

Ordinance No. 680, 1999

An ordinance repealing and replacing the Clallam County Comprehensive Plan, Chapter 31.07 and the Clallam County Zoning Code, Chapter 33.35, as they pertain to procedures for comprehensive plan and zoning text or map amendments.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section One. Clallam County Comprehensive Plan, Chapter 31.07 - Implementation

C.C.C. 31.07.300 Comprehensive Plan May be Amended. The purpose of this section is to establish procedures and timelines for amending the comprehensive plan, including text and maps, through the annual comprehensive plan review process, as an emergency amendment, or as a minor amendment. The Growth Management Act (RCW 36.70A) generally allows amendments to comprehensive plans, comprehensive plan maps and associated development regulations only once per year, except in emergencies, in order to allow communities to consider the cumulative impacts of the proposed revisions. As the Comprehensive Plan is a 20-year plan for coordinated development of the county, and the zoning code is one of the major implementation tools of the comprehensive plan, amendments to the plan and zoning code require careful review of a community-wide need for the proposed amendment. This chapter distinguishes between those types of minor map or text amendments which clarify or simplify the comprehensive plan and whose impacts have already been evaluated in existing environmental documents from those types of applications for text or map amendments in which the cumulative impacts must be evaluated.

Whenever necessity, convenience and general welfare require, the boundaries of the land use designations established on any comprehensive plan map of Title 31, and other provisions of this title may be amended consistent with the procedures and criteria in the following sections.

C.C.C. 31.07.305 Type Of Amendments. Clallam County has identified three types of amendments which are further described below. The determination of the type of amendment shall be made by the Administrator.

1. Type A amendments are those applications submitted by an individual or group that do not require annual docketing for the annual amendment process. Type A amendments are minor in nature, are proposed to correct obvious map errors or minor comprehensive plan map boundary relocations to match property lines, are consistent with all comprehensive plan policies and the impacts of the change have already been evaluated by existing environmental documents. Type A amendments may be initiated at any time during the year and are scheduled for public hearing on a quarterly basis by the Administrator to be processed with other Type A amendments; EXCEPT for the case of an emergency, as determined by the Board of Commissioners, which shall be processed as directed by the Board of Commissioners. All applicants for a Type A amendment must complete a pre-application conference with the Administrator prior to filing an application.
2. Type B amendments are similar to Type A minor amendments except that they are proposed by Clallam County in accordance with C.C.C. 31.07.310. Type B amendments include any minor text amendments for the purposes of clarification of text of the comprehensive plan.

3. Type C amendments are proposals that do not qualify as Type A or B amendments. Type C amendments must be received by the end of September in any given year in order to be scheduled for annual review in the following year. No Type C map amendment will be accepted by the Administrator unless it meets the minimum zone size requirement for the zone requested, as established by Title 33 C.C.C., if applicable. All applicants for a Type C amendment must complete a pre-application conference with the Administrator prior to filing an application.

C.C.C. 31.07.310 Initiation of Amendment. Amendments of this Title may be initiated by one of the following methods:

1. By the application of a majority of owners of property which is proposed to be reclassified; or
2. By the application of a person to amend the text of this Title; or
3. By the adoption of a motion by the Board of County Commissioners requesting the Planning Commission to act on a specific amendment and to set the matter for hearing and make a recommendation, along with the reason for requesting the amendment; or,
4. By adoption of a motion by the Planning Commission.
5. By initiation of the amendment by the Department of Community Development as specified in Chapter 26.01 Clallam County Code.

C.C.C. 31.07.320. Initiation of Amendment Application. An application to amend this title shall be filed with the Department of Community Development on forms prescribed by the Administrator, and shall include fees required under C.C.C. 3.30, Clallam County Fee Ordinance. If the application is for an amendment to the official comprehensive plan map, it shall include a legal description and a map showing the location of the property to be redesignated. A map amendment application must be signed by a majority of the owners of properties proposed to be redesignated.

Applications for a comprehensive plan map amendment shall include the tax parcel numbers, names and addresses of all owners of property proposed to be redesignated or "rezoned" and such other information which the Administrator deems necessary for the Planning Commission and the Board of County Commissioners to make a well reasoned decision. A completed application shall be processed by the Administrator in a manner prescribed by the County Code in accordance with state law.

C.C.C. 31.07.330 Public Hearing is Required. The Planning Commission shall hold at least one (1) public hearing before taking action on any amendment to this title, and notice of such hearing shall be given as provided in the Clallam County Zoning Code (C.C.C. 33) applicable to zoning ordinance amendments. If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the planning commission may, before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing and no further notice is required.

Type A and B amendments can be processed throughout a calendar year. Type C comprehensive plan amendments can occur no more frequently than once every year. Whenever possible, all proposals shall be considered by the Planning Commission concurrently so the cumulative effect of the various proposals can be ascertained. However, the County may adopt amendments or revisions to the comprehensive plan whenever an emergency exists, as determined by the Board of Commissioners.

Type A and B applications can be filed at any time during the year, will be completed by the Planning Commission within 90-days of filing a complete application, and that the Board process the applications within 60-days of receipt of the Planning Commission. However, Type C applications need to be filed by September 30th to be eligible for processing the following year. The Planning Director shall prepare a report to the Planning Commission in January of each year as to the proposed Type C amendments that are pending. The Planning Commission shall review the amendments and make recommendations to the Board of Commissioners in a timely manner but no longer than 9-months and shall consider the processing of Type C applications to be a priority, and that the Board process the applications within 90-

days of receipt from the Planning Commission. The Planning Commission shall include findings of fact and conclusions of law upon which its action is based regarding approval or denial of the application.

C.C.C. 31.07.340 Notice of Commissions Decision. When the Planning Commissions action is to recommend approval or denial of an amendment, the Administrator shall notify the applicant by mailing a notice of the action of the Commission to the applicant at the address shown on the application. Other persons requesting notice of the action shall be notified in the same manner as the applicant. A copy of the action together with the findings adopted by the Commission shall be forwarded to the Board of County Commissioners within ten (10) days of said action. The findings shall be made available to the public upon request. Action on all amendments to the comprehensive plan or comprehensive land use maps, whether such action is a denial or approval, by the Planning Commission, shall be recommendations to the Board of County Commissioners with the final decision resting with the Board.

C.C.C. 31.07.360 Decision of the Board. After the receipt of the report and recommendations of the Planning Commission, the Board of County Commissioners shall hold a duly advertised public hearing in accordance with the Clallam County Charter and shall take action on the recommendation in the manner set forth in state law and the Clallam County Charter.

C.C.C. 31.07.370 Required Showing For An Amendment. The Planning Commission and the Board of County Commissioners shall determine that a proposed amendment is consistent with all the following criteria before approval:

1. The proposed amendment is consistent with the spirit and intent of this title.
2. The proposed amendment is consistent with the spirit and intent of Title 33, Zoning Code and all other County road, utility, land use and environmental plans and policies adopted by the County.
3. The proposed amendment will not be detrimental to the public health, safety, and welfare.
4. The proposed amendment is necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a different land use designation.
5. The cumulative effects of proposed amendments have been assessed and determined to be consistent with the spirit and intent of this title.

Section Two. – Clallam County Zoning Code, Chapter 33.35 - Amendment

C.C.C. 33.35.010 ZONING CODE MAY BE AMENDED.

The purpose of this section is to establish procedures and timelines for amending the zoning code, including text and maps, through the annual comprehensive plan review process, as an emergency amendment, or as a minor amendment. The Growth Management Act (RCW 36.70A) generally allows amendments to comprehensive plans, comprehensive plan maps and associated development regulations only once per years, except in emergencies, in order to allow communities to consider the cumulative impacts of the proposed revisions. As the Comprehensive Plan is a 20-year plan for coordinated development of the county, and the zoning code is one of the major implementation tools of the comprehensive plan, amendments to the plan and zoning code require careful review of a community-wide need for the proposed amendment. This chapter distinguishes between those types of minor text amendments which clarify or simplify the zoning code and whose impacts have already been evaluated in existing environmental documents from those types of applications for text or map amendments in which the cumulative impacts must be evaluated.

Whenever necessity, convenience and general welfare require, the boundaries of the zones established on the official zoning map by this title, and the classification of property uses therein and other provisions of this title may be amended consistent with the procedures and criteria in the following sections.

C.C.C. 33.35.015 TYPE OF AMENDMENTS. Clallam County has identified three types of amendments which are further described below. The determination of the type of amendment shall be made by the Administrator.

1. Type A amendments are those applications submitted by an individual or group that do not require annual docketing for the annual amendment process. Type A amendments are minor in nature, are proposed to correct obvious map errors or minor zoning boundary relocations to match property lines, are consistent with all comprehensive plan policies and the impacts of the change have already been evaluated by existing environmental documents. Type A amendments may be initiated at any time during the year and are scheduled for public hearing on a quarterly basis by the Administrator to be processed with other Type A amendments; EXCEPT for the case of an emergency, as determined by the Board of Commissioners, which shall be processed as directed by the Board of Commissioners. All applicants for a Type A amendment must complete a pre-application conference with the Administrator prior to filing an application.
2. Type B amendments are similar to Type A minor amendments except that they are proposed by Clallam County in accordance with C.C.C. 31.35.020. Type B amendments include any minor text amendments for the purposes of clarification of text of the zoning code.
3. Type C amendments are proposals that do not qualify for Type A or B amendments and generally involve major changes in text, addition or deletion of uses in zoning districts, and any change to a zoning map designation and/or its associated zoning classification. Type C amendments must be received by the end of September in any given year in order to be scheduled for annual review in the following year. No Type C map amendment will be accepted by the Administrator unless it meets the minimum zone size requirement for the zone requested, if applicable. All applicants for a Type C amendment must complete a pre-application conference with the Administrator prior to filing an application.

C.C.C. 33.35.020 INITIATION OF AMENDMENT. Amendments of this title may be initiated by one of the following methods:

1. The application of the majority of the owners of property which is proposed to be rezoned; or,
2. By the application of a person to amend the text of this title; or,

3. By the adoption of a motion by the Board of County Commissioners requesting the Planning Commission to act on a specific amendment and to set the matter for hearing and make a recommendation;

4. By adoption of a motion by the Planning Commission; or

5. By initiation of the amendment by the Department of Community Development as specified in Chapter 26.01 Clallam County Code.

C.C.C. 33.35.030 INITIATION OF AMENDMENT APPLICATION. An application to amend this title shall be filed with the Dept. of Community Development on forms prescribed by the Administrator and shall include fees required under C.C.C. 3.30, Clallam County Fee Ordinance. If the application is for an amendment to the official zoning map, called a 'rezone', it shall include a legal description and a map showing the location of the property to be redesignated. An application for a rezone must be signed by a majority of the owners of properties proposed to be redesignated.

Applications for a rezone shall include the tax parcel numbers, names and addresses of all property owners of property proposed to be redesignated or "rezoned", and such other information which the Administrator deems necessary for the Planning Commission and the Board to make a well reasoned decision. A completed application shall be processed by the Administrator in a manner prescribed by the County Code in accordance with state law.

C.C.C. 33.35.040 PUBLIC HEARING IS REQUIRED. The Planning Commission shall hold a public hearing before taking action on any amendment to this title, and notice of such hearing shall be given as provided in Section 33.37.010. If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the planning commission may, before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing and no further notice is required.

C.C.C. 33.35.050 DECISION ON APPLICATION - TIME LIMIT FOR. Type A and B amendments can be processed throughout a calendar year. Type C amendments can occur no more frequently than once every year. Whenever possible, all proposals shall be considered by the Planning Commission concurrently so the cumulative effect of the various proposals can be ascertained. The County may adopt amendments or revisions to the Zoning Code whenever an emergency exists, as determined by the Board of Commissioners.

Type A and B applications can be filed at any time during the year will be completed by the Planning Commission within 90-days of filing a complete application, and that the Board process the applications within 60-days of receipt of the Planning Commission. However, Type C applications need to be filed by September 30th to be eligible for processing the following year. The Planning Director shall prepare a report to the Planning Commission in January of each year as to the proposed Type C amendments that are pending. The Planning Commission shall review the amendments and make recommendations to the Board of Commissioners in a timely manner but no longer than 9-months and shall consider the processing of Type C applications to be a priority, and that the Board process the applications within 90-days of receipt from the Planning Commission. The Planning Commission shall include findings of fact and conclusions of law upon which its action is based regarding approval or denial of the amendment application.

C.C.C. 33.35.060 NOTICE OF COMMISSION'S DECISION. When the Commission's action is to recommend approval or denial of an amendment, the Administrator shall notify the applicant by mailing a notice of action of the Commission to the applicant at the address shown on the application. Other persons requesting notice of the action shall be notified in the same manner as the applicant. A copy of the action together with the findings adopted by the Commission shall be forwarded to the Board of County Commissioners within ten (10) days of said action. The findings shall be made available to the public upon request. Action on all amendments to the zoning text or official maps, whether such action is a denial or approval, by the planning commission, shall be recommendations to the Board of County Commissioners with the final decision resting with the Board.

C.C.C. 33.35.070 BOARD TO CONSIDER ORDINANCE. At the next regular public meeting of the Board of County Commissioners following receipt of the Commissioner's recommendation of any amendment, the Board shall consider hold a duly advertised public hearing in accordance with the Clallam County Charter and shall take action on the recommendation in the manner set forth in state law and the Clallam County Charter.

C.C.C. 33.35.080 DECISION OF THE BOARD. After the receipt of the report and recommendations of the Planning Commission, the Board of County Commissioners shall hold a duly advertised public hearing in accordance with the Clallam County Charter and shall take action on the recommendation in the manner set forth in state law and the Clallam County Charter.

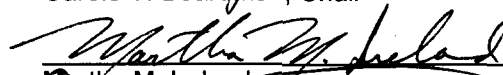
C.C.C. 33.35.090 REQUIRED SHOWING FOR AN AMENDMENT. The Planning Commission and the Board of County Commissioners shall determine that a proposed amendment is consistent with all the following criteria before approval:

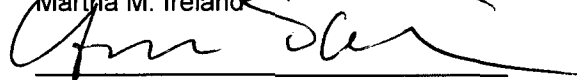
1. The proposed amendment is consistent with the County Comprehensive Plan.
2. The proposed amendment is consistent with the spirit and intent of this title and with all other County road, utility, land use and environmental plans adopted by the County.
3. The proposed amendment will not be detrimental to the public health, safety and welfare.
4. The proposed amendment is necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a different land use designation.
5. The cumulative effects of proposed amendments have been assessed and determined to be consistent with the spirit and intent of this title.

ADOPTED this 7<sup>th</sup> day of December, 1999.

BOARD OF CLALLAM COUNTY COMMISSIONERS

  
Carole Y. Boardman, Chair

  
Martha M. Ireland

  
Howard V. Doherty, Jr.

ATTEST:

  
Trish Perrott, Clerk of the Board