

Ordinance No. 682, 2000

An ordinance adopting interim land use controls amending the text and official land use map of the Clallam County Comprehensive Plan and Clallam County Zoning Code for those lands identified by the Sequim-Dungeness Regional Plan, Chapter 31.03 C.C.C., as part of the Carlsborg Rural Center.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1

Purpose. The purpose of these interim land use controls 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 adopting interim land use controls:

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; Ordinance 640, 1998; Ordinance 658, 1999, Ordinance 662, and Ordinance 674, 1999. 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 current interim land use controls adopted under Ordinance 674, 1999, expire on February 20, 2000.
9. By action taken December 2, 1998, the Clallam County Planning Commission 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 referenced in Finding #3, and to give the Board of Clallam County Commissioners a further opportunity to consider the recommendation of the Clallam County Planning Commission and supporting documents.
10. In late 1996, the Planning Division of the Clallam County Department of Community Development began work on a Capital Facilities Plan (CFP) and environmental assessment document for the possible establishment of a Carlsborg UGA. KCM, a Seattle consulting firm, was hired to assist in this effort and produced a draft CFP and environmental assessment, including multiple alternatives, dated October 1998. The recommendation of the County Planning Commission (Finding #9) was developed after consideration of the KCM Draft CFP, including the alternatives and environmental assessment, as well as the input obtained at public hearings. The Planning Commission rejected the sections of the KCM draft CFP which proposed alternatives for centralized sewer and water, and recommended: (1) that a decentralized approach to wastewater treatment and water supply be preferred over a centralized system (Decentralized system shall include single or multiple on-site supply and disposal systems that comply with County and State regulations, including substantial compliance with the State Antidegradation Policy.); (2) that existing water systems and sewer systems that are in substantial compliance with County and State regulations be allowed to continue; and, (3) that the County investigate other funding sources such as grants to offset whatever capital improvement expenditures may be needed; and, (4) development and implementation of a study to control nitrates loading attributed to both existing and new sources of nitrates, including continued use of on-site sewage systems, applicable to Carlsborg and other areas of Clallam County with documented elevated or rising nitrate levels. The program should consider Appendix B [Continued Use on On-Site Sewage Systems] of the Carlsborg Capital Facilities Plan; the draft summary addendum (dated November 3, 1998) on wastewater options, prepared by County staff; and research of other on-site or cluster-type wastewater facilities methods that more effectively remove nitrates.

11. Consistent with the recommendation of the Planning Commission a Capital Facilities Plan for a Carlsborg Urban Growth Area (UGA) must be completed for public review and comment. The KCM draft contains sections of this plan for a Carlsborg UGA which are substantially completed, as well as "other alternate" language which is no longer applicable. It is the intent of the Board of Clallam County Commissioners that the County Planning Staff shall extract the following substantially completed sections and include them in a proposed CFP. This should be done using clear and common subject headings (i.e. "Existing Conditions", "Future Needs", "Level of Service", "Financing", etc.) applicable to the designation of a Carlsborg UGA. These sections are:
- Solid Waste
 - Surface Water
 - Parks and Recreation
 - Law Enforcement
 - Fire Protection
 - Streets and Roads
12. The following sections of the proposed CFP must be rewritten for clarity and to reflect the recommendations of the Clallam County Planning Commission:
- Introduction (including Appendix 'A' – Land Use Capacity Analysis
 - Background and Methods
 - Sewer Facilities
 - Water Facilities
 - Finance Plan
13. It is the intent of the Board of Commissioners that the following milestones be met during the period which these interim controls are extended:
- Completion of draft sewage system recommendations for UGA alternative for review at Board of County Commissioners' worksession of April 10, 2000.
 - Completion of draft Capital Facilities Plan, Comprehensive Plan amendment, zoning code amendment, and SEPA documents for review at the Board of County Commissioners' worksession of June 5, 2000.

Section 3

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

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	Sequim-Dungeness	Carlsborg Commercial (CC)	33.15.015

Comprehensive Plan Designation	Regional Plan	Zoning Designation	Zoning Chapter
Commercial			
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

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 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.

Community Vision:

1. The twenty year vision for the Carlsborg neighborhood is for moderate 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 the 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 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 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>Carlsborg Commercial</i>	Low 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.	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 Spath Road and Runnion Road, and 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.	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. The plan also reduces rural densities by reducing the land designated for one acre lots and increasing the area designated for five acre lots (over 350 acres). These changes fit the community's vision to have a small 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 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.

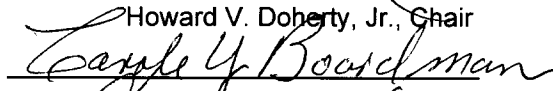
- Section 4 Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application to other persons or circumstances shall not be affected.
- Section 5 Conflict. Where other County regulations are in conflict 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 be effective for six (6) months. It may be renewed for up to six (6) months if a subsequent public hearing is held and findings of fact are made prior to the renewal.
- Section 7 Authority. This ordinance is adopted under the authority of Section 36.70A.390 Revised Code of Washington and Section 3.10 of the Clallam County Charter.
- Section 8 Effective Date. This ordinance shall come into full force and effect ten (10) days after adoption by the Board of Clallam County Commissioners.

PASSED AND ADOPTED this 8th day of February, 2000

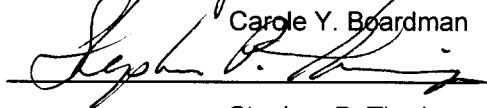
BOARD OF CLALLAM COUNTY COMMISSIONERS



Howard V. Doherty, Jr., Chair



Carole Y. Boardman



Stephen P. Tharinger

ATTEST:



Trish Perrott

Clerk of the Board