

An ordinance amending the Sequim- Dungeness Regional Comprehensive Plan (Ordinance No. 574, 1995) by modifying the policies regarding Agricultural Lands of Long Term Commercial Significance, which modifies the Comprehensive Plan Map by replacing the Agricultural Overlay Designation and underlying Rural Residential designations (Rural Low, Rural Moderate and Rural) with a single Agricultural designation, which amends the Clallam County Zoning Code (C.C.C. Title 33) replacing the Agricultural Overlay Zone and its underlying Zoning Districts with a single Agricultural Retention Zoning District covering the same area. The Agricultural Retention Zoning District (AR) allows two development options. In the large lot option, a landowner may divide a property down to a minimum 16 acre lot size. Utilizing the Agricultural Retention development option, the landowner with property which has been previously divided to 5 acre lot sizes is allowed a base density of 1 home per 5 acres and a 50% density bonus for developing no more than 25% of the parcel while permanently retaining 75% of the parcel in agricultural/open space land use.

Utilizing the Agricultural Retention development option, the landowner with property which has not been previously divided to 5 acre lot sizes is allowed a base density of 1 home per 16 acres which can be developed on-site in either an Agricultural Retention Development pattern or a conventional 16 acre small farm development pattern. If the landowner elects to develop in a Agricultural Retention pattern, the landowner is allowed to develop a small portion of the acreage (no more than 12%) into 2 acre residential lots while retaining the remaining acreage in a single, large agricultural reserve. When the agricultural reserve development pattern is utilized on a previously undivided land, the property is credited with an additional remaining density calculated at a 1 home per 5 acre base density and a 50% density bonus which can be transferred out of the Agricultural Retention Zone or can be purchased.

Section 31.03.230      Agricultural Land Conservation -- Policies

Findings:

1.      There are agricultural lands of long-term commercial significance in many-parts of the Sequim Dungeness Planning Area.

Conservation Strategy:

2.      Maintain, enhance and conserve productive agricultural lands through the following means:
  - Continue to provide tax incentives (Open Space or Current Use assessments);
  - Continue to provide technical assistance, such as resource conservation plans prepared by the Clallam Conservation District or ~~Soil~~Natural Resource Conservation Service;
  - Allow and encourage small-scale agricultural uses within both rural and urban areas;
  - Provide incentives to cluster development on the least productive soils and conserve remaining land for continued agricultural use;
  - Discourage incompatible uses on adjacent lands, through increased setbacks, limits on utility extensions in agricultural areas, right-to-practice agriculture ordinances, and notification to residential landowners of potential incompatible uses; and
  - Work towards long-term (i.e. permanent) conservation through public and/or private purchase of development rights.
  - Clallam County has demonstrated its willingness to provide for long term preservation of resource lands and the County shall be willing to consider additional resource land purchases as landowner opportunities arise and the public indicates their strong preference for additional land purchases.

Final Regulation:

3. Land meeting the following criteria is designated as Agricultural on the land use map ~~utilizing an Agricultural Overlay with underlying densities shown and as an Agricultural Retention Overlay zone on the zoning map:~~
  - a. Soil Criteria;
    - i. The soil capability class is I, II, and includes the Agnew Soil Series which is a Class III; or
    - ii. The soil capability class is III and IVs if within an irrigation district or if irrigated; or
    - iii. The soil capability class is Vw (if drained) or VIw (if drained), subject to the critical area regulations;
  - b. The property does not now have access (hookup rights) to municipal sewers;
  - c. The property has a minimum net farmable parcel size of fifteen (15) acres, including land under contiguous ownership (such as five acre survey parcels);
  - d. The property is usually found in a large contiguous block of agricultural use (minimum of 40 acres);
  - e. The property is not within a designated urban growth area;
  - f. The property is currently being used for agricultural purposes.
4. Development regulations shall provide for an Agricultural Retention zoning district.~~The existing regulations allowing cluster development should continue with the following provisions~~changes and considerations:
  - a. Conserve agricultural lands through land use regulations utilizing Agricultural Retention~~cluster~~ developments (3025% maximum development area/7075% minimum farm area). ~~The following changes to the current regulations should be made~~ shall contain the following provisions:
    - i. Residential base density in agricultural zones shall be one dwelling unit per 165 acres if a conventional development pattern of 16 acre lots is utilized or 1 dwelling unit per five acres plus a density bonus if a cluster development pattern is utilized. ~~or one dwelling unit per 2.4 acres depending on the underlying density.~~ Properties in an Agricultural Retention Zone which have previously divided consistent with the land division ordinance to parcel sizes of approximately 5 acres or less and are being recombined into a contiguous parcel of a size capable of qualifying for an agricultural retention development shall be able to utilize all of the available residential base density plus density bonuses on-site in an agricultural retention development site or they may transfer development rights to a non-agricultural property. Properties in an Agricultural Retention Zone which have not previously divided to parcel sizes of approximately 5 acres or less shall be able to utilize a base density of one home per 16 acres in an on-site agricultural retention development with the remaining one home per 5 acre base density plus density bonus available for transfer of development rights or for purchase of development rights.

- ii. A 7050% density bonus should be provided for landowners pursuing a cluster development pattern in order to provide an incentive to those owners of contiguous 5 acre lots (2,300 acres of the Agricultural Designation) to re-combine those lots to a minimum lot size of 16 acres for the purpose of establishing an Agricultural Retention development. The 50% density bonus may be utilized on-site for a cluster development where previously divided parcels of approximately 5 acres or less are being recombined into a contiguous parcel size capable of qualifying for an Agricultural Retention development (16 acre minimum size). The 50% density bonus for all other lands within the Agricultural Retention Zone may only be utilized outside of the Agricultural Retention Zone through a transfer of development rights to a designated receiving zone or may be extinguished through the purchase of development rights.
- iii. Allow golf courses in agricultural zones as a conditional use in a Agricultural Retention Development, both in the development portion and agricultural reserve portion of a cluster development. All structures and residential components of a golf course shall locate in the development portion (3025%) of the site. Any elements of a golf course located in an Agricultural Reserve shall be designed to be compatible with continuing agricultural activities.
- b. The raising of crops and livestock and associated agricultural activities shall be the principal land use within areas designated as Agricultural. Agricultural land uses on the portion of a parcel set aside for agriculture would include, but not be limited to, a farm residence, farm buildings, and direct marketing farm stands, home enterprises and home based industries. These uses shall not disrupt agricultural land use within the district.
- c. Residential developments in Agricultural lands should be clustered on the least productive portion of the parcel and should be designed to accommodate adjacent agricultural uses. Residential developments shall be clustered in such a manner as not to impact wetland areas consistent with the Clallam County Critical Areas Code.
- d. Lands designated as Agricultural shall provide for the retention of large parcels and ownership patterns conducive to agriculture. The minimum ~~agricultural reserve parcel size in~~ agricultural resource lands shall ~~be~~ be fifteen (15) net farmable acres. The term "net farmable acres" means that at a minimum 15 acres shall remain open and farmable after all associated development is complete. When clustered subdivisions are used in areas designated for Agricultural, the clusters should be arranged to protect and combine large tracts for productive farming, minimize conflicts with continued agriculture and be consistent with public facility and service requirements.

5. Land designated as Agricultural will remain in this classification unless it can be shown that:
  - a. An error was made in application of the criteria establishing the zone; or
  - b. Commercial farming is no longer a viable option for this area due to loss of all irrigation potential or other significant physical loss of agricultural potential; or
  - c. After giving careful consideration and upon the basis of abundant long term evidence utilizing local agricultural land values (non-residential values) and local farmland lease rates as a means of comparison, the Board of County Commissioners finds that no entity will purchase or lease the land for agricultural use at a fair, locally determined, agricultural market value; and
  - d. ~~Growth could not be directed to non-agricultural lands.~~
6. Land with an approved cluster development site ~~shall~~ remain in the Agricultural designation.
7. Agricultural lands with 15 net farmable acres that do not meet the criteria listed in Section 31.03.230 (3) may be designated as Agricultural if the land is capable of agricultural production and the owner desires to have it designated.

Land Use Maps:

8. ~~Lands designated as interim Agricultural lands shall also be designated on the~~ comprehensive plan land use map shall have one designation for Agricultural Resource Lands with density provisions that allow no more than one home per 16 acres unless an Agricultural Retention Development is proposed which would allow a base density of one home per 5 acres for properties in an Agricultural Retention Zone. Properties in an Agricultural Retention Zone which have previously divided to parcel sizes of approximately 5 acres or less and are being recombined into a contiguous parcel of a size capable of qualifying for an agricultural retention development shall be able to utilize all of the available residential base density on-site in the agricultural retention development site or may transfer/sell development rights off-site. Properties in an Agricultural Retention Zone which have not previously divided to parcel sizes of approximately 5 acres or less shall be able to utilize a base density of one home per 16 acres in an on-site agricultural retention development with the remaining one home per 5 acre base density available for transfer of development rights or for purchase of development rights with the rural residential density most appropriate for the surrounding area.

Purchase of Development Rights:

9. Develop a program for lasting, long-term conservation of agricultural lands based on public and/or private financial support.
  - a. Focus the program on purchase of development rights in order to keep lands in private ownership. Once development rights are purchased, future development shall be restricted through such legal instruments as necessary to ensure permanent conservation of lands for the benefit of future generations.
  - b. Work with the public and landowners to set priorities for the purchase of development rights which will provide long term protection of farmland. Priorities may be set based on development pressures, open space value, or environmental values.

- c. Development rights to agricultural lands should be acquired through innovative financing mechanisms.
- d. County revenues shall not be used to fund a Purchase of Development Rights (PDR) program without the approval of the citizens of Clallam County as evidenced by an affirmative vote of County-wide registered voters. The county will be supportive of private initiatives to establish a fund to implement a PDR program.

Transfer of Development Rights:

- 10. Before the end of 1998, develop a program for transfer of development rights from areas with an Agriculture designation into areas outside of the Agriculture designation where additional development may be appropriately located in the Sequim Dungeness valley. Until additional development right receiving zones in the Sequim urban growth area and in the proposed Carlsborg urban growth area are designated, development rights from Agricultural Retention Zones may be transferred into the existing Port Angeles urban growth area designated receiving zones.
- 11. Clallam County shall conduct a study of the value of transfer of agricultural land development rights at least every 5 years in order to determine the average selling price of development rights and to compare these values with the average sales price of comparable bare land lot sales recorded throughout the Sequim Dungeness Valley. These studies shall be utilized by the County to determine if adjustments to the Agricultural Retention Zone are needed.

Incompatible Development:

- 120. Public services and utilities within and adjacent to areas designated as Agricultural shall be designed to prevent negative impacts on agriculture and to maintain total farmland acreage, as follows:
  - a. Water lines, sewer lines, and other public facilities should avoid crossing areas designated as Agricultural unless their purpose is to provide service necessary for agriculture and they can be installed at times which minimize negative impacts on seasonal agricultural practices;
  - b. Roads that cross areas designated as Agricultural should be aligned, designed and maintained to minimize negative impacts on agriculture and support farm traffic; and
  - c. In rare cases when facilities meeting urban needs intrude into areas designated as Agricultural, they should be located to prevent disruption of agricultural activity.
- 131. Land located adjacent to designated Agricultural lands should be compatible with the agricultural use through the following measures:
  - a. Increased setbacks for all buildings located outside of but adjacent to agricultural areas.
  - b. Implementation of the Right to Practice Agriculture Ordinance, an ordinance designed to minimize nuisance complaints regarding agricultural activities that follow best management practices.

Incentives:

142. Agricultural reserves in approved Agricultural Retention cluster developments should be exempt from taxation originating from ~~special purpose taxing districts~~, local improvement districts, and local utility districts unless they directly benefit agricultural land use.
153. Continue to conserve all agricultural lands, whether designated for long-term commercial significance or not, through property tax incentives ~~reductions~~ (current use assessments).
16. Clallam County shall develop a low cost revolving loan program to aid local farmers/land owners in financing the up front development costs for preliminary engineering and subdivision approval permitting fees in Agricultural Retention developments. These loans shall be repaid to Clallam County through initial sales of subdivision lots.

Finfish Hatcheries:

174. Ensure that land uses adjacent to finfish hatcheries are compatible with the long-term commercial production of those hatcheries. Consideration shall be given to appropriate land use densities, land use practices, and maintenance of water quality standards.

C.C.C. 33.05.010 LAND USE ZONES. In order to carry out the purpose of this chapter, the following land use zones are established:

Comprehensive Plan Designation	Regional Plan	Zoning Designation	Zoning Chapter
Agricultural	Sequim-Dungeness	Agricultural Retention Overlay (AR)	33.07.010
Commercial Forest	All	Commercial Forest (CF)	33.07.020
Commercial Forest/Mixed Use 20	Port Angeles Straits	Commercial Forest/Mixed Use 20 (CFM20)	33.07.030
Commercial Forest/Mixed Use 5	Port Angeles Straits	Commercial Forest/Mixed Use 5 (CFM5)	33.07.040
Public	All	Public Land (P)	33.07.050
		Airport Overlay District	33.07.060
Rural Very Low	All	Rural Very Low (R20)	33.10.010
Rural Low	All	Rural Low	33.10.020
Rural Moderate	All	Rural Moderate	33.10.030
Rural	Sequim-Dungeness	Rural	33.10.040
Rural Suburban Community	Port Angeles Straits	Rural	33.10.040
Rural Character Conservation 5	Port Angeles Straits	Rural Character Conservation 5 (RCC5)	33.10.050
Rural Character Conservation 3	Port Angeles	Rural Character Conservation 3 (RCC3)	33.10.060
Rural Low Mixed	Straits	Rural Low Mixed (RLM)	33.10.070
Urban Residential	Sequim-Dungeness	Urban Residential High (URH)	33.13.010
Urban Residential	Sequim-Dungeness	Urban Residential Low (URL)	33.13.020
Urban Very Low Density	Port Angeles	Urban Very Low Density (VLD)	33.13.030
Urban Low Density		Urban Low Density (LD)	33.13.040
Open Space Overlay		Urban Very Low Density/Urban Low Density (VLD/LD)	33.13.050
Urban Moderate Density		Urban Moderate Density	33.13.060
		Open Space Overlay/Open Space Corridors (OS)	33.13.070
Rural Commercial	Sequim-Dungeness	Rural Commercial (RC)	33.15.010
Rural Village	Sequim-Dungeness	Rural Village (RV)	33.15.020
Village Commercial	Sequim-Dungeness	Rural Village (RV)	33.15.020
Commercial	Sequim-Dungeness	Commercial (GC)	33.15.030
Rural Center	Sequim-Dungeness	Rural Center (CEN)	33.15.040
Rural Neighborhood Commercial	Port Angeles Straits	Rural Neighborhood Commercial (RNC)	33.15.050
Rural Limited Commercial	Port Angeles Straits	Rural Limited Commercial (RLC)	33.15.060
Urban Neighborhood Commercial	Port Angeles Straits	Urban Neighborhood Commercial (UNC)	33.15.070
Urban Regional Commercial	Port Angeles Straits	Urban Regional Commercial (URC)	33.15.080
Urban Center	Straits	Urban Center (UC)	33.15.090
Industrial	All	Industrial (M)	33.17.010
Industrial	Sequim-Dungeness	Light Industrial (LI)	33.17.020

C.C.C. 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
- Mineral extraction
- Employee housing<sup>4</sup>

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>4</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.



Planned Unit, Agricultural Retention, Rural Character Conservation,  
Rural Low Mixed and Cluster Developments

Sections:

33.23.010	<u>Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed and Cluster Developments - Purpose and Criteria</u>
33.23.020	<u>Permitted Uses</u>
33.23.030	<u>Minimum Standards</u>
33.23.040	<u>Procedure for County Action on a Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed or Cluster Development</u>

C.C.C. 33.23.010 PLANNED UNIT, AGRICULTURAL RETENTION, RURAL CHARACTER CONSERVATION, RURAL LOW MIXED AND CLUSTER DEVELOPMENTS - PURPOSE AND CRITERIA. The purpose of this chapter is to encourage subdivisions of land which involve the careful application of design to achieve a more functional, aesthetically pleasing and harmonious living environment within the County. A Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Development allows flexibility in meeting the intent of the Comprehensive Plan and Zoning Code through the waiver of some of the development standards of the underlying zoning district. This chapter applies to residential Planned Unit Developments, Agricultural Retention Cluster Developments, Rural Character Conservation, Rural Low Mixed, and Forest Land Cluster Developments.

The applicant for a Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Development shall demonstrate compliance and consistency with all of the following criteria, in addition to the minimum standards of this chapter, the comprehensive plan and all other applicable state and county regulations:

1. The Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Development is designed and arranged to relate to surrounding properties and to minimize adverse impacts of noise, traffic and incompatible land uses.
2. The Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Development is designed and situated to minimize alteration of significant natural features.
3. The Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Development promotes compatibility among land uses within the development and outside the development.
4. The Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Development results in a positive contribution to the community which could not be achieved through standard platting and zoning procedures.
5. The Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Development is consistent with the spirit and intent of the Clallam County Comprehensive Plan, Zoning Code, Shoreline Master Program, Land Division Code, Floodplain Management Code, Environmental Policy Code, 6-Year Road Plan, Health, Building and Fire Codes and other applicable state and county codes.

C.C.C. 33.23.020 PERMITTED USES. All allowed or conditional uses in the zone for which the Planned Unit or Cluster Development application is made and such other accessory uses which are permitted in the underlying zone are permitted in a Planned Unit or Cluster Development if consistent with an approved Master Site Plan.

C.C.C. 33.23.030 MINIMUM STANDARDS. The following minimum standards apply to all Planned Unit Agricultural Retention, Rural Character Conservation, Rural Low Mixed or Cluster Developments:

1. ~~A Planned Unit or Cluster Development, when approved in accordance with this chapter, is established as a permitted use within the existing zoning designation and as such, does not alter the existing, underlying zoning designation. All Ddevelopment standards except the agricultural reserve percentage, forest reserve percentage or rural large lot/open space percentage requirements (RCC or RLM) of this chapter shall, as applied to an approved Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Development, supersede those of the underlying zone.~~

2. ~~The minimum residential lot area, the maximum number of lots in a single cluster of an Agricultural Retention Development, width, frontage and yard requirements, setback standards, street standards, and building heights otherwise applying to development in the underlying zone(s) may be modified consistent with the Planned Unit , Agricultural Retention, Rural Character Conservation, Rural Low Mixed or Cluster Development.~~

3. ~~A visual buffer located within the boundary of the residential portions of the planned unit or cluster residential development shall be established along all property boundaries with adjacent to rural residential zoning districts of the Planned Unit or Cluster Developments to assure that the Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Developments development is compatible to abutting low density development property through appropriate screening and/or setbacks. The width of the visual buffer shall be at least equal to the underlying zone setbacks for rear, front or side yards, whichever is appropriate. The visual buffer shall be consist with the landscaping standards in Chapter 33.53 of this title.~~

4. ~~Cluster Developments in Agricultural or Commercial Forest/Mixed Use zoning districts shall retain at least 70% of the site in agricultural or timber management uses, respectively. Agricultural Retention Developments shall retain at least 75% of the site in agricultural land use or in open space uses suitable for rapid conversion to agricultural land use. Rural Character Conservation Developments and Rural Low Mixed Developments shall meet the minimum large-single lot/open space requirements contained in their respective chapters in the zoning code. The minimum lot size for a Rural Character Conservation development or a Rural Low Mixed development utilizing the cluster development option shall be 11 acres of contiguous ownership, provided that parcels that were in non-contiguous, individual ownerships smaller than 11 acres at the time of passage of the interim zoning code (February 27, 1995) shall have the right to divide to their underlying cluster density utilizing the same large lot/small lot percentages contained in the zoning district in which they are located.~~

5. The tract or tracts of land included in a proposed Planned Unit or Cluster Development must be in one ownership or control or subject of a joint application by the owners of all the property included.

C.C.C. 33.23.040 PROCEDURE FOR COUNTY ACTION ON A PLANNED UNIT OR CLUSTER DEVELOPMENT.

1. Hearing Examiner or Zoning Administrator Action. As part of the public hearing on the underlying subdivision of land pursuant to the Clallam County Land Division Code, Title 29 Clallam County Code, the Hearing Examiner shall consider the proposed Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Development, and shall forward a recommendation to the Board of Clallam County Commissioners. If the proposal is a short subdivision the Administrator shall make the decision on the proposed development per the short subdivision process (Chapter 29.17) and the requirements of this chapter.

a. The Hearing Examiner or Administrator shall recommend approval of the proposed Planned Unit, Agricultural Retention, Rural Character Conservation, Rural Low Mixed, or Cluster Development if the examiner or administrator finds that:

(1) The proposed action is consistent with the spirit and intent of the Clallam County Comprehensive Plan.

(2) The proposed action is consistent with this title, including the standards of this chapter.

(3) The proposed action will have no unreasonable adverse impact on the general public, health, safety and welfare.

In making a recommendation of approval, the Hearing Examiner or Administrator may recommend conditions of approval as may be necessary to assure that the proposal will comply with the criteria for approval.

b. If the Hearing Examiner or Administrator finds that the Preliminary Master Site Plan does not substantially comply with the criteria for approval, the Hearing Examiner or Administrator may recommend denial of the proposal.

2. Hearing Examiner Appeal of an Administrators Decision: The Hearing Examiner shall hear appeals of the Administrator's decision at a public meeting pursuant to the Clallam County Land Division Code, Title 29 Clallam County Code (C.C.C. 29.17.400). After consideration of the Administrator's decision, the application, public testimony, and other relevant evidence presented to the Hearing Examiner, the Hearing Examiner shall determine if the application is consistent with the criteria for approval. Appeals of the Hearing Examiner decision shall be to the Board of Clallam County Commissioners.

32. Board of Commissioners Review and Decision: The Board shall review the recommendation of the Hearing Examiner at a public meeting at the same time it considers the recommendation from the examiner regarding the subdivision of land pursuant to the Clallam County Land Division Code, Title 29 Clallam County Code. After consideration of the recommendation, the application, public testimony, and other relevant evidence presented to it, shall determine if the application is consistent with the criteria for approval.

The Board may accept the Hearing Examiner recommendation to approve, approve with conditions, or deny the application along with the findings of fact and conclusions of law adopted by the Hearing Examiner. Upon approval, the Preliminary Master Site Plan becomes a Final Master Site Plan and all future development must show consistency with the Final Master Site Plan.

If the Board rejects the Hearing Examiner recommendation, it may remand the matter back to the Hearing Examiner for further consideration or it may overturn the recommendation and approve, approve with conditions, or deny the application. The Board shall adopt findings of fact and conclusions of law based on the hearing record before the Hearing Examiner which support its decision.

SOURCE: Ordinance No. 581, 1995

ADOPTED: 12/19/95

Section 33.07      AGRICULTURAL RETENTION ZONE:    The following Agricultural Retention Zone is established and the permitted uses, conditional uses and development standards shall be as set forth herein.

**AGRICULTURAL RETENTION ZONE**

Section 33.07.010    AGRICULTURAL RETENTION ZONE (AR) - PURPOSE.    The purpose of the Agricultural Retention Zone is to maintain and enhance the agricultural resource industry of Clallam County through conservation of productive agricultural lands and discouragement of incompatible land uses within the agricultural retention zone.

Section 33.07.020    AGRICULTURAL RETENTION ZONE (AR) - PERMITTED USES.    The following uses are permitted in an Agricultural Retention Zone:

1.      Agricultural Retention Development.
2.      Single family dwellings.
3.      Family child care home.
4.      Agricultural Activities.
5.      Timber harvesting.
6.      Home enterprises consistent with the standards specified in Section 33.47.010 of this Code.
7.      Plant nurseries.
8.      Commercial Greenhouses (wholesale and retail).
9.      Fish and wildlife management structures and activities.
10.     Commercial horse facility.
11.     Tree Farms
12.     Raising of livestock/exotic animals

Section 33.07.040    AGRICULTURAL RETENTION ZONE (AR) - CONDITIONAL USES.    The following uses are allowed in an Agricultural Retention Zone subject to the procedures and requirements of Chapter 33.27 of this Code:

1.      Temporary (1 year) asphalt and concrete plants.
2.      Child day care centers.
3.      Bed and breakfast inn facilities which do not interfere with the agricultural use of the adjacent land.
4.      Home based industries not interfering with agricultural use.
5.      Mineral extraction on no more than 25% of the parcel.

Section 33.07.050    GENERAL STANDARDS FOR THE AGRICULTURAL RETENTION ZONE (AR).    The following general standards shall apply to all parcels of land within an AR Zone except where the agricultural retention development option of sections 33.07.060 to 33.07.130 is utilized:

1.      Residential density shall not exceed 1 dwelling unit per 16 acres or 1 dwelling unit per parcel on existing parcels less than 16 acres in size which were created before the effective date of this ordinance. Higher densities are permitted under the agricultural retention development standards outlined in Section 33.07.130 of this chapter when a Agricultural Retention development is proposed.
2.      Minimum size for an Agricultural Retention Development: 16 acres

3. 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).

Section 33.07.060

AGRICULTURAL RETENTION DEVELOPMENT IN AN AGRICULTURAL RETENTION ZONE. Agricultural retention development may proceed in accordance with the standards and requirements of Sections 33.07.060 through 33.07.130 of this chapter. An Agricultural Retention Development consists of a development section(s) and an agricultural reserve. The development section is the location of home sites which may be established on up to a maximum of 25 percent of the area of the entire agricultural retention development parcel. The number of housing units allowed within the development section of the subject site is determined in accordance with the requirements of this chapter. The remainder of the agricultural retention development site constitutes an agricultural reserve which shall be reserved in perpetuity for agricultural land reservation uses as specified in this chapter.

1. Developments with less than 12 dwelling units must have a single development section. Larger developments, with more than one development section, may be approved provided that the minimum number of homes in a development with more than one development section is 6 homes and that the maximum number of homes in one development section is 14 homes and provided that the provisions of Section 33.07.100 are available if the conditions can be met.
2. Separate owners of contiguous parcels may combine their parcels for the purpose of designating the combined parcels as an agricultural retention development and an agricultural reserve site.
3. In the case where contiguous parcels are under one ownership and are reflected in a survey recorded prior to the effective date of this ordinance, such parcels may not be further subdivided except in accordance with the provisions of this chapter. No boundary line adjustments shall be approved which would in any way reduce the size of an agricultural reserve or would reduce the future ability of a parcel of land to be developed in accordance with this chapter.
4. At the time the development site and the agricultural reserve are approved and recorded, the landowner(s) and any successors or assigns may not prohibit the use of the agricultural reserve site for agriculture purposes.
5. Agricultural retention developments may be developed in phases with one or more lots set aside for future development in accordance with the Clallam County Land Division Code, Title 29.

Section 33.07.070 PERMITTED USES WITHIN THE DEVELOPMENT SECTION OF AN AGRICULTURAL RETENTION ZONE. The following uses are permitted in a development section of an Agricultural Retention Zone:

1. Single family dwellings.
2. Accessory facilities incidental to the residential use.
3. Agricultural Activities.
4. Home enterprises consistent with the standards specified in Section 33.47.010 of this Code and which do not interfere with the agricultural use of the land.
5. Utilities and fire protection facilities necessary to serve permitted, special and conditional uses.
6. Plant nurseries.

Section 33.07.090 CONDITIONAL USES WITHIN THE DEVELOPMENT SECTION OF AN AGRICULTURAL RETENTION ZONE. The following conditional uses are permitted in the development section of an Agricultural Retention Zone pursuant to the procedures and requirements of Chapter 33.27 of this Code:

1. Child day care centers.
2. Bed and breakfast inn facilities which do not interfere with the agricultural use of the adjacent land.
3. Home based industries which do not interfere with the agricultural use of adjacent land.
4. Commercial Horse Facility.
5. Outdoor Oriented Recreational Uses.
6. Commercial greenhouses.

Section 33.07.100 AGRICULTURAL LAND RESERVATION PERMITTED USES. The following uses are permitted in an agricultural land reservation of a parcel in an Agricultural Retention Zone:

1. Agricultural Activities.
2. One single family dwelling and accessory unit, provided that the agricultural land reserve involved is 33 acres or larger in area and is being actively farmed. One existing single family dwelling and accessory unit which may be located apart from the development section is also allowed in agricultural reserves larger than 16 acres and smaller than 33 acres provided that any residential dwelling unit must be located within a single, legally created, residence parcel that is no larger than one and one-half (1.5) acres in size and provided that no other homes shall be built on the agricultural reserve and that the area of the detached single residence parcel shall be counted as a part of the development section area for percentage calculations. Any single family dwelling permitted in an agricultural reserve shall be counted as part of, and not in addition to, the maximum density calculation of Section 33.07.130
3. Timber management activities.
4. Power, sewer, water, drainage and irrigation conveyance facilities and communication cables.
5. Plant nurseries.

6. Septic drainfield lines serving adjacent residential development located in a development section of a parcel subject to the agricultural cluster zone, provided that such facilities do not result in a reduction of the net acreage required for the agricultural land designation.
7. Access roads to the development section of the cluster development site.
8. Commercial greenhouses.
9. Home Enterprise.
10. Commercial horse facility.

Section 33.07.110 AGRICULTURAL LAND RESERVATION CONDITIONAL USES. The following conditional uses are permitted in an agricultural land reservation of a parcel in an Agricultural Retention Zone pursuant to the procedures and requirements of Section 33.27 of this chapter:

1. Temporary asphalt and concrete plants and processing of rock aggregates. Temporary as used in this provision shall mean a period of time less than one (1) year.
2. Home based Industry
3. Outdoor Oriented Recreation Facilities designed to be compatible with the agricultural use of the land.

Section 33.07.120 SPECIAL STANDARDS FOR AGRICULTURAL RETENTION DEVELOPMENT WITHIN THE AGRICULTURAL RETENTION ZONE.- The following special standards shall apply to all parcels of land within an Agricultural Retention Zone when approved in accordance with this chapter:

1. Where more than 1 home site would be permitted in a proposed development on a portion of the Agricultural Retention Zone that does not contain previously divided lots of approximately 5 acres and smaller, then the maximum lot size of additional home sites (beyond one home site) shall be limited to a maximum of 2 acres in size in order to conserve farmable land. In this case where small lots of 5 acres or less have not been previously created (approximately 3,900 acres of the Agricultural Retention Zone), the 16 acre density allowed and the maximum lot size for home sites (2 acres) will increase the percentage of agricultural reserve retained to approximately 88 percent of the total development site while decreasing the size of the developable area for homesites to approximately 12 percent of the total development site.
2. A minimum of either seventy five (75) percent (lands already divided into 5 acre parcels) or approximately eighty eight (88) percent (lands not divided into 5 acre or smaller parcels) of the area to be developed shall be reserved for agricultural land uses as shown in sections 33.07.100 and 33.07.110, PROVIDED, however, that if the parcel is greater than fifty (50) acres, the landowner may exclude any additional fifty (50) acre blocks of land under his ownership from the development site. The agricultural reserve shall be noted on the Preliminary Master Site Plan (PMSP) and Final Master Site Plan (MSP) and shall state that the reserve is to remain in agriculture in perpetuity. Once an agricultural reserve is established, the reserve area shall not be rezoned nor shall plat

alterations or boundary line adjustments be allowed which would remove the land from its status as an agricultural reserve.

3. The minimum residential lot area, width, frontage and yard requirements, setback standards, street standards, and building heights applying to development in this zone will be established in the Preliminary Master Site Plan, as approved in conformance with Chapter 33.23 of the Zoning Code.
4. A transition buffer shall be established within the perimeter boundaries of the development section of an agricultural retention development to assure the development is compatible to abutting property through appropriate screening and/or setbacks. The width of the transition buffer shall be at least 15 feet unless more appropriate standards are approved in the Preliminary Master Site Plan. The transition buffer shall consist of screening, landscaping, fencing or structural setbacks as appropriate to ensure compatibility to abutting property.
5. The development portion should occupy that portion of the tract which is least appropriate for agricultural uses provided that the development section should meet all of the requirements of the Clallam County Critical Areas Code. Consideration shall be given to site conditions conducive to agriculture in reviewing the development portion location, such as maintenance of large contiguous blocks of farmland to allow for ease of equipment use and harvesting operations, minimizing unusable isolated portions of farmland within the development, soils, irrigation availability, winds, solar power, etc.
6. The maximum number of dwelling units per gross acre of the parcel subject to the agricultural retention development shall be determined as outlined in Section 33.07.130 of this chapter. The maximum number of dwellings within a single agricultural retention development area shall be 14 dwelling units.
7. All final plats approved pursuant to this chapter shall include a notice that agricultural uses of the land are favored uses in this zone and that noise, tree removal, odors, insects, fumes, dust, smoke, operation of machinery, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides generated by agricultural land activities on the agricultural reserve site shall not be considered nuisances by the county if Best Management Practices as defined by the Clallam County Conservation District are in use by the operator.
8. The Agricultural Land Reservation in all agricultural retention developments shall be a minimum of 15 acres in area.



Section 33.07.130

**MAXIMUM RESIDENTIAL DENSITY FOR AGRICULTURAL RETENTION DEVELOPMENTS WITHIN AN AGRICULTURAL RETENTION 5 ZONE.**

The maximum density of residential development within this zone which can be used on-site for an agricultural retention development shall depend upon the pre-existing status of divided lots within the proposed agricultural retention development. In the case where the development is proposed on lands that are not divided in an existing pattern of contiguous parcels of approximately 5 acres or less in size, then the maximum density which can be utilized on-site shall be one dwelling per 16 acres, with the remaining residential density calculated at one dwelling per five acres plus a density bonus, available for transfer of development rights to areas outside the Agricultural Retention zone or for purchase of development rights.

In the case where the development is proposed on lands that are divided in an existing pattern of contiguous parcels of approximately 5 acres or less in size, then the maximum density which can be utilized on-site shall be one dwelling per 5 acres plus a density bonus. In either case the maximum total residential density shall be determined according to the formula  $[\text{Gross acres developed} \times 0.30 = \text{total development rights (rounded down to the nearest whole number)}]$ . The number of units allowed in the development section and the number of development rights for sale off-site (areas not previously divided in small lots) are shown in the following table:

<u>Total Acres Developed</u>	<u>Homes Allowed in Development Area (Area with an existing pattern of 5 acre lots)</u>	<u>Homes Allowed in Development Area (Area with No pattern of Existing 5 acre lots)</u>	<u>Development Rights Which Can Be Sold (Area with No Pattern of Existing 5 acre lots)</u>
<u>16 acres</u>	<u>4 homes</u>	<u>1 home</u>	<u>3 development rights</u>
<u>20 acres</u>	<u>6 homes</u>	<u>1 home</u>	<u>5 development rights</u>
<u>25 acres</u>	<u>7 homes</u>	<u>1 home</u>	<u>6 development rights</u>
<u>30 acres</u>	<u>9 homes</u>	<u>1 home</u>	<u>8 development rights</u>
<u>35 acres</u>	<u>10 homes</u>	<u>2 homes</u>	<u>8 development rights</u>
<u>40 acres</u>	<u>12 homes</u>	<u>2 homes</u>	<u>10 development rights</u>
<u>45 acres</u>	<u>13 homes</u>	<u>2 homes</u>	<u>11 development rights</u>
<u>50 acres</u>	<u>15 homes</u>	<u>3 homes</u>	<u>12 development rights</u>
<u>50+ acres</u>	<u>Acres*0.30=homes allowed in on-site development</u>	<u>Acres/16=homes allowed in on-site development</u>	<u>(Acres*0.30)-(Acres/16)= transfer development rights</u>

Section 1 All of the preceding ordinance constitutes Section 1 of this ordinance.

Section 2 The official zoning maps of the Clallam County Zoning Code, Chapter 33 shall be amended by changing the classification of property from Agricultural Overlay Zone and its underlying Zoning Districts to a single Agricultural Retention Zoning District covering the same area. The official comprehensive plan maps of the Clallam County Comprehensive Plan, Chapter 31.03 shall be amended by replacing the Agricultural Overlay Designation and underlying Rural Residential designations (Rural Low, Rural Moderate and Rural) with a single Agricultural designation, as found in:

Township 30N and Township 31N, Ranges 3W, 4W and 5W.

This property is shown on a Comprehensive Plan map prepared by the Department of Community Development known as Exhibit "B1" and is also shown on a Clallam County Zoning Map known as Exhibit "B2", which is hereby referenced and incorporated as part of this ordinance, Exhibit "B".


Section 3 The signed ordinance shall be recorded in the Auditor's Office and the official zoning maps and the official comprehensive plan maps located in the Clallam County Department of Community Development will be changed in accordance with this amendment.

Section 4 The Board has determined that this amendment is in the best interest of the public health, safety and welfare.

Section 5 This ordinance becomes effective ten days after adoption.

PASSED AND ADOPTED this 10th day of October, 1997

BOARD OF CLALLAM COUNTY COMMISSIONERS



Martha M. Ireland, Chair



Carole Y. Boardman

Voted "no"

Phillip Kitchel



Karen Flores

Clerk of the Board