

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

**MINUTES**

**Clallam County Planning Commission**

*Regular Meeting of May 20, 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, Ron Bell and Mel Rudin. Leo Leonard was not present. John Miller, Director, and Steve Gray, Planning Manager, represented staff from the Department of Community Development. Also present was Doug Jensen, Deputy Prosecuting Attorney.
- D. WELCOME: Chair Montgomery welcomed all in attendance.
- E. APPROVAL OF MINUTES: May 6, 2009 Meeting Minutes.

Commissioner Cappa made a motion to approve the minutes as submitted. Commissioner Myers seconded the motion. The following amendment was noted:

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“He did note that the analysis did not factor the effect of the proposed NC zoning.”

Following a vote, the motion to approve the amended minutes carried.

- F. ANNOUNCEMENTS:  
Staff reported that the County and City of Sequim Planning Departments will conduct a neighborhood forum Thursday, May 21, 2009 from 6:00 – 8:00 p.m. in the Sequim Transit Center, targeting the neighborhood in the northwest portion of the Sequim Urban Growth Area (UGA) south of West Hendrickson Road and east of North Priest Road. Staff indicated that invitations to the Forum were mailed to property owners. Topics to be covered include, but are not limited to: the neighborhood petition requesting removal from the UGA; County compliance response to Growth Hearing Board; interim regulations restricting new land divisions; considerations being located within or outside of the UGA; annexations processes; and next-steps in planning process. In addition, staff announced that the Board of County Commissioners has called for a June 2, 2009 public hearing to extend the interim controls restricting new land divisions of land in this neighborhood, excluding parcels in the vicinity of the northeast intersection area of North Priest and Brackett Roads.
- G. PUBLIC COMMENT PERIOD: There was no public comment.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEM: None.

J. WORK SESSION ITEMS:

**1. Review public hearing comments received and forward a recommendation to the Clallam County Board of Commissioners in the matter of the County's response to the January 30, 2009 Compliance Order by the WWGMHB related to non-compliant LAMIRDs**

Staff presented a compliance history summary, compliance response recommendations, summary of testimony received, and next-steps. Copies of the presentation were given to the Planning Commission and also made available to meeting attendees. Staff noted that the Planning Commission conducted a public hearing on May 6, 2009, and received the following written testimony:

- William and Sue Roberds

The Roberds submitted three (3) letters dated May 6, 2009, May 5, 2009, and May 11, 2009.

The Roberds own property in the Lake Farm LAMIRD, and provided rationale showing the built environment as of July 1, 1990 in terms of homes and water lines in the area.

- Gerri Ferguson, Dry Creek Coalition

Mr. Ferguson submitted a letter dated May 6, 2009, which supported the proposal to remove the 37+ acres and 10 acres from Laird's LAMIRD east and provided additional rationale regarding those removals.

- Tim Trohimovich, Futurewise

Mr. Trohimovich submitted a letter dated May 1, 2009, which supports the proposed County boundary adjustments for the Dryke/Sherbourne, Lake Farm, Deer Park, and Laird's east LAMIRDs. The letter also stated support of the proposed text updates to the Comprehensive Plan and Zoning Code.

- George & Glenda Guilmet

The Guilments submitted a letter dated April 30, 2009, indicating that the own property north of Highway 101 in the Blyn LAMIRD. Their concerns include text changes to the Comprehensive Plan and Rural Center zoning district – in particular, the “prior to” language. The Guilmetts provided additional information regarding the 1990 built environment north of Highway 101, and in the vicinity of their property.

Staff continued with the presentation by indicating that the remaining issues include the outer boundaries of 4 LAMIRDs (Dryke-Sherbourne LAMIRD, Deer Park LAMIRD, Laird's Corner East LAMIRD, and Lake Farm LAMIRD) found in continued non-compliance with the Growth Management Act, as decided in the January 30, 2009 WWGMHB Order. Staff reviewed the ruling for each LAMIRD, and provided staff's proposed compliance response to each issue area.

With regard to the January 30, 2009 ruling, staff spoke to adjusting the RNC, RLC and CEN use tables. Proposed compliance response includes changing “prior to” language throughout the Ordinance consistent with the statutory language; Section 1: Subsection (1), correct to include the missing text; Subsection (2) and (3), reflect proposed adoption of current 2009 compliance response recommendations; and Section 8: reflect proposed adoption of current 2009 compliance response recommendations.

Staff outlined the County's compliance response recommendations as follows:

- Approve the comprehensive plan and zoning map amendments for the Deer Park, Lairds Corner, and Dryke/Sherbourne Road LAMIRDs, as proposed;
- Approve comprehensive plan and zoning text amendment, as proposed; and
- Recommend designation of a LAMIRD logical outer boundary change for the Lake Farm LAMIRD, based on new testimony received and documentation related to water mains, roads, and homes that were in this neighborhood as of 1990 (retained areas zoned R1 and excluded areas zoned R5).

Staff noted the revised draft letter of transmittal from the Planning Commission to the Board of County Commissioners regarding a recommended compliance response. Staff indicated that the revised letter of transmittal addresses the recommended revised Lake Farm LAMIRD boundary based on testimony received. Staff noted that the Board of County Commissioners would hold a public hearing prior to taking final action on the Planning Commission recommendation. Staff also noted that the deadline for County response on the remaining LAMIRD compliance issues is July 30, 2009.

Commissioner Myers made a motion to sign the Letter of Transmittal which outlines work done by the Planning Commission, as well as the recommendations of the Planning Commission, and forward to the Board of County Commissioners. Commissioner Cappa seconded the motion. There was no discussion. Following a vote, the motion carried.

**2. Final review of comprehensive plan and zoning update strategies to take to public hearing on June 3 and June 4, 2009, regarding the County's compliance response to the April 23, 2008 compliance order by the WWGMHB related to non-compliant R2 / RW2 zoning districts**

Staff summarized the May 6, 2009, Planning Commission recommended compliance strategies for invalidated R2/RW2 zoned areas as follows:

- Designate four (4) new residential LAMIRDs, and retain the Rural Moderate (R2) land use and zoning designation for these areas;
- Designate and zone qualified public-owned parcels to Commercial Forest (CF) or Public (P);
- Designate and zone the entire Western Central 2 Neighborhood as Commercial Forest (CF), which includes mostly private ownerships;
- Designate and zone the Battelle property, located adjacent to the Sequim Urban Growth Area, Rural Low (R5); and
- Designate and zone all other properties under the proposed new Rural Neighborhood Conservation (NC) land use and zoning designations.

Staff also overviewed the Rural Neighborhood Conservation (NC) zoning district, with special focus on the reviewing the basis, purpose, standards, and several examples of the optional NC overlay and cluster residential development options. Staff noted the Department's press release regarding the recommended compliance strategies and upcoming Commission hearings. Copies of the staff presentation and press release were given to Commission members and also made available to meeting attendees.

Staff outlined the actions and next steps of the Planning Commission as follows:

- Updates, if any, to proposed Rural Neighborhood Conservation (NC) Zoning District public hearing draft;
- Updates, if any, to proposed comprehensive plan amendments for public hearing;
- Hold June 3, 2009 and June 4, 2009 public hearings on proposed compliance strategies; and
- Schedule a June 10, 2009 special meeting to finalize review and transmit recommendations to the Board of County Commissioners.

The Commission took a 10-minute break.

*Review of May 20, 2009 Amended Draft CCC 33.10.XXX Rural Neighborhood Conservation*

The Planning Commission proceeded with review of the May 20, 2009, draft NC zoning district standards. Staff noted that this draft contained several staff recommended changes from the April 15, 2009, draft previously reviewed by the Planning Commission. The following discussion was had:

Subsection (1) – Allowed Land Uses:

- Add “commercial greenhouse or nursery (wholesale)” as an allowed use

Subsection (2) – Conditional Land Uses:

- Add “commercial greenhouse or nursery (retail)” as a conditional land use

Commissioner Gleason made a motion to amend subsections (1) and (2) as stated. Commissioner Rudin seconded the motion. Commissioner Cappa noted the difficulty in identifying whether a commercial greenhouse or nursery is wholesale or retail, and recommended that a wholesale commercial greenhouse or nursery should be a conditional land use. Chair Montgomery agreed that a wholesale facility should be a conditional land use. Commissioner Gleason spoke to concerns of not treating wholesale and retail uses differently. Following a vote, the motion failed 3-5.

Discussion was had regarding “duplexes” as a conditional land use. Staff indicated that duplexes in R1, R2, and R5 zones are allowed (i.e., not subject to a conditional use), but were subject to the maximum residential standard. Staff noted that duplexes are more typically found in more urbanized rather than rural areas. Staff also reviewed County accessory housing provisions and standards for rural residential lots.

Discussion was had regarding the distinction between “home enterprises” and “home-based industries.” Staff indicated that the difference is whether the enterprise or industry is indoor or outdoor activity, and performance standards were identified.

#### Subsection (3) – Prohibited Land Uses:

Staff reviewed the rationale for deleting the last sentence of this section that would allow unclassified uses to apply for a conditional use. Staff noted that the intent was that unlisted uses, unless determined similar to listed allowed or conditional uses are prohibited. Staff suggested if the Planning Commission felt that unclassified uses should be allowed to go through a conditional use permit process that a list of prohibited uses be added. Doug Jensen supported the staff recommendation indicating that allowing “unclassified uses” as a conditional use puts the decision-making authority with the Hearing Examiner as what is the intent of the zoning district.

#### Subsections (6) and (7) – Minimum Lot Width / Maximum Width to Depth Ratio:

Discussion was had regarding the 75 foot minimum lot width related to clusters. Staff indicated that RCC3 would have a minimum lot width of 75 feet and a minimum depth ratio of 1:4. Further discussion was had regarding the maximum width to depth ratios. Staff provided the definition of lot depth. Staff encouraged the Commission to receive further testimony prior to potentially amending the standards which are consistent with conventional R1, R2 and R5 zones.

#### Subsection (9)(a)(ii) – Rural Neighborhood Conservation Overlay: Built Environment:

Staff reviewed the amendment under Built Environment regarding the applicability for the NCO. Discussion was had regarding policy framework for built environment standards.

#### Subsection (10)(i) – Rural Neighborhood Conservation Cluster:

Discussion was had regarding the rural open space components that apply.

#### Subsection (10)(f)(i) – Rural Neighborhood Conservation Cluster – Minimum Lot Size:

Staff indicated that the alternative 3/4 acre lot size was added, as it was recommended by the consultants.

Discussion was had regarding the potential concerns related to 1/2 acre v. 3/4 acre lot size.

Commissioner Cappa made a motion that the setbacks be consistent with the RCC3 citing the 25-30 foot setback. Commissioner Bell seconded the motion. Discussion was had. Following a vote, the motion failed.

### **Draft Amendments to the Countywide Comprehensive Plan**

Staff indicated that the amendments are new and are essentially the specific targeted changes in the County’s Countywide and Regional Plans to remove any inconsistencies going from the Rural Moderate to the Rural Neighborhood Conservation (NC) zoning districts.

Commissioner Rudin made a motion to endorse the County Comprehensive Plan amendments as submitted and take to public hearing. Commissioner Myers seconded the motion. Commissioner Gleason indicated that he was a recipient of Commissioner Leonard’s request that the Commission review R5 land uses, as he is concerned regarding potential adverse effects to property owners adjacent to the interim or new zoning districts. Following a vote, the motion carried.

Commissioner Miller referred to the Western Central 2 Neighborhood Map, and indicated that he spoke with an owner of property in this area that opposes the proposed Commercial Forest zoning designation, and that the property owner requests that the Commission consider a Rural Neighborhood Conservation zoning district for the subject property. Staff noted that they had received several calls from property owners and/or representatives opposing the Commercial Forest zoning recommendation, and that they had encouraged the persons who contacted them to provide oral and/or written testimony to the Planning Commission regarding this issue.

Commissioner Gleason made a motion to take the amended May 20, 2009 Draft CCC 33.10.XXX Rural Neighborhood Conservation (NC) zone go public hearing. Commissioner Myers seconded the motion. Following a vote, the motion carried.

Staff addressed the compliance schedule with regard to conducting a potential special meeting on June 10, 2009. Commissioner Esteb made a motion to conduct a special meeting on June 10, 2009 that would possibly replace the June 17, 2009 regular meeting. Commissioner Cappa seconded the motion. Following a vote, the motion carried.

All Commissioners present, indicated that they would attend the June 3, 2009 meeting.

Chair Montgomery, Commissioner Gleason, Commissioner Miller and Commissioner Rudin indicated that they will attend the public hearing held in Forks on June 4, 2009. Commissioner Esteb and Commissioner Myers indicated that they would be available for a teleconference from the Board Room at the Courthouse. Commissioner Cappa and Commissioner Bell are not available. Staff will reserve a van for transportation.

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