

Date Approved: _____

MINUTES

Clallam County Planning Commission

*Regular Meeting of May 6, 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, Don Myers, Robert Miller, Ben Cappa, Nancy Esteb, Gary Gleason, Mel Rudin and Ron Bell. Leo Leonard was not present. Steve Gray, Planning Manager, and Selinda Barkhuis, Planner III, represented staff from the Department of Community Development. Doug Jensen, Clallam County Chief Deputy Prosecutor, and Mike McCormick, Planning Consultant were also present.
- D. WELCOME: Chair Montgomery welcomed all in attendance.
- E. APPROVAL OF MINUTES: April 15, 2009 Meeting Minutes.

Commissioner Cappa made a motion to approve the minutes, as submitted. Commissioner Miller seconded the motion. Following a vote, the motion carried.

F. ANNOUNCEMENTS:

Staff reported that Judge Williams heard the County's appeal on April 22, 2009 regarding the WWGMHB Decision that found Clallam County R2/RW2 zones and Carlsborg UGA non-compliant with the state Growth Management Act. The Judge has not issued a Decision to date.

Staff reported that on April 28, 2009, the WWGMHB held a hearing on the merits regarding a new petition of review, Case No. 08-2-0033, submitted by Dry Creek Coalition regarding County Ordinance No. 835, which challenges the County's partial compliance response to the WWGMHB. A Decision is anticipated by the end of May 2009. Discussion was had regarding the judgment process.

Commissioner Gleason reported that Commissioner Leonard contacted him with a concern that the Planning Commission carefully reviews the use tables of the proposed new Rural Neighborhood Conservation (NC) zoning district, in relationship to other rural zoning districts.

- G. PUBLIC COMMENT PERIOD: There was no public comment.
- H. UNFINISHED BUSINESS:

Update Re: Letter to Washington State Dept. of Transportation Requesting Consideration of Improvements Related to the Elwha River Bridge and Related Approaches on US 101

Chair Montgomery indicated that the Commission's concerns have been stated, and recognized by the Washington State Department of Transportation. No additional action was taken by the Planning Commission.

I. PUBLIC HEARING ITEM:

Proposed Response to the WWGMHB Compliance Order of January 30, 2009 Re: LAMIRDs

Staff read the following written testimony into the record: 1) Letter from George and Glenda Guilmet dated April 30, 2009; and 2) Letter from Tim Trohimovich, futurewise, dated May 1, 2009.

Staff provided a chronological overview with regard to the County's GMA compliance proceedings, and addressed the recent Western Washington Growth Management Hearings Board (WWGMHB) Order of January 30, 2009, in which 4 LAMIRDs were decided to be in continued non-compliance as well as specific RLC, RNC, CEN zoning use table provisions. The 4 LAMIRDs were identified as the Dryke/Sherbourne LAMIRD, Lake Farm LAMIRD, Deer Park LAMIRD, and Laird's Corner LAMIRD.

Staff reviewed the WWGMHB ruling for each LAMIRD, as well as the County's proposed compliance response to each. Staff addressed the County's proposed compliance response to adjusting the RNC, RLC and CEN use tables and discussed the WWGMHB ruling.

Staff outlined the County's compliance proceedings process and public notification, to date, and indicated that compliance is due for final action prior to July 30, 2009.

Chair Montgomery opened the public hearing, and the following testimony was provided:

Mike Lough, 4114 – 13th Ave. S., Seattle, WA 98108

Mr. Lough inquired with staff as to allowed use of his property in the O'Brien Road LAMIRD based on the proposed changes.

Harley Oien, 215 Rife Road, Port Angeles, WA 98363

Mr. Oien, Dry Creek Coalition, spoke to the Laird's LAMIRD that was found non-compliant by the WWGMHB, and read a letter that he submitted.

Sue Roberds, 54 West Misty Lane, Port Angeles, WA 98362

Mrs. Roberds indicated that she contends that the Lake Farm LAMIRD boundary line should be moved to the east line, to coincide with previous development criteria. Discussion was had regarding 'built environment.'

Chair Montgomery closed the public hearing. Staff will review written testimony received, and provide input and copies to the Commission. The Planning Commission extended the written public comment period until the close of business on Wednesday, May 13, 2009.

J. WORK SESSION ITEM:

Continue Discussion on Compliance Strategies Re: Invalid and Non-compliant R2 and RW2

Staff presented an overview of the two proposed compliance response strategies (see below table) in a PowerPoint presentation titled: "*DCD Staff Presentation to Clallam County Planning Commission – Regarding Rural Lands GMA Compliance, May 6, 2009, Work Session.*" Option A was recommended by County planning staff and the County's planning consultants. Option B was supported by the majority of the Planning Commission at the April 15 meeting. Staff explained that the difference between Option A and B is the retention of R2 zoned lands based on the preliminary strategy maps of the consultants in February 2009. Staff also noted that both options should add the rezoning of the Battelle property to Rural Low (R5), which was previously reviewed by the Planning Commission.

Mike McCormick who with BHC Consultants was hired to assist with Clallam County's compliance response addressed questions regarding their preliminary strategy recommendations in February 2009 and the recommended strategy presented in April by County planning staff and described in the Consultants April 2009 R2/RW2 Strategy Report that was provided in the meeting packets. Doug Jensen also addressed issues and questions regarding the two compliance strategies particularly related to the County being able to defend retaining more R2 lands in light terms of the Supreme Court decision in the Thurston County appeal.

Commissioner Montgomery distributed and reviewed a letter he prepared that discussed financial concerns in terms of loss in assessed value if R-5 zoning designation becomes permanent. He did note that the analysis did not factor the effect of the proposed NC zoning. Other factors to consider in regards to the cost of rural development were discussed.

Proposed Compliance Response (lands previously zoned R2/RW2 and currently zoned Interim R5/Interim RW5)

	Option A	Option B
1	Retain R2 zoning in newly designated LAMIRDs.	Retain R2 zoning in newly designated LAMIRDs.
2		Retain R2 zoning in certain neighborhoods based on the Consultants proposal.
3	Rezoning qualified parcels to Commercial Forest (CF) or Public (P).	Rezoning qualified parcels to Commercial Forest (CF) or Public (P).
4	Rezoning all other Interim R5/RW5 areas to new Rural Neighborhood Conservation (NC) Zoning Designation.	Rezoning all other Interim R5/RW5 areas to new Rural Neighborhood Conservation (NC) Zoning Designation.
5	NC zoned areas subject to new innovative zoning techniques	NC zoned areas subject to new innovative zoning techniques
6	Reconsider areas excluded from LAMIRDs and rezoned to R5/RW5 for rezoning to NC at later date.	Reconsider areas excluded from LAMIRDs and rezoned to R5/RW5 for rezoning to NC at later date.

Following discussion, Commissioner Cappa motioned to recommend Strategy Option A. Commissioner Gleason seconded the motion. Following discussion a roll call vote was taken. Commissioners Montgomery, Miller, Cappa, Esteb, Gleason, and Rudin voted for the motion; Commissioner Bell opposed the motion; and Commissioner Myers abstained. The motion passed 6-1. Staff indicated that the focus of the May 20 work session would be to finalize the strategies outlined under Option A including review of the proposed, new Rural Neighborhood Conservation (NC) zoning district standards presented in April, and also related comprehensive plan updates consistent with compliance strategy Option A.

The Planning Commission packet contained two draft work schedules to meet the July 17, 2009, compliance deadline. Schedule 2 had the Planning Commission scheduling a special meeting on May 13, 2009. Commissioner Cappa motioned to proceed with draft Compliance Schedule 1 as presented by staff. Commissioner Bell seconded the motion which passed unopposed. The general consensus of the Planning Commission was that they could complete their review to finalize strategies to take to public hearing in June at the next regular-meeting of May 20, 2009; and therefore, a special-meeting was not warranted.

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