

KeyCite Yellow Flag - Negative Treatment

Distinguished by Whatcom County v. Western Washington Growth Management Hearing Bd., Wash.App. Div. 1, February 23, 2015

172 Wash.2d 144

Supreme Court of Washington,
En Banc.

KITTITAS COUNTY, a political subdivision of the State of Washington; Building Industry Association Of Washington (BLAW), a Washington not-for-profit corporation; Central Washington Home Builders Association (CWHBA), a Washington not-for-profit corporation; Mitchell F. Williams, d/b/a MF Williams Construction Co.; Teanaway Ridge, LLC; **Kittitas County** Farm Bureau; Son Vida II; and American Forest Land Company, Petitioners,

v.

EASTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD; **Kittitas County** Conservation; Ridge; Futurewise; and Washington Department of Community, Trade and Economic Development, Respondents.

No. **84187-0**. | Argued Oct. 19, 2010. | Decided July 28, 2011.

Synopsis

Background: County and other interested parties petitioned for review of order of regional growth management hearings board (Board) finding that portions of county's comprehensive plan and development code failed to comply with Growth Management Act (GMA). The Superior Court, **Kittitas County**, Michael E. Cooper, J., consolidated petitions for review. Interested party moved for discretionary appellate review. The Court of Appeals granted motion and certified case for review by Supreme Court.

Holdings: The Supreme Court, en banc, Owens, J., held that:

[1] Board did not improperly disregard evidence;

[2] county failed to develop written record explaining rural element of comprehensive plan as required under GMA;

[3] county violated GMA by failing to protect rural character in rural areas;

[4] plan failed to provide for a variety of densities for rural element as required under GMA;

[5] county allowed impermissible uses in designated agricultural areas;

[6] airport overlay zone complied with GMA; and

[7] county's subdivision regulations failed to protect water resources as required by GMA.

Affirmed in part, reversed in part, and remanded.

Chambers, J., filed opinion concurring in part and dissenting in part.

J.M. Johnson, J., filed opinion concurring part and dissenting in part, in which Richard B. Sanders, J., joined.

West Headnotes (23)

[1] Zoning and Planning

Construction by board or agency

In reviewing growth management hearings board (Board) decisions, court gives substantial weight to Board's interpretation of the Growth Management Act (GMA). West's RCWA 36.70A.010 et seq.

3 Cases that cite this headnote

[2] Zoning and Planning

Decisions of boards or officers in general

Courts' deference to growth management hearings board (Board) decision is superseded by statutory requirement of Growth Management Act (GMA) that Board give deference to county planning processes. West's RCWA 36.70A.010 et seq.

2 Cases that cite this headnote

[3] Zoning and Planning