

H3
11/17/09

Ordinance 856

An ordinance creating Clallam County Code Chapter 33.22, Limited Areas of More Intensive Rural Development (LAMIRDs) Standards, to bring into compliance with the Growth Management Act

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Incorporation of testimony. The Board of Commissioners adopts and incorporates herein the referenced Hearings Board orders and findings, the recitals made by staff, and public testimony and documents received before the Planning Commission and the Board at their respective public meetings and hearings.

Incorporation of Resolution of specific findings and attachments. The Board adopts and incorporates herein the Resolution of Specific Findings and Attachments thereto on amendments to Clallam County Code Title 33.

Severability. Should any section, clause or provision of this ordinance or any code adopted hereby be declared by a court to be invalid, the same shall not affect the validity of the remainder, either in whole or in part.

Limitations. This ordinance addresses only those portions of the Clallam County Development Regulations affecting those Limited Areas of More Intensive Rural Development (LAMIRDs) which were the subject of the Hearings Board's Compliance Order in WWGMHB No. 08-2-0033. This ordinance shall not affect any pending suit or proceeding; or any rights acquired; or liability or obligation incurred under the sections amended or repealed; nor shall it affect any proceeding instituted under those sections. Except as otherwise proscribed above, the remainder of Title 33 CCC and the enabling ordinances thereto shall remain in full force and effect.

Effective Date. This Ordinance shall take effect in 10 days after the date of adoption.

Section 1. Clallam County Code 33.22, LAMIRD standards, is created to read as follows:

.100 Applicability, purpose, and inconsistencies.

(1) This Chapter applies to any commercial, industrial, mixed use, duplex, and multifamily in-fill or redevelopment within areas zoned on the Official Comprehensive Land Use and Zoning Map of Clallam County with a land use and zoning designation identified in Table 31.02.263(A) of the Countywide Comprehensive Plan as a LAMIRD Land Use and Zoning Designation, and not to home businesses or home enterprises, which are subject to the standards of Chapter 33.47 CCC, Home enterprise and home based industry standards.

(2) The purpose of this Chapter is to minimize impacts on the rural character of neighboring less-intensive rural residential zoning districts as a result of commercial, industrial, mixed use, duplex, and multifamily in-fill and redevelopment within LAMIRDs.

(3) To the extent that this Chapter calls for a different standard than that of the underlying zoning district, the more restrictive standard shall apply.

.200 Commercial, industrial, mixed use, duplex, and multifamily in-fill and redevelopment within LAMIRDs.

To maintain a more “open” or “rural atmosphere,” commercial, industrial, mixed use, duplex, and multifamily in-fill and redevelopment within LAMIRDs shall comply with the following provisions:

- (1) Total impervious surface is limited to 35 percent.
- (2) Total lot coverage is limited to 20 percent.
- (3) No structure shall be located closer than 70 feet from the boundary with a less intensive rural residential zoning district. When a road or highway is on the boundary between a LAMIRD and a less intensive rural residential zoning district, the 70 foot setback shall be measured from the more intensive parcel boundary at the edge of the road or highway.

.300 Minimizing impacts of commercial, industrial, mixed use, duplex, and multifamily in-fill and redevelopment within LAMIRDs.

In addition to meeting all applicable laws and regulations regarding noise and air emission, commercial, industrial, mixed use, duplex, and multifamily in-fill and redevelopment within LAMIRDs that abut a less intensive rural residential zoning district are subject to the following additional requirements, which are designed to further reduce the impacts of noise, odor, glare, and traffic.

(1) The following activities shall be located at least 70 feet from the boundary with a less intensive rural residential zoning district with the 70-foot setback measured consistent with CCC 33.22.200(3):

- (a) The rear elevation of commercial and industrial buildings
- (b) Outdoor storage areas
- (c) Truck and/or trailer parking
- (d) Trash collection and/or compaction
- (e) Recycling areas
- (f) Cargo containers
- (g) Loading docks
- (h) Major machinery or areas housing a manufacturing process
- (i) Major on-site traffic circulation areas
- (j) HVAC equipment
- (k) Utility meters
- (l) Other sources of glare, noise, or other environmental effects

(2) In addition, a buffer and screening plan shall be submitted that describes how natural topography, fencing, walls, berms, existing vegetation, and/or landscaping will be utilized so that the activities listed in the above subsection are adequately minimized and/or mitigated. As much as possible, these activities should be incorporated into the overall design of the buildings and/or oriented away from the boundary with lower density rural residential zoning districts so that the visual and acoustic impacts of these functions are contained and out of view from such zoning districts. If otherwise visible from the boundary with a less intensive rural residential zoning district, these activities shall be buffered and screened.

(3) Buffer and screening required under this section should take advantage of natural topography or existing vegetation wherever possible. Where natural topography or existing vegetation is not available or insufficient, an opaque barrier of at least 10 feet high shall be installed no closer than one-half the width of the required setback, as follows:

(a) A hedge-like screen or a random or informal screen of evergreen or approved deciduous plant material of at least 15 feet wide, capable of providing a substantially opaque barrier year-round and attaining a minimum height of 10 feet within two years of planting;

(b) A landscaped earth berm with a maximum slope of three to one, rising no less than 10 feet above the existing grade of the lot line separating the zoning districts; or

(c) Any combination of these methods, which may also include a solid wood and/or masonry fence or wall, that achieves a cumulative opaque barrier of at least 10 feet high. When a fence or wall is used it must be landscaped on the outside so that there will be a substantially opaque vegetative barrier year-around within two years of planting that masks at least 50 percent of the fence or wall.

(d) Native and/or drought-tolerant landscape materials shall be utilized whenever possible.

(e) The barrier shall not adversely effect surface water drainage.

(f) To ensure continued compliance with the landscaping requirements, a notice on title shall be filed and recorded with the Clallam County Auditor, and shall "run with the land." The notice shall state the particular landscaping requirements and a landowner shall submit proof that such a notice has been recorded for future development approvals on the property.

(4) Parking for commercial, industrial, mixed use, duplex, and multifamily developments shall comply with Chapter 33.55 CCC, Parking Standards. The parking plan shall also demonstrate compliance with the following performance standards:

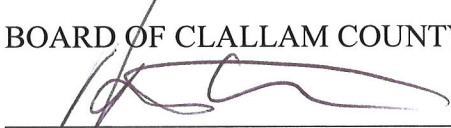
(a) Parking areas shall be located behind or under buildings where practical; except that attached garages shall be allowed for duplexes.

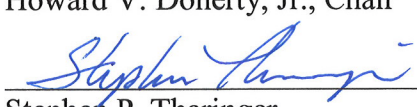
(b) When abutting a less intensive rural residential zoning district, parking areas shall include fencing, berming, and/or landscaping as specified in this section.

(c) Parking lighting shall not create off-site glare, and shall utilize "cut-off" type fixtures that ensure glare will be downward facing and/or shielded and directed away from neighboring properties.

ADOPTED this seventeenth day of November 2009

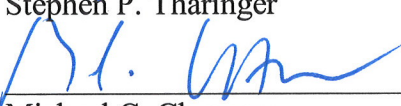
BOARD OF CLALLAM COUNTY COMMISSIONERS


Howard V. Doherty, Jr., Chair


Stephen P. Tharinger

ATTEST:


Trish Holden, CMC, Clerk of the Board


Michael C. Chapman