

Draft 2004 Growth Management Update Areas Clallam County Department of Community Development April 2004

Clallam County must take action every seven years to review and, if needed, revise its comprehensive plan and development regulations to ensure that the plan and regulations continue to comply with the Washington State Growth Management Act (GMA). The deadline to complete this first seven year update is December 1, 2004 (RCW 36.70A.130).

Clallam County is currently analyzing growth trends and new county population projections to assist with identifying needed updates to the county's comprehensive plan and development regulations for GMA compliance. Efforts are also underway to identify the general scope of our evaluation and updates needed to comply with the state mandated evaluation and update of the county's plan and regulations under RCW 36.70A.130.

The seven-year review is being coordinated with the county's evaluation of Year 2003 Comprehensive Plan Land Use and Zoning Map Amendment Applications (three applications received), and the 2003 recommendations of the Carlsborg Community Advisory Council (CCAC) regarding infrastructure planning and funding for the Carlsborg Urban Growth Area (UGA). Coordination is necessary because the GMA limits most revisions of local comprehensive plans to no more frequently than once every year.

This report outlines:

1. Comprehensive Plan Land Use and Zoning Map Amendment Applications
2. Carlsborg UGA Recommendations
3. Seven Year GMA Compliance Areas (Preliminary List)
4. Other Growth Management Update Considerations

Comprehensive Plan Land Use and Zoning Map Amendment Applications

The three Year 2003 Comprehensive Plan Land Use and Zoning Map Amendment Applications are summarized below:

1. REZ2003-00001 - Michael J. E. and Eileen Stoppani. Change approximately 1.17 acres of land currently designated Carsborg Industrial (CI) to Rural Moderate (R2). Approval of this change would require removal of the 1.17 acre parcel from the Carlsborg Urban Growth Area.

The property is located on Idea Place Rd, adjoining the northern boundary of the Carlsborg Industrial Park, and is legally described as Lot 3 of Survey recorded in Volume 36 of Surveys with the Clallam County Auditor, Page 32, and being a portion of the SE 1/4 of the NE 1/4 of Section 15, Township 30 North, Range 4 West, W.M. It is referenced by Assessor's Tax Parcel Number 043015-520030.

2. REZ2003-00002 - Clallam County Fire District No. 3. Change approximately 9.25 acres of land currently zoned Carlsborg Residential (CR), to Public (P). The property is located within the Carlsborg Urban Growth Area on Carlsborg Road, adjoining the northern boundary of the Greywolf Elementary School, and is legally described as Parcel A, as shown on BLA Survey, recorded under Volume 50 of Surveys with the Clallam County Auditor, Page 21, also being a portion of the NW1/4 of the NE1/4 of Section 22, Township 30 North, Range 4 West, W.M. It is referenced by Assessor's Tax Parcel Number 043022-129110.

3. REZ2003-00003 - Norbert & Michele Juhasz. Change approximately 3.78 acres of land currently zoned Rural Limited Commercial (RLC) to Rural (R1). The property is currently configured in two parcels; Parcel A being approximately 3.05 acres and Parcel B being approximately 0.73 acres in area. Parcel A is legally described as Lot 1 of the Juhaz Short Plat, as recorded with the Clallam County Auditor, Volume 50, Page 21 of Short Plats. Parcel B is legally described as Railway Addition, Block 8, Except Right-of-way and Easement and Rail Road Right-of-way. Both parcels are located in a portion of the NW1/4 of the SE1/4 of Section 8, Township 30 North, Range 5 West, W.M. Parcel A is represented by Assessor Tax Parcel Number 053008-429010, and Parcel B is represented by Assessor Tax Parcel Number 053008-500800.

A public hearing before the Clallam County Planning Commission was held on March 3, 2004, on the three 2003 amendment applications. The public hearing is extended through the conclusion of the four scheduled regional public hearings (all hearings begin at 6:30 p.m.) to scope needed updates for GMA compliance: 1) April 28 at Carrie Blake Park, 202 N. Blake Ave, Sequim; 2) May 5 at Clallam County Courthouse, 223 E. Fourth St., Port Angeles; 3) May 19 at Forks Middle School, 121 S. Sparten Ave, Forks; and 4) May 26 at Sekiu Community Center, 42 Rice St., Sekiu.

Following the conclusion of the public hearings, the Planning Commission will forward findings and recommendations regarding the three 2003 Comprehensive Plan Land Use and Zoning Map applications to the Board of Clallam County Commissioners for further action. A staff report on each application is available for review from the Clallam County Department of Community Development.

Carlsborg UGA Recommendations

On December 5, 2000, Clallam County established the 560-acre Carlsborg Urban Growth Area (UGA). As part of this designation, Clallam County:

1. Established new community visions, land use designations, and policies under Section 31.03.350 of the Sequim-Dungeness Regional Comprehensive Plan;
2. Adopted a Carlsborg Capital Facilities Plan to support existing and future community growth;
3. Adopted new Carlsborg UGA Zoning Regulations; and
4. Issued a Final Supplemental Environmental Impact Statement analyzing the environmental impacts and alternatives related to these adopted plans and regulations.

Planning Efforts Since UGA Designation

In March 2001, the County Board appointed a seven-member Carlsborg Community Advisory Council (CCAC) to formulate recommendations for the design and financing of identified infrastructure projects. The CCAC met regularly over a two (2) year period to develop their recommendations. All meetings were open to the public.

The CCAC held a Public Workshop on March 11, 2003, to explain the issues considered, introduce their (draft) recommendations, and receive public comments and feedback. On April 30, 2003, the CCAC finalized their recommendations in the report titled: *Recommendations of the Carlsborg Community Advisory Council, Infrastructure Funding for the Carlsborg Urban Growth Area*, which addresses on-site septic operations and maintenance program, sidewalks, and other needs such as water supply and transportation. The document also includes a *Carlsborg UGA Infrastructure Financing Options Report (August 2002)*, prepared by a consultant for Clallam County.

The county planning division prepared a *Staff Report (dated March 2004)* which evaluated issues, logistics, and implementation steps regarding the CCAC recommendations. The planning division also prepared a *Grant Prospectus Report (October 2003)* to summarize known grant opportunities that may provide viable sources of revenue for funding, or assisting in the funding, of Carlsborg infrastructure projects recommended by the CCAC.

The Clallam County Planning Commission is currently reviewing the CCAC Recommendations Report and related staff report as part of the county's 2004 evaluation and update of its comprehensive plan and development regulations for compliance under the Growth Management Act, RCW 36.70A.

Seven Year GMA Compliance Evaluation (Preliminary List)

The Clallam County Comprehensive Plan and implementing development regulations (zoning, critical areas, land division, etc.) have been subject to annual updates, refinements and changes since Plan adoption in 1995. As such, preliminary evaluation by the Clallam County Department of Community Development (DCD) has concluded that while generally compliant with state law, the current plan and regulations do contain some areas that are potentially non-compliant.

County planning staff is now engaged in the process of identifying the specific areas of the comprehensive plan and development regulations that may need to be evaluated and/or updated for GMA compliance. Listed below are areas of evaluation and update identified to-date. Other areas may be identified during the GMA evaluation and scoping process that is currently underway. This process includes four regional public hearings scheduled in April and May before the Clallam County Planning Commission to gather and consider public comments on the scope of any needed changes to make our plan and regulations compliant with state law and responsive to local needs.

1. Review comprehensive plan and development regulations to ensure that there is sufficient land capacity suitable for development to accommodate projected housing and employment growth for the next 20 years (RCW 36.70A.115).

*Comments: A new section, RCW 36.70A.115, was added to the GMA in 2003 under SSB 5602 requiring Clallam County and the cities of Forks, Port Angeles, and Sequim to ensure that, **taken collectively**, actions to adopt or amend county and city comprehensive plans or development regulations provide sufficient capacity of land suitable for development within each jurisdiction. The requirements for sufficient capacity refers to accommodating a jurisdiction's allocated housing and employment growth consistent with the official state 20-year population forecast and countywide planning policies. The county and three cities adopted the latter in 1992 to provide a framework in developing the Clallam County Comprehensive Plan.*

2. Conduct 10-Year review of the county's six urban growth areas (UGA). RCW 36.70A. (110, 130(3)).

Comments: Clallam County has designated UGA's around the cities of Forks, Port Angeles, and Sequim, and the unincorporated communities of Carlsborg, Clallam Bay-Sekiu, and Joyce. The GMA requires UGA's to be reviewed at least every 10 years. This review must include the extent to which urban growth has occurred, permitted UGA densities, and land availability to accommodate urban growth projected to occur in the county

for the next 20-years (RCW 36.70A.130 (3)). Except for the Carlsborg UGA, the county's six UGA's were all designated in 1995 and are now due for review and, if needed, revision no later than 2005.

The Carlsborg UGA was recently designated in 2001, and will not require a comprehensive review. However, all county UGA's will be reviewed as part of the county's analysis of its comprehensive plan and development regulations for providing sufficient land capacity for projected housing and employment growth to occur in the county for the next 20-years, as required by RCW 36.70A.115 (see related discussion under #1 above).

3. Amend the definition of "urban growth" under CCC 31.02.050 (34) to be consistent with changes (amended in 1997) to the statutory definition under RCW 36.70A.030(17) as follows:

"Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, [rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070 \(5\)\(d\), is not urban growth.](#) When allowed to spread over wide areas, urban growth typically requires urban governmental services. CCC 31.02.050 (34)

4. Update the Clallam County Mineral Overlay Map under CCC 31.02.910, which designates mineral lands of long-term significance, based upon new information regarding the location and quality of mineral resource deposits, proximity of mineral resources to population centers, and potential for new or expanded mineral extraction (e.g., exclude developed lands). Adopt a mineral overlay zoning district or other appropriate regulations to establish standards for both new mineral extraction and other uses within and adjacent to designated mineral resource lands, including procedures for adding and/or removal of designated resource lands based on new information. [RCW 36.70A.(060, 131, 170), RCW 36.70A.131 was added in 1998]

Comments: Local governments must consider new information related to mineral resource land designations and regulations (including model development regulations) from the state Department of Natural Resources (DNR), state Department of Community Trade, Economic Development (CTED), or the Washington State Association of Counties (WSAC). RCW 36.70A.131. The DNR has provided comments on updates to the current mineral overlay map based on new information related to the locations of mineral resource deposits and related considerations. The DNR, CTED, and WSAC indicated to Clallam County that no new or modified model

development regulations have been prepared by their organizations that must be considered to comply with RCW 36.70A.131.]

5. Update the Clallam County Critical Areas Code, Chapter 27.12, based on the final outcome of the county's appeal of Western Growth Management Hearing Board Decision to Superior Court on compliance with the state Growth Management Act. *(Note: The actual timing of any updates will depend on the final decision of the issues being appealed to Superior Court. The decision of the court on this matter was issued on June 2, 2003, but was appealed.)*

Comments: Clallam County must review its critical area ordinances by December 1, 2004, under RCW 36.70A.130 (1a) for compliance with the GMA. This review must consider inclusion of "best available science" (BAS) in developing local policies and regulations to protect the functions and values of critical areas, and also give special consideration to preserving or enhancing anadromous fisheries. RCW 36.70A.172

Clallam County adopted a critical areas ordinance (CAO) under Ordinance 681, 1999, to replace interim controls previously in place since 1992. An appeal of the CAO was filed with the Western Washington Growth Management Hearings Board (WWGMHB) on March 1, 2000, with the filing of a Petition For Review (PFR). An amended PFR was filed on April 3, 2000. A Hearing on the Merits of the appeal was held on October 24, 2000, before the WWGMHB. A Final Decision and Order (Case No. 00-2-0008) was issued by the WWGMHB on December 19, 2000.

Clallam County adopted changes to the CAO (Ordinance No. 709, 2001) on June 26, 2001 in response to the Final Decision and Order of the WWGMHB. The revised CAO was again reviewed by the WWGMHB at a Compliance Hearing combined with a Hearing on the Merits on October 4, 2001 (Case No. 01-2-0020). Following conclusion of the hearing, the WWGMHB issued their Final Decision and Order on October 26, 2001.

Clallam County filed an appeal of the Final Decision and Order of the WWGMHB in Superior Court (Superior Court of Washington, Clallam County, No. 02-2-00035-8). The County maintained in its appeal that the WWGMHB had 1) erroneously interpreted the law, and 2) had reached a decision that was not supported by the evidence that is substantial when viewed in light of the whole record.

A decision on this matter was issued on June 2, 2003. The decision found that the WWGMHB had erred on three (3) areas of their decision. However, the decision did uphold the WWGMHB's findings in the following respects:

1. *"That the County's definition for minor new development subject to reduced buffer requirements adjacent to Type 1-5 waters was not in compliance and substantially interfered with the GMA."*
2. *"That the buffer exemption for Type 5 streams less than 500 feet was not in compliance with the GMA."*
3. *"That an inconsistency between CCC 27.12.035(7) and 27.12.040 existed and therefore was not in compliance with the GMA."*

However, the County's CAO has been validated with respect to incorporation of BAS related to local circumstances. In the Superior Court's Decision Document, the County's efforts were described as follows:

"...local conditions often dictate the applicability of BAS. BAS does not stand alone oblivious to existing conditions but considers and balances the many complexities of the real world. Clallam County has thoughtfully and carefully used BAS in this manner to develop its regulations and policies." [Memorandum Opinion, No. 02-2-00035-8]

Consistent with this finding, the WWGMHB, with the exception of the areas currently under appeal, had also found the County had successfully accomplished the incorporation of BAS in the CAO as evidenced in their Final Decision and Order Document as follows:

"Except in the limited instances noted below, Clallam County has done an excellent job of recognizing, modifying, synthesizing and applying BAS to it's local circumstances." [WWGMHB, Final Decision and Order, No. 00-2-0008]

6. Review and, if needed, update the rural element of the county-wide and four regional comprehensive plans and implementing zoning controls consistent with the GMA changes regarding objectives and provisions for rural lands. [RCW 36.70A.011, RCW 36.70A.070(5)]

Comments: The legislature in 2002 added a new section under RCW 36.70A.011 containing findings regarding rural lands, including county development of its rural element under RCW 36.70A.070(5). In 1997, the legislature under ESB 6094 established new provisions to guide local development of county rural elements, including: definitions of rural character, rural development, and rural governmental services under RCW 36.70A.030 (14, 15, 16); measures for governing rural development under RCW 36.70A.070 (5)(a); and provisions for allowing limited areas of more intensive rural development (LAMRID) under RCW 36.70A.070 (5) (d). These provisions were not in place when the county adopted its rural element in 1995.

7. Evaluate and, if needed, update comprehensive plan and development regulations for promoting compatible land uses adjacent to the county's five general aviation airports (i.e., public use airports). Include consultation with airport owners and managers, private airport operators, general aviation pilots, ports, and the Washington State Department of Transportation (WDOT) Aviation Division. [RCW 36.70.547, RCW 36.70A.510].

Comments: There are five general aviation airports located in Clallam County—William Fairchild International Airport, Sequim Valley Airport, Forks Municipal Airport, Sekiu Airport, and Quillayute Airport. Comprehensive plans and development regulations must discourage the siting of incompatible uses adjacent to general aviation airports. Such plans and regulations may only be adopted or amended after formal consultation with airport owners and managers, private airport operators, general aviation pilots, ports, and the Washington State Department of Transportation (WDOT) Aviation Division. These requirements found under RCW 36.70A.510 were adopted in 1996, and were not fully addressed when the comprehensive plan was adopted in 1995.

8. Review and certification by the Peninsula Regional Transportation Planning Organization (PRTPO) of the county's transportation element under the comprehensive plan for consistency with the regional transportation plan. Update the transportation element, if needed, to achieve consistency.[RCW 36.70A.040 (7), RCW 47.80].

Comments: The county's transportation element must be consistent with the regional transportation plan adopted by the PRTPO under RCW 47.80. RCW 36.70A.040(7). The PRTPO is an association of cities, towns, counties, ports, tribes, transit agencies, and major employees that serve as a forum for developing policies and making decisions about regional growth management, economic and transportation issues in Clallam, Jefferson, Kitsap and Mason counties.

The PRTPO has scheduled their first round to review and certify county and city transportation elements. Clallam County submitted its comprehensive plan transportation element and the PRTPO's certification review checklist for PRTPO review and certification on April 1, 2004. Clallam County anticipates receiving the PRTPO's review and certification comments and decision in June 2004.

9. Amend the comprehensive plan definition and related policies regarding essential public facilities to include “state or regional transportation facilities as defined in RCW 47.06.140” and “secure community transition facilities as defined in RCW 71.09.020.” [RCW 36.70A.200, 1998 and 2001 GMA Amendments].
10. Update county zoning regulations regarding the use of residential dwellings as a family day-care facility in a residential or commercial zone consistent with RCW 36.70A.450. [2003 GMA Amendment (HB 1170)].

Comments: 2003 changes to the GMA under RCW 36.70A.450 direct that a county or city cannot zone against or otherwise prohibit the use of a residential dwelling as a family day-care facility in a residential or commercial zone. The county, however, can require the family day-care facility to comply with safety and licensing regulations and zoning conditions that are imposed on other dwellings in the same zone.

*Several county commercial zones prohibit family day-care facilities or require a conditional use permit where a CUP is not required for other dwellings in the same zone. The county’s zoning definition of family child care home includes 12 or fewer children, within a birth through 11 years exclusively. The statutory definition of “family day-care provider” in RCW 74.15.020 is a “child day-care provider who regularly provides child day care for **not more than twelve (emphasis added)** children in the provider’s home in the family living quarters.”*

11. Update amendment provisions of the Clallam County Zoning Code, Chapter 33.35 CCC, to allow for text amendments consistent with the comprehensive plan more than once a year.

Comments: Limiting comprehensive plan amendments to not more than once a year is a GMA requirement under RCW 36.70A.130 (2a). However, the GMA does not impose this requirement to amendment of development regulations that are consistent with the comprehensive plan. This change will allow the county to consider text amendments to county zoning standards that do not require amendments to the comprehensive plan more frequently than once a year. Approval of this change will not effect changes to the official zoning map because the county’s zoning code adopts the Comprehensive Plan Land Use Maps as the zoning map by reference under Chapter 33.05 CCC.

Other Growth Management Update Considerations

Listed below are other identified issues and/or planning efforts that may result in future updates to the county's comprehensive growth management plan and regulations:

Port Angeles Urban Growth Area Expansion: The City of Port Angeles amended their comprehensive plan in June 1999 to support extension of the Eastern Port Angeles UGA to include the Morse Creek and Deer Park areas. The City has requested that Clallam County extend the Port Angeles UGA east of the west rim of the Morse Creek Canyon to include adjacent areas zoned Rural (R1), Public, General Commercial, and Rural Limited Commercial. The City's recommendation is based on the continued development of the proposed area, particularly in the vicinity of the Deer Park Road and state highway 101 intersection, which the city contends is characterized by urban growth. This proposed area for UGA expansion encompasses approximately 934 acres.

The City of Port Angeles is also evaluating whether to request expansion of the western portion of the Port Angeles UGA to include areas between Edgewood Drive to state highway 101 from the City limits to Laird Rd, including the area west of Laird Rd, zoned for commercial uses (Hwy 101-112 Jct.).

Eastern Port Angeles UGA Sewer Extension: Clallam County and the City of Port Angeles are working on potential agreements, including revenue sharing, to facilitate extension of city sanitary sewer line into the unincorporated areas of the eastern Port Angeles UGA.

Watershed Planning: Clallam County and partners (e.g., cities, tribes) are developing watershed plans under the Watershed Protection Act (RCW 90.82) for the county's three Water Resource Inventory Areas (WRIA). A Draft WRIA 18 Plan, which covers eastern Clallam County (includes the Dungeness and Elwha River areas) is now before the County Board for review and approval. WRIA 19 and 20 Plans covering western county watershed areas are under development. The watershed plans identify recommendations to balance human, fish, and wildlife needs for water, as well as protection and restoration of water quality and fish and wildlife habitat. The Draft WRIA 18 Plan directs the county to consider the recommendations of the watershed plan in future revisions to its comprehensive growth management plan and implementing development regulations.

Endangered Species Act (ESA) Planning: Four species of Salmonids are listed as "threatened" in Clallam County under the federal ESA. Clallam County and partners (e.g., tribes) are developing draft recovery plans for Chinook and Summer Chum salmon for submittal to the National Marine Fisheries Service this summer. Restoration projects (e.g., Elwha Dam removal, Jimmycomelately Creek realignment) and the WRIA 18 Watershed Plan (see above) are integral

parts. County growth management policies and regulations, including the county's critical area ordinance are also being evaluated. Updates to the county's growth management plans and regulations may be one outcome of ESA recovery planning.

Clallam County Hazard Mitigation Plan: Clallam County adopted a multi-jurisdictional Hazard Mitigation Plan in January 2004. The plan identifies and assesses key natural hazards (e.g., earthquakes, flooding, severe storms, etc...), identifies hazard mitigation goals and objectives, establishes hazard mitigation strategies to be implemented by the various partners. A key recommendation is to adopt the Clallam County Hazard Mitigation Plan as a future element of the Clallam County Comprehensive Plan. The plan also contains several specific recommended updates to the comprehensive plan.

Port Angeles Landfill Closure: Multi-jurisdictional planning efforts are underway to address local solid waste disposal needs with the targeted 2006 closure of the Port Angeles Landfill for both existing and future development.

Draft Stormwater Management Ordinance: The GMA directs local governments to consider stormwater management under its land use element (RCW 36.70A.070(1)). The GMA also requires local governments to develop regulations to protect critical areas (RCW 36.70A.060), which include environmentally sensitive areas such as wetlands, geologic hazardous areas, floodplains, fish and wildlife habitat, and aquifers. In 2003, the Clallam County Planning Commission submitted a recommended stormwater management ordinance to the Board of Clallam County Commissioners (BOCC) for further action. The intent of the ordinance is to update and centralize county stormwater management regulations. Further action on the draft ordinance is pending addressing issues raised by the Planning Commission and/or County Board.