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Ordinance 909

Establishing Interim Official Controls under Clallam County Code Chapter 33.40, General Requirements, to limit the size of structures in certain rural zoning districts under RCW 36.70A.390, 36.70.795, and the Home Rule Charter all upon a Declaration of Emergency

The Board of Clallam County Commissioners makes the following findings:

(1) The Clallam County Home Rule Charter, Section 3.20, allows the Board to pass an ordinance to meet a public emergency affecting life, health, property or the public peace; provided that such an emergency ordinance shall in a separate section state the facts creating the emergency. The provision of such emergency ordinance shall cease to be effective as of the 61st day following the date of its enactment and shall not be reenacted as an emergency ordinance.

(2) Pursuant to the Washington State Growth Management Act, RCW 36.70A.390, and Planning Enabling Act, RCW 36.70.795, a county may adopt a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control and shall hold a public hearing on such controls within at least 60-days of its adoption.

(3) Development in lands designated and zoned as rural lands should be compatible with the rural character of such lands and provide for a variety of rural densities and development patterns (CCC 31.02.260 (1); RCW 36.70A.070 (5)).

(4) The comprehensive plan defines "Rural character" to mean the existing and preferred patterns of land use and development established for lands designated as rural areas or lands under this comprehensive plan. Rural characteristics include, but are not limited to:

- (a) Open fields and woodlots interspersed with homesteads and serviced by small rural commercial clusters; and
- (b) Low residential densities, small-scale agriculture, woodlot forestry, wildlife habitat, clean water, clean air, outdoor recreation, and low traffic volumes; and
- (c) Areas in which open space, the natural landscape, and vegetation predominate over the built environment; and
- (d) Lifestyles and economies common to areas designated as rural areas and lands under this Plan; and
- (e) Visual landscapes that are traditionally found in areas designated rural areas and lands under this Plan; and
- (f) Areas that are compatible with the use of the land by wildlife and for fish and wildlife habitat; and
- (g) Areas that reduce the inappropriate conversion of undeveloped land into sprawling, low-density development; and
- (h) Areas that generally do not require the extension of urban governmental services; and
- (i) Areas that are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

(5) Infill, development, and redevelopment within lands designated and zoned Limited Areas of More Intensive Rural Development (LAMIRDs) should be consistent with the building size, scale, use, or intensity that existed as of July 1, 1990; (CCC 31.02.263(4); RCW 36.70A.070 (5) (i)).

(6) In order to maintain rural character, infill development and redevelopment within LAMIRDs should minimize impervious surfaces in order to maintain a more "open" or "rural"

atmosphere; should have increased setbacks, buffers, and screening to separate land uses from adjacent rural residential zones; should incorporate measures to reduce the impacts of noise, odor, and traffic; and should require high-quality landscaping designed to protect rural character. (CCC 31.02.263 (4))

(7) Clallam County rural and rural residential LAMIRD zones permit as an allowed or conditional land use a variety of uses including agriculture, timber harvesting, single-family dwellings and uses associated with single-family dwellings (e.g., bed and breakfast inns, home enterprises, home-based industries, family day care centers) and a limited non-residential uses depending on individual zones. These zones do not specifically set forth standards governing building size and scale (e.g., square footage, height, lot coverage).

(8) New development that results in building sizes significantly larger than typical rural structures and associated uses can adversely impact rural character and neighborhood character.

(9) Adopting emergency interim official controls regarding building size within rural and rural residential LAMRID zones is needed to prevent vesting of new proposed buildings that are significantly larger than other buildings in rural residential areas. Allowing new buildings that are significantly out-of-scale with surrounding rural areas may impact rural character and adversely impact surrounding rural quality of life and property values.

(10) The proposed interim official control in Section 1 below of this ordinance establishes a maximum building size of 10,000 square feet in rural and rural residential LAMIRD zones, while the County studies the impact of building size and scale and obtains public input on appropriate standards. Buildings at or near 10,000 square feet in size are at the top of the range of building sizes within County rural lands.

(11) Enacting emergency interim official controls allows the Clallam County Department of Community Development time to study the issue of impacts of building size and scale on rural character for otherwise permitted uses and bring back a proposal and work schedule within 60-days.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section 33.40.100, Maximum Building Size, is created to read as follows:

(1) The maximum building size is 10,000 square feet for new structures or additions to existing structures within the following rural zones established by this Title:

- (a) Rural Very Low (R20)
- (b) Rural Neighborhood Conservation (NC)
- (c) Rural Low (R5)
- (d) Western Region Rural Low (RW5)
- (e) Rural Moderate (R2)
- (f) Western Region Rural Moderate (RW2)
- (g) Rural (R1)
- (h) Western Region Rural (RW1)
- (i) Rural Suburban Community (RSC)
- (j) Rural Character Conservation 5 (RCC5)
- (k) Rural Character Conservation 3 (RCC3)
- (l) Rural Low Mixed (RLM)
- (m) Quillayute Residential (QR)

(2) For the purposes of sub-section (1) above, building size shall be calculated to include the sum of the horizontal areas of one or more floors of a building measured from the exterior face of exterior walls.

Section 2. Sunseting and effective date.

These interim official controls expire 60-days from their effective date unless the Board, following a public hearing, rescinds, extends, or modifies this Ordinance pursuant to RCWs 36.70A.390, 36.70.795, and the Home Rule Charter. Because it is necessary to preserve the public peace, health, property and safety for the reasons set forth above, the Board declares an emergency and the effective date of this Ordinance is the date of adoption.

ADOPTED this twenty-sixth day of July 2016

BOARD OF CLALLAM COUNTY COMMISSIONERS

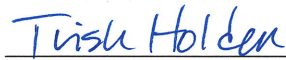


Mike Chapman, Chair



Mark Ozias

ATTEST:



Trish Holden, CMC, Clerk of the Board



Bill Peach