

Date Approved: _____

MINUTES

Clallam County Planning Commission

*Special Meeting of June 10, 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, Ron Bell and Mel Rudin. Gary Gleason and Leo Leonard were not present. Steve Gray, Planning Manager; and Selinda Barkhuis, Planner III; 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:

June 3, 2009

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

June 4, 2009

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

- F. ANNOUNCEMENTS: None.
- G. PUBLIC COMMENT PERIOD: There was no public comment.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEM: None.
- J. WORK SESSION ITEM:

Proposed Amendments to the Comprehensive Plan and Zoning Code Re: Non-compliant and Invalid Rural Moderate (R2) and Western Region Rural Moderate Zoning Districts

Staff reviewed meeting materials that were forwarded to the Planning Commission via email, rather than mailed, considering the short turn around time to the special meeting date.

Staff spoke to the role of the Washington State Department of Community, Trade and Economic Development (CTED), and read a key statement in Doug Peters', (CTED) letter dated June 3, 2009, "These amendments appear to be a reasonable way to provide for a mixture of rural land use densities and to preserve the rural character of Clallam County, while respecting most existing development patterns." Staff spoke with Doug Peters to confirm that he intended for the statement to apply to the new Rural Neighborhood Conservation (NC) Zoning Designation, which he agreed.

Staff addressed key issue areas of public testimony received, and provided staff's analysis and recommendations to the five (5) proposed strategies to achieve compliance, as follows:

Marine Drive LAMIRD SDPRlamird 16

Staff spoke to testimony received from Futurewise, and following staff's analysis, staff recommends modifying the logical outer boundary of the Marine Drive LAMIRD to exclude the parcels between Cays Road and Thornton Drive (except the strip along the coast which has a 1990 built environment and consists of smaller parcels), and recommend that the removed parcels be designated and zoned Rural Neighborhood Conservation (NC).

Commissioner Esteb made a motion to approve staff's original recommendation to include the subject area into the Marine Drive LAMIRD. Commissioner Ruding seconded the motion. Discussion was had. Following a vote, the motion carried.

Solmar LAMIRD SDPRlamird 14

Staff spoke to testimony received from Futurewise. Following staff's analysis, staff recommends that the Solmar LAMIRD stay as proposed at public hearing.

East Sequim Bay LAMIRD SDPRlamird 15

Staff spoke to testimony received from Mr. Madsen and Mr. Barnes. Following staff's analysis, staff recommends that the East Sequim Bay LAMIRD stay as proposed at public hearing.

Dungeness Meadows LAMIRD SDPRlamird 13

Staff noted that no testimony was received. Staff recommends the LAMIRD stay as proposed at public hearing.

Sequim Battelle Property

Staff noted that no testimony was received. Staff recommends rezoning the Battelle site to permanent Rural Low (R5) as discussed during the April 1, 2009 meeting and as reflected on the SDPR Regional Map.

Rezoning Qualified Public Ownership Parcels

Staff noted that no testimony was received. Staff identified specific areas and/or parcels recommended to be rezoned to Commercial Forest (CF) or Public (P). Staff recommends the initial proposal at public hearing.

Western Central 2 Neighborhood

Staff read concerns stated in testimony received, and identified parcels recommended to be rezoned from the Western Central 2 Neighborhood (east of Forks) to Commercial Forest (CF). Following discussion regarding alternative options, Commissioner Miller made a motion that the area proposed by staff to be rezoned to CF, be designated to either CFM5 or RW5. Commissioner Cappa seconded the motion. Discussion was had. The motion received four votes in support and three votes in opposition, but failed since it did not achieve the minimum 5 votes to represent a majority of the 9-member Planning Commission.

A 10-minute break was taken.

Designate All Other R2 and RW2 Zoned Areas to the Proposed Rural Neighborhood Conservation

Staff noted that the recommendation is to designate all other invalidated R2 and RW2 zoned areas to the proposed new Rural Neighborhood Conservation (NC) zoning district.

Staff indicated that numerous testimonies were received, and began by reviewing the west end. Staff noted that the Planning Commission received a west-end petition signed by approximately 700 people that stated: *"we believe that property owners in the West End have the right to retain the full value of their property. We believe the rural character can be retained in lot sizes of one dwelling unit per 2.4 acres, subject to local circumstances and the local neighborhood. We ask that you provide for a variety of rural densities and development patterns appropriate for the west end region, as one size does not fit all. Per the Clallam County Rural Land Report of 2007: "Because the character of both urban and rural lands differs greatly from the west end of the County to the east end, specific policies and actions to implement the rural land use element of the Comprehensive Plan should be found in those plans."*

Staff noted that the 2007 Clallam County Rural Lands Report is part of the record in support of the County's appeal of the Growth Board's invalidation of the R2 and RW2 zoning. In terms of the proposed compliance response to adopt the new NC zoning district, staff indicated that the proposed NC districts proposed base density (1 du per 5 acres) and flexible minimum lot size (minimum of 1 acre) together with the innovative NC overlay (i.e., neighborhood infill) and cluster development options for qualifying lands does provide for a variety of rural densities and development patterns in both the east end and west end of the County based on local and neighborhood circumstances, including densities for qualifying NC overlay and cluster developments up to a maximum of 1 dwelling per 2.4 acres.

Staff spoke to concerns regarding infrastructure cost requirements and potential phasing. Discussion was had regarding Group A and Group B water system requirements. Doug Jensen spoke to the regulatory processes of group systems, and staff discussed policy issues related to wells and division of property.

Commissioner Cappa made a motion to eliminate the requirement that the water supply for new lots within an NC Overlay development require connection to an existing or new Group A or Group B water system. Commissioner Bell seconded the motion. Discussion was had. Following a vote, the motion carried.

Staff noted that the instream flow rules have not been finalized by the State, and as a matter of comparison, staff noted that there is no requirement of Group A or Group B system connection within the R1 zoning designation which was found compliant.

Chair Montgomery asked if the motion were to pass, would it be difficult in defending the County's overall strategy to the Western Washington Growth Management Hearings Board. Doug Jensen replied that he believed it would be more difficult in doing so.

Doug Jensen indicated that it is important for the Planning Commission to understand that although clustering is an innovative zoning technique, it is intended to be a way to preserve the rural environment to remediate the impacts of the higher density developments created by clustering. Measures available include surfacing of roadways – asphalt v. gravel, public well v. individual wells, visual buffering between clustering and adjoining rural lands, and the treatment of the open space, are critical factors considered by the Western Washington Growth Management Hearings Board.

Central 1 Neighborhood

Staff overviewed the testimony received from Diane Gaydeski and Bruce Paul as to the extent of the built environment of the Gaydeski family farm in the Central 1 Neighborhood of the Western Planning Region, and also to the historic land uses and neighborhood history. Staff noted that while a 1990 built environment is one of the criteria for a LAMIRD designation, any LAMIRD infill must be consistent with the LAMIRD's 1990 character. The 1990 aerial does show a cluster of small lots at the intersection of Gaydeski Road and Ski Drive. However, the areas to the south and southeast of the small lots consist of larger rural lots (5 acres and larger). Staff recommended the NC district for the compliance response, while acknowledging the pending appeal if the Growth Board's invalidation of the RW2 zoning. Staff also noted that Ms. Gaydeski property alone would not qualify for the NC cluster option, but may qualify if other adjoining family lands or parts of the historic farm were included.

Bellcrest Estates

Staff summarized the testimony of Jerry Sinn who testified with the belief that an error was made when the original Bell Hill LAMIRD was designated, because the LAMIRD boundary cut through the Bellcrest Estates development with about a third of the association excluded from the LAMIRD. He testified that the Bellcrest Estates development has PUD and City of Sequim sewer, that the majority of the lots exist at 2.4 acres, that the association's CC&Rs require minimum lot sizes of 2.4 acres, and that most of the NC's allowed uses are not allowed under the association's CC&Rs. Mr. Sinn requested that the LAMIRD boundary should include the entire homeowners association.

Staff noted that Bellcrest Estates consists of a series of post-1990 short plats (four lots or less) that divided the existing 5 to 9 acre lots that were created via survey in 1970's. Staff reviewed the 1990 aerial photos that show the Bellcrest Estates area as decidedly rural and devoid of any evidence of a

significant 1990 built environment, which do not support expanding the existing Bell Hill LAMIRD or creating a new R2 LAMIRD as part of the County's compliance response.

Staff recommended that the subject area stay in the Neighborhood Conservation (NC) zoning district, that some of the undeveloped lots could potentially qualify for neighborhood infill, and that the Western Washington Growth Management Hearings Board made it clear that LAMIRDs could be added in the future based on criteria. Discussion was had.

Testimony Re: Stow Away Storage

Staff provided an overview of testimony from Debra Halverson (*Note: Prior minutes cited Eva Williams, but it was Debra Halverson who provided oral and written testimony on behalf of property owner Eva Williams*) requesting that approximately five acres of US 101 frontage containing a mini-storage business (Stow Away Self Storage Units) on a 14 acre property located at the northeast corner of Hwy 101 and North Bagley Creek Road be rezoned to RLC or RNC versus the proposed NC zoning. Staff confirmed that the subject parcel contains a commercial storage business fronting on N. Bagley Creek Road and US 101 in the northwest corner of the site, and the 14-acre parcel also contains a single-family home located more centrally on the parcel. Initial staff research on the rezoning request reveals that while built in the late-1970's, the history of permitting and court decisions leaves questions as to whether this business can be considered legally pre-existing, non-conforming. In addition, the original footprint is limited to the northwest corner of the site, and the current request for commercial zoning along the entire US 101 frontage needs more careful consideration under the GMA's LAMIRD designation criteria. For these reasons, staff recommended that the entire 14-acre parcel be rezoned to NC, consistent with the proposed compliance response, which neither puts the owners in any different position than they were or are, nor precludes them from pursuing this request in the future.

The Planning Commission supported retaining the proposed NC compliance strategy for the entire 14-acre parcel, noting that rezoning the property from a rural residential zoning district to a commercial zoning district was beyond the proposal that was the subject of the public hearing, and that the neighbors should have notice of such a rezoning request.

NC Cluster Standards

Staff indicated that Futurewise challenged the County's setback and buffer requirements for clusters, stating that a 50 foot building setback from adjacent properties is not sufficient, however Futurewise did not provide an alternative. Staff pointed out that if the clusters abutted commercial forest lands or agriculture retention lands, the County would attach plat notes to identify potential nuisances. Staff recommends no change.

Staff also noted that Futurewise challenged that if the Rural Neighborhood Conservation (NC) district is found compliant, the proposed NC cluster standards are not compliant. Following discussion with the consultants and Doug Jensen, staff presented a possible amendment to limit residential development (allow resource structures) to cluster developments of 20 acres or larger (i.e., remainder/open space lots would be a minimum of 14 acres). A number of PC members stated opposition to not being able to construct a residence on the remaining lot. It was noted that the draft NC cluster provisions limits the building envelope on the remainder rural/open space tract and requires that the minimum 70% rural open space requirement still must be met outside of the building envelope. Doug Jensen indicated that the Washington State Department of Community, Trade, and Economic Development looks at preservation of the open space character of the remaining lot.

PC Recommended Compliance Strategy

Staff recommended and reviewed a number of changes to the public hearing drafts. Staff also cited the draft Letter of Transmittal for consideration of the Planning Commission related to their final recommendation, findings and conclusions to forward to the Board of Clallam County Commissioners. There was no opposition to the proposed amendments.

Commissioner Esteb made a motion that the Planning Commission approve the Letter of Transmittal with the five (5) amendments, decline the Group B water system from the Neighborhood

Conservation (NC) Overlay, and amend the Marine Drive LAMIRD, as noted. The motion was seconded. Following a vote, the motion carried.

K. PUBLIC COMMENT PERIOD:

John Morton thanked staff and the Planning Commission for their GMA compliance work.

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

Respectfully submitted,

Steve Gray, Planning Manager