

An ordinance adopting interim land use controls.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1

Purpose. This ordinance adopts official interim land use controls for lands located within the Sequim-Dungeness Regional Plan area (Chapter 31.03 Clallam County Code) including the unincorporated portion of Sequim's urban growth area, the area within the Carlsborg Rural Center, and within the rural area bordering the Sequim Urban Growth Area in order to:

1. Maintain the public health, safety and welfare.
2. Preserve options for future residential and commercial development within the Sequim urban growth area and unincorporated portions of the County, and provide adequate time to allow for the consideration and possible adoption of revised land use regulations addressing residential densities and/or appropriate commercial uses.
3. Examine options for either urban development in the area of the Carlsborg Rural Center in order to preserve existing and historical development potentials or, alternatively, to provide for changing to rural development of the Carlsborg Rural Center.

Section 2

Findings of Fact. The Board of Clallam County Commissioners finds the following facts to create a need for interim zoning:

1. The Board of Clallam County Commissioners adopted an updated Comprehensive Plan in June of 1995, and readopted the plan under the authority of the Growth Management Act in February of 1996. The plan, which includes the Sequim-Dungeness Regional Plan, indicates that:
 - a. The City of Sequim will take the lead in preparing the Comprehensive Plan relating to the unincorporated Sequim Urban Growth Area.
 - b. Certain areas outside the Sequim urban growth area should be designated at a density of one home per acre.
 - c. The Carlsborg area should contain a mix of residential development at densities of one home per one-half acre and lower and commercial development.
2. The City of Sequim filed a petition for review of the Clallam County Comprehensive Plan with the Western Growth Management Hearings Board. The petition requests that the Board determine whether densities of one home per acre or greater and regional commercial development located outside urban growth areas are consistent with the Growth Management Act.
3. The City of Sequim and Clallam County agreed to mediate the dispute before the Thurston County Dispute Resolution Center. Clallam County and the City of Sequim drafted a mutually acceptable Memorandum of Understanding during mediation that included the adoption of interim controls relating to the issues of the appeal that preserve options for the community, and would be in the public interest.

4. Should the City of Sequim and Clallam County fail to settle the petition before the Western Growth Management Hearings Board, it is possible that the Clallam County Comprehensive Plan, which represents the work of numerous citizens and an expenditure of over \$500,000 over five years, will be declared invalid.
5. The proposed ordinance would lessen the restrictions placed on affected property under the current moratorium enacted by Clallam County and would remove the moratorium on land divisions in Carlsborg and in the rural areas bordering Sequim's urban growth area.
6. The proposed ordinance, if adopted, would allow the City of Sequim to drop its current petition before the Growth Hearings Board with prejudice. The interim controls proposed in this ordinance would give the County enough time to conduct research on the implications of establishing an urban growth area in Carlsborg and to allow for a public process on issues of growth in Carlsborg.
7. The Board of Clallam County Commissioners had adopted by resolution a Memorandum of Understanding (MOU) with the City of Sequim regarding resolution of the Growth Management Petition filed by the City of Sequim and currently pending before the Western Growth Management Hearing Board (WGMHB). The goal of this MOU is to resolve the issues raised in the petition locally, rather than through the Growth Management Hearing Board.
8. This MOU states, in part, that the County will adopt interim land use controls as described in the MOU, pending "Final Resolution", which is described as "adoption by the County of permanent land use controls consistent with the above concepts, or a mutually acceptable alternative consistent with the Growth Management Act.
9. The MOU further states that "it is intended that these Interim Land Use Controls will remain in effect until replaced by permanent land use controls consistent with the above concepts, or a mutually acceptable alternative consistent with the Growth Management Act.
10. One alternative that was discussed was the adoption of an Urban Growth Area in the Carlsborg area, consistent with the requirements of the Growth Management Act.
11. The County has adhered to the agreements reached through mediation, in return for which it is the County's expectation that the City will follow through as agreed by dismissing its petition with prejudice.
12. Based on the MOU, the Growth Managment hearing on the merits was continued from June 5, 1996, to July 25, 1996, to allow time for the development of the interim land use controls and their adoption by the Board. Because of the WGMHB timeline, dismissal must be based on County adoption of interim land use controls.

Section 3

Interim Land Use Controls. The interim controls include the following actions:

1. Declares a moratorium on the acceptance of any land division applications within the unincorporated portion of the Sequim urban growth area, as identified by the Clallam County Comprehensive Plan (Title 31 Clallam County Code) and exhibit A. This moratoria would be in effect until Sequim adopts its Comprehensive Plan and Clallam County adopts zoning to implement Sequim's Comprehensive Plan.
2. The property outside of and bordering the Sequim urban growth area which is currently identified as Rural Land (R) by the Sequim-Dungeness Regional Plan and Rural (R1) by the Clallam County Zoning Code shall be redesignated in the Sequim-Dungeness Regional Plan (Title 31 Clallam County Code) as Rural Moderate (RM) and shall be rezoned to Rural Moderate (R2) by the Clallam County Zoning Code, which changes are depicted in Exhibit B.
3. The property within the Carlsborg Rural Center, identified by the Sequim-Dungeness Regional Plan (Title 31 Clallam County Code) as Urban Residential (UR) and as Urban Residential Low (URL) by the Clallam County Zoning Code shall be redesignated in the Sequim-Dungeness Regional Plan (Title 31 Clallam County Code) as Rural Land (R) and Rural (R1) by the Clallam County Zoning Code, which changes are depicted in exhibit C.
4. The property within the Carlsborg Rural Center, identified by the Sequim-Dungeness Regional Plan (Title 31 Clallam County Code) as General Commercial (C) and as General Commercial (GC) by the Clallam County Zoning Code shall be redesignated in the Sequim-Dungeness Regional Plan (Title 31 Clallam County Code) as Carlsborg Commercial (CC) and Carlsborg Commercial (CC) by the Clallam County Zoning Code, which changes are depicted in exhibit D. The Carlsborg Commercial (CC) zoning district is a new commercial zoning district within the zoning ordinance which is established below:

CARLSBORG COMMERCIAL (CC). The purpose of the Carlsborg Commercial (CC) zoning district is to provide limited, low impact, neighborhood commercial activities within the Carlsborg Rural Center.

1. Allowed Land Uses - The following land uses should be allowed outright in the Carlsborg Commercial zoning district:

- Agricultural activities
- Business parks
- Bed and breakfast inns
- Churches
- Commercial greenhouses
- Commercial storage
- Child day care center
- Duplexes
- Grocery stores
- Home based industries
- Home enterprises
- Horse arenas
- Lodges
- Medical service facilities
- Mini-child day care center
- Outdoor oriented recreational activity
- Planned unit developments
- Primitive campgrounds
- Professional offices
- Retail stores
- RV parks
- Schools
- Single family dwellings
- Small Scale Wood Manufacturing
- Taverns
- Timber harvesting
- Tourist shops
- Vehicular repair
- Veterinarian clinics/kennels
- Gas stations
- Wood manufacturing
- Limited industrial uses
- Restaurants

2. Conditional Land Uses - The following land uses should be permitted in the Carlsborg Commercial zoning district through a special permitting process with public input and a determination that the proposed use is consistent with applicable land use regulations and the character of the neighborhood:

- Asphalt plants
- Cemeteries
- Mineral extraction
- Mobile home parks
- Multiple family dwellings
- Research facilities

3. Prohibited Land Uses - The following land uses should be prohibited in the Carlsborg Commercial zoning district:

- Airports
- Motels
- Shooting ranges
- Timber labor camps
- Race tracks
- Wrecking yards

4. **Maximum Residential Density:** The maximum density for dwelling units is one dwelling unit per half acre.
5. **Minimum Lot Size:** The minimum lot area for all uses is one acre.
6. **Minimum Lot Width:** 50 feet
7. **Maximum Width to Depth Ratio:** 1/5 (0.20)
8. **Setbacks:**
 - Front yard - 45 feet from a local access street
 - 50 feet from a arterial street
 - 60 feet from a highway
 - Side yard - 10 feet (40 feet from the centerline of the right-of-way of a side street).
 - Rear yard - 15 feet (40 feet from the centerline of the right-of-way of a rear street).
9. **Other Performance Standards:**

In keeping with their rural location, retail stores, medical service facilities, lodges, professional offices, business parks, multiple family dwellings, research facilities, taverns, tourist shops, vehicular repair shops, veterinarian clinics/kennels, gas stations and other commercial or industrial land uses, with the exception of Agricultural Activities and the uses listed below, shall take place within a single building on a lot and be no larger than 5,000 square feet. Restaurants shall not exceed 3,000 square feet in size. Neighborhood scale grocery stores shall not exceed 10,000 square feet in size. Non-conforming structures whose existence preceded the adoption of this ordinance may be expanded by up to 15% in square footage or up to the square footage limit described herein, whichever is greater.
10. **Maximum Height:** The maximum height is 25 feet.

5. The Sequim-Dungeness Regional Plan (Title 31 Clallam County Code) shall be changed as follows to provide consistency with the zoning changes described above:

Section 31.03.340

Carlsborg

Note: This section of the plan addresses both the designation of Carlsborg as a Rural Center and surrounding rural residential lands (~~see neighborhood map~~).

Community Vision:

1. The twenty year vision for the Carlsborg neighborhood is for moderate ~~urban~~ urban-rural growth centered along Highway 101, village type growth along Carlsborg Road, and maintenance of rural densities and open spaces outside the core area.

Community Boundaries:

5. The Carlsborg area is described with the following two boundaries:
 - a. Carlsborg Neighborhood - generally defined as the area west of the Dungeness River, south of Old Olympic Highway, east of Kitchen-Dick Road, and north of Roupe Road.
 - b. Carlsborg Rural Center - the Carlsborg Rural Center is composed of three areas: the Carlsborg Commercial Center, Carlsborg Village Center, and ~~Urban~~ Rural Residential Center. These areas are more specifically defined as follows:
 - i. Carlsborg Commercial Center - generally defined as that area adjacent to the Highway 101 corridor between Matriotti Creek on the west and Gilbert/Taylor Cutoff Road on the east, except for that portion on the south side of Highway 101 beginning at Parkwood Mobile Home Park east to Taylor Cutoff Road (designated in the ~~urban-rural~~ residential center) and existing businesses on the east side of the intersections of Gilbert/Taylor Cutoff Road and Highway 101 (designated in the commercial center).
 - ii. Carlsborg Village Center - generally defined as that area along Carlsborg Road north of Runnion, east of Matriotti Creek, south of the abandoned railroad right-of-way (inclusive of industrial park), and no further east than the boundary of the Carlsborg Industrial Park.
 - iii. Carlsborg ~~Urban~~ Rural Residential Center - generally defined as those lands east of Matriotti Creek, west of Mill Road, south of Spath Road and north of Atterberry Road.

Land Uses: (See Land Use Map):

22. The land uses identified in the Carlsborg neighborhood land use map described below, together with the policies, shall guide development:

<i>Urban Residential</i>	Residential land use with higher density housing. 1/2 acre lots or 2 dwelling units per acre	Generally limited to the area west of Mill Road, east of Matriotti Creek, north of Atterberry (inclusive of Parkwood), and south of Runnion Road.
<i>Carlsborg Commercial</i>	Low/High intensity commercial land uses	Limited to the Highway 101 corridor and along portions of Hooker Road. No further east than Taylor Cutoff-Gilbert (except existing businesses on east side of intersection) and no further west than Matriotti Creek.
<i>Industrial (M2)</i>	Light Manufacturing	Carlsborg Industrial Park and Idea Development.
<i>Village Commercial</i>	Convenient services to neighborhood, such as stores, cafes, taverns, churches, repair service, plant nurseries, small overnight lodging facilities, etc. 1/4 acre lots; building sizes no greater than 4,000 square feet and not exceeding 25 feet in height	Along the west side of Carlsborg Road between Runnion and just south of the abandoned railroad grade. Also includes one property along Spath Road previously designated Industrial.
<i>Rural (old name RR3)</i>	Rural Residential land uses; 1 dwelling per acre density	Generally limited to the area west of Mill Road, east of Matriotti Creek, north of Atterberry (inclusive of Parkwood), and south of Runnion Road. and limited to 1) land bounded by Runnion, Mill, Gupster and Gilbert; 2) land bounded by Hwy. 101, Boyce, Atterberry, Matriotti Creek; and 3) land bounded by Hwy 101, Matriotti Creek, Runnion and Joslin.
<i>Rural Moderate (old name RR2)</i>	Rural Residential land uses; 1 dwelling per 2.4 acres density	land to the north, northeast and west of the Carlsborg Village Center.
<i>Rural Low (old name RR1)</i>	Rural Residential land uses; 1 dwelling per 4.8 acres density	lands adjacent to the Dungeness River and south of Atterberry Road
<i>Agriculture</i>	Agriculture with Cluster Residential development allowed. 20 acre minimum lot size for agriculture; 5 acre density base for residential	land north of the abandoned railroad corridor along the Dungeness River, and land adjacent to and inclusive of the Sequim Valley Airport

Land Use Statistics:

24. Overall, this neighborhood plan reduces the total area of urban zoning (commercial, industrial and urban residential) that is in the current comprehensive plan and zoning ordinance adopted in 1984 by 115 acres. The plan also reduces rural densities by reducing the land designated for one acre lots (over 900 acres) and increasing the area designated for five acre lots (over 350 acres). These changes fit the community's vision to have a small urban center with a surrounding rural development pattern at lower densities.

Amendment of Plan: This Carlsborg neighborhood plan has been developed after considerable discussion within the community setting forth the community's desires for the next twenty year period. The community does not wish to have this plan amended on a yearly basis. Sufficient land has been set aside for the expected urban and rural residential growth, and for commercial and industrial uses. The Carlsborg area should be a smaller regional community center whereas the City of Sequim should be the primary center for commercial, urban residential or industrial land uses. Based on this discussion, the following policy is adopted to implement this goal:

25. Land use designations within the Carlsborg neighborhood shall not be amended for a minimum period of ten years. At such time, this neighborhood plan may be reviewed and considered for amendment only after demonstrating that population growth rates and land supply projections did not provide sufficient urban lands within the City of Sequim Urban Growth Area to accommodate needed future growth.

Section 31.03.445

Happy Valley - Bell Hill Neighborhood

Land Use:

8. With the exception of Bell Hill, this area remains rural with a variety of rural densities. Bell Hill (Highland Hills development) is suburban in character with sewer services provided by the City of Sequim and water service by the Public Utility District. The Happy Valley community has expressed a strong interest in protecting the rural quality of the area. Varying residential densities are appropriate for this area, with the maximum density being one home per 2.4 acres, except for Bell Hill, which is appropriate for one acre densities where public sewer and water has been extended.

Section 31.03.455

Sequim - West Neighborhood

Land Use:

12. With the exception of lands along the Dungeness River, which are designated for low density rural uses (Rural Low), this area has predominantly been developed in one acre parcels or less. This rural density is appropriate for this area, as roadway systems and other public services and facilities are designed to handle this development.

Section 31.03.465

Dungeness - Jamestown Neighborhood

16. Rural residential densities within this area should be set based on natural physical boundaries and natural limitations. The following principals should apply:
- a. Land immediately north and southwest of the City of Sequim may be designated for Rural Moderate densities (one home per 2.4 acres);

Section 2. The official zoning maps of the Clallam County Zoning Code, Title 33 Clallam County Code, shall be amended by changing the classification of property use pursuant to the map attached to this ordinance and Exhibit A, as follows:

Comprehensive Plan Designation	Zoning Designation
Public Land	Public Land
I (Industrial)	LI (Light Manufacturing) or M1 (Heavy Industrial)
C (General Commercial)	GC (General Commercial)
<u>CC (Carlsborg Commercial)</u>	<u>CC (Carlsborg Commercial)</u>
RC (Rural Commercial)	RC (Rural Commercial)
UR (Urban Residential)	URL (Urban Residential Low) or URH (Urban Residential High)
RV (Rural Village)	RV (Rural Village)
CEN (Rural Center)	RN (Rural Node)
R (Rural)	R1 (Rural)
RM (Rural Moderate)	R2 (Rural Moderate)
RL (Rural Low)	R5 (Rural Low)
RVL (Rural Very Low)	R20 (Rural Very Low)
CF (Commercial Forest)	CF2 (Commercial Forest 2)
Agricultural Overlay	AR (Agricultural Residential)

Section 4

Implementation of Memorandum of Understanding Provisions for Final Regulations. This ordinance was adopted with the intent of implementing the following provisions:

- a. This ordinance was adopted with the intent of implementing the Memorandum of Understanding with the City of Sequim adopted by the Board of Clallam County Commissioners on May 28, 1996.
- b. It is intended that the interim controls pertaining to the Carlsborg area adopted by this ordinance will remain in effect until replaced by permanent controls substantially consistent with the controls adopted in the interim Ordinance, or adoption of alternative controls consistent with the Growth management Act that are mutually acceptable to the Clallam County and the City of Sequim, provided however that the County may elect at any time to adopt an urban growth area designation for the Carlsborg area. Any such urban growth area determination will be a new decision taken pursuant to the Growth management Act.
- c. It is intended that the interim controls adopted in this ordinance for the R1 areas adjacent to the Sequim Urban Growth Area will remain in effect until replaced by permanent land use controls substantially consistent with the interim controls or by alternative controls which are mutually acceptable to the City of Sequim and the County.
- d. This ordinance is not intended to modify or change the agreements contained in the Memorandum of Understanding between the City of Sequim and the County.

Section 5

Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application to other persons or circumstances shall not be affected.

Section 6

Conflict. Where other County regulations are in conflict with this ordinance, the more restrictive regulation shall apply and such application shall extend only to those specific provisions which are more restrictive.

Section 7

The Planning Division shall attach to the official Zoning and Comprehensive Plan maps located in the Auditor's Office and change the replicas of the Zoning maps located in the Clallam County Department of Community Development in accordance with this amendment.

Section 8

This ordinance shall become effective ten days after adoption.

Section 9

Termination of Ordinance. This ordinance will sunset on July 26, 1996 at 8:00 a.m. if the City of Sequim fails to drop its petition before the Western Growth Hearings Board with prejudice and Clallam County Zoning Ordinances and Comprehensive Plan language will revert to that in place prior to the Memorandum of Understanding with the City of Sequim dated May 28, 1996. Failure to drop the petition will also result in the repeal of all moratoriums in effect which implemented the Memorandum of Understanding. Should Sequim drop its petition then the provisions of this ordinance shall cease to be effective six months following the date of enactment, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period.

ADOPTED this 24th day of July, 1996

BOARD OF CLALLAM COUNTY COMMISSIONERS

" Voted no "
Phillip Kitchel, Chair

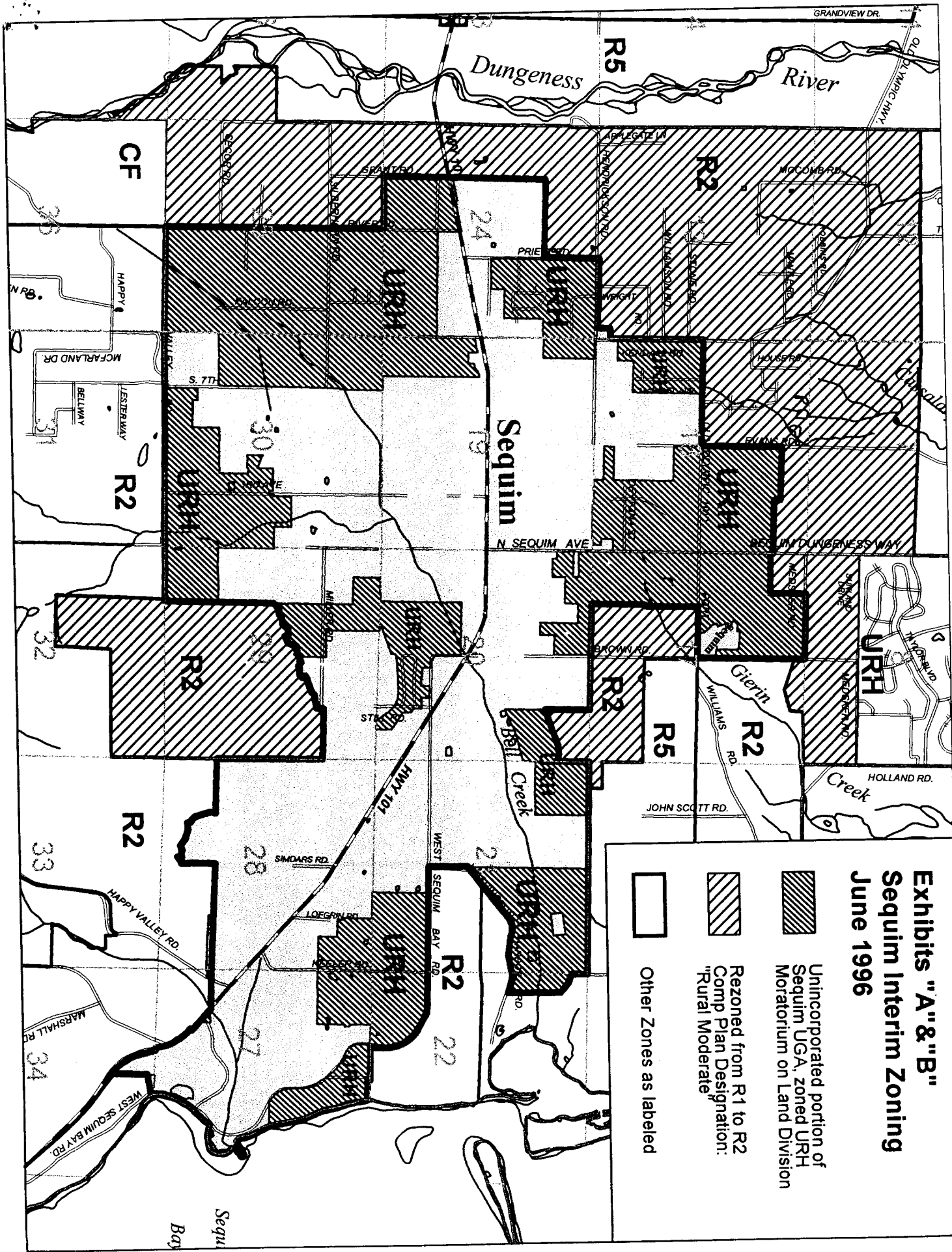
Martha M. Ireland
Martha M. Ireland

Dorothy Duncan
Dorothy Duncan




ATTEST:

Karen Flores
Karen Flores,
Clerk of the Board




cc: Community Development
minutes
file



Exhibits "A" & "B"
Sequim Interim Zoning
June 1996

-  Unincorporated portion of Sequim UGA, zoned URH Moratorium on Land Division
-  Rezoned from R1 to R2 Comp Plan Designation: "Rural Moderate"
-  Other Zones as labeled

Exhibits "C" & "D"
Carlsborg Interim Zoning
June 1996

-  Rezoned from URL to R1
Comp Plan Designation:
"Rural Land"
-  Rezoned from GC to CC
Comp Plan Designation:
"Carlsborg Commercial"
-  Other Existing Zones
as labeled, no change

