

**Staff Report to the Clallam County Planning Commission Regarding
Carlsborg Urban Growth Area Amendments to the Comprehensive Plan, Zoning
Standards and Zoning Map**

October 19, 2016

*Prepared by the Clallam County Department of Community Development
223 East Fourth Street, Port Angeles, WA (360) 417-2322*

A. PROJECT INFORMATION:

1. Applicant: Clallam County Department of Community Development
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3. Project: Carlsborg Urban Growth Area Amendments to the Comprehensive Plan, Zoning Standards and Zoning Map.

4. Request: Proposed draft updates to the Clallam County Comprehensive Plan, Title 31 CCC, and Zoning Code, Title 33 CCC for the Carlsborg Urban Growth Area that address:
 - a. Proposed amendments to the Comprehensive Plan zone map for the 560-acre, Carlsborg Urban Growth Area (UGA).
 - b. Proposed amendments to the Carlsborg Urban Growth Area Zoning Chapter 33.20.
 - c. Proposed comprehensive plan amendments to Section 31.03.350, Carlsborg UGA, of the Sequim-Dungeness Regional Plan, related to vision, goals, policies, land use designations, and other provisions.
 - d. Proposed definitions to Chapter 33.03, Definitions, and Chapter 33.50 Scope of Land Uses.

5. Location: The Carlsborg Urban Growth Area includes approximately 560 acres that is located along US 101 about ½ miles west of the Dungeness River and 1-mile west of the City of Sequim.

6. Property Characteristics: The Carlsborg Urban Growth Area is flat with little to no notable topographic variation.

7. Zoning/Comprehensive Plan: The Carlsborg Urban Growth Area includes approximately 560 acres along the State Route 101 corridor immediately west of the Dungeness River Bridge. This unincorporated area includes a mix of commercial activities associated with the highway corridor and the historic center, existing residential (single-family dwellings and mobile home parks) and industrial developments.

8. Critical Areas: The Carlsborg Urban Growth Area is located in a flat, low-lying area with land uses including agriculture, residential, commercial and industrial development. The County's geographic information system (GIS) data base identified six wetlands within and abutting the southern half of the planning area.

9. Public Services in Area: The Carlsborg sewer system is currently under construction to service the Carlsborg Urban Growth Area. The sewer system is anticipated to be

operational in the fall of 2017. Existing properties currently have on-site septic systems. Clallam County PUD No. 1 is the major water purveyor in the area and electrical provider.

10. State Environmental Policy Act (SEPA): Clallam County Department of Community Development issued a Determination of Non-significance (DNS) on October 7, 2016, under SEPA Rules (Chapter 197-11 WAC) and the Clallam County Environmental Policy Ordinance (Chapter 27.01 CCC) for the proposed non-project action (Exhibit 2)
11. Notice: Notice of Public Hearing was published in the Peninsula Daily News on October 9, 2016.

Agency Comments: The Notice of the Application was routed to: Clallam County Public Works, Environmental Health Division, PUD#1, Fire District #3, City of Sequim, Department of Commerce, Departments of Ecology, Department of Transportation and the Jamestown S’Klallam Tribe on October 7, 2016. As of the date of this staff report, no comments have been received from notified agencies.

Public comments: At time of writing this report, staff has not received any public comments. The Clallam County Department of Community Development will be holding a community workshop at the Greywolf Elementary School on October 13. As part of the Carlsborg community workshop, staff mailed each property owner of record an information sheet about the proposed amendments and hearing date. Staff will provide any input from the workshop to the Planning Commission at their scheduled public hearing on October 19, 2016.

B. CARLSBORG URBAN GROWTH AREA:

On July 1, 1990, the Washington State Legislature enacted legislation under RCW 36.70A, otherwise known as the Growth Management Act of 1990 (GMA). Among other objectives, the Act directed local jurisdictions to encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner; and reduce the inappropriate conversion of undeveloped land into sprawling, low-density development (RCW 36.70A.020). To achieve these and other objectives, the Act required local jurisdictions to designate Urban Growth Areas (UGA) where urban level development is to occur, and outside of which development can only occur if it is not urban in nature.

Carlsborg was designated an Urban Growth Area (UGA) in 2000 because of its urban characteristics including an industrial and commercial core, higher residential densities, and urban services and facilities such as community water, fire station, school, transit, trails, and post office. The Board of Clallam County Commissioners established the Carlsborg Community Advisory Council (CCAC) by Resolution in 2001. The CCAC is comprised of seven members appointed by the Board of Commissioners who represent a cross-section of those who live and work in the Carlsborg UGA boundary.

In setting forth legislation for the Carlsborg UGA, the Board of County Commissioners recognized the need to develop and implement land use policies and regulations that reflect historic and cultural values as well as the community’s vision for future growth and development in the project area. To guide orderly development consistent with the community’s vision as well as with County regulations, the Board found that the creation of the CCAC would be consistent with those objectives. The purpose of the CCAC is to provide a formal structure from which Carlsborg residents could work with the County to implement ideas, planning strategies

and community projects. The authority of the CCAC is advisory to the Planning Commission and the Board of County Commissioners.

For at least the past two decades, consideration has been given to the development of a community sewer system for the Carlsborg UGA. The primary reasons advanced for this are economic, environmental, and regulatory compliance. As one of the of the few areas in the county zoned for commercial and industrial use, development was severely limited due to the lack of urban services, particularly sewer services. There was also recognition that groundwater quality was being negatively impacted by increasing nitrate levels, for which existing septic are one source. Finally the state Growth Management Act establishes the regulatory requirement for the provision of urban services in urban growth areas.

With the construction of the sewer (fall 2017), the CCAC and the Clallam County Community Development Department focused on land use issues within the Carlsborg Urban Growth Area. The construction of a sewer system for the Carlsborg UGA will allow development standards to be modified that will allow more urbanized development. Areas of review have been the Clallam County Comprehensive Plan and Zoning Standards, and the CCAC has made recommendations to reflect the construction of a sewer system and the anticipated developments that may occur as a result.

Amendment Requests

The draft updates focus on goals, policies and development standards for the Carlsborg UGA. Some of the proposed changes would create three new residential zones that will allow for greater density; increasing commercial zoning along Highway 101; removing building size requirements; reducing setback requirements in the commercial and industrial zones; updating the Carlsborg UGA Policies; and making changes to the Carlsborg Land Use Map (See attached draft amendments).

The proposed updates to Carlsborg UGA comprehensive plan and zoning provisions to support the requested map amendments as well as other amendments related to Carlsborg UGA goals, policies and regulations that include, but are not limited to:

- Establish a minimum residential density for new development and land divisions within the Urban Growth Area residential zones to a minimum 4 dwelling units per acre, to ensure future development is planned at urban densities.
- Remove industrial and commercial maximum building size standards.
- Reduce setback requirements in the commercial and industrial zones.
- Update CUGA zoning use tables (allowed, conditional, prohibited uses) and add zoning definitions for undefined uses.
- Change existing Carlsborg Residential (CR) zoning throughout the UGA that allow for 2 dwelling units (du) per acre into one of three new proposed CR zones—CR-I (4 to 6 du/ac.), CR-II (4 to 8 du/ac.), and the CR-III 4 to 10 du/ac.).
- Consolidate the Carlsborg Village Residential (CV) zone along Carlsborg Road to the adjacent Carlsborg Village Center (CN) zone. The change would eliminate the CV zone and result in consolidating village commercial land use and zoning designations.

- Change approximately 12 acres at the southwest intersection of US 101 and Taylor-Cutoff Road from Carlsborg Residential (CR) to Carlsborg Commercial (CC).
- Change two, small isolated areas on south-side of US 101 associated with the Parkwood Residential Community from Carlsborg General Commercial (CGC) to the new proposed Carlsborg Residential-II zone for Parkwood.

The attached draft amendments reflect the proposed changes to Carlsborg zoning map, zoning standards, comprehensive plan, added definitions and revisions to the scope of land uses (Exhibit 1).

D. MAP AMENDMENT CRITERIA OF APPROVAL

In taking action on an application for a Comprehensive Plan Land Use and Zoning Amendment, the Board of County Commissioners (BOCC) makes policy decisions that not only directly impact the subject property owners, but directly and indirectly impact other property owners, both in the immediate area and throughout the County. Zoning designations control what uses are permitted or prohibited on a particular piece of property.

Additionally, a decision on a comprehensive plan and zoning amendment must be evaluated with respect to its application to other similarly situated properties. If the facts of a particular application approved by the BOCC are present in a subsequent application, then the subsequent application should also be approved to be fair. For this reason, decisions on map amendments must be considered in a much larger context than only the subject property or the expressed land use intent. An evaluation of the cumulative effects of a decision to approve or deny a particular application must consider whether the rationale for the decision would be sustainable and consistent with adopted policies and standards if applied to similarly situated properties across the County. Even changes in zoning that result in relatively small conflicts with the Comprehensive Plan may cumulatively impact land use policy objectives if allowed to proliferate across the County. Therefore, any decision on a comprehensive plan and zoning amendment application must be made with full cognizance of this potential.

In considering an application for a comprehensive plan land use and zoning amendment, the Planning Commission and BOCC are required to evaluate the amendment with regard to specific criteria contained in Section 31.08.370 of the Comprehensive Plan and Section 33.35.090 of the Zoning Code. These criteria, or "*Required Showing for an Amendment*", provide the scope of consideration that the Planning Commission and Board must respond to in order to determine if a comprehensive plan and zoning map amendment is to be approved. The required showing includes the following:

1. The proposed amendment is consistent with the spirit and intent of the Clallam County Comprehensive Plan, Title 31 (CCC 31.08.370(1) and CCC 33.35.090(1).
2. The proposed amendment is consistent with the spirit and intent of the Zoning Code, Title 33, and with interlocal agreements, transportation, parks and recreation, capital facility, utility, watershed, and other applicable land use and environmental plans and policies adopted by the County (CCC 31.08.370(2) and CCC 33.35.090(2)).
3. The proposed amendment will not be detrimental to the public health, safety and welfare (CCC 31.08.370(3) and CCC 33.35.090(3)).
4. The proposed amendment is necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a of a different land use designation. This criterion only applies to Comprehensive Plan and zoning map amendments (CCC 31.08.370(4) and CCC 33.35.090(4)).

5. The proposed amendment will not result in probable significant adverse impacts to the adequacy of public facilities and services including, but not limited to, transportation, sewer, water, storm water, utilities, and parks required to meet urban or rural needs, and will not place uncompensated burdens upon existing and planned services (CCC 31.08.370(5) and CCC 33.35.090(5)).
6. The cumulative effects of proposed amendments have been assessed and determined to be consistent with the spirit and intent of this title (CCC 31.08.370(6)).

For approval, the Planning Commission shall determine that a proposed amendment is consistent with all the criteria.

Summary

The proposed amendments address the comprehensive planning needs for the Carlsborg UGA. With the adopted 2014 Carlsborg Wastewater Facilities Plan Amendment and the necessary financial plan to ensure that the this utility can be sustained and self-supporting, the following amendments to the Carlsborg UGA have been evaluated by the CCAC for the past two years and reviewed by the Planning Commission at their work session meetings on February 3 and October 5, 2016. As drafted, the following amendments to the Sequim-Dungeness Regional Plan and Carlsborg UGA Zoning reflects the desired changes that will assist in accommodating future growth within the Carlsborg UGA due to the adopted Wastewater Facilities Plan providing a sewer system, a necessary urban service that must be provided for urban growth areas.

Staff finds that the six map amendment criteria have been met in that the proposed ordinance amendments classify, designates, and regulates the development of land. Further, the proposed ordinance amendments provides the vision, goals and policies that are intended to protect and promote the public health, safety and general welfare to the Carlsborg UGA.

Recommendation

To approve the following amendments:

- a. Proposed amendments to the Comprehensive Plan zone map for the 560-acre, Carlsborg Urban Growth Area (UGA).
- b. Proposed amendments to the Carlsborg Urban Growth Area Zoning Chapter 33.20.
- c. Proposed comprehensive plan amendments to Section 31.03.350, Carlsborg UGA, of the Sequim-Dungeness Regional Plan, related to vision, goals, policies, land use designations, and other provisions.
- d. Proposed definitions to Chapter 33.03, Definitions, and Chapter 33.50 Scope of Land Uses.

The Planning Commission finds that the proposed amendments are consistent with the six criteria for evaluating a map amendment and are essential to ensure that the Carlsborg UGA provides the necessary consideration to accommodate growth within the UGA, and to achieve the objectives of the Growth Management Act directing local jurisdictions to encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.