

**Schroader, Kathy**



**From:** Orjiako, Oliver  
**Sent:** Monday, November 16, 2015 2:50 PM  
**To:** Euler, Gordon, Alvarez, Jose, Anderson, Colete, Albrecht, Gary, Hermen, Matt, Kamp, Jacqueline, Lebowšky, Laurie; Lumbantobing, Sharon, Wiser, Sonja  
**Cc:** Schroader, Kathy  
**Subject:** FW: RCW's defending Alt 4 - For the public record and the 2016 Comprehensive Plan update

FYI and for the record Thanks

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**From:** Carol Levanen [mailto:cnldental@yahoo.com]  
**Sent:** Monday, November 16, 2015 2:10 PM  
**To:** Stewart, Jeanne; Mielke, Tom; Madore, David; Orjiako, Oliver  
**Subject:** Fw: RCW's defending Alt. 4 - For the public record and the 2016 Comprehensive Plan update

----- Forwarded Message -----

**From:** susan rasmussen <sprazz@outlook.com>  
**To:** Carol Levanen <cnldental@yahoo.com>,  
**Sent:** Monday, November 16, 2015 12:27 PM  
**Subject:** Fw: RCW's defending Alt 4

Dear Councilors,

**Please look at 36.70A.215 Review and Evaluation program. Item (4) needs to be asked to Chris Cook and Oliver. Has this process ever been done? Were the funds collected by the county to do this? Is Councilor Madore's work the only attempt at a review?**

**36.70.020 Definitions (6)(d)**

- *Such plans shall consist of the required elements set forth in RCW 36.70.330...which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and government functions.*

**36 70A 020 Planning Goals.**

- *...The following goals are not listed in order of priority and shall be exclusively for the purpose of guiding the development of comp plans and development regulations*
  - (6) *Property rights Private property shall not be taken for public use without just compensation . The property rights of landowners shall be protected from arbitrary and discriminatory actions*
  - (8) *Encourage the conservation of production forest lands, and productive agricultural lands ..*
  - (11) *Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.*

**36 70A 070 Comprehensive plans---Mandatory elements**

- (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 . (b)includes a statement of goals, policies, objectives... provisions for the preservation, improvement, .. (c) identifies sufficient land for housing housing for low-income families, manufactured housing, multifamily .(d) makes adequate provisions for existing and projected needs of all economic segments of the community*
- (5) *..Counties shall include a rural element including lands that are not designated for urban growth, ag, forest, or mineral resources*
- (5)(a) *Because circumstances vary from county to county, in establishing patterns of rural 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*
- (b) *The rural element shall permit rural development, forestry, and ag in rural areas . shall provide for a variety of rural densities, uses, essential public facilities and rural governmental services .To achieve a variety of rural densities counties may provide for clustering . not characterized by urban growth and that are consistent with rural character*
- (7) *An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life.*

**36 70A 140 Ensure Public Participation**

*Each county . 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 ....provide for a broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provisions for open discussion and consideration of and response to public comments... Errors in exact compliance...shall not render the comprehensive land use plan...invalid if the spirit of the program and procedures is observed.*

**36.70.330 Comprehensive Plan---Required elements**

**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 . 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;
  - (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) if the legislative body for a county. chooses to consider a change to a comprehensive plan...and the change is proposed after the opportunity for review and comment has passed an opportunity for review and comment on the proposed change shall be provided before the local legislative body votes on the proposed change.

- (2)(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 EIS
  - (ii) *The proposed change is within the scope of the alternatives available for public comment;*
  - (iii) *The proposed change only corrects typographical errors,...cross references...or clarifies language of a proposed ordinance or resolution without changing its effect;*

**36.70A.050 Guidelines to classify ag, forest, and mineral lands and critical areas.**

- (1) *...The department shall consult with the department of agriculture regarding guidelines for agriculture lands, the dept. of natural resources regarding forest lands, the mineral resource lands, and the dept. of ecology regarding critical areas.*
- (2) *...The dept. shall consult with interested parties (e) representatives of owners of agricultural lands, forest lands, and mining lands*
- (3) *The guidelines...shall be minimum guidelines that apply to all jurisdictions, but also shall allow for regional differences that exist in Washington State.*

**36.70A.177 Agricultural lands---Innovative zoning techniques**

- (1) *A county may use a variety of innovative zoning techniques in areas designated as ag lands of long-term commercial significance under RCW 36 70A 170*
- (b) *Cluster zoning*

**36 70A 190 Technical assistance, procedural criteria, grants, and mediation services**

- (4)(b) *..These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.*

**36.70A 215 Review and Evaluation Program**

- (1)(a) *Determine whether a county and its cities are achieving ....objectives contained in the countywide 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) *...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... 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 as provided in subsection (3) of this section. The evaluation shall be completed no later than one year prior to the deadline for review and, if necessary, update of comprehensive plans and development regulations as required by RCW 36.70A.130...*
  - (c) *Provide for methods to resolve disputes among jurisdictions relating to the countywide 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 countywide polices 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)...this section shall*

*(a) Determine whether there is sufficient suitable land to accommodate the county-wide population projection...and the subsequent population allocations within the county...*

*(b) Determine the actual density of housing that has been constructed ...since the last periodic evaluation as required...*

*(c) Based on the actual density of development as determined...review...housing needs by type and density range to determine the amount of land needed for... housing ...*

*(4) If the evaluation required by subsection (3) of this section demonstrates an inconsistency between what has occurred since the adoption of the countywide planning policies and the county and city comprehensive plans...and what has envisioned in those policies and plans and the planning goals and the requirements of this chapter, as the inconsistency relates to the evaluation factors...(3) of this section, the county ...shall adopt and implement measures that are reasonably likely to increase consistency during the subsequent five-year period. If necessary...a county...shall adopt amendments to countywide planning policies to increase consistency. The county ...shall annually monitor the measures adopted under this subsection to determine their effect and may revise or rescind them as appropriate.*

*43 21C 090 Decision of government agency to be accorded substantial weight*

*43 21C 095 SEPA accorded substantial deference*

*43 21C.110 Content of SEPA rules*

*(1) . The proposed rules shall be subject to full public hearings requirements associated rule adoption*

*(1)(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43 21C 030*

*(1)(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.*

*(1)(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.*

*(1)(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements*