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Ordinance No. 658, 1999

An emergency ordinance adopting interim land use controls for lands subject to the Sequim-Dungeness Regional Comprehensive Plan, Chapter 31.03 C.C.C., which are identified as within the Carlsborg Rural Center and designated as Urban Residential and General Commercial lands. The emergency ordinance also adopts interim amendments to comprehensive plan policies C.C.C. 31.03.455 (12) and C.C.C. 31.03.465 (16).

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1

Purpose. The purpose of this emergency ordinance is to:

1. Maintain consistency with the Memorandum of Understanding with the City of Sequim adopted by the Board of Clallam County Commissioners on May 28, 1996, under Resolution 85.
2. Maintain the public health, safety and welfare.
3. Allow the County additional time to consider final land use controls for the Carlsborg area.

Section 2

Findings of Fact. The Board of Clallam County Commissioners finds the following facts to create a need for an emergency ordinance:

1. The Board of Clallam County Commissioners adopted an updated Comprehensive Plan in June of 1995, and readopted the plan under the authority of the Growth Management Act in February of 1996. The plan, which includes the Sequim-Dungeness Regional Plan, identified that the Carlsborg area should contain a mix of residential development at densities of one home per one-half acre and lower and commercial development.
2. The City of Sequim filed a petition for review of the Clallam County Comprehensive Plan with the Western Growth Management Hearings Board. The petition requests that the Hearings Board determine whether densities of one home per acre or greater and regional commercial development located outside urban growth areas are consistent with the Growth Management Act.
3. The City of Sequim and Clallam County agreed to mediate the dispute before the Thurston County Dispute Resolution Center. Clallam County and the City of Sequim drafted a mutually acceptable Memorandum of Understanding during mediation that included the adoption of interim controls relating to the issues of the appeal that preserve options for the community, and would be in the public interest. The Board of Clallam County Commissioners adopted the Memorandum of Understanding (MOU) with the City of Sequim on May 28, 1996, under Resolution 85.
4. Should the City of Sequim and Clallam County fail to settle the petition before the Western Growth Management Hearings Board, it is possible that the Clallam County Comprehensive Plan, which represents the work of numerous citizens and an expenditure of over \$500,000 over five years, will be declared invalid.
5. This MOU states, in part, that the County will adopt interim land use controls as described in the MOU, pending "Final Resolution", which is described as "adoption by the County of permanent land use controls" consistent with the concepts of the MOU, or a mutually acceptable alternative consistent with the Growth Management Act.

6. The MOU further states that "it is intended that these Interim Land Use Controls will remain in effect until replaced by permanent land use controls consistent with the above concepts, or a mutually acceptable alternative consistent with the Growth Management Act. One alternative that was discussed was the adoption of an Urban Growth Area in the Carlsborg area, consistent with the requirements of the Growth Management Act.
7. In order to maintain consistency with the Clallam County/City of Sequim Memorandum of Understanding, the Board of Clallam County Commissioners have enacted interim land use controls dating back to April 30, 1996, under the following ordinances: Ordinance 588, 1996; Ordinance 595, 1996; Ordinance 596, 1996; Ordinance 599, 1996; Ordinance 623, 1997; Ordinance 629, 1997; and Ordinance 640, 1998. These ordinances applied to Carlsborg, the unincorporated Sequim Urban Growth Area (UGA), and lands adjacent to the Sequim UGA. The County adopted final land use controls for the latter two areas, but to date has not adopted final land use controls for Carlsborg.
8. The Board of Clallam County Commissioners under Ordinance 621, 1997, adopted the interim land use designations of Rural Moderate as final land use controls for lands bordering the Sequim Urban Growth Area. No official action, however, was taken on adopting the interim amendments to the policies of Section 31.03.455 (12) and Section 31.03.465 (16) of the Sequim-Dungeness Regional Plan. These interim amendments remain in effect under Ordinance 640, 1998, but will expire on January 8, 1999. The re-adoption of these amendments under the proposed ordinance is needed to maintain consistency with the Rural Moderate land use designations adopted under Ordinance 621, 1997.
9. The current interim land use controls adopted under Ordinance 640, 1998, expire on January 8, 1999. The adoption of the proposed ordinance is necessary to maintain consistency with the Clallam County/City of Sequim Memorandum of Understanding referenced in Finding #3.
10. The Clallam County Planning Commission has forwarded a recommendation to the Board of Clallam County Commissioners to support adoption of a Carlsborg Urban Growth Area. The adoption of the proposed ordinance is necessary to maintain consistency with the Clallam County/City of Sequim Memorandum of Understanding (see finding #3) while the Board considers the recommendation by the Planning Commission.

Section 3

Interim Land Use Controls. This emergency ordinance shall adopt the following interim land use controls:

1. **The property within the Carlsborg Rural Center, identified by the Sequim-Dungeness Regional Plan (Title 31 Clallam County Code) as Urban Residential (UR) and as Urban Residential Low (URL) by the Clallam County Zoning Code shall be re-designated in the Sequim-Dungeness Regional Plan (Title 31 Clallam County Code) as Rural Land (R) and Rural (R1) by the Clallam County Zoning Code, which changes are depicted in Exhibit B-2. The changes shown in Exhibit B-2 shall be re-adopted as part of the official Clallam County Comprehensive Plan map, Title 31 C.C.C., which also serves as the official Clallam County Zoning map as specified under C.C.C. 33.05.010.**
2. **The property within the Carlsborg Rural Center, identified by the Sequim-Dungeness Regional Plan (Title 31 Clallam County Code) as General Commercial (C) and as General Commercial (GC) by the Clallam County Zoning Code shall be re-designated in the Sequim-Dungeness Regional Plan (Title 31 Clallam County Code) as Carlsborg Commercial (CC) and Carlsborg**

Commercial (CC) by the Clallam County Zoning Code, which changes are depicted in Exhibit B-2. The changes shown in Exhibit B-2 shall be re-adopted as part of the official Clallam County Comprehensive Plan map, Title 31 C.C.C., which also serves as the official Clallam County Zoning map as specified under C.C.C. 33.05.010.

3. C.C.C. 33.05.010 [Land Use Zones] of the Clallam County Zoning Code shall be amended as shown below to establish the Carlsborg Commercial (CC) land use zone as an interim zoning district:

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 (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
Carlsborg Commercial	Sequim-Dungeness	Carlsborg Commercial (CC)	33.15.015
Rural Center	Sequim-Dungeness	Rural Center (CEN)	33.15.040

Comprehensive Plan Designation	Regional Plan	Zoning Designation	Zoning Chapter
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

Chapters 33.10 through 33.17 of this title sets forth the permitted uses, conditional uses, densities and development standards for each of the above specified zones. Unclassified uses may be allowed through the issuance of a Conditional Use Permit. The location and boundary of each zone listed above are specified on the official comprehensive plan map and amendments thereto as signed by the Board of County Commissioners and filed in the office of the County Auditor.

4. The Carlsborg Commercial (CC) zoning land use zone shall be adopted as an interim zoning district which is established below:

C.C.C. 33.15.015 **CARLSBORG COMMERCIAL (CC).** The purpose of the Carlsborg Commercial (CC) zoning district is to provide limited, low impact, neighborhood commercial activities within the Carlsborg Rural Center.

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

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

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

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

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

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

4. Maximum Residential Density: The maximum density for dwelling units is one dwelling unit per half acre.

5. Minimum Lot Size: The minimum lot area for all uses is one acre.

6. Minimum Lot Width: 50 feet

7. Maximum Width to Depth Ratio: 1/5 (0.20)

8. Setbacks:

Front yard - 45 feet from a local access street

50 feet from 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).

9. Other Performance Standards:

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

10. Maximum Height: The maximum height is 25 feet.

5. The amendments to Section 31.03.(340, 455, 465) of the Sequim-Dungeness Regional Comprehensive Plan shall be amended as follows:

Section 31.03.340 Carlsborg

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

Community Vision:

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

Community Boundaries:

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

Land Uses: (See Land Use Map):

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

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

Land Use Statistics:

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

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

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

Section 31.03.455

Sequim - West Neighborhood

Land Use:

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

Section 31.03.465

Dungeness - Jamestown Neighborhood

16. Rural residential densities within this area should be set based on natural physical boundaries and natural limitations. The following principals should apply:
- a. Land immediately north and southwest of the City of Sequim may be designated for Rural Moderate densities (one home per 2.4 acres);
 - b. Land which is within or in close proximity to wetland complexes and the Dungeness River should be designated for Rural Low densities (one home per 5 acres);
 - c. Land north of West Sequim Bay Road to Sequim Bay, outside the City of Sequim Urban Growth Area, should be designated for Rural Moderate densities (one home per 2.4 acres).
 - d. Land outside of wetland, fish and wildlife areas, but not in close proximity to Sequim, may be designated for Rural Moderate densities (one home per 2.4 acres).

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

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

Termination of Ordinance. This ordinance shall cease to be effective as of the sixty-first (61st) day following the date of its enactment and shall not be reenacted as an emergency ordinance.

Section 7

Authority. This emergency ordinance is adopted under the authority of Section 36.70.795 Revised Code of Washington and Section 3.20 of the Clallam County Charter.

Section 8

Effective Date. This ordinance shall come into full force and effect on January 8, 1999.

PASSED AND ADOPTED this 8th day of January 1999

BOARD OF CLALLAM COUNTY COMMISSIONERS

Carole Y. Boardman
Carole Y. Boardman, Chair

Martha M. Ireland
Martha M. Ireland

Howard V. Doherty, Jr.
Howard V. Doherty, Jr.

ATTEST:

Karen Flores
Karen Flores
Clerk of the Board

cc: Community Development
minutes

Exhibit B-2 Carlsborg Interim Zoning

