

2004 Clallam County Growth Management Update

Update to the Clallam County Zoning Code Regarding Rear Yard Setbacks Adjacent to Diamond Point Airport Staff Report to the Clallam County Planning Commission

November 5, 2004

Prepared by the Clallam County Department of Community Development
223 East Fourth Street, Port Angeles (360) 417-2321

Case Number:	2004-0004
Initiated By:	Clallam County
Subject:	Updates to the Clallam County Zoning Rear Yard Setback Standards Adjacent to the Diamond Point Airport.
Geographic Area:	Lands adjacent to the Diamond Point Airport, which is located in the northeastern corner of Clallam County immediately west of Diamond Point Road.
Planning Commission Public Hearing Date:	November 17, 2004
Board of Clallam County Commissioners Public Hearing Date:	<i>To be Scheduled After Receive Recommendation from Planning Commission.</i>

1.0 Issue

In November 2003, a variance application was submitted requesting a reduction in the rear yard structural setback standards from 15-feet to five- (5) feet adjacent to the Diamond Point Airport. Following the close of the public hearing and review of the public record, the Hearings Examiner issued a decision denying the application on December 23, 2003. However, the decision included the following finding:

"It is important to note that the application received support from all adjacent property owners and a significant number of those who reside in the area. There was no opposition to the application. The property is in a unique subdivision, where an [private] airstrip exists to serve the residential properties. Many properties have already been developed with airplane hangars adjacent to a residence. There are several similarly situated properties in the subdivision that may require a variance in order to construct an airplane hangar. This is true even though the properties are usually more than 200' apart from each other because of FAA requirements for a safety zone around a [private use] runway. Thus, a zoning code setback requirement to ensure separation of residences does not seem necessary for this subdivision. It appears appropriate to consider a text amendment to the Clallam County Zoning Code to allow a reduced setback from the property line in this subdivision, or

wherever there is a airplane runway subject to federal agency setback requirements for safety reasons that exceed those of the county zoning code. The Hearing Examiner recommends that the Board of Commissioners consider such text amendment at its earliest opportunity (Clallam County Hearing Examiner's Decision Document, VAR2003-00006, December 23, 2003)."

Fourteen letters of testimony representing 21 individuals have been previously submitted that support reduction of the rear yard setback adjacent to the north side of the Diamond Point Airport from 15-feet to 5-feet. This testimony was received during 2004 public hearings held by the Planning Commission and Board of Clallam County Commissioners regarding on the scope of needed comprehensive plan and development regulation updates. The letters received were consistent in their support of the above recommendation of the Hearing Examiner. In addition, they cited that the requested reduction in the rear yard setback is consistent with existing covenants and with the Diamond Point Airport Association declaration of an "Airport Movement Zone" adjacent to residential lots on the north side of the airport.

2.0 Proposed Amendments

Clallam County is proposing to reduce the rear yard setback for properties zoned Urban Residential Low (URL) and Diamond Point Airport (DPA) from 15-feet to 5-feet where located adjacent to the Diamond Point Airport. The specific text amendments to the URL and DPA zoning districts to implement this change are as follows:

33.15.035 Diamond Point Airport (DPA).

(8) Setbacks.

(a) Front Yard. Forty-five (45) feet from the centerline of a local access street, fifty (50) feet from an arterial street, sixty (60) feet from a highway.

(b) Side Yard. Ten (10) feet from side property line, or forty (40) feet from the centerline of a local access street.

(c) Rear Yard. Fifteen (15) feet from side property line, or forty (40) feet from the centerline of a local access street. The rear yard setback from Diamond Point Airport is five (5) feet.

33.13.020 Urban Residential Low Density (URL).

(9) Setbacks.

(a) Front yard – forty-five (45) feet from a local access street, fifty (50) feet from an arterial street, sixty (60) feet from a highway.

(b) Side yard – eight (8) feet (forty (40) feet from the centerline of the right-of-way of a side street).

(c) Rear yard – fifteen (15) feet (forty (40) feet from the centerline of the right-of-way of a rear street). The rear yard setback from Diamond Point Airport is five (5) feet.

The full text of the DPA and URL zoning districts, including the above proposed changes, is found under Appendix I.

3.0 Analysis

Text amendments to the Clallam County Zoning Code must demonstrate consistency with the following five criteria:

1. The proposed amendment is consistent with the County Comprehensive Plan.
2. The proposed amendment is consistent with the spirit and intent of this title and with all other County road, utility, land use and environmental plans adopted by the County.
3. The proposed amendment will not be detrimental to the public health, safety and welfare.
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 different land use designation.
5. The cumulative effects of proposed amendments have been assessed and determined to be consistent with the spirit and intent of this title. *CCC 33.35.090*

The proposed change does not change potential land uses or zoning designations supported by the comprehensive plan or zoning code [*Criteria 1, 3, and 4*]. It allows for a reduction of the rear yard setback that applies to other structures in the URL and DPA zones that surround the airport.

The current rear yard setbacks standards for the URL and DPA zones are based on the general allowed uses within these zones. No special consideration was given to the unique circumstances regarding properties abutting the airport. Rear yard setbacks are intended to provide for public safety for fire protection (access, separation) and open areas (i.e., no build areas) between adjoining parcels. In this instance, establishing a 15-foot rear yard setback is not necessary for public safety or welfare in that access and open spaces are provided by the existing airstrip and adjacent FAA safety zones (i.e., no build areas). Therefore, reduction to a 5-foot setback would not appear to be detrimental to public safety and welfare nor result in any adverse cumulative effects [*Criteria 2 and 4*].

The testimony provided shows that the Diamond Point Airport Association has established an Airport Movement District along the rear yards of the residential properties along the north side of the airport. Since the airport was developed for use by surrounding residential subdivisions, providing the ability for access appears a consistent and compatible land use [*Criteria 1 and 2*].

4.0 Recommendation

Based on the proceeding analysis, staff recommends approval of the proposed amendments described in Section 2.0 of this Report to reduce the rear yard setback for properties located adjacent to the Diamond Point Airport within the DPA and URL zoning districts from 15-feet to 5-feet.

Appendix I
Full Text of Diamond Point Airport (DPA) and Urban Residential Low (URL)
Zoning Districts and Proposed Amendments

33.15.035 Diamond Point Airport (DPA).

The purpose of the Diamond Point Airport zone is to allow for appropriately scaled private airport and limited commercial and industrial uses within the Diamond Point/Sunshine Acres Rural Center. This district is primarily intended to support airport related uses that are consistent with the use of the Diamond Point Airport as a private use airport primarily serving the surrounding Diamond Point and Sunshine Acres developments.

(1) Allowed Land Uses. The following land uses are allowed outright in the Diamond Point Airport District:

- Agricultural activities
- Airport, private use
- Business parks
- Churches
- Commercial greenhouses
- Commercial storage
- Home-based industry
- Home enterprise
- Medical service facilities
- Limited industrial use
- Professional offices
- Public buildings
- Retail stores
- Single-family dwelling¹
- Timber harvesting
- Tourist shops
- Wood manufacturing (small scale)

(2) Conditional Land Uses. The following land uses should be permitted in the Diamond Point Airport District through a special permitting process with public input and a determination that the proposed use is consistent with applicable land use regulations and the character of the neighborhood:

- Bed and breakfast inns
- Child day care centers
- Family child care homes
- Gas stations
- Grocery stores
- Outdoor oriented recreational activities
- Research facilities
- Restaurants
- RV parks
- Schools

(3) Prohibited Land Uses. The following land uses should be prohibited in the Diamond Point Airport District:

- Airport, general aviation
- Asphalt plants
- Cemeteries
- Commercial horse facilities
- Duplexes

Lodges
Mineral extraction
Mobile home parks
Motels
Multiple-family dwellings
Outdoor shooting ranges
Planned unit developments
Primitive campgrounds
Race tracks
Shooting ranges
Taverns
Timber labor camps
Vehicular repair (non-aircraft related)
Veterinarian clinics/kennels
Wood manufacturing
Wrecking yards

(4) Other Performance Standards. In keeping with the rural location, and limited available public services and facilities, all buildings and structures on a lot shall be sized consistent with the following requirements:

- (a) The maximum lot coverage for aircraft hangars is 12,000 square feet.
- (b) The maximum lot coverage for restaurants is 3,000 square feet.
- (c) Individual commercial storage buildings shall not exceed 2,500 square feet in size.
- (d) The maximum lot coverage for all other uses in a single structure is 6,500 square

feet.

(e) The total maximum lot coverage for multiple buildings and structures on a single lot is 12,000 square feet.

(5) Minimum Lot Size.

- (a) Residential Use with Aircraft Hangar: 21,500 square feet.
- (b) Commercial or Limited Industrial Use: One acre.

(6) Minimum Width to Depth Ratio: 1:5 (0.20).

(7) Maximum Building Height: Twenty-six (26) feet.

(8) Setbacks.

(a) Front Yard. Forty-five (45) feet from the centerline of a local access street, fifty (50) feet from an arterial street, sixty (60) feet from a highway.

(b) Side Yard. Ten (10) feet from side property line, or forty (40) feet from the centerline of a local access street.

(c) Rear Yard. Fifteen (15) feet from side property line, or forty (40) feet from the centerline of a local access street. The rear yard setback from Diamond Point Airport is five (5) feet.

¹One single-family dwelling or accessory housing unit is allowed on a lot in association with an aircraft hanger, commercial use, or limited industrial use.

33.13.020 Urban Residential Low Density (URL).

The purpose of the Urban Residential Low Density zoning district is provide areas of urban density, multiple-family residential development free from encroachment of commercial and industrial activities.

(1) Allowed Land Uses. The following land uses should be allowed outright in the Urban Residential Low Density zoning district:

- Agricultural activities
- Bed and breakfast inns
- Child day care center
- Churches
- Duplexes
- Family child care home
- Home-based industries
- Home enterprises
- Lodges
- Mobile home parks
- Multiple-family dwellings
- Planned unit developments
- Schools
- Single-family dwellings
- Timber harvesting

(2) Conditional Land Uses. The following land uses should be permitted in the Urban Residential Low Density zoning district through a special permitting process with public input and a determination that the proposed use is consistent with applicable land use regulations and the character of the neighborhood:

- Cemeteries
- Grocery stores
- Medical service facilities
- Outdoor-oriented recreational activity
- Restaurants
- RV parks

(3) Prohibited Land Uses. The following land uses should be prohibited in the Urban Residential Low Density zoning district:

- Airports
- Asphalt plants
- Business parks
- Commercial greenhouses
- Commercial horse facility
- Commercial storage
- Gas stations
- Mineral extraction
- Motels
- Primitive campgrounds
- Professional offices
- Race tracks
- Research facilities
- Retail stores
- Shooting ranges
- Taverns
- Timber labor camps
- Tourist shops

Vehicular repair
Veterinarian clinics/kennels
Wood manufacturing
Wrecking yards

(4) Maximum Residential Density. One dwelling unit per 21,500 square feet.

(5) Maximum Lot Size. 43,000 square feet, unless the remaining lot in a subdivision is greater than ten (10) acres and capable of being redivided.

(6) Minimum Lot Size. 12,500 square feet.

(7) Minimum Lot Width. Fifty (50) feet.

(8) Maximum Width to Depth Ratio. 1:5 (0.20).

(9) Setbacks.

(a) Front yard – forty-five (45) feet from a local access street, fifty (50) feet from an arterial street, sixty (60) feet from a highway.

(b) Side yard – eight (8) feet (forty (40) feet from the centerline of the right-of-way of a side street).

(c) Rear yard – fifteen (15) feet (forty (40) feet from the centerline of the right-of-way of a rear street). The rear yard setback from Diamond Point Airport is five (5) feet.

(10) Neighborhood Grocery Stores.

(a) The structure must be less than 10,000 square feet in area.

(b) Total lot coverage is limited to thirty-five (35) percent (twenty (20) percent for the structure and fifteen (15) percent for all related improvements, including parking).

(c) All permitted signs shall be located on the wall of the main structure.