

RCW <a href="#">36.70A.110</a>	Malaga / Chelan County
<p><b>Comprehensive plans—Urban growth areas.</b></p> <p>(1) Each county that is required or chooses to plan under RCW <a href="#">36.70A.040</a> 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. <b>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</b>, or is a designated new fully contained community as defined by RCW <a href="#">36.70A.350</a>. When a federally recognized Indian tribe whose reservation or ceded lands lie within the county or city has voluntarily chosen to participate in the planning process pursuant to RCW <a href="#">36.70A.040</a>, the county or city and the tribe shall coordinate their planning efforts for any areas planned for urban growth consistent with the terms outlined in the memorandum of agreement provided for in RCW <a href="#">36.70A.040</a>(8).</p>	<p>Malaga exhibits existing urban characteristics, including increased housing density, population growth, and concentrated development patterns within the existing LAMIRD. These conditions indicate the area is already characterized by urban growth and is appropriate for UGA designation. Specifically, Malaga allows up to 3.5 dwelling units per acre, while surrounding rural areas have densities of less than one dwelling unit per 2.5 acres.</p>
<p>(2) Based upon the growth management population projection made for the county by the office of financial management, <b>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</b>, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses.</p>	<p>Malaga is projected to accommodate future population and employment growth, supported by regional economic drivers such as energy and technology industries. The Malaga LAMIRD boundaries have been drawn to accommodate the projected residential and employment growth that is expected to occur, and countywide allocations have been made accordingly. Urban services (i.e., sewer) are necessary to allow for this growth, and may, allow additional uses as appropriate for a small town.</p>
<p><b>Each urban growth area shall permit urban densities and shall include greenbelt and open space areas.</b> 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.</p>	<p>Existing zoning and development patterns already reflect urban scale densities. Zoning in Malaga would be applied similar to that in the Peshastin UGA, allowing residential urban densities, supporting and requiring open space provision, and allowing for a range of commercial and industrial uses.</p>

<p>Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW <a href="#">36.70A.040</a>, 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 <a href="#">36.70A.040</a> 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.</p>	<p>This section is not applicable; Malaga is not currently in a city or its UGA.</p>
<p>(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, <b><i>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</i></b>, 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 <a href="#">36.70A.350</a>.</p>	<p>Malaga represents an existing concentration of development where urban growth has already occurred. Conversion to a UGA allows growth to be directed to this area rather than expanding into undeveloped rural or resource lands. Malaga should be considered a “tier 2” urban growth area: residential densities and industrial development are at or approaching urban levels; urban services are needed to continue those uses in a way that protects public health.</p>
<p>(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 <b><i>except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment</i></b> and when such services are financially supportable at rural densities and do not permit urban development and as authorized in RCW <a href="#">36.70A.830</a>.</p>	<p>The current reliance on on site septic systems has contributed to rising nitrate levels in the aquifer, creating a documented public health and environmental concern. Providing sewer in Malaga will protect public health and the environment for existing as well as planned residential and commercial/industrial development.</p>
<p>(5) On or before October 1, 1993, each county that was initially required to plan under RCW <a href="#">36.70A.040</a>(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 <a href="#">36.70A.040</a> shall adopt development regulations designating interim urban</p>	<p>This section is not applicable.</p>

<p>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 <b>43.21C</b> RCW, and under this section. Such action may be appealed to the growth management hearings board under RCW <b>36.70A.280</b>. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.</p>	
<p>(6) Each county shall include designations of urban growth areas in its comprehensive plan.</p>	<p>The Malaga UGA is proposed as part of the 2026 to 2046 Comprehensive Plan update, consistent with GMA requirements for formal designation through the planning process.</p>
<p>(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.</p>	<p>Urban service area(s) is not proposed for Malaga; this would be a standalone UGA not specifically affiliated with an existing city or town.</p>
<p>(8) If, during the county's annual review under RCW <b>36.70A.130(2)(a)</b>, the county determines revision of the urban growth area is not required to accommodate the population projection for the county made by the office of financial management for the succeeding 20-year period, but does determine that patterns of development have created pressure for development in areas exceeding the amount of available developable lands within the urban growth area, then the county may revise the urban growth area or areas based on identified patterns of development and likely future development pressure if the following requirements are met:</p>	
<p>(a) The revised urban growth area would not result in a net increase in the total acreage or development capacity of the urban growth area or areas;</p>	<p>Where would the UGA be reduced in order to accommodate Malaga?</p>
<p>(b) The areas added to the urban growth area are not designated by the county as agricultural, forest, or mineral resource lands of long-term commercial significance;</p>	<p>The proposed UGA boundary explicitly excludes designated agricultural and resource lands, including those identified within the <i>Malaga Vision Plan (2017)</i> planning area, ensuring compliance with resource land protection requirements.</p>
<p>(c) If the areas added to the urban growth area have previously been designated as agricultural, forest, or mineral resource lands of long-term commercial significance, either an equivalent amount of agricultural, forest, or mineral resource lands of long-term commercial significance must be added to the area outside of the urban growth area, or the county must wait a minimum of two years before another swap may occur;</p>	<p>The Malaga LAMIRD has never been designated for agricultural or resource use.</p>
<p>(d) Less than 15 percent of the areas added to the urban growth area are critical areas other than critical aquifer recharge areas. Critical aquifer recharge areas must have been previously designated by the county and be maintained per county development regulations within the expanded urban growth area and the revised</p>	<p>Critical aquifer recharge areas within Malaga will continue to be regulated under existing county development regulations. UGA designation enables improved management through infrastructure planning, particularly sewer service, which reduces groundwater contamination risks.</p>

urban growth area must not result in a net increase in critical aquifer recharge areas within the urban growth area;	
(e) The areas added to the urban growth areas are suitable for urban growth;	The proposed Malaga UGA is characterized by urban-type growth and is suitable for additional growth, provided that sewer is made available.
(f) The transportation element and capital facility plan element of the county's comprehensive plan have identified the transportation facilities and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;	Chelan County has included Malaga and its proposed growth in both its CFP and TMP.
(g) The areas removed from the urban growth area are not characterized by urban growth or urban densities;	Where would the UGA be reduced in order to accommodate Malaga?
(h) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands;	Malaga would be a new UGA, with the contiguous boundaries drawn to encompass all land in the LAMIRD, including industrial lands. It focuses growth within an already developed area, thereby reducing pressure on surrounding rural and resource lands.
(i) The county's proposed urban growth area revision has been reviewed according to the process and procedure in the countywide planning policies adopted and approved according to RCW <a href="#">36.70A.210</a> ; and	Where would the UGA be reduced in order to accommodate Malaga?
(j) The revised urban growth area meets all other requirements of this section.	The new UGA meets RCW requirements.
(9)(a) At the earliest possible date prior to the revision of the county's urban growth area authorized under subsection (8) of this section, the county must engage in meaningful consultation with any federally recognized Indian tribe that may be potentially affected by the proposed revision. Meaningful consultation must include discussion of the potential impacts to cultural resources and tribal treaty rights.	Chelan County has developed the comprehensive plan as well as the Malaga UGA proposal in consultation with affected tribes.
(b) A county must notify the affected federally recognized Indian tribe of the proposed revision using at least two methods, including by mail. Upon receiving a notice, the federally recognized Indian tribe may request a consultation to determine whether an agreement can be reached related to the revision of the county's urban growth area. If an agreement is not reached, the parties must enter mediation pursuant to RCW <a href="#">36.70A.040</a> .	This will take place when the County determines whether or not to pursue the UGA designation as part of its overall comprehensive plan update.
(10)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.	This site is east of the Cascades.
(b) Subsection (10)(a) of this section does not apply to:	Not applicable
(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;	Not applicable

(ii) Urban growth areas where expansions are precluded outside floodplains because:	Not applicable
(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or	Not applicable
(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or	Not applicable
(iii) Urban growth area expansions where:	Not applicable
(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or	Not applicable
(B) Urban development already exists within a floodplain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or	Not applicable
(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:	Not applicable
(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; stormwater facilities; flood control facilities; or underground conveyances; and	Not applicable
(II) The development and use of such facilities or projects will not decrease flood storage, increase stormwater runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.	Not applicable
(c) For the purposes of this subsection (10), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on July 26, 2009.	Not applicable
(11) If a county, city, or utility has adopted a capital facility plan or utilities element to provide sewer service within the urban growth areas during the twenty-year planning period, nothing in this chapter obligates counties, cities, or utilities to install sanitary sewer systems to properties within urban growth areas designated under subsection (2) of this section by the end of the twenty-year planning period when those properties:	Noted. While the City, Water District, and Port have all prioritized the study and provision of sanitary sewer in Malaga, on-site septic will be allowed to remain as long as periodic reviews of nitrates show that the concentrations are reducing. Comprehensive Plan policies should provide a pathway for transitioning septic systems to sewer service over time.
(a)(i) Have existing, functioning, nonpolluting on-site sewage systems;	See above
(ii) Have a periodic inspection program by a public agency to verify the on-site sewage systems function properly and do not pollute surface or groundwater; and	See above
(iii) Have no redevelopment capacity; or	See above

<p>(b) Do not require sewer service because development densities are limited due to wetlands, floodplains, fish and wildlife habitats, or geological hazards.</p>	<p>See above</p>
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<b>WACxxxx Urban growth areas.</b>	
(1) Requirements.	
(a) Each county planning under the act must designate an urban growth area or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. Each county must designate an urban growth area in its comprehensive plan.	The proposed Malaga UGA would encourage urban levels of growth within the proposed boundaries.
(b) 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.	Not applicable.
(c) An urban growth area may include territory that is located outside a city if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.	Malaga is already characterized by urban-type growth and has urban services other than sewer.
(d) Based upon the growth management planning population projection selected by the county from within the range provided by the office of financial management, and the resulting allocations of housing need, and based on a countywide employment forecast developed by the county at its discretion, <b>the urban growth areas shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding 20-year period.</b> Counties and cities may provide the office of financial management with information they deem relevant to prepare the population projections, and the office shall consider and comment on such information and review projections with counties and cities before they are adopted. Counties and cities may petition the office to revise projections they believe will not reflect actual population growth.	The boundary of the Malaga LAMIRD is currently drawn to allow sufficient land area for planned urban levels of growth. The UGA would be the same. However, the provision of sewer may permit and incentivize even denser development (or more multifamily or middle housing), <b>allocations for the remainder of the rural county would be adjusted.</b>
(e) The combined urban growth area may not exceed the areas necessary to accommodate the growth management planning projections, plus a reasonable land market supply factor, or market factor. In determining this market factor, counties and cities may consider local circumstances. Counties and cities have discretion in their comprehensive plans to make many choices about accommodating growth. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas.	<b>County will need to show how Malaga fits within the broader projections and allocations (see previous comments)</b>
(f) Counties and cities should facilitate urban growth within urban growth areas as follows:	See below.
(i) Urban growth should be located first in areas already characterized by urban growth that have existing public facilities and service capacities adequate to serve urban development.	See below.
(ii) Second, urban growth should be located in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities	Malaga should be considered a (ii) urban growth area. Development is at or nearing urban densities and needs extension of public facilities to serve both existing and proposed development.

and services that are provided by either public or private sources.	
(iii) Third, urban growth should be located in the remaining portions of the urban growth area.	See previous.
(g) 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. Recommendations governing the extension of urban services into rural areas are found in WAC <a href="#">365-196-425</a> .	Not applicable
(h) Each county that designates urban growth areas must review, according to the time schedule specified in RCW <a href="#">36.70A.130(5)</a> , periodically its designated urban growth areas, the patterns of development, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area (see WAC <a href="#">365-196-610</a> ).	Designation of Malaga as a UGA, along with all other UGAs, will be reviewed and adjusted with each periodic update of the Chelan County Comprehensive Plan.
<b>(2) General procedure for initial designation of new urban growth areas.</b>	
(a) The designation process shall include consultation by the county with each city located within its boundaries. The adoption, review and amendment of the urban growth area should reflect a cooperative effort among jurisdictions to accomplish the requirements of the act on a regional basis, consistent with the countywide planning policies and, where applicable, multicounty planning policies.	Chelan County will work with the incorporated cities as well as representatives of unincorporated communities to ensure that the designation of Malaga meets the needs of the county as a whole.
(b) Each city shall propose the location of an urban growth area.	This is completed with the current periodic update.
(c) The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located.	This is completed with the current periodic update.
(d) If an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated an urban growth area.	This is completed with the current periodic update.
(e) As growth occurs, most lands within the urban growth area should ultimately be provided with urban governmental services by cities, either directly or by contract. <b>Other service providers are appropriate</b> within urban growth areas for regional or countywide services, or <b>for isolated unincorporated pockets characterized by urban growth</b> . Counties and cities should provide for development phasing within each urban growth area to ensure the orderly sequencing of development and that services are provided as growth occurs.	Services for Malaga would be provided by utility district(s) unless or until it is incorporated as a city or town in the future.
(f) Counties and cities should develop and evaluate urban growth area proposals with the purpose of	The LAMIRD boundary around Malaga has been drawn to accommodate projected infill and urban levels of

accommodating projected urban growth through infill and redevelopment within existing municipal boundaries or urban areas. In some cases, expansion will be the logical response to projected urban growth.	growth and is not proposed to change; the UGA designation would be to allow urban services and any increase in density/growth would be incidental to that.
(g) Counties, cities, and other municipalities, where appropriate, should negotiate interlocal agreements to coordinate land use management with the provision of adequate public facilities to the urban growth area. Such agreements should facilitate urban growth in a manner consistent with the cities' comprehensive plans and development regulations, and should facilitate a general transformation of governance over time, through annexation or incorporation, and transfer of nonregional public services to cities as the urban area develops.	No interlocal is necessary at this time, as all services would remain under county jurisdiction or through special purpose districts.
(h) The initial effective date of an action that expands an urban growth area is the latest of the following dates per RCW <a href="#">36.70A.067</a> :	See below
(i) Sixty days after the publication of notice of adoption of the comprehensive plan, development regulation, or amendment to the plan or regulation, implementing the action, as provided under RCW <a href="#">36.70A.290</a> (2); or	Noted.
(ii) If a petition for review to the growth management hearings board is timely filed, upon issuance of the board's final order.	Noted.
(3) Urban growth area swaps.	This section is not applicable for a new UGA.
(a) An urban growth area swap refers to the process by which a county may change an urban growth area even if it is determined that an urban growth area expansion is not required to accommodate 20-year growth projections. This may be done during county's periodic update under RCW <a href="#">36.70A.130</a> (3)(c), or as an annual amendment under RCW <a href="#">36.70A.110</a> (8).	Not applicable
(b) If, during the county's periodic update review under RCW <a href="#">36.70A.130</a> (3)(c), the county determines expansion of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period, but does determine that patterns of development have created pressure in areas that exceed available, developable lands within the urban growth area, the urban growth area or areas may be revised to accommodate identified patterns of development and likely future development pressure for the succeeding 20-year period if the following requirements are met:	Not applicable
(i) The revised urban growth area may not result in an increase in the total surface areas of the urban growth area or areas;	Not applicable
(ii) The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;	Malaga is not, and has not been, designated as agricultural or resource lands.

(iii) Less than 15 percent of the areas added to the urban growth area are critical areas;	See comment above about landslide hazards.
(iv) The areas added to the urban growth areas are suitable for urban growth;	Given existing residential development and proximity to existing and proposed employment growth, the area is suitable for growth (as demonstrated with the LAMIRD designation)
(v) The transportation element and capital facility plan element have identified the transportation facilities, and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;	The Comprehensive Plan, CFP, and TMP have all considered necessary projects in Malaga.
(vi) The total area of all urban growth areas in the county is not larger than needed to accommodate the growth planned for the succeeding 20-year planning period and a reasonable land market supply factor;	The growth expected in Malaga has already been considered in countywide growth projections and population allocations.
<del>(vii) The areas removed from the urban growth area do not include urban growth or urban densities; and</del>	
(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands.	The new UGA for Malaga is contiguous and joins two relatively densely-developed residential areas, allowing for infill and creation of a more cohesive and complete community.
(c) If considering an urban growth area swap as an annual amendment under RCW <a href="#">36.70A.110</a> (8), the following requirements must be met before a revision of the urban growth area is allowed:	A UGA swap is not proposed.
(i) The revised urban growth area would not result in a net increase in the total acreage or development capacity of the urban growth area or areas;	Not applicable
(ii) The areas added to the urban growth area are not designated by the county as agricultural, forest, or mineral resource lands of long-term commercial significance;	Not applicable
(iii) If the areas added to the urban growth area have previously been designated as agricultural, forest, or mineral resource lands of long-term commercial significance, either an equivalent amount of agricultural, forest, or mineral resource lands of long-term commercial significance must be added to the area outside of the urban growth area, or the county must wait a minimum of two years before another swap may occur;	Not applicable
(iv) Less than 15 percent of the areas added to the urban growth area are critical areas other than critical aquifer recharge areas. Critical aquifer recharge areas must have been previously designated by the county and be maintained per county development regulations within the expanded urban growth area and the revised urban growth area must not result in a net increase in critical aquifer recharge areas within the urban growth area;	Not applicable
(v) The areas added to the urban growth areas are suitable for urban growth;	

(vi) The transportation element and capital facility plan element of the county's comprehensive plan have identified the transportation facilities and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;	Not applicable
(vii) The areas removed from the urban growth area are not characterized by urban growth or urban densities;	Not applicable
(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands;	Not applicable
(ix) The county's proposed urban growth area revision has been reviewed according to the process and procedure in the countywide planning policies adopted and approved according to RCW <b>36.70A.210</b> ; and	Not applicable
(x) The revised urban growth area meets all other requirements of RCW <b>36.70A.110</b> (8).	Not applicable
<b>(4) Urban growth areas and 100-year floodplains.</b>	Noted. Malaga is not located west of the Cascade Mountains.
(a) Except as provided in (b) of this subsection, counties and cities may not expand the urban growth area into the 100-year floodplain of any river or river segment that:	Not applicable
(i) Is located west of the crest of the Cascade mountains; and	Not applicable
(ii) Has a mean annual flow of 1,000 or more cubic feet per second as determined by the department of ecology.	Not applicable
(b) Subsection (4)(a) of this section does not apply to:	Not applicable
(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;	Not applicable
(ii) Urban growth areas where expansions are precluded outside floodplains because:	Not applicable
(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or	Not applicable
(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or	Not applicable
(iii) Urban growth area expansions where:	Not applicable
(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain;	Not applicable
(B) Urban development already exists within a floodplain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or	Not applicable
(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:	Not applicable

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects including, but not limited to, habitat enhancement or environmental restoration; stormwater facilities; flood control facilities; or underground conveyances; and	Not applicable
(II) The development and use of such facilities or projects will not decrease flood storage, increase stormwater runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.	Not applicable
(c) Under this subsection (4), "100-year floodplain" means the same as "special flood hazard area" as set forth in WAC <b>173-158-040</b> as it exists on July 26, 2009.	Not applicable
(5) Recommendations for meeting requirements.	
(a) Selecting and allocating countywide growth forecasts. This process should involve at least the following:	
(i) The total countywide population is the sum of the population allocated to each city; the population allocated to any portion of the urban growth area associated with cities; the population allocated to any portion of the urban growth area not associated with a city; and the population growth that is expected outside of the urban growth area. Counties and cities should use consistent growth forecasts, allocations, and planning horizons. The planning horizon should start on the relevant deadline specified in RCW <b>36.70A.130</b> (5) and encompass 20 years.	Chelan County has followed allocation recommendations in determining the expected housing and employment growth in the Malaga area.
(ii) RCW <b>43.62.035</b> directs the office of financial management to provide a reasonable range of high, medium and low 20-year population forecasts for each county in the state, with the medium forecast being most likely. Counties and cities must plan for a total countywide population that falls within the office of financial management range.	Noted
(iii) Consideration of other population forecast data, trends, and implications. In selecting population forecasts, counties and cities may consider the following:	Not applicable. Chal
(A) Population forecasts from outside agencies, such as regional or metropolitan planning agencies, and service providers.	Not applicable
(B) Historical growth trends and factors which would cause those trends to change in the future.	Not applicable
(C) General implications, including:	Not applicable
(I) Public facilities and service implications. Counties and cities should carefully consider how to finance the necessary facilities and should establish a phasing plan to ensure that development occurs at urban densities; occurs in a contiguous and orderly manner; and is linked with provision of adequate public facilities. These considerations are particularly important when	Not applicable

<p>considering forecasts closer to the high end of the range. Jurisdictions considering a population forecast closer to the low end of the range should closely monitor development and population growth trends to ensure actual growth does not begin to exceed the planned capacity.</p>	
<p>(II) Overall land supplies. Counties and cities facing immediate physical or other land supply limitations may consider these limitations in selecting a forecast. Counties and cities that identify potential longer term land supply limitations should consider the extent to which current forecast options would require increased densities or slower growth in the future.</p>	<p>Not applicable</p>
<p>(III) Implications of short term updates. The act requires that 20-year growth forecasts and designated urban growth areas be updated at a minimum during the periodic review of comprehensive plans and development regulations (WAC <a href="#">365-196-610</a>). Counties and cities should consider the likely timing of future updates, and the opportunities this provides for adjustments.</p>	<p>Growth forecasts and UGA designations are being updated during the periodic review.</p>
<p>(D) Counties and cities are not required to adopt forecasts for annual growth rates within the 20-year period, but may choose to for planning purposes. If used, annual growth projections may assume a consistent rate throughout the planning period, or may assume faster or slower than average growth in certain periods, as long as they result in total growth consistent with the 20-year forecasts selected.</p>	<p>Noted.</p>
<p>(iv) Selection of a countywide employment forecast. Counties, in consultation with cities, should adopt a 20-year countywide employment forecast to be allocated among urban growth areas, cities, and the rural area. The following should be considered in this process:</p>	<p>A 20-year employment forecast has been selected as part of the Comprehensive Plan periodic update.</p>
<p>(A) The countywide population forecast, and the resulting ratio of forecast jobs to persons. This ratio should be compared to past levels locally and other regions, and to desired policy objectives; and</p>	<p>A jobs to persons ratio is included with the Comprehensive Plan periodic update.</p>
<p>(B) Economic trends and forecasts produced by outside agencies or private sources.</p>	<p>Economic trends and data have been collected as part of the study of the designation of the Malaga UGA to understand growth in Malaga over the planning period, including from outside sources.</p>
<p>(v) Projections for commercial and industrial land needs. When establishing an urban growth area, counties should designate sufficient commercial and industrial land. Although no office of financial management forecasts are available for industrial or commercial land needs, counties and cities should use a countywide employment forecast, available data on the current and projected local and regional economies, and local demand for services driven by population growth. Counties and cities should consider establishing a</p>	<p>Commercial and industrial land needs is a substantial part of the case for designating the Malaga UGA.</p>

countywide estimate of commercial and industrial land needs to ensure consistency of local plans.	
Counties and cities should consider the need for industrial lands in the economic development element of their comprehensive plan. Counties and cities should avoid conversion of areas set aside for industrial uses to other incompatible uses, to ensure the availability of suitable sites for industrial development.	Commercial and industrial land needs is a substantial part of the case for designating the Malaga UGA.
(vi) Selection of community growth goals with respect to population, commercial and industrial development and residential development.	A vision plan was created as part of the last periodic update and is attached to the Malaga UGA Plan. The growth goals have been determined with the periodic update, and conversations with affected community members are ongoing as part of the comprehensive plan update. Prior to plan approval, the County will hold meetings with the Malaga stakeholders to discuss zoning and final UGA boundaries.
(vii) Selection of the densities a county or city seeks to achieve in relation to its growth goals. Inside the urban growth areas, densities must be urban. Outside the urban growth areas, densities must be rural.	Densities within the proposed Malaga UGA would be similar to the Peshastin UGA.
(b) Per subsection (1)(h) of this section and RCW <a href="#">36.70A.130</a> (5), each county that designates urban growth areas must review periodically its designated urban growth areas.	This is occurring as part of the review of urban growth areas required under this statute.
The purpose of the urban growth area review is to assess the capacity of the urban land to accommodate population growth projected for the succeeding 20-year planning period.	Noted
(i) This review should be conducted jointly with the affected cities.	This periodic update is happening in coordination with the cities.
(ii) 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.	Noted (city responsibility)
(c) Counties and cities must use the selected population projection identified in subsection (1)(d) of this section to determine the countywide projection of housing need by economic segment provided by the department as prescribed in RCW <a href="#">36.70A.070</a> (2)(a). Counties and cities must determine the countywide projected housing need using data and methodology provided by the department. When allocating projected housing needs for each jurisdiction within a county, counties and cities should use the minimum standards described in WAC <a href="#">365-196-410</a> (2)(c)(iii).	Chelan County is using an appropriate population projection.
(d) General considerations for determining the need for urban growth areas expansions to accommodate projected population and employment growth.	See below
(i) Estimation of the number of new persons and jobs to be accommodated based on the difference between the	The LCA associated with the Comprehensive Plan periodic update included an analysis of Malaga as both a LAMIRD and as a UGA. The analysis found that

<p>20-year forecast and current population and employment.</p>	<p>Malaga can accommodate significant multifamily housing if services are available and zoning is applied appropriately – development that is not currently possible without urban services despite zoning that allows multifamily. The Malaga population is expected to grow by about 170 people under either scenario, though employment growth could drive residential demand.</p> <p>A 5- and 20-year industry growth projections were calculated as part of the Malaga UGA Plan. The industry growth projections were calculated using a combination of business interviews and forecasted six-digit NAICs employment data provided by Data Tactical Group.</p>
<p>(ii) Estimation of the capacity of current cities and urban growth areas to accommodate additional population and employment over the 20-year planning period. This should be based on a land capacity analysis, which may include the following:</p>	<p>An LCA has been created that meets the requirements of this section.</p>
<p>(A) Identification of the amount of developable residential, commercial, and industrial land, based on inventories of currently undeveloped or partially developed urban lands.</p>	
<p>(B) Identification of the appropriate amount of greenbelt and open space to be preserved or created in connection with the overall growth pattern and consistent with any adopted levels of service. See <a href="#">WAC 365-196-335</a> for additional information.</p>	
<p>(C) Identification of the amount of developable urban land needed for the public facilities, public services, and utilities necessary to support the likely level of development. See <a href="#">WAC 365-196-320</a> for additional information.</p>	
<p>(D) Based on allowed land use development densities and intensities, a projection of the additional urban population and employment growth that may occur on the available residential, commercial and industrial land base. The projection should consider the portion of population and employment growth which may occur through redevelopment of previously developed urban areas during the 20-year planning period.</p>	
<p>(E) The land capacity analysis must be based on the assumption that growth will occur at urban densities inside the urban growth area and is consistent with the housing types specified in the analysis of housing need developed pursuant to <a href="#">RCW 36.70A.070(2)</a>. In formulating land capacity analyses, counties and cities should consider data on past development, zoning to meet minimum housing requirements, as well as factors which may cause trends to change in the future. For counties and cities subject to <a href="#">RCW 36.70A.215</a>,</p>	

<p>information from associated buildable lands reports should be considered. If past development patterns have not resulted in urban densities, or have not resulted in a pattern of desired development, counties and cities should use assumptions aligned with desired future development patterns. Counties and cities should then implement strategies to better align future development patterns with those desired.</p>	
<p>(F) The land capacity analysis may also include a reasonable land market supply factor, also referred to as the "market factor." The purpose of the market factor is to account for the estimated percentage of developable acres contained within an urban growth area that, due to fluctuating market forces, is likely to remain undeveloped over the course of the 20-year planning period. The market factor recognizes that not all developable land will be put to its maximum use because of owner preference, cost, stability, quality, and location. If establishing a market factor, counties and cities should establish an explicit market factor for the purposes of establishing the amount of needed land capacity. Counties and cities may consider local circumstances in determining an appropriate market factor. Counties and cities may also use a number derived from general information if local study data is not available.</p>	
<p>(iii) An estimation of the additional growth capacity of rural and other lands outside of existing urban growth areas compared with future growth forecasted, and current urban and rural capacities.</p>	<p>Growth capacity of rural lands has been considered as part of this comprehensive plan update.</p>
<p>(iv) If future growth forecasts exceed the current combined capacities of unincorporated county and city lands, counties and cities should first consider the potential of increasing capacity of existing urban areas through allowances for higher densities, or for additional provisions to encourage redevelopment. If counties and cities find that increasing the capacity of existing urban areas is not feasible or appropriate based on the evidence they examine, counties and cities may consider expansion of the urban growth area to meet the future growth forecast.</p>	<p>Capacities of all other UGAs have been considered.</p>
<p>(e) Determining the appropriate locations of new or expanded urban growth area boundaries. This process should consider the following:</p>	<p>See below</p>
<p>(i) Selection of appropriate densities. For all jurisdictions planning under the act, the urban growth area should represent the physical area where that jurisdiction's urban development vision can be realized over the next 20 years. The urban growth area should be based on densities which accommodate urban growth, served by adequate public facilities, discourage sprawl, and promote goals of the act. RCW <a href="#">36.70A.110</a> requires that densities specified for land inside the urban growth</p>	<p>Proposed densities within a Malaga UGA would be similar to the Peshastin UGA.</p>

area must be urban densities. See WAC <a href="#">365-196-300</a> for recommendations on determining appropriate urban densities.	
(ii) The county should attempt to define urban growth areas to accommodate the growth plans of the cities. Urban growth areas should be defined so as to facilitate the transformation of services and governance during the planning period. However, physical location or existing patterns of service make some unincorporated areas which are characterized by urban growth inappropriate for inclusion in any city's potential growth area.	Not applicable (no city affiliated with this proposed UGA)
(iii) Identifying the location of any new lands added to the urban growth area. Lands should be included in the urban growth area in the following priority order:	The land to be designated as a UGA is concurrent with the current boundaries of the Malaga LAMIRD.
(A) Existing incorporated areas;	See below
(B) Land that is already characterized by urban growth and has adequate public facilities and services;	See below
(C) Land already characterized by urban growth, but requiring additional public facilities and urban services; and	Malaga falls under this category.
(D) Lands adjacent to the above, but not meeting those criteria.	See above
(iv) Designating industrial lands. Counties and cities should consult with local economic development organizations when identifying industrial lands to identify sites that are particularly well suited for industry, considering factors such as:	Malaga already has commercial and industrial lands designated.
(A) Rail access;	
(B) Highway access;	
(C) Large parcel size;	
(D) Location along major electrical transmission lines;	
(E) Location along pipelines;	
(F) Location near or adjacent to ports and commercial navigation routes;	
(G) Availability of needed infrastructure; or	
(H) Absence of surrounding incompatible uses.	
(v) Consideration of resource lands issues. Urban growth areas should not be expanded into designated agricultural, forest or resource lands unless no other option is available. Prior to expansion of the urban growth area, counties and cities must first review the natural resource lands designation and conclude the lands no longer meet the designation criteria for resource lands of long-term commercial significance. Designated agricultural or forest resource lands may not be located inside the urban growth area unless a county or city has enacted a program authorizing transfer or purchase of development rights.	The Malaga UGA would not expand into resource lands.
(vi) Consideration of critical areas and wildfires. Although critical areas exist within urban areas, counties and cities should avoid expanding the urban growth areas into areas with known critical areas extending	See previous notes about landslide hazard areas.

<p>over a large area. Counties and cities should also consider the potential risk of wildland fires when expanding the urban growth area into areas where structures and other development intermingles with undeveloped wildland or vegetative fuels. See RCW <a href="#">36.70A.110</a>(8) for legislative direction on expansion of urban growth areas into the 100-year floodplain of river segments that are located west of the crest of the Cascade mountains and have a mean annual flow of 1,000 or more cubic feet per second.</p>	
<p>(vii) Consideration of patterns of development within urban growth areas under RCW <a href="#">36.70A.130</a> (3)(a) and <a href="#">36.70A.110</a>(8). Evaluating patterns of development can help identify growth pressures and the viability of existing and proposed urban growth areas. Local governments may want to consider one or more methods for evaluating patterns of development from the following nonexclusive list:</p>	<p>Noted</p>
<p>(A) Based on population, permit data, types of development, and a land capacity analysis, identify growth rates and patterns for the preceding 10 years. Calculate rates separately for the unincorporated urban growth areas, and areas within incorporated cities and towns. Cities and towns may identify subareas within their corporate boundaries for individual analysis. Counties and cities should not rely on an evaluation of averages across the overall urban growth area or city boundary.</p>	
<p>(B) Make a determination as to consistency or inconsistency with the growth rates and patterns that were envisioned in adopted countywide planning policies, comprehensive plans and development regulations, and actual development that has occurred.</p>	
<p>(C) Make a determination as to consistency or inconsistency with assumed housing densities as established under WAC <a href="#">365-196-410</a> (2)(d).</p>	
<p>(D) Determine development capacity, building types, and patterns of development within each identified area. Based on this analysis, determine the availability of land to serve projected growth within each identified area for the 20-year planning period.</p>	
<p>(E) Compare the identified areas to determine areas of high development pressure, areas of low development pressure, and areas with inadequate capacity to absorb their projected growth, including projected housing need.</p>	
<p>(F) Make determinations on the viability of urban growth areas experiencing low development pressure by considering barriers to growth such as:</p>	
<p>(I) Lack of available or planned infrastructure, including transportation facilities, as determined through the capital facilities plan element and the transportation element.</p>	

(II) Lack of adequate development regulations to ensure urban standards and levels of service.	
(III) Incompatible uses within or adjacent to the urban growth area. Examples include mining sites, industrial sites, wastewater treatment facilities, brownfields, airports, military bases, and other uses that produce high impacts.	
(IV) Parcelization and multiple ownerships that may limit redevelopment.	
(V) Site constraints including parcel access, steep slopes, floodplains, and other environmental constraints.	
(VI) Market conditions that may deter development.	
(viii) Consideration of urban growth area swaps under RCW <a href="#">36.70A.130</a> (3)(a). During a periodic update counties may consider removal of a portion of the urban growth area and replacement with a new area location if it is consistent with the requirements of RCW <a href="#">36.70A.130</a> (3)(c) or <a href="#">36.70A.110</a> (8), as applicable, and subsection (3) of this section.	See previous comments in the section on the RCWs about where growth can be removed from so that growth is not over-allocated.
(A) Areas removed from the urban growth area must not include existing urban development. Areas with public sewer, or other urban governmental services such as public water, transportation, and stormwater facilities should not be removed from the UGA.	See previous note about where land might be removed from other UGAs if needed.
(B) Counties and cities should consider (e)(vii) of this subsection when conducting an urban growth area swap.	Noted.
(C) Counties and cities should coordinate on revisions to the urban growth area.	Noted.
(ix) If there is physically no land available into which a city might expand, it may need to revise its proposed urban densities or population levels in order to accommodate growth on its existing land base.	Not applicable
(f) Evaluating the feasibility of the overall growth plan. Counties and cities should perform a check on the feasibility of the overall plan to accommodate growth. If, as a result of this evaluation, the urban growth area appears to have been drawn too small or too large, the proposal should be adjusted accordingly. Counties and cities should evaluate:	
(i) The anticipated ability to finance the public facilities, public services, and open space needed in the urban growth area over the planning period. When conducting a review of the urban growth areas, counties and cities should develop an analysis of the fiscal impact of alternative land use patterns that accommodate the growth anticipated over the succeeding 20-year period. Counties and cities should identify revenue sources and develop a reasonable financial plan to support operation and maintenance of existing facilities and services, and for new or expanded facilities to accommodate projected growth over the 20-year planning period. The plan should ensure	Has a fiscal impact analysis been performed?

<p>consistency between the land use element and the capital facilities plan, and demonstrate that probable funding does not fall short of the projected needs to maintain and operate public facilities, public services, and open space. This provides the public and decision makers with an estimate of the fiscal consequences of various development patterns. This analysis could be done in conjunction with the analysis required under the State Environmental Policy Act.</p>	
<p>(ii) The effect that confining urban growth within the areas defined is likely to have on the price of property and the impact thereof on the ability of residents of all economic strata to obtain housing they can afford.</p>	<p>A Housing Needs Assessment has been prepared as part of this plan that documents housing affordability challenges in Chelan County.</p>
<p>(iii) Whether the level of population and economic growth contemplated can be achieved within the capacity of available land and water resources and without environmental degradation.</p>	<p>Environmental analysis will occur through SEPA.</p>
<p>(iv) The extent to which the comprehensive plan of the county and of adjacent counties and cities will influence the area needed.</p>	
<p>(g) County actions in adopting urban growth areas.</p>	
<p>(i) A change to the urban growth area is an amendment to the comprehensive plan and requires, at a minimum, an amendment to the land use element. Counties and cities should also review and update the transportation, capital facilities, utilities, and housing elements to maintain consistency and show how any new areas added to the urban growth area will be provided with adequate public facilities. A modification of any portion of the urban growth area affects the overall urban growth area size and has countywide implications. Because of the significant amount of resources needed to conduct a review of the urban growth area, and because some policy objectives require time to achieve, frequent, piecemeal expansion of the urban growth area should be avoided. Site-specific proposals to expand the urban growth area should be deferred until the next comprehensive review of the urban growth area.</p>	<p>This is being done as part of the periodic update.</p>
<p>(ii) Counties and cities that are required to participate in the buildable lands program must first have adopted and implemented reasonable measures as required by RCW <a href="#">36.70A.215</a> before considering expansion of an urban growth area.</p>	<p>Not applicable</p>
<p>(iii) Consistent with countywide planning policies, counties and cities consulting on the designation of urban growth areas should consider the following implementation steps:</p>	<p>Do the following steps occur as part of planning in Chelan County?</p>
<p>(A) Establishment of agreements regarding land use regulations and the provision of services in that portion of the urban growth area outside of an existing city into which it is eventually expected to expand.</p>	<p>Not applicable. The Malaga UGA is not associated with a City.</p>

<p>(B) Negotiation of agreements for appropriate allocation of financial burdens resulting from the transition of land from county to city jurisdiction.</p>	<p>Not applicable. The Malaga UGA is not associated with a City. Should Malaga ever incorporate as a city, the financial burdens would be resolved at that time.</p>
<p>(C) Provision for an ongoing collaborative process to assist in implementing countywide planning policies, resolving regional issues, and adjusting growth boundaries.</p>	<p>It is not expected that the growth boundary would change; however, the Malaga community will be consulted on county land use and other decisions just as the residents of Peshastin or Manson.</p>