

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

**MINUTES**

**Clallam County Planning Commission**

*Regular Meeting of June 3, 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, Ron Bell and Leo Leonard. Steve Gray, Planning Manager; Selinda Barkhuis, Planner III; and Chad Theismann, Planner II; 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 20, 2009 Meeting Minutes.

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

F. ANNOUNCEMENTS:

Staff announced that Director Miller was at a Farmland Preservation Work group meeting hosted by the Cascade Conservancy and local North Olympic Land Trust as part of a project called the Olympic Agenda lead by these two land trusts. The project agenda is to develop a 100-year local vision on farmland preservation and other issues.

Staff noted that the Board of Clallam County Commissioners will be calling for a June 23, 2009, public hearing on the Planning Commission's recommended compliance response to the Western Washington Growth Management Hearings Board (WWGMHB) Order in January on remaining compliance issues regarding limited areas of more intensive development (LAMIRD).

Commissioner Gleason reported that a bid for constructing the west-end, Fairholm section of the Olympic Discovery Trail that is part of the Clallam County Six-Year Transportation Improvement program came in significantly under projected budget.

- G. PUBLIC COMMENT PERIOD: There was no public comment.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEMS:

**1. 2<sup>nd</sup> Half 2009 Current Use Assessment Applications**

Staff provided a brief overview of the background information relating to the Open Space Tax Act and public benefit system. In the 2<sup>nd</sup> half of 2009, the Clallam County Assessor's Office received a total of 16 applications covering 31 parcels for participation in the County's Current Use Assessment Program.

Of the 16 applications currently under consideration, 13 applications (28 parcels) requested enrollment under the Timber Land classification, and 3 applications (3 parcels) requested enrollment under the Open Space land classification.

Staff reviewed the Staff Report and Draft Decision Document which summarized applications currently under consideration. All 16 applications meet the criteria defined in CCC 27.08, and no applications, or parcels, are recommended for denial. Therefore, staff is recommending approval of all applications under consideration.

The Planning Commission made a motion to approve staff's recommendation for approval of the 16 applications received for the 2<sup>nd</sup> half 2009. The motion was seconded. Following a vote, the motion carried.

## **2. Proposed amendments to the comprehensive plan and zoning code regarding the County's Rural Moderate (R2) and Western Region Rural Moderate (RW2) zoning districts**

Chair Montgomery reviewed ground rules and opened up the public hearing. Staff announced that the Planning Commission will continue the public hearing to the Forks City Council Chambers tomorrow evening commencing at 6:30 p.m. Staff noted for the record that the Planning Commission received the following written testimony since the May 20, 2009 Planning Commission meeting:

- Email from Pete Constable dated May 27, 2009 with attachments;
- Letter from Mark Norbistrath received June 1, 2009;
- Letter from Daniel Greene received June 1, 2009; and
- Letter from Douglas Peters, CTED, received June 3, 2009.

For the staff report, Steve Gray, Planning Manager, gave a PowerPoint presentation on the compliance strategies that were before the Planning Commission. Handouts of the presentation were given to the Planning Commission and also made available to all attendees. The presentation covered the following topics:

- Rural land issues areas challenged by the Petitioners and the action taken by the WWGMHB.
- Compliance strategies being proposed for the R2/RW2 zoning invalidated by the WWGMHB.
- Overview of the proposed new Rural Neighborhood Conservation (NC) zone.
- Examples of base density/minimum lot size, overlay infill, and cluster residential development provisions of the proposed new NC zoning district.

Staff noted that the Planning Commission has scheduled a special meeting June 10, 2009 to discuss public comments received, and to forward a recommendation to the Board of County Commissioners (BOCC). The BOCC will consider and hold a public hearing on the Planning Commission's recommendation. The tentative date for the BOCC public hearing is Tuesday, June 30, 2009. The County's GMA compliance response is due the end of July, 2009.

### **Public Testimony Received:**

Christy Mitchell, 316 Robbins Road, Sequim, WA 98382

Ms. Mitchell indicated that she may be OK with the Rural Neighborhood Conservation (NC) zone that was proposed but did have some concerns about the standards, and asked whether it would be OK to put the septic drain field into the farm lot. Steve Gray, Planning Manager, responded that placement of the on-site sewage systems within the larger lot may be allowed consistent with design and public health standards similar to other cluster zones and existing

health regulations. Ms. Mitchell further questioned whether under the cluster provision you would be required to put in the entire infrastructure such as roads and water even if you do not intend to sell all the lots. Mr. Gray responded that required road and water infrastructure would need to be installed, but that subdivision and related improvement requirements could be phased. Under a phased approval, all preliminary approved phases would need to be completed within 5-years. Any phase not finalized within the 5-year period would need to make a new application.

Linda Barnfather, 83 Medsker Road, Sequim, WA 98382

Ms. Barnfather suggested that the 70% of developed lots should include developing lots, which are those lots that already have water and power installed. Ms. Barnfather supports the innovative zoning standards of the proposed NC zone. Several Planning Commission members supported further review to also consider vacant lots with water and power improvements versus unimproved, vacant lots.

Jerry Sinn, 46 Quarter Horse Lane, Sequim, WA 98382

Mr. Sinn said he had previously testified and provided information about the area South of the Bell Hill LAMIRD. He believes an error was made when the original Bell Hill LAMIRD was designated, because the LAMIRD boundary cut through the Bellecrest Estates development. The development has PUD and sewer and the association's CC&Rs require lots of 2.4 acres or larger. About a third of the association was excluded from the LAMIRD. Mr. Sinn said he believes that LAMIRD boundary should reflect the association, and that about 65% of the development already exists at 2.4 acres. He also testified that almost none of the allowed uses under the NC are allowed in their association. He testified they are basically a city type development. Mr. Sinn further testified that very few people came in today but that the Planning Commission's role is the representation of both the individual people that did testify and those people that did not come in today. Mr. Sinn had two more points, one that the community of interest of his association would be fragmented by the current proposal, and second he questioned how we could do long range planning when the rules change along the way.

Greg Madsen, P. O. Box 135, Sequim, WA 98382

Mr. Madsen directed the Planning Commission to the Sequim Bay LAMIRD's parcel map and asked them to consider why these 10 parcels when these 10 parcels are surrounded on all sides by R5 zoning and containing a mixture of 2.4 acre lots. He opposes the proposed R2 designation and supports a R5 zoning district. He directed the Planning Commission to the approximately 5.26 acre property that borders his property to the south within the proposed LAMIRD. Mr. Madsen noted that the landowner has taken down all the buildings in anticipation of dividing the lot. Mr. Madsen further noted that the proposed Sequim Bay LAMIRD would only benefit this property owner. Mr. Madsen also noted that the County determined that the wetland/drainage on the property was not regulated under the critical area code, but that the Army Corps of Engineers has tentatively identified it as a wetland and that there are cattails and amphibians there. Steve Gray directed the Planning Commission to the Sequim Bay LAMIRD's 1990 aerial photo showing the 1990 built environment and confirmed that the planning department did get testimony from landowner Mr. Barnes, who owns the lot of concern by Mr. Madsen. Mr. Gray noted that the properties to the north and south of the proposed Sequim Bay LAMIRD, between Sequim Bay and East Sequim Bay Road, are current zoned Interim R5 and under the proposed compliance strategy recommended to be designated and zoned Rural Neighborhood Conservation (NC) designation. Mr. Gray noted that future development would be subject to applicable local, state, or federal regulations related to wetlands and streams.

Eva Williams, 70 N. Bagley Creek Road, Port Angeles, WA 98362

Ms. Williams spoke about the mini-storage located at the corner of Hwy 101 and North Bagley Creek Road and said that the mini-storage facility was not allowed under the prior R2 zone, nor under the current interim R5 zone, and still won't be allowed under the proposed NC zone. She wants consideration to become a commercial lot. Ms. Williams submitted written testimony to the Planning Commission.

Martha Ireland, 20 Spath Road, Sequim, WA 98382

Ms. Ireland fears that when all is said and done, the Planning Commission will have expended all this effort for nothing. She commended the Planning Commission for the work completed, but felt that they come with conditions that do not make them real options for landowners. For example, she questioned whether her neighbor with 20 acres would have the money to put in the required water system and roads. Ms. Ireland noted that the proposed NC zoning was not going to help to divide her 5-acre ownership, or similar situated neighbors. She said her urgent message for really helping the impacted people is for the County to continue to pursue this in the courts and to defend citizens' rights.

Sheila Miller, 125 Edmonson Drive, Sequim, WA 98382

Her family has owned land near Robin Hill Park since 1958 and one of her concerns is the lack of notices that was sent directly to the affected people. She is concerned about how the rezoning of Robin Hill Park to Public will affect building setbacks. Ms. Miller had questions about whether a NC overlay development will require a public hearing, the affect of the Solmar LAMIRD designation on Solmar's water system, and whether expansion of the Solmar's water system would require state review. Chair Montgomery suggested that Ms. Miller inquire further with the planning staff regarding her questions.

Gerri Ferguson, 133 Rickarla Circle, Port Angeles, WA 98363

Ms. Ferguson testified that she moved out to Lower Elwha Road area because it was residential and not commercial. She now has a neighbor who gives classes and that there will be nothing to stop her when her property is rezoned from R2 to RW2. She is frustrated because nothing is getting done. She questioned why there are rules and regulations if they are never enforced. Steve Gray responded that a decision was made on the compliance case related to the classes, and that this project specific issue is separate from the matter currently before the Planning Commission. Mr. Gray also clarified that the RW2 zone was found invalid by the Growth Hearings Board and that there is no proposal to rezone her property or the neighbors to RW2, and that the allowed uses under the proposed NC zone is similar and in some cases more restrictive than the R2 and R5.

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

Mr. Oien testified to clarify the last testimony in that the NC uses specifically include home enterprises which have a history of problems with enforcement. He also testified that kennels are not an appropriate use in residential zones and questioned who would want to live next to a kennel, even a mile away. He testified in response to Ms. Ireland that the GMA was adopted in 1990 and that Ms. Ireland was a County Commissioner and that the failure to implement the GMA created this problem.

Ms. Ireland responded to Mr. Oien's comments that she was a county commissioner from 1996 to 1999 and that when the County decided to opt into the Growth Management Act (GMA), it had a Comprehensive Plan, and that the County chose to opt into growth management planning in good faith because the GMA promised certainty and that was the situation when she was involved, but that now the GMA involves reach back rather than certainty.

Chair Montgomery declined allowing any further response or comment from Mr. Oien in regards to Ms. Ireland service as County Commissioner. He asked if anyone had any other comments on the compliance strategies that were subject of the public hearing. No one had any other comments to provide and Chair Montgomery noted that the Planning Commission would continue to receive public comment at the continued public hearing at the Forks City Hall on June 4, 2009, at 6:30 p.m.

Commissioner Gleason indicated that he will not be in attendance at the special meeting, and wanted to comment on the following testimony: 1) With regard to Mrs. Barnfather's testimony, he thinks that it is a built environment when utilities are in the ground; and 2) With regard to Mr. Sinn's testimony, he thought that the Planning Commission had addressed his concern and included the association within the LAMIRD.

Commissioner Cappa inquired with regard to setbacks from Robin Hill Park. Staff indicated that Robin Hill Park property located next to Mrs. Miller's family property is already zoned Public and that the parcel being proposed for Public zoning was also part of the Park, but was not adjacent to the Miller Family property.

J. WORK SESSION ITEMS: None.

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

L. ADJOURNMENT: The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Steve Gray  
Planning Manager