

An ordinance amending the existing Clallam County Zoning Code, Title 33 Clallam County Code pursuant to the revised Clallam County Comprehensive Plan, Title 31 Clallam County Code.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 33.03.010 Definitions.

8. Bed and Breakfast Inns. A single family dwelling on property occupied by the owner or manager which is constructed or converted partially or entirely into an overnight, short-term boarding house which does not detract from the residential appearance of the structure, and has five or fewer rooms for overnight accommodations.
9. Business Park. A commercial or industrial development supporting low intensity activities compatible with adjoining residential land uses when properly landscaped.
11. Commercial Horse Facility - A facility greater than 2,000 square feet for the commercial boarding, care, training or riding of horses. *(This definition will replace the definition of Horse Arena and will replace the term Horse Arena in every zoning district use table where it is a listed use. \*)*
25. Group Home. A facility licensed by the state which is located in a single building utilized for the full-time shelter and care of a group of unrelated people. A group home is considered to be a multiple family dwelling when it is occupied by seventeen (17) or more clients. A group home is considered to be a home enterprise when occupied by sixteen (16) or fewer clients and when consistent with the standards for a home enterprise.
31. Home Based Industry. A revenue generating enterprise which is located on a residential parcel and which generates or involves outdoor activity and/or outdoor storage of equipment or supplies.
32. Home Enterprise. A revenue generating enterprise which is conducted entirely within a dwelling and/or inside other legally existing buildings on a residential property and is subordinate to and incidental to the residential use of the dwelling.
33. Indoor Shooting Range - A facility, commercial, ~~or~~ public or private, which provides for recreational shooting and hunter education within a fully enclosed and soundproof structure which is clearly subordinate to the residential use, if applicable, of the property. *(Indoor Shooting Ranges would be allowed uses in all rural commercial and urban commercial zoning districts.)*
52. Multiple Family Dwelling. A building containing three or more dwelling units.
54. Outdoor Oriented Recreation Facilities. Buildings, land alterations, or other facilities which are intended to provide for recreational activity including, but not limited to, campgrounds, boat-launching facilities, golf courses and ballfields.
55. Outdoor Shooting Range - A facility, commercial, ~~or~~ public or private, and use, part of which occurs outdoors, which is established for the purpose of recreational shooting and hunter education/training. An outdoor shooting range includes the discharge of firearms for any lawful purposes. Accessory uses which directly relate to the use of the site as an Outdoor Shooting Range such as campgrounds and indoor retailing of shooting supplies are included.
80. Utility. A fixed, conveyance type improvement serving two or more ownership. Said improvement conveys power, gas, water, sewage, surface drainage, or communication signals. This definition does not include inter-county or inter-state transmission facilities.

\* *Italicized items are notes and will be deleted from text when adopted*

## Chapter 33.07 - Resource and Public Zones

Section 33.07.010      AGRICULTURAL OVERLAY (A). The purpose of the Agricultural overlay is to provide properties identified as agricultural lands of long term commercial significance an optional development pattern which maintains agricultural lands.

1.      **Allowed Land Uses:** The land uses allowed in the underlying zoning district are allowed outright in the Agricultural overlay, with the following additional allowed uses:
  - Agricultural activities
  - Cluster developments
  - Employee housing<sup>1</sup>
  - Mineral extraction
2.      **Conditional Land Uses:** The land uses allowed as a conditional use in the underlying zoning district are allowed as a conditional use in the Agricultural overlay.
3.      **Prohibited Land Uses:** The land uses prohibited in the underlying zoning district are prohibited in the Agricultural overlay.
4.      **Maximum Residential Density:** The density is established by the underlying zoning district.
5.      **Minimum Lot Size:** The minimum lot size is established by the cluster development.
6.      **Setbacks:** The setbacks are established by the underlying zoning district.

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<sup>1</sup> Employee housing for farm workers is not subject to the density standards of the underlying zoning district, does not require a subdivision of land, and is subject to all applicable building and health codes.

COMMERCIAL FOREST (CF). The purpose of the Commercial Forest zone is to protect large forest land parcels from encroachment of uses which threaten effective forest management practices.

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

- Agricultural activities
- Communication Relay Facilities
- Mineral extraction
- Primitive campgrounds
- RV Parks in the western half of the straits regional comprehensive planning area
- Timber harvesting
- Timber labor camps
- Single family dwellings<sup>2</sup>
- Industrial Land Uses

2. Conditional Land Uses - The following land uses should be permitted in the Commercial Forest 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:

- |                         |                                      |
|-------------------------|--------------------------------------|
| Family child care home  | Wood manufacturing                   |
| Home based industries   | Commercial Horse Facilities          |
| Home enterprises        | Outdoor Oriented Recreation Facility |
| Research facilities     | Asphalt plants                       |
| Single Family Dwellings | <u>RV parks</u>                      |
| Outdoor Shooting ranges |                                      |

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

- |                            |                              |
|----------------------------|------------------------------|
| Airports                   | Race tracks                  |
| Business parks             | Restaurants                  |
| Churches                   | Retail stores                |
| Commercial storage         | Taverns                      |
| Child day care center      | Tourist shops                |
| Duplexes                   | Vehicular repair             |
| Gas stations               | Veterinarian clinics/kennels |
| Grocery stores             | Wrecking yards               |
| Lodges                     | Commercial greenhouses       |
| Medical service facilities | Planned unit developments    |
| Mobile home parks          | <u>RV parks</u>              |
| Motels                     | Bed and breakfast inns       |
| Multiple family dwellings  | Cemeteries                   |
| Professional offices       | Schools                      |

4. Maximum Residential Density: One dwelling unit per 80 acres or 1/8 of a standard section subdivision.

5. Minimum Lot Size: The minimum lot size for dwelling units is 80 acres.

6. Maximum Lot Width to Depth Ratio: 1 to 4

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<sup>2</sup> On lots which were not part of an ownership of more than 640 acres located in the Commercial Forest zoning district, on June 27, 1995.

7. Setbacks:

Front, Side and Rear yard - 130 feet, unless the lot is less than 10 acres in size and was legally created prior to June 27, 1995, in which case the setbacks are 50 feet.

8. Other Performance Standards:

Land use activities allowed through a conditional permit should not be permitted unless the proposed activity is compatible with long term timber management activities.

The roofs of all single family dwellings located in a commercial forest zoning district shall be of non-combustible materials. A 30 foot buffer, cleared of all combustible materials, shall be maintained around the dwelling and all trees capable of falling on the dwelling shall be removed.

Verification that the property owner has legal access to the property shall be provided to Clallam County prior to issuance of any permits for single family dwellings within a commercial forest zoning district.

Allowed industrial uses are those which can not be sited in urban areas or rural industrial zones due to noise, odor, or operational characteristics. When locating in the Commercial Forest zoning district, these uses must meet the following standards:

- a. Be self contained in that extension of infrastructure is the minimum necessary to serve the facility and that no municipal sewer or water will be provided.
- b. Require no upgrade to existing roads
- c. Be located, if possible, at least one half (1/2) mile, but not less than one quarter (1/4) mile from the edge of the Commercial Forest boundary
- d. Occupy no more than five (5) acres out of an 80 acre forested parcel.

Outdoor Shooting Ranges locating in the Commercial Forest zoning district must meet the following standards as minimum requirements for granting a conditional use permit:

- a. Be self contained in that extension of infrastructure is the minimum necessary to serve the facility and that no municipal sewer or water will be provided.
- b. Require only upgrades to existing roads for safety reasons and have clear access rights to roads.
- c. Be located, if possible, at least one-half (1/2) mile, but not less than one quarter (1/4) mile from the edge of the Commercial Forest boundary to reduce noise impacts.
- d. All shooting areas must be designed so that spent shot or projectiles land well within the outer boundaries of the parcel.
- e. Any combination of clubhouse, indoor shooting range, or outbuildings is less than 10,000 square feet in total footprint. (Larger multi-use facilities are provided for as a Master Planned Resort.)
- f. Campgrounds provided for in the definition of Outdoor Shooting Ranges includes RV campgrounds for overnight use without hookups.

COMMERCIAL FOREST/MIXED USE 20 (CFM20). The purpose of the Commercial Forest/Residential Mixed Use 20 Zone is to maintain and enhance the forest resources of Clallam County through conservation of productive forest lands and discouragement of incompatible land uses. The Commercial Forest/Residential Mixed Use 20 Zone provides for a compatible mix of commercial forest and residential land uses. The Commercial Forest/Residential Mixed Use 20 Zone is usually found in association with the Commercial Forest Zone and the forest reserves provided for under the cluster development option provide a buffer between Commercial Forest Zoning and the housing allowed in the CFM zones and adjacent rural residential zones.

1. Allowed Land Uses: The following land uses should be allowed outright in the Commercial Forest/Residential Mixed Use 20 zoning district:

Agricultural activities	Home enterprises
Cluster developments	Water extraction facilities.
Commercial greenhouse (wholesale)	Fish and wildlife management structures and activities.
Communication relay facilities	Forest or ecological research facilities and related educational facilities.
Mineral extraction	Power generating facilities having a capacity of not more than 5 megawatts.
Primitive campgrounds	RV Park
Timber harvesting	
Single family dwellings	
Family Day Care	

2. Conditional Land Uses: The following land uses should be allowed in the Commercial Forest/Residential Mixed Use 20 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 Plant	School
Bed and Breakfasts	Timber Labor Camp
Cemetery	Veterinary clinics/kennels
Church	Wood manufacturing
Commercial greenhouse (retail)	Outdoor Oriented Recreation Facility
Home based industries	Outdoor Shooting Ranges
Commercial Horse Facility	Race Tracks
Lodge	

3. Prohibited Land Uses: The following land uses should be prohibited in the Commercial Forest/Residential Mixed Use 20 zoning district:

Airports	Multiple family dwellings
Business parks	Planned Unit Development
Commercial storage	Professional offices
Child day care center	Restaurants
Duplexes	Retail stores
Gas stations	Taverns
Grocery stores	Tourist shops
Medical service facilities	Vehicular repair
mobile home parks	Wrecking yards
Motels	

4. Maximum Residential Density: One dwelling unit per 19.6 acres.

5. Minimum Lot Size: 5 acres.

6. Maximum Lot Size: 10 acres, provided that a single forest reserve lot within a land division is allowed on divisions of 40 acres or greater. The forest reserve lot shall be located so as to buffer commercial forest lands and the smaller lots in the land division.
7. Minimum Lot Width: 75 feet
8. Maximum Width to Depth Ratio: 1/5 (0.20)
9. Setbacks: The setbacks are established by the underlying zoning district.
  - Front yard - 45 feet from a local access street
  - 50 feet from an 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).

*(The Planning Commission forwarded no recommendation on the proposed changes to the CFM-5 zoning district.)*

Section 33.07.040 COMMERCIAL FOREST/MIXED USE 5 (CFM5). The purpose of the Commercial Forest/Residential Mixed Use 5 Zone is to maintain and enhance the forest resources of Clallam County through conservation of productive forest lands and discouragement of incompatible land uses. The Commercial Forest/Residential Mixed Use 5 Zone provides for a compatible mix of commercial forest and residential land uses. The Commercial Forest/Residential Mixed Use 5 Zone is usually found in association with the Commercial Forest Zone and the forest reserves provided for under the cluster development option provide a buffer between Commercial Forest Zoning and the housing allowed in the CFM zones and adjacent rural residential zones.

1. Allowed Land Uses: The following land uses should be allowed outright in the Commercial Forest/Residential Mixed Use 5 zoning district:
 

<ul style="list-style-type: none"> <li>Agricultural activities</li> <li>Cluster developments</li> <li>Commercial greenhouse (wholesale)</li> <li>Communication relay facilities</li> <li>Mineral extraction</li> <li>Primitive campgrounds</li> <li>Timber harvesting</li> <li>Single family dwellings</li> <li>Family Day Care</li> </ul>	<ul style="list-style-type: none"> <li>Home enterprises</li> <li>Water extraction facilities.</li> <li>Fish and wildlife management structures and activities.</li> <li>Forest or ecological research facilities and related educational facilities.</li> <li>Power generating facilities having a capacity of not more than 5 megawatts.</li> <li>RV Park</li> </ul>
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2. Conditional Land Uses: The following land uses should be allowed in the Commercial Forest/Residential Mixed Use 5 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:
 

<ul style="list-style-type: none"> <li>Asphalt Plant</li> <li>Bed and Breakfasts</li> <li>Cemetery</li> <li>Church</li> <li>Commercial Greenhouse (retail)</li> <li>Home based industries</li> <li>Commercial Horse Facility</li> </ul>	<ul style="list-style-type: none"> <li>Lodge</li> <li><u>Outdoor Oriented Recreation Facility</u></li> <li>School</li> <li>Timber Labor Camp</li> <li>Veterinary clinics/kennels</li> <li>Wood manufacturing</li> </ul>
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3. Prohibited Land Uses: The following land uses should be prohibited in the Commercial Forest/Residential Mixed Use 5 zoning district:

Airports	Outdoor-Oriented Recreation Facility
Business parks	Planned Unit Development
Commercial storage	Professional offices
Child day care center	Race tracks
Duplexes	Restaurants
Gas stations	Retail stores
Grocery stores	Shooting ranges
Medical service facilities	Taverns
Mobile home parks	Tourist shops
Motels	Vehicular repair
Multiple family dwellings	Wrecking yards

4. Maximum Residential Density: One dwelling unit per 4.8 acres.
5. Minimum Lot Size: One acre.
6. Maximum Lot Size: 2.5 acres, provided that a single forest reserve lot within a land division is allowed on divisions of 40 acres or greater. The forest reserve lot shall be located so as to buffer commercial forest lands and the smaller lots in the land division.
7. Minimum Lot Width: 75 feet
8. Maximum Width to Depth Ratio: 1/5 (0.20)
9. Setbacks: The setbacks are established by the underlying zoning district.
- Front yard - 45 feet from a local access street
  - 50 feet from an 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).

Section 33.07.050 PUBLIC LAND (P). The purpose of the Public Land Use zoning district is to identify properties used for public purposes such as public buildings, schools, cemeteries, parks, playgrounds and recreational areas.

All new uses on public land zoning districts shall be conditional. They shall go through the conditional use permitting process with public input and a determination that the proposed use is appropriate and compatible with neighboring land use and/or includes mitigation that make it an acceptable use.

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

- Agricultural activities
- Timber harvesting
- Outdoor-oriented recreational activities

2. ~~Conditional Land Uses~~ - The following land uses should be permitted in the Public Land 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:

- |                        |  |
|------------------------|--|
| Airports               | Private outdoor-oriented recreational activities |
| Bed and breakfast inns | Public buildings                                 |
| Cemeteries             | Schools  |
| Horse arenas           | Race tracks                                      |
| Lodges                 | Restaurants                                      |
| Mineral extraction     | RV parks   |
| Research facilities    |  |

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

- |                           |                              |
|---------------------------|------------------------------|
| Asphalt plants            | Grocery stores               |
| Business parks            | Medical service facilities   |
| Churches                  | Motels                       |
| Commercial greenhouses    | Professional offices         |
| Commercial storage        | Retail stores                |
| Child day care center     | Shooting ranges              |
| Duplexes                  | Single family dwellings      |
| Family child care home    | Taverns                      |
| Home enterprises          | Timber labor camps           |
| Home based industries     | Tourist shops                |
| Mobile home parks         | Vehicular repair             |
| Multiple family dwellings | Veterinarian clinics/kennels |
| Planned unit developments | Wood manufacturing           |
| Gas stations              | Wrecking yards               |

14. Maximum Residential Density: One single family dwelling for a caretaker.

25. Minimum Lot Size: The minimum necessary to provide adequate potable water and sewage disposal for the proposed use.

36. Setbacks:

Front yard - 45 feet from a local access street

50 feet from a arterial street

60 feet from a highway



Side yard - 8 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).

**Note: See also map change for Airport Overlay Zone on last page.**

Section 33.07.060 AIRPORT OVERLAY DISTRICT. The purpose of the airport overlay district is to allow airport related uses in rural areas around pre-existing public and private airports. The airport must remain as the primary use in this district with airport related accessory uses providing support for the continued viability of the airport.

1. Allowed Land Uses - The following land uses should be allowed outright in the Airport Overlay District:

- Airports
- All land uses allowed in the underlying zoning district.
- Agricultural activities
- Aircraft Hangers (<24,000 square feet)
- Aircraft Sales and Service
- Aircraft Related Industrial (<10,000 square feet)
- Aircraft Related Retail
- Public buildings
- Aircraft Related Retail stores<sup>2</sup>

2. Conditional Land Uses - The following land uses should be permitted in the airport overlay 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:

- Aircraft Hangers (>24,000 square feet)
- Aircraft Related Industrial (>10,000 square feet)
- Outdoor Oriented Recreation Facilities
- Motels (20 units maximum)
- Professional offices
- Research facilities

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<sup>2</sup> ~~Retail stores of less than 10,000 square feet which provide goods and services relating to providing airport services such as, but not limited to, aircraft sales and service, restaurants, and aircraft hangers.~~

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

Asphalt plants	Medical service facilities
Business parks	Mineral extraction
Bed and breakfast inns	Motels
Cemeteries	Professional offices
Churches	Private outdoor oriented recreational activities
Commercial greenhouses	Race tracks
Commercial storage	Research facilities
Child day care center	Retail stores
Duplexes	RV parks
Home enterprises	Schools
Home based industries	Single family dwellings
Family child care home	Timber harvesting
Lodges	Taverns
Mobile home parks	Timber labor camps
Multiple family dwellings	Tourist shops
Outdoor-oriented recreational activities	Vehicular repair
Planned unit developments	Veterinarian clinics/kennels
Gas stations	Wood manufacturing
Grocery stores	Wrecking yards
Commercial Horse Facility	

4. Other Performance Standards:

In keeping with their rural location, airport related retail stores, aircraft sales and service buildings, professional offices, public buildings, research facilities and buildings associated with Outdoor Oriented Recreation Facilities shall be no larger than 6,500 square feet. Airport related restaurants shall be no larger than 3,000 square feet.

### Chapter 33.10 - Rural Zones

- 1) For the Rural Very Low Density Zoning District (R-20) make Outdoor Shooting Ranges, Race tracks, RV parks, Wood manufacturing (small Scale) conditional land uses. For the Rural Low (R-5) Zoning District make Wood manufacturing (small Scale) a conditional land use.
- 2) Eliminate item 9.d for zones RCC5 and RCC3.

Elimination of item 9.d requires item item 9.ci and 9.ciii to be rewritten as follows:

- c. Minimum Lot Size (remainder lots):
  - ii. Parcels less than 60 acres in area -  
Seventy percent (70%) of the gross parcel size before development.

3) In RCC5, RCC3, and RLM amend item 9.j as follows:

- j. Lots within the cluster portion of the development must meet the following minimum standards:
  - i. No more than 9 adjacent lots may be clustered without providing at least 200 feet of separation between cluster areas.
  - ii. No lot area shall contain more than 20% of any floodplain, wetlands, landslide hazard areas, or areas within an Open Space Overlay Corridor.
  - iii. There shall be not more than two lots for every 1,000 feet of frontage along a public street, provided that parcels with less than 1,000 feet of frontage may have two frontage lots.
  - iv. Each lot shall be adjacent to the remainder lot or other open space areas.
  - v. No lot shall be located closer than 100 feet to a public road, unless the development creates fewer than 5 lots.
  - vi. Alternative designs may be allowed if they are determined to provide design substantially equivalent to standards j.i through j.v and would also reduce impacts on existing residences to a greater extent than these standards.

### Chapter 33.13 - Urban Zones

Section 33.13.050 URBAN VERY LOW DENSITY/URBAN LOW DENSITY (VLD/LD)

1) Change last sentence of 33.13.050, item 8 as follows:

A sales agreement will document the number and location of the development rights being transferred.

Section 33.13.070 OPEN SPACE OVERLAY/OPEN SPACE CORRIDORS (OS)

2) Change Section 33.13.070 as follows:

OPEN SPACE OVERLAY/OPEN SPACE CORRIDORS (OS). The purpose of the Open Space Overlay zoning district and the Open Space Overlay Corridor is to identify areas which have development rights which may be purchased in order to further protect the critical areas or habitats identified by these overlay designations. Land Uses, densities, lot sizes and setbacks are those allowed in the underlying zoning district. A development right in an Open Space Overlay/Open Space Corridors is established by the density of development allowed in the underlying zoning district. For example, every 5 acres of land in a Rural Low (R5) zoning district within an Open Space Overlay district or an Open Space Overlay Corridor has one development right. These development rights may be purchased as specified in Section 33.13.050 (8).

## Chapter 33.15 - Commercial Zones

- 1) Section 33.15.010 In **RC** allowed Land Uses, change "Mini-child day care center" to "Child day care center."
- 2) Retain item 9 for **RC** zoning.
- 3) Section 33.15.030 Amend **GC** zone, item 7 as follows:
  7. Other Performance Standards:

In keeping with their rural location, all uses shall be limited to a single structure no larger than 20,000 square feet. Motels shall be smaller than 60 units in size.

One dwelling unit is allowed in conjunction with a business in this zone.
- 4) Section 33.15.060 Amend **RLC** zone, item 8 as follows:
  8. Other Performance Standards:

Neighborhood scale grocery stores, retail uses and professional offices shall be no larger than 10,000 square feet.

Access to businesses or industrial uses should be from frontage roads to limit traffic impacts to Scenic Highway 101.

One dwelling unit is allowed in conjunction with a business in this zone.
- 5) Section 33.15.080 Amend **URC** zone as follows:

**URBAN REGIONAL COMMERCIAL (URC).** The purpose of the Urban Regional Commercial zone is to allow for large scale malls, retail stores entertainment complexes or auto malls which sell commercial goods, entertainment and services to the entire region. Minimum lot sizes are large for existing lots over 5 acres in size in order to preserve the large lot sizes required by large scale regional serving businesses. One dwelling unit is allowed in conjunction with a business in this zone.

## Chapter 33.33 - Review of Administrator's Action

- 1) Amend as follows:

Section 33.33.010. **REVIEW OF ADMINISTRATOR'S ACTION - APPLICATION.** Unless appeal procedures are specified elsewhere in this title, the Hearing Examiner may review any interpretation of the provisions of this regulation made by the Administrator and any order, requirement, decision or determination relating thereto made by the Administrator in the application of the specific provisions in this regulation to any parcel, structure or use. The Hearing Examiner may affirm or reverse the interpretation of the provisions of this regulation by the Administrator and any order, requirement decision, or determination relating thereto. The Hearing Examiner's decision may be appealed to Superior Court.

Section 33.33.020. HEARING EXAMINER ACTION - GUIDELINES. The Hearing Examiner shall interpret the provisions of this regulation in such a way as to carry out the intent and purpose of this regulation. Where further clarification is needed, the Hearing Examiner shall follow the spirit and intent of the Comprehensive Plan in reaching its decision. Legal advice of the County Prosecuting Attorney may be solicited and considered during its deliberation.

## Chapter 33.47 - Home Enterprise and Home Based Industry Standards

Section 33.47.010 HOME ENTERPRISE MINIMUM STANDARDS. Home enterprises locating in non-commercial, non-industrial zones are subject to the following minimum standards:

1. The home enterprise is carried on entirely within legally constructed structures on the property and is clearly subordinate to the residential use.
2. The operator of the business lives in the residential structure as his or her primary residence.
3. The business is operated in a manner as to not give any-outward appearances or manifest characteristics of a business other than the display of an information sign as provided in item (7) below.
4. There are no displays or storage of salvage materials, finished or partially finished merchandise outside of the structure. Additionally, if the business involves work with vehicles or machinery, there shall be no storage or work performed on such vehicles or machinery outside the structure(s).
5. The business does not involve equipment operations or processes which introduce noise, smoke, dust, fumes, vibrations, odors, glare or other nuisance characteristics or hazards beyond those associated with the normal residence which can be detected off premise or in some way adversely effect neighboring property.
6. The business does not increase local vehicular traffic beyond what could be reasonably expected from other legal uses of the residential property.
7. Only one sign is used for identification purposes and is attached to the residential structure, provided that if the sign cannot be seen from the road if attached to the house, and cannot reasonably serve as identification because of special features like unusually deep setbacks, extensive vegetative buffering or other features, the sign may be placed in the front yard or along the fronting road. Such sign is unlighted and does not exceed six square feet.
8. On-premises parking of vehicles associated with the Home Enterprise shall not be construed as a significant outdoor activity provided the number and size of the vehicles does not exceed what could be reasonably expected to be generated by other legal uses of the residential property. Only one vehicle with an axle rating greater than 30,000 pounds may be parked outside when associated with a home enterprise or home based industry, except that additional vehicles may be allowed when they are not readily visible. A business which maintains an in-home office, but conducts all other operations off-site, may designate one vehicle of any size (i.e. a logging truck or moving van) as a commuter vehicle which may be legally parked on the residential parcel, providing it does not infringe on public or private roadways.

Section 33.47.020 HOME BASED INDUSTRY MINIMUM STANDARDS. To receive a conditional use permit to operate in non-commercial, non-industrial zones, the operation must conform to the following minimum standards:

1. The home industry is clearly subordinate to the residential use of the property. The business is consistent with the standards found in Section 33.47.010 (2) through (8) for a home enterprise.
2. The operator of the business lives on the parcel as his/her primary residence.

3. Outdoor activity and/or storage associated with the business is not readily visible screened from neighboring residences or public roads, or is such that it does not detract from the residential character of the neighborhood.

## Chapter 33.50 - Accessory Dwelling Units Standards

Section 33.50.010      ACCESSORY DWELLING UNITS. In all zones an accessory dwelling unit is permitted subject to the following requirements:

1. The rural property on which the accessory dwelling is located is at least one and one-half (1 1/2) acres unless served by a community sewage disposal system and property located within an urban growth area which is large enough to support more than one dwelling unit without violating the maximum residential density of the urban zone.
2. The single family dwelling within which an accessory dwelling is located must have at least 1,200 square feet of gross floor area, exclusive of garage space.
3. The total floor area of a separate structure utilized for an accessory dwelling unit shall not exceed ~~4450~~ 1,250 square feet. This shall include areas for closets, bathrooms, lofts, or second stories and kitchens, but shall not include areas for garages, shops, or other non-living areas.

## Chapter 33.53 - Landscaping Requirements

### Section 33.53.010 LANDSCAPING DEFINITIONS.

1. Visual Screen - Evergreen and deciduous trees (no more than 50% deciduous) planted 20 feet on center, two shrubs planted between each pair of trees, groundcover, and a solid fence of new materials.
2. Visual Buffer - Evergreen and deciduous trees (no more than 75% deciduous) planted 30 feet on center, two shrubs planted between each pair of trees, and groundcover.

### Section 33.53.020 PLANT STANDARDS.

1. Deciduous trees must be 1 1/2 inches diameter at breast height (4.5 feet from ground level) and must have a survivability rate of 100 percent after one year and 80% after two years of planting.
2. Evergreen trees must be four feet in height and may be either broadleaf or conifer and must have a survivability rate of 100 percent after one year and 80% after two years of planting.
3. Ground cover is low evergreen or deciduous plantings at three foot spacing in all directions.
4. Shrubs must be a minimum of 30 inches in height or four gallons and must have a survivability rate of 100 percent after one year and 80% after two years of planting.
5. The retention of existing natural vegetation in place of new plants is encouraged and allowed.

### Section 33.53.030 SCREENING STANDARDS.

1. New or expanding commercial or industrial land uses within commercial or industrial zones shall provide a 10 foot visual buffer along all street frontages and a 10 foot visual screen along any property line abutting a residential zoning district.
2. New or expanding commercial or industrial land uses operating under a conditional use permit in a residential zoning district shall provide a 5 foot visual screen along all street frontages and a 5 foot visual buffer along all other property lines.
3. New multi-family dwellings over 4 dwelling units shall provide a 5 foot visual buffer along all street frontages.

### Section 33.53.040 ALTERNATIVE DESIGNS.

Alternative designs may be allowed if, upon review by the Hearing Officer, they are determined to provide landscaping substantially equivalent to the above standards.

## Chapter 33.59 - Enforcement

Section 33.59.010 ENFORCEMENT. The purpose of this chapter is to establish procedures for enforcing the provisions of this title, the Clallam County Zoning Code.

Section 33.59.020 DEFINITIONS. As used in this chapter, unless the context otherwise requires, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this chapter shall carry the meanings as specified in Webster's New Collegiate Dictionary.

1. Administrative Warrant - A warrant to enter private property issued by a Court of Competent Jurisdiction based on probable cause to believe that a violation of county regulations has occurred.
2. Permit - Any permit required pursuant to this title, the Clallam County Zoning Code.
3. Property Owner - The title owner of a parcel of land, as defined by the Clallam County Zoning Code, Title 33 Clallam County Code.

Section 33.59.030      **RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce the provisions of this title, the Administrator may enter such structure, property, or portions thereof at all reasonable times to inspect the same. The Administrator may enter such structure, property, or portions thereof by appointment when the owner or owner's agent can be present, if they wish to be, except that if such an appointment cannot be arranged within a reasonable period of time, the administrator may enter the premises upon issuance of an administrative warrant.

Section 33.59.040      **ORDER TO CEASE AND DESIST.** The Administrator shall have the authority to serve upon a property owner a cease and desist order if an activity being undertaken on property within Clallam County is in violation of this title, the Clallam County Zoning Code.

1. Content of order. The order shall set forth and contain:
  - a. A description of the specific nature, extent, and time of violation; and
  - b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time period. A civil penalty pursuant to Section 33.59.050 may be issued with the order.
  - c. Where a notice in writing is served to require corrective action, the administrator shall specify that corrective action must be initiated within 30 days of notification and completed within a specified time period established by the Administrator.
2. Notice of order. An order to cease and desist shall be imposed by a notice in writing, either by personal service or by certified mail with return receipt requested, to the person incurring the same from the Administrator.
3. Effective date. The cease and desist order issued under this section shall become effective immediately upon service upon the person to whom the order is directed.
4. Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

Section 33.59.050      **CIVIL PENALTY.** A person who fails to conform to the terms of a permit issued pursuant to this title, who undertakes a development or use within the County without first obtaining a permit required pursuant to this title, who undertakes a development or use within the County in non-compliance of this title, or who fails to comply with a cease and desist order issued under this chapter may be subject to a civil penalty. The purpose of issuing a penalty is to obtain compliance with regulations.

1. Amount of penalty. The penalty for any person found to have willfully engaged in activities in violation of this title shall be three hundred twenty five dollars (\$325); PROVIDED, that the fine for the third identical and all subsequent identical violations in any five year period shall be one thousand six hundred and twenty five dollars (\$1625).

The penalty for any person who fails to conform to the terms of a permit or approval issued pursuant to this title, or who unknowingly engaged in activities in violation of this title, or who fails to comply with an order to cease and desist shall be one hundred fifty dollars (\$150).

Violations of more than one provision of this title shall, for the purpose of issuing a civil penalty, constitute a single violation.



2. Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the Administrator. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time. The notice shall also describe the right to apply for remission or mitigation within 10 days of the date of service, the right to appeal the penalty within 30 days of the date of service, and shall contain a statement that failure to contest the notice of civil penalty or to appear at a hearing conducted pursuant to the appeal will result in a final decision that a violation has occurred, and the penalties imposed pursuant to the notice are final.
3. Application for remission or mitigation. Any person incurring a penalty may apply in writing within ten days of service of the penalty to the Administrator for remission or mitigation of such penalty. Upon receipt of the application, the Administrator may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

Section 33.59.060 APPEAL OF CIVIL PENALTY.

1. Right of appeal. Any person incurring a penalty imposed by the Administrator may appeal the same to the Board pursuant to the following procedures:
  - a. Appeals shall be made to the Clerk of the Board and to the Administrator on forms provided by the Administrator and shall state the factual and legal basis for the appeal.
  - b. At its first regular meeting after the receipt of the appeal, the Board shall establish a date to hear the appeal. At the appeal hearing, the appellant shall be afforded the opportunity to present his appeal to the Board of Clallam County Commissioners. Testimony at the appeal hearing shall be limited to the appellant or a representative, the Administrator, and any witnesses called by either party.
  - c. Within thirty (30) days of the hearing on the appeal, the Board shall affirm, modify, or reverse the decision of the Administrator on the imposition of a civil penalty. The Board should waive or reduce a civil penalty if, prior to the hearing date, the violation is corrected.
2. Timing of appeal. Appeals shall be filed within thirty days of service of notice of penalty unless an application for remission or mitigation is made to the Administrator. If such application is made, appeals shall be filed within ten days of receipt of the Administrator's decision regarding the remission or mitigation.
3. Penalties due.
  - a. Penalties imposed under this section shall become due and payable thirty days after service of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after service of the Administrator's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.
  - b. If the amount of a penalty owed is not paid within thirty days after it becomes due and payable, the Clallam County Prosecuting Attorney, upon request of the department, may bring an action in the name of Clallam County to recover such penalty.
  - c. If the person subject to the civil penalty fails to remit payment when due, the Board may order that such penalty be assessed against the property and cause the same to be recorded on the assessment roll. Thereafter, said assessment shall constitute a special assessment against and a lien upon the property. All such assessments remaining

unpaid after 30 days from the date of recording on the assessment roll and shall become delinquent and shall bear interest at the rate of seven percent (7%) per annum from and after said date. Certified copies of the assessment shall be given to the assessor, who shall add the amount of the assessment to the next regular tax bill levied against the parcel.

Section 33.59.070 INJUNCTIVE RELIEF CRIMINAL PENALTIES. The Clallam County Prosecuting Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of property in the County in conflict with this title, and to otherwise enforce the provisions of this chapter.

Section 33.59.080 MORATORIUM ON FURTHER PERMITS, SUSPENSION OF PERMITS, REVOCATION OF PERMITS.

1. Clallam County shall not issue any permit, license, or other development approval inconsistent with the provisions of an enforcement order under this chapter, PROVIDED, however, that Clallam County shall issue such permits needed to rectify or correct violations pursuant to an enforcement order or to correct matters related to health, safety and welfare.
2. The Administrator may temporarily suspend any permit issued pursuant to County regulations for a development or use on a development proposal site subject to an enforcement order under this chapter for failure to comply with the requirements of this title or the terms and conditions of the permit or for failure to comply with any notice and order issued pursuant to this chapter.
3. The Administrator may permanently revoke any permit issued pursuant to County regulations for a development or use on a development proposal site subject to an enforcement order under this chapter for failure to comply with the requirements of this title, failure to comply with any order issued pursuant to this chapter, interference with the Administrator in the performance of his or her duties, or discovery by the Administrator that a permit was issued based on incorrect or false information supplied to the County.

Section 33.59.090 LIABILITY FOR DAMAGE RESULTING FROM VIOLATION. Any person who violates this title or the provisions of a permit or approval issued pursuant to this title shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation.

Section 4 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 5 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 5 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 6 Effective Date. This ordinance shall come into full force and effect 10 after adoption.

ADOPTED this 23 day of July, 1996

BOARD OF CLALLAM COUNTY COMMISSIONERS

Phillip Kitchel  
Phillip Kitchel, Chair

Martha M. Ireland  
Martha M. Ireland

Dorothy Dunca  
Dorothy Dunca

ATTEST:

Karen Flores  
Karen Flores,  
Clerk of the Board

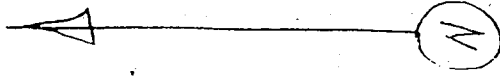
cc: Community Development  
minutes  
file

MINIMUM

(B)

SHOULD BE MINIMUM SIZE

OLD OLYMPIC HIGHWAY



71.3 ACRE  
PORT OF PORT ANGELES  
INDUSTRIAL PARK

DRAINAGE DITCHES

Seattle - North Coast Railroad

EXISTING  
AIRPORT OVERLAY

