

Date Approved: \_\_\_\_\_

**MINUTES**

**Clallam County Planning Commission**

*Regular Meeting of March 4, 2009  
Clallam County Courthouse  
223 East Fourth Street, Suite 5  
Port Angeles, WA 98362-3015  
6:30 PM*

- A. CALL TO ORDER: The meeting was called to order at 6:30 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Montgomery, Ben Cappa, Gary Gleason, Mel Rudin, Leo Leonard and Ron Bell. Don Myers, Robert Miller and Nancy Esteb were not present. Steve Gray, Planning Manager; and Selinda Barkhuis, Planner III, represented staff from the Department of Community Development. Doug Jensen representing the Clallam County Deputy Prosecuting Attorney Office was also present.
- D. WELCOME: Chair Montgomery welcomed all in attendance. Staff introduced Robert Knapp, Planner I, who is working with Carol Creasey regarding stormwater management monitoring.
- E. APPROVAL OF MINUTES: February 18, 2009 Meeting Minutes.  
Commissioner Rudin made a motion to approve the minutes as submitted. Commissioner Cappa seconded the motion. Following a vote, the motion carried.
- F. ANNOUNCEMENT:  
Commissioner Gleason referred to discussion at the February 18, 2009 meeting, with the consultant's regarding the influence of parks (e.g., Robin Hill Park) on land use strategies for the invalidated R2 lands. He stated that a park or trail going by an area is an asset to the community, and may influence the development of the surrounding area.
- G. PUBLIC COMMENT PERIOD: There was no public comment.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEM: None.
- J. WORK SESSION ITEMS:

Preliminary considerations for County response to WWGMHB Order on remaining non-compliance areas for limited areas of more intensive rural development (LAMIRDs)

Staff provided analysis and preliminary compliance recommendations in response to the Western Washington Growth Management Hearings Board (WWGMHB) recent Compliance Order (January 30, 2009) regarding continued non-compliance related to the logical outer boundary for four limited areas of more intensive rural development (LAMIRDs) for the Dryke/Sherbourne, Lairds Corner, Deer Park, and Lake Farm LAMIRDs. Staff also addressed the WWGMHB finding of non-compliance related to Rural Neighborhood Commercial (RNC), Rural Limited Commercial (RLC) and Rural Center (CEN-Blyn) zoning district standards. Mr. Jensen reviewed related legal issues and a schedule for the County's compliance response.

Preliminary strategies in response to the WWGMHB order that Clallam County Rural Moderate (R2) and Western Region Rural Moderate (RW2) zoning districts are non-compliant and invalid with the State Growth Management Act

Commissioner Montgomery asked Mr. Jensen how the Supreme Court decision for the Thurston County affects the County's compliance response noting that the Planning Commission needs a better understanding of the legal constraints of retaining R2/RW2 zoning. Mr. Jensen noted that the Court's decision made it clear that the Growth Hearings Boards cannot set a bright line density. However, the Court's also cannot establish local zoning districts. In addition, he noted that the Hearings Boards will consider planning concepts for determining what is and what are not appropriate rural zoning densities. Other related questions included: Can the County be more aggressive with its defense of R2/RW2 zoning and can it support rural transition zoning such as from LAMIRD to R2 to R5? Planning Manager Steve Gray noted that the County's "aggressive defense" is its' appeal of the WWGMHB decision invalidating R2 zoning to Superior Court. Mr. Jensen noted that his role is not to provide specific land use policy, but noted that as a general rule most counties have abandoned rural zoning that support densities similar to the R2 zoning district. Mr. Jensen also noted that Whatcom County has Rural Transition Zones on appeal.

Staff initiated review of the consultant's preliminary strategies with the Planning Commission. Strategy concepts and approaches reviewed included R2 zoning, R5 zoning, creation of a new rural low overlay (floating zone), LAMIRDs, and rural clustering. The Planning Commission noted the following points for staff to take back to the consultant's:

- o Consider breaking up larger, non-homogenous neighborhoods such as the South and West Neighborhoods of the Sequim Dungeness Planning Region.
- o Consider the presence of existing public water systems as a supporting attribute for retention of R2 areas, but not a minimum criterion.
- o Strategies that affect properties or code provisions outside of the invalidated R2/RW2 lands should be avoided as part of the compliance response. These types of changes are more suited for annual update process.
- o Strategies such as the Rural Low Overlay should not result in increasing residential densities more than the 1 du per 2.4 acres, even in areas where higher residential densities are found. This is supported by the fact that the 1995 comprehensive plan that originally established the R2/RW2 zoning was intended not to allow for continued residential infill at higher densities than 1 du per 2.4 acres.
- o The general strategy concepts for Rural Low Overlay (floating zone) and rural clustering were supported, with the acknowledgment that further development and review of these strategy concepts is needed.

K. PUBLIC COMMENT PERIOD: There was no public comment.

L. ADJOURNMENT: The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Steve Gray  
Planning Manager