



RESOLUTION 69, 2008

ADOPTING SPECIFIC FINDINGS ESTABLISHING INTERIM OFFICIAL CONTROLS ON APPLICATIONS FOR DEVELOPMENT WITHIN LANDS UNDER INVALIDITY, PURSUANT TO RCWs 36.70A.390, 36.70.795, 35.63.200, AND 36.70A.130(2)(b); AND EXCEPTING DEVELOPMENT ALLOWED UNDER RCW 36.70.302(3)(B)

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. The adoption of Ordinance 832, establishing emergency interim official controls, served to immediately preserve the *status quo* on lands subject to the April 24, 2008 compliance and invalidity orders against the vesting of potentially GMA-incompatible development.
2. An emergency ordinance lapses within 60-days, and adoption, after a public hearing, of a more permanent measure is required to continue preservation of planning and zoning options within the County during its compliance efforts.

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 amendments to the comprehensive plan and zoning controls for the Carlsborg Urban Growth Area (UGA) found noncompliant and invalid by the Western Washington Growth Management Hearings Board:
 - 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. Those portions of the Capital Facilities Plan and CCC 33.20 which permit urban uses before the advent of public sewers within the Carlsborg UGA were all found noncompliant and invalid by the Western Washington Growth Management Hearings Board.
 - c. Amending the Carlsborg UGA portions of the Sequim-Dungeness Regional Plan to require urban levels of sewer service with urban development comports with the Growth Management Hearings Board's findings regarding adequate capital facilities planning for sewer for the Carlsborg UGA.
 - d. Amendments to the policies of the Carlsborg UGA in CCC 31.03.350 and zoning controls in CCC 33.20 are within the Ordinance adopted contemporaneously with this resolution and incorporated herein.
 - e. Ordinance 833 complies with the requisite public participation requirements under RCWs 36.70A.390, 36.70.795, 35.63.200, and 36.70A.130(2)(b).
2. Adopts the following specific findings of fact for interim rural zoning for R1, RW1, R2, and RW2 areas found noncompliant and invalid by the Western Washington Growth Management Hearings Board:
 - a. A county may adopt interim official controls to address an order of invalidity.
 - b. CCC 33.10.030 (Rural Moderate [R2]), CCC 33.10.035 (Western Region Rural Moderate [RW2]), CCC 33.10.040 (Rural [R1]), and CCC 33.10.045 (Western Region Rural [RW1]) zoning outside of Local Areas of More Intense Rural Development (LAMIRD)s were found noncompliant and invalid by the Western Washington Growth Management Hearings Board.
 - c. An interim official control amending the Comprehensive Plan Land Use and Zoning Map(s) of Clallam County for those areas currently zoned Rural Moderate (R2) and Rural (R1) to Rural Low (R5) zoning under CCC 33.10.020 comports with the Growth Management Hearings Board's findings regarding general, rural zoning densities for Clallam County.
 - d. An interim official control amending the Comprehensive Plan Land Use and Zoning Map(s) of Clallam County for those areas currently zoned Western Region Rural Moderate (RW2) and Western Region Rural (RW1) to Western Region Rural Low (RW5) zoning under CCC 33.10.025 comports with the Growth Management Hearings Board's findings regarding general, rural zoning densities for Clallam County.
 - e. Maps depicting areas subject to these interim zoning controls shall be attached to the Ordinance adopted contemporaneously with this resolution and are incorporated herein.

- f. Ordinance 833 complies with the requisite public participation requirements under RCWs 36.70A.390, 36.70.795, 35.63.200, and 36.70A.130(2)(b).
3. Adopts the following specific findings for amendments to the comprehensive plan and interim rural zoning for the Blyn area found noncompliant and invalid by the Western Washington Growth Management Hearings Board:
 - a. A county may adopt interim official controls to address an order of invalidity.
 - b. CCC 31.03.435 (Blyn Rural Center) comprehensive plan policies and CCC 31.03.270 (Rural Center [CEN]) zoning within the Blyn portion of the Sequim-Dungeness regional planning area were found noncompliant and invalid by the Western Washington Growth Management Hearings Board.
 - c. An interim official control amending the Planning Policies and Comprehensive Land Use and Zoning Map(s) of Clallam County for the Blyn portion of the Sequim-Dungeness regional planning area from the area currently zoned Rural Center (CEN) in the 'Blyn' area of the County to Rural Low (R5) zoning under CCC 33.10.020 comports with the Growth Management Hearings Board's findings regarding the challenged rural center zoning.
 - d. Maps depicting the areas subject to these interim zoning controls shall be attached to the Ordinance adopted contemporaneously with this resolution and incorporated herein.
 - e. Amendments to the planning policies pertaining to the Blyn area of the County in CCC 31.02.265 and CCC 31.03.435 are within the Ordinance adopted contemporaneously with this resolution and incorporated herein.
 - f. Ordinance 833 complies with the requisite public participation requirements under RCWs 36.70A.390, 36.70.795, 35.63.200, and 36.70A.130(2)(b).
 4. Adopts the following specific findings of fact for interim urban zoning within the Sequim and Port Angeles Urban Growth Areas found noncompliant and invalid by the Western Washington Growth Management Hearings Board:
 - a. A county may adopt interim official controls to address an order of invalidity.
 - b. CCC 33.10.010 (Urban Residential High Density [URH]), CCC 33.13.020 (Urban Residential Low Density [URL]), and CCC 33.19.030(1) (Sequim Urban Residential - I [S(R-I)]) zoning districts within the Sequim and Port Angeles UGAs were all found noncompliant and invalid by the Western Washington Growth Management Hearings Board.
 - c. An interim ordinance amending the Comprehensive Plan Land Use and Zoning Map(s) of Clallam County for those areas currently zoned CCC 33.10.010 (URH), CCC 33.13.020 (URL), and CCC 33.19.030(1) S(R-I) zoning districts within the Sequim and Port Angeles UGAs to S(R-II) zoning under CCC 33.19.030(2) comports with the Growth Management Hearings Board's findings regarding the challenged urban zoning districts within the challenged UGAs.
 - d. Maps depicting the areas subject to these interim zoning controls shall be attached to the Ordinance adopted contemporaneously with this resolution and incorporated herein.
 - e. Ordinance 833 complies with the requisite public participation requirements under RCWs 36.70A.390, 36.70.795, 35.63.200, and 36.70A.130(2)(b).

PASSED AND ADOPTED this twenty-second day of July 2008



ATTEST:

Trish Holden
Trish Holden, CMC, Clerk of the Board

BOARD OF CLALLAM COUNTY COMMISSIONERS

Michael C. Chapman
Michael C. Chapman, Chair

Howard V. Doherty, Jr.
Howard V. Doherty, Jr.

Stephen P. Tharinger
Stephen P. Tharinger