

Schroader, Kathy



From: Orjiako, Oliver
Sent: Monday, September 14, 2015 10:18 AM
To: Euler, Gordon; Alvarez, Jose
Cc: Schroader, Kathy
Subject: FW: Washington Supreme Court decision - Preserving Prime Soil most important - For the Public Record and the DSEIS review

Follow Up Flag: Follow up
Flag Status: Flagged

FYI, and for the record.

From: Carol Levanen [mailto:cnldental@yahoo.com]
Sent: Saturday, September 12, 2015 9:46 PM
To: Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver
Subject: Washington Supreme Court decision - Preserving Prime Soil most important - For the Public Record and the DSEIS review

Preserving the prime soil most important - Clark County has not done this in previous Comprehensive Plans when allowing urban growth areas to consume Clark County prime soil. Refer to 1980 maps and lists in Appendix C of 1979 Clark County Comprehensive Plan of determined prime soil. Soil has not changed since that time. Agricultural soils are incorrectly designated in the current 2007 Clark County Comprehensive Plan.

Argued May 31, 2000. Decided December 14, 2000.

KING COUNTY, RESPONDENT, V. CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD, DEFENDANT, UPPER GREEN VALLEY PRESERVATION SOCIETY, ET AL., Appellants, JUN AKUTSU, et al., Defendants, NORTHSHORE YOUTH SOCCER ASSOCIATION, ET AL., Respondents.

- [1] Appeal - Record on Appeal - Evidence Not in Record - Judicial Notice. Although ER 201 states that certain facts may be judicially noticed at any stage of a proceeding, RAP 9.11 restricts appellate consideration of additional evidence on review.
- [2] Counties - Land Use Controls - Growth Management Act - Hearings Board Decision - Judicial Review - Statutory Provisions. Judicial review of a growth management hearings board decision is governed by RCW 34.05.570(3).
- [3] Counties - Land Use Controls - Growth Management Act - Hearings Board Decision - Judicial Review - Appellate Review - Board Record. An appellate court reviews a judgment entered by a superior court on judicial review of a growth management hearings board decision by applying the review standards of RCW 34.05.570(3) directly to the record created before the board.
- [4] Administrative Law - Judicial Review - Question of Law - Standard of Review. Under the error of law standard of RCW 34.05.570(3)(d), judicial review of a conclusion of law entered in an administrative adjudication is de novo, although the agency's interpretation of a law it is charged with administering is entitled to substantial weight.
- [5] Administrative Law - Judicial Review - Findings of Fact - Substantial Evidence - What Constitutes. For purposes of the substantial evidence standard of RCW 34.05.570(3)(e) for reviewing a finding of fact entered in an administrative adjudication, substantial evidence is evidence of a sufficient quantity to persuade a fair-minded person of the truth or correctness of the finding.
- [6] Statutes - Construction - Authority - Final Authority - Supreme Court. On questions of statutory interpretation, the Supreme Court is the final arbiter.
- [7] Statutes - Construction - Question of Law or Fact - Review. The interpretation of a statute is a question of law that is reviewed de novo.
- [8] Statutes - Construction - Legislative Intent - In General. The primary goal in interpreting a statute is to ascertain and give effect to the Legislature's intent.

544 KING COUNTY V. HEARINGS BOARD, Dec. 2000

142Wn2d 543

[9] Statutes - Construction - Legislative Intent - Statutory Language - In General. When ascertaining the legislative intent of a statute, a court first looks to the plain language of the statute and the ordinary meaning of the words used therein.

[10] Counties - Land Use Controls - Growth Management Act - Agricultural Land - Recreational Uses - Validity. Inasmuch as counties subject to the Growth Management Act (chapter 36.70A RCW) are required by RCW 36.70A.020(8), .060(1) and .170 to designate

agricultural lands of long-term commercial significance and to protect and conserve such lands in order to maintain and enhance the agricultural industry, and insofar as counties are required by RCW 36.70A.020(9), 150, and 160 merely to identify lands useful for recreation and to encourage the development of recreational opportunities, active recreational uses generally may not be permitted on lands located within a designated agricultural area.

[11] Statutes - Construction - Considered as a Whole - In General. A statute must be considered as a whole with effect given to all the language used. All provisions are considered in relation to each other and, if possible, harmonized to ensure the proper construction of each.

[12] Counties - Land Use Controls - Growth Management Act - Agricultural Land - Nonagricultural Uses - Innovative Zoning Techniques - Applicability. A county may encourage nonagricultural uses of land located within a designated agricultural area by means of the innovative zoning techniques authorized by RCW 36.70A.177.

[13] Counties - Land Use Controls - Growth Management Act - Planning Policies - Discretion - Limitation. The broad discretion allowed to local governments under the Growth Management Act (chapter 36.70A RCW) to draft comprehensive plans and development regulations tailored to local circumstances is limited by the requirement that final plans and regulations be consistent with the mandates and goals of the act.