vehicle fuel tax, as provided in chapter 82.36 RCW; the transportation improvement account, as provided in RCW 47.26.084; the urban arterial trust account, as provided in RCW 47.26.080; the rural arterial trust account, as provided in RCW 36.79.150; the sales and use tax, as provided in chapter 82.14 RCW; the liquor profit tax, as provided in RCW 66.08.190; and the liquor excise tax, as provided in RCW 82.08.170; or

(3) File a notice of noncompliance with the secretary of state and the county or city, which shall temporarily rescind the county or city's authority to collect the real estate excise tax under RCW 82.46.030 until the governor files a notice rescinding the notice of noncompliance.

[1991 sp.s. c 32 § 26.]

### 36.70A.345 Sanctions.

The governor may impose a sanction or sanctions specified under RCW 36.70A.340 on: (1) A county or city that fails to designate critical areas, agricultural lands, forest lands, or mineral resource lands under RCW 36.70A.170 by the date such action was required to have been taken; (2) a county or city that fails to adopt development regulations under RCW 36.70A.060 protecting critical areas or conserving agricultural lands, forest lands, or mineral resource lands by the date such action was required to have been taken; (3) a county that fails to designate urban growth areas under RCW 36.70A.110 by the date such action was required to have been taken; and (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

Imposition of a sanction or sanctions under this section shall be preceded by written findings by the governor, that either the county or city is not proceeding in good faith to meet the requirements of the act; or that the county or city has unreasonably delayed taking the required action. The governor shall consult with and communicate his or her findings to the appropriate growth management hearings board prior to imposing the sanction or sanctions. For those counties or cities that are not required to plan or have not opted in, the governor in imposing sanctions shall consider the size of the jurisdiction relative to the requirements of this chapter and the degree of technical and financial assistance provided.

[1994 c 249 § 33; 1993 sp.s. c 6 § 5.]

#### Notes:

**Severability -- Application -- 1994 c 249:** See notes following RCW 34.05.310.

**Effective date -- 1993 sp.s. c 6:** See note following RCW 36.70A.040.

### 36.70A.350 New fully contained communities.

A county required or choosing to plan under RCW 36.70A.040 may establish a process as part of its urban growth areas, that are designated under RCW 36.70A.110, for reviewing proposals to authorize new fully contained communities located outside of the initially designated urban growth areas.

(1) A new fully contained community may be approved in a county planning under this chapter if criteria including but not limited to the following are met:

(a) New infrastructure is provided for and impact fees are established consistent with the requirements of RCW 82.02.050;

- (b) Transit-oriented site planning and traffic demand management programs are implemented;
- (c) Buffers are provided between the new fully contained communities and adjacent urban development;
- (d) A mix of uses is provided to offer jobs, housing, and services to the residents of the new community;
- (e) Affordable housing is provided within the new community for a broad range of income levels;
- (f) Environmental protection has been addressed and provided for;
- (g) Development regulations are established to ensure urban growth will not occur in adjacent nonurban areas;
- (h) Provision is made to mitigate impacts on designated agricultural lands, forest lands, and mineral resource lands;
- (i) The plan for the new fully contained community is consistent with the development regulations established for the protection of critical areas by the county pursuant to RCW 36.70A.170.

(2) New fully contained communities may be approved outside established urban growth areas only if a county reserves a portion of the twenty-year population projection and offsets the urban growth area accordingly for allocation to new fully contained communities that meet the requirements of this chapter. Any county electing to establish a new community reserve shall do so no more often than once every five years as a part of the designation or review of urban growth areas required by this chapter. The new community reserve shall be allocated on a project-by-project basis, only after specific project approval procedures have been adopted pursuant to this chapter as a development regulation. When a new community reserve is established, urban growth areas designated pursuant to this chapter shall accommodate the unreserved portion of the twenty-year population projection.

Final approval of an application for a new fully contained community shall be considered an adopted amendment to the comprehensive plan prepared pursuant to RCW 36.70A.070 designating the new fully contained community as an urban growth area.

[1991 sp.s. c 32 § 16.]

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#### 36.70A.360

##### Master planned resorts.

(1) Counties that are required or choose to plan under RCW 36.70A.040 may permit master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. A master planned resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

(2) Capital facilities, utilities, and services, including those related to sewer, water, storm water, security, fire suppression, and emergency medical, provided on-site shall be limited to meeting the needs of the master planned resort. Such facilities, utilities, and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts, provided that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort. A master planned resort and service providers may enter into agreements for shared capital facilities and utilities, provided that such facilities and utilities serve only the master planned resort or urban growth areas.

Nothing in this subsection may be construed as: Establishing an order of priority for processing applications for water right permits, for granting such permits, or for issuing certificates of water right; altering or authorizing in any manner the alteration of the place of use for a water right; or affecting or impairing in any manner whatsoever an existing water right.

All waters or the use of waters shall be regulated and controlled as provided in chapters 90.03 and 90.44 RCW and not otherwise.

(3) A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

(4) A master planned resort may be authorized by a county only if:

(a) The comprehensive plan specifically identifies policies to guide the development of master planned resorts;

(b) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the master planned resort, except in areas otherwise designated for urban growth under RCW 36.70A.110;

(c) The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forest land or agricultural land under RCW 36.70A.170;

(d) The county ensures that the resort plan is consistent with the development regulations established for critical areas; and

(e) On-site and off-site infrastructure and service impacts are fully considered and mitigated.

[1998 c 112 § 2; 1991 sp.s. c 32 § 17.]

**Notes:**

**Intent -- 1998 c 112:** "The primary intent of this act is to give effect to recommendations by the 1994 department of community, trade, and economic development's master planned resort task force by clarifying that master planned resorts may make use of capital facilities, utilities, and services provided by outside service providers, and may enter into agreements for shared facilities with such providers, when all costs directly attributable to the resort, including capacity increases, are fully borne by the resort." [1998 c 112 § 1.]

**36.70A.362**

**Master planned resorts — Existing resort may be included.**

Counties that are required or choose to plan under RCW 36.70A.040 may include existing resorts as master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. An existing resort means a resort in existence on July 1, 1990, and developed, in whole or in part, as a significantly self-contained and integrated development that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities. An existing resort may include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort.

An existing resort may be authorized by a county only if:

(1) The comprehensive plan specifically identifies policies to guide the development of the existing resort;

(2) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the existing resort, except in areas otherwise designated for urban growth under RCW 36.70A.110 and \*36.70A.360(1);

(3) The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the existing resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forest land or agricultural land under RCW 36.70A.170;

(4) The county finds that the resort plan is consistent with the development regulations established for critical areas; and

(5) On-site and off-site infrastructure impacts are fully considered and mitigated.

A county may allocate a portion of its twenty-year population projection, prepared by the office of financial management, to the master planned resort corresponding to the projected number of permanent residents within the master planned resort.

[1997 c 382 § 1.]

**Notes:**

\*Reviser's note: RCW 36.70A.360 was amended by 1998 c 112 § 2, changing subsection (1) to subsection (4)(a).

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36.70A.365

Major industrial developments.

A county required or choosing to plan under RCW 36.70A.040 may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for reviewing and approving proposals to authorize siting of specific major industrial developments outside urban growth areas.

(1) "Major industrial development" means a master planned location for a specific manufacturing, industrial, or commercial business that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multitenant office parks.

(2) A major industrial development may be approved outside an urban growth area in a county planning under this chapter if criteria including, but not limited to the following, are met:

- (a) New infrastructure is provided for and/or applicable impact fees are paid;
- (b) Transit-oriented site planning and traffic demand management programs are implemented;
- (c) Buffers are provided between the major industrial development and adjacent nonurban areas;
- (d) Environmental protection including air and water quality has been addressed and provided for;
- (e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;
- (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;
- (g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and

(h) An inventory of developable land has been conducted and the county has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth area.

(3) Final approval of an application for a major industrial development shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070 designating the major industrial development site on the land use map as an urban growth area. Final approval of an application for a major industrial development shall not be considered an amendment to the comprehensive plan for the purposes of RCW 36.70A.130(2) and may be considered at any time.

[1995 c 190 § 1.]

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36.70A.367

Major industrial developments — Master planned locations.

(1) In addition to the major industrial development allowed under RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the criteria in subsection (5) of this section may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas.

(2) A master planned location for major industrial developments may be approved through a two-step process: Designation of an industrial land bank area in the comprehensive plan; and subsequent approval of specific major industrial developments through a local master plan process described under subsection (3) of this section.

(a) The comprehensive plan must identify locations suited to major industrial development due to proximity to transportation or resource assets. The plan must identify the maximum size of the industrial land bank area and any limitations on major industrial developments based on local limiting factors, but does not need to specify a particular parcel or parcels of property or identify any specific use or user except as limited by this section. In selecting locations for the industrial land bank area, priority must be given to locations that are adjacent to, or in close proximity to, an urban growth area.

(b) The environmental review for amendment of the comprehensive plan must be at the programmatic level and, in addition to a threshold determination, must include:

(i) An inventory of developable land as provided in RCW 36.70A.365; and

(ii) An analysis of the availability of alternative sites within urban growth areas and the long-term annexation feasibility of sites outside of urban growth areas.

(c) Final approval of an industrial land bank area under this section must be by amendment to the comprehensive plan adopted under RCW 36.70A.070, and the amendment is exempt from the limitation of RCW 36.70A.130(2) and may be considered at any time. Approval of a specific major industrial development within the industrial land bank area requires no further amendment of the comprehensive plan.

(3) In concert with the designation of an industrial land bank area, a county shall also adopt development regulations for review and approval of specific major industrial developments through a master plan process. The regulations governing the master plan process shall ensure, at a minimum, that:

(a) Urban growth will not occur in adjacent nonurban areas;

(b) Development is consistent with the county's development regulations adopted for protection of critical areas;

(c) Required infrastructure is identified and provided concurrent with development. Such infrastructure, however, may be phased in with development;

(d) Transit-oriented site planning and demand management programs are specifically addressed as part of the master plan approval;

(e) Provision is made for addressing environmental protection, including air and water quality, as part of the master plan approval;

(f) The master plan approval includes a requirement that interlocal agreements between the county and service providers, including cities and special purpose districts providing facilities or services to the approved master plan, be in place at the time of master plan approval;

(g) A major industrial development is used primarily by industrial and manufacturing businesses, and that the gross floor area of all commercial and service buildings or facilities locating within the major industrial development does not exceed ten percent of the total gross floor area of buildings or facilities in the development. The intent of this provision for commercial or service use is to meet the needs of employees, clients, customers, vendors, and others having business at the industrial site, to attract and retain a quality workforce, and to further other public objectives, such as trip reduction. These uses may not be promoted to attract additional clientele from the surrounding area. Commercial and service businesses must be established concurrently with or subsequent to the industrial or manufacturing businesses;

(h) New infrastructure is provided for and/or applicable impact fees are paid to assure that adequate facilities are provided concurrently with the development. Infrastructure may be achieved in phases as development proceeds;

(i) Buffers are provided between the major industrial development and adjacent rural areas;

(j) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands; and

(k) An open record public hearing is held before either the planning commission or hearing examiner with notice published at least thirty days before the hearing date and mailed to all property owners within one mile of the site.

(4) For the purposes of this section:

(a) "Major industrial development" means a master planned location suitable for manufacturing or industrial businesses that:

- (i) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; (ii) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent; or (iii) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.

(b) "Industrial land bank" means up to two master planned locations, each consisting of a parcel or parcels of contiguous land, sufficiently large so as not to be readily available within the urban growth area of a city, or otherwise meeting the criteria contained in (a) of this subsection, suitable for manufacturing, industrial, or commercial businesses and designated by the county through the comprehensive planning process specifically for major industrial use.

(5) This section and the termination provisions specified in subsection (6) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a) Has a population greater than two hundred fifty thousand and is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand;

(b) Has a population greater than one hundred forty thousand and is adjacent to another country;

(c) Has a population greater than forty thousand but less than seventy-five thousand and has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(i) Is bordered by the Pacific Ocean;

(ii) Is located in the Interstate 5 or Interstate 90 corridor; or

(iii) Is bordered by Hood Canal;

(d) Is east of the Cascade divide; and

(i) Borders another state to the south; or

(ii) Is located wholly south of Interstate 90 and borders the Columbia river to the east;

(e) Has an average population density of less than one hundred persons per square mile as determined by the office of financial management, and is bordered by the Pacific Ocean and by Hood Canal; or

(f) Meets all of the following criteria:

(i) Has a population greater than forty thousand but fewer than eighty thousand;

(ii) Has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(iii) Is located in the Interstate 5 or Interstate 90 corridor.

(6) In order to identify and approve locations for industrial land banks, the county shall take action to designate one or more industrial land banks and adopt conforming regulations as provided by RCW 36.70A.367(2) on or before the last date to complete that county's next periodic review under RCW 36.70A.130(4) that occurs prior to December 31, 2014. The authority to take action to designate a land bank area in the comprehensive plan expires if not acted upon by the county within the time frame provided in this section. Once a land bank area has been identified in the county's comprehensive plan, the authority of the county to process a master plan or site projects within an approved master plan does not expire.

(7) Any county seeking to designate an industrial land bank under this section must:

(a) Provide countywide notice, in conformity with RCW 36.70A.035, of the intent to designate an industrial land bank. Notice must be published in a newspaper or newspapers of general circulation reasonably likely to reach subscribers in all geographic areas of the county. Notice must be provided not less than thirty days prior to commencement of consideration by the county



legislative body; and

(b) Make a written determination of the criteria and rationale used by the legislative body as the basis for siting an industrial land bank under this chapter.

(8) Any location included in an industrial land bank pursuant to section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of 1997, and section 2, chapter 167, Laws of 1996 shall remain available for major industrial development according to this section as long as the requirements of this section continue to be satisfied.

[2007 c 433 § 1; 2004 c 208 § 1; 2003 c 88 § 1; 2002 c 306 § 1; 2001 c 326 § 1; 1998 c 289 § 2; 1997 c 402 § 1; 1996 c 167 § 2.]

**Notes:**

**Findings -- Purpose -- 1998 c 289:** "The legislature finds that to fulfill the economic development goal of this chapter, it is beneficial to expand the limited authorization for pilot projects for identifying locations for major industrial activity in advance of specific proposals by an applicant. The legislature further finds that land bank availability may provide economically disadvantaged counties the opportunity to attract new industrial activity by offering expeditious siting and therefore promote a community's economic health and vitality. The purpose of this act is to authorize and evaluate additional pilot projects for major industrial activity in economically disadvantaged counties." [1998 c 289 § 1.]

**Findings -- Purpose -- 1996 c 167:** "In 1995 the legislature addressed the demand for siting of major industrial facilities by passage of Engrossed Senate Bill No. 5019, implementing a process for siting such activities outside urban growth areas. The legislature recognizes that the 1995 act requires consideration of numerous factors necessary to ensure that the community can reasonably accommodate a major industrial development outside an urban growth area.

The legislature finds that the existing case-by-case procedure for evaluating and approving such a site under the 1995 act may operate to a community's economic disadvantage when a firm, for business reasons, must make a business location decision expeditiously. The legislature therefore finds that it would be useful to authorize, on a limited basis, and evaluate a process for identifying locations for major industrial activity in advance of specific proposals by an applicant.

It is the purpose of this act (1) to authorize a pilot project under which a bank of major industrial development locations outside urban growth areas is created for use in expeditiously siting such a development; (2) to evaluate the impact of this process on the county's compliance with chapter 36.70A RCW; and (3) to encourage consolidation and planning, and environmental review procedures under chapter 36.70B RCW." [1996 c 167 § 1.]

**Effective date -- 1996 c 167:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 28, 1996]." [1996 c 167 § 3.]

36.70A.368

Major industrial developments — Master planned locations — Reclaimed surface coal mine sites.

(1) In addition to the major industrial development allowed under RCW [36.70A.365](#) and [36.70A.367](#), a county planning under RCW [36.70A.040](#) that meets the criteria in subsection (2) of this section may establish, in consultation with cities consistent with RCW [36.70A.210](#), a process for designating a master planned location for major industrial activity outside urban growth areas on lands formerly used or designated for surface coal mining and supporting uses. Once a master planned location is designated, it shall be considered an urban growth area retained for purposes of promoting major industrial activity.

(2) This section applies to a county that, at the time the process is established in subsection (1) of this section, had a surface coal mining operation in excess of three thousand acres that ceased operation after July 1, 2006, and that is located within fifteen miles of the Interstate 5 corridor.

(3) Designation of a master planned location for major industrial activities is an amendment to the comprehensive plan adopted under RCW [36.70A.070](#), except that RCW [36.70A.130\(2\)](#) does not apply so that designation of master planned locations may be considered at any time. The process established under subsection (1) of this section for designating a master planned location for one or more major industrial activities must include, but is not limited to, the following comprehensive plan policy criteria:

(a) The master planned location must be located on lands: Formerly used or designated for surface coal mining and

supporting uses; that consist of an aggregation of land of one thousand or more acres, which is not required to be contiguous; and that are suitable for manufacturing, industrial, or commercial businesses;

(b) New infrastructure is provided for; and

(c) Environmental review of a proposed designation of a master planned location must be at the programmatic level, as long as the environmental review of a proposed designation that is being reviewed concurrent with a proposed major industrial activity is at the project level.

(4) Approval of a specific major industrial activity proposed for a master planned location designated under this section is through a local master plan process and does not require further comprehensive plan amendment. The process for reviewing and approving a specific major industrial activity proposed for a master planned location designated under this section must include the following criteria in adopted development regulations:

(a) The site consists of one hundred or more acres of land formerly used or designated for surface coal mining and supporting uses that has been or will be reclaimed as land suitable for industrial development;

(b) Urban growth will not occur in adjacent nonurban areas;

(c) Environmental review of a specific proposed major industrial activity must be conducted as required in chapter 43.21C RCW. Environmental review may be processed as a planned action, as long as it meets the requirements of RCW 43.21C.031; and

(d) Commercial development within a master planned location must be directly related to manufacturing or industrial uses. Commercial uses shall not exceed ten percent of the total gross floor area of buildings or facilities in the development.

(5) Final approval of the designation of a master planned location designated under subsection (3) of this section is subject to appeal under this chapter. Approval of a specific major industrial activity under subsection (4) of this section is subject to appeal under chapter 36.70C RCW.

(6) RCW [36.70A.365](#) and [36.70A.367](#) do not apply to the designation of master planned locations or the review and approval of specific major industrial activities under this section.

[2007 c 194 § 1.]

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#### 36.70A.370

Protection of private property.

(1) The state attorney general shall establish by October 1, 1991, an orderly, consistent process, including a checklist if appropriate, that better enables state agencies and local governments to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property. It is not the purpose of this section to expand or reduce the scope of private property protections provided in the state and federal Constitutions. The attorney general shall review and update the process at least on an annual basis to maintain consistency with changes in case law.

(2) Local governments that are required or choose to plan under RCW [36.70A.040](#) and state agencies shall utilize the process established by subsection (1) of this section to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property.

(3) The attorney general, in consultation with the Washington state bar association, shall develop a continuing education course to implement this section.

(4) The process used by government agencies shall be protected by attorney client privilege. Nothing in this section grants a private party the right to seek judicial relief requiring compliance with the provisions of this section.

[1991 sp.s. c 32 § 18.]

## 36.70A.380

Extension of designation date.

The department may extend the date by which a county or city is required to designate agricultural lands, forest lands, mineral resource lands, and critical areas under RCW 36.70A.170, or the date by which a county or city is required to protect such lands and critical areas under RCW 36.70A.060, if the county or city demonstrates that it is proceeding in an orderly fashion, and is making a good faith effort, to meet these requirements. An extension may be for up to an additional one hundred eighty days. The length of an extension shall be based on the difficulty of the effort to conform with these requirements.

[1991 sp.s. c 32 § 39.]

## 36.70A.385

Environmental planning pilot projects.

(1) The legislature intends to determine whether the environmental review process mandated under chapter 43.21C RCW may be enhanced and simplified, and coordination improved, when applied to comprehensive plans mandated by this chapter. The department shall undertake pilot projects on environmental review to determine if the review process can be improved by fostering more coordination and eliminating duplicative environmental analysis which is made to assist decision makers approving comprehensive plans pursuant to this chapter. Such pilot projects should be designed and scoped to consider cumulative impacts resulting from plan decisions, plan impacts on environmental quality, impacts on adjacent jurisdictions, and similar factors in sufficient depth to simplify the analysis of subsequent specific projects being carried out pursuant to the approved plan.

(2) The legislature hereby authorizes the department to establish, in cooperation with business, industry, cities, counties, and other interested parties, at least two but not more than four pilot projects, one of which shall be with a county, on enhanced draft and final nonproject environmental analysis of comprehensive plans prepared pursuant to this chapter, for the purposes outlined in subsection (1) of this section. The department may select appropriate geographic subareas within a comprehensive plan if that will best serve the purposes of this section and meet the requirements of chapter 43.21C RCW.

(3) An enhanced draft and final nonproject environmental analysis prepared pursuant to this section shall follow the rules adopted pursuant to chapter 43.21C RCW.

(4) Not later than December 31, 1993, the department shall evaluate the overall effectiveness of the pilot projects under this section regarding preparing enhanced nonproject environmental analysis for the approval process of comprehensive plans and shall:

(a) Provide an interim report of its findings to the legislature with such recommendations as may be appropriate, including the need, if any, for further legislation;

(b) Consider adoption of any further rules or guidelines as may be appropriate to assist counties and cities in meeting requirements of chapter 43.21C RCW when considering comprehensive plans; and

(c) Prepare and circulate to counties and cities such instructional manuals or other information derived from the pilot projects as will assist all counties and cities in meeting the requirements and objectives of chapter 43.21C RCW in the most expeditious and efficient manner in the process of considering comprehensive plans pursuant to this chapter.

[1998 c 245 § 30; 1995 c 399 § 43; 1991 sp.s. c 32 § 20.]

## 36.70A.390

Moratoria, interim zoning controls — Public hearing — Limitation on length — Exceptions.

A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim

official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

This section does not apply to the designation of critical areas, agricultural lands, forest lands, and mineral resource lands, under RCW 36.70A.170, and the conservation of these lands and protection of these areas under RCW 36.70A.060, prior to such actions being taken in a comprehensive plan adopted under RCW 36.70A.070 and implementing development regulations adopted under RCW 36.70A.120, if a public hearing is held on such proposed actions.

[1992 c 207 § 6.]

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36.70A.400  
Accessory apartments.

Any local government, as defined in RCW 43.63A.215, that is planning under this chapter shall comply with RCW 43.63A.215(3).

[1993 c 478 § 11.]

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36.70A.410  
Treatment of residential structures occupied by persons with handicaps.

No county or city that plans or elects to plan under this chapter may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. As used in this section, "handicaps" are as defined in the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3602).

[1993 c 478 § 23.]

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36.70A.420  
Transportation projects — Findings — Intent.

The legislature recognizes that there are major transportation projects that affect multiple jurisdictions as to economic development, fiscal influence, environmental consequences, land use implications, and mobility of people and goods. The legislature further recognizes that affected jurisdictions have important interests that must be addressed, and that these jurisdictions' present environmental planning and permitting authority may result in multiple local permits and other requirements being specified for the projects.

The legislature finds that the present permitting system may result in segmented and sequential decisions by local governments that do not optimally serve all the parties with an interest in the decisions. The present system may also make more difficult achieving the consistency among plans and actions that is an important aspect of this chapter.

It is the intent of the legislature to provide for more efficiency and equity in the decisions of local governments regarding major transportation projects by encouraging coordination or consolidation of the processes for reviewing environmental planning and permitting requirements for those projects. The legislature intends that local governments coordinate their regulatory decisions by considering together the range of local, state, and federal requirements for major transportation projects. Nothing in RCW 36.70A.420 or 36.70A.430 alters the authority of cities or counties under any other planning or permitting statute.

[1994 c 258 § 1.]

**Notes:**

**Captions not law -- 1994 c 258:** "Section captions used in this act constitute no part of the law." [1994 c 258 § 6.]

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## 36.70A.430

Transportation projects — Collaborative review process.

For counties engaged in planning under this chapter, there shall be established by December 31, 1994, a collaborative process to review and coordinate state and local permits for all transportation projects that cross more than one city or county boundary. This process shall at a minimum, establish a mechanism among affected cities and counties to designate a permit coordinating agency to facilitate multijurisdictional review and approval of such transportation projects.

[1994 c 258 § 2.]

**Notes:**

**Captions not law -- 1994 c 258:** See note following RCW 36.70A.420.

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## 36.70A.450

Family day-care provider's home facility — County or city may not prohibit in residential or commercial area — Conditions.

(1) Except as provided in subsections (2) and (3) of this section, no county or city may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.

(2) A county or city may require that the facility: (a) Comply with all building, fire, safety, health code, and business licensing requirements; (b) conform to lot size, building size, setbacks, and lot coverage standards applicable to the zoning district except if the structure is a legal nonconforming structure; (c) is certified by the department of early learning licenser as providing a safe passenger loading area; (d) include signage, if any, that conforms to applicable regulations; and (e) limit hours of operations to facilitate neighborhood compatibility, while also providing appropriate opportunity for persons who use family day-care and who work a nonstandard work shift.

(3) A county or city may also require that the family day-care provider, before state licensing, require proof of written notification by the provider that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day-care provider over licensing requirements, the licenser may provide a forum to resolve the dispute.

(4) Nothing in this section shall be construed to prohibit a county or city from imposing zoning conditions on the establishment and maintenance of a family day-care provider's home in an area zoned for residential or commercial use, so long as such conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone and the establishment of such facilities is not precluded. As used in this section, "family day-care provider" is as defined in RCW 43.215.010.

[2007 c 17 § 13; 2003 c 286 § 5; 1995 c 49 § 3; 1994 c 273 § 17.]

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## 36.70A.460

Watershed restoration projects — Permit processing — Fish habitat enhancement project.

A permit required under this chapter for a watershed restoration project as defined in RCW 89.08.460 shall be processed in compliance with RCW 89.08.450 through 89.08.510. A fish habitat enhancement project meeting the criteria of \*RCW 77.55.290(1) shall be reviewed and approved according to the provisions of \*RCW 77.55.290.

[2003 c 39 § 21; 1998 c 249 § 11; 1995 c 378 § 11.]

**Notes:**

\*Reviser's note: RCW 77.55.290 was recodified as RCW 77.55.181 pursuant to 2005 c 146 § 1001.

**Findings -- Purpose -- Report -- Effective date -- 1998 c 249:** See notes following RCW 77.55.181.

## 36.70A.470

Project review — Amendment suggestion procedure — Definitions.

(1) Project review, which shall be conducted pursuant to the provisions of chapter 36.70B RCW, shall be used to make individual project decisions, not land use planning decisions. If, during project review, a county or city planning under RCW 36.70A.040 identifies deficiencies in plans or regulations:

- (a) The permitting process shall not be used as a comprehensive planning process;
- (b) Project review shall continue; and
- (c) The identified deficiencies shall be docketed for possible future plan or development regulation amendments.

(2) Each county and city planning under RCW 36.70A.040 shall include in its development regulations a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. The suggested amendments shall be docketed and considered on at least an annual basis, consistent with the provisions of RCW 36.70A.130.

(3) For purposes of this section, a deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation addresses a project's probable specific adverse environmental impacts which the permitting agency could mitigate in the normal project review process.

(4) For purposes of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations in a manner that will ensure such suggested changes will be considered by the county or city and will be available for review by the public.

[1995 c 347 § 102.]

**Notes:**

**Findings -- Intent -- 1995 c 347 § 102:** "The legislature finds that during project review, a county or city planning under RCW 36.70A.040 is likely to discover the need to make various improvements in comprehensive plans and development regulations. There is no current requirement or process for applicants, citizens, or agency staff to ensure that these improvements are considered in the plan review process. The legislature also finds that in the past environmental review and permitting of proposed projects have been used to reopen and make land use planning decisions that should have been made through the comprehensive planning process, in part because agency staff and hearing examiners have not been able to ensure consideration of all issues in the local planning process. The legislature further finds that, while plans and regulations should be improved and refined over time, it is unfair to penalize applicants that have submitted permit applications that meet current requirements. It is the intent of the legislature in enacting RCW 36.70A.470 to establish a means by which cities and counties will docket suggested plan or development regulation amendments and ensure their consideration during the planning process." [1995 c 347 § 101.]

**Finding -- 1995 c 347:** "The legislature recognizes by this act that the growth management act is a fundamental building block of regulatory reform. The state and local governments have invested considerable resources in an act that should serve as the integrating framework for all other land-use related laws. The growth management act provides the means to effectively combine certainty for development decisions, reasonable environmental protection, long-range planning for cost-effective infrastructure, and orderly growth and development." [1995 c 347 § 1.]

**Severability -- 1995 c 347:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 347 § 901.]

**Part headings and table of contents not law -- 1995 c 347:** "Part headings and the table of contents as used in this act do not constitute any part of the law." [1995 c 347 § 902.]

## 36.70A.480

## Shorelines of the state.

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(a) As of the date the department of ecology approves a local government's shoreline master program adopted under applicable shoreline guidelines, the protection of critical areas as defined by RCW 36.70A.030(5) within shorelines of the state shall be accomplished only through the local government's shoreline master program and shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section.

(b) Critical areas within shorelines of the state that have been identified as meeting the definition of critical areas as defined by RCW 36.70A.030(5), and that are subject to a shoreline master program adopted under applicable shoreline guidelines shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(c) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that is at least equal to the level of protection provided to critical areas by the local government's critical area ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2).

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(f), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

[2003 c 321 § 5; 1995 c 347 § 104.]

**Notes:**

**Finding -- Intent -- 2003 c 321:** See note following RCW 90.58.030.

**Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347:** See notes following RCW 36.70A.470.

## 36.70A.481

Construction — Chapter 347, Laws of 1995.

Nothing in RCW 36.70A.480 shall be construed to authorize a county or city to adopt regulations applicable to shorelands as defined in RCW 90.58.030 that are inconsistent with the provisions of chapter 90.58 RCW.

[1995 c 382 § 13.]

#### 36.70A.490

Growth management planning and environmental review fund — Established.

The growth management planning and environmental review fund is hereby established in the state treasury. Moneys may be placed in the fund from the proceeds of bond sales, tax revenues, budget transfers, federal appropriations, gifts, or any other lawful source. Moneys in the fund may be spent only after appropriation. Moneys in the fund shall be used to make grants to local governments for the purposes set forth in RCW 43.21C.240, 43.21C.031, or 36.70A.500.

[1995 c 347 § 115.]

#### Notes:

**Findings -- Purpose -- 1995 c 347 § 115:** "(1) The legislature finds that:

(a) As of July 23, 1995, twenty-nine counties and two hundred eight cities are conducting comprehensive planning under the growth management act, chapter 36.70A RCW, which together comprise over ninety percent of the state's population;

(b) Comprehensive plans for many of the jurisdictions were due by July 1, 1994, and the remaining jurisdictions must complete plans under due dates ranging from October 1994 to September 1997;

(c) Concurrently with these comprehensive planning activities, local governments must conduct several other planning requirements under the growth management act, such as the adoption of capital facilities plans, urban growth areas, and development regulations;

(d) Local governments must also comply with the state environmental policy act, chapter 43.21C RCW, in the development of comprehensive plans and development regulations;

(e) The combined activities of comprehensive planning and the state environmental policy act present a serious fiscal burden upon local governments; and

(f) Detailed environmental analysis integrated with comprehensive plans, subarea plans, and development regulations will facilitate planning for and managing growth, allow greater protection of the environment, and benefit both the general public and private property owners.

(2) In order to provide financial assistance to cities and counties planning under chapter 36.70A RCW and to improve the usefulness of plans and integrated environmental analyses, the legislature has created the fund described in RCW 36.70A.490." [1995 c 347 § 114.]

**Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347:** See notes following RCW 36.70A.470.

#### 36.70A.500

Growth management planning and environmental review fund — Awarding of grants — Procedures.

(1) The department of community, trade, and economic development shall provide management services for the fund created by RCW 36.70A.490. The department shall establish procedures for fund management. The department shall encourage participation in the grant program by other public agencies. The department shall develop the grant criteria, monitor the grant program, and select grant recipients in consultation with state agencies participating in the grant program through the provision of grant funds or technical assistance.

(2) A grant may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant shall be provided to assist a county or city in paying for the cost of preparing an



environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan, subarea plan, plan element, county-wide planning policy, development regulation, monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or

(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan, subarea plan, plan element, county-wide planning policy, development regulations, monitoring program, or other planning activity adopted under or implementing this chapter;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications will be based on the integrated plans and environmental analysis;

(d) Include mechanisms to monitor the consequences of growth as it occurs in the plan area and to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

(e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of statewide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

(f) Programs for effective citizen and neighborhood involvement that contribute to greater likelihood that planning decisions can be implemented with community support; and

(g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant recipients to facilitate state and local project review processes that will implement the projects receiving grants under this section.

[1997 c 429 § 28; 1995 c 347 § 116.]

**Notes:**

**Severability -- 1997 c 429:** See note following RCW [36.70A.3201](#).

**Finding -- Severability -- Part headings and table of contents not law -- 1995 c 347: See notes following RCW 36.70A.470.**

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36.70A.510

General aviation airports.

Adoption and amendment of comprehensive plan provisions and development regulations under this chapter affecting a general aviation airport are subject to RCW 36.70.547.

[1996 c 239 § 5.]

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36.70A.520

National historic towns — Designation.

Counties that are required or choose to plan under RCW 36.70A.040 may authorize and designate national historic towns that may constitute urban growth outside of urban growth areas as limited by this section. A national historic town means a town or district that has been designated a national historic landmark by the United States secretary of the interior pursuant to 16 U.S.C. 461 et seq., as amended, based on its significant historic urban features, and which historically contained a mix of residential and commercial or industrial uses.

A national historic town may be designated under this chapter by a county only if:

(1) The comprehensive plan specifically identifies policies to guide the preservation, redevelopment, infill, and development of the town;

(2) The comprehensive plan and development regulations specify a mix of residential, commercial, industrial, tourism-recreation, waterfront, or other historical uses, along with other uses, infrastructure, and services which promote the economic sustainability of the town and its historic character. To promote historic preservation, redevelopment, and an economically sustainable community, the town also may include the types of uses that existed at times during its history and is not limited to those present at the time of the historic designation. Portions of the town may include urban densities if they reflect density patterns that existed at times during its history;

(3) The boundaries of the town include all of the area contained in the national historic landmark designation, along with any additional limited areas determined by the county as appropriate for transitional uses and buffering. Provisions for transitional uses and buffering must be compatible with the town's historic character and must protect the existing natural and built environment under the requirements of this chapter within and beyond the additional limited areas, including visual compatibility. The comprehensive plan and development regulations must include restrictions that preclude new urban or suburban land uses in the vicinity of the town, including the additional limited areas, except in areas otherwise designated for urban growth under this chapter;

(4) The development regulations provide for architectural controls and review procedures applicable to the rehabilitation, redevelopment, infill, or new development to promote the historic character of the town;

(5) The county finds that the national historic town is consistent with the development regulations established for critical areas; and

(6) On-site and off-site infrastructure impacts are fully considered and mitigated concurrent with development.

A county may allocate a portion of its twenty-year population projection, prepared by the office of financial management, to the national historic town corresponding to the projected number of permanent residents within the national historic town.

[2000 c 196 § 1.]

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## 36.70A.530

Land use development incompatible with military installation not allowed — Revision of comprehensive plans and development regulations.

(1) Military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.

(2) Comprehensive plans, amendments to comprehensive plans, development regulations, or amendments to development regulations adopted under this section shall be adopted or amended concurrent with the scheduled update provided in RCW 36.70A.130, except that counties and cities identified in RCW 36.70A.130(4)(a) shall comply with this section on or before December 1, 2005, and shall thereafter comply with this section on a schedule consistent with RCW 36.70A.130(4).

(3) A comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A city or county may find that an existing comprehensive plan or development regulations are compatible with the installation's ability to carry out its mission requirements.

(4) As part of the requirements of RCW 36.70A.070(1) each county and city planning under RCW 36.70A.040 that has a federal military installation, other than a reserve center, that employs one hundred or more personnel and is operated by the United States department of defense within or adjacent to its border, shall notify the commander of the military installation of the county's or city's intent to amend its comprehensive plan or development regulations to address lands adjacent to military installations to ensure those lands are protected from incompatible development.

(5)(a) The notice provided under subsection (4) of this section shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the adoption of a comprehensive plan or an amendment to a plan. The notice shall provide sixty days for a response from the commander. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed plan or amendment will not have any adverse effect on the operation of the installation.

(b) When a county or city intends to amend its development regulations to be consistent with the comprehensive plan elements addressed in (a) of this subsection, notice shall be provided to the commander of the military installation consistent with subsection (4) of this section. The notice shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the amendment to the development regulations. The notice shall provide sixty days for a response from the commander to the requesting government. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed development regulation or amendment will not have any adverse effect on the operation of the installation.

[2004 c 28 § 2.]

## Notes:

**Finding – 2004 c 28:** "The United States military is a vital component of the Washington state economy. The protection of military installations from incompatible development of land is essential to the health of Washington's economy and quality of life. Incompatible development of land close to a military installation reduces the ability of the military to complete its mission or to undertake new missions, and increases its cost of operating. The department of defense evaluates continued utilization of military installations based upon their operating costs, their ability to carry out missions, and their ability to undertake new missions." [2004 c 28 § 1.]

## 36.70A.540

Affordable housing incentive programs — Low-income housing units.

(1)(a) Any city or county planning under RCW 36.70A.040 may enact or expand affordable housing incentive programs providing for the development of low-income housing units through development regulations. An affordable housing incentive program may include, but is not limited to:

- (i) Density bonuses within the urban growth area;
- (ii) Height and bulk bonuses;

- (iii) Fee waivers or exemptions;
- (iv) Parking reductions;
- (v) Expedited permitting, conditioned on provision of low-income housing units; or
- (vi) Mixed use projects.

(b) The city or county may enact or expand such programs whether or not the programs may impose a tax, fee, or charge on the development or construction of property.

(c) If a developer chooses not to participate in an optional affordable housing incentive program adopted and authorized under this section, a city, county, or town may not condition, deny, or delay the issuance of a permit or development approval that is consistent with zoning and development standards on the subject property absent incentive provisions of this program.

(2) Affordable housing incentive programs enacted or expanded under this section shall comply with the following:

(a) The incentives or bonuses shall provide for the construction of low-income housing units;

(b) Jurisdictions shall establish standards for low-income renter or owner occupancy housing, including income guidelines consistent with local housing needs, to assist low-income households that cannot afford market-rate housing. Low-income households are defined for renter and owner occupancy program purposes as follows:

(i) Rental housing units to be developed shall be affordable to and occupied by households with an income of fifty percent or less of the county median family income, adjusted for family size; and

(ii) Owner occupancy housing units shall be affordable to and occupied by households with an income of eighty percent or less of the county median family income, adjusted for family size. The legislative authority of a jurisdiction, after holding a public hearing, may establish lower income levels. The legislative authority of a jurisdiction, after holding a public hearing, may also establish higher income levels for rental housing or for owner occupancy housing upon finding that higher income levels are needed to address local housing market conditions. The higher income level for rental housing may not exceed eighty percent of the county area median family income. The higher income level for owner occupancy housing may not exceed one hundred percent of the county area median family income. These established higher income levels must be considered "low-income" for the purposes of this section;

(c) The jurisdiction shall establish a maximum rent level or sales price for each low-income housing unit developed under the terms of a program and may adjust these levels or prices based on the average size of the household expected to occupy the unit. For renter-occupied housing units, the total housing costs, including basic utilities as determined by the jurisdiction, may not exceed thirty percent of the income limit for the low-income housing unit;

(d) Low-income housing units shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in low-income units must be in the same proportion as the number of bedrooms in units within the entire building. The low-income units shall generally be distributed throughout the building, except that units may be provided in an adjacent building. The low-income units shall have substantially the same functionality as the other units in the building or buildings;

(e) Low-income housing units developed under an affordable housing incentive program shall be committed to continuing affordability for at least fifty years. A local government, however, may accept payments in lieu of continuing affordability. The program shall include measures to enforce continuing affordability and income standards applicable to low-income units constructed under this section that may include, but are not limited to, covenants, options, or other agreements to be executed and recorded by owners and developers;

(f) Programs authorized under subsection (1) of this section may apply to part or all of a jurisdiction and different standards may be applied to different areas within a jurisdiction. Programs authorized under this section may be modified to meet local needs and may include provisions not expressly provided in this section or RCW 82.02.020; and

(g) Low-income housing units developed under an affordable housing incentive program are encouraged to be provided within market-rate housing developments for which a bonus or incentive is provided. However, programs may allow units to be provided in an adjacent building and may allow payments of money or property in lieu of low-income housing units if the payment equals the approximate cost of developing the same number and quality of housing units that would otherwise be developed. Any city or

county shall use these funds or property to support the development of low-income housing, including support provided through loans or grants to public or private owners or developers of housing.

(3) Affordable housing incentive programs enacted or expanded under this section may be applied within the jurisdiction to address the need for increased residential development, consistent with local growth management and housing policies, as follows:

(a) The jurisdiction shall identify certain land use designations within a geographic area where increased residential development will assist in achieving local growth management and housing policies;

(b) The jurisdiction shall provide increased residential development capacity through zoning changes, bonus densities, height and bulk increases, parking reductions, or other regulatory changes or other incentives;

(c) The jurisdiction shall determine that increased residential development capacity or other incentives can be achieved within the identified area, subject to consideration of other regulatory controls on development; and

(d) The jurisdiction may establish a minimum amount of affordable housing that must be provided by all residential developments being built under the revised regulations, consistent with the requirements of this section.

[2006 c 149 § 2.]

**Notes:**

**Findings -- 2006 c 149:** "The legislature finds that as new market-rate housing developments are constructed and housing costs rise, there is a significant and growing number of low-income households that cannot afford market-rate housing in Washington state. The legislature finds that assistance to low-income households that cannot afford market-rate housing requires a broad variety of tools to address this serious, statewide problem. The legislature further finds that absent any incentives to provide low-income housing, market conditions will result in housing developments in many areas that lack units affordable to low-income households, circumstances that can cause adverse socioeconomic effects.

The legislature encourages cities, towns, and counties to enact or expand affordable housing incentive programs, including density bonuses and other incentives, to increase the availability of low-income housing for renter and owner occupancy that is located in largely market-rate housing developments throughout the community, consistent with local needs and adopted comprehensive plans. While this act establishes minimum standards for those cities, towns, and counties choosing to implement or expand upon an affordable housing incentive program, cities, towns, and counties are encouraged to enact programs that address local circumstances and conditions while simultaneously contributing to the statewide need for additional low-income housing." [2006 c 149 § 1.]

**Construction -- 2006 c 149:** "The powers granted in this act are supplemental and additional to the powers otherwise held by local governments, and nothing in this act shall be construed as a limit on such powers. The authority granted in this act shall extend to any affordable housing incentive program enacted or expanded prior to June 7, 2006, if the extension is adopted by the applicable local government in an ordinance or resolution." [2006 c 149 § 4.]

36.70A.550

Aquifer conservation zones.

(1) Any city coterminous with, and comprised only of, an island that relies solely on groundwater aquifers for its potable water source and does not have reasonable access to a potable water source outside its jurisdiction may designate one or more aquifer conservation zones.

Aquifer conservation zones may only be designated for the purpose of conserving and protecting potable water sources.

(2) Aquifer conservation zones may not be considered critical areas under this chapter except to the extent that specific areas located within aquifer conservation zones qualify for critical area designation and have been designated as such under RCW 36.70A.060(2).

(3) Any city may consider whether an area is within an aquifer conservation zone when determining the residential density of that particular area. The residential densities within conservation zones, in combination with other densities of the city, must be sufficient to accommodate projected population growth under RCW 36.70A.110.

(4) Nothing in this section may be construed to modify the population accommodation obligations required of jurisdictions under this chapter.

[2007 c 159 § 1.]

### 36.70A.560

Viability of agricultural lands — Deferral requirements — Definition. (Expires December 1, 2011.)

(1) For the period beginning May 1, 2007, and concluding July 1, 2010, counties and cities may not amend or adopt critical area ordinances under RCW 36.70A.060(2) as they specifically apply to agricultural activities. Nothing in this section:

- (a) Nullifies critical area ordinances adopted by a county or city prior to May 1, 2007, to comply with RCW 36.70A.060(2);
- (b) Limits or otherwise modifies the obligations of a county or city to comply with the requirements of this chapter pertaining to critical areas not associated with agricultural activities; or
- (c) Limits the ability of a county or city to adopt or employ voluntary measures or programs to protect or enhance critical areas associated with agricultural activities.

(2) Counties and cities subject to deferral requirements under subsection (1) of this section:

- (a) Should implement voluntary programs to enhance public resources and the viability of agriculture. Voluntary programs implemented under this subsection (2)(a) must include measures to evaluate the successes of these programs; and
- (b) Must review and, if necessary, revise critical area ordinances as they specifically apply to agricultural activities to comply with the requirements of this chapter by December 1, 2011.

(3) For purposes of this section and RCW 36.70A.5601, "agricultural activities" means agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170 including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.

[2007 c 353 § 2.]

#### Notes:

**Finding -- Intent -- 2007 c 353:** "(1) The legislature finds that the goal of preserving Washington's agricultural lands is shared by citizens throughout the state. The legislature recognizes that efforts to achieve a balance between the productive use of these resource lands and associated regulatory requirements have proven difficult, but that good faith efforts to seek solutions have yielded successes. The legislature believes that this willingness to find and pursue common ground will enable Washingtonians to enjoy the benefits of a successful agricultural economy and a healthy environment, while also preventing the unnecessary conversion of valuable agricultural lands.

(2) The legislature, therefore, intends this act, the temporary delays it establishes for amending or adopting provisions of certain critical area ordinances, and the duties and requirements it prescribes for the William D. Ruckelshaus Center, to be expressions of progress in resolving, harmonizing, and advancing commonly held environmental protection and agricultural viability goals.

(3) The legislature fully expects the duties and requirements it is prescribing for the Ruckelshaus Center to be successful. If, however, the efforts of the center do not result in agreement on how to best address the conflicts between agricultural activities and certain regulatory requirements as they apply to agricultural activities, the legislature intends, upon the expiration of the delay, to require jurisdictions that have delayed amending or adopting certain regulatory measures to promptly complete all regulatory amendments or adoptions necessary to comply with the growth management act.

(4) The legislature does not intend this act to reduce or otherwise diminish existing critical area ordinances that apply to agricultural activities during the deferral period established in RCW 36.70A.560." [2007 c 353 § 1.]

**Effective date -- 2007 c 353:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 8, 2007]." [2007 c 353 § 5.]

**Expiration date -- 2007 c 353:** "This act expires December 1, 2011." [2007 c 353 § 6.]

#### 36.70A.5601

Viability of agricultural lands — Ruckelshaus Center examination, report. (Expires December 1, 2011.)

(1) Subject to the availability of amounts appropriated for this specific purpose, the William D. Ruckelshaus Center must conduct an examination of the conflicts between agricultural activities and critical area ordinances adopted under chapter 36.70A RCW. The examination required by this section must commence by July 1, 2007.

(2) In fulfilling the requirements of this section, the center must: (a) Work and consult with willing participants including, but not limited to, agricultural, environmental, tribal, and local government interests; and (b) involve and apprise legislators and legislative staff of its efforts.

(3) The examination conducted by the center must be completed in two distinct phases in accordance with the following:

(a) In the first phase, the center must conduct fact-finding and stakeholder discussions with stakeholders identified in subsection (2) of this section. These discussions must identify stakeholder concerns, desired outcomes, opportunities, and barriers. The fact-finding must identify existing regulatory, management, and scientific information related to agricultural activities and critical areas including, but not limited to: (i) Critical area ordinances adopted under chapter 36.70A RCW; (ii) acreage enrolled in the conservation reserve enhancement program; (iii) acreage protected by conservation easements; (iv) buffer widths; (v) requirements of federally approved salmon recovery plans; (vi) the impacts of agricultural activities on Puget Sound recovery efforts; and (vii) compliance with water quality requirements. The center must issue two reports of its fact-finding efforts and stakeholder discussions to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2007, and December 1, 2008; and

(b)(i) In the second phase, the center must facilitate discussions between the stakeholders identified in subsection (2) of this section to identify policy and financial options or opportunities to address the issues and desired outcomes identified by stakeholders in the first phase of the center's examination efforts.

(ii) In particular, the stakeholders must examine innovative solutions including, but not limited to, outcome-based approaches that incorporate, to the maximum extent practicable, voluntary programs or approaches. Additionally, stakeholders must examine ways to modify statutory provisions to ensure that regulatory constraints on agricultural activities are used as a last resort if desired outcomes are not achieved through voluntary programs or approaches.

(iii) The center must work to achieve agreement among participating stakeholders and to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2010 legislative session.

(4) The center must issue a final report of findings and legislative recommendations to the governor and the appropriate committees of the house of representatives and the senate by September 1, 2009.

[2007 c 353 § 3.]

#### Notes:

**Finding -- Intent -- Effective date -- Expiration date -- 2007 c 353:** See notes following RCW 36.70A.560.

#### 36.70A.570

Regulation of forest practices.

(1) Each county, city, and town assuming regulation of forest practices as provided in RCW 76.09.240 (1) and (2) shall adopt

development regulations that:

- (a) Protect public resources, as defined in RCW 76.09.020, from material damage or the potential for material damage;
  - (b) Require appropriate approvals for all phases of the conversion of forest lands, including clearing and grading;
  - (c) Are guided by the planning goals in RCW 36.70A.020 and by the purposes and policies of the forest practices act as set forth in RCW 76.09.010; and
  - (d) Are consistent with or supplement development regulations that protect critical areas pursuant to RCW 36.70A.060.
- (2) If necessary, each county, city, or town that assumes regulation of forest practices under RCW 76.09.240 shall amend its comprehensive plan to ensure consistency between its comprehensive plan and development regulations.
- (3) Before a county, city, or town may regulate forest practices under RCW 76.09.240 (1) and (2), it shall update its development regulations as required by RCW 36.70A.130 and, if applicable, RCW 36.70A.215. Forest practices regulations adopted under RCW 76.09.240 (1) and (2) may be adopted as part of the legislative action taken under RCW 36.70A.130 or 36.70A.215.

[2007 c 236 § 2.]

#### 36.70A.800

Role of growth strategies commission.

The growth strategies commission created by executive order shall:

- (1) Analyze different methods for assuring that county and city comprehensive plans adopted under chapter 36.70A RCW are consistent with the planning goals under RCW 36.70A.020 and with other requirements of chapter 36.70A RCW;
- (2) Recommend to the legislature and the governor by October 1, 1990, a specific structure or process that, among other things:
  - (a) Ensures county and city comprehensive plans adopted under chapter 36.70A RCW are coordinated and comply with planning goals and other requirements under chapter 36.70A RCW;
  - (b) Requires state agencies to comply with this chapter and to consider and be consistent with county and city comprehensive plans in actions by state agencies, including the location, financing, and expansion of transportation systems and other public facilities;
  - (c) Defines the state role in growth management;
  - (d) Addresses lands and resources of statewide significance, including to:
    - (i) Protect these lands and resources of statewide significance by developing standards for their preservation and protection and suggesting the appropriate structure to monitor and enforce the preservation of these lands and resources; and
    - (ii) Consider the environmental, economic, and social values of the lands and resources with statewide significance;
  - (e) Identifies potential state funds that may be withheld and incentives that promote county and city compliance with chapter 36.70A RCW;
  - (f) Increases affordable housing statewide and promotes linkages between land use and transportation;
  - (g) Addresses vesting of rights; and
  - (h) Addresses short subdivisions; and
- (3) Develop recommendations to provide for the resolution of disputes over urban growth areas between counties and cities,



including incorporations and annexations.

[1990 1st ex.s. c 17 § 86.]

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36.70A.900

Severability — 1990 1st ex.s. c 17.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1990 1st ex.s. c 17 § 88.]

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36.70A.901

Part, section headings not law — 1990 1st ex.s. c 17.

Part and section headings as used in this act do not constitute any part of the law.

[1990 1st ex.s. c 17 § 89.]

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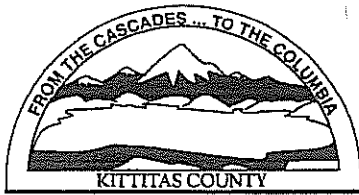
36.70A.902

Section headings not law — 1991 sp.s. c 32.

Section headings as used in this act do not constitute any part of the law.

[1991 sp.s. c 32 § 40.]

Attachment Q



# Kittitas County Community Development Services

Darryl Piercy, Director

**TO:** WA State Dept. Ecology SEPA Registrar  
WA State Dept. Ecology, Yakima  
WA State Dept. Fish & Wildlife, Ellensburg  
WA State Dept. of Transportation- Yakima  
WA State Dept. of Community, Trade, and Economic Development\*  
Yakama Nation  
Yakama Nation – Department of Natural Resources  
Kittitas Co. Board of Commissioners  
Kittitas Co. Life Safety- Fire Marshal  
Kittitas Co. Environmental Health  
Kittitas Co. Fire District No. 6  
Kittitas Co. Public Works  
Kittitas Co. Solid Waste  
Kittitas Co. Sheriff's Office  
City of Cle Elum  
City of Cle Elum-Roslyn School District  
Adjacent Property Owners  
Applicant

**FROM:** Joanna Valencia, Staff Planner *JV*  
Kittitas County Community Development Services

**DATE:** February 2, 2006

**SUBJECT:** **Notice of Application: Evergreen Ridge PUD Amendment Rezone (Z-05-33)**  
Rezone from General Industrial, Planned Unit Development (Evergreen PUD) and Rural-3 to  
Planned Unit Development of approximately 90.61 acres with 73.13 acres contained within  
the existing PUD and 17 acres contained within the proposed expansion area

Enclosed please find a Notice of Application, Rezone Application, SEPA Environmental Checklist, and related documents for the referenced application. Please retain these items for future reference. Interested parties may obtain copies of related file documents by contacting our office.

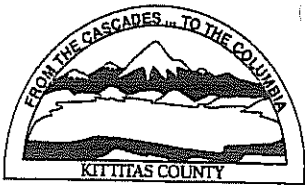
Written comments from the public on environmental impacts may be submitted to the Kittitas County Community Development Services Department no later than **March 3, 2006 @ 5:00 p.m.**, after which a SEPA threshold determination will be issued pursuant to 43.21CRCW (State Environmental Policy Act) and WAC 197-11-355 (Optional DNS Process). This may be the only opportunity to comment on the environmental impacts of this proposal pursuant to SEPA, as a Determination of Non-Significance, (DNS), is expected to be issued. A copy of this subsequent threshold determination will be available to the public upon request.

This proposal may include, incorporate or require mitigation measures under applicable codes regardless of whether a determination of Significance (DS) is issued and subsequent Environmental Impact Statement (EIS) is prepared. Written comments may be submitted to Kittitas County Community Development Services, 411 N. Ruby St. Suite 2, Ellensburg, WA 98926.

An open record hearing is tentatively scheduled before the Kittitas County Planning Commission on March 28, 2006 at 6:30 p.m. in the Commissioner's Auditorium, Kittitas County Courthouse. If you have any questions please do not hesitate to contact us. Interested persons are encouraged to verify with CDS prior to attending.

**WRITTEN COMMENTS ON ENVIRONMENTAL IMPACTS AND THE OVERALL APPLICATION MUST BE SUBMITTED NO LATER THAN March 3, 2006 @ 5:00 p.m.**

\*This constitutes the required 60-day filing notification to the Department of Community Trade and Economic Development as required by law.



# SEPA ENVIRONMENTAL CHECKLIST

FEE: \$200.00

## PURPOSE OF CHECKLIST:

The State Environmental Protection Act (SEPA), chapter 43.21C RCW. Requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

## INSTRUCTIONS FOR APPLICANTS:

This environmental checklist asks you to describe some basic information about your proposals. Governmental agencies use this checklist to determine whether the environmental impacts or your proposal are significant, requiring preparation if an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "don not know" or "does not apply" Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

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.

## USE OF CHECKLIST FOR NONPROJECT PROPOSALS:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS.

For nonproject actions, the references in the checklist to the words "project," "applicant" and "property or site" should be read as "proposal," "proposer" and "affected geographic are" respectively.

### FOR STAFF USE

#### A. BACKGROUND

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

**It is proposed that the zone change be effective immediately upon approval.**

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

**The applicant owns property to the north and west that is currently zoned R-3 and outside of the UGN. If these properties were to be developed it would be anticipated to be developed under the current zoning standards of that property. The property to the east is currently zoned industrial and commercial and any development that occurs would be within their respective zones. The property to south is bordered by State Highway 903.**

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

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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 prime farmland.

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Soils are:

- Roslyn-Racker Complex, 0 to 5 % slopes
- Nard Loam, 25 to 45 % slopes
- Dumps, Mine
- Roslyn Sandy Loam, 5 to 25% slopes

See Soils Map Exhibit F.

d. Are there surface indications or history of unstable soils in the immediate vicinity?

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**Based upon observations and site visits of the property, there does not appear to be any.**

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

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**The rezone, a non-project action, will require no filling or grading, as the property is relatively flat. If and when development occurs possible lot and access grading could occur, roads could be constructed that will require fill for sub grade from an approved rock pit/quarry.**

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

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**The rezone, a non-project action, will require no clearing, construction or use that would require erosion control. If and when development is proposed and initiated erosion control measures will be in place according to Best Management Practices (Bmp's).**

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

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**This rezone is a non-project action. If and when development occurs throughout the Planned Unit Development various locations on the site could reach 50% coverage with impervious surface.**

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

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**The rezone, a non-project action, will require no erosion control measures. If and when development occurs, erosion control measures will be in place according to Best Management Practices (Bmp's) in order to address impacts to the earth.**

AIR

a. What types of emissions to the air would result from the proposal (i.e. dust, automobiles, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

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**The rezone of this property will not release emissions to the air. If and when development occurs, dust and equipment emissions will be present as produced on construction sites. Best Management Practices would be used to control the air emissions.**

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

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**No. There are no off-site sources of emissions or odor that will affect this rezone. At present, there are no known off-site emissions or odors that would affect development, if and when that occurs.**

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

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**No measures are required for the rezone, which is a non-project action. If and when a development proposal occurs dust abatement measure will be in place as provided through Best Management Practices. Regarding emission, the standard vehicle emission controls are already in place.**

3. WATER

a. Surface

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 streams or river it flows into.

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**There are no natural watercourses that run through the subject property and no saltwater, lakes, ponds, or wetlands.**

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.

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**As this is a non-project action this rezone will not require any work over, in or adjacent to any described water. (As stated above there are no natural watercourses that run through the subject property and no saltwater, lakes, ponds, or wetlands on or near the project.)**

3) Estimate the 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.

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**As this is a non-project action this rezone will not require that fill and dredge material be placed or removed from surface water or**

wetlands. (As stated above there are no natural watercourses that run through the subject property and no saltwater, lakes, ponds, or wetlands on or near the project.)

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

**As this rezone is a non-project action, there will be no surface water withdrawals or diversions. If and when development occurs there will be no surface water withdrawals or diversions associated with the development of the property.**

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

**The subject property does not lie within a 100-year floodplain.**

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.

**As this rezone is a non-project action this proposal does not involve any discharges of waste materials to surface water. If and when development occurs, storm water will be discharged from the site to surface waters. Bmp's will be used to design and build a storm water control plan that meets Kittitas County standards.**

b. Ground

1) Will ground water be withdrawn, or will water be discharged to surface waters? If so, give general description, purpose, and approximate quantities if known.

**As this is a non-project action, this rezone is not proposing to withdraw ground water nor will water be discharge to surface water.**

**The proposed amendment to the existing Planned Unit Development zone and proposed addition is within the service area of the Evergreen Valley Class A Water System. This System is currently in its 6-year annual comprehensive plan update process. This system has the capability to serve any development within the existing and expanded Planned Unit Development. If and when development occurs, storm water will be discharged from the site to surface waters. Bmp's will be used to design and build a storm water control plan that meets Kittitas County standards. All withdrawals of water from the ground associated with this project are allowed by an existing ground water right.**

2) Describe waste materials 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.

As this is a non-project action this rezone is not proposing any discharge. If and when development occurs domestic sewage, through septic systems and community drain-fields will be discharged into the ground as provided by state law.

Though not required, when the sewage volumes reach adequate levels to support operation, it is intended to eliminate these septic systems and construct a reclaimed water facility approved through the WA State Dept. of Health and permitted by the WA State Dept. of Ecology. This reclaimed water facility will be operated by LCU, Inc and will serve the expanded PUD as part of its approved service area. That service area will be compatible with the service area of LCU, Inc.'s Evergreen Valley Water System. The service area could include areas outside of the Evergreen Valley Water System present and future service areas including portions of Township 20N, Range 14E, Sections 1, 11 & 12, and Township 20N, Range 15E, Sections 7 & 8.

This facility will take domestic sewage from the project and treat it to a level that meets or exceeds Class "A" reclaimed water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class "A" reclaimed water is suitable for many beneficial uses including, but not limited to, irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire fighting/protection. The standards for Class "A" reclaimed water established by Department of Health and Department of Ecology require treatment and disinfection to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria.

The system will be sized to adequately treat and reclaim the domestic sewage from the residences, facilities, and businesses served by the Evergreen Valley Water System. In addition the system may be sized to include a portion of areas outside of the Evergreen Valley Water System present and future service areas including portions of Township 20N, Range 14E, Sections 1, 11 & 12, and Township 20N, Range 15E, Sections 7 & 8.

Construction of this reclaimed water facility will include a central treatment facility, collection and distributions systems, and storage facilities.

See question A5 above. (Background Section)

c. Water Runoff (including storm water):

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.

As this rezone is a non-project action there will be no runoff or collection or disposal method. If and when development occurs there will be snowmelt and increased storm water runoff from coverage of land by possible Urban Residential development. Said runoff will be collected in roadside ditches and directed and/or detained in accordance with requirements of Kittitas County and the State of Washington.



Best Management Practices (Bmp's) will be used to collect and treat storm water.

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

\_\_\_\_\_  
\_\_\_\_\_

As this is a non-project action, this rezone will not have waste materials enter the ground or surface waters. If and when development occurs there could be domestic septic systems with community drain fields. These will be designed and constructed in such a manner to protect surface and ground waters, and meet all requirements of Kittitas County and the State of Washington. If and when the sewage volume reach adequate levels to support operation it is possible that a Class "A" reclaimed water treatment facility will be constructed and be available to serve this project. See question A5 above.

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

\_\_\_\_\_  
\_\_\_\_\_

As this is a non-project action this rezone will not require measures to reduce or control surface, ground and runoff water impacts, if any. If and when development occurs storm water runoff will be addressed through the development of a storm water drainage system designed and constructed in accordance with the Best Management Practices (Bmp's) that meets Kittitas County Standards. This will include sediment and erosion measures to address any runoff water impacts. If and when the sewage volume reach adequate levels to support operation it is possible that a Class "A" reclaimed water treatment facility will be constructed and be available to serve this project. See question A5 above.

4. PLANTS

a. Check or circle 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
- wet soil plants: cattails, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

As this is a non-project action this rezone will not require removal of vegetation. If and when development occurs possible clearing and grading could occur as well as disruption of some of the deciduous and evergreen trees and some grasses and shrubs that populate the project site.

c. List threatened or endangered species known to be on or near the site.  
None known or observed near the site.

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

**As this is a non-project action this rezone will not require landscaping. On the eastern edge of the subject property is a berm that has native grasses with pine trees present. If and when development occurs landscaping could take place in the surrounding area using naturally occurring plants, trees and grasses. In some open spaces, landscaped areas, or recreation areas of the project some vegetation that is not locally occurring may be used. It is intended that native plants will be used in landscaping as much as is practicable.**

5. ANIMALS

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

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X birds: hawk, heron, eagle, songbirds, other:  
X mammals: deer, bear, elk, beavers, other:  
\_\_\_\_\_ fish: bass, salmon, trout, herring, shellfish, other: \_\_\_\_\_

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

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**There are no known threatened or endangered species on the subject property. There are Spotted Owl locations in the upper county but not on the subject property.**

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

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**Deer and elk move in the area.**

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

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**As this is a non-project action this rezone will not require measures to preserve or enhance wildlife. If and when development occurs the applicant will use natural vegetation, trees and plants throughout the development providing a native appeal for existing wildlife.**

6. ENERGY AND NATURAL RESOURCES

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

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**As this rezone is a non-project action there is no need for energy services. If and when development occurs there will be a need for electricity for lighting and other electrical needs. Propane will be encouraged for heating. Wood stoves may be used, but would not be allowed as a primary heat source.**

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

**As this is a non-project action this rezone proposal will not affect the potential use of solar energy by adjacent properties. If and when development might occur the proposal would be designed in such a manner so it would not impact the use of solar energy by adjacent properties.**

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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.

**As this is a non-project action this rezone does not require energy conservation features. If and when development occurs, conservation features will be included in covenants of the subdivision. All newly constructed buildings will meet the requirements of Kittitas County relating to energy conservation.**

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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.

**As this is a non-project action this rezone presents no hazards. If and when development occurs and as a result of development in general, there is a potential forest fire risk.**

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1) Describe special emergency services that might be required.

**As this is a non-project action no special emergency services are required. If and when development occurs the proposed development will require the normal police, fire and emergency services that most residential developments require. This area has been designated by Kittitas County as an Urban Growth Node and as such this type of impact is directed to and expected in this area.**

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2) Proposed measures to reduce or control environmental health hazards, if any.

**As this is a non-project action, this rezone is not required to propose measures to reduce or control environmental health hazards. If and when development occurs, measures to reduce or control hazards will be put in place as required by Kittitas County and the Washington State Department of Ecology.**

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**As Evergreen Valley Water System, which is owned by LCU, Inc. meets the State's requirements for fire flow, the entire Planned Unit Development will be provided with fire flow as required by the WA St. Dept. of Health through the Evergreen Valley Water System comprehensive plan, thus reducing the possibility of the forest fire health hazard.**

b. Noise

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

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**Even though this is a non-project action the only noise that is present is traffic from SR903 and would not affect any project that might be developed on the property in the future**

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

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**As this is a non-project action, this rezone would not create any type of noise. If and when development occurs, construction noise would be generated at the development stage. After final build-out the potential may be less than it would have been if the property was left in the Industrial zone.**

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

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**As this is a non-project action measures to reduce or control noise impacts are not required. If and when development occurs, measures to reduce or control noise impacts will be put into place as required by Washington State and Kittitas County.**

8. LAND AND SHORELINE USE

a. What is the current use of the site and adjacent properties?

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**The current use of the existing PUD is residential. The expansion site is vacant land zoned Industrial and R-3. Adjacent properties are residential and industrial.**

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b. Has the site been used for agriculture? If so, describe.  
No

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c. Describe any structures on the site.

**Within in the existing Planned Unit Development there are about 22 homes constructed and an activity center.**

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d. Will any structures be demolished? If so, what?  
No.

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

**Rural-3, General Industrial & Planned Unit Development (PUD)**

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

**Urban Growth Node with a land use designation of Urban Residential**

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

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**The proposed rezone of the subject property does not include any streams that have a shoreline master program designation.**

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**h. Has any part of the site been classified as an: "environmentally sensitive" area?**  
**No.**

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**i. Approximately how many people would the completed project displace?**  
**As this is a non-project action application, the rezone of the property will not result in any changes to people residing or working at the project location. If and when development occurs, a portion of the residential development would include second homes without permanent residents. Existing portions of the development have provided for about 2 units/acre and portions of the development to be built in the future could have areas of attached Urban Residential development of about 16 units /acre.**

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**If and when a hotel/restaurant is constructed there could be as many as 30 individuals working at the site. The total number of individuals that will reside in the project would vary seasonally as a substantial amount of the housing created would be for the second home and recreation market.**

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

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**The proposed rezone of the subject property to be included in the Evergreen Ridge Planned Unit Development is compatible in that the property is being rezoned to a less intensive use, as it is currently zoned industrial. The area in general is already characterized by residential development. The proposed project and the adjacent land are within the Ronald Urban Growth Node with a land use designation of Urban Residential. With this land use designation it is appropriate to bring the property into compliance with the Kittitas County Comprehensive Plan.**

**As this is a non-project action application there will be none. If development occurs, densities within areas of the project could be between 2 and about 16 units/acre.**

**k. Proposed measures to avoid or reduce displacement impacts, if any.**  
**As this is a non-project action application there will be none. If development occurs, densities within areas of the project could be between 2 and about 16 units/acre.**

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

**The proposed rezone of the subject property to be included in the Evergreen Ridge Planned Unit Development is compatible in that the property is being rezoned to a less intensive use, as it is currently zoned industrial. The area in general is already characterized by residential development. The proposed project and the adjacent land are within the Ronald Urban Growth Node with a land use designation of Urban Residential. With this land use designation it is appropriate to bring the property into compliance with the Kittitas County Comprehensive Plan.**

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9. HOUSING

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

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**As this is a non-project action application there will be no housing units provided. If and when the property is developed, since it is within the Ronald Urban Growth Node with a land use designation of Urban Residential, the property would be developed into Urban Density Residential units. This density could be about 16 units per acre in selected areas and as low as 2 units per acre in other areas. The goal of the project is to produce mixed use housing of between 2 and about 16 units per acre. The project would provide middle to high income housing.**

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

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**As this is a non-project action application there will be no housing units eliminated. If and when development occurs, there will be no housing units eliminated.**

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

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**As this is a non-project action application there will be no measures to reduce or control housing impacts if any. If and when development occurs, impacts will be controlled through the covenants established, and possibly amended, and filed and or extended to cover portions of the property.**

**The creation of additional housing will reduce the impacts on surrounding properties.**

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?

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**As this is a non-project action application there are no structures**

being built as part of this application. If and when development occurs, the buildings would be limited to 50 feet in height.

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

**As this is a non-project action application, none would be altered. The northwestern view of the subject property faces a recreational activity area. The eastern facing portion of the subject property is a 30 ft berm. No views will be altered or obstructed. If and when development occurs, views will be enhanced.**

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c. Proposed measures to reduce or control aesthetic impacts, if any.

**As this is a non-project action application there will be no measures to reduce or control aesthetic impacts. If and when development occurs, covenants and restrictions will be placed on the property that will control aesthetic impacts and encourage the use of natural vegetation with the exception of possible small lawns and gardens.**

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11. LIGHT AND GLARE

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

**As this is a non-project action application there will be no light or glare produced as part of this rezone application. If and when development occurs, all lighting would meet Kittitas County requirements.**

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

**As this is a non-project action application there will be no light or glare produced as part of this rezone application. If and when development occurs, all lighting would meet Kittitas County standards.**

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

**There is no off-site lighting that will affect this project.**

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

**As this is a non-project action application there will be no light or glare produced as part of this rezone application. If and when development occurs, the development will meet the requirements of Kittitas County and Washington State lighting requirements. In addition, covenants and restrictions placed on the property that will be used to reduce or control light and glare impacts.**

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12. RECREATION

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

**Hiking, hunting, snow-mobiling and horse riding. An activity center has been constructed which includes the following: a 25-meter swimming pool, basketball courts, tennis court, volleyball court, other court sports, a spa, picnic area, trail facilities, family meeting room, and large changing areas. The property is also adjacent to the Mountain Ridge trail system, which includes hiking and biking trails.**

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

**No**

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

**As this is a non-project action application measures to reduce or control impacts on recreation are not appropriate at this stage. As for the existing planned unit development zone there is an activity center that has been constructed which includes the following: a 25-meter swimming pool, basketball courts, tennis court, volleyball court, other court sports, a spa, picnic area, trail facilities, family meeting room, and large changing areas. The property is also adjacent to the Mountain Ridge trail system, which includes hiking and biking trails. If and when development occurs additional recreation opportunities may be added to those that exist or are planned.**

13. HISTORIC AND CULTURAL PRESERVATION

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

**No**

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

**None**

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

**None**

14. TRANSPORTATION

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

**The subject property is accessed from State Route 903 and Ridge Crest Drive. All access roads within the Evergreen Ridge**



**Planned Unit Development and roads through the applicant's subject and adjacent property are developed to meet or exceed the Kittitas County Road Standards.**

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

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**No**

c. How many parking spaces would the completed project have? How many would the project eliminate?

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**As this is a non-project action application, no parking would be created nor is any necessary. If and when the property is developed, each residential unit will have 1 off-street parking space. The existing Activity Center has 20 off-street parking spaces.**

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

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**As this is a non-project action, there will be no new roads or streets, or improvements to existing roads or streets, not including driveways. If and when development occurs, any new roads or streets will be constructed to meet or exceed Kittitas County Road Standards. Roads may be public or private, or a mixture of the two.**

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

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**No**

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

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**As this is a non-project action application, there will be no vehicular trips generated by the rezone. The possible number of vehicle trips per day of any future development is unknown at this time. As the future development will be most likely recreational in nature, and recreational opportunities are provided on site, the vehicular trips would be below the 10 trips per day per residence commonly used in planning. Peak volumes would be weekends and during the summer. As this property is located within the Ronald UGN, an area that the county has directed Urban Residential growth to occur, it is anticipated that traffic volumes will increase as these county goals are achieved.**

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

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**As this is a non-project action application there are no measures required or proposed at this time. As for the existing approved**

Planned Unit Development, measures were required from Washington State Dept. of Transportation to re-align the access point off of SR 903 to line up with Morrel Road on the south side of SR 903. Washington State Dept. of Transportation has approved the plans and construction activity is tentatively scheduled to begin in spring of 2006. This re-alignment and turn lane upgrade are designed to meet the additional volume of traffic anticipated to occur in this portion of the Ronald Urban Growth Node as continued build out occurs. If and when development occurs, measures will be put into place to reduce or control transportation impacts such as creating additional recreational opportunities on site and provide retail and other commercial opportunities for the onsite population to reduce off-site travel.

15. PUBLIC SERVICE

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

**As this is a non-project action application there would not be any increase in needs at this time. If and when development was to occur there would be increased need for fire and police protection as well as health care. Adding students to the schools is a possibility. As any future development will be most likely recreational in nature, impacts to fire, police, and schools will most likely be lower than would occur with typical residences.**

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

**As this is a non-project action application there would not be any increase in needs at this time. Therefore, measures to reduce or control direct impacts are not appropriate at this time. If and when development occurs the land with structures will have more value than it presently has as unused industrial land. This should result in increased revenue to the county in the form of taxes, and offset some or all of the costs of public services needed to serve the development. If and when development occurs, the water system, community septic drain field, private roads, roads maintenance and recreational benefits will be provided and privately funded reducing impacts on publicly funded services.**

16. UTILITIES

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

**All utilities are located adjacent to the subject property.**

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

As this is a non-project action application, no utilities are proposed for the project at this time. As development occurs, all utilities will be underground and will be installed during initial construction phase when development takes place. Puget Sound Energy will provide the electric power. Inland Telephone will provide telephone, cable and Internet services. LCU, Inc. will provide the community septic disposal systems and potable water through Evergreen Valley Water System.

Though not required, when the sewage volumes reach adequate levels to support operation, it is intended to eliminate these septic systems and construct a reclaimed water facility approved through the WA State Dept. of Health and permitted by the WA State Dept. of Ecology. This reclaimed water facility will be operated by LCU, Inc and will serve the expanded PUD as part of its approved service area. That service area will be compatible with the service area of LCU, Inc.'s Evergreen Valley Water System. In addition the system may be sized to include a portion of areas outside of the Evergreen Valley Water System present and future service areas including portions of Township 20N, Range 14E, Sections 1, 11, & 12, and Township 20N, Range 15E, Sections 7 & 8.

This facility will take domestic sewage from the project and treat it to a level that meets or exceeds Class "A" reclaimed water, the highest standard recognized by Department of Health and Department of Ecology and allow that water to be put to beneficial use. Class "A" reclaimed water is suitable for many beneficial uses including, but not limited to, irrigation of food and non-food crops, landscape irrigation, impoundments for landscape and recreational uses, construction water, and fire fighting/protection. The standards for Class "A" reclaimed water established by Department of Health and Department of Ecology require treatment and disinfection to a level that is far above what conventional wastewater treatment facilities are required to provide. The standards also require automated alarms, redundancy of treatment units, emergency storage, and stringent operator training and certification to meet reliability criteria. Elimination of individual septic systems and treatment of wastewater from the project to these high standards provides for increased benefit to Public Health far above that seen in conventional wastewater treatment plants or soil based treatment of septic systems.

The system will be sized to adequately treat and reclaim the domestic sewage from the residences, facilities, and businesses served by the Evergreen Valley Water System. In addition the system may be sized to include a portion of areas outside of the Evergreen Valley Water System present and future service areas including portions of Township 20N, Range 14E, Sections 1, 11, & 12, and Township 20N, Range 15E, Sections 7 & 8.

Construction of this reclaimed water facility will include a central treatment facility,

underground collection and distributions systems, and storage facilities. The system, as currently being designed and planned, will have an initial startup capacity to treat approximately 33,000 gallons per day of sewage effluent. The system is being designed and will be constructed to expand to approximately 100,000 gallons per day. The system is being designed so that it can be expanded to serve additional lands in the future.

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: Chal Bala

Date: 12/21/05

CDS/FORMS/PLANNING/UPDATED FLOOD DEVELOPMENT PERMIT: 07/06/05

**THE REMAINING QUESTIONS ARE EXCLUSIVELY**

**FOR REZONE APPLICANTS AND FOR AMENDMENTS TO COUNTY COMPREHENSIVE PLAN AND CODE. UNLESS THESE APPLY TO YOU, THIS IS THE END OF THE SEPA CHECKLIST.**

**SEPA ENVIRONMENTAL CHECKLIST QUESTIONS FOR NON-PROJECT ACTIONS ONLY.** WHEN ANSWERING THESE QUESTIONS, BE AWARE THE EXTENT OF THE PROPOSAL, OR THE TYPE OF ACTIVITIES LIKELY TO RESULT FROM THE PROPOSAL, WOULD AFFECT AN ITEM AT A GREATER INTENSITY OR AT A FASTER RATE THAN IF THE PROPOSAL WERE NOT IMPLEMENTED. RESPOND BRIEFLY AND IN GENERAL TERMS (ATTACH ADDITIONAL SHEETS AS NECESSARY)

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.

**FOR STAFF USE**

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As this is a non-project action application, the applicant has no plans for development under the requested zone at this time. This property is within the Ronald Urban Growth Node. If the property was to remain zoned Industrial it could be anticipated that the industrial development of the land might impact the above much more than the proposed Planned Unit Development. The uses allowed

the Industrial Zone are as follows:

**Permitted Uses:**

1. Wholesale business, storage buildings and warehouses;
2. Freight and trucking yard or terminal;
3. Research, experimental or testing laboratories;
4. The manufacturing, processing, compounding, storage, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, agricultural products, cosmetics and toiletries;
5. The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process;
7. Farming, gardening, but not to include livestock feed yards, sales yards or slaughterhouses;
8. Uses customarily incidental to any of the above listed, including dwellings or shelters for the occupancy of the operators and employees necessary to the operation of a business or agricultural use.

**Conditional uses:**

1. All chemical manufacture, storage and/or packaging;
2. Asphalt manufacture, mixing, or refining;
3. Automobile dismantling, wrecking or junk yards;
4. Blast furnaces or coke ovens;
5. Cement, lime, gypsum or plaster of paris manufacture;
6. Drop forge industries;
7. Explosives, storage or manufacture;
8. Reduction or disposal of garbage, offal or similar refuse;
9. Oil refining;
10. Rubber reclaiming;
11. Feed yards, livestock sales yards or slaughterhouses;
12. Smelting, reduction or refining of metallic ores;
13. Tanneries;
14. Wineries;
15. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
16. Waste (refuse) recycling and processing;
17. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

The uses allowed in a Planned Unit Development are as follows:

**Permitted Uses:**

1. All residential uses including multifamily structures;
2. Hotels, motels, condominiums;
3. Retail businesses;
4. Commercial-recreation businesses;
5. Restaurants, cafes, taverns, cocktail bars;
6. Any other similar uses deemed by the planning commission to be consistent with the purpose and intent of this chapter.

-The permitted uses in the PUD zone could all result in increases or decreases to emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. It can be anticipated that the changing of zoning from Industrial to PUD zone will in of itself reduce the impacts to the above as it will be reducing the potential impacts from the allowed and conditional uses of the Industrial Zone. If in the future the allowed uses were implemented as allowed under the permitted uses section of the PUD zone, then any future discharges to waters, discharge of emissions to the air, and the production, storage or release of toxic or hazardous substances, or production of noise will be subject to applicable Federal, State and Local rules and regulations governing those events. In addition, if and when development occurs, impacts will be controlled through the covenants existing and to be established and filed on the property.

The change of zone itself will not impact water, air, production, storage, or release of toxic or hazardous substances; or production of noise.

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.

As this is a non project action application the rezone itself will not affect plants, animals, fish or marine life. There is no water body within or adjacent to the proposal. There are drainage ditches that run water during the wet period. These drainages do not contain fish or marine life. Over 75% of the land the proposed PUD would expand onto has been used as Industrial Land and is bare ground. The proposal would increase ground cover for animals with the introduction of vegetation within the site.

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However, in the event the property is utilized for any of the allowable uses within the current zone or the new zone being sought, the use of the property will be subject to applicable Federal, State and Local rules and regulations designed to protect and conserve plants, animals, fish or marine life, including but not limited to the Shoreline

Management Act, rules and regulation promulgated by the Dept. of Ecology regarding water use, rules and regulations by the WA State Dept. of Health with respect to the discharge of waste and rules and regulation by a variety of Federal Agencies governing the Endangered Species Act, etc.

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

As this is a non-project action application the rezone itself will not deplete energy or affect natural resources. The uses allowed in the PUD zone would be similar uses to the Rural 3 zone. These PUD zone uses would be less intense than those allowed within the Industrial zone as shown above in question #1. The industrial site, of which this rezone application historically has been a part, has been a large user of the natural resources in the Upper County (see history of the industrial site included with this application). In addition, industrial operations are typically large energy users, and this site in particular has been a large consumer of natural resources in the form of coal and timber. This rezone will remove some of the available land from permitted industrial operations, thereby potentially reducing the potential depletion of energy or natural resources. However, in the event the property is utilized for allowable uses within the current zones or the new zone being sought, the use of the property will be subject to applicable Federal, State and Local rules and regulations designed to protect natural resources and conserve energy. In addition, if and when development occurs, impacts will be controlled through the covenants established and filed on the property.

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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.

As this is a non-project action application the rezone itself will not use or affect environmentally sensitive areas or areas designated for governmental protection. In our review of the property there are none of the above listed items located within or adjacent to the proposed PUD. If there were such items and the property was to remain zoned Industrial it could be anticipated that the industrial development of the land might impact the above much more than the proposed Planned Unit Development.

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The uses allowed in the Industrial Zone are as follows:

**Permitted Uses:**

- 1. Wholesale business, storage buildings and warehouses;
- 2. Freighting and trucking yard or terminal;
- 3. Research, experimental or testing laboratories;

4. The manufacturing, processing, compounding, storage, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, agricultural products, cosmetics and toiletries;
5. The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process;
7. Farming, gardening, but not to include livestock feed yards, sales yards or slaughterhouses;
8. Uses customarily incidental to any of the above listed, including dwellings or shelters for the occupancy of the operators and employees necessary to the operation of a business or agricultural use.

**Conditional uses:**

1. All chemical manufacture, storage and/or packaging;
2. Asphalt manufacture, mixing, or refining;
3. Automobile dismantling, wrecking or junk yards;
4. Blast furnaces or coke ovens;
5. Cement, lime, gypsum or plaster of paris manufacture;
6. Drop forge industries;
7. Explosives, storage or manufacture;
8. Reduction or disposal of garbage, offal or similar refuse;
9. Oil refining;
10. Rubber reclaiming;
11. Feed yards, livestock sales yards or slaughterhouses;
12. Smelting, reduction or refining of metallic ores;
13. Tanneries;
14. Wineries;
15. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
16. Waste (refuse) recycling and processing;
17. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

The uses allowed in a Planned Unit Development are as follows:

**Permitted Uses:**



1. All residential uses including multifamily structures;
2. Hotels, motels, condominiums;
3. Retail businesses;
4. Commercial-recreation businesses;
5. Restaurants, cafes, taverns, cocktail bars;
6. Any other similar uses deemed by the planning commission to be consistent with the purpose and intent of this chapter.

If in the future the allowed uses were implemented as allowed under the permitted uses section of the PUD zone, then any future actions which would affect environmentally sensitive areas or areas designated for governmental protection will be subject to applicable Federal, State and Local rules and regulations governing those events. In addition, if and when development occurs, impacts could be addressed through the covenants existing and to be established and filed on the property.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses? Proposed measures to avoid or reduce shoreline and land use impact.

There are no shorelines within the proposed rezone.

The land uses allowed in the PUD zone would be similar uses to the Rural 3 zone.

If the property was to remain zoned Industrial it could be anticipated that the industrial development of the land might impact the land use much more than the proposed Planned Unit Development. The uses allowed in the Industrial Zone are as follows:

**Permitted Uses:**

1. Wholesale business, storage buildings and warehouses;
2. Freighting and trucking yard or terminal;
3. Research, experimental or testing laboratories;
4. The manufacturing, processing, compounding, storage, packaging or treatment of such products as drugs, bakery goods, candy, food and beverage products, dairy products, agricultural products, cosmetics and toiletries;
5. The manufacture, assembly, compounding or treatment of articles or merchandise from the following materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, metal, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, yarns and paint;
6. Any use not listed which is nearly identical to a permitted use, as judged by the administrative official, may be permitted. In such cases all adjacent property owners shall be given official notification for an opportunity to appeal such decisions within ten working days of notification to the county board of adjustment pursuant to Title 15A of this code, Project permit application process;

the county board of adjustment pursuant to Title 15A of this code, Project permit application process;

7. Farming, gardening, but not to include livestock feed yards, sales yards or slaughterhouses;
8. Uses customarily incidental to any of the above listed, including dwellings or shelters for the occupancy of the operators and employees necessary to the operation of a business or agricultural use.

**Conditional uses:**

1. All chemical manufacture, storage and/or packaging;
2. Asphalt manufacture, mixing, or refining;
3. Automobile dismantling, wrecking or junk yards;
4. Blast furnaces or coke ovens;
5. Cement, lime, gypsum or plaster of paris manufacture;
6. Drop forge industries;
7. Explosives, storage or manufacture;
8. Reduction or disposal of garbage, offal or similar refuse;
9. Oil refining;
10. Rubber reclaiming;
11. Feed yards, livestock sales yards or slaughterhouses;
12. Smelting, reduction or refining of metallic ores;
13. Tanneries;
14. Wineries;
15. Manufacturing of industrial or household adhesives, glues, cements, or component parts thereof, from vegetable, animal or synthetic plastic materials;
16. Waste (refuse) recycling and processing;
17. On-site and off-site hazardous waste storage and/or treatment. Off-site materials shall be accepted only from Kittitas County source sites.

The uses allowed in a Planned Unit Development are as follows:

**Permitted Uses:**

1. All residential uses including multifamily structures;
2. Hotels, motels, condominiums;
3. Retail businesses;
4. Commercial-recreation businesses;
5. Restaurants, cafes, taverns, cocktail bars;
6. Any other similar uses deemed by the planning commission to be consistent with the purpose and intent of this chapter.

It can be anticipated that the changing of zoning from Industrial to PUD zone will in of itself reduce the impacts to land use as it will be reducing the potential impacts from the allowed and conditional uses of the Industrial Zone. In the event the property is utilized in the future for allowable uses within the current zones or the new zone being sought, land use impacts which may occur as a result of that utilization will be addressed and mitigated at the time the change of use of the property occurs and will be subject to application Federal, State and Local rules and regulation. In addition, if and when development occurs, impacts to land use can be reduced through the covenants established and filed on the property.

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).

As this is a non-project action there will be no demand created on transportation, public service or utilities at this time. If and when the property is developed pursuant to the amended Planned Unit Development there will be additional traffic created on State Route 903. To mitigate this demand the applicant will re-align the entrance so it is directly across from Morrel road and construct turn lanes into the property. This re-alignment and turn lane upgrade are designed to meet the additional volume of traffic anticipated to occur in this portion of the Ronald Urban Growth Node as continued build out occurs. All roads within the Planned Unit Development will be private and will be maintained privately. The subject property is located within the Urban Growth Node of Ronald, which is one of the areas where Kittitas County has directed growth.

Many of the public services will be provided privately including but not limited to road maintenance, snow removal, areas for passive recreation, and active recreational facilities. The development will meet the county and state requirements regarding fire flow and placement of fire hydrants. The project will provide increased demand for police services, emergency health services, fire protection, and schools. The tax base for the development property will be increased to offset much of this cost.

As this proposal is within the Ronald Urban Growth Node the county has determined that this is a location to which population growth should be directed. There is an efficiency created by directing growth to an area with these types of services. The water and sewer utilities will be provided by the applicant. Telephone will be provided by Inland Telephone and the power will be provided by PSE. All of these utilities have adequate capacities to service this proposal.

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

conflicts have been identified.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attachment R

Effect of proposed formula vs current KCCOG formula
---

2005	2010	2015	2020	2025
36,759	40,545	44,806	48,794	52,810

Jurisdiction	Population Allocation			
	KCCOG Formula	#	Proposed formula	#
Roslyn/UGA	1.0%	528	3%	1584
So. Cle Elum/UGA	1.5%	792	1.5%	792
Kittitas/UGA	2.5%	1,320	3.0%	1584
Cle Elum/UGA	19.0%	10,034	19%	10,034
Ellensburg/UGA	35.0%	18,483	45%	23,764
Kittitas County:				
Urban Growth Nodes	15.0%	7,921	10%	5281
County <sup>2</sup>	26.0%	13,732	18.5%	9771
	<u>100.0%</u>	<u>52,810</u>	<u>100%</u>	<u>52,810</u>

\* On October 26, 2005, the Conference of Governments (COG) requested planning jurisdictions to develop a new formula to reflect a more accurate formula based on recent estimates for 2005.

Kittitas County • City of Cle Elum • City of Ellensburg • City of Kittitas • City of Roslyn • Town of South Cle Elum  
**KITTITAS COUNTY CONFERENCE OF GOVERNMENTS**

**Commissioners Auditorium — Kittitas County Court House**

**SPECIAL MEETING AGENDA**  
**Wednesday, JUNE 28, 2006 • 7:00 P.M.**

• • •

- I. **Call to Order and Introduction of KCCOG members.**
- II. **Correspondence**
- III. **Minutes - April 26, 2006**
- III. **New Business**
  - A. **FY 2007 SALES & USE TAX PUBLIC FACILITIES APPLICATIONS**
    1. **staff presentation(s)**
    2. **public testimony**
    3. **discussion and deliberation**
    4. **motion**
  - B. **LAW & JUSTICE SALES TAX DISCUSSION**
- IV. **Chairman's Report.**

Kittitas County • City of Cle Elum • City of Ellensburg • City of Kittitas • City of Roslyn • Town of South Cle Elum  
**KITTITAS COUNTY CONFERENCE OF GOVERNMENTS**

Meeting Minutes – April 26 2006

Those Present: Chair City of Ellensburg Ed Barry, City of Roslyn Jen Porter, Kittitas County David Bowen, Town of South Cle Elum Jim DeVere, City of Cle Elum Charles Glondo and Kittitas County Jerry Pettit.

Also Present: Director of Community Development Services Darryl Piercy, City of Cle Elum Gregg Hall, City of Roslyn Jennifer Horwitz, TerraDesign Works Chad Bala, and Clerk of the Board Susan Barret.

I. Call to Order.

With a quorum present, the regular meeting of the Kittitas County Conference of Governments was called to order at 7:01 PM with the introduction of members and staff.

II. Correspondence.

Clerk reports no new correspondence.

III. Minutes

*Jim DeVere moved to approve the October 26, 2005 minutes as written. The motion was seconded carried by a unanimous poll of the Board.*

IV. New Business

1. Election of Chair and Vice-Chair

*Jim DeVere moved to nominate Jerry Pettit for the position of Chair and volunteered himself as Vice-Chair. The motion was seconded. There was no discussion. The motion was carried by a unanimous poll of the Board to accept Jerry Pettit as Chair and Jim DeVere as the Vice-Chair for the 2006 annual term.*

2. Urban Growth Areas Population Allocation

The Chair opened the meeting to staff presentation; Director of Community Development Services Darryl Piercy stated that in October 2005 the Conference of Governments requested planning jurisdictions develop a new formula to more accurately reflect recent estimates for 2025. The proposed formula was adjusted downward for Roslyn/UGA to 2.5%; upward for So. Cle Elum/UGA to 2%; upward for Central UGA to 3%; Cle Elum remained the same at 19%; upward for Ellensburg to

45%; downward for Kittitas County Urban Growth Nodes to 10%; and downward for the County to 18.5%. Piercy stated that this was the best projection based on trends and populations that the cities feel they can handle based on geographical size; density; and capital facilities.

The Chair opened the meeting to public testimony; Jennifer Horwitz asked what the current population is in the Urban Growth Nodes. Piercy responded that the numbers are derived through Census track with an estimation of just under 4,000.

The Chair opened the meeting to discussion and deliberation. Discussion ensued over the potential annexations affect on populations over time; how the UGN populations are allocated; the impact of capital facilities on growth; potential for Ronald's future services to be independent of Roslyn; and the diversity between UGA and UGN for future planning; and new alternatives in water reclamation.

*David Bowen moved to adopt the amended formula for Roslyn/UGA to 2.5% and South Cle Elum/UGA 2% in the population allocation. The motion was seconded carried by a unanimous poll of the Board.*

3. Representation for the Yakima Basin Fish and Wildlife Recovery Board selection.

David Bowen gave an overview of the board formation; representation needs; and time commitment. Discussion ensued and the issue was tabled to the next meeting.

IV. Good of the Order

Ed Barry announced the next meeting will be in June to go over the FY 2007 Sales & Use Tax Public Facilities Applications.

Ed Barry opened the meeting to discussion of Animal Shelter and Control. Barry stated that there is much interest on this topic. Porter stated that there is intent and support for a shelter in the upper county; there is forward momentum; possible five way combined effort; several ideas were discussed but plans at this point are still nebulous.

David Bowen opened discussion of city's input in setting UGA's for the comprehensive plan update. Piercy spoke to various details of UGA arrangements. Further discussion ensued. Piercy stated that the UGA Boundaries and Comprehensive Plan update are in a parallel process with the annual update and the 10 year update cycles.

V. Chairman's Report.

Stated that the next meeting will be held in Ellensburg, June 28, 2006 in the Commissioner's Auditorium.

With no additional business to conduct Porter moved to adjourn the meeting. The motion carried and the meeting adjourned at 7:58 p.m.





White Paper  
New Subdivisions Increase Taxes In  
Excess of Increased Costs  
To the County

Over the past six months we have initiated and completed a study that analyzed the tax revenues collected by the county in the Evergreen Valley and Cle Elum River Trails subdivisions and compared the amount of taxes to the expenses incurred by the county to support these subdivisions.

The results of the study show that over a 15-year period, the county received \$524,592 in taxes from the property owners within these subdivisions. Out of this amount, the schools received \$115,359 and only one family from Evergreen Valley was attending the schools.

Our research has found that in the years from 1997 to the present there has only been minimal use of the County services by Evergreen Valley and Cle Elum River Trails subdivisions.

There have been 0 First Aid calls and 1 Fire call.

There have been 9 Sheriff's calls as follows:

**1997 - 2000:** no calls

**2001:** 2 calls - one call relating to a domestic dispute and one call relating to an animal complaint

**2002:** 1 fire call

**2003:** 4 calls - one to have papers served, and 3 burglary alarm calls (and as far as we could tell they were all false alarms)

**2004:** no calls

**2005:** 3 calls - one suspicious person report, one shots heard, and one theft report

The county does not keep records as to the cost of an individual police call but assuming an amount of \$250 per call, the total cost to the county for these calls would be a total of \$2,250.

The county's maintenance plan is to re-seal the county roads every 6 to 7 years. The roads of Evergreen Valley and Cle Elum River Trails were accepted onto the county system in 2004 and haven't needed "chip sealing" as yet but will in three or four years. The approximate cost of this sealing is \$2.00 per square yard or approximately \$42,000. Another maintenance issue for the county is snowplowing. We estimate that it would cost approximately \$150 to plow the 1.63 miles of roads in Evergreen Valley and Cle Elum River Trails. At an estimate of 10 snowplow occasions per year since 2004, the cost to the county would be \$3000 to date. In 2002 there was one house fire that was estimated to cost less then \$30,000 to fight.

The total cost to the county through 2005 is \$56,250 as follows:

- \$2,250 for Police, Fire and Medical services
- \$3000 for snowplowing
- \$21,000 for the prorated costs of "chip sealing" the roads
- \$30,000 fire cost

**\$352,983** was received by the county over and above expenses paid out with regards to the protection and maintenance of these subdivisions.

The attached spreadsheet shows the payment of Evergreen Valley and Cle Elum River Trails into the individual taxing categories for the valuation years 2001 to 2005 for the tax years 2002-2006.

Valuation Year	Taxes paid	Local Schools	State Schools	County + City	Co Roads	Fire Dist 6	Hosp Dist 2	Community Services
2005	\$94,357.48	\$29,175.33 30.92%	\$27,627.87 29.28%	\$18,578.99 19.69%	\$8,963.96 9.50%	\$5,501.04 5.83%	\$4,189.47 4.44%	\$320.82 0.34%
2004	\$92,344.41	\$28,746.81 31.13%	\$26,475.14 28.67%	\$18,561.23 20.10%	\$8,911.24 9.65%	\$5,374.44 5.82%	\$3,989.28 4.32%	\$295.50 0.32%
2003	\$77,242.32	\$24,385.40 31.57%	\$21,241.64 27.50%	\$15,935.09 20.62%	\$7,469.33 9.67%	\$4,526.40 5.86%	\$3,452.73 4.47%	\$239.45 0.31%
2002	\$53,123.02	\$16,267.55 30.66%	\$14,624.79 27.53%	\$11,076.17 20.85%	\$5,402.62 10.17%	\$3,171.45 5.97%	\$2,358.67 4.44%	\$424.99 0.38%
2001	\$30,754.26	\$9,324.69 30.32%	\$8,608.12 27.99%	\$6,439.94 20.94%	\$3,103.10 10.09%	\$1,832.95 5.96%	\$1,340.89 4.36%	\$113.79 0.37%
2000	\$27,849.69	\$7,458.15 26.78%	\$8,393.90 30.14%	\$6,093.51 21.88%	\$2,910.29 10.45%	\$1,657.05 5.95%	\$1,264.38 4.54%	\$100.26 0.36%
<b>Total tax</b>	<b>\$375,671.18</b>	<b>\$115,359.74</b>	<b>\$106,973.17</b>	<b>\$76,686.17</b>	<b>\$36,761.14</b>	<b>\$22,063.68</b>	<b>\$16,595.69</b>	<b>\$1,494.83</b>

NO. 0103497

LIABILITY \$1,000.00

FEE \$215.40

## CHICAGO TITLE INSURANCE COMPANY

*a corporation, herein called the Company,*

### GUARANTEES

**Policy No. 72030- 6471**

TERRA DESIGNS

herein called the Assured, against actual loss not exceeding the liability amount stated above which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.


### LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth above.

Dated: January 29, 2007 @ 8:00 a.m.

CHICAGO TITLE INSURANCE COMPANY

By



*Authorized Signature*

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.

SUBDIVISION GUARANTEE

Office File Number : 0103497  
Guarantee Number : 48 0035 72030 6471  
Dated : January 29, 2007, at 8:00am  
Liability Amount : \$ 1,000.00  
Premium : \$ 200.00  
Tax : \$ 15.40

Your Reference : EVERGREEN VALLEY, LLC

Name of Assured: TERRA DESIGNS

The assurances referred to on the face page are:

That, according to those public records with, under the recording laws, impart constructive notice of matters relative to the following described real property:

**The Southwest Quarter of Section 12, Township 20 North, Range 14 East, W.M., in the County of Kittitas, State of Washington;**

**EXCEPTING THEREFROM:**

1. The North 200 feet of the Northwest Quarter of the Southwest Quarter of said Section 12.
2. The Plat of Baker's Acres, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, pages 76, 77 and 78, records of said County.
3. The right of way of State Highway 2 East, (903).
4. The Plat of Evergreen Valley Plat, Division I, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, pages 51 through 53, records of said County.
5. The Plat of Evergreen Valley Plat, Division II, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, pages 121, 122 and 123, records of said County.
6. The Plat of Evergreen Valley Plat, Division III, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, pages 124 through 126, records of said County.
7. The Plat of Cle Elum River Trails Division No. I, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, pages 201 through 203, records of said County.
8. The Plat of Cle Elum River Trails Division No. II, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, pages 204 through 206, records of said County.
9. That portion of the South Half of the Northwest Quarter and that portion of the North Half of the Southwest Quarter of Section 12, Township 20 North, Range 14 East, W.M., in the County of Kittitas, State of Washington, and that portion of the property described in the Parcel designated as Parcel "B" of the record of survey drawing prepared by Western Pacific Engineering, Inc., dated September 1991 and described as follows:  
Beginning at the easterly most corner of Lot 39, Baker's Acres Plat, as per plat thereof filed in Volume 5 of Plats, pages 76, 77 and 78, as found under the Kittitas County Auditor's File No. 372709, said point also being the northerly most corner of said Parcel "B" described in the record of survey drawing as found in Book 16 of Surveys, pages 66 and 67, as found under the Kittitas County Auditor's File No. 523717, records of Kittitas County and on the Southwest right of way boundary line of the Washington State Department of Transportation's State Highway known as State Highway 903; thence southeasterly on a 2,894.80 foot radius curve concave to the Northeast an arc distance of

SCHEDULE A (CONTINUED)

File No. 0103497

Guarantee Number: 48 0035 72030 6471

LEGAL DESCRIPTION CONTINUED

62.47 feet to a point that lies 60.00 feet Southeast of the Southeast boundary line of said Lot 39, the long chord of said curve being South 60°28'57" East, a distance of 62.47 feet, said line being coincident with the Southwest right of way boundary line of said State Highway 903 and Northeast boundary line of said Parcel "B"; thence South 45°41'32" West, a distance of 100.00 feet, said line being parallel with 60.00 feet Southeast of the Southeast boundary line of said Lot 39; thence South 09°21'21" West, a distance of 267.40 feet; thence North 63°43'23" West, a distance of 231.61 feet to the Southeast boundary line of said Lot 39 and to a northwesterly boundary line of said Parcel "B"; thence North 45°41'32" East coincident with the Southeast boundary line of said Lot 39 and the Northwest boundary line of said Parcel "B", a distance of 374.99 feet to the point of beginning.

Title to said real property is vested in:

EVERGREEN VALLEY LLC, A WASHINGTON LIMITED LIABILITY COMPANY

END OF SCHEDULE A

(SCHEDULE B)

File No. 0103497

Guarantee Number: 48 0035 72030 6471

Subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

**EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Unpatented mining claims; reservations or exceptions in the United States Patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
3. Title to any property beyond the lines of the real property expressly described herein, or title to streets, roads, avenues, lanes, ways or waterways on which such real property abuts, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
4. General taxes and assessments for 2007, payable after February 15, 2007, which become delinquent after April 30, 2007, if first half not paid.

	<u>Full year</u>	<u>First Half</u>	<u>Second Half</u>
Amount :	\$ 5,243.02	2,621.51	2,621.51
Tax No. :	20-14-12030-0001 (822534)		

5. An easement of the right to enter upon, dig, lay, operate, maintain, repair and renew a water pipe line 15 feet wide, through, over, along and across the following described portion of the Southwest Quarter of said section; Beginning at a point 146.6 feet North of the Southwest corner of the Southwest Quarter of Section 12 and running thence South 68°30' East, 400 feet, together with the right of ingress to and egress from said land, as conveyed to the City of Roslyn, a municipal corporation, by deed dated June 13, 1910, recorded in Book 22 of Deeds, page 121.
6. Pendency of Yakima County Superior Court Cause No. 77-2-01484-5, State of Washington, Department of Ecology, Plaintiff, vs. James J. Acquavella, et al, Defendants; notice of which is given by Lis Pendens recorded on October 14, 1977, in Volume 90, page 589, under Kittitas County recording number 417302, and supplemental notice of Lis Pendens recorded June 4, 1980, in Volume 131, page 63, under Auditor's File No. 442263; being an action for the determination of the rights to divert, withdraw, or otherwise make use of the surface waters of the Yakima River Drainage Basin, in accordance with the provisions of Chapters 90.03 and 90.44 Revised Code of Washington. (Attorney for Plaintiff: Charles B. Roe, Jr., Senior Assistant Attorney General)
7. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on May 28, 1980, under Kittitas County Auditor's File No. 442098.  
In favor of : Roslyn Telephone Company  
For : To construct, reconstruct, operate and maintain under granted lands and under all streets, roads or highways abutting said lands, a telephone line or system.  
Affects : That part of Section 12 along the old road between Pineloch Sun Division III and Baker's Acres.

(SCHEDULE B)

File No. 0103497

Guarantee Number: 48 0035 72030 6471

8. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on August 9, 1984, under Kittitas County Auditor's File No. 481279.  
In favor of : Plum Creek Timber Company, Inc.  
For : A permanent, non-exclusive easement assignable in whole or in part, over and along right of way 60 feet in width  
Affects : A strip 60 feet in width over a portion of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Northwest Quarter of said Section 12.
9. Easement for electric transmission and distribution line, together with necessary appurtenances and all rights granted by instrument recorded on July 23, 1991, under Kittitas County Auditor's File No. 541181.  
To : Puget Sound Power & Light Company, a Washington corporation  
Affects : Said premises and other land
10. Well and Water Usage Contract, and the terms and conditions thereof, executed by and between the parties herein named;  
Between : Eugene W. White and Elizabeth A. White; Lester Engelhart and Jackie Engelhart, husband and wife; and Port Quendall Development Company, a Washington corporation  
Dated : September 28, 1992  
Recorded : September 29, 1992 in Volume 335, Page 1244  
Auditor's File No. : 553172  
Affects : Said premises and other land
11. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as conveyed by instrument recorded on September 14, 1994, in Volume 358, Page 1261, under Kittitas County Auditor's File No. 574976.  
In favor of : Puget Sound Power & Light Company, a Washington corporation  
For : Underground electric transmission and/or distribution system together with all necessary or convenient appurtenances  
Affects : A strip of land ten (10) feet in width having five (5) feet of such width on each side of a centerline constructed or to be constructed, extended or relocated within the West half of said Section 12, together with right of access over Grantor's remaining property to enable Grantee to exercise its rights
- Said easements are described as follows:  
Easement No. 1 : All street and road rights-of-way as now or hereafter designed, platted and/or constructed within the above described property (When said streets and roads are dedicated to the public, this clause shall become null and void.)  
Easement No. 2 : A strip of land 10 feet in width, located within said property lying parallel with and adjoining all public and private street and road rights-of-way.
12. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on November 9, 2000, under Kittitas County Auditor's File No. 200011090006.  
For : Utilities  
Affects : Portion of said premises

END OF EXCEPTIONS



**(SCHEDULE B)**

**File No. 0103497**

**Guarantee Number: 48 0035 72030 6471**

**Notes:**

1. Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: In the event any contracts, liens, mortgages, judgments, etc. which may be set forth herein are not paid off and released in full, prior to or immediately following the recording of the forthcoming plat (short plat), this Company will require any parties holding the beneficial interest in any such matters to join in on the platting and dedication provisions of the said plat (short plat) to guarantee the insurability of any lots or parcels created thereon. We are unwilling to assume the risk involved created by the possibility that any matters dedicated to the public, or the plat (short plat) in its entirety, could be rendered void by a foreclosure action of any such underlying matter if said beneficial party has not joined in on the plat (short plat).

**END OF GUARANTEE**

AW/kdb

# Attachment G

Cle Elum River Trails Legal Description:

20-14-12030-0001:

The Southwest Quarter of Section 12, Township 20 North, Range 14 East, W.M., in the County of Kittitas, State of Washington;

EXCEPTING THEREFROM:

1. The North 200 feet of the Northwest Quarter of the Southwest Quarter of said Section 12.
2. The Plat of Baker's Acres, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 5 of Plats, pages 76, 77 and 78, records of said County.
3. The right of way of State Highway 2 East, (903).
4. The Plat of Evergreen Valley Plat, Division I, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, pages 51 through 53, records of said County.
5. The Plat of Evergreen Valley Plat, Division II, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, pages 121, 122 and 123, records of said County.
6. The Plat of Evergreen Valley Plat, Division III, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, pages 124 through 126, records of said County.
7. The Plat of Cle Elum River Trails Division No. I, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, pages 201 through 203, records of said County.
8. The Plat of Cle Elum River Trails Division No. II, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, pages 204 through 206, records of said County.
9. That portion of the South Half of the Northwest Quarter and that portion of the North Half of the Southwest Quarter of Section 12, Township, 20 North, Range 14 East, W.M., in the County of Kittitas, State of Washington, and that portion of the property described in the Parcel designated as Parcel "B" of the record of survey drawing prepared by Western Pacific Engineering, Inc., dated September 1991 and described as follows:  
Beginning at the easterly most corner of Lot 39, Baker's Acres Plat, as per plat thereof filed in Volume 5 of Plats, pages 76, 77 and 78, as found under the Kittitas County Auditor's File No. 372709, said point also being the northerly most corner of said Parcel "B" described in the record of survey drawing as found in Book 16 of Surveys, pages 66 and 67, as found under the Kittitas County Auditor's File No. 523717, records of Kittitas County and on the Southwest right of way boundary line of the Washington State Department of Transportation's State Highway known as State Highway 903; thence southeasterly on a 2,894.80 foot radius curve concave to the Northeast an arc distance of 62.47 feet to a point that lies 60.00 feet Southeast of the Southeast boundary line of said Lot 39, the long chord of said curve being South 60°28'57" East, a distance of 62.47 feet, said line being coincident with the

Southwest right of way boundary line of said State Highway 903 and Northeast boundary line of said Parcel "B"; thence South 45°41'32" West, a distance of 100.00 feet, said line being parallel with 60.00 feet Southeast of the Southeast boundary line of said Lot 39; thence South 09°21'21" West, a distance of 267.40 feet; thence North 63°43'23" West, a distance of 231.61 feet to the Southeast boundary line of said Lot 39 and to a northwesterly boundary line of said Parcel "B"; thence North 45°41'32" East coincident with the Southeast boundary line of said Lot 39 and the Northwest boundary line of said Parcel "B", a distance of 374.99 feet to the point of beginning.

20-14-12053-0012:

Legal: ACRES 2.58, EVERGREEN VALLEY PLAT, DIVISION NO. III; LOT 12 SEC. 12; TWP. 20; RGE. 14

20-14-12053-0013:

Legal: ACRES 3.99, EVERGREEN VALLEY PLAT, DIVISION NO. III; LOT 13 SEC. 12; TWP. 20; RGE. 14

20-14-12053-0022:

Legal: ACRES 3.04, EVERGREEN VALLEY PLAT, DIVISION NO. III; LOT 22 SEC. 12; TWP. 20; RGE. 14

20-14-12053-0021:

Legal: ACRES 1.72, EVERGREEN VALLEY PLAT, DIVISION NO. III; LOT 21 SEC. 12; TWP. 20; RGE. 14

20-14-12053-0020:

Legal: ACRES 2.07, EVERGREEN VALLEY PLAT, DIVISION NO. III; LOT 20 SEC. 12; TWP. 20; RGE. 14

20-14-12053-0019:

Legal: ACRES 1.46, EVERGREEN VALLEY PLAT, DIVISION NO. III; LOT 19 SEC. 12; TWP. 20; RGE. 14

20-14-12057-0016:

Legal: ACRES .51, CLE ELUM RIVER TRAILS DIVISION NO. 1; LOT 16; SEC. 12,  
TWP. 20, RGE. 14

20-14-12057-0002:

Legal: ACRES .59, CLE ELUM RIVER TRAILS DIVISION NO. 1; LOT 2; SEC. 12,  
TWP. 20, RGE. 14

20-14-12057-0004:

Legal: ACRES .50, CLE ELUM RIVER TRAILS DIVISION NO. 1; LOT 4; SEC. 12,  
TWP. 20, RGE. 14

20-14-12057-0006:

Legal: ACRES .50, CLE ELUM RIVER TRAILS DIVISION NO. 1; LOT 6; SEC. 12,  
TWP. 20, RGE. 14

20-14-12058-0001:

Legal: ACRES .55, CLE ELUM RIVER TRAILS DIVISION NO. 2; LOT 1; SEC. 12,  
TWP. 20, RGE. 14

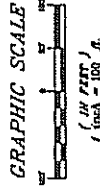
20-14-12058-0023:

Legal: ACRES .63, CLE ELUM RIVER TRAILS DIVISION NO. 2; LOT 23; SEC. 12,  
TWP. 20, RGE. 14

Attachment H

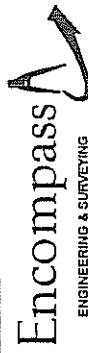
# CLE ELUM RIVER TRAILS - P.U.D. AMENDMENT - PHASE 1

A PORTION OF THE SW1/4 OF SECTION 12, T. 20N., R. 14E., W.M. KITTITAS COUNTY, STATE OF WASHINGTON



### LEGEND

- EXISTING ADJUSTMENTS
- SET ADJUSTMENTS
- FOUND 1/2" REBAR LSH 18092
- SET 1/2" REBAR LSH 18092
- ⊗ QUARTER CORNER AS NOTED
- ⊗ SECTION CORNER AS NOTED
- ( ) BEARING AS RECORDED

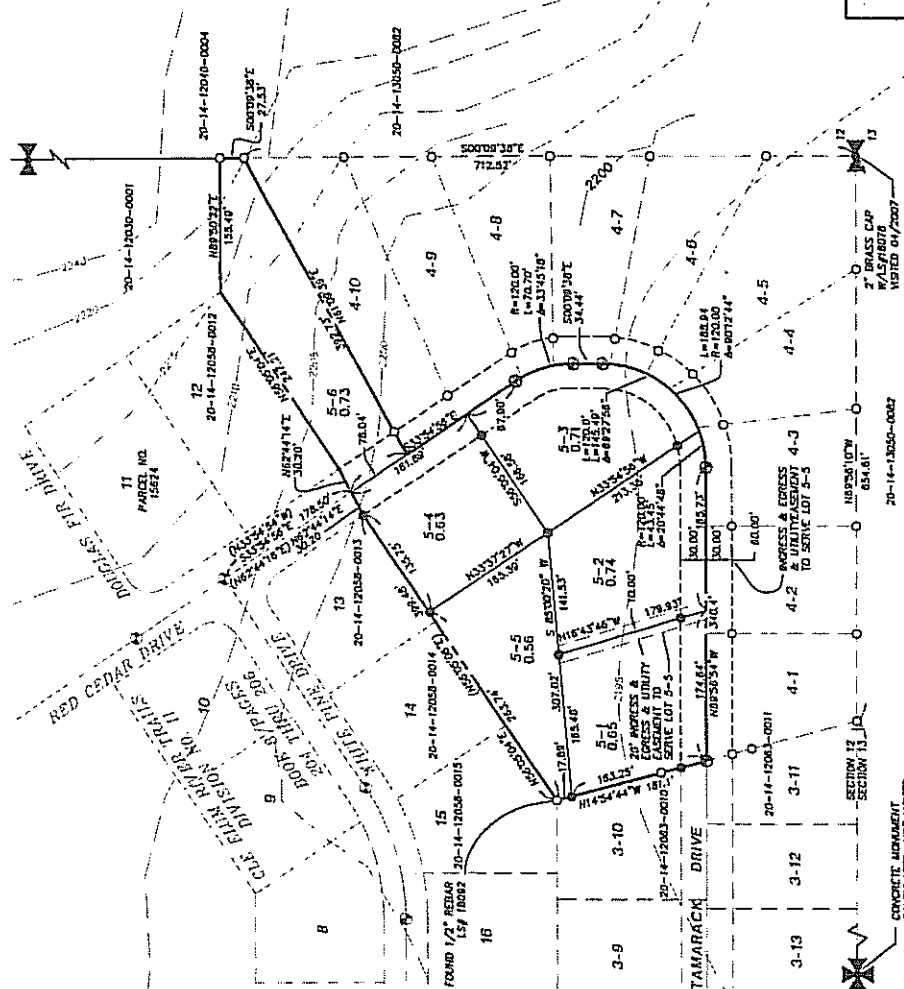


ENGINEERING & SURVEYING  
 100 EAST 2ND STREET  
 CLE ELUM, WA 99027  
 PHONE: (509) 674-7433  
 FAX: (509) 674-7410

### CLE ELUM RIVER TRAILS - P.U.D. AMENDMENT - PHASE 1

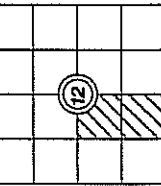
PTL 8W/4 OF SECTION 12, T. 20N., R. 14E., W.M.  
 KITTITAS COUNTY, STATE OF WASHINGTON

OWN BY <b>ALMORTHICOTT</b>	DATE <b>01/2008</b>	JOB NO. <b>07275-1</b>
CHKD BY <b>D. NELSON</b>	SCALE <b>1"=100'</b>	SHEET <b>1 OF 2</b>



CONCRETE MONUMENT CALCULATED - NOT VISITED

INDEX LOCATION  
 SEC. 12, T. 20N., R. 14E., W.M.

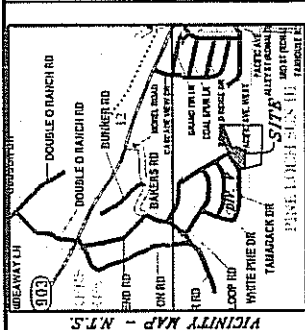


**SURVEYOR'S CERTIFICATE**  
 This map correctly represents a survey made by me or under my direction and in accordance with the request of **ALMORTHICOTT, WALLEY, LLC** in WAH. 20.081

DAVID P. NELSON  
 Certificate No. 18092

**RECORDER'S CERTIFICATE**  
 Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M in book \_\_\_\_\_ of page \_\_\_\_\_ at the request of **DAVID P. NELSON** Surveyor's Name

\_\_\_\_\_  
 County Auditor      Deputy County Auditor



**APPROVALS**

KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS  
 EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_

KITTITAS COUNTY ENGINEER  
 KITTITAS COUNTY HEALTH DEPARTMENT  
 I HEREBY CERTIFY THAT THE CLE ELUM RIVER TRAILS P.U.D. AMENDMENT - PHASE 1 PLAT HAS BEEN EXAMINED BY ME AND I FIND THE PROPERTY TO BE IN AN ACCEPTABLE CONDITION FOR PLATING.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_

KITTITAS COUNTY HEALTH OFFICER  
 CERTIFICATE OF COUNTY PLANNING DIRECTOR  
 I HEREBY CERTIFY THAT THE CLE ELUM RIVER TRAILS P.U.D. AMENDMENT - PHASE 1 PLAT HAS BEEN EXAMINED BY ME AND I FIND THE PROPERTY TO BE IN AN ACCEPTABLE CONDITION FOR PLATING.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_

KITTITAS COUNTY PLANNING DIRECTOR  
 CERTIFICATE OF KITTITAS COUNTY TREASURER  
 I HEREBY CERTIFY THAT THE TAXES AND ASSESSMENTS ARE PAID FOR THE PRECEDING YEARS AND FOR THIS YEAR IN WHICH THE PLAT IS NOW TO BE FILED.  
 PARCEL NO. PNL 20-14-12030-0001 (823234)  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_

KITTITAS COUNTY TREASURER  
 CERTIFICATE OF KITTITAS COUNTY ASSESSOR  
 I HEREBY CERTIFY THAT THE CLE ELUM RIVER TRAILS P.U.D. AMENDMENT - PHASE 1 PLAT HAS BEEN EXAMINED BY ME AND I FIND THE PROPERTY TO BE IN AN ACCEPTABLE CONDITION FOR PLATING.  
 PARCEL NO. PNL 20-14-12030-0001 (823234)  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_

KITTITAS COUNTY ASSESSOR  
 KITTITAS COUNTY BOARD OF COMMISSIONERS  
 EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_

BOARD OF COUNTY COMMISSIONERS  
 KITTITAS COUNTY, WASHINGTON

BY: \_\_\_\_\_  
 CLERK OF THE BOARD

ATTEST: \_\_\_\_\_

NOTICE: THE APPROVAL OF THIS PLAT IS NOT A GUARANTEE THAT FUTURE RESULTS WILL BE GUARANTEED.

# Attschmud I



Phone: (509) 674-7433 Fax: (509) 674-7419

DATE	1-22-08	JOB NO.	072751
ATTENTION			
RE:			
11 COPIES of CLE ELUM RIVER TRAILS P.U.D. PHASE 1			

TO LINDAY OEBOLT

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- WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:
- Shop drawings     Prints     Plans     Samples     Specifications
- Copy of letter     Change order     \_\_\_\_\_

COPIES	DATE	NO.	DESCRIPTION
11		22	11 SHEETS 1 AND 2 of CLE ELUM RIVER TRAILS - PHASE 1
1		7	LOT LINE CLOSURES PARENT LTS 1-6
1			8 1/2 x 11 copy of sheet 1

- THESE ARE TRANSMITTED as checked below:
- For approval     Approved as submitted     Resubmit \_\_\_\_\_ copies for approval
- For your use     Approved as noted     Submit \_\_\_\_\_ copies for distribution
- As requested     Returned for corrections     Return \_\_\_\_\_ corrected prints
- For review and comment     \_\_\_\_\_
- FOR BIDS DUE \_\_\_\_\_     PRINTS RETURNED AFTER LOAN TO US

REMARKS \_\_\_\_\_

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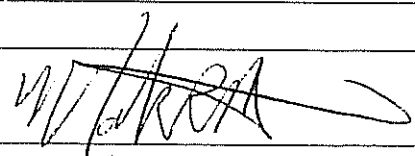


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COPY TO FILE

SIGNED: 

# 072751 PARENT

Point # 1	N	56	5	4	E	10000.000	10000.000
						399.480	
Point # 2	N	62	44	14	E	10222.898	10331.513
						60.410	
Point # 3	N	56	5	4	E	10250.570	10385.212
						247.210	
Point # 4	N	89	50	22	E	10388.506	10590.362
						155.490	
Point # 5	S	0	9	38	E	10388.942	10745.851
						27.530	
Point # 6	S	61	9	39	W	10361.412	10745.929
						392.730	
Point # 7	S	33	54	56	E	10171.978	10401.906
						151.750	
Point # 8	S	56	5	4	W	10046.046	10486.578
						120.000	
Radius Point # 9						9979.090	10386.995
						Length = 70.696	Tangent = 36.407
	N	89	50	22	E	120.000	
Point # 10	S	0	9	38	E	9979.426	10506.994
						34.440	
Point # 11	S	89	50	22	W	9944.986	10507.091
						120.000	
Radius Point # 12						9944.650	10387.091
						Length = 188.940	Tangent = 120.445
	S	0	3	6	W	120.000	
Point # 13	N	89	56	54	W	9824.650	10386.983
						340.370	
Point # 14	N	14	54	44	W	9824.957	10046.613
						181.140	
Point # 15						9999.996	9999.999

AREA = 175,344.85 sf (4.0254 acres)

LENGTH = 1990.55

NORTHING ERROR = -0.004

EASTING ERROR = -0.001

LINEAR ERROR = S 16 52 31 W 0.004

# 072751 LOT 1

Point # 1									
	N	14	54	44	W		10000.000		10000.000
							163.250		
Point # 2							10157.752		9957.989
	N	85	0	20	E		165.480		
Point # 3							10172.158		10122.841
	S	16	43	46	E		179.930		
Point # 4							9999.844		10174.634
	N	89	56	54	W		174.640		
Point # 5							10000.002		9999.995

AREA = 28,347.29 sf (.6508 acres)

LENGTH = 683.30

NORTHING ERROR = +0.002

EASTING ERROR = -0.005

LINEAR ERROR = N 74 6 8 W 0.006

072751 LOT 2

Point # 1					10000.000	10000.000
N	16	43	46	W	179.930	
Point # 2					10172.314	9948.207
N	85	0	20	E	141.530	
Point # 3					10184.636	10089.199
S	33	54	56	E	213.350	
Point # 4					10007.585	10208.242
N	20	41	42	W	120.000	
Radius Point # 5					10119.842	10165.835
			Delta = 20	44 48	Length = 43.452	Tangent = 21.966
S	0	3	6	W	120.000	
Point # 6					9999.842	10165.727
N	89	56	54	W	165.730	
Point # 7					9999.992	9999.997

AREA = 32,055.09 sf (.7359 acres)  
 LENGTH = 700.54  
 NORTHING ERROR = -0.008      EASTING ERROR = -0.003  
 LINEAR ERROR =    S 19 49 57 W      0.009

072751 LOT 3

Point # 1	N	33	54	56	W	10000.000	213.350	10000.000
Point # 2	N	56	5	4	E	10177.051	166.580	9880.957
Point # 3	S	33	54	56	E	10269.998	67.900	10019.195
Point # 4	S	56	5	4	W	10213.650	120.000	10057.081
Radius Point # 5						10146.694		9957.498
Delta = 33 45 18						Length = 70.696		Tangent = 36.407
	N	89	50	22	E	120.000		
Point # 6	S	0	9	38	E	10147.030	34.440	10077.498
Point # 7						10112.590		10077.594
	S	89	50	22	W	120.000		
Radius Point # 8						10112.254		9957.595
Delta = 69 27 56						Length = 145.488		Tangent = 83.194
	S	20	41	42	E	120.000		
Point # 9						9999.997		10000.002

AREA = 31,077.42 sf (.7134 acres)

LENGTH = 482.27

NORTHING ERROR = -0.003

EASTING ERROR = +0.002

LINEAR ERROR = S 28 33 4 E 0.004

072751 LOT 4

Point # 1						10000.000		10000.000
N	33	37	27	W		165.390		
Point # 2						10137.718		9908.416
N	56	5	4	E		135.740		
Point # 3						10213.457		10021.062
N	62	44	14	E		30.200		
Point # 4						10227.291		10047.907
S	33	54	56	E		78.040		
Point # 5						10162.529		10091.451
S	33	54	56	E		83.860		
Point # 6						10092.936		10138.242
S	56	5	4	W		166.580		
Point # 7						9999.990		10000.004

AREA = 27,429.72 sf (.6297 acres)

LENGTH = 659.81

NORTHING ERROR = -0.010

EASTING ERROR = +0.004

LINEAR ERROR = S 22 18 37 E 0.011

072751 LOT 5

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Point # 1						10000.000		10000.000
N	14	54	44	W		17.890		

---

Point # 2						10017.287		9995.396
N	56	5	4	E		263.750		

---

Point # 3						10164.452		10214.272
S	33	37	27	E		165.390		

---

Point # 4						10026.734		10305.856
S	85	0	20	W		307.020		

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Point # 5						10000.005		10000.001
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AREA = 24,515.04 sf (.5628 acres)

LENGTH = 754.05

NORTHING ERROR = +0.005

EASTING ERROR = +0.001

LINEAR ERROR = N 13 42 56 E 0.005

# 072751 LOT 6

Point # 1	N	62	44	14	E	10000.000	10000.000
						30.200	
Point # 2	N	56	5	4	E	10013.834	10026.845
						247.210	
Point # 3	N	89	50	22	E	10151.770	10231.995
						155.490	
Point # 4	S	0	9	38	E	10152.205	10387.485
						27.530	
Point # 5	S	61	9	39	W	10124.675	10387.562
						392.730	
Point # 6	N	33	54	56	W	9935.241	10043.539
						78.040	
Point # 7						10000.003	9999.995

AREA = 31,919.10 sf (.7328 acres)

LENGTH = 931.20

NORTHING ERROR = +0.003

EASTING ERROR = -0.005

LINEAR ERROR = N 54 22 34 W 0.006