

STATE OF WASHINGTON  
GROWTH MANAGEMENT HEARINGS BOARD FOR EASTERN  
WASHINGTON

GARY D. WOODMANSEE	)	Case No. 00-1-0007
	)	
Petitioner,	)	FINAL DECISION AND ORDER
	)	
vs.	)	
	)	
FERRY COUNTY,	)	
	)	
Respondent.	)	

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I. Procedural History

On March 20, 2000, Gary D. Woodmansee, pro se, filed a Petition for Review regarding failure to produce a Future Land Use Map to comply with RCW 36.70A.070 and Resolution #96-20, adopted on April 1, 1996.

On April 20, 2000, after holding a Prehearing Conference, the Board issued its Prehearing Order setting a motion and briefing schedule and describing the issue.

On June 23, 2000, after consideration of the motions filed, briefing and oral argument, the motions were denied.

On August 2, 2000, the Board held a hearing on the merits in Republic, Washington. All parties were represented. After consideration of the briefing and hearing oral argument, the Board makes the following:

II. Findings of Fact

1. Ferry County currently has no zoning laws.
2. Ferry County development regulations have not been completed.
3. Ferry County has developed a variety of maps depicting certain land uses.

### III. Legal Issues and Discussion

Has the County has failed to comply with RCW 36.70A.070 and Resolution #96-20, adopted on April 1, 1996, to produce a Future Land Use Map?

Petitioner's Position: Petitioner argues that, by Resolution 96-20, Ferry County admitted it had no land use map, as that resolution stated "...Ferry County will develop a 'Future Land Use Map' to coexist with completion of the Development Regulations..". Petitioner contends that no map has been produced which meets the requirements of the GMA, specifically

- 1) the scale of the map provided (Exhibit 1) is not sufficient for recognition;
- 2) the map provided does not illustrate many important land uses, such as zoning on tribal lands, RADs, resource lands, or critical areas;
- 3) the map provided does not illustrate density standards or where future growth will occur.

Respondent's Position: Ferry County argues that the Growth Management Act (GMA) does not require a certain type of map, and that the maps produced by Ferry County comply with the requirements of RCW 36.70A.070. Respondent asserts that Petitioner has failed the burden of proving the County has erred or made a mistake.

Discussion: RCW 36.70A.070 includes the following language:

The comprehensive plan of a county or city that is required or choose 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 internally consistent document and all elements shall be consistent with the future land use map.

The GMA provides no further guidance on what that map must include.

The Central Puget Sound Board, in *Bremerton/Port Gamble*, held “the land use map does not comply with RCW 36.70A.110(6) and the County will be directed to depict the revised UGAs on a new land use map and, on that map, reference the location of maps of appropriate scale to discern the actual location of the UGA boundaries.”

The Growth Management Act requires a map or maps depicting land uses contemplated in the comprehensive plan. It can be assumed that the scale of the map must be sufficient to be useful for decision-making regarding specific parcels of property.

In a perfect world, a landowner could look at a map and determine all the classifications, and therefore, regulations, which apply to his land. Ferry County Resolution 96-20 anticipated that Ferry County would develop a map including, but not limited to:

1. Urban Growth Areas
2. Rural Lands
3. Agricultural Lands
4. Forest Lands
5. Mineral Lands
6. Wetlands
7. Fish and Wildlife Areas
8. Geological Hazards Areas
9. Flood Hazard Areas
10. Shoreline Designations
11. Aquifer Recharge Areas
12. Platted Lands

While admittedly Ferry County has not created such a map, the law does not require it be done. RCW 36.70A.070 requires “a map or maps” and does not detail the land uses to be depicted. Clearly, utilization of more than one map can meet the requirements of the GMA, if collectively, the maps are consistent, and internally consistent with all

elements in the comprehensive plan.

The Board also recognizes some limitations and uniqueness in Ferry County. The Ferry County Planning Department has only one planner, with a land area the size of a small state to plan for. With fewer than 10,000 residents, little development has occurred leaving vast areas unplatted. Maps depicting conditions applicable to specific parcels are not a realistic expectation. For example, regarding designation of critical areas, this Board held in Case No. 95-1-0010, Second Order on Compliance, "...we believe where adequate, accurate maps are not available, an on-site inspections at the time of permit application, coupled with existing maps and well-defined standards, meets the requirements of the GMA for designation of critical areas in Ferry County."

The more important point in designation is the standard used when reviewing a development application. An inaccurate or incomplete map, no matter how well-intentioned, could lead to very poor decisions. The Board chose, in the cited decision, that it was better to have a good review process at the time of development application than to expect a map which could be used for decision making.

Ferry County argues, in this case as well as in Cases 95-1-0010 and 97-1-0018, that a map will be produced when development regulations have been completed. They further argue that funding for mapping has not been available. The Board notes the recent receipt by Ferry County of a grant from the State of Washington to bring Ferry County into compliance with the GMA, as well as an earlier grant specifically for mapping.

The Board is asked to answer, "what must be done to comply with RCW 36.70A.070 regarding a future land use map?"

We conclude that (1) more than one map may be required, (2) that maps must be of a scale to be useful for decision making regarding individual parcels of land, and (3) that maps alone may not be adequate for decision making. From those conclusions, we will address "Has Ferry County met the requirements of the GMA regarding a future land

use map or maps?”

Petitioner based his arguments on Exhibit 1, a map of Ferry County depicting certain land uses. He ignores many other maps utilized in decision making in Ferry County, such as detailed maps of RADs, soil maps, tribal maps, and maps referenced by Ferry County in designating critical areas. While Exhibit 1 is of a scale inadequate for many land use decisions, it is certainly not the only resource available.

The Board concludes that until completion of the final critical areas ordinance and development regulations, the existing maps meet the requirements of RCW 36.70A.070. The maps should then be updated and be consistent with the Comprehensive Plan, and include all elements of the comprehensive plan and related ordinances using the best available data.

Now, therefore, the Board enters the following

### ORDER

1. The existing maps meet the requirements of RCW 36.70A.070.
2. Upon completion of the final Critical Areas Ordinance and Development Regulations, the maps should be updated and be made consistent with the Comprehensive Plan and include all element of the comprehensive plan and related ordinances using the best available data.

Pursuant to RCW 36.70A.300, this is a final order for purposes of judicial review.

Pursuant to WAC 242-02-832, a motion for reconsideration may be filed within ten days of service of this final decision and order.

SO ORDERED this 18<sup>th</sup> day of August, 2000.

WASHINGTON  
BOARD

EASTERN  
GROWTH MANAGEMENT HEARINGS

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D. E. "Skip" Chilberg, Presiding Officer

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Judy Wall, Board Member

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Dennis A. Dellwo, Board Member