



### Frequently Asked Questions about Clallam County's Growth Management Act Compliance Proceedings

**1) How did this all happen? I thought the County successfully adopted GMA controls in 1995? And why is my land being affected by this Hearings Board's zoning decisions and not my neighbors' lands?**

Under State law, every county is required to review its prior plans and development regulations adopted under GMA every seven years. The Hearings Boards have ruled that persons challenging the County's GMA adoptions can 'reach back' or reopen much of what the County previously adopted. In addition, and since the time that Clallam County adopted its plans and regulations in 1995, and then amended after 2004, there have been a number of Legislative amendments to the Growth Management Act, and a number of Hearings Board and appellate court rulings on GMA laws. Consequently, what the County adopted in 1995, and revisited beginning in 2004, was subject to a host of new laws and new legal decisions, and to new challenges.

Further, not all of the County's plans and regulations were challenged in this most recent Hearings Board case. Hearings Boards may only review and overturn those portions of the plans and regulations which are expressly appealed by individuals or organizations. Many of Clallam County's rural and urban growth area (UGA) plans and regulations were either not challenged or were unsuccessfully challenged. Some of these unchallenged and 'compliant' zones and codes may seem to be similar to those zones and codes found non-compliant or invalid. However, only those plans and codes found non-compliant or invalid will need to be amended to comply with the Hearing Board's orders, while unchallenged plans and codes will remain on-the-books, unchanged.

**2) Why did the Board of County Commissioners adopt interim controls?**

The Board of County Commissioners adopted interim controls in response to the Western Washington Growth Management Hearings Board's finding of invalidity of certain zoned areas of the County. Without such interim controls, the County would have been prohibited from allowing any development in those zones except for only development allowed by State law: 1) for construction of single-family houses on pre-existing lots for the applicant's own use or their family's use; 2) for re-modeling or expanding pre-existing structures; and 3) boundary line adjustments that do not increase the number of buildable lots.

These interim controls basically keep the County's options open. The Board of County Commissioners recognizes that such interim controls are a burden for some people, but felt that such controls were a much better option than a blanket moratorium as still allowing 'some' development to continue. By providing landowners with some development options, the interim controls allow the County and those landowners time for a more thoughtful and measured response to the State's ruling.

**3) How long will the interim controls be in effect?**

The interim controls were recently renewed for a period of six months. However, as the County pursues compliance from the Hearing Board, the Board of County Commissioners may, at any time, rescind the interim controls, limit their scope or, if necessary, extend them for another six months.

**4) How can I get involved or have my views heard?**

County staff has been developing information and options for complying with the Western Washington Growth Management Hearings Board's decision. On August 6, 2008, the Board of County Commissioners and the Planning Commission will come together in a joint meeting to receive a work plan from staff. At the same time, the Board has adopted a plan for the Board and the Planning Commission to carry out a public involvement process related to these issues. You can also contact the Clallam County Department of Community Development if you have questions or comments about the project staff is working on.

**5) What lands are affected/which ones are being rezoned?**

The Western Washington Growth Management Hearings Board's decision deals with the rural lands and urban growth areas in Clallam County. The Hearings Board has directed that most rural lands be zoned to a minimum density of 1 dwelling unit per 4.8 acres. The Hearings Board has also directed that the County revisit 20 of its local areas of more intensive rural development (LAMIRDs) as well as certain LAMIRD uses, the Blyn rural areas, and certain urban area zones and the Carlsborg non-municipal UGA.

It is too early to say exactly which areas/lands will be rezoned and how those lands will be rezoned. The public will have the opportunity to learn more about the issues and areas under consideration during the public participation process with the Clallam County Planning Commission and Board of Commissioners. As part of this public process, citizens will also be able to voice their opinions and views.

**6) I own property in a rural area or in an Urban Growth Area that was subject to a finding of invalidity. How will this affect my land?**

The land you own is currently under findings of invalidity, as described above, and the County has responded by adopting interim controls to address those findings.

If the property you own is in a higher density rural zone which was found non-compliant and invalid: Using the public process currently being created, Clallam County will decide which rural areas to study further, and how such areas might be rezoned to compliant, rural densities. It is also possible that the land you own could be rezoned to a new rural density or designated a LAMIRD – although it is too early to predict how it will be rezoned.

If the property you own is contained within a LAMIRD which was found non-compliant and invalid: Using the public process currently being created, Clallam County will study the designations and boundaries of the lands within LAMIRDs, as they were in existence as of July 1, 1990 (per State law) and evaluate how such areas might be rezoned or boundaries re-drawn to obtain compliance. It is also possible that the land you own could be rezoned to a compliant rural density – although it is too early to predict if it will be rezoned.

If your property is currently zoned under one of the challenged UGA zones, the current zoning will be evaluated for compliance with urban levels of development. It is possible that as a result of this process the land you own will remain in a UGA, although zoned at a different density, or be removed from an UGA and be rezoned.

If your property is currently zoned under the challenged Blyn zoning, the current zoning will be evaluated for compliance with rural levels of development. It is possible that as a result of this process the land you own may be rezoned as a more intense rural development (e.g., as part of a LAMIRD) or be rezoned to a compliant rural zoning.

If your property is currently located in the challenged Carlsborg UGA, planning staff will be advising the Planning Commission and the Board of Commissioners as to the progress of the municipal sewer study for the Carlsborg area, so that landowners can predict when and how the Carlsborg UGA can be brought into compliance.

**7) Why has the County both appealed the Western Washington Growth Management Hearings Board's decision and decided to work on complying with the ruling?**

The Board of County Commissioners appealed the Hearings Board's decision in an effort to maintain control of the County's own land-use decisions. However, the Board of County Commissioners takes the issues raised in the Hearings Board's decision very seriously. State law requires that the County pursue compliance with the decision of the Hearings Board, even if it chooses to appeal that same decision to the courts. This dual-track system, with the Hearings Board retaining authority to require compliance with its decisions and the County pursuing its right to appeal those decisions, can create an enormous hardship on County staff and the public in participating in both processes. Nevertheless, by pursuing both the mandatory act of compliance and the discretionary act of appeal, the Board of County Commissioners is attempting to keep all of the County's options open and control the County's destiny – even as the County complies to the Hearings Board's decisions as required by law.

**8) Why are so many changes being made all at once? Why is the County trying to get this all done so quickly?**

The County is required to submit all of its compliance changes to the Hearings Board within 180 days of the Hearings Board's decision. This is all the time that the State law provides, absent extraordinary circumstances and allowance of additional time by the Hearing Board. In responding to a 106 page decision by the Hearing Board, the County is faced with making many changes within a very short timeframe. However, most other counties and their respective citizens have endured similar hardships and met these compliance deadlines. The Clallam County Board of Commissioners is committed to ensuring that the Community Development staff, the Planning Commission, and the Board of Commissioners will provide the public with ample opportunities to become informed and to participate during this busy process.

**9) What is a LAMIRD?**

LAMIRD stands for "Limited Area of More Intensive Rural Development," as defined under RCW 36.70.070A(5)(d). The legislature adopted criteria for LAMIRDs in 1997 to recognize areas of higher density development in rural areas that already existed when the Growth

Management Act became law, as of July 1, 1990. The State has directed that counties minimize and contain these higher density areas and prevent urban sprawl in rural areas

**10) How does the County establish the existence or boundary of a LAMIRD?**

The existing area or developed use must have been in existence on or before July 1, 1990 to qualify as a LAMIRD. The area may include limited undeveloped lands that logically fit within the outer boundary of the LAMIRD. The Hearings Board has ruled on the nature and boundary lines of 20 LAMIRDs and found them non-compliant. The County will be applying those rulings in reevaluating and remapping these LAMIRDs.

**11) How do I find out if my property is being looked at for possible rural rezoning?**

Clallam County is currently evaluating a variety of rural lands to study for possible rezoning; many of those study areas were identified by the interim controls and the interim rezoning designations. Maps of the interim controls can be viewed on the County's Website. You can be notified of upcoming meetings and hearings that may affect your property by signing up to be on a mailing list or email list, or by checking back frequently at the County's Website.

**12) What process is the county using for rural rezoning?**

Clallam County is considering a variety of compliant zoning designations for rural lands, and studying other options. Those processes will be primarily drawn from the County's compliant plans and policies, and then from those additional studies. You can view the Comprehensive Plan and Development Regulations on the County's Website.

**13) How long will it be before I'll know whether my rural property is going to be rezoned?**

Evaluating rural lands for potential rezoning, gathering public comment, and drafting rezone study areas will take several months. However, the final decision on Comprehensive Plan amendments and rezoning must be scheduled to meet the compliance deadline of the Hearings Board of October of 2008.

**14) How might I be impacted if the Urban Growth Area sizes are changed?**

If your property is currently in an Urban Growth Area where the current zoning was found invalid, the zoning will be re-evaluated using the language of the Hearings Board decision as a starting point. It is possible that as a result of this process the land you own may be rezoned to a more urban-level of development. It is also possible that your property may be noted for future removal from a UGA and rezoned as rural. The County is statutorily required to work with the particular city on adding or removing lands from its UGA, and must coordinate amendment of city plans and zones on UGAs with county plans and codes. Consequently, such UGA amendments may not be completed within a timeframe of the County's compliance response.

If your property is currently within the Carlsborg UGA, the Hearings Board is requiring the County complete a full municipal sewer construction and funding plan before the Carlsborg UGA can be found compliant. The County and the Clallam County PUD # 1 are in the consultant-study stages of that process, and planning staff will keep the Planning Commission and the Board of Commissioners apprised of the progress of those studies.