1/2
9/6

Ordinance 911

Establishing Interim Official Controls under Clallam County Code Chapter 33.40, General Requirements, to limit the size of structures in certain rural zoning districts, pursuant to RCWs 36.70A.390 and 36.70.795

The Board of Clallam County Commissioners makes the following findings:

(1) 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 effective for up to 6 months after holding a public hearing.

(2) Rural areas or rural land means land under the County's comprehensive plan are located outside of designated urban growth areas and outside of designated agricultural, forest, and mineral resource lands of long-term significance. (CCC 31.02.050(30))

(3) The location and boundary of rural zones are based on the comprehensive plan map, as amended (CCC 33.05.010)

(4) 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)).

(5) 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." (CCC 31.02.050 (31))

(6) The comprehensive plan defines "rural development" to mean "development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas." (CCC 31.02.050(32)

(7) 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)).

(8) 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))

(9) 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).

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

(11) Adopting 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 existing buildings in rural residential areas. Allowing new buildings that are significantly out-of-scale with surrounding rural structures may adversely impact rural character and rural quality of life.

(12) The proposed interim official controls 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.

(13) Enacting interim official controls allows the Clallam County Department of Community Development time to work with the Planning Commission to study the issue of impacts of building size and scale on rural character for otherwise permitted uses, to obtain public input, and to recommend proposed updates to development regulations.

(14) Adoption of these interim official controls by the Clallam County Board of Commissioners furthers and promotes the health, welfare, and safety of the citizens of Clallam County and as such its enactment is authorized by the general "police powers" granted to political subdivisions of the State of Washington by the State Constitution.

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 total maximum building size is 10,000 square feet for any structure located 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.

(3) The total maximum building size listed in subsection (1) above is applicable to structures authorized or permitted for construction in the zones listed above after enactment of this Ordinance.

(4) No existing structure or structures located in the zones listed above that is the subject to addition, renovation, enlargement or expansion shall exceed, after enactment of this Ordinance, the total maximum building size listed in subsection (1) after the completion of the addition, renovation, enlargement or expansion.

Section 2. Sunsetting and effective date.

This enactment establishing interim official controls shall automatically expire 6 months from its effective date unless the Board, following a public hearing(s), rescinds, extends, or modifies this Ordinance pursuant to RCWs 36.70A.390 and 36.70.795. Because it is necessary to preserve the public peace, health, property and safety for the reasons set forth above, and consistent with Section 3.10 of the Clallam County Home Rule Charter, the effective date of this ordinance shall be 10 days after adoption.

ADOPTED this sixth day of September 2016

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike Chapman, Chair

Mark Ozias

ATTEST:

Trish Holden

Trish Holden, CMC, Clerk of the Board

Excused Absence

Bill Peach