

Date Approved: _____

MINUTES

Clallam County Planning Commission

*Forks Public Hearing of June 4, 2009
Forks City Council Chambers
500 E. Division Street, Forks, WA 98331*

*Teleconference
Board Room, 223 East Fourth Street, Port Angeles, WA 98362*

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 in Forks were Chair Montgomery, Robert Miller, Gary Gleason, Leo Leonard and Mel Rudin. Members present in Port Angeles were Nancy Esteb and Don Myers. Ben Cappa and Ron Bell were not present. Steve Gray, Planning Manager, and Selinda Barkhuis, Planner III, represented staff from the Department of Community Development, and were present in Forks. John Miller, Director, and Doug Jensen, Deputy Prosecuting Attorney, were present in Port Angeles.
- D. WELCOME: Chair Montgomery welcomed all in attendance.
- E. APPROVAL OF MINUTES: None.
- F. ANNOUNCEMENTS: None.
- G. PUBLIC COMMENT PERIOD: There was no public comment.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEM:

Proposed amendments to the comprehensive plan and zoning code regarding the County's Non-compliant and Invalid Rural Moderate (R2) and Western Region Rural Moderate (RW2) zoning districts

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:

- o Rural land issues areas challenged by the Petitioners and the action taken by the Western Washington Growth Management Hearings Board (WWGMHB).
- o Compliance strategies being proposed for the R2/RW2 zoning invalidated by the WWGMHB.
- o Overview of the proposed new Rural Neighborhood Conservation (NC) zone.
- o 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.

Commissioner Gleason addressed the public, reminding them that when they testify, to please provide as much specific information relating to their property as possible.

Public Testimony Received:

Rockwell Fletcher, 914 Whitcomb-Dimmel Road, Forks, WA 98331

Mr. Fletcher identified his parcel on the map, and spoke in opposition to the proposed zoning designation for his property. His future plans were to establish a tourist commercial use, such as an RV park, to serve as retirement income. Steve Gray, Planning Manager, noted that the area Mr. Fletcher was addressing was in one of the found non-compliant limited areas of more intensive rural development (LAMIRD). Mr. Gray noted that the County took action to modify the LAMIRD boundaries and that the County's compliance response was upheld by the WWGMHB. Mr. Gray said he would be available after the meeting to discuss applicable zoning provisions related to his property.

Mr. Fletcher spoke again later noting his concern not to penalize property owners just because they have not yet invested in infrastructure improvements. Property owners like him that did not have money to previously make improvements are out-of-luck.

Diane Gaydeski, P.O. Box 802, Forks, WA 98331

Ms. Gaydeski testified twice during the hearing. Ms. Gaydeski began by indicating that that she lives on the Gaydeski farm and that the proposed NC zone cannot apply to the west-end equally. The east-end of the County cannot be compared to the west end, and spoke in opposition to the proposed rezoning. Ms. Gaydeski noted that she previously submitted a petition signed by 700 petitioners who agreed that "one size does not fit all." The petition stated "We ask that you provide for a variety of rural densities and development patterns appropriate for the west end region." She also specifically cited the proposed NC provision related to a "*neighborhood*" being an area that extends 500 feet beyond the subject parcel's boundaries. This definition does not apply to the Gaydeski neighborhood. The distance of 500 feet may be appropriate for defining an urban area, but not a rural area.

Ms. Gaydeski explained that she had already commenced subdivision planning, including sewage and water reviews with County, for a land division. She expressed frustration that by not submitting one piece of paper in prevented her from proceeding forward with her subdivision plans following the WWGMHB April 2008 ruling.

The Planning Commission asked whether there was any additional information regarding development history, infrastructure, and built environment for her neighborhood. Ms. Gaydeski responded that she had previously provided the Planning Commission oral and written testimony regarding the Gaydeski neighborhood, and was not sure what other data to add.

Ms. Gaydeski overviewed the family farm history, including how portions of the farm have been divided for family members. She indicated her desire to be able to subdivide her ownership, so that her children can have acreage. In the vicinity of her lot, but not within 500 feet, there were 8 parcels established between 1902 and the 1920's, ranging in size from 0.36 to 2.42 acres, most of which are at or below 1 acre and each has a home. These parcels are approximately 1,500 feet from her ownership. A Group B water system serves the neighborhood, a spur road off Gaydeski (Ski Road) was established 1985 which consists of 5 acre parcels. Gaydeski Road is a County road. Cattle, hay, horses, and pigs have been raised on the Gaydeski Farm, which was one of 28 businesses developed in the neighborhood over the years with some still active.

The Group B water system serving the farmhouse is in the process of being expanded from 5 hookups to 12, and all utilities have existed for 30 years. Mrs. Gaydeski indicated that there is a jeep trail on the Gaydeski property. Ms. Gaydeski noted that her property is associated with the 160-acre Gaydeski farm, and indicated that we are bigger out here and ownership patterns are not the same as the east-end of the County.

Ms. Gaydeski noted that the proposed NC zone would not allow her to divide her 7.5-acre ownership since they don't own 11 acres, and are located more than 1,500 feet from small lots. Steve Gray, Planning Manager, confirmed that additional adjacent family or other lands would need to part of a subdivision application for Ms. Gaydeski to qualify for a density bonus under the cluster provisions of the proposed NC district.

Bert Paul, 162 Valley View Drive, Forks, WA 98331

Mr. Paul spoke to a parcel that he co-owns located at Lake Pleasant that was used in the staff presentation examples to highlight the NC cluster concept. Mr. Paul asked the difference between the Quillayute and Beaver residential zones. He noted that he had commenced plans to subdivide property 2-years ago, with consultant drawings based on RW2 zoning. Then he found out about existing county/state shoreline regulations that required a 200-foot setback from Lake Pleasant, and then the County adopted the Interim RW5 zoning. He opposes the 200-foot shoreline setback, and asked if the lake frontage is a factor considered with regard to zoning.

Don Grafstrom, 884 Bear Creek Road, Port Angeles, WA 98363

Mr. Grafstrom indicated that he represents himself and also client Daniel Greene. He opposes the GMA "point-in-time" standards. Mr. Grafstrom read a letter on behalf of Daniel Greene, owner of the Shoo-Chuss property, dated May 26, 2009 who owns several tax parcels located in the Western Central 2 Neighborhood, and is opposed to the proposed Commercial Forest zoning designation. Mr. Grafstrom noted that the largest parcel owned by Fruit Growers is 42.47 acres, and the largest parcel owned by Shoo-Chuss is 41.23 acres.

Mr. Greene's letter was received by the County June 1, 2009, and forwarded to the Planning Commission at the regular meeting of June 3, 2009.

Mr. Grafstrom spoke again later to convey Mr. Greene's apology for not being here to testify in person. Mr. Greene is a fisherman and was unable to attend due to seeing to repairs to his boat outside the area.

Mr. Grafstrom requested that people who testify should be notified of outcome. He stated that he previously testified related to his rural commercial property and would have appreciated a response to the County's subsequent actions.

Peter Constable, 2724 First Ave. W., Seattle, WA 98119

Mr. Constable, representing Fruit Growers, read excerpts from his letter dated May 27, 2009, stating opposition to the proposed Commercial Forest zoning designation. He cited existing land ownership patterns, density, County Comprehensive Plan Forest Land definition, tract size compatibility, economic feasibility of long term forest production, and rural land definitions. He noted that environmental constraints make it very difficult to manage properties as Commercial Forest. Mr. Constable remarked that Fruit Growers and Rayonier were discussing issues on north side of river in regards to ownership. Mr. Constable closed by indicating that the Western Region Rural Low (RW5) represents a closer alignment with the subject area than the proposed CF zoning designation.

Mr. Constable's email and letter was received by the County May 27, 2009, and forwarded to the Planning Commission at the regular meeting of June 3, 2009.

Gary Grahn, 212338 Highway 101, Port Angeles, WA 98363

Mr. Grahn identified his property on the map, where a portion of his property was rezoned by the County from Western Region Rural Center (WRC) to Western Region Rural Low (RW5). He spoke in opposition to the proposed zoning designation. He indicated that the property was zoned WRC when he purchased it in 2003, and his plan was to install a 40-unit RV park. He indicated that in 2003 he entered into an agreement with the Quillayute Tribe for municipal water for the park. He paid to have a two-inch water line installed, sewer, testing, etc. Mr. Grahn noted that he invested and made improvements to the property based on WRC zoning, and felt that too long of a time span has went by for the area to now be found non-compliant. If it was non-compliant, he questioned why had no changes been adopted earlier, which would have factored into his decision on whether to purchase the property. RW5 zoning is night-and-day in comparison to WRC zoning. In closing, he spoke to historical land ownership and liability related to property owners' rights of parcels found invalid and non-compliant.

Bruce Paul 121 Ski Drive, Forks, WA 98331

Mr. Paul spoke to the necessity of reviewing historic land use, and provided an example of Gaydeski Road as infrastructure follows the road splitting the 5 acre parcels. Discussion was had regarding overlay and clustering options. Mr. Paul noted that the neighborhood invested in a generator for the water system as a back up.

Commissioner Gleason made a motion to keep the record open for written testimony until the close of business on Friday, June 5, 2009. Commissioner Rudin seconded the motion. Following a vote, the motion carried.

- J. WORK SESSION ITEMS: None.
- K. PUBLIC COMMENT PERIOD: There was no public comment.
- L. ADJOURNMENT: The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Steve Gray
Planning Manager