



September 17 & 18 2008

Public Hearing before the Clallam County Planning Commission

Memo

Dated: September 24, 2008
From: Planning Staff
To: Planning Commission
Re: Summary of Public Comments and Staff Recommendations for changes to proposed Planning Commission Recommendations

1. R2/RW2 Rural Lands

WWGMHB Decision:

The WWGMHB found that the County's Rural Moderate (R2) and Western Region Rural Moderate (RW2) Zoning Districts, and related comprehensive plan policies and map designations, permit urban, not rural, densities, outside of urban growth areas and are invalid.

Compliance Strategy:

Retain the Interim Rural Low (R5) and Western Region Rural Low (RW5) zoning adopted under Ordinance 833, and request the WWGMHB to extend the October 23, 2008, deadline for compliance to evaluate a variety of compliant zoning designations, and to study other options. The main difference between the interim controls and the found invalid R2 and RW2 zones is the allowed residential density. The R2 and RW2 zones allow for a maximum residential density of 1 dwelling unit per 2.4 acre, whereas the R5 and RW5 allow for a maximum density of 1 du per 4.8 acres.

Public Comment Summary/Response :

1. There was testimony in favor of lower density rural lands (Document No. DL1, DR1 and DR8 through DR12) including one from a landowner with property that would be so rezoned (Document No. DR1).
2. There was testimony against rezoning to R5/RW5 from a number of landowners who would be so rezoned (Document Nos. DR2 through DR7 and Oral Comments 5, 23 through 28, 51, 52, 54, 55, and 67) as well as from other individuals (Document Nos. DR12 through DR15 and Oral Comments No. 32, 50, 68, and 70), including a "Petition to Retain Clallam County's West End Property Rights" with 65 signators that was submitted at the September 18, 2008 Public Hearing in Forks (Document No. DR13).

2. Carlsborg UGA

WWGMHB Decision:

The WWGMHB found that the Carlsborg Urban Growth Area (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.

Compliance Strategy:

Retain the interim controls adopted under Ordinance 833 that apply to the Carlsborg UGA and request the WWGMHB to extend the October 23, 2008, deadline for compliance for one-year to allow for completion of capital facility planning for wastewater treatment, collection, and water reuse system and related land use plan updates.

Public Comment Summary/Response :

1. There were several comments submitted objecting to sewer (Documents Nos. DC1 and DC2, and Oral Comments No. 8, 15).
2. Additional comments were submitted relating to interim controls (Documents Nos. DC3 and DC4).

3. Sequim UGA

WWGMHB Decision:

The WWGMHB issued an order of invalidity that the following three zoning districts within the Port Angeles and Sequim Urban Growth Areas (UGA) allowed for new development at non-urban densities: Urban Residential High (URH), Urban Residential Low (URL) and Sequim Urban Residential – I S(R-I), together with all comprehensive plan policies and map designations that relate to these zoning districts.

Compliance Strategy:

The URH and URL zones are not found within either UGA. The S(R-I) zoning district is located in portions of the unincorporated Sequim UGA. The proposed response is to amend the comprehensive plan and zoning map to re-designate these areas to Sequim Urban Residential – II (S(R-II)). The proposal also amends Chapter 33.19, Sequim Urban Growth Area, of the zoning code and CCC 31.03.315 of the comprehensive plan to eliminate S(R-I) zoning and related plan policies. The S(R-I) and S(R-II) zones allow for similar uses. The main difference is the allowed residential density. The proposed change would increase allowed residential density from 2 dwelling units per acre to 4-5 dwelling units per acre.

Separate from the compliance response to the WWGMHB Order, it is proposed to: (a) evaluate removal of all or portions of the unincorporated area located south of W. Hendrickson Rd. and east of N. Priest Road from the Sequim Urban Growth Area and to place a moratorium on new land divisions in this area during the period of evaluation; and (b) explore an intergovernmental agreement with the City of Sequim on annexations and utility extensions. If approved, these actions would be initiated after the County's October 2008 compliance deadline.

Public Comment Summary/Response :

1. Futurewise (Document No. DL1) testified in favor of the proposed compliance strategy.
2. One landowner (Document No. DS1), who lives in the Palo Verde Vista neighborhood (bounded by Hendrickson Road to the north and Priest Road to the west) testified in favor of being included in the Sequim UGA with S(R-II) zoning.
3. Many landowners in the Palo Verde Vista neighborhoods testified against being included in the Sequim UGA with S(R-II) zoning (Document Nos. DS2 through DS11 and Oral Comment Nos. 1, 2, 6, 7, 9 through 12, 44, 45). Document No. DS11 is signed by about 36 separate neighborhood landowners.
4. Submissions included background information (Document No. DS12 and Comment No. DS14) which include documents and comments from City of Sequim.
5. Two comments (Oral Comments No. 13 and 46) relate to the other four areas proposed for rezoning from S(R-1) to S(R-II). Oral Comment No. 13 was concerned about annexation and Oral Comment No. 46 was concerned that the increase in density will require her to bring in the sewer to develop her property, which is not nearby and which would result in significant additional costs.

4. Blyn

WWGMHB Decision:

As applied to Blyn, however, the Board does not find the RC [sic] designation compliant. Blyn is neither a UGA nor a LAMIRD, yet the RC designation allows "Mixed high intensity commercial, industrial and urban residential land uses . . ." "The County justifies this designation based on Blyn's "unique local circumstances" such as the fact that "about half of Blyn is now owned by the Jamestown S'Klallam' Tribe in a mix of reservation, trust and fee status" and "in the future all of this property will likely be in reservation/trust status." As Futurewise correctly notes, "as long as the Tribe owns the land in fee and does not put it into trust status, it is part of the Clallam County and must comply with the County's codes. The County must in turn comply with the GMA." The County offers no justification other than that just recited; therefore, for allowing the RC [sic] designation to be applied to Blyn, the Board finds that application to be clearly erroneous.

...

Conclusion: ... As to Blyn, it has not been designated as a UGA or a LAMIRD and therefore the allowance of urban uses or more intense rural uses violates RCW 36.70A.070 (5)(d), RCW 36.70A.110 and RCW 36.70A.020 (1) and (2) in this area is clearly erroneous. ...
[citations omitted]

Compliance Strategy: Retain the Rural Center (CEN) zoning for the area north of Hwy 101 as well as the triangular area south of Highway 101 at the intersection with Zaccardo Road, and designate the same as a LAMIRD. Rezone to R5 the remaining area south of Hwy 101.

1. **North of the Hwy – meets LAMIRD criteria.** This area has historically been of mixed commercial, industrial and residential nature, as a result of its strategic location between the (now defunct) railroad and low-bank waterfront.
 - a) Over the years (and extending to well before 1990), this area has been the location of a log yard, timber company, RV park, other commercial uses, and residences. The Tribe's headquarters, cultural center, and art gallery, which began construction prior to or around 1990, are located here as well. Since 1990, the old railroad bed has been converted to the Olympic Discovery Trail which is attracting increasing recreational activity. The Tribe acquired the old log yard and included it in an extensive multi-agency creek realignment and habitat restoration work involving Jimmycomelately Creek, which also resulted in DOT and the WDFW acquiring land within this area.
 - b) While some of the area has been subject to extensive rehabilitation, the historic and continuing commercial uses within the LOBs qualify this area for LAMIRD designation, with the LOB to consist of Discovery Bay up to the section line to the north, and Hwy 101 to the south.
 - c) The zoning for the Blyn LAMIRD should remain at Rural Center (CEN). The CEN zoning designation applies only to Blyn. The Zoning Code at CCC 33.15.040, Rural Center (CEN), should be changed to specify that in-fill development be limited to "uses of such type, scale, size, or intensity as already existed prior to or as of July 1, 1990" in compliance with the GMA (see August 14, 2008 Memo for details).
2. **South of the Hwy -- triangular area near the intersection with Zaccardo Road.** This area has historically contained a Tavern, gas station, and grocery store, a machine shop, a landscaping and nursery business, and a boat and motor repair business, in addition to more intensive rural residential uses, all prior to, or as of 1990. As a result, this area qualifies for designation as LAMIRD and Rural Center zoning.
3. **South of the Hwy – remaining area.** As of 1990, the area south of the Hwy, except the triangular area near the intersection with Zaccardo Road, was primarily rural residential in nature, and did not have a then-existing built environment consistent with designation as a LAMIRD.
 - a) The Tribe has been acquiring property south of the Hwy since before 1990, and has placed 13 parcels totaling 30 acres into trust. The Tribe has constructed a Casino, a senior center and health clinic, and a market/deli primarily on these trust lands, all after 1990. These trust lands do not fall under the jurisdiction of either the GMA or the County. County zoning maps need to be updated to reflect "JAMESTOWN" for the following parcel numbers: 032912-3190000, 319010, 319020, 429050, and 429060.
 - b) The only pre-1990 non-residential uses south of the Hwy outside of the triangular area near the intersection with Zaccardo Road, appears to have been the Dickie Bird Tavern (the location of which was placed into tribal trust and is now the location of the Tribe's market/deli).
4. **South of the Hwy – rezone to R5.** The lands south of the Hwy outside of the triangular area near the intersection with Zaccardo Road, should be rezoned to R5.
 - a) This rezoning will equally affect land held in-fee (not in trust) by the Tribe, which totals about 120

acres. In addition, Clallam County owns 20 acres and DNR owns 10 acres.

- b) Besides the Tribe, Clallam County, and DNR, there will be 10 owners affected by a rezoning south of Hwy 101. These 10 owners own 20 parcels that total 134 acres. 9 of these 20 parcels contain residences. The other 11 parcels make up 111 acres, are vacant and are primarily held in open space designations.

| Summary of ownerships South of Hwy 101 affected by rezone \ | | |
|---------------------------------------------------------------------------------------------------------|------------------|--------------------|
| Owner | # Parcels | Total acres |
| Tribe in fee (not in trust) ...3 residences, totaling 5 acres 37 vacant, totaling 115 acres | 40 | 120 |
| Clallam County | 3 | 20 |
| DNR | 1 | 10 |
| Other ownership (10 owners) 9 residences, totaling 23 acres 11 vacant parcels, totaling 111 acres | 20 | 134 |
| Total | 64 | 284 |

Note, the Jamestown S'Klallam Tribe has developed its own Comprehensive Plan which is available on its website. On p. 18 of its "4/16/08 Version for Citizen Review," the Jamestown S'Klallam Tribal Comprehensive Plan reads as follows:

The Jamestown S'Klallam Tribe initially acquired roughly ten acres of fee lands in Blyn in 1986, which it then had converted to reservation land, for the Tribal Campus and future Casino. It has been the Tribe's intent from that time forward to continue acquiring lands for rebuilding the Tribe's land base and for future development as they became available; for instance, by in-filling between the Campus and the southwestern edge of the Blyn basin.

The Tribe owns more than 200 acres in Blyn in a mix of reservation, trust and fee status, making it the single largest landowner in Blyn. At some time in the future, all of this property will likely be in reservation/trust status, and therefore no longer under the jurisdiction of Clallam County or the State of Washington.

Although Tribes are not required to plan under Washington State's Growth Management Act, and although our reservation lands are not subject to the jurisdiction of Clallam County or the State, any decisions made by Clallam County or the State with respect to our fee lands will have an impact on our ability to utilize those lands in the future.

Since acquiring initial properties in 1986, it has been the Tribe's intention to establish our Reservation in Blyn primarily (but not exclusively) for economic development and government facilities, and to acquire a land base for a variety of purposes, including housing and cultural activities.

The Tribe is interested in assuring that development occurs in a comprehensive, organized and predictable manner, for its benefit and for the benefit of the surrounding area. We are equally interested in assuring that habitat and water quality are protected as the area develops, so that our Treaty hunting and fishing rights are fully protected and restored for future generations.

Public Comment Summary/Response :

1. Futurewise (Document No. DL1 and DL2) testified in favor of the LAMIRD designation.
2. Eloise Kailin MD (Document Nos. DB1 and DB2) testified that the area should be designated as a UGA, rather than "trying to squeeze a Rural Center with modified use regulations into a LAMIRD designation."
3. A number of landowners north of Hwy 101 (Document Nos. DB3 through DB9) testified in favor of retaining the CEN zoning, together with additional evidence of the area's historic as well as current nature as a rural center.
4. A number of landowners south of Hwy 101 (Document Nos. DB10 through DB20, and Oral Comments Nos. 16-18, 21, 39, 48) likewise testified in favor of retaining the CEN zoning, but the additional information submitted provides basis to expand the LAMIRD to include only the east part south of Hwy 101, from the east edge to the County gravel pit, to include the Mottis property to the south.

Based on the additional information received, staff recommends extending the LAMIRD area south of Hwy 101 to include the property of Mr. Mottis and a map showing this proposed change is attached.

5. LAMIRDs

The WWGMHB found the designation or boundaries of 20 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.

Summary of Public Comments by Individual LAMIRD:

| LAMIRD | Futurewise Comment* | Public Comments Received?* | Changes proposed by Staff for final recommendations |
|----------------------------------------|--------------------------------------|----------------------------|-----------------------------------------------------|
| Southwest Carlsborg, SDPRLamird5 | Concurs | None | No |
| Dungeness Village, SDPRLamird6 | Specific objection | Yes | Yes (see attached map) |
| East Anderson Road, SDPRLamird7 | Concurs | None | No |
| Lotzgesell, SDPRLamird8 | Concurs | Yes | No |
| Dryke/Sherbourne, SDPRLamird9 | Specific objection | None | Yes (see attached map) |
| Laird's Corner, PAPRLamird4 | Objection | Yes | No |
| Deer Park, PAPRLamird6 | Objection | Yes | Yes (see attached map) |
| Lake Farm, PAPRLamird7 | Concurs | Yes | No |
| O'Brien, PAPRLamird9 | Concurs | Yes | No |
| Crescent Beach, SPRLamird1 | Concurs with LOB; wants limits on TR | Yes | Yes (see attached map) |
| Lyre River, SPRLamird3 | Concurs | Yes | Yes (see attached map) |
| Bullman, SPRLamird8 | Concurs | None | No |
| Snider, WPRLamird1 | Concurs | None | No |
| Bear Creek, WPRLamird2 | Concurs | None | No |
| Whitcomb/Dimmel, WPRLamird8 | Concurs | Yes | No |
| Bogachiel Bridge, WPRLamird9 | Concurs | Yes | No |
| Three Rivers, WPRLamird10 | Concurs | Yes | No |
| Quillayute River, WPRLamird11 | Concurs | Yes | No |
| Quillayute Prairie, WPRLamird13 | Concurs with note | None | No |
| Little Quillayute Prairie, WPRLamird14 | Concurs with note | Yes | No |

* Summarized below.

NOTE: Public comments received for each individual LAMIRD are summarized below in relation to the WWGMHB Order and compliance strategy taken to public hearing. However, no further staff report or summary is provided below for those LAMIRDs where Futurewise concurred with the compliance strategy, and no public comments have been received to-date (see above table).

Dungeness Village, SDPRlamird6

WWGMHB Decision: Futurewise concurs that historic development within the area qualifies the site as a LAMIRD but voices concern about the LOB extending beyond the area developed in 1990, impacts on the Dungeness River, and potential conflicts with agricultural activities.

As with the SW Carlsborg LAMIRD, the County states that platted but undeveloped land was considered as part of the existing, built environment and utilized when establishing the LOB. As noted supra, this is an erroneous definition of the GMA's terminology. Aerial photographs within the LAMIRD Report, demonstrate that the core area of the LAMIRD was developed in 1990, however, parcels in the north/north east section as well as the southern portion were either not developed or development at a non-intensive level. In addition, the Board further notes that the LOB for this LAMIRD is irregular in that the County extended the LAMIRD southward, across a waterway that appears to define the 1990 boundary.

Therefore, because the County included undeveloped but platted/subdivided lands within its definition of the existing, built environment and the LOB for this LAMIRD creates an irregular boundary that does not adhere to a defined physical boundary, the Board finds that the Dungeness Village LAMIRD does not comply with the designation criteria set forth in the GMA. [citations omitted]

Compliance Strategy: Adjusting the LOB to exclude and downzone certain properties, and adopting a new use table to reflect neighborhood character:

1. Properties to the north. The LAMIRD boundary should be redrawn to exclude several of the larger parcels to the north, which had not yet developed by 1990. These parcels are larger, continue to be vacant, and are subject to considerable critical areas issues. Rezoning these to R5 is consistent with the County's Comprehensive Plan.
2. Properties to the south. The parcels in the south and southwest of this LAMIRD belong within the historic village. These parcels range from about an acre to three acres and are either being used for commercial uses or have homes on them that date from 1880, 1890, 1910, 1920, 1946, 1954, 1956, 1946, and 1977.
3. While perhaps an odd shape, the triangular area to the southwest contains commercial uses and 100 year old homes, and is served by three pre-1990 roads. This area is most definitely part of the historic village. Downzoning this area to R5 would result in non-conforming lot sizes as well as non-conforming uses. Instead, it is recommended that this part of the Village remain in the RV zoning, but that the minimum lot size is increased to one acre (to be known as RV2), which is more consistent with the historic lot sizes in this part of the Village, the lack of sewer and class A water system, and critical areas issues.
4. The tip of the triangular area to the southwest is owned by WDFW and should be excluded and rezoned to R5.

Public Comment Summary/Response:

1. Dungeness Habitat LLC is the owner of a number of parcels at the north edge of the Dungeness Village LAMIRD and asked that two additional parcels in their ownership be removed from the LAMIRD and rezoned to R5. These parcels are vacant, subject to considerable environmental issues, and held for the purpose of habitat conservation. The attached parcel map shows the two parcels and staff recommends that this request be granted. A map showing the change in the LOB is attached.
2. Futurewise (Document No. DL1 and DL2) testified that the southern half be excluded from LAMIRD designation because "The parcels are relevantly large and the uses and development pattern are not characteristic of LAMIRD." As explained above, however, the parcels to the south are either being used for commercial uses or have historic homes on them that are most definitely part of the historic "Dungeness Village." In addition, this area is being served, and has historically been served, by a number of county roads. Instead of removing these parcels from LAMIRD designation, they should be rezoned to a designation that recognizes these historic uses and development patterns, which the newly created Rural Village Low (RV2) designation is designed to do.
3. Huber owns the parcel at the southeast corner of the Dungeness Village LAMIRD (Document No. DL5 and DL6, and Oral Comment No. 38), and testified against being rezoned to RV2 and provided additional evidence that the southern half of Dungeness Village LAMIRD is most definitely part of the historic village. In response, staff notes that the RV2 designation allows all the same uses as RV, but at a reduced residential density, to reflect the historically larger lot sizes in the southern half of Dungeness Village.

Lotzgesell, SDPRlamird8

WWGMHB Decision: Futurewise contends that the LOB for this LAMIRD contains lots of 1 acre or greater that were not developed in 1990 and many still remain undeveloped today. Futurewise also notes that it appears the County drew the LOB to include large lots in order to connect developed areas into a single LAMIRD.

Once again, the County continues its erroneous definition of existing, built environment and, in doing so, has created an expansive 1,750 acre LAMIRD with parcels of 5 acres or more located both north and south of Lotzgesell Road which remains undeveloped today. Although the 1990 aerial photograph shows various subdivisions occurring, the land use pattern delineates a clear divide between two areas – developed areas well north of Lotzgesell Road and developed areas well south of Lotzgesell Road. As Futurewise correctly noted, this Board has previously found that delineating a LOB so as to create an “all inclusive” LAMIRD does not minimize and contain the existing areas and would allow the development of a new pattern of low-density sprawl; the same situation occurs with the Lotzgesell LAMIRD. The Board finds that the County has erroneously defined the 1990 existing area based on undeveloped platted/subdivided land and has established a LOB that appears to connect two areas that could serve as distinct LAMIRDS, thereby preserving the rural character of the larger parcels that bisect the area. Because of this, the Board finds that the Lotzgesell Road LAMIRD does not comply with the designation criteria set forth in the GMA. [citations omitted]

Compliance Strategy: Adjusting the LOBs to form two smaller LAMIRDS, both of which should remain zoned at R1.

1. Included within the Dungeness Bay LAMIRD LOB should be the area as outlined on the map, which is limited to areas which exhibited existing built environment as of 1990, with homes and roads clearly visible within the adjusted LOBs. The LAMIRD boundary was expanded in one area to include the northern half of Dungeness Bay Plat, with a clearly built environment that predates 1990.
2. Included within the Kitchen-Dick LAMIRD LOB should be the area as outlined on the map, which is also limited to areas which exhibited existing built environment as of 1990, with homes and roads clearly visible within the adjusted LOBs.
3. Excluded from these LAMIRD are areas that did not exhibit a predominately built environment in 1990, and which continue to be primarily rural residential in character. These excluded areas also tend to be subject to critical areas and/or are held in open space, and rezoning them to R5 is consistent with the County’s Comprehensive Plan.
4. The area in the north-west corner is part of Dungeness Wildlife Refuge, is held in public ownership, and should be rezoned to P.

Public Comment Summary/Response:

- 1) Futurewise (Document Nos. DL1 and DL2) testified in support of the proposed LOB.
- 2) A number of landowners proposed to be rezoned to R5 testified in favor of being so rezoned (Counts, Raven, Gordon at Document Nos. DL7 through DL9), as well as a number of landowners who are to be retained within the LAMIRD at R1 zoning (Nese, Holden, Strong, Spalding, and Barry, at Document Nos. DL10 through DL15).
- 3) Clark Land Office (Document No. DL3 and DL4) testified on behalf of two landowners they represent (Schroeder and Rowe) but both these properties are being proposed for retention within the LAMIRD at R1. Landowner Cheney (Document No. DL16) testifies in support of being retained within the LAMIRD at R1.
- 4) A number of landowners proposed to be rezoned to R5 testified against such rezoning (Documents Nos. DL17 through DL21), to wit: a) DelGuzzi (Document No. DL17 and Oral Comment No. 40) who owns 8 parcels totaling about 45 acres south of Hogback Road, just north of the Dungeness Golf Club, which are vacant and held and taxed as Open Space Agriculture; b) the Clevengers (Document No. DL18 and Oral Comment No. 49) who own 12 parcels totaling about 63 acres north of Hogback Road, which, except for one parcel which is developed with a home, are vacant; c) Hauck (Document No. DL19) who owns about 5.2 acres off Tyler View Place, with a home; d) Houghtaling (Document No. DL20) who owns about 4.78 acres, with a home; and e) Priest (Document No. DL21) who owns 20 acres to the southwest of Dungeness Golf Course, with a home and with the remaining 19 acres held and taxed as Open Space Agriculture.

The public comments provided did not provide information regarding the 1990 built environment that supported expanding the proposed LAMIRD boundaries to include any of these properties within the LAMIRD. In response to one of the comments made, staff notes that the reason for retaining Dungeness Golf Course in the R1 zone is that the average density of the Golf Course together with the high density residential neighborhood it surrounds is consistent with an R1 designation.

Dryke/Sherbourne, SDPRLamird9

WWGMHB Decision: Futurewise argues several areas included within the boundaries of this LAMRID had no development in 1990, therefore these areas do not meet GMA LAMRID criteria. This LAMRID is actually comprised of two distinct areas. Dryke West – is a 8.77 acre site with the portion west of McDonnell Creek Road currently developed with a mini-storage facility which had already started to be developed in 1990. However, east of McDonnell Creek Road is parcel of land that in both 1990 and 2005 remains undeveloped. Dryke East – is a 49.23 acre site that is bisected by Highway 101. The 1990 aerial photograph shows development north of the highway but not west [east?] of Pierson Road on the southern side of the highway, which remains undeveloped in 2005. The two areas are approximately 2,500 feet apart. From the *LAMIRD Report*, it appears that the boundaries for both the Dryke West and Dryke East areas were established based on pre-existing zoning as opposed to the 1990 existing, built environment. This is not a proper application of the GMA’s criteria as the first step in establishing a LAMRID is the determination of 1990 development, not how the land was zoned at that point in time. Furthermore, based on the aerial photographs, land which was undeveloped in 1990 and remains undeveloped today currently is included within both the Dryke West and the Dryke East areas with no basis for inclusion. The inclusion of the large parcels does not provide for a LOB that follows a physical boundary and create irregular borders for both LAMIRD areas. Therefore, the Board finds that the Dryke/Sherbourne Road LAMIRD does not comply with the designation criteria set forth in the GMA. [citations omitted]

Compliance Strategy: Adjusting the LOBs of both sections, as follows:

Dryke-east.

1. The LOB should be expanded to include the RV Park to the south and the Septic Tank business to the east, both of which predate 1990:
 - a) The 7.33 acre parcel due south of the SE section is being operated as an RV park (Olympic Paradise RV Park). According to state records, the current owner, Donald Dykema, has conducted commercial activity at this location since 1988. Permit Plan shows a 1985 application for an RV Park which expired, and a 1994 application which was finalized. RV park is a Prohibited activity in its current Rural zoning designation, but it would be an Allowed activity in the RC zone. Including it with the LAMIRD is consistent with the LAMIRD criteria.
 - b) The 6 acre parcel due east of this portion is being operated as Peninsula Septic Tanks. According to county records, the current owner, Richard Seamands, has conducted commercial activity at this location going back to the 1970s. Retail sales is Prohibited activity in its current Rural zoning designation, but it would be an Allowed activity in the RC zone. The owner requested a rezone to commercial zoning in 2006 but the request was withdrawn. Including it with the LAMIRD is consistent with the LAMIRD criteria.
2. The expanded LOB would encompass several vacant parcels. Each of these parcels is surrounded on at least three sides by commercial uses and including them is consistent with the LAMIRD criteria.
 - a) As to the four parcels between the RV Park and the Hwy101, they are surrounded by Hwy 101 and the commercial uses to the north, a lumberyard to the west, an RV park to the south, and a Septic Tanks business to the east. It must be noted that Hwy 101 in this area is slated for expansion from two lanes to four lanes, which will substantially impact these parcels. In fact, two parcels along the Hwy within this LAMIRD have recently been acquired by DOT in anticipation of this extensive work, one of which after the prior owners had initiated permits to develop the parcel for a commercial storage facility.
 - b) As to the parcels west of the RV Park, two are part of the RV Park, and the remaining parcel is included within the LOB that consists of Pierson Road.

Dryke-west: The LOB should be shrunk to exclude the western-most parcel and to rezone the excluded section to the neighboring zone, which is R5. This parcel was vacant as of 1990 and remains vacant. The LOB should retain the south half of the eastern parcel. This area is being used for commercial storage consistent with its existing commercial zoning. The excluded half continues to be vacant and should be rezoned to R5.

Public Comment Summary/Response:

Futurewise (Document Nos. DL1 and DL2) testified that the “six acres of land on which the septic business is located is only partially developed...” In response, staff notes that inclusion of this parcel within the LAMIRD could be limited to the area north of the creek, but that doing so would not change the reasons for retaining the vacant parcels to the west of the septic business and to the south of the RV Park, for the reasons as explained in the compliance strategy above. A map showing the proposed change is attached.

Laird's Corner, PAPRIamird 4

WWGMHB Decision: Futurewise raises an issue in regard to areas included within this LAMIRD west of Laird Road, asserting that it had little development in 1990. Dry Creek argues extensively about this LAMIRD, with the bulk of their argument based on permitted uses, but addressing LOBs in context of this argument. Like the Dryle/Sherborne LAMRID, this LAMIRD is comprised of two distinct areas but the County does not denote the acreage for each. The two areas are approximately 2,000 feet apart. For Laird's West, Futurewise contends that all areas west of Laird's Road does not satisfy GMA criteria; Dry Creek notes that there was a tavern, restaurant, grocery store, and single-family residence on the land located bordered by Highways 101 and 112, Laird's Road, and Granite Road. Based on the 1990 aerial photograph, lands west of Highway 112 which bisects this section of the LAMIRD were forested in 1990 and areas north of Granite Road appear to have both forest and grasslands. With the exception of the small pocket of development bordered by Highways 101 and 112, Laird and Granite Roads, all other area of Laird's West do not satisfy GMA criteria in regard to existing, built environment. In addition, given the defining features of the roadways surrounding this section of the LAMIRD, the Board questions the physical boundaries selected by the County to delineate the LOB. As for Laird's East, Dry Creek notes that parcels east of Dry Creek Road had no development as of 1990 with development only existing on the central portion of the area west of Dry Creek Road. Although unclear, the 1990 aerial photographs appear to support this assertion with nothing in the County's analysis clearly denoting why Laird's East contains several large undeveloped parcels or why, with the exception of the highway, the boundary is drawn as it is and what justification is there for the irregular nature of the boundary. Therefore, the Board finds that the Laird' Corner LAMIRD – East and West - does not comply with the designation criteria set forth in the GMA.
[citations omitted]

Compliance Strategy:

West Lairds Corner (28 acres): Strengthening the record regarding the north LOB and adjusting the west LOB, so that the final LOBs consist of SR 112, Hwy 101, Lairds Road, Power Plant Road, and the west boundary of the old Clallam Log Yard site.

- 1. Clallam Log Yard:** By July 1, 1990, industrial/commercial uses had clearly been established at this location, as confirmed by the attached detail aerial photos showing this location in both 1990 and 1981 (maps PAPRIamird4-c and PAPRIamird4-c2, respectively). The county's central parcel files indicate that this site has been the location of a mill and log yard since well before 1974. The Assessor's maps continue to refer to the site as the "Clallam Log Yard, Ltd," and a 1974 permit (no. 2340, dated January 3, 1974) refers to the site as the "Old Hendricks Mill Site." A 1987 Sanitary Survey reveals the following: "Original [septic] system installed in 1974 under permits #7270 and 2340. Original approval was for limited sewage flows for a shop and office. Approval was given in 1982 to add a 1 bedroom mobile for office and temporary residential use. The current proposal is to connect a single wide mobile to the system for the residential use of a watchman...." A 1988 permit application for a proposed mobile home shows the location of the mill with a notation that the proposed mobile home would have to be located at least 25 feet from the mill. Because of the logging collapse in the 1980s, many mills were idled during the late 1980s, including this one. However, by then the commercial/industrial use of this parcel had been well-established.
- 2. The three small parcels** between the large Clallam Log Yard parcel and Power Plant Road contain the following uses, from west to east: vacant (.84 acre), fire station (.43 acre), and PUD station (.51 acre). These parcels should be included within the LAMIRD as being contained by the LOB of Power Plant Road.
- 3. The small parcel** between the large Clallam Log Yard parcel and Lairds Road belongs to the Wagner Family, which also owns four of the five parcels located in the wedge between Hwy 101, SR 112, and Granite Road. These four parcels were created by the Wagners via a short plat in 1977. According to state licensing records, the Wagners have been operating a store at that location since 1980. The fifth parcel is the location of the Junction Tavern, which has operated under a series of owners for many years as well.
- 4. The parcels west of Hwy 101** were originally included within the commercial zoning for this area because they were directly affected by the construction of SR 112 in the early 1990s. However, there is no evidence that these parcels have been used for commercial purposes and they should be removed from the LAMIRD and rezoned to neighboring R5.

East Lairds Corner (122 acres): Retaining the existing LOBs but strengthening the record with additional aerial photos and research to support the fact that by 1990, the industrial/commercial uses of the properties within this section of the LAMIRD had been well established.

1. **Peninsula Timber Short Plat.** The southwest portion consists of a large parcel with a small parcel in its southeast corner. These two parcels were created by Thomas Erickson via Peninsula Timber Short Plat in 1986. By July 1, 1990, industrial/commercial uses had clearly been established at this location, as confirmed by the attached detail aerial photos showing this location in both 1990 and 1981 (maps PAPRIamird4-d and PAPRIamird4-d2, respectively).
 - a) The small lot was transferred to Grays Harbor Log Scaling & Grading Bureau (PIN 073012339010) in 1986, which remodeled the existing office building and used it for its operations providing support activities for forestry. (In 1998, Grays Harbor Log Scaling and Grading transferred the property to the Lower Elwha Klallam Tribe (PIN 073012329010). In 2002, the Lower Elwha Klallam Tribe also obtained the large lot. In 2005, the Tribe was granted a short plat alteration (Vol. 31, p. 34), which enlarged the small lot somewhat and resulted in the current PIN of 073012329030).
 - b) The large lot was originally retained by Peninsula Timber Company, Inc., which operated as a “wood products merchant wholesaler” from 1970 to 1993. The 1981 image clearly shows the timber operation throughout the entire lot. The 1990 image also clearly shows log storage along the western boundary of the large lot, as well as the large oval shaped equipment staging is located in the southern area. This lot has a typical layout for use with LeTourneau log stackers, which are giant machines that can unload an entire log truck with one scoop and are used for moving large amounts of logs. While in the 1990 image, the rest of the lot appears “empty,” it must be noted that the area is clear, without any brush, and close-up examination of the 1990 aerial photo continues to reveal the horizontal (east-west) striations that are the telltale marks of prior log piles. Log wholesalers would routinely accumulate, process, and sort logs until they had acquired large numbers, which would then be sold wholesale and removed en masse. Entire log yards full of logs would be moved over a matter of just a few days to barges in the Port Angeles Harbor for shipment overseas. If the image had been taken just weeks or months before or after, the yard could well have been entirely filled with logs. (In 1997, Peninsula Timber Company, Inc. transferred the property to Manke Lumber Co, which transferred it in 2002 to the Lower Elwha Klallam Tribe. In 2005, the Tribe was granted a short plat alteration (Vol. 31, p. 34), which shrunk the large lot somewhat resulted in the current PIN of 073012329040).
2. **Merrill & Ring Log Yard (now Interfor Pacific).** By July 1, 1990, the commercial forestry company of Merrill and Ring (M&R), had owned and operated for many years the four parcels that are currently owned by Interfor. By July, 1990, this acreage was commonly known as the “Merrill & Ring Log Yard” and industrial/commercial uses had clearly been established at this location, as confirmed by the attached detail aerial photos showing this location in both 1990 and 1981 (maps PAPRIamird4-e and PAPRIamird4-e2, respectively)
 - a) A 1989 permit application by “Westside Wood Products” requests a “roof over saw utilities and 10 ft. fence” at this location, referred to as the “M&R log yard.”
 - b) The enlarged 1990 aerial photo shows several buildings with cars parked nearby in the southwest area. Throughout the acreage are many huge piles of logs.
 - c) While appearing “empty,” the ten acre parcel in this ownership’s northwest corner has been consistently included and transferred as part of this site’s ownership, going back to Merrill and Ring’s ownership in the 1970s.
 - i) The 1979 tax assessor’s map denotes “M&R” as the owner of all four of these parcels.
 - ii) In 1997, Merrill and Ring transferred the entire acreage as one property to Crown Pacific. A 2004 survey (V. 56, p. 12) entitled “Crown Pacific Survey” clearly shows the northwest parcel as part of the Crown Pacific ownership, which was then transferred in its entirety to Interfor Pacific.
 - iii) In addition, the northwest parcel, and its acreage, has been consistently considered as part of “the mill site” in the various permit applications submitted by Crown Pacific and Interfor over the years. As such, it should continue to be considered as part of the mill site.
3. **Corey & Sons Lumber Mill.** By July 1, 1990, the parcels east of S. Dry Creek Road were known and operated as the Corey & Sons Lumber Mill. By then, industrial/commercial uses had clearly been established at this location, as confirmed by the attached detail aerial photos showing this location in both 1990 and 1981 (maps PAPRIamird4-f and PAPRIamird4-f2, respectively)
 - a) An October 31, 1977 permit application for an 816 square foot office by Eclipse Shake & Shingle Company on this location shows a preexisting mill and warehouse.
 - b) When Corey and Sons acquired these parcels (073012430060 and 430250) in 1986, they received permit approval for a 1244 square foot office addition. Plans submitted with the

application show an existing “shop building” with dimensions that indicate that the shop building was approximately 25,000 square feet.

- c) The enlarged 1990 photo clearly shows how the mill activities extended throughout all three LAMIRD parcels east of S. Dry Creek Road. It also shows a large building that appears even larger than the shop building as shown on the 1986 permit application.
- d) In 2006, the Lower Elwha Klallam Tribe acquired all three LAMIRD parcels east of S. Dry Creek Road. According to a 2006 pre-demolition inspection report, the shop building was two stories high, but by then, only portions of the building remained.

4. **Allen property (auto wrecking yard).** James Allen operated the property to the north of the now-Interfor Pacific mill as a wrecking yard from August, 1978 to November, 1994, and as an auto repair business from November, 1994 until December, 1996. See Finding no. 7, Sept. 1997 Hearing Examiner Findings, Conclusion and Decision, CUP 97-0012. Clearly, by July 1990, the industrial/commercial use had been established at this location.

- a) The enlarged 1981 and 1990 photos (Maps PAPRIamird4-e and PAPRIamird4-e2) clearly show the existence of several large buildings on the property (a 5,000 square foot building subsequently collapsed) and many cars.
- b) CUP 97-0012 granted a conditional use permit for James Allen to disassemble and sell used auto parts on this property.
- c) James Allen transferred the property to the current owner in 1998 who operates under the name “Alpine Auto.”

The Zoning Code at CCC 33.15.050, Rural Neighborhood Commercial (RNC) and CCC 33.15.060, Rural Limited Commercial (RLC), should be changed to specify that in-fill development be limited to “uses of such type, scale, size, or intensity as already existed prior to or as of July 1, 1990” in compliance with the GMA (see August 14, 2008 Memo for details).

Public Comment Summary/Response:

- 1) Testifying that the LOB continues to be too large are Futurewise (Document No. DL1, contradicting its prior submission of Document No. DL2 without any elaboration); the City of Port Angeles (Document No. DL22); Attorney Gerald Steel on behalf of Dry Creek Coalition (Document No. 23); and Dry Creek Coalition (Document Nos. DL24 and DL25 and Oral Comments No. 3, 4, 20, 22, 29, 35). In response to these comments, staff reiterates the extensive additional research that was conducted to rebut the WWGMHB findings, which are detailed under the Proposed Compliance Strategy above. This research supports the LOBs as currently proposed. In response to comments made regarding Lairds Corner LAMIRD East, staff reiterates that what Mr. Steele refers to as “Parcel 1,” is the northwest parcel that has been consistently included and transferred as part of the Merrill and Ring Log Yard, and what Mr. Steele refers to as “Parcel 2” and “Parcel 3” constitute the “Peninsula Timber Short Plat,” which have a significant commercial history, all as described in detail above. In response to comments made regarding Lairds Corner LAMIRD West, staff reiterates that the properties north of Granite Road consist of an old log yard (with the buildings and clearings still clearly visible on the high resolution aerial photo from 1990 provided by Mr. Steele), a PUD station, and a fire station, all qualifying for retention within the LAMIRD. In response to the comments made regarding the large parcel at the northeast corner of Hwy 101 and SR 112, staff notes that County records reveal that this parcel actually consist of four parcels and that Mr. Steele’s own high resolution aerial shows that this area contained development in 1990. This area was cleared to accommodate SR 112 which is not shown on the 1990 aerial because it was constructed after that date. With its history of development and consistent with the GMA LAMIRD criteria, this area is appropriately included within the logical outer boundaries consisting of SR 112, Hwy 101, Laird Rd., and Power Plant Rd.
- 2) Landowners within the Lairds LAMIRD testified as follows:
 - a) Interfor (Document No. DL26) questions whether the proposed change to RLC zone standards would unreasonably prevent them from completing their improvement process. In response, staff notes that the proposed change is intended to provide landowners with the maximum development potential possible while ensuring GMA compliance.
 - b) Mr. Dalrymple (Oral Comment No. 36) questions whether a sliver of his property is being rezoned to R5 (will the remainder is retained within the LAMIRD). In response, staff notes that the intent is to retain the entire parcel within the Lairds LAMIRD, and that county records indicate that the referenced sliver belongs to DOT.
 - c) Randy Simmons (Oral Comment No. 53) testified that the bought the Clallam Log Yard property 3-4 years ago due to zoning and spoke in opposition to the proposed rezone. In response, staff notes that the recommendation is to retain his property within the LAMIRD.

Deer Park, PAPRIamird6

WWGMHB Decision: Futurewise contends that not only has the County located Deer Park, a commercial LAMIRD, too close to the UGA but that it has included land undeveloped in 1990 as well as resource lands within this LAMIRD. In addition, Futurewise notes that current uses are not of the type principally designed to serve rural populations and that this area may potentially be better suited for inclusion within Port Angeles's UGA.

This LAMIRD totals approximately 156 acres and is located along the eastern border of the Four Seasons LAMIRD. The Deer Park LAMIRD includes a gravel pit within its northern most area and while intensive in nature, does not require inclusion within a LAMIRD. The 1990 aerial photograph denotes development within the area of the gravel pit and along Highway 101, which bisects the LAMIRD. All other areas were not developed but appear to have been included within the area because these areas had been zoned Commercial. Inclusion of land simply based on pre-existing zone does not comply with the GMA's criteria in regard to the existing development as of 1990. The County also provides no basis for inclusion of land west of Deer Creek [sic, should be Park?] Road. In fact, it notes that the LAMIRD's boundary is formed by Deer Creek [Park?] Road while the map delineates it within the LAMIRD. Therefore, the Board finds that the Deer Park LAMIRD does not comply with the designation criteria set forth in the GMA. [citations omitted]

Compliance Strategy: In drafting the GMA-based Comprehensive Plan in the early 1990s, Clallam County had proposed that this area, which had been commercially zoned since the early 1980s, be included in the Port Angeles UGA. At that time, Port Angeles strongly disagreed and after mediation, the County agreed to remove this area from the UGA. By then it was 1996, and a commercial designation was adopted consistent with the type, scale, and intensity of then-existing commercial uses (i.e. movie theater and auto-dealership), infrastructure investments, and investor expectations. Subsequent to 1996, there has been additional fill-in development, infrastructure investments, and investor expectations. In addition, improving the Deer Park-Hwy 101 intersection with an overpass has been included in the County's six-year Transportation Improvement Plan (TIP) for 2010.

North of Hwy 101: Adjusting the LOB and rezoning the excluded portions as follows.

1. **Exclude Rains Cedar Park mining site.** The parcels north of the Port Angeles Gun Club make up the Rains Cedar Park mining site. This mining site has an active DNR SMA permit but the site is not currently being mined. These parcels add up to about 40 acres which are currently held in 8800/Designated Forestry. As the WWGMHB indicated, mineral extraction sites do not require commercial/LAMIRD zoning. Under the County's Zoning Code, mineral extraction is subject to a conditional use permit in both the current RLC zone as well as the neighboring RCC5 zone, and the site would be considered a preexisting nonconforming use pursuant to Chapter 33.43 CCC under either zoning designation. Once the site has been properly reclaimed, it would be suitable for rural development. Rezoning this property to neighboring RCC5 is recommended.
2. **Retain Port Angeles Gun Club.** The Port Angeles Gun Club predates 1990. Its property consists of a one-acre parcel located along Hwy 101 and being held in recreational use, and a 17 acre parcel that is undeveloped and in Open Space but the location of the shooting targets. Shooting ranges are a Prohibited use in residential rural zones. To avoid the creation of a non-conforming commercial use in a residential rural zone, this pre-1990 use should be retained within LAMIRD.
3. **Retain Juhasz Properties.** Mr. and Mrs. Juhasz own the three parcels to the west of the gun club. One of the parcels contains their pre-1990 restaurant and another parcel received approval in 2007 for an RV park. Restaurants and RV Parks are Allowed uses in the RLC zone, but would be Prohibited uses in a rural residential zone. To avoid the creation of non-conforming commercial uses in a residential rural zone, these three parcels should be retained within the LAMIRD.
4. **Exclude 7 acre residential parcel.** Located east of the gun club and along Hwy 101 is a 7.21 acre parcel currently being used for residential purposes. There is nothing in the county records to suggest that this property has been used for commercial purposes. This parcel should be excluded from the LAMIRD and rezoned to neighboring R5.

South of Hwy 101: Adjusting the LOB and rezoning the excluded portions as follows:

1. **Exclude area west of Old Deer Park Road.** The parcels in the area west of Old Deer Park Road were part of a previous mining operation, but they are currently vacant except for a 3 bedroom home and a Public Utility District station. This area totals 16.56 acres, and consists of 7 parcels which range in size from .26 to 6.27 acres, with only 2 parcels exceeding 2 acres in size. This area should be excluded from the Deer Park commercial LAMIRD and included in the neighboring Four Seasons residential LAMIRD. 6 of the 7 parcels are consistent with the Four Seasons R1 zoning, and only 1 parcel remains that would be consistent with an R5 zoning designation. It is consistent with the Four Seasons LAMIRD neighborhood character and fits within the Four Seasons

LAMIRD's LOB of Old Deer Park Road. Rezoning this excluded portion anything other than R1 would create a 16.56 island of divergent zoning with predominately non-conforming lot sizes.

2. **Include area east of Old Deer Park Road and north of section line.** Although not reflected by the 2005 aerial photo, the properties located within the triangle formed by Old Deer Park Road to the west, Hwy 101 to the east, and the section line to the south are either commercially developed or commercial development is pending (pursuant to PermitPlan). While the movie theatre is the only building that predates 1990, the 1990 photo clearly shows the then-existing roads infrastructure serving this then-commercially zoned triangle, with the post-1990 commercial development completely served by this road system. This clearly meets the LAMIRD designation criteria. The only notable vacant parcel remaining in this triangle is wedged between a Distributor and Auto Dealership (which has further expanded along to the Hwy since the 2005 aerial image), is surrounded on three sides by commercial uses, and is served on three sides by the commercial road network, thus clearly qualifying it for inclusion in the LAMIRD's LOB.
3. **Exclude southeast corner.** The large 24 acre lot in the southeast corner remains vacant and shows no infrastructure permit activity in PermitPlan. This parcel should be excluded from the LAMIRD and rezoned to the neighboring RCC3 zone. The owner of this parcel (North Pacific Land and Timber) also owns the 31 acre parcel to the south, which is already zoned RCC3.
4. **Include Deer Park Commercial Center.** The area of small parcels to the west of the large 24 acre lot includes a 7-lot short plat from 1998 entitled "Deer Park Commercial Center." Four of the 7 lots contain commercial activities (a fire station, two warehouses, and a building materials supplier). While this plat and these uses do not predate 1990, it is served by the commercial road network. Furthermore, to exclude and rezone them to rural residential designations would create a significant area of non-conforming commercial uses and this should be avoided. The commercial short-plat should remain within the LAMIRD and should constitute the Deer Park LAMIRD's LOB.
5. **Exclude southwest corner.** The small parcels between the commercial short plat and Deer Park Road are vacant except for a 1 bedroom home. This area totals 4.93 acres, and consists of 10 parcels which range in size from .12 to 1.08 acres. This area should be excluded from the Deer Park commercial LAMIRD and included in the neighboring Four Seasons residential LAMIRD. All ten parcels are consistent with the Four Seasons R1 zoning. Rezoning this excluded portion anything other than R1 would create a 5.93 island of divergent zoning with predominately non-conforming lot sizes.

Rezoning the LAMIRD south of the Hwy 101 from GC to RLC: Rezoning the GC area to RLC would respond to the WWGMHB, would appear to have limited impact, and would be consistent with the RLC zoning of the LAMIRD portion north of the Hwy. [See August 14, 2008 Staff Meme for more details].

Public Comment Summary/Response:

- 1) Several interested parties (Document Nos. DL27 through DL29) commented against the proposed rezoning of the Rains gravel pit. In response, staff notes that pursuant to the WWGMHB, mineral extraction sites do not require commercial/LAMIRD zoning, and that no additional information was submitted upon which to base retaining the gravel pit within the Deer Park LAMIRD.
- 2) Olympic Meadows Land Trust, through his attorney Platt Irwin Law Firm (Document No. DL30) commented about its ownership of several small parcels and the large parcel in the southeast corner, indicating their acquisition in 2003 and 2005 and citing development of commercial infrastructure. Based on the additional information that has become available and a vested application for a plat alteration, staff recommends that the LOB be redrawn to include the west half of the large parcel as well as the large parcel's northeast corner.
- 3) Landowner Douglas (Oral Comment No. 37 and Document No. DL31) testified that he purchased the property because "churches" is an Allowed use under the GC zoning but is a Prohibited use under the proposed RLC zoning. In response, staff notes that the intent of the rezoning was to achieve compliance with the GMA, and that this intent can equally be achieved by adding "churches" to the Allowed uses of RLC. Staff recommends making this change.
- 4) Futurewise (Document No. DL1) testified that "the best solution for most of the commercial properties is to include them in an urban growth area" and further that they "are opposed to adding the land west of Old Deer Park Road to the Four Seasons LAMIRD. There is only one residence in this area and most of the land abutting the land is undeveloped. So it is not delineated predominately by the built environment." In addition, a resident south of the Deer Park LAMIRD (Document No. DL33) believes the recommended action does "not go far enough to meet the intent of the GMA to reduce sprawl."
- 5) Landowners Wirth and Mills (Document No. DL32 and Oral Comment No. 41) testified about the area west of Old Deer Park Road, reciting the commercial history of this area (nearby Bonneville

right of way with major power lines, PUD sub-station and power facility, theatre, and now-defunct steakhouse). In response, staff notes that this additional information can be the basis for extending the LAMIRD LOB to the Hwy 101 right-of-way to the north, the conservation areas to the west, and the residential LAMIRD to the south. Staff recommends making this change and a map showing these changes is attached.

Lake Farm, PAPRIamird7

WWGMHB Decision: Futurewise contends that land located in the northwest and southwest corner of this LAMRID was undeveloped in both 1990 and 2005 and therefore it does not qualify for inclusion. This residential LAMRID consists of 164 acres. As with prior LAMIRDS, the County determined the existing area based on a definition that included platted/subdivision parcels that were undeveloped in 1990, an erroneous application of the GMA's requirements for LAMIRDS. As Futurewise noted, a large parcel of land was included in the northwestern section which the County appears to have included so as to prevent an irregular boundary or divergent zoning. From the record, the inclusion of this parcel actually creates the very irregularity the County says it is attempting to avoid. This same situation appears to develop in the southeaster corner. The Board notes the location of a water body within this area of the boundary of the LAMIRD does not extend to this physical border but appears to bisect four individual parcels. Therefore, because the County utilized a definition of existing development that does not reflect the 1990 built development and creates, in some areas, irregular boundaries that are not supported by the record, the Board finds that the Lake Farm LAMIRD does not comply with the designation criteria set forth in the GMA.

[citations omitted]

Compliance Strategy: Adjusting the LOB and rezoning the excluded area as follows:

1. The LOBs should be adjusted to exclude the northwest and southeast corners.
2. The area within these adjusted LOBs, including the southwest corner, clearly shows built environment as of 1990.

Public Comment Summary/Response:

Several neighborhood landowners commented about the proposed recommendation.

1. Futurewise (Document Nos. DL1 and DL2) testified in favor of the proposed compliance strategy.
2. Landowner Gapper (Document No. DL34), not affected by the rezoning, commented in favor of the adjustment in LOB.
3. Landowner Monk, who is affected by the rezoning (Document No. DL35) and landowner Roberds, who is not affected by the rezoning (Oral Comment No. 31) testified in opposition of rezoning.
4. Clark Land Office (Document No. DL3, paragraph 3), on behalf of Howard's Ventures, also commented in opposition. In response to the latter comment, staff notes that Howard's Ventures was actually successful in finalizing the short-plat of one of the properties prior to the rezoning taking effect.

No additional information was submitted that could be used to support expanding the proposed LAMIRD boundaries to include any of these properties within the LAMIRD based on the 1990 built environment.

O'Brien, PAPRLamird9

WWGMHB Decision: PAPER LAMIRD 9 – O'Brien: Futurewise asserts that maps from both 1990 and 2005 show the land west of O'Brien Road consists of rural uses - a campground, rural residential properties, and farm fields. In addition, Futurewise notes some of the land east of O'Brien Road is also undeveloped for LAMIRD uses and therefore, the LAMIRD's boundary must be adjusted to comply.

The Board notes that the existing car racing track and the pattern of pre-90 existing development makes it difficult to draw a LOB. However, extending the LOB to existing roads takes in large pieces of undeveloped property that were undeveloped in 1990 and were still undeveloped in 2005. In a similar situation, the Board said:

The four factors to be considered in drawing a [LOB] for the residential LAMIRD must be applied within the limitations imposed RCW 36.70A.070(5)(c)(i) to contain or otherwise control rural development; and within the overall directive to "minimize and contain the existing areas or uses of more intensive rural development" found in RCW 36.70A.070(5)(d)(iv). That is, the factors are not to be construed as a basis for significantly expanding the area beyond the built environment, which must "predominate". As the County staff assessment points out, a chief concern is the creation of sprawl. The creation of a [LOB] is not a justification for adding rural lands when those lands significantly expand the potential for more intensive rural development because this would not "minimize and contain" more intensive rural development...However, "outfill" or the inclusion of larger tracts of land on the periphery of the built environment is of major concern as adding to, rather than minimizing and containing, more intensive rural development. (footnotes eliminated) Here, the LOB creates large areas of "outfill", and the built environment does not predominate. Therefore, the Board concludes that the LOB in this LAMIRD does not comply with RCW 36.70A.070(5)(d)(iv).

[citations omitted]

Compliance Strategy: To adjust the LOB and rezone the excluded portion as follows:

1. Retain the KOA campground at the LAMIRD's west-end. While the northwest section of the campground area has since changed ownership and is not currently being used as part of the campground, the County's central parcel files confirm that this section was historically (from 1972 through the early 1990s), part of the campground area, with the trees on the 1990 aerial photo obscuring the then-existing tent sites there. Its historic use meets LAMIRD criteria.
2. Rezone the excluded areas south and west of the campground to neighboring RCC3.
3. Exclude the extensive wetland south of Chambers Road and rezone the excluded area to neighboring R5, but retain the parcels and commercial uses between the wetland and Hwy 101 within the LAMIRD.
4. Retain the commercial uses north of Hwy 101 and adjust the northern LOB to include the state patrol office. This intensive use has been in existence there since well before 1990 and including it results in a more logical outer boundary, and is otherwise consistent with LAMIRD criteria.

Public Comment Summary/Response:

1. Futurewise (Document Nos. DL1 and DL2) testified in favor of the proposed compliance strategy.
2. Landowner Lough (Oral Comment 31), who is proposed to be retained within the LAMIRD, expressed concern with regard to changes to the area around his property. Landowner Schwiethale (Document No. DL36 and Oral Comments 33 & 34), who is proposed to be excluded from the LAMIRD at the west edge, testified in opposition of being excluded.
3. No information was submitted upon which to base the retention of the properties within the LAMIRD based upon the 1990 built environment.

Crescent Beach, SPRIamird1

WWGMHB Decision: Futurewise agrees that the developed area of the “Crescent Beach and RV Park” makes sense as a LAMIRD. However, Futurewise contends land to the west does not meet the LAMIRD criteria because it is characterized by rural resident and vacant land and, due to extensive critical areas, is poorly suited to intense development. Futurewise recommends these areas be taken out of the LAMIRD.

The Board notes that there is no evidence in the record suggesting that any of the parcels questioned by Futurewise are not part of the recreational aspect of this LAMIRD. Even though two sections of the LAMIRD are separated by a broad expanse of beach, the Strait, Crescent Beach Road, and the Salt Creek Recreation along with the fact that all seven parcels included within this LAMIRD are in common ownership, appears to establish a LOB. Although the GMA permits new development of small-scale recreational or tourist uses, such uses may not include new residential development (RCW 36.70A.070(5)(d)(ii)). The RNC zoning that the County has applied to the LAMIRD permits a wide variety of uses, including residential. Therefore, although the common ownership of parcels justifies the boundaries of this LAMIRD, the RNC zoning allows for more than tourist-related uses and therefore is non-compliant with the GMA. The boundaries of this LAMIRD would be acceptable if the uses in the LAMIRD were limited to the types of uses, size, scale, and intensity of the uses that exist in the LAMIRD today, which are typical of a Type 2 LAMIRD. While the County’s LAMIRD report says that the uses in the LAMIRD are limited to tourist uses, the LAMIRD’s RNC zone allows a wide variety of uses, including residential uses, which RCW 36.70A.070 (5)(d)(ii) prohibits. It appears that the Clallam County zoning code does not have a zoning designation that appropriately limits the designation of Type 2 LAMIRDs. Because the RNC designation of this LAMIRD allows for more than tourist-related uses, the Crescent Beach LAMIRD does not comply with RCW 36.70A. 070(5)(d)(ii). [citations omitted]

Compliance Strategy:

1. All of the properties in this LAMIRD are owned by SeaKOTA. The east LAMIRD portion, located in section 21, contains the RV park and is primarily held as 7511-General Resort. The LAMIRD portion west of the RV park is located in section 20 and consists primarily of several large parcels containing single-family homes with most of the land held in 8800-Designated Forest. Additional research shows that SeaKOTA owns extensive lands to the south of the LAMIRD as well, all of which is zoned CFM5 (1/4.8 acre).
2. The west parcels should be rezoned to CFM5, consistent with their current use and consistent with the SeaKOTA ownership to the south.
3. The far east parcel is owned by Clallam County and should be rezoned to P, consistent with the County’s ownership to the east.
4. The remaining LAMIRD parcels constitute a Type II LAMIRD, and the use table should be adjusted to reflect tourist-rural activities, consistent with the GMHB decision.
5. Type II LAMIRDs are described under RCW 35.70A.070(5)(d)(ii) as “small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development.” Accordingly, a new use table for this LAMIRD, to be located at i.e. CCC 33.15.067, should be entitled “Tourist Rural,” with its purpose to reflect the language at RCW 36.70A.070(5)(d)(ii). (For more details, see August 14, 2008 Staff Memo).

Public Comment Summary/Response:

- 1) Futurewise (Document Nos. DL1 and DL2) testified in favor of the proposed LOB but is concerned that the Tourist Rural zone fails to include a comprehensive plan designation with criteria to guide their designation and also that the zone
”includes uses that are not small scale recreation or tourist uses, including commercial facilities to serve those recreational or tourist uses. These are the uses allowed by RCW 36.70A.070(5)(d)(ii). For example, the proposed zone conditionally allows grocery stores. A grocery store is not a small scale recreational use. A grocery store could be allowed if it was accessory to recreation and tourist uses and limited in size to serve those uses. Planned unit developments, unless limited to recreational and tourist uses, private schools, and cemeteries also do not qualify. We do appreciate and support the size limits for bed and breakfast inns, commercial greenhouses, tourist shops, and restaurants. We also recommend this size limit be applied to grocery stores.”
- 2) A number of comments (Document Nos. DL37 through DL41) were received in favor of shrinking the LAMIRD as proposed above. Department of Fish and Wildlife does express concerns about the “mixed use” designation of the CFM5 designation.
- 3) Staff notes that additional review of the LAMIRD LOB does indicate that the RV park is actually

located to the south of the road, in an area currently zoned interim R5. Since the RV Park is the basis for retaining the LAMIRD designation, the LOB should be redrawn to include it. Staff recommends that this change is made, as reflected on the attached map.

Lyre River, SPRIamird3

WWGMHB Decision: Again, Futurewise agrees that the recreational vehicle park qualifies as a LAMIRD, but notes that this LAMIRD also includes many large residential parcels and large undeveloped lots which do not qualify under either RCW 36.70A.070(5)(d)(i) or (ii). Futurewise recommends these areas be taken out of the LAMIRD.

The 1990 and the 2005 aerial photo shows large areas of vacant land between the two developed small scale tourist commercial areas at the ends of the LAMIRD and large undeveloped forested area at the edge of the LAMIRD. The area is zoned RNC which allows for a wide variety of commercial uses as well as single-family dwelling units potentially changing the character of this LAMIRD characterized by rural commercial tourist uses. The County uses the criteria set out in RCW 36.70A.070 (5)(d)(ii) for analysis of this LAMIRD, asserting that the area is primarily dominated by the recreational tourist uses of a park and a campground. While these uses are appropriate for a Type 2 LAMIRD, the RNC zoning, which allows for more than just small-scale recreation uses, including residential uses, which are not allowed in Type 2 LAMIRDS. Therefore, the Board finds that the Lyre River LAMIRD does not comply with the RCW 36.70A.070 (5)(d)(ii). [citations omitted]

Compliance Strategy: There are two sections to this LAMIRD, east and west.

East:

1. The east section is almost entirely made up of one ownership encompassing Lyre River Park, a pre-1990 campground. The 10 parcels of this ownership range from 1.07 to 7.648 acres, for a total of about 33 acres, which are primarily being taxed as RV and/or Open Space. At both the top and at the bottom of this LAMIRD section is a large parcel (24 and 11 acres, respectively) in other private ownerships that contain one residence each.
2. The east section should be redrawn to include only the Lyre River Park ownership, with a new Type II Tourist Rural Lamird-compatible use table adopted, see Crescent Beach LAMIRD above;
3. The 25 acre parcel at the top should be rezoned to neighboring CFM20, consistent with the parcel size and usage (23 acres of this parcel is held in Open Space, with most of it in Open Space Forestry. A small undeveloped 1 acre parcel that is held by another owner should be rezoned to neighboring R5. The parcel at the bottom should be also rezoned to neighboring R5.

West

1. The west section is also almost entirely made up of one ownership, encompassing the Harrison Beach campground. However, to be included in this section are additional parcels in this ownership that are currently outside of the LAMIRD: the first is a parcel that is currently partly in-partly out (in R5) of the LAMIRD, and the other is a parcel that is currently completely outside of the LAMIRD (in R5).
2. Altogether, the 7 parcels of this ownership range from .160 to 4.454, for a total of about 11 acres. 3 parcels are taxed as containing residences, two as open space-timber, and 1 (the split zoned one) as resort.
3. The west section should be redrawn to include the entire Harrison Beach ownership, with a new Type II Tourist Rural Lamird-compatible use table adopted, see Crescent Beach LAMIRD above.

Public Comment Summary/Response:

- 1) Futurewise (Document Nos. DL1 and DL2) testified in favor of the proposed LOB but with the same concerns for the proposed Tourist Rural zone expressed under the Crescent Beach LAMIRD above.
- 2) Norman Family members (Document Nos. DL42 and DL43) indicate that the Lyre River Park has not operated for the past 5 years and requests that the affected properties be removed from LAMIRD designation and rezoned to R5. John Harrison (Document Nos. DL44 and DL45), writing on behalf of his mother, indicates that the intent is to close the campground, and requests that the affected properties likewise be removed from LAMIRD designation and rezoned to R5. R5 is a GMA-compliant rural zoning designation that is consistent with the intended uses of these properties. Staff recommends that these requests be approved. Maps reflecting the changes are attached.
- 3) Landowner Gronvall (Document No. DL46 and Oral Comment No. 43) objects to the proposed rezoning of their property from RNC to R5 because it will prevent them from proceeding with their future intended uses. Their property is located to the south of the Norman Family properties and contains a residence with the remaining 10 acres held and taxed as Open Space. In response, staff notes that due to the property's 1990 (and current) use, it does not qualify for retention within the LAMIRD. Staff further notes that under the proposed R5 designation, their future intended uses could likely qualify as either Home Enterprises (an Allowed use under R5) or Wood Manufacturing (Small Scale) and Outdoor-oriented Recreational Activity (Conditional Uses under R5).

Whitcomb/Dimmel, WPRIamird8

WWGMHB Decision: 100 IR 77, at 8. 101 IR 77, at 8.

Futurewise concedes that some of this land qualifies as a LAMIRD but notes that 61 percent is vacant and encompass an area that is outside of the small, developed area of lots that qualifies as a LAMIRD. In addition, Futurewise notes that lands along the Sol Due River and constrained and ill-suited for intense development that would be uncharacteristic of the area.101 While the County *LAMIRD Report* notes that most of the lots that make up WD east were established prior to July of 1978 and consists of fishing cabins and mobile homes that date back to the 1960's and 1970's, there is no similar justification provided for the LOB of WD –west. A review of the 1990 aerial photograph west of Highway 101 reveals no evidence of the built environment, and no such evidence has been brought to the Board's attention. Thus, in light of the 1990 aerial photograph, and in the absence of any justification from the County that DW-west was characterized by the built environment in 1990, we find that that portion of the LAMIRD was improperly included.

Therefore, the Board finds that the County's justification for inclusion of these undeveloped lands, is insufficient in light of the limitations the GMA places on Type I LAMIRDs. See, RCW 36.70A.070(5)(d)(i) and (iv). [citations omitted]

Compliance Strategy: Adjusting the LOB and downzoning the excluded portions:

East of Hwy 101

1. South of the Sol Duc River: LAMIRD boundaries should be drawn around the pre-1990 neighborhood of 1 to 2 acre parcels.
 - a) The remaining parcels located southeast of the primarily of privately held rural residential parcels, many of which vacant and subject to critical areas issues, and in sizes consistent with RW5 zoning and should be rezoned to RW5.
2. North of the Sol Duc River.
 - a) This area consists primarily of privately held rural residential parcels, many of which vacant and subject to critical areas issues, and in sizes consistent with RW5 zoning and should be rezoned to RW5.

West of Hwy 101

3. LAMIRD boundaries should be drawn around the pre-1990 neighborhood of 1 to 2 acre parcels at the southwest corner of the intersection between Hwy 101 and the Sol Duc River.
 - a) The area directly west and south of this neighborhood consists primarily of privately held rural residential parcels, many of which vacant and subject to critical areas issues, and in sizes consistent with RW5 zoning and should be rezoned to RW5..
 - b) The area to the south consists of two partial parcels. One is part of a 183 acre parcel owned by Bloedel which is zoned CF. The other, to the south, is part of a 72 acre parcel owned by Rayonier and contiguous with additional Rayonier ownership, all of which zones CF. These partial parcels should be rezoned to CF.

Public Comment Summary/Response:

A number of landowners being affected by the downzoning object to the proposed downzoning.

- 1) Futurewise (Document Nos. DL1 and DL2) testified in favor of the proposed compliance strategy.
- 2) Landowner Anderson (Document No. DL57 and Oral Comment No. 58) is concerned that the rezoning will interfere with his current and intended use. In response, staff notes that any existing uses will be considered preexisting nonconforming, and that under the proposed RW5 zoning, Home Based Industries and Home Enterprises are Allowed uses, and that there are no Prohibited Uses (uses are either Allowed or subject to Conditional Use Permit). Also, the Anderson ownership is large enough (6.25 acres) to potentially accommodate an ADU)
- 3) Landowners Allen, Fletcher, Roark, Peterson, and Marion (Oral Comments No. 56 through 58, 61 through 64) expressed concerns about their future ability to develop or divide their lands.
- 4) Landowner Rayonier, through TerraPointe Services (Document No. DL48 and Oral Comment No. 42) confirms that in 1990, Rayonier's parcel abutting the Forks' UGA was not developed, but requests that the property be rezoned to RW5 rather than CF, on the basis that "this particular property is not suitable for long-term commercial forestry property." In response, staff notes that this particular parcel is over 70 acres in size, is part of a contiguous ownership of Rayonier that totals 110 acres, and is held and taxed as Designated Forestry, and that as such, it meets all the criteria under the Comprehensive Plan for designation as Commercial Forestry. Staff further notes that the parcel's rezoning to Commercial Forestry does not in any way prevent the future possibility of including this property within the Forks UGA, and that the GMA favors low density zoning near UGAs as larger parcels are more readily developed at UGA densities once included in the UGA.

No information was submitted upon which to base an expansion of the LAMIRD LOBs as proposed.

Bogachiel Bridge, WPRIamird9

WWGMHB Decision: Futurewise argues that most of the land in this LAMIRD is vacant or occupied by single-family homes and outbuildings on larger lots which are well outside the smaller, developed lots that qualify as a LAMIRD immediately west of Highway 101 and east of Highway 101 along the Bogachiel River. Futurewise contends that these undeveloped and large lot residential lots should be excluded from the LAMIRD. Once more the County recites that “[T]he LOB creation identifies a cohesive and established neighborhood that existed as of 1990”, a statement that we would give more credence if not made in almost every instance.. Rather, the Board gives more weight to the County’s particularized claims, such as that “[T]he outer boundaries are delineated by the Bogachiel Estates and Fishermans Hollow subdivisions which were platted in 1966. The 1990 aerial photograph does in fact show some evidence of built environment. But, here again, while the County is allowed to address “physical boundaries such as bodies of water, streets and highways, and land forms and contours,” in this case it appears the County went well beyond using physical boundaries in an attempt to include additional undeveloped land. Lands to the far west and in the southeast corner of this LAMIRD show no evidence of a built environment existing in 1990. To the extent indicated, this LAMIRD is non-compliant. The County must limit the LAMIRD to the existing area or existing uses that were in existence in 1990. The County’s justification for inclusion of these undeveloped lands, is insufficient in light of the limitations the GMA places on Type I LAMIRDs. See, RCW 36.70A.070(5)(d)(i) and (iv). [citations omitted]

Compliance Strategy: The LOBs should be adjusted and the excluded portions rezoned as follows:

West of Hwy 101

1. The parcels along Hwy 101 have historically been occupied by a log yard, big truck shop, shake mill, and saw mill, and thus qualify for inclusion within the LAMIRD LOB and designation with a commercial zoning, including the south parcel, occupied by a saw mill, which should be rezoned from RW1 to TC.
2. The area to the west of this commercial strip consists primarily of privately held rural residential parcels, many of which vacant and subject to critical areas issues, and in sizes consistent with RW5 zoning, and should be rezoned to RW5.

East of Hwy 101

1. The LOBs should be redrawn to include the pre-1990 neighborhoods of Fisherman’s Hollow and Bogachiel Estates.
2. The excluded areas should be rezoned as follows:
 - a. The northern tip is owned by the State and should be rezoned to CF
 - b. The parcels to the south are owned by DNR as part of a large DNR ownership and should be rezoned to CF.
 - c. The remaining area consists primarily of privately held rural residential parcels, many of which vacant and subject to critical areas issues, and in sizes consistent with RW5 zoning and should be rezoned to RW5.

Public Comment Summary/Response:

- 1) Futurewise (Document Nos. DL1 and DL2) testified in favor of the proposed compliance strategy.
 - 2) Quigg Bros testified to (Document No. DL49) their intent to subdivide.
- Considering the 1990 built environment, no information was submitted upon which to base an expansion of the LAMIRD LOBs as currently proposed.

Three Rivers, WPRIamird10

WWGMHB Decision: Futurewise argues as that the three tourist commercial uses at the northern part of the intersection of La Push and Mora Road qualifies as a LAMIRD as well as the Quillayute River Resort. However, Futurewise notes that the balance of the land is either vacant, large lot residential development, or a park and boat launch, thereby failing to qualify for inclusion in a LAMIRD. The Board concurs with Futurewise's assessment of this LAMIRD. The County has included large lots of land that show no sign of development in the 1990 aerial photograph. It is not clear what "neighborhood character" the LOB is intended to maintain on large undeveloped parcels of land. Aside from the three tourist commercial uses at the north part of the intersection of La Push and Mora Road which qualify as a LAMIRD and the Quillayute River Resort which qualifies as an RCW 36.70A.070(5)(d)(ii) LAMIRD the balance of the land is either vacant, large lot residential development, or a Washington State Department of Fish and Wildlife park and boat launch and does not qualify for inclusion in this LAMIRD. [citations omitted]

Compliance Strategy: The LOB should be adjusted and excluded areas rezoned as follows:

1. The east LOB should include the fire district, the storage facility, and the Three Rivers Resort.
2. The west LOB should include the Quillayute River Resort.
3. Excluded from the lamird and to be rezoned to RW5 are the properties north of the Three Rivers Resort, the properties east of LaPush Road, and the property west of the storage facility, except for Leyendecker Park, which should be rezoned to P. These areas primarily consist of privately held rural residential parcels, many of which vacant and subject to critical areas issues, and in sizes consistent with RW5 zoning.

Public Comment Summary/Response:

- 1) Futurewise (Document Nos. DL1 and DL2) testified in favor of the proposed compliance strategy.
- 2) Landowners Grahn, Stonehocker, and Smith are affected by the downzoning and object to it (Document Nos. DL50 and DL51 and Oral Comment Nos. 59, 60, and 65). Grahn indicates the existence of recorded agreement between him and the Quilleute Nation for the use of their water system for future development of the subject property to include a 40-space RV park.

Considering the 1990 built environment, no information was submitted upon which to base an expansion of the LAMIRD LOBs as currently proposed.

Quillayute River, WPRIamird11

WWGMHB Decision: Futurewise concedes that some of the land included within this LAMIRD qualifies for such a designation, but that most of the land is vacant or developed with single-family homes and outbuildings on lots larger than five acres, which are well outside the area east of Richwine Road which qualifies as a LAMIRD. Again, the County bases its justification for the LOB in this LAMIRD on the existence of “a cohesive and established neighborhood that existed as of 1990.” This neighborhood is not evident in the 1990 aerial photograph. Thus, aside from the area to the east of Richwine Road, which appears to have been clearly identifiable and contained and possesses a logical boundary delineated predominately by the built environment, the remainder of this area does not qualify as a LAMIRD.
[citations omitted]

Compliance Strategy: Adjusting the LOB and downzoning the excluded portion to RW5 zoning.

1. The west LOB should be Richwine Road.
2. The excluded area consists primarily of privately held rural residential parcels, many of which vacant and subject to critical areas issues, and in sizes consistent with RW5 zoning and should be rezoned to RW5.

Public Comment Summary/Response:

1. Futurewise (Document Nos. DL1 and DL2) testified in favor of the proposed compliance strategy.
2. Landowner Fox (Document No. DL52), with a legally preexisting .5 acre lot, would be retained within the LAMIRD.
3. Landowner Monahan, proposed to be rezoned to RW5 (Oral Comment No. 69) testified against the proposed downzone.

Considering the 1990 built environment, no information was submitted upon which to base an expansion of the LAMIRD LOBs as currently proposed.

Little Quillayute Prairie, WPRlamird14

WWGMHB Decision: As they did with the Quillayute Prairie LAMIRD, Futurewise contends that none of this area qualifies as a LAMIRD because it was both used for (in 1990) and continues to be used for agricultural and forestry uses. Futurewise notes that 86 percent of the land is vacant and that residential density is at 1 du/5 acre or more, with one exception. For the Little Quillayute Prairie LAMIRD, just as with the Quillayute Prairie LAMIRD, the County noted that, in reference to the Quillayute Residential zoning, "By 1990 this desired residential expansion had not yet occurred. While lack of pre-existing development resulted in the downsizing of several thousand acres throughout the WPR, retaining certain areas within [LOBs] for desired infill is also appropriate." The 1990 aerial photograph reveals little development. The Board finds that this LOB does not meet the standards of RCW 36.70A.070(5)(d)(iv) and that the County clearly erred in designating this area as a LAMIRD. [citations omitted]

Compliance Strategy: Downzoning the entire area to RW5 zoning. Rezoning to RW5 is appropriate under the Western Regional Comprehensive Plan, which points out at Chapter 31.06 CCC that there are very limited private rural lands in the Western Region, with most lands held by DNR, the US Forest, and large commercial forestry companies. The 2006 Clallam County Rural Lands Report points out that only 5% of the region's land base is held in rural lands (that includes 1.4% in designated LAMIRDs), with Commercial Forest natural resource lands making up 93% of the region's land base. As a result, it is imperative that private non-forestry lands be retained in rural designation.

Public Comment Summary/Response:

- 1) Futurewise (Document Nos. DL1 and DL2) testified in favor of the proposed compliance strategy.
- 2) Landowner Goakey, being proposed for rezoning to RW5 (Oral Comment No. 66) objects to the rezoning. No information was submitted, however, upon which to base the retention of the LAMIRD based on the 1990 built environment.

FINAL PROPOSED MAPS

Attached are staff's proposed LAMIRD map changes based on the public comments received for the:

1. Blyn LAMIRD
2. Dungeness Village LAMIRD
3. Dryke/Sherbourne LAMIRD
4. Deer Park LAMIRD
5. Crescent Beach LAMIRD
6. Lyre River LAMIRD