

Clallam County Planning Commission

Public Hearing Review Draft *for Discussion
Purposes at the Regular-Meeting of
September 3, 2008*

Responding to Non-Compliance and Invalidity Ruling of
Western Washington Growth Management Hearing
Board (WWGMHB)
Case No. 07-2-0018c,
DCC & Futurewise vs. Clallam County

Background

- Comprehensive plans (CP) and development regulations (DR) are subject to continuing evaluation under the Growth Management Act (GMA), RCW 36.70A.
- By Dec 2004, and every 7-years thereafter, the County must take *legislative action* to review and, if needed, revise its' CP and DR to ensure continued compliance with the GMA. RCW 36.70A.130 (1).
- In 2005, Futurewise first challenged the County's 7-year review to the Western Washington Growth Management Hearing Board (WWGMHB).
- In response, Clallam County:
 - Completed three major planning reports: 1) 2007 Urban Growth Area (UGA) Analysis and 10-year review; 2) 2006 Rural Lands Report; and 3) 2006 LAMIRDS Report
 - Resolution 77, 2007, affirming county review and update of the CP and DR's for continued GMA compliance.
 - Ordinance 827, 2007, which formerly recognized 46 existing areas and related zoning as limited areas of more intensive rural development (LAMIRDS) under the GMA.
- Res. 77 and Ord. 827 were challenged by Futurewise and Dry Creek Coalition to the WWGMHB:
 - Res. 77 or Ord. 827 *did not* change zoning.
 - The petition challenged pre-existing, and long-standing CP and DR provisions as no longer compliant with the GMA.

Areas of Non-compliance & Invalidity

PT. ANGELES
& SEQUIM
UGA ZONING



RURAL ZONING
DENSITIES



CARLSBORG UGA



BLYN RURAL ZONE



LAMIRD USES &
BOUNDARIES



Responding to the WWGMHB findings

- Five major areas of non-compliance/invalidity.
- Responses include:
 - Proposed map changes to Comprehensive Plan and Zoning Map;
 - Proposed changes to Comprehensive Plan;
 - Proposed changes to Zoning Code; and
 - Requests for extensions.

The County's Rural Moderate (R2) and Western Region Rural Moderate (RW2) permit urban, not rural, densities, outside of urban growth areas and are invalid.

Response: Retain the Interim R5/RW5 zoning and request an extension from the WWGMHB to provide the County the opportunity to evaluate a variety of compliant zoning designations, and to study other options.

Two zoning designations within the Urban Growth Areas in the Sequim and Port Angeles areas establish densities which are more rural than urban.

Response: Adopt the Interim Sequim Urban Residential – II (S(R-II) as final designation and pursue intergovernmental agreement with City on annexations and utility extensions, especially as relating to the Hendrickson/N. Priest Rd Area.

Adopting the Interim Sequim Urban Residential – II (S(R-II)) as final designation:

- Proposed Map Amendment.
- Proposed amendments to Chapter 33.19, Sequim Urban Growth Area (Zoning Code) to reflect deletion of S(R-I) zone.
- Placing on the annual docket consideration of removal of all or portions of the Hendrickson/N. Priest Rd. area from the Sequim Urban Growth Area, and placing a moratorium on new land divisions in this area while evaluating reduction of the UGA.

The Carlsborg UGA does not possess a valid capital facilities plan for the construction and funding of a municipal sewer, and fails to establish sufficient law enforcement coverage for the area.

Response: Request a one year extension in order to finish activities; to decide on recommendations for proceeding with the sewer system for wastewater treatment and water reuse; to evaluate options for continuing Carlsborg as a UGA; and to obtain public comment.

The designation or boundaries of twenty of the County's LAMIRDs is not supported by sufficient facts that such more intense rural development was in existence as of July 1, 1990.

Response: Adjust the logical outer boundaries for a number of LAMIRDs, which involves rezoning affected parcels; make changes to a number of zoning designations; and create two additional zoning designations.

The County's designation of Blyn as a Rural Activity Center for more intensive rural development, where Blyn has not been established as either a UGA or LAMIRD is invalid.

Response: Adopt a LAMIRD in the Blyn area; rezone those parcels that do not qualify for LAMIRD designation to Rural Low (R5); and make changes to the Rural Center (CEN) zoning standards.