

Ordinance 849

Enacting "Interim Official Controls" on certain Sequim Urban Growth area lands pending rural re-designation under the annual Comprehensive Plan review, pursuant to RCWs 36.70A.390, 36.70.795, 35.63.200, and 36.70A.130(2)(b)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Interim Official Controls is created to read as follows:

.010 Incorporation of testimony and records.

The Board of County Commissioners adopts and incorporates herein the recitals made by staff, and public testimony and documents received at the public meetings and hearings associated with this enactment and proposed Comprehensive Plan amendments as to mapped areas, discussed below.

.020 Incorporation of resolution of specific findings and attachments.

The Board adopts and incorporates herein the Resolution of Specific Findings and Attachments hereto defining and delineating the interim official controls in response to proposed amendments as to the mapped areas, discussed below, awaiting hearings under the annual Comprehensive Plan review process. The Clallam County Department of Community Development is working to permanently address the rural re-designation for the attached mapped areas, as discussed below.

.030 Receipt and acceptance of applications for land divisions.

With the exception of acceptance of applications for land use development as discussed below, no applications for a division of land under Title 29 Clallam County Code (CCC) including short plats, plats, large lot subdivisions, and binding site plans, will be accepted nor will be permitted in the mapped areas of the Sequim urban growth area (UGA), as referenced under the Sequim-Dungeness Regional Plan and the respective portions of the Official Comprehensive Land Use and Zoning Map and Development Regulations of the Clallam County Code, and which mapped areas are attached hereto and incorporated herein. Any application for a development that was received by the Clallam County Department of Community Development after the time and date of adoption hereunder, and that does not qualify as one of the below-inscribed exceptions, shall be returned upon request along with a refund of the application fees.

.040 Exception as to divisions in the development process.

These interim controls shall not affect proposals for a division of land for which a complete application has been accepted by the Department of Community Development prior to the effective date of this ordinance. For any applications submitted prior to the effective date of this ordinance, that have not been reviewed for completeness by the Department of Community Development, the applicant will have 30 days from the date of the completeness review letter from the Department to submit a complete application in order to vest. Those applications for which a completeness letter was previously issued shall have 6 months from the date of the completeness letter to vest.

.050 Definitions.

For purposes of these interim controls, "divisions" or "applications" and "land use development" shall mean any application or permitting submission or request for land use review,

approvals, or authorizations by the County or its Board of Health as to short plats, plats, large lot subdivisions, and binding site plans under Title 29 CCC, and as those terms are applied within Chapters 36.70A and 36.70B RCW, and otherwise within the County Code. For purposes of these interim controls, "official interim controls" shall mean "official controls" as defined under RCW 36.70.020(11), to wit: "legislatively defined and enacted policies, standards, precise detailed maps, or other criteria."

.060 Amendment and savings clause.

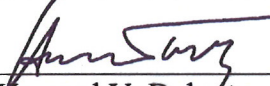
This interim ordinance addresses only those portions of the referenced mapped areas of the Sequim UGA. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid at law, such decision shall not affect the validity of the remaining portions of this Ordinance.

.070 Sunseting and effective date.

This enactment establishing interim official controls shall automatically expire 6 months from its effective date unless the Board, following further public hearing(s), rescinds, extends, or modifies this Ordinance under the above-noted statutory provisions. Because it is necessary to preserve the public peace, health and safety for the reasons set forth in the accompanying Resolution, the effective date of this Ordinance shall be 10 days after adoption.

ADOPTED this second day of June 2009

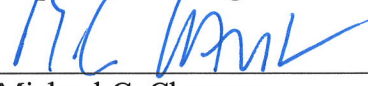
BOARD OF CLALLAM COUNTY COMMISSIONERS

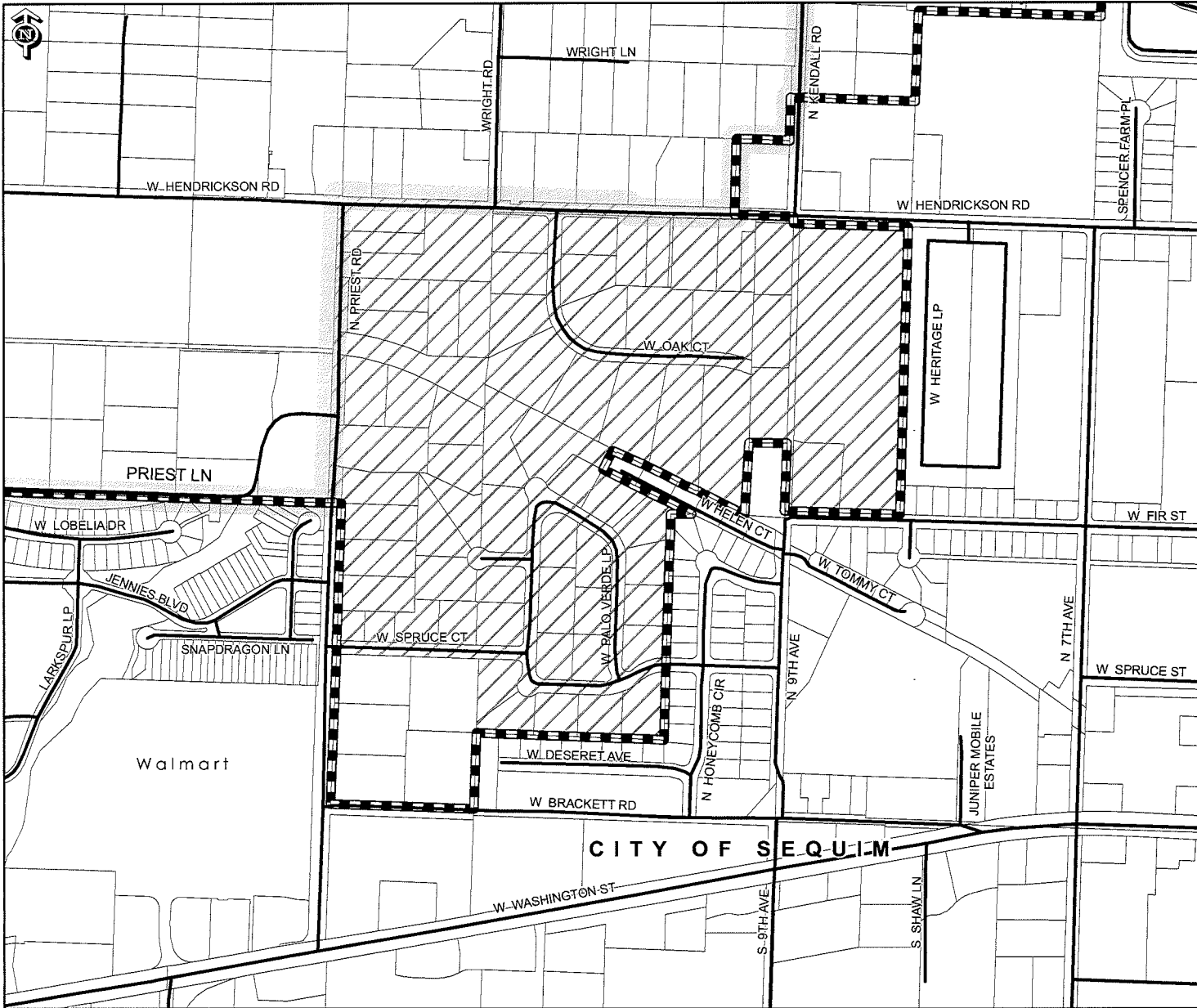

Howard V. Doherty, Jr., Chair


Stephen P. Tharinger

ATTEST:


Trish Holden, CMC, Clerk of the Board


Michael C. Chapman





RESOLUTION 52, 2009

ADOPTING SPECIFIC FINDINGS ON ENACTING "INTERIM OFFICIAL CONTROLS" ON CERTAIN SEQUIM URBAN GROWTH AREA (UGA) LANDS PENDING RURAL RE-DESIGNATION UNDER THE ANNUAL COMPREHENSIVE PLAN REVIEW PROCESS, PURSUANT TO RCWs 36.70A.390, 36.70.795, 35.63.200, AND 36.70A.130(2)(B).

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Clallam County adopted Emergency Ordinance 836 on October 28, 2008, establishing emergency interim official controls that served to immediately preserve the *status quo* on certain Sequim Urban Growth Area (UGA) lands pending rural re-designation under the annual Comprehensive Plan review process. Specific findings for establishing the emergency interim controls were adopted under Resolution 92, 2008.
2. Clallam County adopted Ordinance 838 on December 16, 2008, following a public hearing to extend interim official controls adopted under Emergency Ordinance 836 to continue preservation of planning and zoning options within the County during its review of the above-noted lands. Specific findings for extending interim official controls were adopted under Resolution 116, 2008.
3. Ordinance 838 expires 6 months from its effective date of December 16, 2008. Interim controls may be renewed for one or more six months periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.
4. The Clallam County Planning Commission has recommended that the County evaluate rural re-designation of currently UGA-mapped lands referenced in the accompanying Ordinance, as being in the best public interest to preserve the public peace, health, and safety. Extension of the interim official controls enacted under Ordinance 838 is needed to maintain existing lot densities in these UGA-mapped areas pending evaluation of rural re-designation of certain lands in the Sequim UGA under the 2009 annual Comprehensive Plan review process.

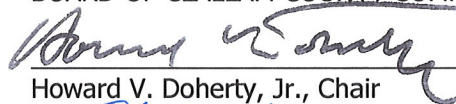
NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. Adopts the following specific findings of fact for interim controls restricting the acceptance and processing of applications for a division of land under Title 29 Clallam County Code (CCC) including short plats, plats, large lot subdivisions, and binding site plans on certain Sequim Urban Growth Area lands pending rural re-designation under the annual Comprehensive Plan review process:
 - a. A county may adopt interim official controls under RCWs 36.70A.390, 36.70.795, and 35.63.200 to address an order of invalidity.
 - b. The Western Washington Growth Management Hearings Board issued an Order in Case No. 07-02-0018c, finding noncompliance and invalidity on portions of Resolution 77, 2007, and Ordinance 827 including a specific portion of the Sequim Urban Growth Area (UGA) zoned as Sequim Urban Residential – I or S(R- I).
 - c. Clallam County adopted Ordinance 835 on October 21, 2008, as both a noncompliance and invalidity response to the Hearings Board regarding the County Comprehensive Plan and development regulations as discussed above under the state Growth Management Act (GMA), Chapter 36.70A RCW, in order to meet the Hearings Board's compliance deadline of October 23, 2008. The response included update of the Clallam County Comprehensive Plan Land Use and Zoning Map for certain lands within the Sequim UGA from S(R-I) to Sequim Urban Residential – II or S(R-II). This change increased the maximum allowed residential density from 2 dwelling units per acre to 4-5 dwelling units per acre.

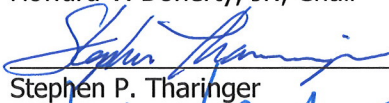
- d. The Western Washington Growth Management Hearings Board on January 30, 2009, found the County action to rezone previously found non-compliant and invalid S(R-I) zoning to S(R-II) now compliant and no longer substantially interfering with the goals of the Growth Management Act.
- e. During the public work sessions and hearings before the Planning Commission and the Board of Commissioners, residents of the specific portion of the Sequim UGA, and representatives of Futurewise in the above-noted Hearings Board's proceedings, commented that this portion of the Sequim UGA should be reviewed for removal as a UGA and re-designation as rural zoning.
- f. The County has ongoing concerns that continued and higher density land divisions of incompatible rural land uses on those Sequim UGA lands rezoned pursuant to the ongoing Hearings Board's compliance proceedings and during the County's processes to consider adopting new designations and implementing development regulations in harmony with the directives of GMA and the directives of the Growth Management Hearings Board in its orders, would be contrary to the public health, safety and general welfare.
- g. The County is further concerned that the public interest would be harmed if land uses and development densities incompatible with rural zoning on these lands were allowed to vest by continuing to accept and process applications for divisions of land under Title 29 Clallam County Code (CCC) including short plats, plats, large lot subdivisions, and binding site plans, which development may thereafter conflict with and impair the County's efforts to review these lands for re-designation of rural land uses and development densities under the County's annual Comprehensive Plan review, pursuant to the goals of the GMA.
- h. The County has previously adopted interim controls in response to proceedings before the Growth Management Hearings Board and has held a public hearing in association with this Resolution and the enactment of the interim controls, and thereafter adopts these findings of fact in support of these adoptions.
- i. The Clallam County and City Planning Departments held a neighborhood forum on May 21, 2009 inviting residents and landowners in the specific portion of the Sequim UGA to discuss issues and ask questions related to remaining or being removed from the Urban Growth Area.
- j. Ordinance 849 complies with the requisite public participation requirements under RCWs 36.70A.390, 36.70.795, 35.63.200, and 36.70A.130(2)(b).

ADOPTED this second day of June 2009


BOARD OF CLALLAM COUNTY COMMISSIONERS



 Howard V. Doherty, Jr., Chair



 Stephen P. Tharinger



 Michael C. Chapman

ATTEST:



 Trish Holden, CMC, Clerk of the Board