

DRAFT Rural Lands Report

Executive Summary

In 1995, Clallam County adopted a Comprehensive Plan with rural element goals and policies, a Zoning Code with a variety of rural zoning designations, various development regulations designed to meet the goals of the GMA, and a Zoning Map that designated over 56% of the County's lands as Commercial Forest, over 28% as National Park, and only 9.2% as rural lands. The adoption of the County's Comprehensive Plan, Zoning Code, development regulations, and Zoning Map came about after extensive consideration of the GMA goals, the County's local circumstances, and considerable public input.

As a result of the GMA's review provisions, Clallam County has reviewed the rural element of its Comprehensive Plan and Zoning Map for continuing compliance under the GMA. Based on the analysis provided in this Report, the County concludes that taken as a whole, the County's rural goals, policies, and densities are in compliance with the GMA, based on the following findings:

1. With well over 50 % in natural resource lands, 28% in Olympic National Park, and 9.2% in rural lands, rural character clearly predominates in Clallam County.
2. Clallam County's rural element is based on an appropriate balancing of all the GMA goals as applied to its unique local circumstances. Clallam County is unique in that while the County is predominantly resource (thanks especially to its commercial forest and park lands), there is only a limited amount of lands available to provide for rural development. Yet, rural development opportunities are important to the County as follows: Rural development opportunities are important in the County's west-end so that it can recover economically, and rural development opportunities are important in the County's east-end so that it can accommodate the continuing influx of retirees in search of a rural type lifestyle.
3. Clallam County's lamirds meet the criteria for lamirds set forth in RCW 36.70A.070(5)(d), and the County will proceed with adopting them formally within its Comprehensive Plan together with policies to ensure that they will continue to meet the statutory criteria.
4. Clallam County has shown the effectiveness of clustering provisions (RCC3, RCC5, and RLM zones) in sustaining its rural character, as outlined in detail in section IV of this Report.
5. Clallam County has established a clear record of the effectiveness of its Comprehensive Plan, Zoning Code, and development regulations to avert pressures to inappropriately up-zone (convert) undeveloped natural resource lands, consistent with the goals of the GMA.
6. By continuing the pattern of densities that was established in 1995, as identified in this Report, Clallam County is directing rural growth in areas where adequate rural facilities, services, and transportation already exist (GMA goals 12 and 3), reducing the possibility of sprawl on rural lands and especially deflecting growth pressure away from the outlying larger lot rural and natural resource areas (GMA goal 2), ensuring housing opportunities to all its economic segments (GMA goal 4), encouraging an improved economy (GMA goal 5), respecting pre-GMA landowner expectations (GMA goal 6), establishing a fair and predictable precedent regarding rezone requests (GMA goal 7), reducing residential interference with its natural resource industries (GMA goal 8), avoiding development pressures on open space, recreation, and environmentally sensitive areas and protecting sensitive areas from the impacts of adjacent development (GMA goals 9 and 10), and respecting the extensive public participation and input that went into the development of the 1995 comprehensive Plan and Zoning Code.
7. In light of all the goals and policies of the County's Comprehensive Plan, Zoning Code, and related development regulations, the County has provided an appropriate range of rural densities from 1 dwelling per 20 acres to 1 dwelling per 2.4 acres, with higher densities allowed within rural areas only in designated lamirds.

I. Overview

This section provides an overview of this Report and summarizes the amendments to the rural lands provisions of both the GMA and the County's Zoning Map and Comprehensive Plan, since their adoption.

A. GMA requirements and this Report.

The Growth Management Act at Chapter 36.70A RCW sets forth comprehensive planning goals at RCW 36.70A.020, mandatory rural element provisions at RCW 36.70A.070(5), with relevant terms defined at RCW 36.70.030, and additional legislative findings contained at RCW 36.70A.011. This Report addresses these provisions as follows:

RCW 36.70A.070(5)(a). This Report constitutes the written record explaining how the rural element of Clallam County's Comprehensive Plan considers and addresses local circumstances, and harmonizes the planning goals and otherwise meets the requirements of Chapter 36.70A RCW. Section I of this Report summarizes the amendments to the rural element provisions of both the GMA and the County's Zoning Map and Comprehensive Plan, since their adoption.

RCW 36.70A.070(5)(b). Section II of this Report outlines the local circumstances, such as preexisting rural development and rural services, that were considered and addressed in developing the rural element of the County's Comprehensive Plan, the resulting variety of densities, uses, and techniques, such as clustering, that were permitted, and the additional development regulations that were adopted to help preserve rural character on rural lands in furtherance of GMA goals and consistent with GMA requirements.

Section III of this Report analyzes how implementation of the County's 1995 Comprehensive Plan has been successful in accommodating the County's rural population growth while reducing development pressures on undeveloped areas.

Section IV.B of this Report explains how the variety of rural densities and uses permitted under the rural element of the County's Comprehensive Plan continues to be appropriate in light of local circumstances, the GMA's other goals at **RCW 36.70A.020**. Furthermore, because of the lagging economy, limited private lands, and remoteness of the county's western half, more flexibility is appropriate for those planning regions, consistent with the GMA Findings at **RCW 36.70A.011**, and as reflected in the County's Comprehensive Plan at CCC 31.02.265.

RCW 36.70A.070(5)(c). Section IV.C of this Report explains how the rural element of the County's Comprehensive Plan has been successful in accommodating rural densities and uses that are not characterized by urban growth and have fostered land use patterns consistent with the rural character vision described in **RCW 36.70A.011** and defined in **RCW 36.70A.030(15)**. The examples show that development at any of the County's rural densities results in a pattern of land use in which open space, natural landscape, and vegetation predominate over the built environment. The County's multiple rural designations provide for a variety of lot sizes that support the diverse rural lifestyles traditional to the County. People who are coming to Clallam County are seeking out a rural environment for a variety of reasons, which can include raising animals for personal use, gardening for food or hobby, augmenting family income with animal husbandry or small crop production, or simply a need or desire to live outside a dense urban setting for health, family, or personal reasons. In Clallam County, these rural lifestyles can be accommodated on an assortment of lot sizes, depending upon the particular rural experience sought. Providing for moderate rural densities, clustering, and lamirids keeps the rural experience available, and affordable, for a wide range of household income levels, and provides opportunities for those pursuing small-scale rural commercial endeavors as well. Larger lots and lower densities are available for rural lifestyles requiring more space. Cluster developments offer rural lifestyles on smaller lots, and provide the opportunity for an economic contribution to the large preserved lot, which may keep a rural resource business viable.

RCW 36.70A.070(5)(d). The designation of Lamirids is considered in a separate Report, entitled the Clallam County LAMIRDS Report.

Summary of Appendices.

Tables

- Tables SDPR-1, PAPR-1, SPR-1, and WPR-1 show the prevalence of resource areas within each planning region.
- Tables SDPR-2, PAPR-2, SPR-2, and WPR-2 show the current average parcel sizes

within the respective rural zones generally reflect the density allowed in these zones, especially in the populated SDPR and PAPR. The amount of acreage remaining in larger parcel sizes within moderate rural zoning designations is limited, and equally limited would be the benefit of down-zoning these rural areas.

- Tables SDPR-3, PAPR-3, SPR-3, and WPR-3 show the extensive build-out of the rural zones within each planning region.
- Tables SDPR-4, PAPR-4, SPR-4, and WPR-4 show the extensive farm activities occurring in rural zones within each planning region.
- Tables SDPR-5, PAPR-5, SPR-5, and WPR-5 show the acres in designated forestry or open space tax programs occurring in rural zones within each planning region.

Maps

- Maps SDPR-1, PAPR-1, SPR-1, and WPR-1 show the continuing rural character of the respective planning regions, confirming that the County's rural element ensures a pattern of land use in which open space, the natural landscape, and vegetation predominate over the built environment. These maps also show how the county's rural character is augmented by the Commercial Forestry resource lands which are generally located in the foothills of the Olympic Mountains and the remaining Agricultural Retention lands which are located among the rural lands in the lowlands, providing residents of rural areas with the additional benefits of nearby (agricultural) open space as well as generous vistas of naturally (forested) landscaped hills and mountains.
- Maps SDPR-2, PAPR-2, SPR-2, and WPR-2 show the prevalence of rural lifestyles and rural economies within the rural areas of the respective planning regions.
- Maps SDPR-3, PAPR-3, SPR-3, and WPR-3 show how the County's UGAs and lamirds, as well much of the developed rural lands, are located within the low-lying areas of early development, near pre-GMA rural services and transportation corridors.
- Maps SDPR-4, PAPR-4, SPR-4, and WPR-4 show the location of current zones allowing densities of up to 1 dwelling per 2.4 projected onto pre-GMA 1982 zoning maps.

Images. Images SDPR, PAPR, SPR, and WPR show that development at any of the County's rural densities that are not characterized by urban growth and that are consistent with rural character.

B. GMA rural lands provisions.

The GMA was adopted in 1990 and codified primarily at Chapter 36.70A RCW. One of the objectives of the GMA is to reduce sprawling low-density development in rural areas and conserve the rural character of rural areas. RCW 36.70A.020(2), RCW 36.70A.011.

Clallam County adopted a Comprehensive Plan and Zoning Map in 1982. In 1995, the County adopted policies and development regulations to preserve and protect rural lands, providing densities and land uses according to the GMA and as deemed appropriate for Clallam County. The 1995 enactments effectuated a major down-zone across much of the County, and included down-zoning of many thousands of rural acres, as discussed in more detail in section II.E of this Report.

C. Highlights of amended rural lands provisions.

Since 1995, Clallam County has down-zoned additional rural areas to further preserve its rural lands. In 1999, the County identified significant areas outside the Dungeness River corridor within the Sequim-Dungeness Regional area that remained in larger parcel sizes and down-zoned these in order to "more closely reflect the spirit and intent of the Washington State Growth Management Act." Ord. No. 664 (1999) (modifying CCC 31.03.455(Policy 12) and CCC 31.03.465(Policy 16)).

In addition, extensive rural lands were redesignated as agricultural retention lands, Ord. No. 627 (1997), and other rural lands were redesignated as Public Lands for public purposes, such as parks, playgrounds and recreational areas, Ord. No. 639 (1998) (subsequently developed as Quillayute River County park to provide public access to the Quillayute River), and Ord. No. 638 (1998) (subsequently developed as a Robin Hill County park with 195 acres of forest, meadow and wetland, of which twenty acres are maintained by WSU Cooperative Extension programs for pasture management, agricultural research plots and gardens, and special water conservation and composting programs).

In 1997, the GMA was amended to define rural character, rural development and rural governmental services. Clallam County has since revised its Comprehensive Plan to ensure that it appropriately addresses these land use designations. Clallam County Ord. 768, adopted January 25, 2005, amended the County's Comprehensive Plan by adding definitions of rural character, rural development, rural governmental services, and rural lands, in accordance with the GMA, as amended. The County's definition of rural character provides some additional detail to the GMA's definition, in that it includes "(a) Open fields and woodlots interspersed with homesteads and serviced by small rural commercial clusters; and (b) Low residential densities, small-scale agriculture, woodlot forestry, wildlife habitat, clean water, clean air, outdoor recreation, and low traffic volumes."

While significant additional areas have been down-zoned since the adoption of the County's Comprehensive Plan and Zoning Map in 1995, only a relatively few parcels have been up-zoned. See compilation of rezone petitions in Table CC-4. The applications for up-zones that have been approved have tended to be for single or small numbers of parcels along the boundaries of zones, based on findings and conclusions that these parcels did in fact more appropriately fit within the higher density neighboring zones, under the policies of the County's Comprehensive Plan.

More significant, however, is that applications to up-zone large areas of low density lands have been consistently denied. For instance, the County's Board of Commissioners denied Application REZ96-0013, which had requested that 18 five-acre parcels totaling approximately 80.57 acres be rezoned from Rural Low (R5) to Rural Moderate (R2), which would have resulted in an increase in allowed density from 1 single family dwelling per 4.8 acres to 1 per 2.4 acres. The Board of County Commissioners concluded that

1. "The applicant has not shown that public necessity, convenience and general welfare warrants... that the ... land use designation... be amended. The only description in the application of why the zoning should be amended is personal benefit of the applicants.
2. The proposal is not consistent with the adopted County Comprehensive Plan and Zoning Code" and would not "further the intent for rural lands pursuant to ... the Sequim-Dungeness Regional Plan....
3. The proposal is not consistent with the intent of all other road, utility, land use and environmental policies adopted by the County....
4. The amendment is not necessary due to changed conditions or a change in circumstances from the time the property was originally zoned. This area continues to maintain the intent of the Rural Low (R5) zoning designation. Prior to 1995, the east 1/2 of the site was zoned RR2 [allowing for a density of 1 single family dwelling per 2.5 acres]. As part of the review of this section against the goals and policies of Growth Management Act and after neighborhood meetings, the zoning within this section was customized to address the issues raised during those public meetings and hearings and to reflect the physical characteristics and parcel sizes of the land. Nothing since that time has changed which warrants amendment of the zoning for this parcel.
5. This request is for a change in zoning from R5 to R2 - a zone which has no equal in the immediate vicinity of the site. The cumulative effects of individual 'spot zoning' does not allow the overall land use goals of the Sequim-Dungeness Regional Plan to be implemented; alternatively it undermines the very intent to plan regionally."

Subsequently, the Board of Commissioners denied Green Crow Timber LLC's 2004 application to rezone approximately 160 acres of designated Commercial Forest land (allowing a density of 1 single family dwelling per 80 acres) and approximately 80 acres designated Rural very low (allowing a density of 1 single family dwelling per 20 acres) to a designation that would have allowed a residential density of 1 single family dwelling per 4.8 acres. The Board of County Commissioners cited Comprehensive Plan Policy CCC 31.02.140(23) which directs that "Land designated as commercial forest shall remain in this classification unless a strong case can be made that the zoning could be changed without affecting the commercial viability of the surrounding forest land. Zone change applications shall meet one of the following criteria: (a) An error was made in application of the criteria establishing the zone; or (b) The Board of County Commissioners after giving careful consideration to the value of the resource to the community finds that commercial forestry cannot generate a reasonable return on investment when

compared to other forested properties and ***that growth could not be directed to other nonforested rural lands*** in the same vicinity.” (emphasis added).

The Board of County Commissioners went to on to conclude the following:

1. “The proposed amendment is not consistent with the spirit and intent of the Clallam County Comprehensive Plan, Title 31. ... Adequate land is available within existing urban and rural residential lands in eastern Clallam County to support growth.
2. The proposed amendment is not consistent with the spirit and intent of the Clallam County Zoning Code, Title 33, and all other County road, utility, land use and environmental plans and policies adopted by the County. ...The increase in allowed potential residential densities along the environmentally sensitive Siebert Creek and associated tributaries within the subject area is not consistent with the intent of the WRIA 18 Watershed Plan and environmental plans and policies.
3. The proposed amendment is not necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a different land use [and zoning] designation. ...”

Clearly, the County has established a solid record of making decisions under its Comprehensive Plan and Zoning Code that reflect the spirit and intent of the GMA.

II. Clallam County Rural Lands

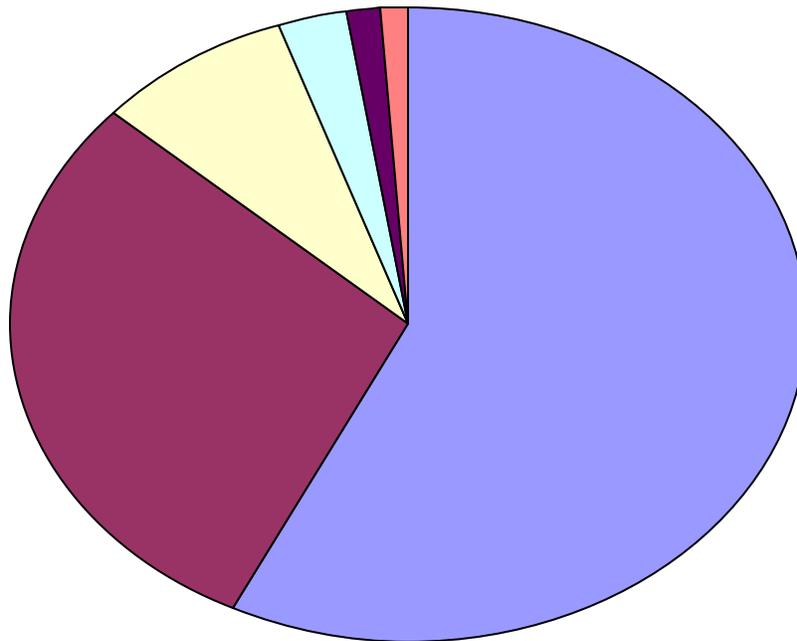
This section discusses the context of Clallam County's rural lands element, starting with an overview of the County and its character, its historical approach to zoning and land divisions, its planning region approach to comprehensive planning, the key elements that were considered in development of the County's 1995 Comprehensive Plan and the associated rural land use designations and development regulations.

A. Clallam County overview and character.

Clallam County is bounded to the north by the Strait of Juan de Fuca, to the west by the Pacific Ocean, and to the south by Olympic National Park. The only land transportation corridor that accesses and traverses the County is US 101.

Clallam County is characterized by its extensive forested lands. These forested lands are held primarily by Olympic National Park (28.3% of the County's area) or in designated Forestry Resource zoning designations (56.6% of the County's area). With such extensive lands in the County held by Olympic National Park or designated as forestry resource lands, only 9.2% is available for designation as rural lands. See Map CC-1. A summary of Clallam County's zoning designations follows.

	Acres	% of County area
Designated Forestry Resource lands	635,577	56.6%
Designated Agriculture Resource lands	6193	.6%
Olympic National Park	318,087	28.3
Other parks and lakes (Ozette and Pleasant)	12,248	1.1
Rural lands (excluding LAMIRDs)	91,454	8.1%
LAMIRDs	11,930	1.1%
Tribal lands	31,326	2.8%
UGAs	15,613	1.4%
TOTAL	1,122,428	100%



■ Designated Agr & Forestry Resource lands
 ■ Parks & lakes
 ■ Rural lands
 ■ Tribal lands
 ■ UGAs
 ■ LAMIRDs
 ■ Other parks and lakes

B. Historical approach to zoning and land divisions.

Clallam County adopted its first comprehensive land use plan in 1967, and revised the plan in subsequent years. As a result of significant growth that the County experienced in the late 1960s and early 1970s, the County attempted to adopt zoning and land division controls for the first time. Regulation of private property, however, did not receive immediate wide-spread support. Community opposition and court challenges resulted in limited land use controls until a new comprehensive plan and zoning ordinance were adopted in 1982. With the 1982 comprehensive plan, urban areas were designated around the three cities and around the principal rural community centers. Forestry zoning worked towards protecting forest lands from conversion to residential development. Rural policies identified appropriate densities and services to be expected within those areas. CCC 31.01.300.

As a result of the 1990 enactment of the GMA, the County adopted resource land designations and sensitive areas regulations, then a new Comprehensive Plan and Zoning Map, under which the County has been operating since 1995, as well as associated development regulations. Before 1993, however, Clallam County did not regulate divisions of land over five acres in size, and by 1993, many landowners, especially those owning agricultural lands, had already legally divided their land into five-acre parcels ("vested" lots). In addition, the pre-zoning and pre-GMA comprehensive plans resulted in many rural land areas being divided into rural lot sizes of less than 5 acres. Those pre-existing parcels can be sold or developed at any time despite the land having been subsequently zoned for lesser density. CCC 33.03.220(4). Areas where such parcelization was prevalent by 1995 are now designated as Lamirds or are located in moderate density rural areas.

C. Planning Region approach to comprehensive planning.

Clallam County extends about 85 miles east to west and 20.6 miles north to south, and is broken into four regional planning regions, which follow the school district boundaries: The Sequim-Dungeness Planning Region includes the Sequim School District, the Port Angeles Planning Region includes the Port Angeles School District, the Straits Planning Region includes the Crescent and Cape Flattery School Districts, and the Western Planning Region includes the Quillayute Valley School District. See Map CC-1.

The Comprehensive Plan and Zoning Map that the County adopted in 1995 was developed on two tiers: County-wide and regionally. This approach was chosen because the land use issues vary greatly between the regions, and the plans and opportunities for open discussion of the issues would be more detailed at the regional level. In addition to extensive outreach via the media, newsletters, and direct mailings, community workshops and early neighborhood meetings were conducted on plan proposals and development regulations prior to public hearings and adoption. CCC 31.01.500.

The Port Angeles Regional Comprehensive Plan was developed by sixty-seven (67) people, representing various interest groups, organizations, neighborhoods, and tribal and other government agencies. These sixty-seven (67) people formed five (5) separate subcommittees to write the Plan: affordable housing, transportation, capital facilities, economic development, and land use and watershed subcommittees. Additionally, the Growth Management Steering Committee continuously monitored and reviewed progress on the Comprehensive Plan.

Because of the geographic isolation and resulting unique economic issues in the western regions of the County, a new regional planning commission was appointed jointly with the City of Forks, and community councils in Joyce and Clallam Bay-Seki were established. These committees developed recommendations for the regional plans and land use maps of the Western and Straits Regions, respectively, which were forwarded to the Board of County Commissions for their consideration.

The regional plans work in concert with the Countywide Comprehensive Plan and address issues of land use, public facilities/services, transportation, affordable housing and economic development. Because the character of both urban and rural lands differs greatly from the west end of the County to the east end, specific policies and actions to implement the rural land use element of the Comprehensive Plan should be found in the regional plans. See CCC 31.01.500 and 31.02.260. All in all, the Clallam County

Comprehensive Plan is made up of the County-wide Comprehensive Plan, the Regional Plans, the Urban Growth Area Plans, and the Capital Facilities Plans.

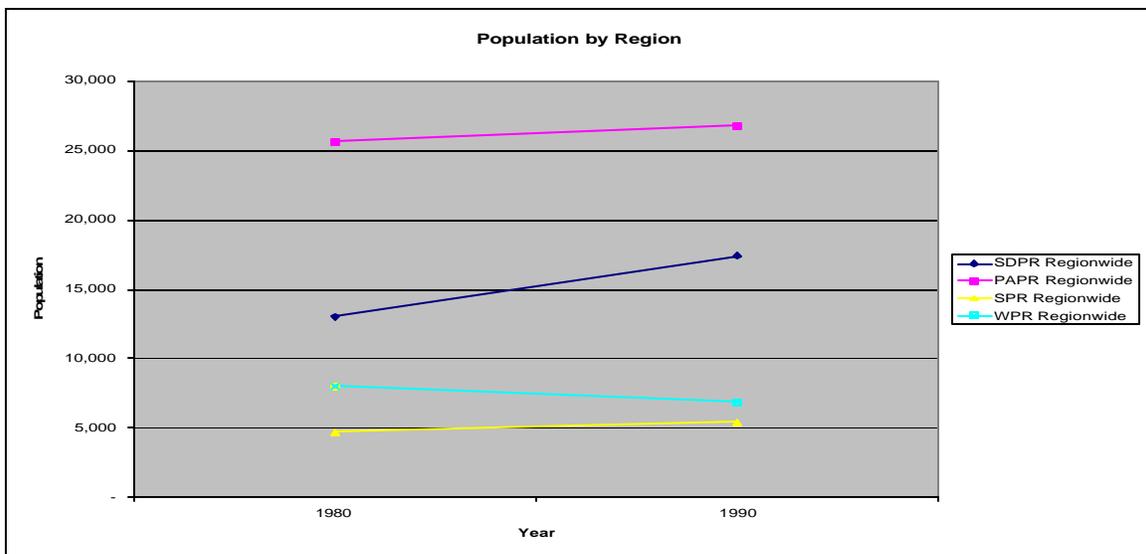
D. Key considerations in comprehensive plan development.

D1. Acknowledge existing development patterns, uses, and infrastructure. Historic settlement of Clallam County occurred along and nearby the early transportation routes that ultimately developed into US 101 and SR 112. These early transportation routes were located in the low-lying areas at the foothills of the Olympic Mountains and near the early ports along the Strait of Juan de Fuca. These were also the easiest areas to clear and homestead. All of the County's UGAs and lamirds, as well much of the developed rural lands, are located within these low-lying areas of early development, near pre-existing rural services and transportation corridors, as reflected in the 1982 Comprehensive Plan and Zoning Map. See Maps SDPR-3, PAPR-3, SPR-3, and WPR-3.

The County's current rural zoning designations continue to reflect this early pattern of development in the County's low-lying areas. For instance, the 1995 SDPR Regional Plan provides at CCC 31.03.270(7) that "In establishing rural densities for the twenty (20) year planning period, consideration should be given to existing neighborhood characteristics, parcel densities and previous zoning designations." Likewise, the 1995 PAPR Regional Plan provides at CCC 31.04.230(2)(e)(ii) that "Development densities of 2.4 and five (5) acres per home will be allowed in rural areas where occupied lots in these lot sizes are already existent over large areas (greater than fifty (50) acres)."

D2. Analysis and public input regarding Clallam County rural character. Before adopting the 1995 Comprehensive Plan and Zoning Map, the County spent several years identifying resource lands and environmentally sensitive areas, and developing land use regulations, policies, and maps consistent with the goals of the Growth Management Act. It considered recommendations and input from regional planning commissions, resource subcommittees, neighborhood open houses, public hearings, and letters.

As shown in RLR-figure-1 below, the population growth in Clallam County at the adoption of the GMA varied widely among the County's four planning regions. The SDPR population grew by a third from 1980 to 1990 (after more than doubling between 1970 and 1980), and there was no reason to believe that the SDPR population would cease to grow beyond 1990. In stark contrast, the WPR lost population between 1980 and 1990. During this period of time, population growth was moderate in the PAPR and very low in the SPR. These trends were necessarily reflected in the policies that were developed by the local communities as reflected in the respective Regional Plans, as discussed in more detail later in this report.



RLR Figure-1

Within each region, the County engaged in extensive public process to inventory existing rural land densities and uses. In that process the regional groups also evaluated existing rural character, and prepared regional policies to address the development of rural lands designations intended to reflect various aspects of rural character. Rural lands policies also included guidance on where to apply specific rural designations in consideration of existing development patterns and physical characteristics of the land.

E. Rural Land Uses.

The County Comprehensive Plan at CCC 31.02.260, Rural growth, states the following:

Because the character of both urban and rural lands differs greatly from the west end of the County to the east end, specific policies and actions to implement the rural land use element of the Comprehensive Plan should be found in those plans. The following general policies should form the framework for acceptable rural elements of the regional or subarea plans.

(1) The lands designated rural on the County's Generalized Land Use Map shall permit only those land uses that are compatible with the rural character of such lands and provide for a variety of rural densities and development patterns, including the use of cluster housing concepts to encourage conservation of open space and resource lands.

(2) Regional subarea comprehensive plans shall identify a range of rural densities appropriate for that region. ...

(3) ... Each regional or subarea plan shall include strategies that do not encourage development to occur in rural areas to the detriment of urban areas.

(4) New development in rural areas adjacent to designated resource lands must be compatible with the continued use of the adjacent land for resource production...

(5) A mix of land uses should be allowed in rural lands... The primary use of land in rural areas should be for rural residential and small-scale resource production or extraction uses. ...

...

Each of the Regional Plans adopted a variety of rural designations, as explained below, and applied such rural designations based on considerations of existing development, land characteristics, and logical outer boundaries, as well as the importance of maintaining a sense of fairness and public support for the GMA by ensuring that actions were taken based on demonstrable anticipated beneficial returns. Where warranted, these considerations resulted in the down-zoning of extensive areas. However, where the benefits of down-zoning would have been minimal due to existing conditions, the County used zoning designations to allow for infill pursuant to such existing conditions. Where long-standing pre-existing zoning designations had firmly established land owner expectations to certain densities, the County used zoning designations that respected such pre-existing densities, but that would preserve rural character through such techniques as clustering, flexible zoning, and transfer of development rights. To do otherwise would most assuredly have provoked accusations of takings as well as sentiments of arbitrariness and discrimination among landowners, contrary to the goals of the GMA.

Rural designations under the 1995 Comprehensive Plan and Zoning Map can be summarized as follows:

Rural designations and summarized land use description	Density (DU*/acre)	% of SDPR	% of PAPER	% of SPR	% of WPR
R20 = Very Rural Low. Very low-density residential and transition from resource lands. CCC 33.10.010	1/20	5.1	1.2	.5	
RCC5 = Rural Character Conservation 5. Cluster and very low-density residential. CCC 33.10.050	1/10** (1/4.8)		10	.1	
RCC3 = Rural Character Conservation 3. Cluster and very low-density residential. CCC 33.10.060	1/10** (1/2.4)		14.1		
RLM = Rural Low Mixed. Cluster and low-density residential. CCC 33.10.070	1/5** (1/2.4)			2.3	
R5 = Rural Low. Low-density residential. CCC 33.10.020	1/4.8	11.4	9	1.6	
RW5 = Western Region Rural Low. Low-density	1/4.8				2.5

residential in Western Region Planning Area. CCC 33.10.025					
R2 = Rural Moderate. Moderate-density residential. CCC 33.10.030	1/2.4	8.9	6.1	.4	
RW2 = Western Region Rural Moderate. Moderate-density residential in Western Region Planning Area. CCC 33.10.035					1
Lamird Designations = Land Areas of More Intense Rural Development.	>= 1/1	See September 2006 DRAFT Clallam County LAMIRDS Report			
<p>* DU = dwelling unit ** These zoning designations may provide opportunities for the land owner to increase residential density from those specified in the underlying zone through special cluster-development provisions or transfer of development rights.</p>					

Only 9.2% of the County's lands are held in rural designations, with 1.1% of those to be designated as lamirids, leaving 8.1% the County's lands in true rural densities, ranging from 1 dwelling per 2.4 acres to 1 dwelling per 20 acres. Areas of the County where parcelization at densities of 1 dwelling per 2.4 acres had already occurred by 1995 under prior rural designations, were designated for in-fill development at that density (2% of the County). In areas of the County where such parcelization was not yet prevalent by 1995, but where prior rural designations created legitimate property expectations among landowners, were designated to allow clustered development at densities of 1 dwelling per 2.4 acres, with a base density of 1 dwelling per 5 acres or 1 dwelling per 10 acres, depending upon the existing surrounding circumstances. The total area of the County providing for these cluster density incentives involves 1.4% of the County. The remaining rural lands were designed at densities ranging from 1 dwelling per 4.8 acres to 1 dwelling per 20 acres. See Maps SDPR-4, PAPR-4, SPR-4 and WPR-4, which show the location of current zones allowing (clustered) densities of up to 1 dwelling per 2.4 projected onto pre-GMA 1982 zoning maps.

Another focus of the mapping exercise to apply the new rural designations was the consideration of how future rural land development would coordinate with the protection of significant critical areas or wildlife corridors. The County Comprehensive Plan at CCC 31.02.320(2), recognizes that the management needs of stream corridors, aquifer recharge areas, watersheds, and open spaces should be consistent with the goals and policies within the generalized Comprehensive Plan, but should be developed through regional plans, which can take into account local conditions, development patterns, and community values.

Two examples are provided here of how the various Regional Plans work to provide additional protections to sensitive areas through zoning designations. For instance, the SDPR Regional Plan at CCC 31.03.195(5)(a)(ii) includes the following policy designed to conserve open space and the environment: "Discourage or prohibit higher densities adjacent to significant fisheries or wildlife habitat, near wetlands and other environmentally sensitive areas, on poorly drained soils or on steep slopes." Subsequent sections of the SDPR Regional Plan develop even more specific policies. See for instance, the section on the Dungeness-Jamestown neighborhood at CCC 31.03.465, which identifies that important wetland complexes as well as the Dungeness River are located within that neighborhood, and as a result, adopts the policy that "Land which is within or in close proximity to wetland complexes and the Dungeness River should be designated for rural low densities."

Similarly, the PAPR Regional Plan at CCC 31.04.225 includes as a goal of the Rural Character Conservation (RCC) (aka "cluster") designations, the intent to avoid inclusion of critical areas in the smaller home site lots and instead include them in the large remainder lots, as a means to provide greater protection to the critical areas. Subsequent sections in the PAPR Regional Plan again develop more specific policies. For instance, the sections on the Deer Park and Monroe Road neighborhoods at CCC 31.04.410 and 420, respectively, identify extensive "Streams, ravines, wetland complexes and erosion hazard areas" as being located within these neighborhoods, and recognize that the use of RCC zoning "would allow critical areas to be protected in large lot sizes and by homeowners' associations. To include these critical areas in small individual lots as is the case under conventional zoning would lead to loss of

rural character, diminish water quality and destroy wildlife habitat.” For an example of how the RCC zoning works to provide additional protection to critical areas in practice, see Image PAPP-2, which is discussed in detail in section IV.C(a) of this Report. Since the time that these zones were adopted as a means to protect critical areas, the County has amended its Critical Areas Ordinance to include best available science, and those amended provisions provide adequate protections from development. Nonetheless, the cluster zones continue to provide for additional open space around critical areas (which augments many critical area functions and enhances wildlife habitat and use), and they protect rural character as well.

E1. Rural lands in the SDPR. The Washington State Office of Financial Management reports that in 2005, only two counties in Washington State had a higher percentage of population age 65 and older than Clallam County. The Washington State Office of Financial Management expects this trend to continue, and that as of 2025, only three counties will have a higher percentage of population at age 65 and older. On December 26, 2006, the Seattle Post-Intelligencer reported on the phenomena of retirees and pre-retirees moving from the I-5 corridor to the Olympic Peninsula. The article reports that these people are moving to the Olympic Peninsula because they “want to make a shift in lifestyle,” and that they bring with them “a whole new economy,” not only by causing a boom in housing products, but also because they bring with them “small businesses whose products can be shipped out by small-package air shipments...or whose knowledge-based ‘products’ are shipped via an internet connection.” The article concluded that “[a]dding these residents and their businesses could provide some diversification in the Olympic Peninsula’s economy and even out some of the swings,” which accompany the natural resource economy upon which the Olympic Peninsula historically depended.

Many of these retirees and pre-retirees prefer Sequim-Dungeness Valley’s low elevation and flat land with its rain shadow and temperate climate, which has been attracting retirees and others since the 1950s. Indeed, the County’s population nearly doubled between 1950 and 1990, with much of this pre-1990 growth concentrated in the SDPR, with its close proximity to the major transportation corridor of US 101, significant natural amenities, small urban centers, and rural open spaces. The 1982 Comprehensive Plan and Zoning Map reflected this trend, with the areas in the Sequim-Dungeness Valley zoned for rural densities ranging from 1 dwelling per acre to 1 dwelling per 5 acres. By 1990, these 1982 zoning designations had resulted in significant parcelization at these densities, as well as firmly establishing landowner expectations. See Maps SDPR-4-i and SDPR-4-ii which show the location of current zones allowing densities of up to 1 dwelling per 2.4 projected onto pre-GMA 1982 zoning maps.

The County-wide Comprehensive Plan reflects the Washington State Office of Financial Management predictions that growth through in-migration will continue, and that “[w]hile there is a need for growth in Clallam County to be directed into urban areas, people moving here often prefer a more rural setting,” CCC 31.02.210, at a “suburban/rural density... free from commercial and industrial developments” which could be provided through a variety of rural zoning designations. As a result, the current SDPR Regional Plan designates two urban growth areas and certain land areas for rural infill development. In terms of the latter, the 1995 SDPR Regional Plan considered existing rural neighborhood characteristics, parcel densities, infrastructure, and previous zoning designations. As a result, lamird and moderate rural in-fill development was planned for pre-1990 neighborhoods which had already developed in the low elevation and flat Dungeness Valley near US 101 and existing services. CCC 31.03.260(7). See Map SDPR-3. These neighborhoods are interspersed with rural lands that remain characterized by low (one unit/4.8 acres) and very low (one unit/20 acres) rural densities, remaining agricultural and commercial forestry lands, and critical areas. This mixed use and density setting, the proximity to the Sequim Bay State Park, Miller Peninsula State Park, Olympic National Forest, Dungeness Wildlife Refuge, Olympic Discovery Trail, and a number of county parks, see SDPR-3, as well as the spectacular views of the Straits to the north and the Olympic Mountains to the south, provide newcomers with the rural character lifestyle they seek. Allowing for higher rural densities where such a pattern has already been established within these more sought-after and easier accessible areas in the northern portion of the SDPR serves to relieve development pressures on the larger-lot rural and resource lands in the southern portion of the SDPR, which are not only less accessible but are also more likely to contain resource lands and highly functioning critical areas. By providing the combination of UGA opportunities and infill in designated lamirds and moderate density rural lands, the County can continue to accommodate the population influx

together with the economic opportunities it brings. The County's careful designation and mapping of a variety of rural densities means it can provide rural opportunities while preserving rural character.

While the SDPR retains some areas of pre-existing higher rural densities, significant portions were in fact down-zoned with the adoption of 1995 Comprehensive Plan. The SDPR Regional Plan at CCC 31.03.270(7) states that "The 'down-zoning' of rural lands may be appropriate where it is clearly demonstrated that higher densities are inconsistent with natural and physical limitations, such as soils or roads, or where clearly desired by property owners." The Final Environmental Analysis of SDPR Regional Plan dated December 12, 1994 at page Appendix B-16, confirms that "In looking at the map showing the differences in existing and proposed and use designations, it is clear that environmental factors such as wetlands, streams, and erosion and landslide hazard areas are being considered when property is proposed for decreased density."

Prior to the adoption of the SDPR Regional Plan in 1995, the amount of rural land in the SDPR zoned at densities of 1 dwelling or more per acre was about 12,500 acres, compared to a current amount of about 5,000 acres, all of which are being designated as lamirds. Those areas now have established outer boundaries beyond which they cannot grow. Furthermore, the total amount of rural land zoned at densities of 1 dwelling or more per 2.4 acres (which was about 23,000 acres prior to the adoption of the 1995 Plan) decreased by more than 4,000 acres (to about 18,800 acres), resulting in an accompanying increase in the amount of rural land zoned at a density of 1 dwelling per 4.8 acres (now at 17,646 acres).

In sum, 61.2% of the SDPR is designated as Commercial Forest, more than double the 28.6% of the SDPR that is designated as rural. Almost 93% of the SDPR is zoned at rural or natural resource zoning designations, with 84% of the SDPR zoned at densities of 1 dwelling per 4.8 acre, or less. Map SDPR-1 clearly shows the continuing rural character of the SDPR.

E2. Rural lands in the PAPER. The PAPER serves as the gateway to Olympic National Park, most of the Straits Coast, the Pacific Coast and several native tribes. It contains the incorporated City of Port Angeles. The property outside the urban area contains a mix of land uses including forestry and rural residential. The region serves as the center of operations for processing and transporting forestry products from most of the County and provides the majority of the County's governmental, educational, and health care services.

The PAPER only has one UGA, the Port Angeles Urban Growth Area, which, at 2,865 acres, takes up 4.2% of the PAPER area. Resource and Park lands total more than half of the PAPER and rural lands total almost 45%. PAPER's rural lands are primarily located near pre-existing rural services and transportation corridors. See Map PAPER-3. According to the PAPER Regional Plan, "[t]he regions current "rural character" is characterized by large open spaces and pockets of concentrated residential development along the Strait of Juan de Fuca. Residential communities are separated by a highly mixed rural development pattern of diverse lot sizes and land uses." CCC 31.04.220(4). These concentrated rural communities are being designated as lamirds with strict outer boundaries. A desire to carry forward a diversity of rural lot sizes forms a salient part of the rural character in the PAPER. In addition, excluding lamirds, the PAPER's rural designations are consistent with maintaining an average rural density of one unit per 5 acres, but in a manner that accommodates a variety of lot sizes on the ground.

As in the SDPR, the 1982 Comprehensive Plan and Zoning Map shows the PAPER region zoned for rural densities ranging from 1 dwelling per acre to 1 dwelling per 5 acres to accommodate the growth. By 1990, extensive areas had already experienced significant parcelization according to previous development patterns and zoning designations, and these areas were designated for in-fill development. Even where significant parcelization had not yet occurred, however, attempts to down-zone these previously higher density rural areas were met with significant landowner opposition. A middle ground was reached by balancing property rights expectations with the GMA's rural land goals, with the RCC cluster provisions as a result. For example, the PAPER Regional Plan at CCC 31.04.230(2)(e)(i) and (ii) states that "Areas [previously] zoned for [one {1},] 2.4 and five (5) acre lots which have not extensively developed at this density should utilize a rural character conservation development approach to allow rural character to be preserved through retention of permanently protected pasture land and woodlots."

See Maps PAPR-4-i and PAPR-4-ii which show the location of current zones allowing (clustered) densities of up to 1 dwelling per 2.4 projected onto pre-GMA 1982 zoning maps.

The Final Environmental Analysis of PAPR Regional Plan dated June 13, 1995 at page Appendix B-22, states that “In looking at the map showing the differences in existing and proposed and use designations, it is clear that environmental factors such as wetlands, streams, and erosion and landslide hazard areas are being considered when property is proposed for decreased density. In addition, the new land use designation of Rural Character Conservation will provide for increased protection of critical areas.”

Prior to the adoption of the PAPR Regional Plan in 1995, the amount of rural land zoned at densities of 1 dwelling or more per acre was about 4,600 acres, compared to a current amount of about 2,400 acres, all of which are being designated as lamirds. The amount of rural land zoned at densities of 1 dwelling or more per 4.8 acres has been halved (from 20,519 to 10,130 acres, with the remaining acres redesignated as Rural Character Conservation with a density of 1 dwelling per 10 acres, unless clustered, in which case densities can be achieved consistent with previous zoning densities.

In sum, over 50% of the PAPR is designated as Commercial Forest, more than the 43.5% of the PAPR that is designated as rural. About 93% of the PAPR is zoned at rural or natural resource zoning designations, with 70% of the PAPR zoned at (clustered) densities of 1 dwelling per 4.8 acre or less. Map PAPR-1 clearly shows the continuing rural character of the PAPR.

E3. Rural lands in the SPR. While the population in the SPR hasn't actually decreased, growth has been minimal and occurring mostly in the region's eastern portion. The two UGAs, the Clallam Bay/Sekiu Urban Growth Area and the Joyce Urban Growth Area, are located along the primarily transportation corridor of SR 112 and together take up 1,698 acres, or .6% of the SPR. More than 80% of the SPR is designated Resource Lands. Only 5.2% of this economically depressed, isolated, and vast region is available for rural zoning, and these lands are located primarily near pre-existing rural services, the federally designated scenic byway of SR 112, state and county parks, and Olympic National Park's Lake Ozette recreational opportunities. See Map SPR-3.

Similar to the PAPR Regional Plan, the 1995 SPR Regional Plan provides at CCC 31.05.230(10)(c) that “In consideration of the property rights of people who had higher densities prior to the implementation of the Growth Management Act, mechanisms for recapturing the higher densities through cluster development have been adopted.” See Maps SPR-4-i and SPR-4-ii which show the location of current zones allowing (clustered) densities of up to 1 dwelling per 2.4 projected onto pre-GMA 1982 zoning maps.

The Final Environmental Analysis of SPR Regional Plan dated May 30, 1995 at page 14 states that “The Regional Plan proposes no significant change to the total rural land acreage..., but does contain several changes which could significantly influence rural land use patterns and lessen environmental impacts.” “The proposed changes ... should have an overall positive effect on the environment and rural character of the Straits Region.”

Prior to the adoption of the SPR Regional Plan in 1995, the amount of rural land zoned at densities of 1 dwelling or more per acre was 2,300 acres, compared to the current amount of 500 acres, all of which are being designated as lamirds. The amount of rural land zoned at densities of 1 dwelling or more per 4.8 acres has almost halved (from 9,882 to 5,822 acres) with the remaining acres redesignated as Rural Low Mixed and Rural Character Conservation with a density of 1 dwelling per 5 or 10 acres, respectively, unless clustered in which case densities can be achieved consistent with previous zoning densities.

In sum, over 80% of the SPR is designated as Commercial Forest (9.5% is under tribal jurisdiction), and only 5.2% of the SPR is designated as rural. About 86% of the SPR is zoned at rural or natural resource zoning designations, with over 83% of the SPR zoned at (clustered) densities of 1 dwelling per 4.8 acre or less. Map SPR-1 clearly shows the continuing rural character of the SPR.

E4. Rural lands in the WPR. With the sharp decline of the logging industry over the last two decades which hit the WPR especially hard, the WPR has been and continues to be in the position of having to

economically re-invent itself. Although the “west end” has many natural resources and recreational attractions, it continues to struggle in attracting new businesses and tourists. Travel continues to be difficult on the narrow and winding roads, especially in winter due to high winds, rain, and ice. The Forks area also receives an average annual rainfall of about 120 inches (10 feet), in sharp contrast to Sequim and Port Angeles, which enjoy an average annual rainfall of less than 24 inches. As a results of its lagging economy, the WPR has actually lost, and continues to lose, population since 1980.

The County-wide Comprehensive Plan at CCC 31.02.620(1) recognizes the importance of ensuring that adequate industrially-zoned lands exist to sustain economic growth, diversity and vitality throughout the County. While economic development in the WPR is appropriately and primarily directed to the Forks UGA (as may be evidenced by the location of the new Industrial Park), the Forks UGA itself consists in large part, and is almost entirely landlocked by, lands owned by large industrial timber owners, limiting other industrial/commercial development opportunities.

The County-wide Comprehensive Plan at CCC 31.02.610(6) indicates that the “amount of construction activity is an indicator of economic growth in the County.” The Clallam County Economic Development Council’s 2004 and 2005 Community Profiles indicate that there were no new housing starts in Forks from 1999 through 2002, 1 new housing start each in 2003 and 2004, and 2 new housing starts in 2005. The County-wide Comprehensive Plan at CCC 31.02.510 confirms that in the WPR “housing is difficult to obtain due to the lack of new construction,” which is both a reflection of the WPR’s stagnant economy and a major obstacle to economic redevelopment. Much of WPR’s existing housing is aging and modest. The WPR does not presently offer the types of housing sought out by the incoming population, nor does it have existing infrastructure or sufficient services for that growth. Because almost all WPR land is held as Commercial Forest or by public agencies, the “land base for private land use in this region is limited.” See WPR Regional Plan at CCC 31.06.090.

Almost 93% of the region consists of Commercial Forest Resource lands and only 5% of this economically depressed, isolated, and vast region is available for rural zoning. The WPR’s rural areas are located primarily near pre-existing rural services and transportation corridors. See WPR-3. Because of its lagging economy, limited private lands, and remoteness, more flexibility is appropriate for the WPR, consistent with the GMA Findings at RCW 36.70A.011, and as reflected in the County’s Comprehensive Plan at CCC 31.02.265. The WPR Regional Plan at CCC 31.06.100 lists as one of the principles to guide the designation of rural lands and permitted uses within the WPR the following: “(4) Recognize the limited amount of private land for development and allow for greater flexibility in development regulations while still protecting adjacent landowners from impacts caused by land uses which may be objectionable.”

The rural densities prevalent in the WPR further these land use policies. As Map WPR-3 shows, the WPR rural lands are comprised of relatively small non-contiguous areas, and many of them are either entirely or to a significant extent surrounded by Commercial Forest Resource lands, and delineated by logical outer boundaries consisting of physical features such as rivers and steep slopes, all of which ensure the rural character of these areas even at full build-out at existing densities, while at the same time preventing the possibility of sprawl, especially since expansion of any of these zones, both in size or density, would involve amendments to the Zoning Map and the Comprehensive Plan.

Prior to the adoption of the WPR Regional Plan in 1995, significantly larger tracts of land were zoned at high density rural designations. See WPR-4-i, WPR-4-ii, WPR-4-iii, and WPR-4-iv which show the location of current zones allowing densities of up to 1 dwelling per 2.4 projected onto pre-GMA 1982 zoning maps. With the adoption of the 1995 Comprehensive Plan, many thousands of acres were rezoned from Quillayute Residential (allowing 1 dwelling per half acre) to the resource zoning designation of Commercial Forestry.

In sum, 92.7% of the WPR is designated as Commercial Forest, while only about 5% of the WPR is designated as rural. Almost 98% of the WPR is zoned at rural or natural resource zoning designations, with over 95% of the WPR zoned at densities of 1 dwelling per 4.8 acre or less. Map WPR-1 clearly shows the continuing rural character of the WPR.

E5. Development restrictions. All Rural zone designations prescribe allowed, conditional, and prohibited land uses as well as density, lot sizes, width-to-depth ratios, setbacks, and development restrictions which are consistent with the stated purposes of the respective zoning designation.

E6. Flexible zoning. Flexible zoning allows for the transfer of density within the ownership boundaries subject to a proposed land division, with no new lot being created less than one acre in area, and the total number of lots determined based on the underlying zoning density. For example, a twenty (20) acre parcel is designated as Rural Low (one dwelling per 4.8 acres). This allows the owner four dwelling units. The owner decides to divide the property into two 2.5 acre lots, one five acre lot, and one ten acre lot. Further subdivision of the larger lots is prohibited, with such prohibition noted on the final plat. This flexible zoning technique helps the County achieve its goal of providing affordable housing and protecting rural character by having a variety of lot sizes scattered throughout rural areas. See e.g. SDPR Regional Plan at CCC 31.03.270(8), PAPR Regional Plan at CCC 31.04.220(10), SPR Regional Plan at CCC 31.05.230(8), and WPR Regional Plan at 33.06.110(6).

E7. Clustering. The Rural Character Conservation (“RCC”) zones and the Rural Low Mixed (RLM) zones are designed to conserve and enhance the rural character of Clallam County. The clustering requirements under these designations result in large remainder lots scattered throughout rural areas. As set forth in the PAPR Regional Plan at CCC 31.04.220(9), “[t]he large remainder lot can provide for open spaces between residences, reduces the perceived density of development, provides privacy and neighborhood identity and retains natural features, woodlots and pasture land.” Further subdivision of the large remainder lot is prohibited, with such prohibition noted on the final plat.

The cluster requirements also impose minimum lot widths, width to depth ratios, and setbacks. No more than nine adjacent lots may be clustered without providing at least 200 feet of separation between cluster areas. Other design standards such as distance from public roads, and restrictions on the number of lots allowed upon a public street, protect rural character. CCC 33.10.050 and CCC 33.10.060. As noted in the PAPR Regional Plan at CCC 31.04.220(9), these “compact, open space developments” would require less road construction, “protect critical areas, connect wildlife corridors, provide space for livestock keeping, and otherwise minimize the impacts of development on the natural systems in the watershed.”

Subdivision developments within the RCC and the RLM zones require special approval from the Clallam County Hearing Examiner. CCC 33.23.040. Both clustered and non-clustered developments must be “consistent with the spirit and intent of the Clallam County Comprehensive Plan” and “have no unreasonable adverse impact on the general public, health, safety and welfare.” Id. The Hearing Examiner may add approval conditions to assure appropriate development. Further, developments within these zones must have a visual buffer compatible to abutting low density development. Examples of how actual cluster developments sustain rural character are described in Section IV.

E8. Transfer of development rights. Another strategy for balancing property right expectations established under prior zoning designations with rural land goals is the County’s Transfer of Development Rights (TDR) program at Chapter 33.26 CCC, allowing for a transfer of density from the PAPR open space overlay area to the Port Angeles UGA and from SDPR’s agricultural areas to the Sequim UGA, with the goal allowing land owners to realize the equity in the land’s development potential without conversion to non-agricultural or non-forestry related uses.

E9. Tax incentive programs. Clallam County has adopted an Open Space Code pursuant to RCW 84.34, Open Space Taxation Act, to promote the preservation of open space, natural features, natural resources, scenic beauty and public recreation, by providing property tax relief on those eligible properties through a Current Use Assessment (CUA) Program which includes a public benefit rating system. Enrollment is possible under the Timber Land, Farm and Agricultural Conservation Land, or Open Space Land classifications. Chapter 27.08 CCC. In addition, property that is twenty or more contiguous vacant acres devoted to commercial timber production with an existing Timber Management Plan may qualify for the Forestland tax relief program under RCW 84.33,

See Tables SDPR-5, PAPR-5, SPR-5, and WPR-5 which show acres in designated forestry or open space per rural zoning designation in each of the County’s Planning Regions. Many of the remainder lots

perpetually created under the County's cluster zoning provisions are used for timber, farm, or open space, and thus qualify for, one of these programs. Examples of actual cluster developments are described in Section IV.

F. Associated development regulations.

The following additional measures govern rural development in Clallam County, helping to preserve rural character on rural lands in furtherance of GMA goals and consistent with GMA requirements:

F1. Rezone criteria. Increasing the allowed maximum density of specific parcels would require an amendment to the Zoning Map, pursuant to Chapter 33.35 CCC, requiring the applicant to demonstrate "consistency with all goals, policies, and mapping criteria of the comprehensive plan." According to the County's Comprehensive Plan, the conversion of rural areas into higher density rural designations or zoning districts will be discouraged. See i.e. CCC 31.03.270(7), CCC 31.04.230(2)(e), CCC 31.05.250 (Goal No. 6), CCC 31.05.280(Goal No. 3). An amendment to the Comprehensive Plan would require the applicant to demonstrate consistency with the "spirit and intent" of the Comprehensive Plan, the Zoning Code, and all other land-use regulations, as well as that the amendment would not be detrimental to the public health, safety, and welfare, and is necessary due to changed conditions or circumstances.

As shown in Table CC-4, of the twelve petitions dealing with requests to up-zone (to higher densities) areas of resource or non-lamird rural lands of ten acres or larger, eight have been denied and only four have been approved, since the 1995 adoption of the County's Comprehensive Plan and Zoning Map. See also Section I.C above. The County's strict rezone criteria clearly serve to contain and control rural development and reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural areas.

F2. Setbacks, buffers, etc. The visual compatibility of rural development with the surrounding rural area per RCW 36.70A.070(c)(ii) is further assured under the following development regulations:

- o Uses, setbacks, and lot sizes associated with each zoning designation. See Title 33 CCC.
- o Height limits, open space requirements, water and wastewater requirements, buffer zones, screening, size and height limits for buildings, noise, vibration, glare, heat, air or water contaminants, traffic, or other design or development standards with certain zoning designations. See Title 33 CCC.
- o Buffer requirements under Critical Areas Code and Shoreline Code provisions. See Chapter 27.12 CCC and Title 35 CCC.
- o Visual screens and buffer requirements under Landscaping Requirements that apply under specific situations. See Chapter 33.53 CCC.
- o Placement limitations for wireless communication facilities to minimize adverse impacts to visual corridors. See Chapter 33.49 CCC. .

F3. Environmental protections. The County's Comprehensive Plan sets forth specific land-use policies based on detailed local circumstances and goals (including wildlife migration corridor preservation, and wetland and habitat protections) to guide application of such rural zoning designations at a Regional and even a neighborhood basis, examples of which are provided in section II.E of this Report. In addition, the County's Critical Areas Ordinance at Chapter 27.12 CCC and Shoreline Management Code at Chapter 35.01 CCC protect environmentally sensitive areas. The CAO implements the County goal that "...the beneficial functions of critical areas be protected, and potential dangers or public costs associated with the inappropriate use of such areas be minimized by reasonable regulation of uses within, adjacent to, or directly affecting such areas." CCC 27.12.015. The CAO helps "reduce cumulative adverse impacts to water availability, water quality, wetlands, aquatic and wildlife habitat conservation areas, frequently flooded areas and geological hazardous areas." CCC 27.12.020 (14). . All of these policies and regulations together serve to protect Clallam County's natural features by promoting wise use of land. CCC 27.12.020(16).

The Western Hearing Board has commended Clallam County for doing "an excellent job of incorporating best available science . . . in its new critical areas Ord.." Protect the Peninsula's Future v. Clallam County, WWGMHB No. 00-2-0008, No. 01-2-0020 (Compliance Order, Oct. 26, 2001). In addressing

several specific directives from the Growth Board, Clallam County has continued to strengthen its Critical Areas Ordinance. See, e.g. Ord. 767 (2005) deleting a buffer exemption for Type 5 streams and amending a definition to increase critical area protections.

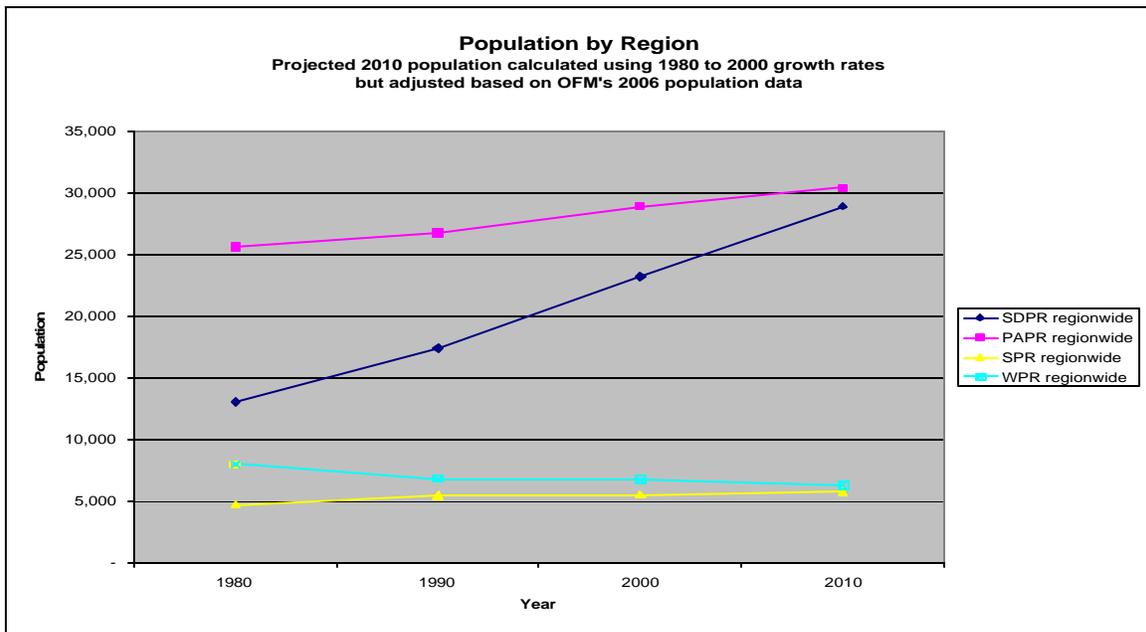
F4. Resource zone protections. Conflicts with the use of agricultural resource, commercial forestry, and mineral resource lands are minimized under the provisions of the Rights to Practice Forestry, Mining and Agriculture code, at Chapter 27.10 CCC. In addition, agriculture and timber management are allowed uses in all rural zoning designations. Certain rural zones require additional setbacks for developments occurring adjacent to resource zones, and development standards for cluster developments include specifications that remainder lots be used to buffer or augment neighboring resource or open space lands.

III. Review of Rural Land Uses Since 1995

This section reviews the effectiveness of the County's rural land element in accommodating the County's rural population growth while reducing development pressures on undeveloped areas.

A. Current growth in Clallam County.

Growth in Clallam County has continued from 1990 to 2005 in a population distribution similar to that which existed in 1990, with the population growing fastest in the SDPR, slower in the PAPR, hardly in the SPR, and actually declining in the WPR.



RLR-figure-2

B. Reducing growth pressures on outlying rural areas.

The County-wide Comprehensive Plan recognized that “[w]hile there is a need for growth in Clallam County to be directed into urban areas, people moving here often prefer a more rural setting,” CCC 31.02.210, at a “suburban/rural density... free from commercial and industrial developments” as can be provided by infill of the much sought-after and easier accessible areas, where they had already been established by 1990. Adoption of the County's GMA comprehensive plan and implementing development regulations that provided for designating existing developed rural lands as lamirds and moderate density rural areas, and providing for infill within them, has served to relieve development pressures from the remaining rural low and very low density areas and natural resource lands during the last fifteen years. These lamirds and moderate rural areas continue to be interspersed with rural low and very low areas, natural resource lands, as well as critical area corridors, all of which serve to augment the rural character lifestyle within the lamirds and moderate rural areas. Providing for a variety of rural densities that include lamirds and moderate rural areas has enabled the County to establish a precedent of denying requests to up-zone large areas of rural low, very low, or resource lands.

While the County's Comprehensive Plan allows for infill of areas already marked by high rural densities (i.e. lamirds), and in the close-in moderate and low density rural lands, the Plan also recognizes the importance of planning for intensified urban development, consistent with preserving its rural lands and rural character. See, e.g., CCC 31.01.200(1) (encouraging urban growth); CCC 31.04.125(8) (“Infill development of urban growth areas should be encouraged to take place at the maximum densities allowed”).

These policies have been successful in reducing sprawl and in protecting resource lands and more sensitive areas, despite an increase in the County's population from 56,464 in 1990 to 67,800 in 2006 (per the Washington State Office of Financial Management , which constitutes an increase of 20%, concentrated mostly in the SDPR and PAPER areas. As summarized in Table CC-4, during that time period, only 152 acres of natural resource or rural zoned lands were up-zoned (increased in density) as a result of eight unrelated petitions, involving areas ranging from .73 acres to 44.12 acres. Another 19 petitions, involving a total of 485 acres, were denied. Seven petitions, involving a total of 173 acres, requesting a down-zone (decrease in density) of natural resource or rural zoned lands were also granted.

IV. Clallam County Rural Lands and the GMA

This section reviews the rural element of the County's Comprehensive Plan and the County's associated development regulations for compliance with the GMA statute, as amended. Discussed in particular are the County's proposed designation of LAMIRDs, the County's use of a variety of rural densities, the rural character of the County's rural lands, and the County's rural services.

A. Designation of LAMIRDs.

The GMA was amended in 1997 (ESB 6094) to expand and clarify what is permitted in rural areas, and among other things, authorized "limited areas of more intensive rural development" (lamirds). Clallam County had, in effect, already designated such areas with its adoption of the 1995 Comprehensive Plan and Zoning Map. As part of its update, the County has undergone a stringent review of these areas for consistency with the GMA criteria for lamirds. These lamirds are described in more detail in the September 2006 DRAFT Clallam County Lamirds Report. Clallam County will be moving forward with formally adopting these areas as lamirds under RCW 36.70A.070(5)(d).

B. Variety of Densities.

Counties are required to provide for a variety of rural densities and uses within their rural elements per RCW 36.70A.070(5)(b). Furthermore, the GMA's other goals make bright-line density rules inappropriate. Clallam County has carefully considered its rural densities and associated regulations for continued compliance under all of the goals of the GMA, as follows:

B1. Local circumstances. As described in detail in Section II above, the County's current rural designations reflect characteristics that were already in place in 1995. These rural designations were the result of significant public process and a careful balancing of all GMA goals, and involved down-zoning of large areas. Areas of moderate (1 dwelling per 2.4 acres) and low (1 dwelling per 4.8 acres) rural densities were designated in areas of traditional settlement, in the lowlands, near the transportation corridors, and in the strip between the transportation corridor and the Strait of Juan de Fuca. As of 1995, these areas were already marked by a proliferation of smaller lots, and owner expectations were based on pre-existing zoning designations. Under the County's GMA plan, these areas were identified for infill at pre-existing densities, allowing for efficient use of existing infrastructure. At the same time, the County endeavored to separate these lamirds and moderate density rural lands as much as feasible by larger lot rural zoning, some agricultural resource lands, public ownerships, and designated wildlife corridors or sensitive areas. Lower rural densities were designated for areas with extensive critical areas, land in the foothills of the Olympic Mountains, and areas further away from transportation corridors. These lands, as of 1995, still tended to be in large ownerships and large lots.

The County has operated in compliance with the 1995 Comprehensive Plan and Zoning Map for more than ten years now. During this time, more infill within lamirds and these zoned for moderate rural densities has occurred. As Tables CC-2, SDPR-2, PAPR-2, SPR-2, and WPR-2 indicate, current average parcel sizes within the respective rural zones generally reflect the density allowed in these zones, especially in the populated SDPR and PAPR. The amount of acreage remaining in larger parcel sizes within moderate rural zoning designations is limited, and equally limited would be the benefit of down-zoning these rural areas. The cost of down-zoning these areas would far exceed the limited impact such down-zoning would have on the already well-established character of these areas. Such down-zoning would significantly reduce remaining in-fill opportunities, however, and result in a shifting of development pressures to less developed areas designated for larger rural lots and as natural resource zones. Fewer housing opportunities would take up considerably more land. Moreover, these lower density rural lands tend to be more environmentally sensitive and located further from existing infrastructure.

B2. Economic conditions. Allowing for a variety of rural densities is instrumental in ensuring affordable opportunities for local workers to both live and work in Clallam County's rural areas. Clallam County's variety of densities must be considered in light of all the County's unique circumstances, including the County's economic conditions, consistent with the GMA at RCW 36.70A.011. Natural resource lands make up the great majority of the County, and the natural resource economy continues to be a significant

element of the local economy. With much of the County's land tied up as Natural Resource lands, only limited lands are available for rural lifestyle opportunities, including for those people who work in the local natural resource economy.

Per "Growth Management at 15 – How has Affordable Housing Fared?" from Washington State University, Fall 2006, limited land availability combined with an active real estate market have been shown to be significant factors to reducing affordable housing. Indeed, per the Washington State University's Washington Center for Real Estate Research, the median home price in Clallam County increased from \$102,000 in 1995 to \$200,000 in 2005, which ranks Clallam County at #13 statewide, with median home prices higher in only 12 of Washington State's 39 counties. However, while real estate prices in Clallam County have doubled over the last ten years, median household incomes have not kept up. Per the Washington State Office of Financial Management, preliminary estimates of the Clallam County median household income for 2005 was \$40,370, which ranks Clallam County at #19 statewide, with median household incomes higher in 18 of Washington State's 39 counties.

Further down-zoning of Clallam County's already limited rural areas will even further limit rural lands. Combined with the County's lagging median household income, this would result in even greater numbers of local workers being priced out of the rural real estate market, forcing them to live in one of only a limited number of distantly spaced UGAs located large distances from their natural resource jobs, contrary to the GMA rural element goal of fostering traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas. Affordable housing is one of the GMA goals, and allowing for a variety of rural densities is one method by which the County is seeking to have affordable housing opportunities "throughout most areas of Clallam County." CCC 31.02.280; see also CCC 31.02.520.

In addition, to further the state legislative policy of encouraging development of rural businesses, contained within the GMA and other legislative enactments, Clallam County devotes funds to increase the economy of rural counties by financing public facilities that will result in new jobs through appropriate business expansion. See CCC 5.40 (Clallam County Opportunity Fund Program).

B3. Infill and rural services. The County's variety of densities has also served to enable Clallam County to deflect development pressures from its resource and large rural lots zones as discussed above. Growth in Clallam County during the last 10 years has been successfully directed to infilling areas already characterized by growth as of 1995. The great majority of Clallam County newcomers in the past several decades have been retired, and come from areas of high density and high real estate prices in search of a more rural lifestyle. Clallam County's rural lands are limited and infilling already more dense rural lands has been shown to be a successful strategy in preventing sprawl into the remaining less dense rural lands and natural resource areas. The existing variety of rural densities will enable Clallam County to continue to do the same in years to come.

Because of the high percentage of existing build-out, down-zoning would not result in any concomitant decrease in the existing level of rural services in these areas. Down-zoning would, however, limit the number of rural lots available for newcomers in these pre-existing rural developments, resulting in increased development pressures on currently vacant lands located in the more remote and environmentally sensitive areas in the foothills of the Olympic Mountains. Rural development in these outlying areas would result in a concomitant expansion of rural infrastructure and services there, such as fire stations, roads and road maintenance, and rural utilities. Many of these more remote areas are located further upstream and in the more sloped areas of the same watersheds as the pre-existing rural developments. Forcing rural development into these outlying areas would not benefit these watersheds and quite possibly involve greater impacts than infilling existing rural developments in the flat areas downstream.

B4. Property rights. Significant down-zoning occurred with the adoption of the 1995 Comprehensive Plan and Zoning Map. Most of Clallam County's current rural densities date back to at least the 1982 Comprehensive Plan and Zoning Map, with parcels within these areas divided, sold, and bought for almost 25 years now. See Maps SDPR-4, PAPR-4, SPR-4, and WPR-4. Because the existing character of these areas is already well established, and because of the high percentage of build-out already

experienced within these zones, down-zoning at this point would accomplish little to change the overall look, feel or physical intensity of development. On the other hand, however, down-zoning could have a significant impact on many individual landowners. The County must implement the GMA in a manner fair to all residents. The County also seeks to avoid eroding public support for the GMA by taking actions that would impact citizens without a demonstrated need and without significant anticipated beneficial return for the action taken. Down-zoning additional areas after all these years would most assuredly provoke accusations of takings as well as sentiments of arbitrariness and discrimination among landowners, contrary to the goals of the GMA. Down-zoning would also come at a high cost of implementation and, as a result of the high percentage of build-out already occurred within these zones, with limited benefits to the watersheds and required rural services, as discussed in the previous section.

The current Comprehensive Plan was developed based on years of work and extensive public input. The County has operated under the current Comprehensive Plan since 1995, and has established a precedent of citing the Comprehensive Plan in denying applications to up-zone large parcels of natural resource and rural lands. After much early controversy, the County has achieved a position of relative stability and acceptance regarding its existing GMA plans, which balance the benefits and impacts of growth management in a manner that complies with GMA requirements and fairly addresses diverse GMA goals.

C. Rural Character Analysis.

Clallam County has designated a variety of rural densities that work together to maintain the character and lifestyles that have long been found throughout rural Clallam County. Lamirds are designated and contained consistent with the GMA. The remaining rural areas are designated for densities ranging from very low (1 dwelling per 20 acres) to low (1 dwelling per 4.8 acres) to moderate (1 dwelling per 2.4 acres). During preparation of the 1995 Comprehensive Plan, the County carefully reviewed existing development and platting patterns within each planning region. The County then developed and applied appropriate rural land use designations area by area, to best fit the character and expectations of each. The result carries forward the very rural patchwork of densities and uses that itself is a defining element of “what is rural” in Clallam County. The rural character preserved by these designations is enhanced by rural vistas into the commercial forest lands to the south. Outreaches of those forest resource lands into the more developed northern section of the County serve to further break up the various rural zoning blocks. Similarly in the SDPR, the rural zones are interspersed with agricultural resource lands, which contribute an agrarian aspect to those rural lands.

Although the GMA always required the comprehensive plan to include a rural element providing for rural development, GMA amendments in 1997 clarified that the plan must include measures that protect the rural character of the area, as established by the County. The legislature also provided a definition of “rural character” at that time. The County has reviewed its comprehensive plan rural element and corresponding rural zoning regulations against the definition of rural character, and reviews here how it meets that definition.

According to RCW 36.70A.030(15), “‘Rural Character’ refers to the patterns of land use and development established by a County in the rural element of its comprehensive plan:

(a) **“In which open space, the natural landscape, and vegetation predominate over the built environment.”** In addition to lamirds, the County’s rural land element provides for a variety of rural densities, which range from very low (one dwelling per 20 acres) to moderate (one dwelling per 2.4 acres). Development at any of these densities results in a pattern of land use in which open space, the natural landscape, and vegetation predominate over the built environment. Take, for example, the moderate rural density of one dwelling unit per 2.4 acres.¹ Assuming uniform lot sizes consistent with the

¹ There is really no question that densities at or below one unit per five acres constitute rural densities. Because petitions to and decisions of the Growth Boards have scrutinized rural densities of greater than one unit per five acres, this rural analysis focuses on the County’s moderate and cluster designations that allow densities greater than

maximum density, the average lot would be approximately 104,544 square feet.² A lot of that size can easily contain a large home, outbuilding and/or barn, and driveway, and still the vegetated or open area of the lot would predominate over the built environment. For another perspective, compare that moderate rural lot with what is generally considered to be the low end of urban density: four units per acre. The average urban lot at four dwelling units per acre would be 10,890 square feet.³ The moderate rural lot includes almost ten times the area as that “large” urban lot. Based on a review of existing rural development in Clallam County, and under any reasonable projection of future rural residential development, the open space of a 2.4 acre rural lot will predominate over the built environment.

The attached Images are close ups of 2005 aerial photos, and confirm that open space, the natural landscape, and vegetation continue to predominate over the built environment on lots sized 2.5 acres to 5 acres in size in R2 zoned areas. For instance:

- Image SDPR-1 shows woodlots ranging in size from 2 to 3.1 acres in a R2-zone in the SDPR (those parcels less than 2.4 acres in size were created before the area was down-zoned to R2 in 1995). The natural landscape and vegetation clearly predominate over the built environment, with every home surrounded by trees. (In a somewhat counterintuitive twist, rural residential development in the previously clear-cut and farmed Dungeness Valley has actually been accompanied by a resurgence of native vegetation.)
- Image SDPR-2 shows another section of an R2 zone in the SDPR. Open space clearly predominates in these parcels, which, due in part to the temperate local climate, are capable of sustaining activities typically associated with rural lifestyles and economies, including growing small-scale crops such as lavender and flowers, or keeping horses.
- Image SDPR-5 shows yet another section of an R2 zone in the SDPR. Showing on this image are 114 lots, located between Old Olympic County Highway to the north, Vautier County Road to the east, Pinnell County Road to the south, and including all the lots partially shown to the west. These 114 lots range in size from .3 acre to 10.35 acre, total 263 acres, and average 2.31 acres in size. There is significant rural lifestyle type activity occurring in this area (including on lots which are less than 4.8 acres in size and thus not further subdividable), such as a farm stand, horses, and livestock, all of which evidence a rural lifestyle and adding to the rural character. The SDPR is particularly well suited for sustaining rural lifestyle activities and the concomitant rural character, even on smaller parcels, due to its climate and the characteristics of the land.

This area was zoned RR3 (one dwelling per acre) under the 1982 Comprehensive Plan and Zoning Map, and was downzoned to R2 (one dwelling per 2.4 acres) under the 1995 Comprehensive Plan and Zoning Map. The 73 parcels (of the 114) that are less than 2.4 acres in size were all created prior to this downzone. At this point, only 16 parcels are larger than 4.8 acres (with the largest at 10.35 acres) and thus of sufficient size to subdivide under the current R2 zoning designation (each capable of creating only one additional lot). This area is deemed appropriate for rural infill at one dwelling per 2.4 acres based on pre-existing parcelization, long-standing landowner expectations, adequacy of rural services, and the high demand by retirees and pre-retirees who are moving to this area.

In addition to the moderate, low, and very low rural density zones addressed above, twenty-five percent of the county’s rural zoning (excluding lamirds) allows for clustering. Under these zoning designations, a landowner who does not wish to cluster can develop property at a density of one dwelling per ten acres (RCC3 and RCC5) or one dwelling per five acres (RLM). An owner who chooses to cluster, however, could develop property at densities of one dwelling per 2.4 acres (RCC3 and RLM) or one dwelling per 4.8 acres (RCC5), but in the process, the owner must create a large remainder lot constituting 70% of the original parcel if the original parcel is less than 60 acres, 60% if 60 to 100 acres, or 55% if greater than

one unit per 4.8 acres. (It is noted that the GMA requires a *variety* of rural densities. Clallam County’s variety of rural designations easily meets the “variety of densities” requirement.)

² One acre = 43,560 square feet, multiplied by 2.4 acres = 104,544 SF.

³ One acre = 43,560 SF, divided by 4 = 10,890 SF.

100 acres. These large remainder lots, and the various other development standards related to clustering,⁴ ensure that open space, the natural landscape, and vegetation predominate over the built environment within a cluster development. For example:

- Image PAPER-1 shows a cluster development in a RCC3 zone. This area was zoned “RR2” (allowing for 1 dwelling per 2.5 acre) under the 1982 Comprehensive Plan and Zoning Code. With the adoption of the 1995 Comprehensive Plan and Zoning Code, this area was rezoned to RCC3 (allowing 1 dwelling per 10 acres if not clustered, or a cluster development at a density of 1 dwelling per 2.4 acres) achieve rural character in a manner that also considers the GMA goal to preserve property rights by, in part, providing options to landowners. The cluster subdivision Plat Notes for the PAPER-1 plat ensure that “notwithstanding a change in zoning”, the large remainder lot (Lot 17) “shall not be further subdivided or altered in any way which reduces its present acreage” (41.51 acres). This 40+ acre parcel will be perpetually preserved and available for open space, natural landscape, and vegetation, traditional rural-based economic opportunities, such as forestry, as well as rural landscape and wildlife habitat. This lot is currently in Designated Forest Land status.
- Image SPR-1 shows a cluster development in a RLM zone that resulted in a ten acre parcel (Lot 1) which, according to the Plat Notes, may not be further divided, making it perpetually available for open space, natural landscape, and vegetation, traditional rural-based economic opportunities, such as agriculture, as well as rural landscape and fish and wildlife habitat. This area was zoned “RR2” (allowing for 1 dwelling per 2.5 acre) under the 1982 Comprehensive Plan and Zoning Code. With the adoption of the 1995 Comprehensive Plan and Zoning Code, the area was rezoned to RLM (allowing 1 dwelling per 5 acres if not clustered, or a cluster development at a density of 1 dwelling per 2.4 acres) to balance the GMA goals of respecting property rights with maintaining rural character.

The rural character of Clallam County’s rural areas also benefits from the fact that in Clallam County, 85.9% of land is designated as Resource lands and Parks. See Maps SDPR-1, PAPER-1, SPR-1, and WPR-1. Commercial Forestry resource lands are generally located in the foothills of the Olympic Mountains while remaining Agricultural Retention lands are located among the rural lands in the lowlands. This arrangement provides residents of rural areas with the additional benefits of nearby (agricultural) open space as well as generous vistas of naturally (forested) landscaped hills and mountains.

(b) **“That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas.”** The rural element of Clallam County’s comprehensive plan sustains traditional rural lifestyles and rural-based economies on a variety of parcel sizes. Clallam County’s rural land designations and zoning, which provide for lots of 2.4 acres to 20 acres in size (or larger), or a mix of sizes in cluster zones, provide for a wide variety of rural lifestyles. Lot sizes within the moderate rural zone (one unit per 2.4 acres) allow for keeping horses or other farm animals traditionally associated with rural living. Lots 2.4 acres in size and larger allow for generous kitchen or hobby gardens and other rural cottage industries that are tied to livestock or horticulture. In fact, the temperate climate (especially in eastern Clallam County), enables rural landowners to engage in small commercial endeavors, such as lavender or berry farms, even on lots smaller than 5 acres in size. See for instance the data collected by the Clallam Conservation District for the 2006 Clallam County Farm Inventory, which is summarized in Tables CC-4 SDPR-4, PAPER-4, SPR-4, and WPR-4. In addition, see Maps SDPR-2, PAPER-2, SPR-2, and WPR-2, which show farming activities in areas where zoning allows (clustered) densities of up to 1 dwelling per 2.4 acres.

In addition, the following examples demonstrate a variety of rural lifestyles and economic pursuits enjoyed on a broad range of parcel sizes:

- Image SDPR-3 shows Grandpa’s Lavender Patch, a lavender growing operation on a 1.6 acre parcel in a R2 zone in the SDRP. This area was zoned “RR3” (allowing for 1 dwelling per acre)

³. An example of the type of cluster zone regulations that enforce rural character within cluster developments include the restriction that a maximum of nine lots may be clustered, each lot must be adjacent to the remainder lot or other open space areas, and clusters must be separated by at least 200 feet.

under the 1982 Comprehensive Plan and Zoning Code. With the adoption of the 1995 Comprehensive Plan and Zoning Code (subsequent to the parcel's creation), the area was rezoned to R2 (allowing 1 dwelling per 2.4 acres).

- Image PAPER-3 shows a llama-ranch located on a 4.7 acre parcel in a RCC5 zone in the PAPER. This area was zoned "RR1" (allowing for 1 dwelling per 5 acres) under the 1982 Comprehensive Plan and Zoning code. With the adoption of the 1995 Comprehensive Plan and Zoning Code (subsequent to the parcel's creation), the area was rezoned to RCC5 (allowing 1 dwelling per 10 acres if not clustered, or a cluster development at a density of 1 dwelling per 4.8 acres) to balance the GMA goals of respecting property rights with maintaining rural character.
- Image SPR-3 shows Salt Creek Farm, an organic vegetable growing operation on a 2.6 acre parcel in a RLM-zone in the SPR. This area was zoned "RR2" (allowing for 1 dwelling per 2.5 acre) under the 1982 Comprehensive Plan and Zoning Code. With the adoption of the 1995 Comprehensive Plan and Zoning Code (subsequent to the parcel's creation), the area was rezoned to RLM (allowing 1 dwelling per 5 acres if not clustered, or a cluster development at a density of 1 dwelling per 2.4 acres) to balance the GMA goals of respecting property rights with maintaining rural character.

People seek out a rural environment for a variety of reasons, which can include raising animals for personal use, gardening for food or hobby, augmenting family income with animal husbandry or small crop production, or simply a need or desire to live outside a dense urban setting for health, family, or personal reasons. In Clallam County, these rural lifestyles can be accommodated on an assortment of lot sizes, depending upon the particular rural experience sought. Clallam County's multiple rural designations provide for a variety of lot sizes that support the diverse rural lifestyles traditional to the County. Providing for moderate rural densities, clustering, and lamirids, keeps the rural experience available, and affordable, for a wide range of household income levels, and provides opportunities for those pursuing small-scale rural commercial endeavors as well. Larger lots and lower densities are available for rural lifestyles requiring more space. Cluster developments offer rural lifestyles on smaller lots, and provide the opportunity for an economic contribution to the large preserved lot, which may keep a rural resource business viable.

The lamirids scattered throughout the County's rural area also foster opportunities to live and work in rural areas. Some lamirids allow commercial uses and development, which provide jobs and close-in shopping opportunities for rural families. Lamirids reduce the pressure to allow for more commercial uses on other rural lands. The rich variety of Clallam County's rural opportunities is integral to its rural character and to the long term health of its rural communities. See the Clallam County Lamirids Report for more information.

(c) **"That provide visual landscapes that are traditionally found in rural areas and communities."** The County's careful review of existing rural development patterns and designation of rural zoning area by area, to best match existing land use, rural character considerations, and landowner fairness expectations, has resulted in a patchwork pattern of zones. In large part, the County recognized that prominent features of rural landscapes included a mix of lot sizes, densities, and uses, in contrast to the greater uniformity of lot size and layout that is found in urban settings. The County sought to implement rural land use designations and zoning that would carry this visual landscape forward so that future rural development would continue to include a mix of lot sizes and uses. A review of the County's rural element designations and zoning confirms that a mix of rural uses and lot sizes is permitted and occurring not only due to the collage of rural zones, but also within each zone. Thus, the County's rural element is achieving the visual landscapes traditionally found in its rural areas and communities.

For instance, areas of higher rural densities are interspersed with areas of lower densities, resource lands, and fish-bearing river corridors with their associated buffers and lower density zoning designations. Also, prior to the 1995 Comprehensive Plan, small rural neighborhoods were developed that provide a sense of rural community at various locations throughout the County. Additional small rural neighborhoods can be compatibly achieved through cluster development. Large remainder lots, lower density areas, resource lands, and river corridors serve as logical outer boundaries, limiting expansion of these small rural developments. They also contribute visual landscapes that are traditionally found in rural areas and communities. See the cluster examples discussed above. Also:

- Image SDPR-4 shows a segment of the Dungeness River corridor and a sample of the patchwork pattern of zoning that is typical in the Sequim Dungeness Valley. A drive along the main and secondary roads within this area provides the traditional rural landscapes that the County's rural element protects. This patchwork of zoning designations meets the goals of the GMA in that it serves to protect rural character, the environment, natural resource industries, and property rights, retains open space and habitat, and provides for a wide range of rural lifestyles, affordable housing, and economic development opportunities in rural areas.
- Image SPR-3 shows a sample of rural zoning in the SPR. The boundary between the R2 and RCC3 zones was drawn under the 1995 Comprehensive Plan and Zoning Map, consistent with densities that existed at that time. The R2 zoned parcels located along the Elwha Bluffs Road are part of the Elwha Bluffs subdivision that was created in 1980, with parcels ranging from 1.3 to 3.2 acres. In 1982, the area was zoned RR3 (allowing 1 dwelling per acre), and in 1995 down-zoned to R2 (one dwelling per 2.4 acres), determined to be most in keeping with the existing subdivision and density. In 1982, the area just to the west (left) was also zoned RR3, but in 1995 was down-zoned to RCC3, reflecting the larger remaining parcel sizes. The downzone used a cluster designation, which balanced landowner expectations by providing an option that preserves large lots either through straight subdivision at the lower density or by means of the large remainder lot requirement of the cluster option. The photograph shows that while most of these R2 zoned 1.3 to 3.2 acre parcels are developed, the character of the neighborhood remains definitively rural.
- Image WPR-1 shows a sample of rural zoning in the WPR. The boundaries of the TC (see lamird report), RW2 and RW5 zones were drawn under the 1995 Comprehensive Plan and Zoning Map, around parcels which had by then already been legally created at densities consistent with those designations. In fact, almost all the parcels shown were created well before 1985, with homes located thereon dating from the 1970s. Under the 1982 Comprehensive Plan and Zoning Map, these RW2 and RW5 zones were zoned QR1 (allowing 1 dwelling per ½ acre). With the adoption of the 1995 Comprehensive Plan and Zoning Map, these areas were thus substantially down-zoned, based on pre-existing densities and substantial landowner expectations. These small enclaves of rural zoning are entirely surrounded by Commercial Forest lands, with all elements of rural character clearly abounding. This sample is typical of rural zoning in the WPR.

(d) **“That are compatible with the use of the land by wildlife and for fish and wildlife habitat.”** Some of the best fisheries and wildlife viewing opportunities in the Pacific Northwest are located in Clallam County, in particular, within the 85% of the County that consists of Olympic National Park, Olympic National Forest, and public and private Commercial Forestry zoned lands. Being such a large percentage of the County, those forest and park lands also contain most of the County's critical areas. Both forest resource lands and designated critical areas policies address fish and wildlife conservation within their goals. The County designated critical areas and adopted corresponding development regulations including best available science under the GMA, which include buffers and other protections. Critical area policies and regulations provide a leading source of fish and wildlife and habitat conservation in the County. In addition, the densities and uses allowed within the rural lands in Clallam County are compatible with the use of rural lands by wildlife and for fish and wildlife habitat.

An area of emphasis when Clallam County's was preparing and applying its rural designations was compatibility with significant critical area and wildlife corridors within the County. For instance, along the Dungeness River Corridor, resource land and low density rural zoning designations were provided abutting the river to provide greater compatibility with wildlife use and fish and wildlife habitat there. See, e.g., SDPR 4, for zoning designations along the section of the Dungeness that traverses the more populated northern portion of the Sequim-Dungeness Planning Region. Additional examples of the County's incorporation of this key “compatibility” principle include:

- Siebert Creek corridor, which also serves as the boundary between the SDPR and PAPR. The areas along Siebert Creek are zoned at distinctly lower densities as other rural lands. See Figure SDPR 4 (and Map SDPR-1), Map PAPR 1.
- Map PAPR-1 also shows the forested Elwha River corridor (including Lake Aldwell and terminating at the Strait of Juan de Fuca on the tribal reservation of the Lower Elwha

S'Sklallam Tribe. Again, clearly the areas along the Elwha River are zoned at distinctly lower rural densities.

- Maps SPR-1 and WPR-1 show how significant sections of these regions' river corridors are located within Commercial Forestry lands, subject to state Forest and Fish rules.
- On Image SDPR-5, the McDonald Creek corridor and associated buffer that traverses this R2 zone adds to the rural character of this area, providing an example of how the predomination of open space, the natural landscape, and vegetation in the County's rural zones is further ensured by the limitations under the County's Critical Area Ordinance, Shoreline Management Code, and environmental health regulations, as well as the incentives under the Open Space Code and Transfer of Development rights.
- Image PAPER-2 shows another cluster development in a RCC3 zone. The cluster design resulted in 24.31 acres being designated as permanent open space, most of which located along the Bagley Creek corridor, providing for perpetual protection of the creek corridor and its associated fish and wildlife habitat, as well as providing open space, natural landscape, vegetation, and a rural landscape. The parcels to the east (right) of the cluster division were almost all created prior to the adoption of the 1995 Comprehensive Plan and Zoning Code, when the area was zoned "RR2" (allowing for 1 dwelling per 2.5 acre). With the adoption of the 1995 Comprehensive Plan and Zoning Code, this area was rezoned to RCC3 (allowing 1 dwelling per 10 acres if not clustered, or a cluster development at a density of 1 dwelling per 2.4 acres) to balance the GMA goals of respecting property rights with maintaining rural character.

These considerations implement, inter alia, the following Comprehensive Plan conservation policies:

- Ensure that land uses and densities allowed in rural areas are consistent with the need of area neighborhoods for open spaces, wildlife, peace and quiet, and the capacity of the land and water resource to handle development (CCC 31.031.195(5)(a));
- Discourage or prohibit higher densities adjacent to significant fisheries or wildlife habitat (CCC 31.03.195(5)(a)(ii));
- Minimize the public costs and potential dangers associated with inappropriate development in frequently flooded areas, geologic hazard areas, wetlands, fish and wildlife habitat, and areas with a critical recharging effect on aquifers (CCC 31.03.195(6)).

The predominance of open space and vegetation over the built environment across the rural land designations (excluding lamirds) is another prominent means for maintaining compatibility with wildlife use and fish and wildlife habitat. The restrictions on commercial uses and low residential densities allowed in Clallam County's rural areas also avoid impacts by limiting noise, light, runoff, and other impacts associated with high impact urban uses. The County also fosters development and implementation of conservation measures through its watershed planning efforts, and through coordination with the Clallam Conservation District. Collaborative efforts to educate and assist landowners to implement best management practices for farming and livestock management, whether on agricultural resource or rural lands, also enhances the compatibility of these lands with wildlife use and fish and wildlife habitat.

(e) **"That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development."** Inappropriate conversion of undeveloped land under RCW 36.70A.070(c)(i) and (iii) is prevented. Clallam County's zoning boundaries are protected by local regulations that require an amendment to the County's Zoning Map and Comprehensive Plan in order to amend a zoning designation. The R2 and RW2 zoning designations are distributed among 44 areas, which are generally bounded by rural areas of lower densities as well as Natural Resource lands and river corridors all of which serve to augment rural character as well as provide logical outer boundaries. In this manner, these moderate rural zones provide opportunities for anticipated growth in rural uses within constrained areas, consistent with the preservation of rural character. By accommodating this rural growth within the close-in, moderate growth areas, pressure is reduced on pushing rural growth out into outlying lower density rural and resource areas. This reduces the inappropriate conversion of undeveloped land into sprawling, low-density development. It also efficiently accommodates rural growth generally within the low-lying areas of the County, near existing infrastructure and rural services where rural development infill is most appropriate. See for instance, Maps SDPR-3, PAPER-3, SPR-3, and WPR-3.

In its Urban Growth Area (“UGA”) report, the County addresses strides that it and its cities are making under their respective GMA plans and regulations to encourage growth within the existing UGAs. But the fact remains that Clallam County has traditionally been, and remains, a rural county.⁵ A far greater percentage of Clallam County’s population resides in rural areas than in urban areas, and many newcomers continue to look for a type of “rural lifestyle.” The success of the County’s plan is shown when that rural growth can be accommodated by infilling rural lands already characterized by higher rural densities (lamirds) and in areas of moderate rural density (R2 and cluster zones). Clallam County has been able to successfully stave off development pressures on its Resource lands and outlying rural lands, despite having only a small percentage (9.2%) of the County’s land base allocated to rural development. Nor does the County want to discourage the tax base and economic development opportunities that come along with the significant number of retirees and pre-retirees that continue to come to Clallam County. The challenge that was posed to Clallam County, and which it has met with its rural lands element, was to accommodate rural growth in a manner consistent with rural character, and to guide it to those rural areas already characterized by lot sizes 2.4 acres in size or smaller. In those areas, the existing infrastructure and rural services are already part of the rural character and can best accommodate new development without significant expansion. By containing the moderate density rural areas within small pockets, separated by lower density areas, the diverse rural character of the County is maintained and sprawl is avoided.

(f) **“That generally do not require the extension of urban governmental services.”** The County’s lamirds and moderate rural areas are based on pre-existing settlement of the area, which developed together with the major local infrastructure. As a result, these rural areas are all located near the US 101 and SR 112 transportation corridors and associated County-wide bus services, as well as public and private airports, Olympic Discovery Trail, various County parks, and public access to water bodies and streams. They also tend to be served by well-established County and private road networks, fire protection districts, and, at times, water service districts. See Maps SDPR-3, PAPR-3, SPR-3, and WPR-3.

The County’s Comprehensive Plan defines “Rural governmental services” or “rural services” consistent with the definitions found in the GMA, as “those public services and public facilities historically and typically delivered at an intensity usually found in rural areas and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers except as otherwise authorized by RCW 36.70A.110(4).” CCC 31.02.050(33); RCW 36.70A.030(16).

The Comprehensive Plan at CCC 31.02.285 sets forth specific goals (and policies designed to achieve such goals) to encourage urban growth and discourage sprawl. These goals specifically address streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, schools, electrical lines, telecommunication lines, fire protection, law enforcement, public health, environmental protection and other governmental services.

The County’s Comprehensive Plan recognizes, however, that maintaining and even extending certain public services and facilities into rural areas may, at times, be necessary or simply efficient. “Urban type facilities such as sewers, municipal water systems, curbs, sidewalks, street lights, and public transit are generally not present, but may be sporadically located based on need or old service areas.” See CCC 31.03.260(4). The County’s Comprehensive Plan also recognizes, however, that maintaining and extending such public services and facilities into rural areas be accompanied “with standards to ensure that growth into rural areas is not encouraged over growth into urban areas.” See CCC 31.03.260(4), CCC 31.04.230, CCC 31.05.250, CCC 31.05.280. For instance, due to health concerns, the City of

⁵ See, e.g., CCC 31.03.260 for a description of past and anticipated rural growth in the Sequim-Dungeness Region.

Sequim extended its sewer services to pre-GMA's Sequim Bay Lodge, but this extension was specifically conditioned on the limitation that such extension not result in any additional connections.

Any applications for land divisions and/or building permits must comply with the County's Land Division, Building Code, and Environmental Health regulations, which require evidence of adequate water and sewage disposal. There are a number of class A water systems that service large parts of rural areas, in fact, those pre-existing systems were a consideration in designating boundaries for lamirds and areas designated for moderate rural densities. However, the County's Comprehensive Plan provides that extension or existence of public water service in designated rural lands shall not be justification for higher density than established under the Plan. See i.e. CCC 31.03.270, CCC 31.04.230, CCC 31.05.160. In this manner, these services are provided consistent with the GMA mandate against extending urban services to rural lands.

All public schools with exception of Fairview are located within UGAs. The impact of rural development on schools has not been an issue, as most of the newcomers are in fact retirees. In fact, school districts have been marred by decreased enrollment, which has resulted in the Port Angeles School District closing down one school within the last five years, with another school closure currently under consideration

(g) **“That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.”** Clallam County's rural areas are mostly located in areas of nearly flat or gently sloping terrain where development has less impact on natural surface water flows. A good portion of the County's rural lands were originally converted from forestry to agriculture, generally over a century ago, and, especially in the SDPR, have been subject to substantial irrigation for many decades. Conversion of these areas from agriculture to rural residential has actually been accompanied by vegetative plantings, and, as a result of extensive educational efforts by such local organizations as the Clallam Conservation District, these areas have been experiencing a resurgence of native vegetations and associated hydrologic functions.

In addition, surface water and ground water resources are protected per RCW 36.70A.070(c)(iv) via Chapter 27.12 CCC, Clallam County Critical Areas Ordinance which, among other things, provides for buffers to protect environmental functions as well as provides for specific protections in critical recharge areas. Further land divisions within critical aquifer recharge areas to densities exceeding 1 dwelling per 2.4 acre or involving Type 1 soils are conditioned on enhanced on-site sewage treatment that achieves >30% nitrate reduction, according to policies drafted by Clallam County Department of Health & Human Services under the authority of CCC 27.12.615 (3)(b).

Furthermore, Clallam County requires drainage plans prepared by a licensed civil engineer with all non-residential developments, multi-family residential developments, or land divisions, as well as drainage plans prior to the issuance of a building permit for either a new structure or for the enlargement of an existing structure, with all drainage plans to be approved by the Clallam County Road Department before a permit will be issued.

Finally, over the years, Clallam County has been involved in many efforts to better protect its water quality and fish habitat, including, but in no way limited to, the following:

- The County is the lead agency for WRIA 18, 19, and 20 SHB 2514 Watershed Planning efforts. Clallam County and partners (e.g., cities, tribes) have been developing watershed plans under the Watershed Protection Act (RCW 90.82) for the county's three Water Resource Inventory Areas (WRIA). The WRIA 18 Plan, which covers eastern Clallam County (includes the Dungeness and Elwha River areas) has been approved by the Clallam County Board of County Commissioners. WRIA 19 and 20 Plans covering western county watershed areas are under development. The watershed plans identify recommendations to balance human, fish, and wildlife needs for water, as well as protection and restoration of water quality and fish and wildlife habitat.
- The County coordinates and supports the extensive stream monitoring and reporting efforts by Streamkeepers of Clallam County, a group of County-trained volunteers that has monitored numerous streams County-wide from 1999 to the present.

- The County is the lead agency for the SHB 2496 SRFB salmon habitat recovery efforts, as well as the lead agency in preparation of the local chapter of the ESA-listed Puget Sound Chinook recovery plan.
- The County monitors groundwater quality, puts on septic 101 workshops, and funds a revolving loan program to repair failing septic systems.
- Clallam County is an active participant in the Clallam County Marine Resource Committee, Dungeness River Management Team, and related efforts.
- The County has sponsored a number of salmon habitat recovery projects, including the Dungeness Estuary Restoration Program, the Clallam River Habitat Assessment, and the bridge replacement project at the Jimmy-Come Lately Creek. In addition, the County has partnered on numerous additional salmon habitat recovery projects sponsored by local tribes and others.
- The County sponsored a crew which performed extensive fencing and revegetation along local creeks, including the Gray Wolf, Bell Creek, Cassalery Creek, Hurd Creek, Matriotti Creek, Meadowbrook Creek, and Siebert Creek, in conjunction with the Clallam Conservation District, Jamestown S'Klallam Tribe, Youth Conservation Corps, Siebert Creek Group, and DNR, among others.
- Through a Shoreline Block Grant, the County has been able to participate in conservation easements that protect about 375 acres of marine and freshwater riparian habitat. By leveraging the SBG, funding partners have been able to bring in over \$1.1 million for marine and freshwater riparian conservation easement efforts.
- Using its Conservation Futures Fund, the County purchased a conservation easement on forty-four acres of prime Dungeness Valley dairy farmland, so that it will be able to remain in agricultural use forever
- The County has sponsored, prepared, or substantially contributed to numerous reports and strategies for the purpose of understanding and prioritizing recovery or protection of the County's water quality and fish habitats.