

Ordinance No. 727, 2002

An ordinance amending the Clallam County Comprehensive Plan Land Use Map, Title 31, C.C.C., and the Clallam County Zoning Code and associated Zoning Map, Title 33, C.C.C. for the establishment of a new mixed-use zoning district for the area of the Diamond Point Airport and neighboring Sunshine Acres Industrial Park Subdivision in order to replace the General Commercial (GC) zone that is currently in effect for the area. Included in this Ordinance is the rezoning of eight (8) residential lots located southwest of the airstrip from General Commercial (GC) to Urban Residential Low (URL). Map and text changes are included under Section 3 of this Ordinance.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1 Purpose. The purpose of the proposed Ordinance is to implement changes in current zoning and land use designations for the Diamond Point Airport and neighboring Sunshine Acres Industrial Park Subdivision. The proposed changes are intended to address community concerns related to public safety, land use compatibility and community vision for properties in and around Diamond Point Airport.

Section 2 Findings of Fact. The Clallam County Planning Commission finds the following facts to create the need for recommending adoption of amendments to the Clallam County Code:

1. The Clallam County Comprehensive Plan (Title 31, C.C.C.) was amended in June, 1995 (Ord. No. 573, 1995) and again in February 1996 (Ord. No. 584, 1996) pursuant to the requirements of the State Growth Management Act (GMA). The amended Comprehensive Plan set forth policies consistent with the GMA that established land use designations for the unincorporated areas of Clallam County, including the Diamond Point-Sunshine Acres Rural Neighborhood. Specifically, the Plan and associated Land Use Map designated the 80-acre area generally described as the Sunshine Acres Industrial Park Subdivision and Diamond Point Airport as General Commercial (C), and the remaining residential portion of the community Urban Residential (UR).
2. In response to changes made to the Clallam County Comprehensive Plan (Title 31, C.C.C.), the Clallam County Zoning Code (Title 33, C.C.C.) and associated Zoning Map was amended in December, 1995, and again in July, 1996 (Ord. No. 601, 1996). Included in the amended Zoning Code and Zoning Map was a change in zoning for the Diamond Point-Sunshine Acres Rural Neighborhood consistent with the Comprehensive Plan designations for the area. Specifically, the area designated on the Comprehensive Plan Land Use Map as General Commercial, was assigned the General Commercial (GC) zoning designation. The area on the Comprehensive Land Use Map designated as Urban Residential (UR) was assigned the Urban Residential Low (URL) zoning designation.
3. In May, 1996, Rezone and Comprehensive Plan Amendment Application REZ95-0001 was approved by the Board of County Commissioners. Specifically, this amendment changed the Zoning and Comprehensive Plan designation for Lots 1 through 3 of Block M, Lots 4 through 6 of Block K, and all Lots within Block L of the Industrial Park Subdivision from General Commercial (GC) to Urban Very Low (URL).
4. The proposed amendment being the subject of these Findings would change the existing zoning designation for the area of the current General Commercial (GC) zoning district to a new zoning designation of Diamond Point Airport District (DPA). In addition, the current zoning boundary would be modified to re-designate eight (8) residential lots existing south and west of the airstrip from General Commercial (GC) to Urban Residential Low (URL).
5. In October, 1999, the Department of Community Development received a draft proposal on behalf of the Diamond Point Airport Association (DPAA), proposing a

new zoning district for that portion of the Sunshine Acres Industrial Park Subdivision lying northerly of Industrial Parkway. The draft amendment proposed to change the current zoning designation to a proposed Diamond Point Airport District. The proposal was intended to curtail certain commercial uses currently allowed under the General Commercial (GC) district that were thought to be inappropriate by some areas residents, and to allow identified airport-related uses without the need for an extensive public review (conditional use permit) process.

6. The proposal submitted on behalf of the DPAA was the subject of a public work shop, which was held on February 25, 2002 at the Gardner Community Center. The Department of Community Development distributed an informational brochure and notice of the public meeting to over seven hundred (700) residences in the community. Over 80 concerned individuals attended the meeting. During the meeting, staff described the proposal received by the County and answered questions raised by the audience. A questionnaire was distributed at the meeting to help determine community concerns regarding the proposal and what other issues might be addressed through appropriate changes in land use regulations and zoning.
7. Following the February 25th Public Workshop, the Planning Commission considered the proposal submitted by the DPAA and, following five (5) work sessions on the topic, directed staff to develop a revised proposal for public distribution and comment. The Public Hearing Draft maintained the same name as the original proposal submitted by the DPAA (Diamond Point Airport District), but modified the use tables, introduced additional design standards, and included definitions for key terms to assure clarity of the regulation. A total of 23 completed surveys and 42 letters of comment were received by the Planning Division and forwarded to the Planning Commission for consideration in the development of the Public Hearing Draft.
8. A Notice to Adopt an Existing Environmental Document and Determination of Non-Significance (DNS) was issued pursuant to the State Environmental Policy Act (SEPA) by the Clallam County Responsible Official on July 1, 2002. No comments or appeals pertaining to this determination have been received by Clallam County to date.
9. The Planning Commission held a duly advertised public hearing on July 10, 2002 at the Guy Cole Convention Center, located at Carrie Blake Park, in Sequim. Notice of the public hearing was mailed to over seven hundred (700) residences in the community. Approximately forty (40) members of the public attended the hearing. During the public hearing, a total of five (5) individuals provided oral testimony. Being that no other individuals expressed a desire to testify, the Planning Commission took action to close the public hearing, while leaving the written portion of the record open until 4:30 p.m., Tuesday, July 16th, for additional written comments. Three additional letters of comment were received prior to the close of the written portion of the public record (total of 45-letters received). Following a work session on July 24th, 2002 to review additional letters of testimony and discuss the public record, The Planning Commission took unanimous action to forward a recommendation to the Board of County Commissioners for approval of the zoning changes contained in this Ordinance.
10. Whenever necessity, convenience and general welfare require, the provisions of the Clallam County Comprehensive Plan, Title 31, and the Clallam County Zoning Code, Title 33, may be amended consistent with the following criteria (CCC 31.07.370 and CCC 33.35.080):
 - a. The proposed amendment is consistent with the spirit and intent of Title 31, Clallam County Comprehensive Plan;
 - b. 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;
 - c. The proposed amendment will not be detrimental to the public health, safety, and welfare;

- d. The proposed amendment is necessary due to changed conditions or circumstances from the time the current regulation was adopted; and
- e. The cumulative effects of the proposed amendment have been assessed and determined to be consistent with the spirit and intent of the Zoning Code and Comprehensive Plan.

11. The Growth Management Act (Chapter 36.70A, RCW) generally allows amendments to comprehensive plans and development regulations only once per year, except in emergencies, so as to allow communities to consider the cumulative impacts of the proposed revisions (36.70A.130(2)(a), RCW). Clallam County Code also requires that cumulative effects of annual comprehensive plan and zoning amendments be evaluated and ascertained in relation to one-another (C.C.C. 31.07.330 and 33.35.010).

Planning Staff prepared and submitted a Work Plan for the Year 2002 to the Clallam County Planning Commission in January, 2002. The Planning Commission agreed to the content of the work plan, recognizing that establishing firm dates for public review and final action could not be ascertained until considerable effort and evaluation of the various items were first accomplished. Proposed amendments to the Comprehensive Plan and Zoning Code contained in the Work Plan included; 1) a Type C Amendment (Rezone Application REZ2001-00002), 2) Diamond Point Airport and Vicinity Land Uses, 3) Quillayute Airport Land Use Plan, 4) an update to the Carlsborg Capital Facilities Plan, 5) Home Enterprise Standards of the Zoning Code, and 6) amendments to the standards and policies for accessory housing in Clallam County. To date, action has only been taken on Rezone Application REZ2001-00002, changing the zoning designation of approximately 26.5 acres from Commercial Forest (CF) to Rural Very Low (R20). In evaluation of the proposed amendment for changes to Zoning and Comprehensive Plan designations for the Diamond Point-Sunshine Acres Rural Community, no significant correlation is found to exist between the subject proposal and other docketed items in the 2002 Work Plan. The cumulative effects of the proposed changes to the Zoning Code and applicable Comprehensive Plan policies have been assessed and determined to contain no potential adverse cumulative impacts. Therefore, the proposed amendment is consistent with the spirit and intent of the Clallam County Comprehensive Plan, Title 31, C.C.C., and the Clallam County Zoning Code, Title 33, C.C.C.

14. Pursuant to the requirements of Chapter 36.70A.106(1), RCW, staff forwarded a notice to the Washington State Office of Community Development on July 1, 2002, indicating the County's intent to adopt the proposed changes. Accompanying the notification was a correct copy of the Public Hearing Draft prepared by the Planning Commission. No comments have been received to date from any state agencies regarding the proposed ordinance.

Conclusions of Law: The Planning Commission hereby adopts the following Conclusions of Law in support of their recommendation for amending the Clallam County Zoning Code and Official Zoning Map, Title 33, and the Clallam County Comprehensive Plan Land Use Map, Title 31, C.C.C., by replacing the current General Commercial (GC) zoning district with a new Diamond Point Airport (DPA) zoning district for the portions of the Sunshine Acres Industrial Park Subdivision and Diamond Point Airport currently zoned General Commercial (GC); and for the amendment of the Official Zoning Map and Comprehensive Plan Land Use Map for eight residential lots existing to the southwest of the Airstrip from the General Commercial (GC) zoning district to the Urban Very Low (URL) zoning district:

1. The proposed amendments are consistent with the spirit and intent of Title 31, Clallam County Comprehensive Plan. The proposed changes to the boundaries of the Comprehensive Plan Map are minor in nature. The proposed DPA zoning district maintains the spirit and intent of the Comprehensive Plan by retaining commercial land uses within the subject area. The proposed amendments to Title 33, Clallam County Zoning Code, provide a greater degree of public protection through reasonable regulations that reflect infrastructure limitations, environmental concerns

and community character to a greater degree than is achievable under the current General Commercial (GC) designation. This also provides greater consistency with Comprehensive Plan policies than is achieved under the GC zone (Findings 1, 4, 6, 8 and 11).

2. The proposed amendments are 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. The proposed DPA zoning district provides opportunity for appropriately-scaled commercial goods and services that fit the needs and character of the community. By allowing some limited airport-related uses as permitted outright, the interests of the Diamond Point Airport are better served. By requiring reasonable development standards that control and prevent development from exceeding the capacity of limited infrastructure and neighborhood character, the interests of the greater residential community is ensured (Findings 2, 4, 6 and 8).
3. The proposed amendments will not be detrimental to the public health, safety, or welfare. The proposed amendments enable a greater degree of protection for the public health as limits on the scope and density of new airport-related and commercial developments provide better assurance that expansion of on-site septic systems and other potential sources of pollution will be controlled. The general welfare is also provided greater protection as the proposed standards (i.e. building size, minimum lot size, setbacks, etc.) address protection of neighborhood character (Findings 8, 9 and 11).
4. The proposed amendments are necessary due to changed conditions or circumstances from the time the current regulation was adopted. Approximately six (6) years has passed since the adoption of Ordinance No. 601, 1996. This has provided enough time to monitor the effectiveness of the current GC zoning designation and its ability to serve the interests of the community. With very few construction permits having been issued under the GC zoning designation, and a general community sentiment having been expressed that the uses currently allowed do not address community needs and concerns, the Planning Division is now able to identify specific issues that can be corrected through a change in zoning (Findings 3, 5 and 7).
5. The cumulative effects of the proposed amendments have been assessed and determined to be consistent with the spirit and intent of the Zoning Code and Comprehensive Plan. In evaluating the potential impacts of the proposed amendments, the Clallam County Responsible Official determined that the evaluation provided under the Final Environmental Impact Statement (FEIS) for the adoption of the Clallam County Comprehensive Plan (Ord. No. 573, 995), meets the County's responsibility for evaluation of potential environmental impacts under SEPA (Chapter 197-11 WAC). The FEIS evaluated land use designations in relation to environment, infrastructure and other components of the natural and built environment. Since the proposed amendments constitute greater protection of these environmental elements, no additional evaluation is necessary (Findings 4, 7, 8 and 11).

Section 3

Section 33.03.010, CCC - Definitions

C.C.C. 33.03.010 DEFINITIONS. For the purpose of this chapter, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this chapter shall carry the meanings as specified in the latest edition of Webster's New Collegiate Dictionary.

1. Accessory Apartment. An accessory housing unit located above the first floor of a multi-storied commercial or limited industrial use building.
2. Accessory Dwelling Unit or ADU. A separate dwelling unit within a single family dwelling or a separate structure associated with a single family dwelling which is incidental and subordinate to the primary residential use of the property. Accessory dwelling units are further defined as follows:
 - a. Detached. Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary residential dwelling unit. ADU's that are connected to a primary residential structure only by a covered breezeway or similar appurtenant structure shall be considered detached.
 - b. Attached. Those accessory dwelling units that share a common wall or floor/ceiling with the primary dwelling unit and do not meet the definition of detached accessory dwelling unit.
3. Accessory Housing. An accessory single-family housing unit, the residential use of which remains a clearly incidental and subordinate use to a legally constructed primary single-family dwelling, commercial, or industrial use. Accessory housing includes accessory dwelling units, accessory apartments, caretaker apartments, and temporary medical hardship dwellings.
4. Accessory Use or Improvement. A use or improvement which is necessary for the full use and enjoyment of the main use of the property, is typically associated with the main use, and is subordinate to or incidental to the main use of a parcel and which includes the utilities necessary to serve the accessory use. Accessory uses and improvements are allowed in all zoning districts.
5. Administrator. The director of the Department of Community Development of Clallam County or his/her designee.
6. Affected Party. Those parties with standing to bring action on appeals of decisions rendered pursuant to this title and is limited to the following parties:
 - a. The applicant or owner of property on which the development is proposed.
 - b. Any person entitled to notice of the application pursuant to Section 33.37.010.
 - c. Any person who deems themselves aggrieved by a decision and who will suffer direct and substantial impacts from the proposal.
7. Agriculture. Improvements and activities associated with the raising and harvesting of crops and livestock. Agriculture includes ancillary activities, including equipment storage and repair, seasonal employee housing, and temporary on-site retail stands for the sale of agricultural goods.
8. Airport, General Aviation. An area of land or water that is used or intended to be used for the landing and taking off of aircraft. General aviation airports are designated by the Federal Aviation Administration (FAA) and may include ancillary structures and facilities that support the public and/or commercial use of the airport, including: boarding terminals, air traffic control towers, cargo decks, baggage and ticketing terminals, parking areas, fueling facilities, aircraft storage (hangars), and aircraft servicing and repair facilities.
9. Airport, Private Use. An area of land or water that is used or intended to be used for the landing and taking off of aircraft. Private use airports are not designated by the Federal Aviation Administration (FAA) as General Aviation Airports and may include ancillary structures and facilities that support the private, non-commercial recreational use of the airport, including: air traffic control towers, parking areas, fueling facilities, aircraft storage (hangars), and aircraft servicing and repair facilities.
- §10. Allowed Use. An activity or structure which is allowed outright by this chapter in one or more zones without issuance of a conditional use permit.
- §11. Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.
- §12. Asphalt Plant. A permanent (longer than three months) installation of an asphalt plant, provided that the facility complies with all applicable water quality, air quality, and other environmental regulations.

4413. Bed and Breakfast Inns. A single family dwelling on property occupied by the owner or manager which is constructed or converted partially or entirely into an overnight, short-term boarding house which does not detract from the residential appearance of the structure, and has five or fewer rooms for overnight accommodations.

4214. Business Park. A commercial or industrial development supporting low intensity activities compatible with adjoining residential land uses when properly landscaped.

4315. Caretaker Apartment. An accessory housing unit that is permitted in association with a commercial or industrial use where no residential dwelling exists, and the expressed purpose of the accessory housing unit is to provide housing for an on-site security or operations personnel.

4416. Child Day Care Center. A facility providing regularly scheduled care for a group of thirteen or more children, within a one month of age through twelve years of age range exclusively, for periods of less than twenty-four hours.

4517. Church. A building or buildings intended for religious worship including ancillary activity and improvements such as religious education, assembly rooms, kitchen, reading room, recreation hall and may include a residence for church staff. This definition does not include schools devoted primarily to nonreligious education.

4618. Commercial Greenhouse or Nursery. A structure (greenhouse) or land (nursery) devoted to the cultivation and wholesale or retail sale of plants.

4719. Commercial Horse Facility. A facility greater than 2,000 square feet for the commercial boarding, care, training or riding of horses.

4820. Commercial Use. Any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income.

4921. Commercial Use, Neighborhood. Commercial uses whose primary function are to serve a limited geographical market area intending to enhance a neighborhood or limited residential market.

2022. Commission. The Clallam County Planning Commission appointed by the Board of County Commissioners.

2423. Communication Relay Facilities. Telephone, telegraph, television, radio, cables, microwave stations, retransmission improvements, substations and any other communication conveyance. This definition includes commercial broadcast stations, accessory control buildings and security fencing.

2224. Comprehensive Plan. The Clallam County Comprehensive Plan, County Code Title 31.

2325. Conditional Use. An activity or structure which is permitted in a 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.

2426. Corner Lot. A lot abutting on and at the intersection of two or more streets.

2527. County. Clallam County.

2628. Density. The number of dwelling units per gross acre of land, which includes road right-of-ways to the centerline of fronting streets, tidelands, and dedicated open space areas.

2729. Development Right. A development right is defined as the difference between the existing use of a parcel and its potential use as permitted by existing law, i.e., a development right is equal to the unused development potential of a parcel of land. In simplest form a single development right usually represents the potential to build one dwelling unit.

2830. Development Standards. A set of requirements establishing parameters to be followed in site and/or building design and development.

2931. Duplex. Two dwelling units having a common roof.

3032. Dwelling Unit. Any building or any portion thereof which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes having independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, sanitation and including accessory structures and improvements.

3133. Easement. A grant of one or more property rights by the property owner to and/or for a specific or general use by a person or public.

3234. Family Child Care Home. A facility in the family residence of the licensee providing regularly scheduled care for twelve or fewer children, within a birth through eleven-years-of-age range exclusively, for periods of less than twenty-four hours.

3335. Grocery Store. A structure devoted primarily to the sale of staple foodstuffs and household commodities.

3436. Gross Floor Area. For structures used for commercial or industrial purposes, gross floor area shall include the sum of the horizontal areas of one or more floors of a building measured from the exterior face of exterior walls or from the centerline of a wall separating two commercial uses but not including interior parking spaces, storage spaces, loading spaces and basements which are not used for human habitation or service to the public. For structures used for residential purposes, gross floor area shall include the sum of the horizontal areas of one or more floors of a building measured from the exterior face of exterior walls but not including garages or exterior storage spaces.

3537. Group Home. A facility licensed by the state which is located in a single building utilized for the full-time shelter and care of a group of unrelated people. A group home is considered to be a multiple family dwelling when it is occupied by seventeen (17) or more clients. A group home is considered to be a home enterprise when occupied by sixteen (16) or fewer clients and when consistent with the standards for a home enterprise.

3638. Hazardous Waste

a. Any discarded, useless, unwanted, or abandoned non-radioactive substances, including but not limited to certain pesticides or any residues or containers of such substances which are disposed of in such quantities or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes: have short-lived toxic properties which may cause death, injury, or illness or have mutagenic, teratogenic or carcinogenic properties; or are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

b. Any waste described in section a above which: will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife and is highly toxic to man or wildlife; or if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

3739. Hazardous Waste Treatment and Storage Facility. A site or facility used to store or treat hazardous waste as defined in Section 33.03.010 (28) Clallam County Code.

3840. Home Based Industry. A revenue generating enterprise which is located on a residential parcel and which generates or involves outdoor activity and/or outdoor storage of equipment or supplies.

3941. Home Enterprise. A revenue generating enterprise which is conducted entirely within a dwelling and/or inside other legally existing buildings on a residential property and is subordinate to and incidental to the residential use of the dwelling..

4042. Indoor Shooting Range. A facility, commercial, public or private, which provides for recreational shooting and hunter education within a fully enclosed and soundproof structure which is clearly subordinate to the residential use, if applicable, of the property.

4143. Industrial Use. Any premises devoted primarily to the manufacturing of semi-finished products, finished products and the processing of materials. This definition includes accessory facilities such as but not limited to storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage milling and sorting.

4244. Kennels. An establishment which is designed to accommodate the temporary boarding of six or more household pets owned by persons other than the owner of the premises.

4345. Land Use. An activity on land serving man in some manner.

4446. Limited Industrial Use. Those industrial uses which generate minimal amounts of noise, odor, glare, traffic, and other nuisance characteristics.

4547. Lodges. Any structure accommodating an organization which is operated not for profit where entrance to the premises is contingent upon the payment of a monthly or yearly fee.

4648. Lot Coverage. The total ground coverage of all buildings or structures on a site measured from the outside of the external or supporting walls, but not to include: at-grade, off-street parking lots; deck areas; terraces; swimming pools; pool deck areas; walkways; and roadways; and driveways.

4749. Lot Depth. Depth of a lot shall be considered to be the horizontal length of a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line.

4850. Lot Line, Front. The boundary of a lot which is common to a public or private road or access easement. Where the lot abuts two or more roads the lot owner may designate one of the lot lines common to one of the roads as the front lot line at the time the lot is developed.

4951. Lot Line, Rear. The property line of a lot that is most opposite or most distant from the designated front lot line and that does not intersect any front lot line. In the case of a triangular lot, it means a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line. In the event that the front property is a curved line, then the rear property line shall be assumed to be a line parallel to a line tangent to the front property line at its midpoint. In the case of waterfront property, the rear lot line is that which adjoins the ordinary high water line, unless otherwise designated by the Zoning Administrator

5052. Lot Line, Side. Any lot line that is not a front or rear lot line, or any lot line that intersects a front lot line.

5153. Lot, Parcel, Tract. A lot, parcel or tract shall be an ownership of land in which the boundary is defined by a deed recorded in the County Auditor's Office and assigned a tax parcel number by the County Assessor; or a lot which has been defined by a survey recorded pursuant to Washington State surveying or platting laws and is assigned a tax parcel number by the County Assessor; or parcels recognized by resolution of the Board of County Commissioners adopted prior to the effective date of this title.

5254. Lot Width. The horizontal distance between side lot lines measured at right angles to lot depth line at a point midway between the front and rear property line. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the depth line of the lot at a distance midway from the front and rear lines required for the district in which the lot is located.

5355. Master Planned Resort. A self contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short term visitor accommodations associated with a range of developed on-site indoor or outdoor recreation facilities.

5456. Medical Hardship. A physical or mental incapacitation requiring daily care by an on-site caregiver and is attested to, in writing, by a licensed practicing physician in the State of Washington.

5557. Medical Hardship Dwelling. A mobile home or manufactured home, as defined by WAC 296-150M-0020, allowed to provide temporary housing in cases of documented medical hardship.

5658. Medical Service Facility. A licensed medical physicians clinic or outpatient care clinic where overnight accommodations are not provided.

5759. Mineral Extraction. Activities involved in the extraction and processing of minerals from the earth for industrial, commercial, or construction uses, excluding water. For the purpose of this chapter, removal of solid materials from the earth is not deemed mineral extraction until the activity collectively results in more than 3 acres of land being disturbed or that results in pit walls more than 30 feet high and steeper than one horizontal to one vertical. This definition does not include disturbances greater than 3 acres of land during any time period if the cumulative area that has not been rehabilitated according to the State's reclamation requirements outlined in RCW 78.44 is less than 3 acres. Farming, road construction, mineral exploration testing and site preparation for construction shall not be deemed mineral extraction activities.

5860. Minimum Lot Size. The smallest parcel size upon which a dwelling may be placed or constructed, provided that roads and open spaces which are dedicated to the public and tidelands shall be excluded when calculating lot size, provided that lots in the Rural (R1) zoning district may include roads dedicated to the public as part of a land division in the minimum lot size calculation.

5961. Mixed-Use. Development that combines two or more different land uses on the same lot or contiguous lots in the same zone, such as retail uses and residential uses.

6062. Mobile Home Park. A lot or parcel of land occupied by two or more mobile homes on a rent or lease basis, and approved by Clallam County pursuant to County regulations.

6163. Motel/Hotel. A structure which provides overnight, short-term boarding to transient guests and not defined as a bed and breakfast inn facility.

6264. Multiple Family Dwelling. A building containing three or more dwelling units.

6365. Non-Conforming Use or Structure. A lawful structure or use existing at the time this chapter or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

6466. Off-Street Parking. Any space specifically allocated to the parking of motor vehicles that is not located within a public right-of-way, a travel lane, a service drive, or any easement for public use.

6567. Outdoor Oriented Recreation Facilities. Buildings, land alterations, or other facilities which are intended to provide for recreational activity including, but not limited to, campgrounds, boat launching facilities, golf courses and ballfields.

6668. Outdoor Shooting Range. A facility, commercial, public or private, and use, part of which occurs outdoors, which is established for the purpose of recreational shooting and hunter education/training. An outdoor shooting range includes the discharge of firearms for any lawful purposes. Accessory uses which directly relate to the use of the site as an Outdoor Shooting Range such as campgrounds and indoor retailing of shooting supplies are included.

6769. Parking Space. A parking space is an area set aside for the parking of one motor vehicle.

6870. Performance Standards. Criteria that are established and must be met before a particular use will be permitted. These measures are designed to guide development of property and include, but are not limited to, open space requirements, water and waste water requirements, buffer zones, screening, size and height limits for buildings, noise, vibration, glare, heat, air or water contaminants, and traffic.

6971. Permitted Use. An activity or structure which is either allowed in a zone pursuant to this chapter without conditions or formal action by the County, or is identified as a conditional use.

7072. Person. A man, woman, firm, association, partnership, political subdivision, government agency, corporation or any other human entity whatsoever.

7473. Primary Dwelling Unit. A structure consistent with the definition of Single Family Dwelling, as set forth in this Section; PROVIDED, that this definition applies to those single family residential structures on parcels where an accessory dwelling unit, consistent with the standards of Chapter 33.50 of this Title, is also present.

7274. Primitive Campground. A campground for day use and overnight accommodations by tents only (no recreational vehicles or tent-trailer's). A primitive Campground is also an Outdoor Oriented Recreation Use, unless specified in each zoning district.

7375. Professional Offices. A structure accommodating the following professional offices: medical, dental, chiropractic; accounting, consulting, cosmetologist, real estate offices or such other offices of persons required to be licensed by the State of Washington following completion of required training.

7476. Public Building. A building or improvement which is used or owned by a governmental agency.

7577. Public Improvement. A facility which is used or owned by a governmental agency.

7678. Race Track. An area devoted to the racing of motor and non-motorized vehicles or animals, and all improvements normally associated with racing such as off-street parking, patron seating, concessions, and a fixed race track.

7779. Research Facility. An improvement devoted to or supporting research activities and having minimal nuisance characteristics related to odor, noise, glare and radiation. Research is an activity devoted to the obtaining of knowledge and does not include any product retailing or wholesaling activity. Testing for surface and subsurface minerals is not a research activity.

7880. Retail Use. A land use devoted primarily to the wholesale and retail sale of a product or service to the general public.

7981. RV Park. A campground for day use and overnight accommodations by motor homes, travel trailers, truck campers and camping trailers.

8082. Satellite Dish Antenna. A round, parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than four meters in diameter. Commercial dish antennas are typically those larger than four meters and typically used by broadcasting stations.

8483. School. A building where instruction is given to persons to enhance their knowledge or skills. Buildings where instruction is given primarily on religious matters are not deemed to be schools.

8284. Setback. The minimum distance allowed by this chapter between a lot line or the centerline of a street right-of-way and the foundation of any building on the lot, provided, however, that eaves, decks, porches, bay windows, chimneys or other architectural elements may project no

more than two (2) feet in any required yard except in instances where such projection would be over or on an easement, which is not allowed, and provided further that structures and improvements associated with utilities or roads dependent on location on or near road right-of-way shall be allowed without meeting the setback standards of the Zoning Code.

8385. Shooting Ranges. A facility established for the purpose of recreational shooting, including, but not limited to target and skeet shooting.

8486. Single Family Dwelling. A dwelling unit detached from any other dwelling unit and intended for occupation by one family and including accessory improvements and uses. This definition includes manufactured homes such as mobile homes, modular homes and other homes manufactured in components or as one complete dwelling unit.

8587. Storage Facility. A building or fenced open yard used solely for the storage of goods and materials provided that automobile wrecking or salvage facilities are excluded from this definition.

8688. Street. Any vehicular right-of-way which:

- a. is an existing state, county or municipal roadway or,
- b. is a publicly owned easement or
- c. is shown upon a plat or short plat or survey approved pursuant to County regulations

or

d. is approved by other governmental action. The street shall include all land within the boundaries of the street right-of-way which is improved.

8789. Street Classifications. Those functional classifications given to streets by the Clallam County Board of Commissioners under the provisions of RCW 36.86.070.

8890. Street Right-Of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation, and intended to be occupied by a street, as specified by recorded easements, recorded ownership instruments, or dedications accepted by the Board of County Commissioners for public transportation purposes.

8991. Tavern. Any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer and/or wine.

9092. Timber Harvesting. Improvements and activities associated with the growing and harvesting of trees. Such activity includes land preparation for tree planting, road construction, tree thinning, brush control, log storage and sorting yards, tree nursery facilities, research activity related to timber growing, improvements required for environmental impact mitigation, temporary chipping and barking activity utilizing portable equipment, storage of materials, vehicles and equipment supporting timber growing, harvesting and transportation activities, staging areas and facilities, timber trans-shipment facilities, log scaling facilities, the extraction of gravel and rock necessary to support timber management activity and all other silviculture and associated practices which are recognized by and consistent with the regulations of the Washington State Forest Practices Act of 1974.

9193. Timber Labor Camp. Facilities which are designed to accommodate persons who are employed in timber management activities. Such facilities provide overnight sleeping, waste disposal and one cooking facility to serve the entire facility.

9294. Tourist Shop. A facility devoted primarily to the sale of a product or service to the traveling public, including antique or curio shops, crafts, memorabilia.

9395. Transfer of Development Rights or TDR. An innovative voluntary program in which unused Transferable Development Rights (TDR's) credited by the county to one parcel can be sold and transferred without buying and selling the land. These transferable development rights may be utilized in an urban growth area to increase allowable densities.

9496. Unclassified Use. An activity or land use not defined by this title and not listed as allowed use, a conditional use, or a prohibited use in this title.

9597. Urban Growth Area. Those areas designated by Clallam County pursuant to the policies in the County-Wide Planning Policy and the comprehensive plan.

9698. Urban Level of Facilities and Services. Those services defined as "urban governmental services" with levels of service as defined within the Capital Facilities Element of the Clallam County Comprehensive Plan.

9799. Utility. A fixed, conveyance type improvement serving two or more ownerships. Said improvement conveys power, gas, water, sewage, surface drainage, or communication signals. This definition does not include inter-county or inter-state transmission facilities.

98100. Variance. An exception from the minimum standards of this chapter allowed by the provisions of Chapter 33.30 of this title.

~~99~~101. Vehicle Repair. A structure or land use devoted to the repair of motor vehicles and not otherwise defined as a home-based industry.

~~100~~102. Wholesale Commercial Use. Establishments or places of business primarily engaged in selling merchandise or services to retailers, industrial customers, institutional agencies, professional business users or to other wholesalers.

~~101~~103. Wood Manufacturing. Any wood manufacturing premises devoted primarily to the manufacturing of semi-finished products, finished products and the processing of materials. This definition includes accessory facilities such as but not limited to storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage, milling and sorting.

~~102~~104. Wood Manufacturing (Small Scale). Any wood manufacturing activity meeting the following criteria: cabinet shops and other wood finishing facilities; all activity takes place indoors; and the structure is less than 5,000 square feet.

~~103~~105. Wrecking Yard Or Junk Yard. An open area where scrap materials or motor vehicles are bought, sold, exchanged, recycled, stored, disassembled or handled, but which cannot be used again for the purpose for which it was originally intended.

~~104~~106. Zone. A mapped area to which a uniform set of regulations applies. The Clallam County Official Zoning Map describes the extent and boundaries for the zones described within this title.

~~105~~107. Zoning. The process by which a county or municipality legally controls the use of property and physical configuration of development upon tracts of land within its jurisdiction.

C.C.C. 33.15.035 DIAMOND POINT AIRPORT (DPA). The purpose of the Diamond Point Airport zone is to allow for appropriately-scaled private airport and limited commercial and industrial uses within the Diamond Point/Sunshine Acres Rural Center. This district is primarily intended to support airport related uses that are consistent with the use of the Diamond Point Airport as a private use airport primarily serving the surrounding Diamond Point and Sunshine Acres developments.

1. Allowed Land Uses - The following land uses are allowed outright in the Diamond Point Airport District:

- Agricultural activities
- Airport, Private Use
- Business parks
- Churches
- Commercial greenhouses
- Commercial storage
- Home-based industry
- Home enterprise
- Medical service facilities
- Limited industrial use
- Professional offices
- Public Buildings
- Retail stores
- Single family dwelling¹
- Timber harvesting
- Tourist shops
- Wood manufacturing (small scale)

¹One (1) single-family dwelling or accessory housing unit is allowed on a lot in association with an aircraft hangar, commercial use, or limited industrial use.

2. Conditional Land Uses - The following land uses should be permitted in the Diamond Point Airport 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:

- Bed and breakfast inns
- Child day care centers
- Family child care homes
- Gas stations
- Grocery stores
- Outdoor oriented recreational activities
- Research facilities
- Restaurants
- RV-Parks
- Schools

3. Prohibited Land Uses - The following land uses should be prohibited in the Diamond Point Airport District:

- Airport, General Aviation
- Asphalt plants
- Cemeteries
- Commercial horse facilities
- Duplexes
- Lodges
- Mineral extraction
- Mobile home parks
- Motels
- Multiple family dwellings
- Outdoor shooting ranges
- Planned unit developments
- Primitive campgrounds
- Race tracks
- Shooting ranges
- Taverns
- Timber labor camps
- Vehicular repair (non-aircraft related)
- Veterinarian clinics/kennels
- Wood manufacturing
- Wrecking yards

4. Other Performance Standards: In keeping with the rural location, and limited available public services and facilities, all buildings and structures on a lot shall be sized consistent with the following requirements:
 - a. The maximum lot coverage for aircraft hangars is 12,000 square feet.
 - b. The maximum lot coverage for restaurants is 3,000 square feet.
 - c. Individual commercial storage buildings shall not exceed 2,500 square feet in size.
 - d. The maximum lot coverage for all other uses in a single structure is 6,500 square feet.
 - e. The total maximum lot coverage for multiple buildings and structures on a single lot is 12,000 square feet.
5. Minimum Lot Size: Residential Use with Aircraft Hangar: 21,500 square feet,
Commercial or Limited Industrial Use: one (1.0) acre.
6. Minimum Width to Depth Ratio: 1/5 (0.20)
7. Maximum Building Height: 26 feet
8. Setbacks

Front yard - 45 feet from the centerline of a local access street, 50 feet from an arterial street, 60 feet from a highway.

Side yard - 10 feet from side property line, or 40 feet from the centerline of a local access street.

Rear Yard - 15 feet from side property line, or 40 feet from the centerline of a local access street.

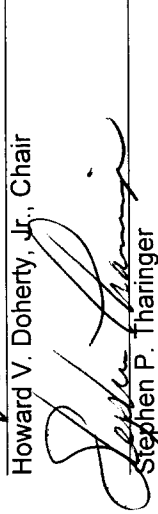
Attachment A. An amendment of the Clallam County Comprehensive Plan and Zoning Map, Title 31 and 33, C.C.C.

Pursuant to Ordinance 127, 2002, The area of unincorporated Clallam County described as the Diamond Point Private Airport and neighboring Sunshine Acres Industrial Park Subdivision, being a portion of Sections 15 and 16, Township 30 North, Range 2 West, WM, and shown On this map is hereby re-designated from The General Commercial (GC) zoning district to a new Diamond Point Airport (DPA) zoning district, with eight (8) residential lots located to the southwest of the airstrip changing from the General Commercial (GC) zoning district to the Urban Residential Low (URL) zoning district.

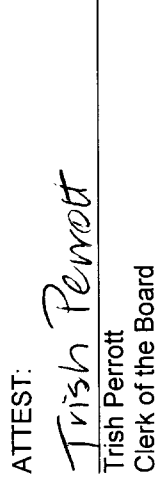
PASSED AND ADOPTED THIS 20th DAY OF AUGUST, 2002.

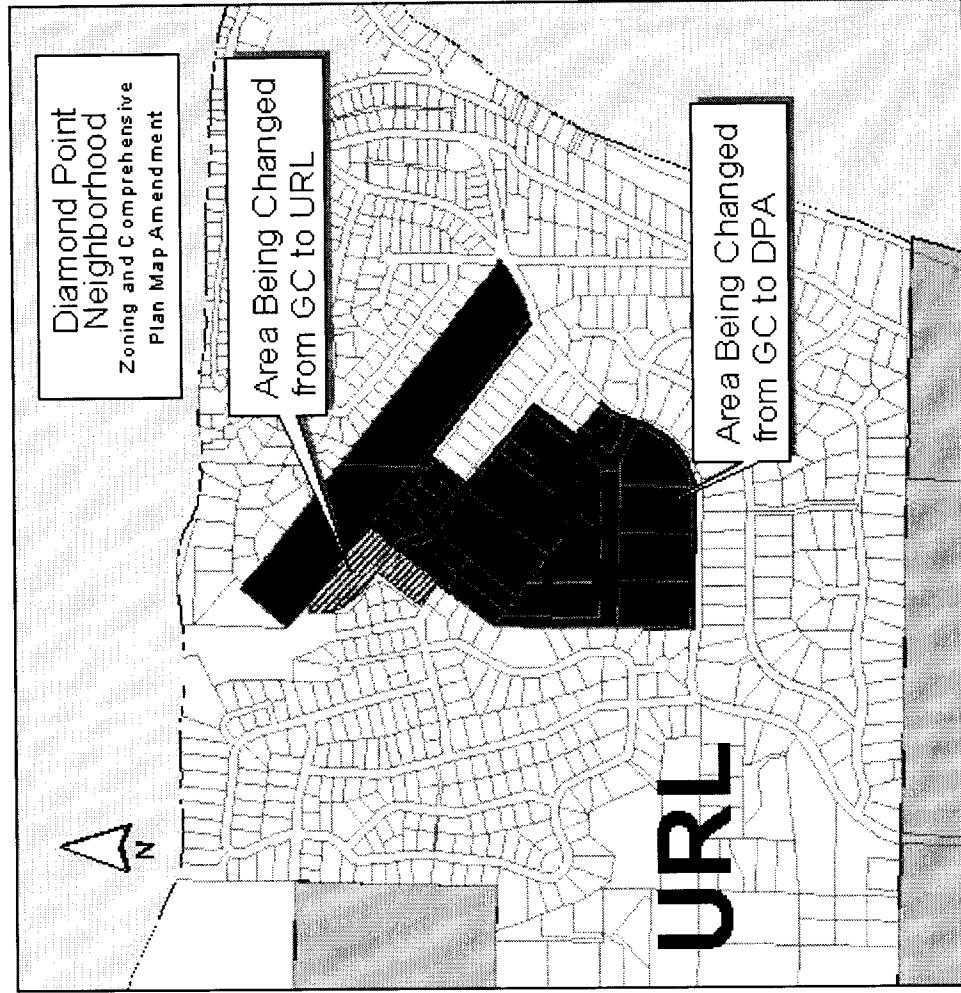
Board of Clallam County Commissioners


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 of Attachment A, 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 SEVERABILITY. If any provisions of this Ordinance, or its application to any person or circumstances, is held invalid, the remainder of the Ordinance, or application of the provisions of the Ordinance to other persons or circumstances, is not affected.

Section 6 EFFECTIVE DATE. This Ordinance shall take affect ten (10) days after the date of adoption.

ADOPTED this 20th 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