

9c  
08/20/02

**ORDINANCE NO. 724, 2002**

An ordinance amending the official Comprehensive Plan Map and Zoning Map of the Clallam County Code, Title 31 and 33, C.C.C. (Application No. REZ2002-00001)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Section 1.** The official Comprehensive Plan Map and Zoning Map of the Clallam County Code, Title 31 and 33, C.C.C., shall be amended by changing the classification of Commercial Forest (CF) to Western Region Rural Center (WRC) for the property legally described below:

The property abuts the south side of SR 101, southwest of Lake Pleasant and opposite the intersection of SR 101 and West Lake Pleasant Road, in the unincorporated community of Beaver. It is legally described as a portion of the Northeast Quarter of the Southeast Quarter of Section 34, Township 30 North, Range 13 West, W. M. (Deed, Volume 1021, Page 626, Clallam County Auditor). The property is referenced by Assessor's Tax Parcel Number 133034-410150.

The property subject to this map amendment is shown on a map prepared by the Clallam County Department of Community Development, included as part of Section 3 of this Ordinance.

**Section 2. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

A. Findings of Fact:

1. Whenever necessity, convenience and general welfare require, the boundaries of the land use designations established on any Comprehensive Plan map of Title 31, according to the County-Wide Comprehensive Plan, Section 31.07.300 and the boundaries of the zones established on the official zoning map by Section 33.35.010 of the Clallam County Zoning Code, may be amended consistent with the procedures and criteria found in C.C.C. 31.07.370 and C.C.C. 33.35.090.
2. The first criterion that must be met in order for an amendment to the Official Land Use Map and Zoning Map to be granted is that the proposal is consistent with the Clallam County Comprehensive Plan.

**ANALYSIS** – The Clallam County Comprehensive Plan requires that lands designated as Commercial Forest (CF) remain in that classification unless a strong case can be made that the zoning could be changed without affecting the commercial viability of the surrounding forest land and that it can be determined that an error was made in the initial designation (C.C.C. 31.02.140(23)).

The Western Regional Planning Commission was a seven-member panel, appointed by the Board of County Commissioners in 1994, to develop a recommendation for a regional comprehensive plan and land use designation map for the Western Regional Planning Area. Following an extensive public process and careful consideration of the established public record, the Western Regional Planning Commission made their recommendation to the Board in 1995. The Board adopted the recommendation without any additional changes, resulting in the adoption of the Western Regional Comprehensive Plan and associated Land Use Designation Map.

The applicant included a statement that was signed by six (6) of the original seven (7) members of the Western Regional Planning Commission (Exhibit 2). The statement clearly indicates that the subject property was originally intended to be designated WRC, further indicating that the current CF designation should be changed to WRC in order to "...correct the oversight which occurred in 1995 and conform to the original intent of the Western Regional Commission." This statement supports the applicants assertion that a clear mistake occurred in the original designation of the site and that the requested WRC zone was the intended designation.

The pertinent facts of the subject property and vicinity support that the land use designation of the site can be changed without affecting the commercial viability of the surrounding forest land. The property is bordered to the south and east by lands owned by Rayonier Timberland Co. Rayonier is an entity owning several thousand acres of commercial forest lands in the west end of the County. Their abutting ownership is part of a much larger contiguous ownership, greater than 80 acres in area. Given other factors (douglas fir growth index, land devoted to commercial forestry, etc.) the Rayonier property is well suited for the Commercial Forest (CF) designation.

However, the use of the Rayonier property in the immediate vicinity has been for gravel extraction. This is evidenced by the ongoing gravel mine to the west of the subject property, and topographic evidence shown through an aerial photo analysis of the portion of the Rayonier property directly abutting the south and east of the subject property. These mining and associated timber harvest operations were ongoing during the time the subject property was being used as a restaurant up until 1996. Given these facts and the property's location next to the existing WRC zone (across SR 101), there is no reason to believe the requested change in zoning for the subject property would affect the ongoing resource production/extraction uses on neighboring commercial forest lands.

3. The second criterion that must be shown in order for an amendment to the Official Land Use Map and Zoning Map to be granted is that the proposal is consistent with the spirit and intent of the Clallam County Zoning Code and all other County road, utility, land use and environmental policies adopted by the County.

**ANALYSIS** - The purpose of the Commercial Forest (CF) zone is to protect large forest land parcels from encroachment of uses which threaten effective forest management practices (C.C.C. 33.07.020). The existing structures and historic use of the site as a restaurant has not resulted in any notable impacts or interference with adjacent gravel extraction or other commercial forest operations. The size and scope of the proposed use of the site does not appear to introduce any operational characteristics that might result in any potential conflicts beyond the historic use of the site. Therefore, the requested change in zoning does not appear to conflict with the purpose and intent of the zoning designation of neighboring properties.

The purpose of the Western Region Rural Center (WRC) zoning designation is to provide for areas with a mixture of commercial, residential and industrial land uses (C.C.C. 33.15.4). A significant portion of the community of Beaver, particularly adjacent to SR 101, has a historic development pattern of residential developments interspersed with neighborhood and tourist-related commercial businesses, as well as some timber-related industrial uses. The proposed

designation of the site would take advantage of existing structures in a manner consistent with the historic use of the site and the character of the neighboring community. The WRC zoning designation is therefore an appropriate designation for this site.

Vehicle access and utilities to the site have been demonstrated as adequate through the project review process. The building permit process will ensure safe construction and issues of environmental concern have already been addressed through the County's review of the completed Environmental Checklist submitted as part of the application.

4. The third criterion that must be satisfied before an amendment to the Official Land Use Map and Zoning Map may be granted is that it will not be detrimental to the public health, safety and welfare.

**ANALYSIS** - The Commercial Forest (CF) designation was implemented pursuant to the GMA to designate, preserve and enhance commercial forest resource lands in Clallam County. The Comprehensive Plan identifies many values that come from commercial forest lands - values that are in the interest of the public health, safety and welfare. Pursuant to the analysis found under Findings # 2 and # 3, approval of the amendment request has demonstrated consistency with the comprehensive plan policies related to conservation and enhancement of commercial forest lands and therefore furthers the interest of public health, safety and welfare.

5. The fourth criterion that must be shown before an amendment to the Official Land Use Map and Zoning Map may be granted is that the amendment is necessary due to changed conditions or there has been a change in circumstances from the time the property was originally zoned which warrants consideration of a different zoning and land use designation district.

**ANALYSIS** - The applicant has demonstrated that it was the expressed intent of the majority of the members of the Western Regional Planning Commission that the subject property receive the WRC designation instead of the current CF designation. Therefore, the requested amendment is necessary to correct this obvious map error. It is the discovery of this obvious map error that constitutes the change in conditions from the time the property was originally designated CF which warrants consideration of the WRC zone.

6. The fifth criterion that must be shown before an amendment to the Official Land Use Map and Zoning Map may be granted is that cumulative effects of proposed changes have been assessed and determined to be consistent with the spirit and intent of the Comprehensive Plan and Zoning Code.

**ANALYSIS** - The foregoing analysis has demonstrated that the proposed amendment for the subject property is consistent with the Comprehensive Plan and Zoning Code. The analysis has been developed specific to the unique circumstances of the subject parcel. With the required showing for approval of a comprehensive plan and zoning amendment having been satisfied, similarly situated properties may also be eligible for similar amendments. However, the circumstances pertinent to this application are unique and contain many factors that set the property apart from other area properties. Widespread application of the rationale and conclusions reached regarding this application does not appear likely. Only those applications that are found to contain similar circumstances

would likewise be found consistent with the spirit and intent of the Comprehensive Plan and Zoning Code.

7. The Department of Community Development prepared an environmental review of the proposed rezone and Comprehensive Plan amendment pursuant to WAC 197-11-310. After review of the environmental record developed for this proposal, the Clallam County Responsible Official issued a Determination of Non-Significance (DNS) and notice of adoption of an existing environmental document for the request on May 31, 2002. A fourteen (14) day comment period was allowed for the DNS. No comments or requests for appeal were received by the Department within the allocated time frame.
8. The Clallam County Planning Commission held a duly advertised public hearing on July 24, 2002, to receive public testimony regarding the proposed rezone and comprehensive plan amendment. A total of one person offered oral testimony at the hearing. No letters of testimony were received by the Planning Commission prior to the close of the public hearing. Having reviewed the testimony received, the staff report and other elements of the public record, the Planning Commission took action to forward a recommendation of **APPROVAL** to the Board of County Commissioners on July 24, 2002.

B. Conclusions of Law:

1. The above Findings have demonstrated that public necessity, convenience and general welfare will be furthered by approval of this rezone and Comprehensive Plan amendment request [Finding Nos. 2, 3 and 5].
2. Based on the preceding analysis, the proposed rezone and comprehensive plan amendment request has demonstrated consistency with the spirit and intent of the Clallam County Comprehensive Plan policies for orderly development [Finding No. 2].
3. Based on the preceding analysis, the proposed rezone is consistent with the policies set forth in the Clallam County Zoning Code, Title 33 [Finding # 3, 4 and 5]. The resulting designation will provide for appropriate and definite administration of land use regulations applicable to the subject property and associated land use [Finding Nos. 2, 4 and 5]. The public welfare will suffer no impact due to the proposed amendment [Finding No. 4].
4. The preceding analysis has demonstrated that approval of this rezone and comprehensive plan amendment request would be consistent with all applicable road, utility, land use and environmental plans within the County [Finding No. 3].
5. The preceding analysis has demonstrated that the proposed rezone and Comprehensive Plan amendment will maintain the public health, safety and welfare [Finding No. 4].
6. The preceding analysis has demonstrated that the proposed amendment is necessary due to an identified error with the adoption of the Clallam County Comprehensive Plan Designation Map and Zoning Map in 1995 [Finding Nos. 2 and 5].
7. There are no significant impacts associated with this rezone and Comprehensive Plan amendment request that raise to any level of significance requiring

consideration in relation to other rezone and comprehensive plan amendment applications currently being considered by the Planning Commission or the Board of Clallam County Commissioners [Finding No. 6 and 7].

**Section 3.** An amendment of the Clallam County Comprehensive Plan and Zoning Map, Clallam County Code Title 31 and 33 (Application No. REZ2002-00001)


Pursuant to Ordinance 724, 2002, The property described below and shown

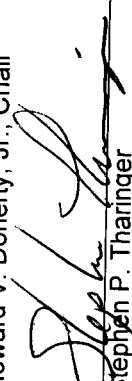
On this map is hereby re-designated from Commercial Forest (CF) to Western Regional Rural Center (WRC).

That portion of the NE 1/4 of the SE 1/4 of Section 34, Township 30 North, Range 13 West, W. M., lying southerly of U.S. Highway 101, and referenced by Tax Parcel Number 133034-410150.

PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF AUGUST, 2002.

Board of Clallam County Commissioners

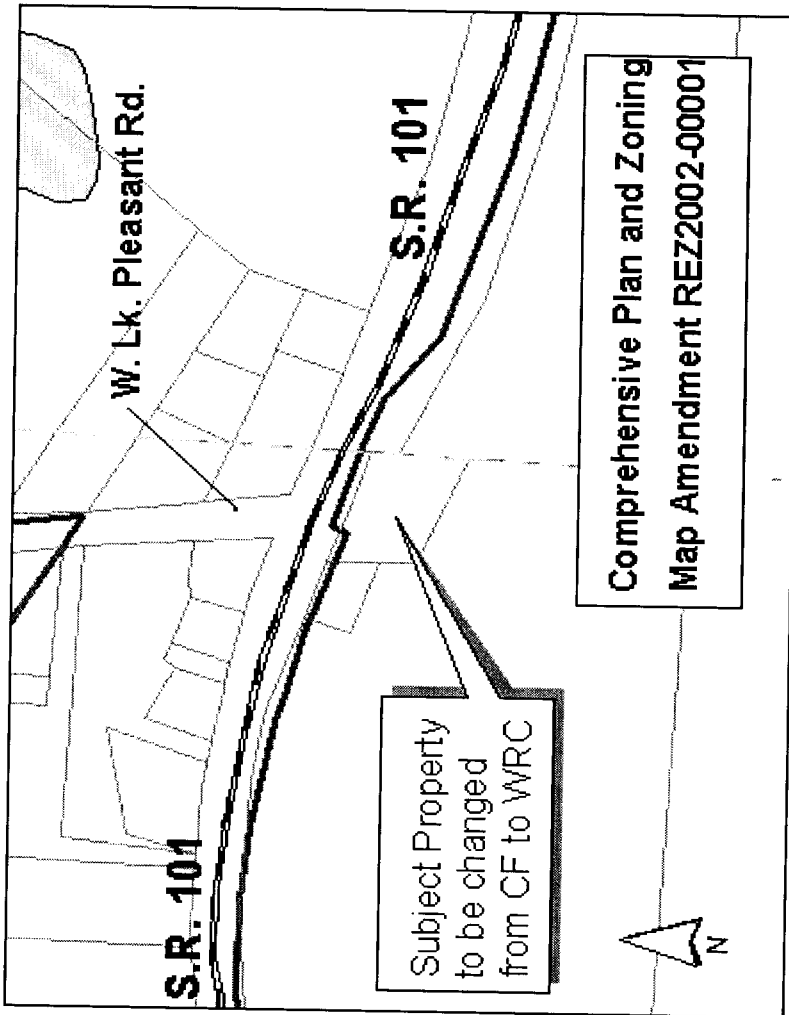
  
Howard V. Doherty, Jr., Chair

  
Stephen P. Tharinger

*Excused Absence*  
Michael C. Chapman

ATTEST:

  
Trish Perrott  
Clerk of the Board



**Section 4.** The Planning Division shall attach a true copy Section 3 of this ordinance to the official Comprehensive Plan and Zoning Map filed in the Clallam County Auditor's Office and change the replicas of the Comprehensive Plan and Zoning maps located in the office of the Clallam County Department of Community Development in accordance with this amendment.

**Section 5.** The Board has determined that this amendment is in the best interest of the public health, safety and welfare.

**Section 6.** This ordinance shall become effective ten (10) days after adoption.

PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF AUGUST, 2002.

Board of Clallam County Commissioners



Howard V. Doherty, Jr., Chair



Stephen P. Tharinger

Excused Absence  
Michael C. Chapman

ATTEST:



Trish Perrott  
Clerk of the Board