

# KITITTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITITTAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

## LONG PLAT APPLICATION

(To divide lot into 5 or more lots)

KITITTAS 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

### 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

LP-08-00026

### FOR STAFF USE ONLY

APPLICATION RECEIVED BY:  
(CDS STAFF SIGNATURE)

X T. Swanberg

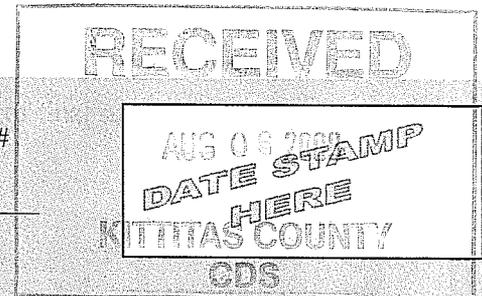
DATE:

8-6-08

RECEIPT #

2552

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: Shuler Deneen Family Ranch LLC  
Schuler, James K. % Deneen, Pat

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: \_\_\_\_\_

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

**3. Street address of property:**

Address: Danko Road

City/State/ZIP: Cle Elum WA 98922

**4. Legal description of property:** See Attachment A

**5. Tax parcel number(s):** 20-16-30030-0004  
20-16-30030-0008  
20-16-30030-0009

**6. Property size:** 24.36 (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):

**Situated on 24.36 acres, which is part of the proposed Planned Unit Development of 34.29 acres, this project is located east of the City of Cle Elum and north of Airport Road, specifically, Township 20, Range 16, Section 30. This land is part of the Urban Growth Area of the City of Cle Elum and proposed to become a 14 lot plat. Please see Project narrative section of rezone application.**

**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?

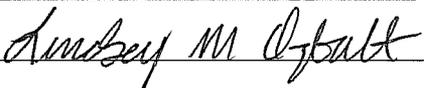
**Danko Road, White Road, Airport Road.**

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 

8-5-08

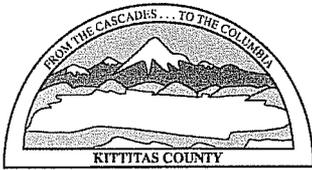
Signature of Land Owner of Record  
**(Required for application submittal):**

Date:

X 

7-31-08

G DRIVE/CDS FORMS/PLANNING/LAND USE APPS/LONG PLAT APP UPDATED: 1/1/08



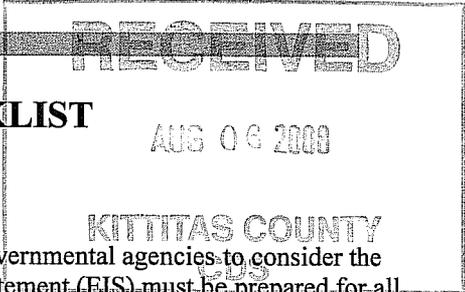
**KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES**

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

CDS@CO.KITTTITAS.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 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 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:

Airport Heights

2. Name of applicant:

PQD Construction, Schuler Deneen Family Ranch LLC and James Schuler

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

PO Box 808, Cle Elum, WA 98922

4. Date checklist prepared:

6-20-08

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

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

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

\_\_\_\_\_

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

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

This project will immediately begin upon approval.

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

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

There are no plans at this time for future additions and expansions

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

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

A portion of this property has been designated as an Urban Redevelopment parcel, which allows future development to occur. This portion of the development parcel has been through SEPA review during its designation to an urban redevelopment parcel. Also a portion of this Urban Redevelopment parcel has been reviewed for the possible extension of the Cle Elum Airport runway. Additionally, this property went through SEPA review during the 2004 Comprehensive Plan Amendment process when it was added to the Cle Elum UGA. To our knowledge no other environmental information has been prepared, other than the required SEPA as part of this proposal.

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.

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

There are no other applications pending approval directly affecting the subject proposal.

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

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

- Individual Septic Systems or Community Septic System permits will need to be obtained through the Kittitas County Environmental Health Department or the Washington State Department of Health Department.
- Group A Water system approval will need to be obtained through the Washington State Department of Health.
- Access permits will be required from the Kittitas County Dept. of Public Works.
- A permit required for Storm Water from the WA State Dept. of Ecology will be required.
- Building permits for future single family structures and other accessory buildings

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

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

This proposal is to rezone 34.29 acres to planned unit development zoning at the same time processing a 14-lot plat on a portion encompassing 24.36 acres. It is located in the Urban Growth Area of the City of Cle Elum. It is

proposed to extend Danko Road as a county road thereby providing access to this project. Danko Road will be picked up, where it currently ends and continue east where it will terminate at a cul-de-sac. This extended road and cul-de-sac will be constructed to Kittitas County Road Specifications. The southern portion of this property has been identified as urban residential redevelopment land as part of the Lannigan Meadows Performance Based Cluster Plat. Further south of the urban redevelopment area is 5.37 acres of dedicated open space created by the Lannigan Meadows development. As part of this proposal there will be 5.44 acres of open space dedicated, which will connect to the adjacent development of Lannigan Meadows designated open space, thereby creating a joint open space area of 10.81 acres.

Each lot will be served by a Group A water system which will be engineered and designed by a Licensed Engineer. The Group A water system that serves each lot will be designed and built to meet all Washington State Department of Health and Ecology requirements. The water system that serves each lot will be managed and monitored by a Satellite Management Agency (SMA) approved by the Washington State Department of Health and Kittitas County.

The sewer systems will be designed and engineered to meet all Kittitas County requirements. It will either be comprised of individual septic systems for each lot or possibly a community septic system if the soils permit.

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.

---

---

---

---

---

---

---

---

Located in Township 20, Range 16, Section 30, this project is east of the City of Cle Elum and North of Airport Road on 34.29 acres. A county road will be extended east off of Danko Road, providing access to this project. With Attachment A, B, H & I you will find the legal description and any map or plan required as stated above.

**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

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

---

---

Flat, Rolling, and Hilly

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

---

---

Approximately 45%

- 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.

---

---

---

As stated by the Natural Resources Conservation Service, the soil on this property contains:

- 211 – Teanaway loam, 0 to 3 percent slopes
  - 1441 – Teanaway loam, 10 to 25 percent slopes
- Loam consists mainly of sand, silt, and clay in relatively even concentration. See attachment G for the NRCS Custom Soil Report of this project.

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

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

There is no indication or history of unstable soils on this project.

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

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

There will be some grading on this project mostly in the right of way for the extension of Danko Road to serve this project. Some fill will be needed to construct the road base to meet all county road standards. On the west end over the seasonal drainage channel, a proposed county road will cross, thus requiring grading. A Licensed Engineer will design this crossing. The exact quantity is not yet known but estimated to be about 8,000 cubic yards. The source of the fill will be either developed through the use of excess material from onsite development or through the import of material from County approved offsite sources.

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

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

Erosion may occur during the construction phase, but upon completion, storm water and erosion controls will be in place. Proper steps will be taken to reduce erosion and a storm water permit will be obtained from the Department of Ecology.

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

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

After project completion, approximately 10-20% of the site will be covered with impervious surfaces, namely the road and home sites.

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

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

As stated above, a storm water permit will be submitted to the Department of Ecology. Proper steps will be taken to control erosion before and after construction and any negative impact this may have on the earth. Approximately 5.44 acres of Open Space will be dedicated to this project, thus aiding in preserving and maintaining this land for perpetuity.

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.

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

Typical construction emissions would occur for a short while during construction, but nothing above normalcy. Once complete, only typical home emissions such as, automobile exhaust, wood burning fireplaces or landscape maintenance motors for example would ensue.

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 offsite emissions from the Cle Elum Municipal Airport associated with airplanes and airport traffic.

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

---

---

---

During construction, a water truck will be on-hand to administer dust abatement.

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.

---

---

---

A seasonal drainage channel meanders south along the western property line.

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.

---

---

---

Yes, this project will extend a proposed county road beginning at the west end of the property. It will cross the seasonal channel and meet all county road standards. This crossing will be designed and built by a licensed engineer and a licensed contractor to help minimize any adverse effects this may have on seasonal drainage.

There will be a buffer established around this seasonal drainage channel to ensure the county road is the only work near this area.

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.

---

---

---

As stated above, the seasonal drainage channel along the western property line will be crossed, thus requiring grading. The primary source of the fill will be on-site and estimated to be less than 8,000 cubic yards. If there is not enough material generated on site than the material needed will be brought to the site from other County approved locations that produce fill material.

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

---

---

---

No surface water withdrawals or diversions will be done.

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

---

---

---

No.

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.

---

---

---

No, there will be the possibility of individual or community septic that will be designed by a Licensed Engineer and approved by Washington's Department of Health.

- 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.

---

---

---

Yes, each parcel created by this proposed PUD will be served by a Group A water system. Ground water will be provided for this project through the water right exemption as provide by in RCW 90.44.050.

Each parcel will be provided water from a Group A water system that distributes water provided through the exemption described above.

The public water system will be monitored and maintained by a Satellite Management Agency (SMA). The SMA will ensure that withdrawal does not exceed the RCW 90.44.050 exemption daily allotment. There will be a meter installed on the well to insure the water does not exceed the allotted amount, and meters on each home dwelling.

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.

---



---



---

Each lot could possibly contain its own individual septic system for a total of 14 septic systems or there could be the possibility of developing a community septic system for this proposal. Each individual or community septic system would be designed to the appropriate number of bedrooms within each residence. These individual or community septic systems could vary from pressurized systems to gravity systems all of which would be approved through the Kittitas County Department of Environmental Health or the Washington State Department of Health.

According to the 2000 housing census, Cle Elum's average household size is 2.2 people . For these homes, it could be assumed that some of these will be considered second homes, which means less than average discharge of waste as compared to the average household.

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.

---



---



---

Storm water could be generated from the access road, in which storm water runoff will be channeled into bioswales for slow percolation. There is a possibility that a storm water retention pond would be constructed. This would be dependent upon a storm water pollution prevention plan that will be developed for this project. Storm water may be produced by rain, snow, or from snow melt.

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

---



---

Waste materials are not expected to enter ground or surface waters. As this proposal progresses, there could be individual domestic septic systems or a community septic system depending on the soil. These will be designed and constructed in such a manner as to protect surface and ground waters, and meet all requirements of Kittitas County and the State of Washington.

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

The aforementioned storm water measures will reduce impacts from runoff waters as provided for in the Storm Water Plan that will be produced as required by the Department of Ecology.

---



---

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

---



---



---

- x **grass**
- x **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? \_\_\_\_\_

Fir and pine trees could be removed, along with grass and shrubs for home sites and the construction of the county access road. Serious measures will be taken in the design and construction phase in order to preserve large trees and this property's natural setting.

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

No threatened or endangered species are known on or near this project

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

The landscaping on this project will be minimal in the sense that most of the project will be left in its natural state. There will be enhanced access to view the vegetation through various natural trails, nature viewing benches and the large Open Space area. Landscaping will include the use of naturally occurring vegetation.

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: \_\_\_\_\_

- 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. \_\_\_\_\_

None that we are aware of.

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

Elk and Deer sometimes graze the area.

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

The Open Space on this project, accompanied by the Open Space dedicated by Lannigan Meadows will allow Wildlife to continue to inhabit this area.

6. ENERGY AND NATURAL RESOURCES

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

Energy needed for this project is electricity and natural gas and propane. During construction there will be diesel and gasoline used by the machines used to create the proposed project. Homeowners will have electricity and install a propane tank for everyday house needs, but wood stoves, wood fireplaces and solar panels are all available as energy sources for the owners to use at their discretion.

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

---

No.

- 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.

---

---

Energy conservation for this project will include well metering for the Group A Water System that serves each lot along with individual meters for each dwelling. A Satellite Management Agency will monitor the system for any leaks or excessive water use and record all meters, making sure the well does not exceed the amount provided through RCW 90.44.050.

Water conservation is important and therefore the CC&R's will not allow large grass lawns that require an abundance of water in the summer. There will be various types of measures included in the CC&R's that implement conservation features of all types.

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.

---

---

No. We do not foresee any environmental health hazards for this project.

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

---

---

Fire and Police emergency services will be served by local Fire district # 7 and the Kittitas County Sheriffs Department. Through 911 services, medical emergencies will be deployed from the county either to the Cle Elum Urgent Care or the Kittitas Valley Community Hospital in Ellensburg.

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

---

---

We do not foresee any environmental health hazards for this project.

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

---

---

The Cle Elum Airport sits just to the east of this project and produces intermittent noise near this project. Traffic along Hwy 970 and Airport Road can be heard as well.

- 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.

---

---

Typical construction noise would be created with this project on a short-term basis through equipment operation, tool use and increased construction traffic. Potential noise would begin no earlier than 7am and end no later than 7pm.

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

---

---

Short-term construction noise will only occur between 7am and 7pm.

8. LAND AND SHORELINE USE

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

---

---

Currently this land is vacant. Surrounding this site to the west are recently developed lots approximately 3 acres in size. To the north is a steep hillside that contains 1 to 10 acre lots where the homes sit. On the south side of the property is 5.37 acres of Open Space dedicated by Lannigan Meadows that will be incorporated into the Open Space at this project. Lannigan Meadows is a development of ½ acre lots. To the east and southeast is the Cle Elum Municipal Airport.

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

This site has been used for non-irrigated agriculture in the past.

c. Describe any structures on the site.

None

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

No structures exist on this land.

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

Agriculture - 3

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

RURAL (This property is within Cle Elum's Urban Growth Area)

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

There are no shorelines on this property therefore no designation on this property.

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

No, not to our knowledge.

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

None

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

According to the 2000 Census taken of the Housing in Cle Elum, average household contains 2.2 people. If this is the case, an average of about 30 people could reside in this project at full build out. As for construction workers, it is anticipated that 2-10 people could be working on site during the construction phase.

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

None

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

This project resides in the Urban Growth Area of the City of Cle Elum. This proposed Planned Unit Development complies with the Kittitas County Comprehensive Plan, which encourages innovation and a wide array of densities. Surrounded by earlier developments, this PUD will not contribute to "rural sprawl," but help to enhance this area by creating additional open space and continuing to direct growth inside the UGA.

9. HOUSING

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

Approximately 14 dwelling units will be provided as part of the approved proposal. The size and scope of these homes will be at the discretion of the homeowner when compliant with the CC&Rs. Based on the surrounding neighborhoods, we predict the housing income to be middle to high.

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

None

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

In order to reduce any negative housing impacts on the community, guidelines will be established in the CC&Rs to take into consideration housing style, colors, yards and the like. All conditions will help to enhance the sense of community in this area, while having the least amount of negative impact on surrounding neighborhoods.

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? \_\_\_\_\_  
\_\_\_\_\_

The tallest structure (home) will not exceed a height restriction of 35 feet and will also abide by the Federal Aviation Administration for structures near or within the airport master plan. The principal exterior building material will be wood that is stained, or materials with a rich, wood feel or other natural materials or masonry materials. It will also require composite roofing material so as to not hinder any airplane traffic associated with the Cle Elum Airport.

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

No views will be altered or obstructed due to the large elevation gain to the north of the property.

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

Stated in the CC&Rs, will be guidelines for style of house, vegetation and siding materials for example, in order to help unify the neighborhood and those nearby.

11. LIGHT AND GLARE

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

This project will not produce more than normal light or glare for an average house. The exterior lights will face down and not have an adverse effect on cars, people or airplanes in the near vicinity. It will also require composite roofing material reducing any roof glare to ongoing airplane traffic associated with the Cle Elum Municipal Airport.

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

No, composite roofing will be required, lighting will be required to be directed downwards. This proposal will address lighting and glare in a fashion that will be consistent with the airport regulations.

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

The Cle Elum Municipal Airport abuts this property and may have lights intermittently affecting this proposal. There also could be flashing lights associated with airplane traffic in the air that may affect this proposal.

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

The CC&Rs will only allow exterior lights to shine downward, and forbid the use of large, bright halogen exterior lights after dawn. Any Federal Aviation Administration regulations will be followed if applicable to minimize any potential hazards to the Cle Elum Municipal Airport.

12. RECREATION

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

\_\_\_\_\_

The Open Space and natural, existing trails of this project linked up with the Open Space dedicated by the Lannigan Meadows development provide recreational opportunities.

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 stated above, the recreation opportunity introduced by this project will be the existing, natural trails and 5.44 acres of Open Space connected to Lannigan Meadows' dedicated Open Space of 5.37 acres, totaling 10.81 acres.

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, not to our knowledge.

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

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

None known or found on this project.

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

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

No measures needed.

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.

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

Access will be a county road extending from Danko Road, which abuts the property on the west property line. Danko Road is serviced by White Road, which is reached by Airport Road. The site plan, shown in attachment F & I, identifies the roads servicing this site.

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

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

This area is currently not served by public transit.

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

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

This project will produce approximately 14 dwelling units all with driveways and/or onsite parking. No additional parking spaces will be added or eliminated.

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).

\_\_\_\_\_

A county standard road will be built and extend east from Danko Road and terminate at a cul-de-sac built to county road standards. No improvements to other existing roads or streets will be needed for this project.

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

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

This project abuts the Cle Elum Municipal Airport, but will not use water, rail or air transportation. Maps included in Attachment A shows this area and the proposed PUD and its proximity to the Cle Elum Municipal Airport.

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

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

This project could generate 140 trips per day once complete. The peak volumes will occur before and after normal work hours.

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

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

Measures to reduce or control transportation impacts are not needed as the impact is minimal.

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

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.

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

Yes, this project will result in an increased need for public service, but the tax base generated by the addition of these homes would provide additional funds for the City of Cle Elum and the County to provide these services. Public services such as fire and police protection will be increased, and potentially schools and health care services, but they are not yet known. According to the Office of Financial Management of Washington State, this project will absorb a portion of the high projected growth for the County.

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

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

No measures to control direct impacts are needed.

16. UTILITIES

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

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

- 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.

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

The utilities proposed for this project are: water, electricity, telephone, propane, and individual or community septic systems. The electricity will continue through on Danko Road, while the propane will be individually purchased by the homeowner. The Group A Water System that serves each lot will be designed by a Licensed Engineer and approved by the respective departments of the state or county. If individual septic systems are used it will be the responsibility of the new owner to pursue and obtain the proper approvals by the appropriate jurisdiction. If a community septic system is used, this system will be designed by a Licensed Engineer and approved by the appropriate governing agency.

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: 7-31-08

Print Name: Patrick D. DEVEEN

**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)

**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.

---

---

---

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.

---

---

---

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

---

---

---

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.

---

---

---

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.

---

---

---

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).

---

---

---

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

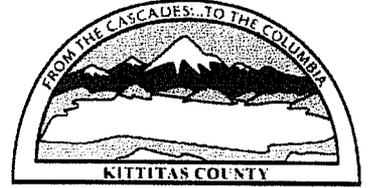
---

---

## Airport Heights Attachments

- A. Vicinity Map
- B. Parcel Map
- C. Cle Elum UGA Map
- D. Zoning Map
- E. Cle Elum Runway Extension Map
- F. Conceptual Map
- G. Soils Report
- H. Subdivision Guarantee
- I. Plat Map
- J. Zoning Codes
  - a. Ag-3
  - b. PUD
- K. Kittitas County Comprehensive Plan
  - a. Selections from Ch. 2
  - b. Appendix A
- L. Kittitas County County-Wide Planning Policies
- M. RCW 36.70A
- N. Cle Elum Comprehensive Plan Goal PRO-2
- O. Kittitas County Transportation Plan – Turn arounds
- P. COG Population Forecast
- Q. 500' Adjoiners List



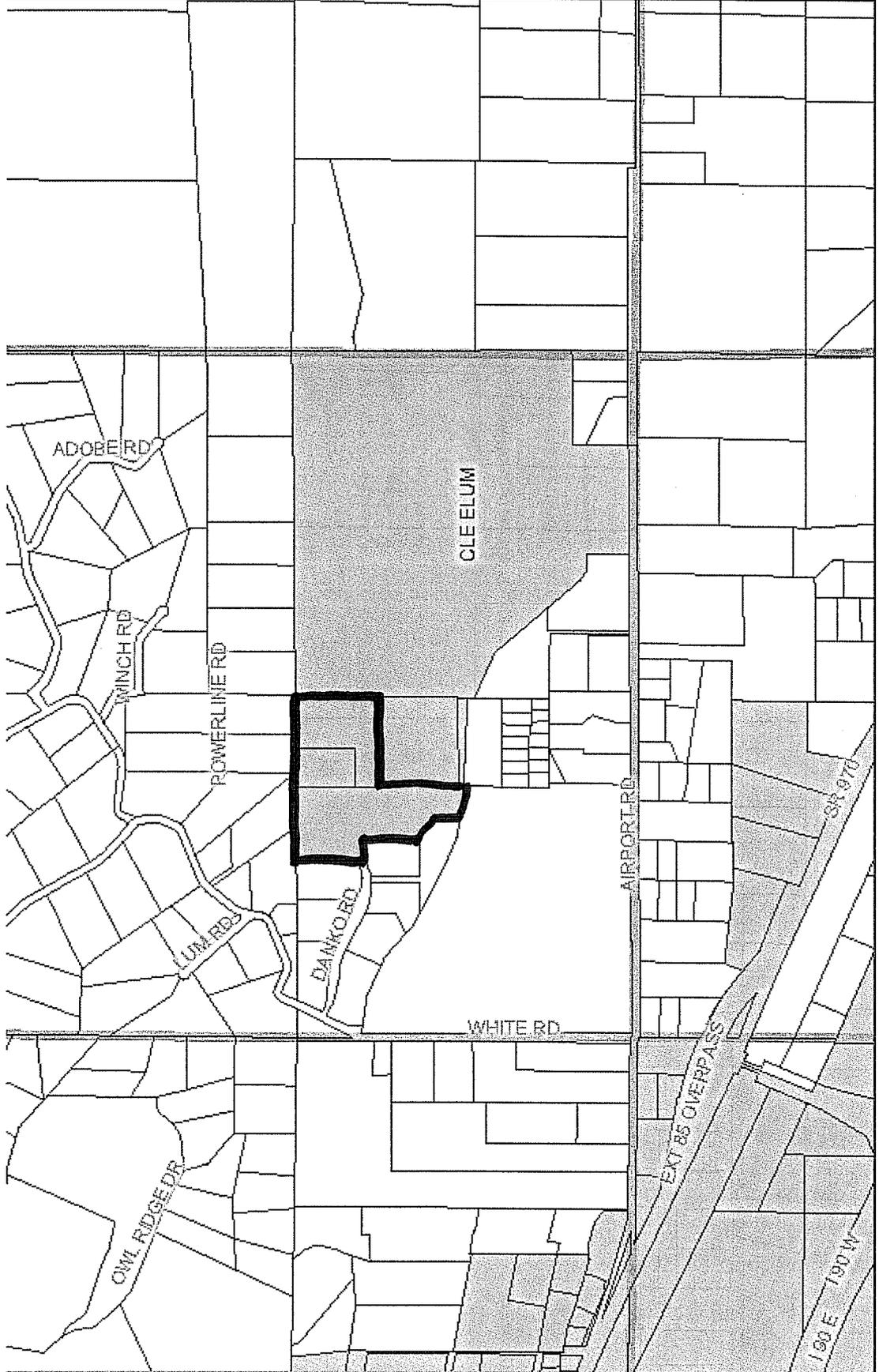








### Kittitas County Mapsifter

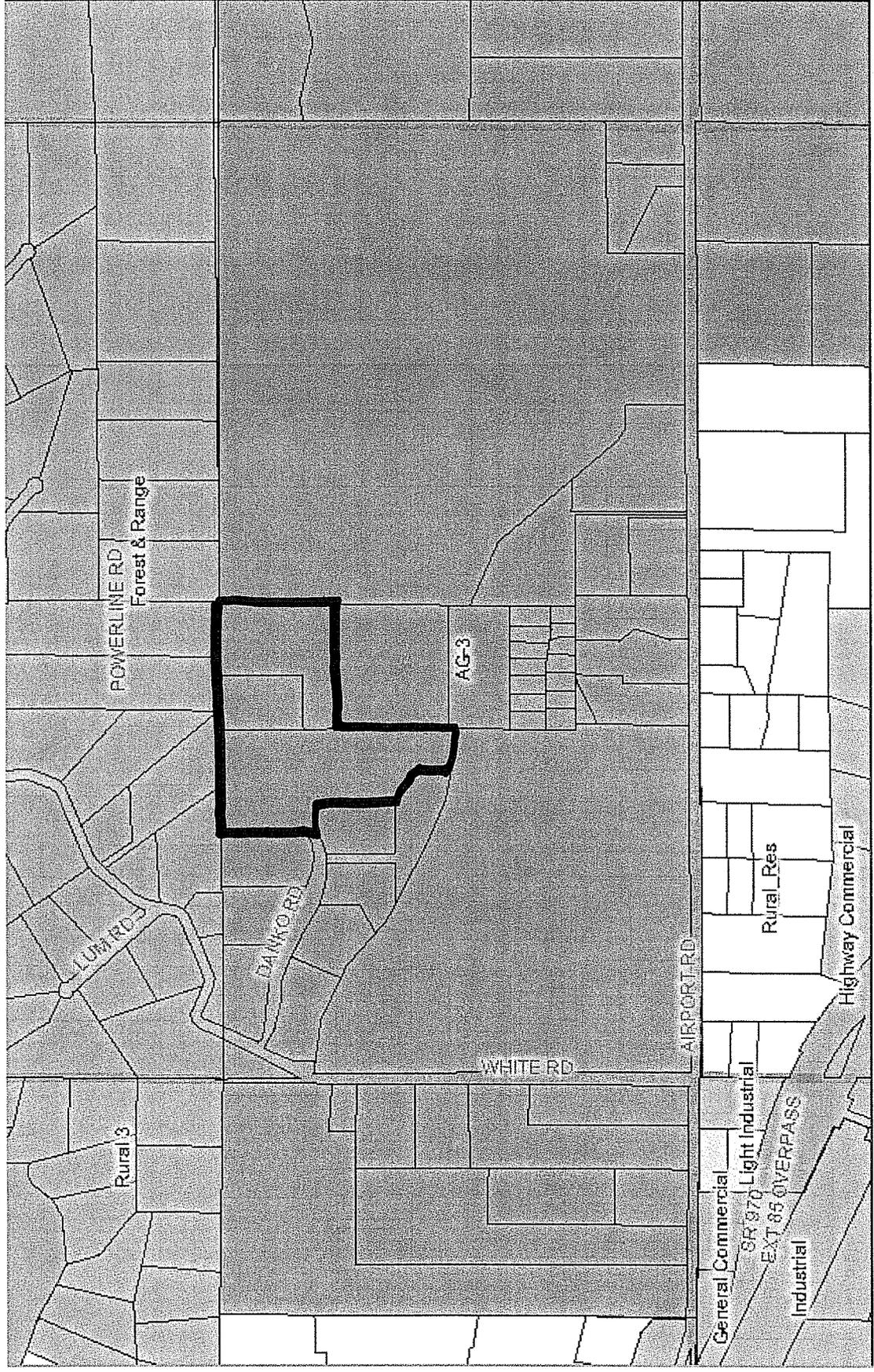


For information only; not for commercial publication. Kittitas County makes no warranties on the information or accuracy on this site.

TerraScan Inc.



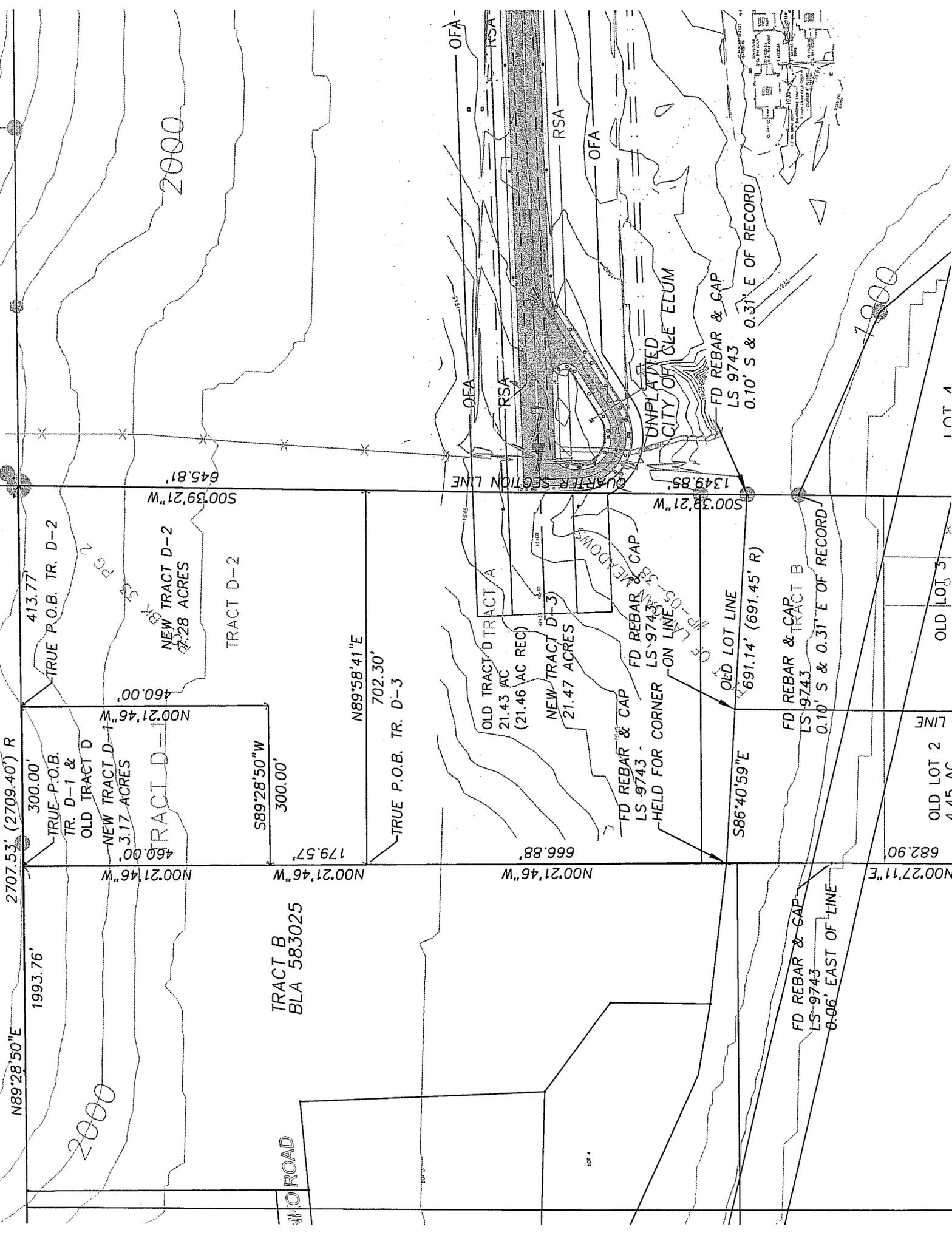
### Kittitas County Mapsifter



For information only; not for commercial publication. Kittitas County makes no warranties on the information or accuracy on this site.

TerraScan Inc.





N89°28'50"E 1993.76'

2707.53' (2709.40') R

300.00'

TRUE P.O.B. TR. D-1 & OLD TRACT D  
NEW TRACT D-1  
3.17 ACRES  
N00°21'46"W 460.00'

TRACT D-1  
NEW TRACT D-2  
7.28 ACRES  
TR. D-2  
413.77'  
TRUE P.O.B. TR. D-2  
500°39'21"W 645.81'

S89°28'50"W 300.00'  
179.57'

TRACT B  
BLA 583025  
N89°58'41"E 702.30'  
TRUE P.O.B. TR. D-3

N00°21'46"W 666.88'

OLD TRACT D TRACT A  
21.43 AC (21.46 AC REC)  
NEW TRACT D-3  
21.47 ACRES  
FD REBAR & GAP LS-9743  
HELD FOR CORNER ON LINE

UNPLATTED CITY OF GLE ELUM  
FD REBAR & GAP LS-9743  
0.10' S & 0.31' E OF RECORD

OLD LOT LINE  
S86°40'59"E 691.14' (691.45' R)  
FD REBAR & GAP TRACT B LS-9743  
0.10' S & 0.31' E OF RECORD

FD REBAR & GAP LS-9743  
0.06' EAST OF LINE  
OLD LOT 2  
4.15 AC  
OLD LOT 3  
OLD LOT 4

N00°27'11"E 682.90'

2000

2000

100' 4

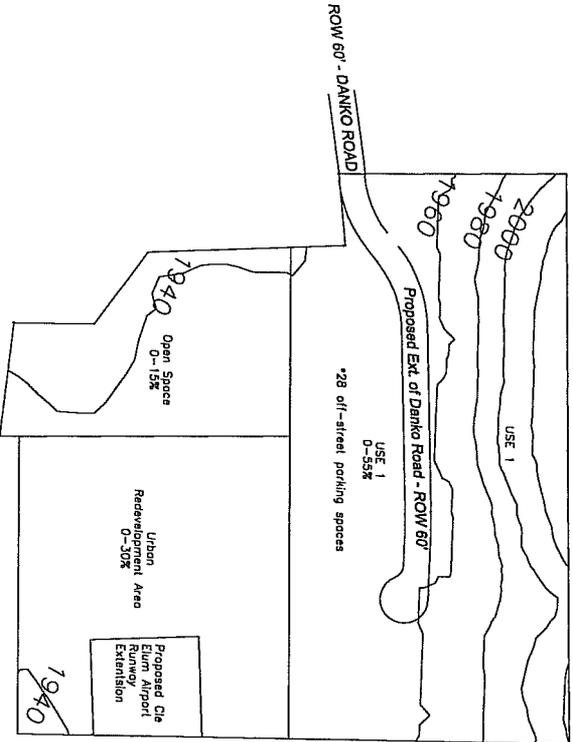
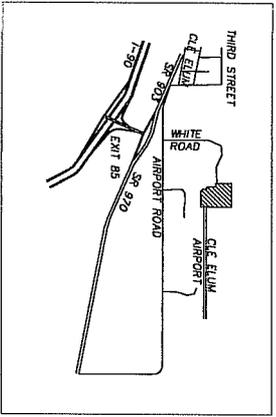
100' 4



# Airport Heights Planned Unit Development Concept Map ~ 34.29 acres

Township 20 N., Range 16 E., Section 30 W.M.,  
20-16-30030-0004, 20-16-30030-0005, 20-16-30030-0009, 20-16-30056-0016

Vicinity Map



- Legal Descriptions:**
- P/# 180835  
SEC. 30, TWP. 20; RGE. 16; PTN. N1/2 SW1/4 (TRACT B OF SURVEY #583025 B21/P52)
  - P/# 21009  
SEC. 30, TWP. 20; RGE. 16; PTN SW1/4 (TRACT D-1, B33/P2-3)
  - P/#21010  
SEC. 30, TWP. 20; RGE. 16; PTN SW1/4 (TRACT D-2, B33/P2-3)
  - P/# 981572  
PLAT OF LANIGAN MEADOWS, TRACT B (URBAN REDEVELOPMENT-AREA)

**17.36 020 - Uses Permitted**

- Use 1: All residential uses including multifamily structures;
- Use 2: Manufactured Home Parks;
- Use 3: Hotels, motels, condominiums;
- Use 4: Fractionally-owned units;
- Use 5: Retail businesses;
- Use 6: Commercial-recreation businesses: Restaurants, cafes, taverns, cocktail bars;
- Use 7:







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

---

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, audiotope, 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.

# Contents

---

<b>Preface</b> .....	2
<b>How Soil Surveys Are Made</b> .....	4
<b>Soil Map</b> .....	6
Soil Map.....	7
Legend.....	8
Map Unit Legend.....	9
Map Unit Descriptions.....	9
Kittitas County Area, Washington.....	11
211—Teaway loam, 0 to 3 percent slopes.....	11
1441—Teaway loam, 10 to 25 percent slopes.....	11
<b>Soil Information for All Uses</b> .....	13
Soil Reports.....	13
Soil Physical Properties.....	13
Physical Soil Properties.....	13
<b>References</b> .....	17

# How Soil Surveys Are Made

---

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.

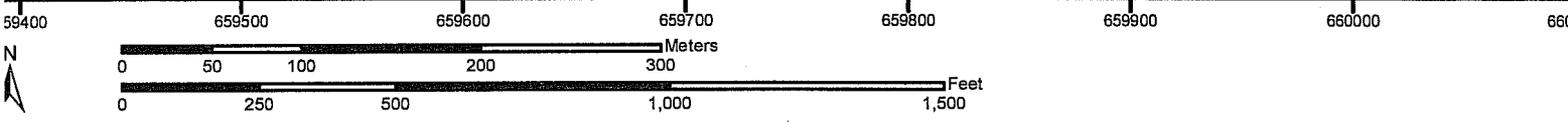
After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in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

# Soil Map

---

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



# Custom Soil Resource Report Legend

## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Units

### Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

-  Very Stony Spot
-  Wet Spot
-  Other

### Special Line Features

-  Gully
-  Short Steep Slope
-  Other

### Political Features

#### Municipalities

-  Cities
-  Urban Areas

### Water Features

-  Oceans
-  Streams and Canals

### Transportation

-  Rails

#### Roads

-  Interstate Highways
-  US Routes
-  State Highways
-  Local Roads
-  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 precise 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: 8/2/1998

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 shifts 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
211	Teanaway loam, 0 to 3 percent slopes	43.0	57.1%
1441	Teanaway loam, 10 to 25 percent slopes	32.2	42.9%
Totals for Area of Interest (AOI)		75.2	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 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

## Custom Soil Resource Report

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

### 211—Teaway loam, 0 to 3 percent slopes

#### Map Unit Setting

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

*Mean annual precipitation:* 25 to 40 inches

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

*Frost-free period:* 80 to 110 days

#### Map Unit Composition

*Teaway and similar soils:* 80 percent

#### Description of Teaway

##### Setting

*Landform:* Terraces

*Down-slope shape:* Concave

*Across-slope shape:* Concave

*Parent material:* Loess over glacial till or outwash with an influence of volcanic ash in the surface

##### Properties and qualities

*Slope:* 0 to 3 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Moderately well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)

*Depth to water table:* About 33 to 42 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water capacity:* High (about 10.3 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 2s

*Land capability (nonirrigated):* 2s

*Other vegetative classification:* Douglas-fir/common snowberry/  
pinegrass (CDS638)

##### Typical profile

*0 to 3 inches:* Moderately decomposed plant material

*3 to 7 inches:* Loam

*7 to 22 inches:* Loam

*22 to 42 inches:* Loam

*42 to 51 inches:* Loam

*51 to 60 inches:* Gravelly loam

### 1441—Teaway loam, 10 to 25 percent slopes

#### Map Unit Setting

*Elevation:* 1,800 to 3,600 feet

*Mean annual precipitation:* 25 to 40 inches

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

*Frost-free period:* 80 to 120 days

**Map Unit Composition**

*Teanaway and similar soils: 80 percent*

**Description of Teanaway**

**Setting**

*Landform: Mountain slopes*

*Down-slope shape: Linear*

*Across-slope shape: Convex*

*Parent material: Loess over glacial till or outwash with an influence of volcanic ash in the surface*

**Properties and qualities**

*Slope: 10 to 25 percent*

*Depth to restrictive feature: More than 80 inches*

*Drainage class: Moderately well drained*

*Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)*

*Depth to water table: About 33 to 42 inches*

*Frequency of flooding: None*

*Frequency of ponding: None*

*Available water capacity: High (about 10.3 inches)*

**Interpretive groups**

*Land capability classification (irrigated): 4e*

*Land capability (nonirrigated): 3e*

*Other vegetative classification: Douglas-fir/common snowberry/  
pinegrass (CDS638)*

**Typical profile**

*0 to 3 inches: Moderately decomposed plant material*

*3 to 7 inches: Loam*

*7 to 22 inches: Loam*

*22 to 42 inches: Loam*

*42 to 51 inches: Loam*

*51 to 60 inches: Gravelly loam*

# Soil Information for All Uses

---

## Soil Reports

The Soil Reports section includes various formatted tabular and narrative reports (tables) containing data for each selected soil map unit and each component of each unit. No aggregation of data has occurred as is done in reports in the Soil Properties and Qualities and Suitabilities and Limitations sections.

The reports contain soil interpretive information as well as basic soil properties and qualities. A description of each report (table) is included.

## Soil Physical Properties

This folder contains a collection of tabular reports that present soil physical properties. The reports (tables) include all selected map units and components for each map unit. Soil physical properties are measured or inferred from direct observations in the field or laboratory. Examples of soil physical properties include percent clay, organic matter, saturated hydraulic conductivity, available water capacity, and bulk density.

## Physical Soil Properties

This table shows estimates of some physical characteristics and features that affect soil behavior. These estimates are given for the layers of each soil in the survey area. The estimates are based on field observations and on test data for these and similar soils.

*Depth* to the upper and lower boundaries of each layer is indicated.

Particle size is the effective diameter of a soil particle as measured by sedimentation, sieving, or micrometric methods. Particle sizes are expressed as classes with specific effective diameter class limits. The broad classes are sand, silt, and clay, ranging from the larger to the smaller.

*Sand* as a soil separate consists of mineral soil particles that are 0.05 millimeter to 2 millimeters in diameter. In this table, the estimated sand content of each soil layer is given as a percentage, by weight, of the soil material that is less than 2 millimeters in diameter.

*Silt* as a soil separate consists of mineral soil particles that are 0.002 to 0.05 millimeter in diameter. In this table, the estimated silt content of each soil layer is given as a percentage, by weight, of the soil material that is less than 2 millimeters in diameter.

## Custom Soil Resource Report

*Clay* as a soil separate consists of mineral soil particles that are less than 0.002 millimeter in diameter. In this table, the estimated clay content of each soil layer is given as a percentage, by weight, of the soil material that is less than 2 millimeters in diameter.

The content of sand, silt, and clay affects the physical behavior of a soil. Particle size is important for engineering and agronomic interpretations, for determination of soil hydrologic qualities, and for soil classification.

The amount and kind of clay affect the fertility and physical condition of the soil and the ability of the soil to adsorb cations and to retain moisture. They influence shrink-swell potential, saturated hydraulic conductivity ( $K_{sat}$ ), plasticity, the ease of soil dispersion, and other soil properties. The amount and kind of clay in a soil also affect tillage and earthmoving operations.

*Moist bulk density* is the weight of soil (oven-dry) per unit volume. Volume is measured when the soil is at field moisture capacity, that is, the moisture content at 1/3- or 1/10-bar (33kPa or 10kPa) moisture tension. Weight is determined after the soil is dried at 105 degrees C. In the table, the estimated moist bulk density of each soil horizon is expressed in grams per cubic centimeter of soil material that is less than 2 millimeters in diameter. Bulk density data are used to compute linear extensibility, shrink-swell potential, available water capacity, total pore space, and other soil properties. The moist bulk density of a soil indicates the pore space available for water and roots. Depending on soil texture, a bulk density of more than 1.4 can restrict water storage and root penetration. Moist bulk density is influenced by texture, kind of clay, content of organic matter, and soil structure.

*Saturated hydraulic conductivity ( $K_{sat}$ )* refers to the ease with which pores in a saturated soil transmit water. The estimates in the table are expressed in terms of micrometers per second. They are based on soil characteristics observed in the field, particularly structure, porosity, and texture. Saturated hydraulic conductivity ( $K_{sat}$ ) is considered in the design of soil drainage systems and septic tank absorption fields.

*Available water capacity* refers to the quantity of water that the soil is capable of storing for use by plants. The capacity for water storage is given in inches of water per inch of soil for each soil layer. The capacity varies, depending on soil properties that affect retention of water. The most important properties are the content of organic matter, soil texture, bulk density, and soil structure. Available water capacity is an important factor in the choice of plants or crops to be grown and in the design and management of irrigation systems. Available water capacity is not an estimate of the quantity of water actually available to plants at any given time.

*Linear extensibility* refers to the change in length of an unconfined clod as moisture content is decreased from a moist to a dry state. It is an expression of the volume change between the water content of the clod at 1/3- or 1/10-bar tension (33kPa or 10kPa tension) and oven dryness. The volume change is reported in the table as percent change for the whole soil. The amount and type of clay minerals in the soil influence volume change.

Linear extensibility is used to determine the shrink-swell potential of soils. The shrink-swell potential is low if the soil has a linear extensibility of less than 3 percent; moderate if 3 to 6 percent; high if 6 to 9 percent; and very high if more than 9 percent. If the linear extensibility is more than 3, shrinking and swelling can cause damage to buildings, roads, and other structures and to plant roots. Special design commonly is needed.

*Organic matter* is the plant and animal residue in the soil at various stages of decomposition. In this table, the estimated content of organic matter is expressed as

## Custom Soil Resource Report

a percentage, by weight, of the soil material that is less than 2 millimeters in diameter. The content of organic matter in a soil can be maintained by returning crop residue to the soil.

Organic matter has a positive effect on available water capacity, water infiltration, soil organism activity, and tilth. It is a source of nitrogen and other nutrients for crops and soil organisms.

*Erosion factors* are shown in the table as the K factor (Kw and Kf) and the T factor. Erosion factor K indicates the susceptibility of a soil to sheet and rill erosion by water. Factor K is one of six factors used in the Universal Soil Loss Equation (USLE) and the Revised Universal Soil Loss Equation (RUSLE) to predict the average annual rate of soil loss by sheet and rill erosion in tons per acre per year. The estimates are based primarily on percentage of silt, sand, and organic matter and on soil structure and Ksat. Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

*Erosion factor Kw* indicates the erodibility of the whole soil. The estimates are modified by the presence of rock fragments.

*Erosion factor Kf* indicates the erodibility of the fine-earth fraction, or the material less than 2 millimeters in size.

*Erosion factor T* is an estimate of the maximum average annual rate of soil erosion by wind and/or water that can occur without affecting crop productivity over a sustained period. The rate is in tons per acre per year.

*Wind erodibility groups* are made up of soils that have similar properties affecting their susceptibility to wind erosion in cultivated areas. The soils assigned to group 1 are the most susceptible to wind erosion, and those assigned to group 8 are the least susceptible. The groups are described in the "National Soil Survey Handbook."

*Wind erodibility index* is a numerical value indicating the susceptibility of soil to wind erosion, or the tons per acre per year that can be expected to be lost to wind erosion. There is a close correlation between wind erosion and the texture of the surface layer, the size and durability of surface clods, rock fragments, organic matter, and a calcareous reaction. Soil moisture and frozen soil layers also influence wind erosion.

### Reference:

United States Department of Agriculture, Natural Resources Conservation Service.  
National soil survey handbook, title 430-VI. (<http://soils.usda.gov>)

Custom Soil Resource Report

Physical Soil Properties— Kittitas County Area, Washington														
Map symbol and soil name	Depth In	Sand Pct	Silt Pct	Clay Pct	Moist bulk density g/cc	Saturated hydraulic conductivity micro m/sec	Available water capacity In/In	Linear extensibility Pct	Organic matter Pct	Erosion factors			Wind erodibility group	Wind erodibility index
										Kw	Kf	T		
211—Teaway loam, 0 to 3 percent slopes														
Teaway	0-3	—	—	0-25	0.10-0.30	42.00-705.00	0.30-0.60	—	60.0-95.0			5	5	56
	3-7	—	—	10-13	1.20-1.40	4.00-14.00	0.18-0.21	0.0-2.9	1.0-3.0	.43	.43			
	7-22	—	—	10-13	1.35-1.55	4.00-14.00	0.18-0.21	0.0-2.9	0.5-2.0	.43	.43			
	22-42	—	—	17-30	1.55-1.60	1.40-4.00	0.14-0.16	3.0-5.9	0.0-1.0	.43	.43			
	42-51	—	—	18-30	1.55-1.70	1.40-4.00	0.14-0.16	3.0-5.9	0.0-1.0	.32	.43			
	51-60	—	—	25-35	1.55-1.75	0.42-1.40	0.08-0.10	3.0-5.9	0.0-0.5	.32	.43			
1441—Teaway loam, 10 to 25 percent slopes														
Teaway	0-3	—	—	0-25	0.10-0.30	42.00-705.00	0.30-0.60	—	60.0-95.0			5	5	56
	3-7	—	—	10-13	1.20-1.40	4.00-14.00	0.18-0.21	0.0-2.9	1.0-3.0	.43	.43			
	7-22	—	—	10-13	1.35-1.55	4.00-14.00	0.18-0.21	0.0-2.9	0.5-2.0	.43	.43			
	22-42	—	—	17-30	1.55-1.60	1.40-4.00	0.14-0.16	3.0-5.9	0.0-1.0	.43	.43			
	42-51	—	—	18-30	1.55-1.70	1.40-4.00	0.14-0.16	3.0-5.9	0.0-1.0	.32	.43			
	51-60	—	—	25-35	1.55-1.75	0.42-1.40	0.08-0.10	3.0-5.9	0.0-0.5	.32	.43			

# References

---

- American Association of State Highway and Transportation Officials (AASHTO). 2004. Standard specifications for transportation materials and methods of sampling and testing. 24th edition.
- American Society for Testing and Materials (ASTM). 2005. Standard classification of soils for engineering purposes. ASTM Standard D2487-00.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of wetlands and deep-water habitats of the United States. U.S. Fish and Wildlife Service FWS/OBS-79/31.
- Federal Register. July 13, 1994. Changes in hydric soils of the United States.
- Federal Register. September 18, 2002. Hydric soils of the United States.
- Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.
- National Research Council. 1995. Wetlands: Characteristics and boundaries.
- Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18. <http://soils.usda.gov/>
- Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service, U.S. Department of Agriculture Handbook 436. <http://soils.usda.gov/>
- Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service. <http://soils.usda.gov/>
- Tiner, R.W., Jr. 1985. Wetlands of Delaware. U.S. Fish and Wildlife Service and Delaware Department of Natural Resources and Environmental Control, Wetlands Section.
- United States Army Corps of Engineers, Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Waterways Experiment Station Technical Report Y-87-1.
- United States Department of Agriculture, Natural Resources Conservation Service. National forestry manual. <http://soils.usda.gov/>
- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.glti.nrcs.usda.gov/>
- United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. <http://soils.usda.gov/>
- United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. <http://soils.usda.gov/>

## Custom Soil Resource Report

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210.



**CHICAGO TITLE INSURANCE COMPANY**

*a corporation, herein called the Company,*

**GUARANTEES****Policy No. 72030- 6714**

TERRA DESIGN GROUP &amp; ENCOMPASS ENGINEERING AND SURVEYING

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.

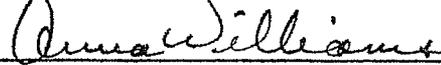
**LIABILITY EXCLUSIONS AND LIMITATIONS**

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: May 4, 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 : 0104376  
Guarantee Number : 48 0035 72030 6714  
Dated : May 4, 2007, at 8:00am  
Liability Amount : \$ 1,000.00  
Premium : \$ 200.00  
Tax : \$ 15.40  
  
Your Reference : CLE ELUM AIRPORT PROPERTY

Name of Assured: **TERRA DESIGN GROUP & ENCOMPASS ENGINEERING AND SURVEYING**

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:

**TRACT 1:**

Parcel B of that certain Survey as recorded July 11, 1995, in Book 21 of Surveys, page 62, under Auditor's File No. 583025, records of Kittitas County, Washington; being a portion of the Southwest Quarter of Section 30, Township 20 North, Range 16 East, W.M., in the County of Kittitas, State of Washington.

**TRACT 2:**

Parcels D-1 and D-2 of that certain Survey as recorded July 31, 2006, in Book 33 of Surveys, pages 2 and 3, under Auditor's File No. 200607310001, records of Kittitas County, Washington; being a portion of the Southwest Quarter of Section 30, Township 20 North, Range 16 East, W.M., in the County of Kittitas, State of Washington.

**TRACT 3:**

Tract B, PLAT OF LANIGAN MEADOWS, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 10 of Plats, pages 155 through 157, records of said County.

Title to said real property is vested in:

**TRACT 1:**

**SCHULER DENEEN FAMILY RANCH LLC, A WASHINGTON LIMITED LIABILITY COMPANY**

**TRACT 2:**

**JAMES K. SCHULER, A MARRIED MAN PRESUMPTIVELY SUBJECT TO THE COMMUNITY INTEREST OF HIS SPOUSE**

**TRACT 3:**

**PQD CONSTRUCTION, INC., A WASHINGTON CORPORATION**

**END OF SCHEDULE A**

(SCHEDULE B)

File No. 0104376

Guarantee Number: 48 0035 72030 6714

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 the second half of the year 2007, which become delinquent after October 31, 2007, if not paid:

<u>2nd 1/2 owing</u>	<u>(1st 1/2 paid)</u>	<u>(Full year)</u>	<u>Tax Parcel No.</u>	<u>Affects</u>
\$ 282.66	(\$ 282.67)	(\$ 565.33)	20-16-30030-0008 (21009)	Parcel D-1 of Tract 2
\$ 393.26	(\$ 393.27)	(\$ 786.53)	20-16-30030-0009 (21010)	Parcel D-2 of Tract 2
\$ 569.22	(\$ 569.23)	(\$ 1,138.45)	20-16-30030-0004 (180836)	Tract 1
5. General taxes and assessments for the year 2007 have been paid.

Amount	:	\$654.58
Tax Parcel No.	:	20-16-30056-0016 (951572)
Affects	:	Tract 3
6. 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 November 22, 1922, in Volume 38, Page 332, under Kittitas County Auditor's File No. 67815

In favor of	:	Puget Sound Power & Light Co., a corporation
For	:	Electric transmission line consisting of steel or wooden towers or steel or wooden poles, with necessary guys and anchors, together with transmission, telephone and telegraph wires, insulators and cross-arms placed thereon, and other necessary or convenient appurtenances connected therewith
Affects	:	A strip of land across, over and upon the North Half of the Southwest Quarter of said Section 30
7. 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 October 21, 1929, in Volume 48, Page 19, under Kittitas County Auditor's File No. 97744.

In favor of	:	The Pacific Telephone and Telegraph Company, its successors and assigns
For	:	The right to place and maintain anchor with the necessary wires and fixtures thereon, and to keep same free from foliage, together with access to said right-of-way and the anchor and wires thereon, for purposes of repairs, etc
Affects	:	The South Half of the Southwest Quarter of said Section 30

(SCHEDULE B)

File No. 0104376

Guarantee Number: 48 0035 72030 6714

8. 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 April 13, 1937, in Volume 57, Page 492, under Kittitas County Auditor's File No. 132708.

In favor of : Puget Sound Power & Light Company, a Massachusetts corporation  
For : Electric transmission and distribution line, consisting of a single line of poles, with necessary braces, guys and anchors, and to place upon or suspend from such poles transmission braces, guys and anchors, and to place upon or suspend from such poles transmission, distribution and signal wires, insulators, cross-arms, transformers and other necessary or convenient appurtenances  
Affects : A strip of land across, over and upon the Southwest Quarter of said Section 30

9. Exceptions and Reservations as contained in Instrument

From : Ethelene Rydman and Gordon Rydman, her husband and June Wilmarth and B. A. Wilmarth, her husband  
Dated : June 14, 1947  
Recorded : July 3, 1947 in Volume 75, Page 261  
Auditor's File No. : 195712  
Affects : The Southwest Quarter of said Section 30 and other land, which provides in part as follows:

"Reserving unto the grantors above named all rights to the minerals deposits in said land above described and reserving unto said grantors the right at all times to go upon said property, both them and their assigns, agents, servants, etc., for the purposes of inspecting, developing, mining, or for any other purpose in connection with said mineral rights."

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

10. Exceptions and Reservations as contained in Instrument

From : Ray A. Haskins, a bachelor  
Dated : June 27, 1947  
Recorded : July 2, 1947 in Volume 60, Page 613  
Auditor's File No. : 195713  
Affects : The North Half of the Southwest Quarter, the Southwest Quarter of the Southwest Quarter, the North Half of the Southeast Quarter of the Southwest Quarter, and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter, which provides in part as follows:

"Grantor also reserves the ditch right of way as now existing on said property."

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 March 13, 1952, in Volume 88, Page 623, under Kittitas County Auditor's File No. 228777.

In favor of : Fountain Alloway and Isis I. Alloway, husband and wife  
For : Open ditch  
Affects : Portion of the Southwest Quarter of said Section 30 and other land

(SCHEDULE B)

File No. 0104376

Guarantee Number: 48 0035 72030 6714

12. Younger Ditch Easement and Agreement, and the terms and conditions thereof, executed by and between the parties herein named;  
Between : Chad Cooper and Vera Cooper, husband and wife; Robert O. Berglund and Pauline M. Berglund, husband and wife; R.Y. Baker and Vivian Baker, husband and wife; Norman Henshaw and Hazel Henshaw, husband and wife; Nick Janetski and Anne Janetski, husband and wife; Carl Sulky and Olga Sulky, husband and wife; Lona Hayden, a widow; Ray A. Haskins, a bachelor; and Fountain Alloway and Isis I. Alloway, husband and wife  
Dated : October 31, 1949  
Recorded : July 14, 1964 in Book 115, Page 687  
Auditor's File No. : 314029
13. 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)
14. Matters disclosed on the Survey recorded July 11, 1995, Book 21 of Surveys, Page 62, under Auditor's File No. 583025, including but not limited to the following:  
a) Notes contained thereon.
15. Declaration of Covenant, recorded June 26, 2006, under Kittitas County Auditor's File No. 200606260090, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.  
Affects: Portion of Tract 2
16. Matters disclosed on the Survey recorded July 31, 2006, Book 33 of Surveys, Pages 2 and 3, under Auditor's File No. 200607310001, including but not limited to the following:  
a) Notes contained thereon.
17. Dedication provisions as delineated on the face of the Plat of Lanigan Meadows as recorded in Book 10 of Plats, pages 155 through 157, under Auditor's File No. 200609050086, as follows:  
"Know all men by these presents that we, the undersigned, owners in fee simple of the described real property, do hereby declare this plat and in lieu of dedication of roads hereby grant forever unto all owners of lots in this plat and all future plats in Lanigan Meadows an undivided interest in all roads shown as private roads.  
"The costs of construction, maintenance and snow removal of all roads, streets and alleys within this plat and all access roads to this plat shall be the obligation of a nonprofit corporation composed of all the owners of the lots of the plat and of any additional plats that may be served by these roads, streets and alleys.

CONTINUED

CONTINUED  
(SCHEDULE B)

File No. 0104376

Guarantee Number: 48 0035 72030 6714

SPECIAL EXCEPTION NO. 17 CONTINUED

"In the event that the owners of any of the lots of this plat or any additional plats shall petition the county commissioners to include the roads in the county road system, it is understood that the roads shall first be built up to minimum county standards by said nonprofit corporation."

Affects : Tract 3

18. Note No. 3 as delineated on the Plat of Lanigan Meadows as recorded in Book 10 of Plats, pages 155 through 157, under Auditor's File No. 200609050086, as follows:

"A public utility easement 10 feet in width is reserved along all lot lines. The 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines unless otherwise noted."

Affects : Tract 3

19. Note 11 as delineated on the Plat of Lanigan Meadows as recorded in Book 10 of Plats, pages 155 through 157, under Auditor's File No. 200609050086, as follows:

"An easement is hereby reserved for and conveyed to Kittitas County P.U.D. (an electric company), a telephone company and cable tv company, Evergreen Valley Utilities Company and their respected successors and assigns under and upon the private street(s), if any; and the exterior five (5), or ten (10) feet of all lots, tracts and spaces within the plat lying parallel with and adjoining all streets; in which to construct, operate, maintain, repair, replace and enlarge underground pipes, conduits, cables, and wires with all necessary or convenient underground or ground-mounted appurtenances thereto for the purpose of serving this subdivision and other property with electric, gas, telephone, television and other utility services together with a right to enter upon the streets, lots, tracts and spaces at all times for the purposes herein stated."

Affects : Tract 3

20. Matters disclosed on the Plat of Lanigan Meadows recorded September 5, 2006, Book 10 of Plats, Pages 155 through 157, under Auditor's File No. 200609050086, including but not limited to the following:

- a) Tract B identified as an urban development area
- b) Notes contained thereon.

21. Restrictive Covenant, recorded September 29, 2006, under Kittitas County Auditor's File No. 200609290100, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

22. Any question as to a lack of a right of access to and from the land.

Affects : Tracts 2 and 3

END OF EXCEPTIONS

**(SCHEDULE B)**

**File No. 0104376**

**Guarantee Number: 48 0035 72030 6714**

**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.

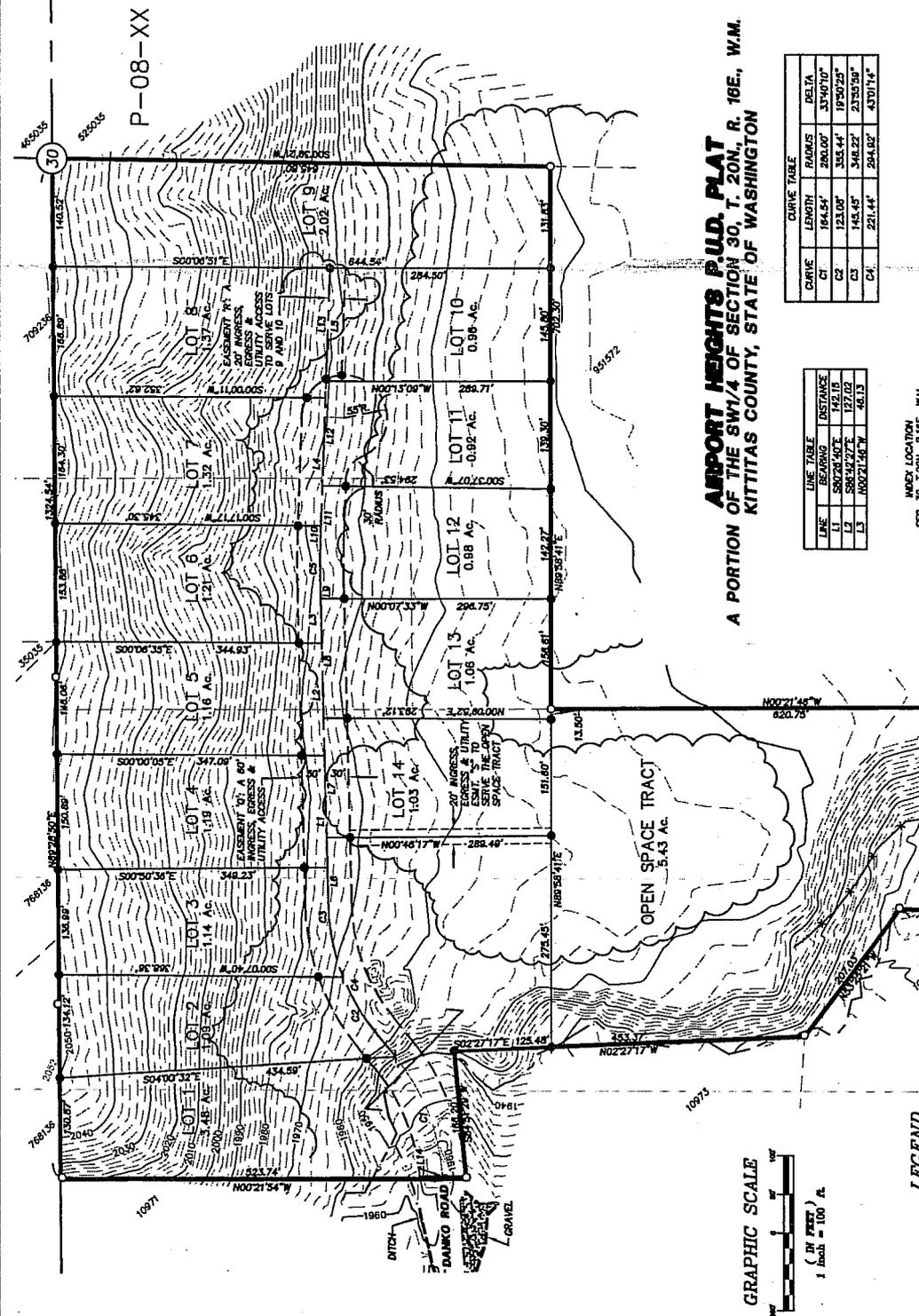
**NOTE:** In the event any contracts, liens, mortgages, judgments, etc. which may be set forth herein are not paid off and released in full, prior to or immediately following the recording of the forthcoming plat (short plat), this Company will require any parties holding the beneficial interest in any 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/kdbw

# Attachment I

RECEIVING NUMBER



**Encompass**  
 ENGINEERING & SURVEYING  
 108 EAST 2ND STREET  
 CLE ELUM, WA 98022  
 PHONE: (509) 674-7433  
 FAX: (509) 674-7419

INDEX LOCATION  
 SEC. 30, T.20N., R.16E., W.M.

LINE	BEARING	DISTANCE
L1	S80°25'40"E	142.15
L2	S82°32'27"E	127.15
L3	S82°24'48"W	46.15

CURVE	LENGTH	RADIUS	DELTA
C1	164.54'	296.00'	33°40'07"
C2	123.00'	355.44'	19°50'25"
C3	145.45'	348.22'	23°35'50"
C4	221.44'	294.82'	43°10'14"

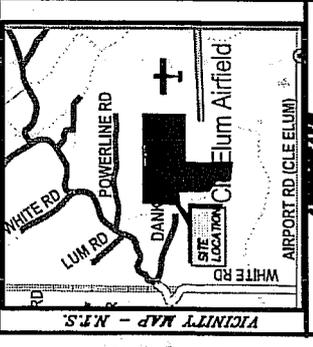
**AIRPORT HEIGHTS P.U.D. PLAT**  
 A PORTION OF THE SW 1/4 OF SECTION 30, T. 20N., R. 16E., W.M.

**AIRPORT HEIGHTS P.U.D. PLAT**  
 PTH OF THE SW 1/4 OF SEC. 30, T. 20N., R. 16E., W.M.  
 KITTITAS COUNTY, STATE OF WASHINGTON

DWN BY: **DAVID P. NELSON**  
 DATE: **08/20/08**  
 JOB NO.: **08003**  
 SHEET: **1** OF **2**

**SURVEYOR'S CERTIFICATE**  
 This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of **DAVID P. NELSON, COUNTY ENGINEER, KITTITAS COUNTY, WASHINGTON**  
 in **08/20/08** at **20:00**  
 DAVID P. NELSON, DATE  
 Certificate No. **18092**

**RECORDER'S CERTIFICATE**  
 Filed for record this **20** day of **August** at **20:00** at the request of **DAVID P. NELSON**  
 Surveyor's Name  
 County Auditor



KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS  
 EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 200\_\_

KITTITAS COUNTY ENGINEER  
 KITTITAS COUNTY HEALTH DEPARTMENT  
 I HEREBY CERTIFY THAT THE AIRPORT HEIGHTS P.U.D. PLAT HAS BEEN EXAMINED BY ME AND I FIND THAT THE SEWAGE AND WATER SYSTEM HERIN SHOWN DOES MEET AND COMPLY WITH ALL REQUIREMENTS OF THE COUNTY HEALTH DEPARTMENT.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 200\_\_

KITTITAS COUNTY HEALTH OFFICER  
 CERTIFICATE OF COUNTY PLANNING DIRECTOR  
 I HEREBY CERTIFY THAT THE AIRPORT HEIGHTS P.U.D. PLAT HAS BEEN EXAMINED BY ME AND I FIND THAT IT CONFORMS TO THE COMPREHENSIVE PLAN OF THE KITTITAS COUNTY PLANNING COMMISSION.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 200\_\_

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 FULL. THE TOTAL IS NOW TO BE PAID.  
 20-16-30030-0008 (21008) &  
 20-16-30030-0009 (21010)  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 200\_\_

KITTITAS COUNTY TREASURER  
 CERTIFICATE OF KITTITAS COUNTY ASSESSOR  
 I HEREBY CERTIFY THAT THE AIRPORT HEIGHTS P.U.D. PLAT HAS BEEN EXAMINED BY ME AND I FIND THE PROPERTY BE IN AN ACCEPTABLE CONDITION FOR PLATTING. PARCEL NO.'S 20-16-30030-0004 (180836), 20-16-30030-0008 (21009), &  
 20-16-30030-0009 (21010)  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 200\_\_

KITTITAS COUNTY ASSESSOR  
 KITTITAS COUNTY BOARD OF COMMISSIONERS  
 EXAMINED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 200\_\_

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 PERMITS WILL BE GRANTED.

Attachment J

## Chapter 17.28

## A-3 - AGRICULTURAL 3 ZONE\*

**Sections**

- 17.28.010 Purpose and intent.
- 17.28.020 Uses permitted.
- 17.28.030 Lot size required.
- 17.28.040 Yard requirements - Front.
- 17.28.050 Yard requirements - Side.
- 17.28.060 Yard requirements - Rear.
- 17.28.065 Yard requirements- Zones Adjacent to Commercial Forest Zone.
- 17.28.080 Sale or conveyance of lot portion.
- 17.28.090 Off-street parking.
- 17.28.100 Access requirement.
- 17.28.110 Setback lines.
- 17.28.120 Prohibited uses. (Deleted by Ord. 87-11)
- 17.28.130 Conditional uses.
- 17.28.140 Administrative uses.

\* Prior history: Ords. 82-Z-1, 79-Z-3, 79-Z-2, 76-2, 75-12, 75-9, 75-5, 73-7, 73-5, 73-3, 72-8, 71-5, 71-1, 709, 70-8, 69-7, 69-1, 68-17, 2.

**17.28.010 Purpose and intent.**

The purpose and intent of the agricultural (A-3) zone is to provide for an area where various agricultural activities and low density residential developments co-exist compatibly. A-3 zones are predominately agricultural-oriented lands and it is not the intent of this section to impose further restrictions on continued agricultural activities therein. (Ord. 83-Z-2 (part), 1983)

**17.28.020 Uses permitted.**

Uses permitted. Permitted uses are as follows:

1. One-family or two-family dwellings;
2. Parks and playgrounds;
3. Public and parochial schools, public libraries;
4. Single family homes not including mobile homes or trailer houses;
5. Duplexes and residential accessory buildings;
6. All types of agriculture and horticulture not otherwise restricted or prohibited herein;
7. The raising of animals (excluding swine and mink), providing an area of not less than one acre is available;
8. Agriculture, livestock, poultry or swine or mink raising, and other customary agricultural uses, provided that such operations shall comply with all state and/or county health regulations and with regulations contained in this title related to feedlots;
9. Community clubhouses, parks and playgrounds, and public utility buildings, pumping plants and substations;
10. Commercial greenhouses and nurseries;
11. Roadside stands for the display and sale of fruits and vegetables raised or grown on the premises when located not less than forty-five feet from the centerline of a public street or highway;
12. Existing cemeteries;
13. Airport;
14. Processing of products produced on the premises;
15. Forestry, including the management, growing and harvesting of forest products, and including the processing of locally harvested forest crops using portable equipment;
16. Home occupations that do not involve outdoor work or activities, or which do not produce noise, such as engine repair, etc.
17. Gas and oil exploration and construction;
18. Uses customarily incidental to any of the above uses;
19. Any use not listed which is nearly identical to a listed 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 to the county board of adjustment within ten working days of notification pursuant to Title 15A of this code, Project permit application process.

20. Accessory Dwelling Unit (if in UGA or UGN)
21. Accessory Living Quarters
22. Special Care Dwelling (Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 96-19 (part), 1996; Ord. 88-4 § 3, 1988; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

#### 17.28.030 Lot size required.

1. The minimum residential lot size shall be three acres in the Agricultural-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.
2. The minimum average lot width shall be two hundred fifty feet. (Ord. 2007-22, 2007; Res. 83-10, 1983)

#### 17.28.040 Yard requirements - Front.

There shall be a minimum front yard of twenty-five feet. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)

#### 17.28.050 Yard requirements - Side.

Side yard shall be a minimum of five feet. On corner lots the side yard shall be a minimum of fifteen feet on the side abutting the street. (Res. 83-10, 1983)

#### 17.28.060 Yard requirements - Rear.

There shall be a rear yard with a minimum depth of twenty-five feet to the main building. (Res. 83-10, 1983)

#### 17.28.065 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). (Ord. 2007-22, 2007)

#### 17.28.080 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 or the remainder of the lot with less than the minimum lot, yard or setback requirements of this district. (Res. 83-10, 1983)

#### 17.28.090 Off-street parking.

One automobile parking space shall be provided for each dwelling unit and shall be located to the rear of the building setback line. (Res. 83-10, 1983)

#### 17.28.100 Access requirement.

No dwelling shall be constructed or located on a lot or parcel which is not served by a legal sixty-foot right-of-way or existing county road. (Res. 8310, 1983)

#### 17.28.110 Setback lines.

None of the following uses shall be located within the distances indicated of any public street or road, any school or public park, or any dwelling (except such dwelling as may exist upon the same property with the restricted use):

1. Within one and one-half miles:
  - a. (Repealed by Ord. 88-5)
  - b. Farms or establishments for feeding of garbage or other refuse to hogs or other animals:
    - i. Provision is made that all such operations of subsections 1 and 2 shall be conducted in compliance with all state and county health regulations, and
    - ii. Complete protection from any potential detrimental effects such use might have on surrounding properties and/or use districts will be provided;
2. (Deleted by Ord. 87-11)
3. Within one hundred feet: barns, shelters or other buildings or structures for keeping or feeding of any

livestock, poultry, or other animals or birds whether wild or domestic;

4. Feedlots containing fifty to one hundred head at a density of less than five hundred square feet per head for a period of six months or more shall be located no closer than three hundred feet to any existing home, school or park. (Ord. 88-5 (part), 1988; Ord. 87-11 (part), 1987; Res. 83-10, 1983)

#### 17.28.120 Prohibited uses.

(Deleted by Ord. 87-11). (Res. 83-10, 1983)

#### 17.28.130 Conditional uses.

The following uses may be permitted in any Agricultural-3 zone subject to the conditions set forth in Chapter 17.60; it is the intent of this code that such uses are subordinate to the primary agricultural uses of this zone:

1. Dairying and stock raising except the raising of swine and mink commercially and the establishment of livestock feed lots; provided that no permit shall be issued for dairying or stock raising on any tract of land having an area of less than nine acres or for animal sheds or barns to be located less than one hundred feet from any property held under different ownership from that upon which such shed or barn is located;
2. Hospitals;
3. Museums;
4. Public utility substations;
5. Riding academies;
6. Governmental uses essential to residential neighborhoods;
7. Churches;
8. (Deleted by Ord. 83-Z-2)
9. Convalescent homes;
10. Day care facilities;
11. Bed and breakfast business.
12. Room and board lodging involving no more than four boarders or two bedrooms;
13. Feed mills, canneries and processing plants for agricultural products;
14. Kennels;
15. Livestock sales yard;
16. Sand and gravel excavation, provided that noncommercial excavation shall be permitted for on-site use without a conditional use permit;
17. Stone quarries;
18. Temporary offices and warehouses of a contractor engaged in construction (not to exceed two years);
19. Golf courses;
20. Auction sales or personal property, other than livestock;
21. Private Campgrounds. In considering proposals for location of such campgrounds, the board of adjustment shall consider at a minimum the following criteria:
  - a. Campgrounds should be located at sufficient distance from existing or projected rural residential/residential development so as to avoid possible conflicts and disturbances.
  - b. Traffic volumes generated by such a development should not create a nuisance or impose on the privacy of nearby residences or interfere with normal traffic flow.
  - c. Landscaping or appropriate screening should be required and maintained where necessary for buffering.
  - d. Adequate and convenient vehicular access, circulation and parking should be provided.
  - e. Economic and environmental feasibility;
  - f. Public health and safety of campers and those reasonably impacted by the campground (i.e. heath, water, sanitation);
22. Log sorting yard;
23. Feedlot. Feedlots existing at the time of adoption of the ordinance codified herein may expand or be enlarged only in compliance with standards and regulations contained herein, and such operations shall comply with all state and/or county health regulations;
24. Guest ranches;
25. Home occupations which involve outdoor work or activities or which produce noise, such as engine repair, etc.;
26. Farm labor shelters, provided that:
  - a. The shelters are used to house farm laborers on a temporary or seasonal basis only, regardless of

- change of ownership, if it remains in farm labor-needed status;
  - b. The shelters must conform with all applicable building and health regulations;
  - c. The number of shelters shall not exceed four per twenty acre parcel;
  - d. The shelters are owned and maintained by the owner or operator of an agricultural operation which clearly demonstrates the need for farm laborers;
  - e. Should the parent agriculture operation cease or convert to non-agriculture use, then the farm labor shelters shall conform with all applicable building, zoning, and platting requirements or be removed;
27. Community Clubs. (Ord. 2007-22, 2007; Ord. O-2006-01, 2006; Ord. 93-6 (part), 1993; Ord. 9015 §§ 2, 3, 1990; Ord. 90-10 (part), 1990; Ord. 88-4 § 4, 1988; Ord. 87-9 § 3, 1987; Ord. 83-Z6, 1983; Ord. 83-Z-2 (part), 1983; Res. 83-10, 1983)

**17.28.140 Administrative uses.**

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

1. Accessory Dwelling Unit (if outside UGA or UGN) (Ord. 2007-22, 2007)

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. 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; (Ord. 2007-22, 2007; Ord. 90-6 (part), 1990: Res. 83-10, 1983)

**17.36.020 Uses permitted.**

The following uses may be permitted:

- 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. 2007-22, 2007; 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. 2007-22, 2007; 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. 2007-22, 2007; 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. (Ord. 2007-22, 2007)

#### 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. (Ord. 2007-22, 2007)

#### 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 rezoning 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. (Ord. 2007-22, 2007)



GPO 2.46 Mining: Land reclamation should be included as part of the mining project and should be initiated after completion of each phase of the mining activity.

When minerals are removed from shoreline areas, adequate protection against the sediment and silt production should be provided. If such removal is to occur in a lake, river or streambed, a Hydraulics Permit from the Department of Game and Fisheries is required.

If diversion of water for mining purposes is required, water rights shall be established prior to issuing the permit.

GPO 2.47 Outdoor Advertising: Outdoor advertising signs should be located on the upland side of transportation routes which parallel and are adjacent to shorelines.

Views and vistas should not be degraded and visual access to the water from such vistas should not be impaired by the placement of signs. Local sign ordinances should be strictly enforced.

GPO 2.48 Recreation: allow various recreational opportunities to meet the needs of the people.

Where uses designated for a specific recreational area are planned to satisfy a diversity of demands, these uses must be compatible with each other and not damaging to the area's environment.

Signs should be posted informing the public of areas available for their use.

The locations, design, construction and operation of recreational facilities should prevent undue adverse impacts on adjacent or nearby privately owned properties.

Parking facilities should be located in areas, which will be the least damaging to the natural character of the area. Large parking lots should be located outside the immediate shoreline area.

Water supplies, sewage, drainage, alteration of shoreline vegetation and other changes associated with recreational development should be planned to preserve a high quality environment.

GPO 2.49 Residential: Residential subdivisions should be consigned (1) so as to adequately protect and/or to improve the area's aesthetic qualities and characteristics of the water and shoreline areas; and (2) at a level of density of site coverage and of occupancy compatible with the physical capabilities of the shoreline and water.

[ Planned Unit Developments, which reserve substantial portions of land as open space or recreation area, are preferred over conventional subdivisions. ]

Subdivider should be encouraged to provide pedestrian access to the shorelines within the development and to minimize the impact of vehicular use and parking on the normal aesthetic qualities of the shoreline area.

GPO 2.2 Diversified economic development providing broader employment opportunities.

GPO 2.3 The encouragement of urban growth and development to those areas where land capability, public roads and services can support such growth.

GPO 2.4 Encourage zoning and development regulations in the UGAs and UGNs that ensure the cost of new housing in these areas will not be substantially higher than equivalent housing outside these areas.

GPO 2.5 Kittitas County should encourage residential and economic growth that will minimize the costs of providing public utilities and services.

GPO 2.6 Kittitas County will maintain a flexible balance of land uses.

GPO 2.7 Kittitas County will cooperate with the private sector and local communities in actively improving conditions for economic growth and development.

GPO 2.8 The process and formula for population projection and allocation in Kittitas County is outlined in the County-wide Planning Policies.

GPO 2.9 When adopting development regulations, Kittitas County shall notify property owners that zoning and land use may change, and it would be appropriate for landowners to submit requests for amendments to their individual property.

GPO 2.10A Kittitas County recognizes the importance of Natural Area Preserves and Natural Resource Conservation Areas administered by the Washington State Department of Natural Resources under RCW 79.70 and 79.71. The County will seek to be included in the identification and development of management plans for these sites located within the County.

GPO 2.10B The County may develop study areas, either county wide or specific geographic locations for analysis and implementation of a variety of planning techniques and tools including but not limited to subarea plans, zoning designations, design standards and development requirements.

GPO 2.10C Study areas shall be considered for the following issues and areas.

- All Urban Growth Nodes.
- Teanaway Drainage Basin
- Rural Transition Zone (both urban-rural interface and rural-resource land interface)
- Freeway Interchanges
- Yakima River Watershed Planning
- Siting of Wind Farms

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,

Subdivision- the division or re-division of land into lots, tracts, or sites for the purpose of sale, lease or transfer of ownership.

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- 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 with a program, which involves sending and receiving zones.

Transportation Facilities- capital facilities related to air, water, or land transportation.

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 such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. 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.

Urban Growth Areas- UGAs 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- 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 densities; and other vestiges of urban development, with defined boundaries established by the County.

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- 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.

Urban Governmental Services- includes those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, community and public water systems, fire and police protection services, public transit services, and other public services associated with urban areas and normally not associated with non-urban areas.



#### 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

provisions. The ability to alter or raise the underlying zoning for increased density shall be based on a density bonus system. The bonus system shall allow greater density according to the developer's ability to provide natural and social amenities beyond the required minimums contained in other regulations; 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 B: Bonus amenities shall include but not be limited to: critical areas buffering or protection measures; wildlife protection corridors; public access; pedestrian trail systems; affordable housing opportunities; open space; recreation opportunities; capital facilities improvements; avoidance of floodplain development; and others as specified by the local planning process.

#### 6. PUD Density within the County.

Policy A: KCCOG shall review the cumulative effects of PUD development when reviewing population allocations. (*See Attachment #3.*)

#### 7. Development Standards.

Policy A: To encourage logical expansions of corporate boundaries into UGAs and to enable the most cost-efficient expenditure of public funds for the provision of municipal services into newly annexed areas, the County and the respective Cities shall jointly develop and implement development, subdivision and building standards, coordinated permit procedures, and innovative financing techniques including the possibility of development impact or other fees for the review and permitting of any new development within the separate UGAs.

Policy B: Standards for the following shall be developed and adopted:

1. Street locations, both major and secondary
2. Street right-of-way
3. Street widths
4. Curbs and gutters
5. Sidewalks for secondary streets only
6. Road construction standards
7. Cul-de-sacs, location and dimensions
8. Storm drainage facilities, quantity, quality, and discharge locations
9. Street lights, conduit, fixtures, locations
10. Sewer, septic regulations, private sewer, dry sewer facilities
11. Water, pipe sizes, locations, construction standards
12. Electrical and natural gas distribution systems
13. Communication utilities, telephone, cable TV, etc.
14. Fire protection, station locations, fire flows, uniform codes

Attachment M

**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.
- [36.70A.171](#) Playing fields -- Compliance with this chapter.
- [36.70A.172](#) Critical areas -- Designation and protection -- Best available science to be used.
- [36.70A.175](#) Wetlands to be delineated in accordance with manual.
- [36.70A.177](#) Agricultural lands -- Innovative zoning techniques -- Accessory uses.
- [36.70A.180](#) Report on planning progress.
- [36.70A.190](#) Technical assistance, procedural criteria, grants, and mediation services.
- [36.70A.200](#) Siting of essential public facilities -- Limitation on liability.
- [36.70A.210](#) County-wide planning policies.

- 36.70A.215 Review and evaluation program.
- 36.70A.250 Growth management hearings boards.
- 36.70A.260 Growth management hearings boards -- Qualifications.
- 36.70A.270 Growth management hearings boards -- Conduct, procedure, and compensation.
- 36.70A.280 Matters subject to board review.
- 36.70A.290 Petitions to growth management hearings boards -- Evidence.
- 36.70A.295 Direct judicial review.
- 36.70A.300 Final orders.
- 36.70A.302 Determination of invalidity -- Vesting of development permits -- Interim controls.
- 36.70A.305 Expedited review.
- 36.70A.310 Limitations on appeal by the state.
- 36.70A.320 Presumption of validity -- Burden of proof -- Plans and regulations.
- 36.70A.3201 Intent -- Finding -- 1997 c 429 § 20(3).
- 36.70A.330 Noncompliance.
- 36.70A.335 Order of invalidity issued before July 27, 1997.
- 36.70A.340 Noncompliance and sanctions.
- 36.70A.345 Sanctions.
- 36.70A.350 New fully contained communities.
- 36.70A.360 Master planned resorts.
- 36.70A.362 Master planned resorts -- Existing resort may be included.
- 36.70A.365 Major industrial developments.
- 36.70A.367 Major industrial developments -- Master planned locations.
- 36.70A.368 Major industrial developments -- Master planned locations -- Reclaimed surface coal mine sites.
- 36.70A.370 Protection of private property.
- 36.70A.380 Extension of designation date.
- 36.70A.385 Environmental planning pilot projects.
- 36.70A.390 Moratoria, interim zoning controls -- Public hearing -- Limitation on length -- Exceptions.
- 36.70A.400 Accessory apartments.
- 36.70A.410 Treatment of residential structures occupied by persons with handicaps.
- 36.70A.420 Transportation projects -- Findings -- Intent.
- 36.70A.430 Transportation projects -- Collaborative review process.
- 36.70A.450 Family day-care provider's home facility -- County or city may not prohibit in residential or commercial area -- Conditions.
- 36.70A.460 Watershed restoration projects -- Permit processing -- Fish habitat enhancement project.
- 36.70A.470 Project review -- Amendment suggestion procedure -- Definitions.
- 36.70A.480 Shorelines of the state.
- 36.70A.481 Construction -- Chapter 347, Laws of 1995.
- 36.70A.490 Growth management planning and environmental review fund -- Established.
- 36.70A.500 Growth management planning and environmental review fund -- Awarding of grants -- Procedures.

- 36.70A.510 General aviation airports.
- 36.70A.520 National historic towns -- Designation.
- 36.70A.530 Land use development incompatible with military installation not allowed -- Revision of comprehensive plans and development regulations.
- 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.]

---

### 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.]

---

### 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.

**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.]

---

### 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.]

---

### 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.

---

**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.]

---

**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.

**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.]

**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.

**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.]

**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.

**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.

**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.]

### 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.

---

**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.]

---

**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.]

---

**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.]

---

### 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.

---

### 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.

---

### 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.]

---

### 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).

---

### 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.]

---

### 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.]

### 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.]

#### 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.]

#### 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.]

#### 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.]

---

**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](#).

---

**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.]

---

**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.

---

#### 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.]

---

#### 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.]

---

**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.]

---

**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.]

---

**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.]

---

**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 N

**Goal PRO-2: Acquire and develop a City wide, integrated, multiple use track, trail and connection system that is functional, safe and convenient.**

**PRO-2.1** Develop specific design and maintenance standards for tracks, trails and connections.

**PRO-2.2** Develop a network of open space corridors, tracks, trails, paths and connections throughout the City. This network should provide links between developments and subdivisions and also provide links to parks, open spaces, other trails, shopping, and local government services [such as the hospital and library].

**PRO-2.3** Provide [where appropriate] for the safe integration of bicycle, pedestrian, equestrian and motorized multi-use networks.

**PRO-2.4** Encourage the development of pedestrian rights of way and well lighted trails which can provide safe passage between neighborhoods, schools, commercial and recreational areas.

**PRO-2.5** Upgrade existing trails and acquire new easements or lands to extend trails.

**PRO-2.6** Create a comprehensive system of on-road trails to improve connectivity for the pedestrian and bicycle commuter, recreationalist and touring enthusiast using local road rights of way and alignments.

**PRO-2.7** Develop the Cle Elum Skyline Trail to connect Cle Elum's trail system with other trail systems, parks and open space resources and Upper Kittitas County.

**Goal PRO-3: Work Cooperatively with the State, Kittitas County, School District, Parks and Recreation District and the community in parks planning, acquisition and development.**

**PRO-3.1** Promote the provision and development of park and recreation facilities through public and private funding, including impact fees (or other mitigation) and partnerships with other agencies.

**PRO-3.2** Require all new developments to contribute their fair share to parks, recreation and open space. Contributions could either include land dedication or fees in lieu of land.

**PRO-3.3** Require all new development projects along trail routes to provide easements for trails and/or for connections to the City's existing trail system.

**PRO-3.4** Encourage the preservation and dedication of lands for parks, recreation and open space through density incentives, trades, purchases of land, easements or transfer of development rights.



roads. The priority system uses the following criteria to rank roads for funding improvements:

- Number of residential structures on road.
- Average daily traffic volume on road.
- Speed limit of road.
- Whether it is a school bus or mail route.
- Economic feasibility to construct improvements.
- Federal Functional Classification of the road.
- Whether it is a through-route or dead-end road.
- The reduction of maintenance expenditures that would result from these improvements.
- Whether it provides recreational access.

The County has programmed about one-mile of improvements each year for hard-surfacing gravel roads so they meet design standards.

### **Turn-Arounds Needed**

There are eighty-seven dead-end roads without turn-arounds in Kittitas County. The County has a ranking system for prioritizing the construction of turn-arounds with the following criteria:

- Surface type of road.
- Average daily traffic volume on road.
- Speed limit of road.
- Whether a school bus needs to turn around.
- Federal Functional Classification of road.
- Pavement Condition Index rate of road.
- Safety considerations for vehicles and maintenance equipment (snow plows).

The County programs for the construction of one turn-around each year.



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
CleElum/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*	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 Jeri 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 Kittitas/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.

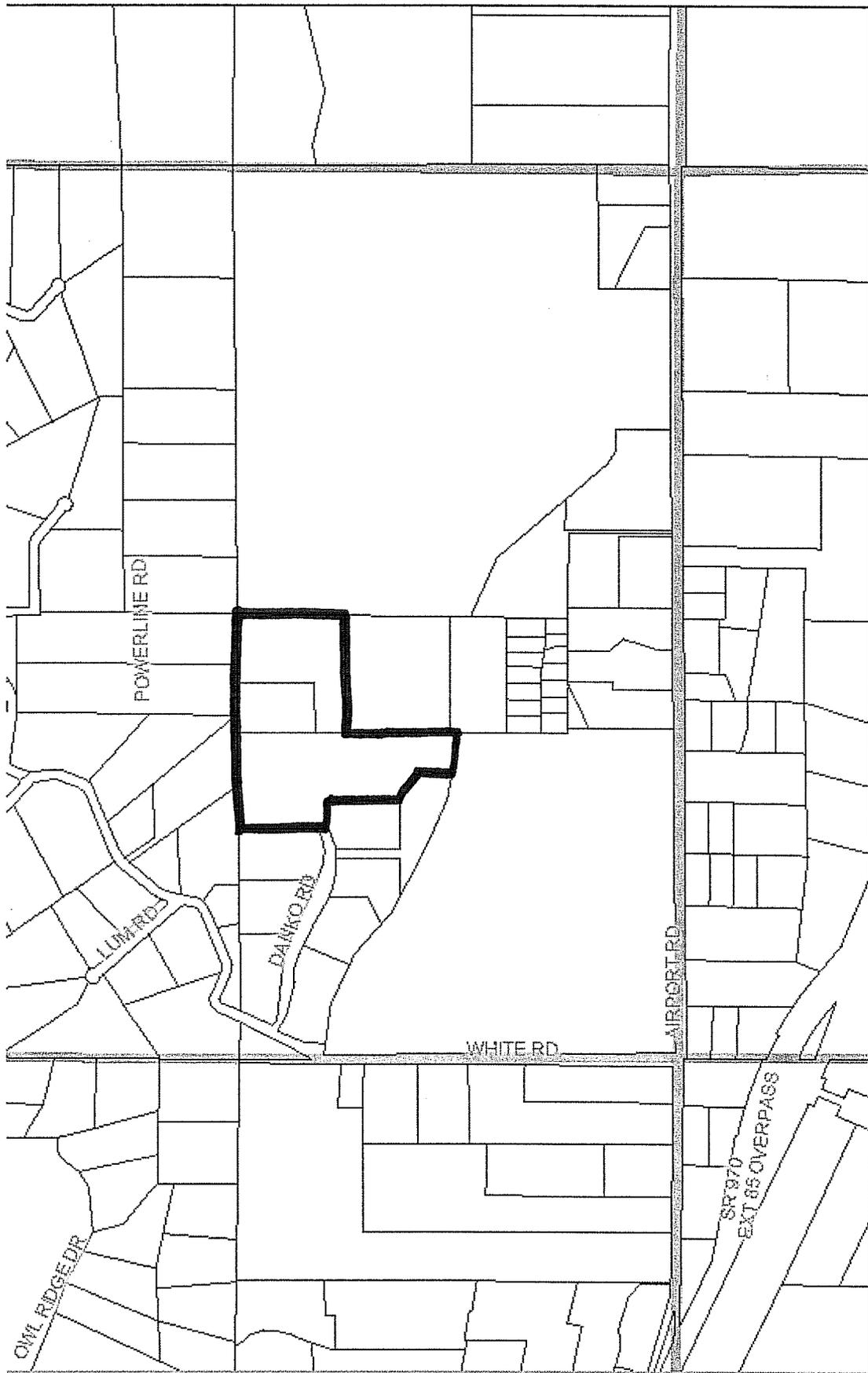
**David Bowen** opened discussion of city's input in setting UGA's for the comprehensive plan update. **Piercy** spoke to various details of UGA arrangements. Further discussion ensued. **Piercy** stated that the UGA Boundaries and Comprehensive Plan update are in a parallel process with the annual update and the 10 year update cycles.

### V. Chairman's Report.

Stated that the next meeting will be held in Eilensburg, 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.

### Kittitas County Mapsifter



For information only; not for commercial publication. Kittitas County makes no warranties on the information or accuracy on this site.

TerraScan Inc.



Airport Heights PUD  
500' Adjoiners List

Terra Design Group  
PO Box 686  
Cle Elum WA 98922

Jeff Slothower  
PO Box 1088  
Ellensburg WA 98926

Schuler, James K. % Deneen, Pat  
PO Box 808  
Cle Elum WA. 98922

Schuler Deneen Family Ranch LLC  
PO Box 808  
Cle Elum WA. 98922

PQD Construction  
PO Box 808  
Cle Elum WA. 98922

Conwell, Raymond J  
13709 SE 255th Pl  
Kent WA. 98042

Cox, Michael G  
PO Box 335  
Cle Elum WA. 98922

Nelson, Roberta D  
PO Box 762  
Cle Elum WA. 98922

Baumgardner, Frank  
PO Box 723  
Cle Elum WA. 98922

Johnson, Craig H  
352 Danko Rd  
Cle Elum WA. 98922

Maggs, William  
PO Box 391  
Cle Elum WA. 98922

Henshaw, Bernard  
PO Box 234  
Cle Elum WA. 98922

Wilson, Andrew  
280 Landers Lane  
Cle Elum WA. 98922

Tachell, Michael  
10554 NE 122nd St.  
Kirkland WA. 98034

SSHI LLC  
12931 NE 126th PL BLDG B1  
Kirkland WA. 98033

Campbell, Jerrold D  
PO Box 724  
Cle Elum WA. 98922

Breezee, Louie B  
13408 164th Ave SE  
Renton WA. 98059-6944

City of Cle Elum  
119 W 1ST  
Cle Elum WA. 98922

S.T.D. Trust  
% Stroh, Hugh W. Trustee  
660 Powerline Rd  
Cle Elum WA. 98922

Barbee, Scott A  
Starr, Constance D  
3216 41st Ave SW  
Seattle WA. 98116

Hughes, Clifford H  
340 Powerline Rd  
Cle Elum WA. 98922

Bailey, Joshua P  
14925 SE 288th  
Kent WA. 98042

Pratt, Joe A  
1161 White Rd  
Cle Elum WA. 98922

Smith, Kenneth A  
PO Box 843  
South Cle Elum WA. 98943

Dyer, J Gary  
540 Powerline Rd  
Cle Elum WA. 98922

Ferris, Elmore M  
PO Box 411  
Cle Elum WA. 98922

Airport Heights PUD  
500' Adjoiners List

Kittitas County Public Works  
411 N Ruby St, Suite 1  
Ellensburg WA 98926

Taylor, Kenneth R  
703 Holm Ave  
Montesano WA. 98563

Waggoner, Heidi A  
410 Landers Lane  
Cle Elum WA. 98922

Dillard, Norman  
291 Landers Lane  
Cle Elum WA. 98922

McCann, Gary L  
PO Box 3107  
Renton WA. 98056

Nyman, Donald E  
Life Estate  
PO Box 148  
Cle Elum WA. 98922

Baker, Jacqueline  
1481 Airport Rd  
Cle Elum WA. 98922

Cline, David M  
350 Landers Lane  
Cle Elum WA. 98922

Gonzales, Oscar O G  
321 Landers Lane  
Cle Elum WA. 98922

Kittleson, Gary  
271 Landers Lane  
Cle Elum WA. 98922

Eastwood, Clyde  
1110 White Rd  
Cle Elum WA. 98922