

Date Approved: _____

MINUTES

Clallam County Planning Commission

*Special Meeting
August 13, 2008
Clallam County Courthouse
223 East Fourth Street, Suite 5
Port Angeles, WA 98362-3015
6:30 PM*

- A. CALL TO ORDER: Chair Montgomery called the meeting to order.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL: Members present were Chair Montgomery, Don Myers, Gary Gleason, Nancy Esteb, Ben Cappa, Ron Bell, Robert Miller, Mel Rudin and Leo Leonard. John Miller, Director, Steve Gray, Planning Manager, Carol Creasey, Senior Planner, represented staff from the Department of Community Development. Also present was Doug Jensen, Chief Deputy Prosecutor.
- D. WELCOME: Chair Montgomery welcomed all in attendance.
- E. APPROVAL OF MINUTES: Special Joint Meeting of August 6, 2008
Commissioner Cappa made a motion to approve the minutes as submitted. Commissioner Gleason seconded the motion. Following a vote, the motion carried.
- F. ANNOUNCEMENTS:
Commissioner Bell disclosed that he is providing legal council to a client located in RW2 zone impacted by Growth Hearing Board Ruling and County interpretation of that ruling in regards to vesting of development application.
Commissioner Bell stated that his legal
- G. PUBLIC COMMENT PERIOD:
Jon Gibson, 261520 Highway 101, Sequim, WA
Mr. Gibson, Parkwood Community, read excerpts from his written comments (copy submitted) regarding concerns related to the financial impacts that a sewer system could have on the senior housing community, as many of the residents are on fixed incomes. The community objects to any participation in the financial aspect of the sewer system, as Parkwood has a good operating system. The approx. 370 residents are not able to subsidize development costs.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING: None.
- J. WORK SESSION ITEMS:
1. Sequim Urban Residential – I (S(R-1)) Comprehensive Plan and Zoning Designations Inside Sequim Urban Growth Area
Staff gave a PowerPoint presentation titled: *“Workshop on Sequim Urban Residential – I Zoning: Responding to Non-Compliance and Invalidity Ruling of Western Washington Growth Management Hearing Board (WWGMHB) Case No. 07-2-0018c, Dry Creek Coalition & Futurewise vs. Clallam County.”* The Sequim Urban Residential – I [S(R-I)] zoning covers approximately 450 acres, or 12.7% of the Sequim Urban Growth Area. Staff overviewed findings of the WWGMHB that lead to their April 23, 2008, order of non-compliance and invalidity with the State Growth Management Act (GMA), RCW 36.70A, regarding the S(R-I) zoning and related comprehensive plan policies and map

designations. These findings included that the (S(R-I)) maximum allowed density of two dwelling units per acre is a non-urban density that substantially interferes with GMA planning goals RCW 36.70A.020(1) and (2). Staff underscored that the WWGMHB order in regards to the S(R-I) zoning was a “density” issue and not an issue of UGA size or location.

Staff summarized the County’s response to date to the WWGMHB order as follows:

- County appealed portions of the WWGMHB final order. *[The County did not appeal the WWGMHB ruling that S(R-I) zoning was non-compliant and invalid.]*
- Board of County Commissioners adopted Ordinance 833, Interim Official Controls, on lands subject to non-compliance and invalidity, on July 22, 2008. Staff noted that under the interim controls the County adopted Interim S(R-II) zoning to replace the S(R-I) zoning found noncompliant and invalid by the WWGMHB. The S(R-II) allows for a maximum density of 4 to 5 dwelling units (du) per acre, while the S(R-I) zoning found non-compliant by the WWGMHB allows for a maximum of 2 du/per acre.
- Joint Planning Commission and Board of County Commissioners Meeting was conducted August 6, 2008, to review compliance issues, and establish a work plan and adopted a public participation process and public meeting schedule that included tonight’s workshop.

Staff outlined the upcoming public participation process schedule before the Planning Commission which includes upcoming August 20 and 27 workshops on other compliance issues and public hearings on September 17 and September 18. The Planning Commission will consider public comments and formulate a final recommendation to the Board of County Commissioners following the close of the public hearings. It is expected that the final Planning Commission recommendation will occur on September 24, 2008. The Board of County Commissioners will hold public hearings on October 14 and October 15, and adopt compliance updates at their meeting of October 21, 2008.

Dept. of Community Development Recommendation

Staff presented recommendations for the five areas of S(R-I) zoning within the Sequim UGA found noncompliant and invalid with the GMA by the WWGMHB.

S(R-I) Area in Hendrickson/N. Priest Rd. Area

For the area bounded by N. Priest Rd, Hendrickson Rd, and the City in the northeastern portion of the Sequim UGA staff recommended:

- Adopt the Interim Sequim Urban Residential – II (S(R-II)) as the final zoning and comprehensive plan designation. Staff cited that this designation is consistent with the current City of Sequim Optimum Land Use Map adopted as part of the City’s recent Comprehensive Plan update for these unincorporated areas.
- Pursue intergovernmental agreement with City on annexations and utility extensions in this area to avoid piecemeal annexations and leap frog utility extensions within pre-existing subdivisions and neighborhoods found in this area.

Staff also recommended that the Planning Commission consider the following in response to property owner petitions to be removed from the Sequim UGA.

- Evaluate UGA Reduction as part of 2009 Annual Docket (possibly 2008).
- Evaluate “urban transition” designations for any lands removed from UGA to place controls on future development infill.
- Place interim moratorium on new land divisions pending review of UGA Reduction & Urban Transition designations [Exclude divisions that result in 5 acre or larger lots - only one parcel eligible].

Staff noted that UGA Reduction was not in response to the WWGMHB order, and should not be pursued prior to the October compliance deadline. However, evaluation on whether to remove all or a portion of this area from the Sequim UGA in response to landowner petitions could be part of the 2009 annual review docket. This would allow for evaluation of UGA reduction for compliance with the GMA, including required coordination with the City of Sequim. Staff recommended that if UGA reduction is to be evaluated that a moratorium be considered on new land divisions during the

evaluation period. Staff noted that any removal of lands from the UGA would require considering some type of “urban transition” zoning that would ensure future development is consistent with current land use patterns.

Further discussion was had regarding the recommendations for this area.

Other (S(R-I) Zoned Areas

For the other four areas of S(R-I) zoning found non-compliant and invalid, staff recommended adopting the Interim Sequim Urban Residential – II (S(R-II) as the final zoning and comprehensive plan designation. Staff cited that this designation is consistent with the current City of Sequim Optimum Land Use Map adopted as part of the City’s recent Comprehensive Plan update for these unincorporated areas.

Other Discussion

Staff explained methods of how the public can provide input, and indicated that public meeting and hearing agendas, as well as meeting materials and other information, is provided and maintained on the County Internet site. Staff provided information regarding how the public can request to be placed on the mailing or email list.

Further Discussion was had regarding the term “urban transition”, referring to establishing appropriate zoning for an area outside and abutting the UGA. Discussion was had regarding actively evaluating petitions (1991, 2004, 2008) of the neighborhood to not be part of the Sequim UGA.

Staff responded to questions on how the annexation process works.

Public Comments

The Planning Commission invited the public to provide input at this time in regards to the WWGMHB compliance order for S(R-I) zones and the staff’s recommendation.

Judy Larson, 1070 W. Palo Verde Loop, Sequim, WA

Ms. Larson provided brief history with regard to Palo Verde Vista 1 and Palo Verde Vista 2, and submitted letters and maps supporting removal these subdivisions and the surrounding neighborhoods from the Sequim UGA. Her understanding is that Futurewise does not oppose the removal of their area from the Sequim UGA, although she noted she had no specific evidence from Futurewise. She supports a moratorium during period of evaluation, and restated prior comments and testimony that it was an error that the neighborhoods were included in the Sequim UGA and that they should be treated similar to the Bell Hill neighborhood.

Gail Drenkel, 1011 W. Palo Verde Loop, Sequim, WA

Ms. Drenkel read and submitted a letter from Sally Hose (1111 Alder Ct., Sequim, WA), requesting that the neighborhood be removed from the Sequim UGA and made comparison to the Bell Hill neighborhood exclusion.

Harry Gasnick, 640 N. Priest Road, Sequim, WA

Mr. Gasnick recalls support by the Planning Commission in 2004 for removal from the subject area from the Sequim UGA. Mr. Gasnick addressed the emotional basis of residents in the subject area. At the least, a moratorium needs to be recommended.

Andrew Shogren, 961 W. Oak Ct., Sequim, WA

Mr. Shogren indicated that his neighborhood area has repeatedly requested removal from the Sequim UGA, and noted that by following the direction of the Director and removing the subject area from the Sequim UGA, the Commission would be complying with the GMA. Mr. Shogren spoke in support of a moratorium. He asked that the City of Sequim support the residents’ request for removal from the Sequim UGA.

Kit Stewart, 270 W. Daytona St., Sequim, WA

Ms. Stewart indicated that the website did not include any maps with regard to tonight's agenda items. She was told with regard to annexation, that the City of Sequim could annex her neighborhood whether residents are opposed or not. She asked whether zoning or CC&Rs have authority. Staff explained the annexation process, and noted that covenants would require review.

Dennis Lefevre, Planning Director, City of Sequim

Mr. Lefevre addressed issues regarding an annexation. He began by indicating that most annexations are driven by landowners initiating a petition request for annexation. He noted that the City could initiate annexation if a property is encircled by more than 80%, which is subject to referendum by property owners. City Council would review the annexation request for the existing geographic area. A utility extension is usually driven by a developer, and would be paid for by land owners. Existing covenants may address the concern of future land divisions, and increase in density and zoning. Mr. Lefevre indicated that the City of Sequim concurs with staff's recommendation to adopt the Sequim Urban Residential – II (S(R-II)), and does not see any pressures from the City to force any type of annexation or further infrastructure in the subject area.

Doug Jensen, Chief Deputy Prosecutor, spoke with sensitivity to public concerns in the Palo Verde Loop area and their request to be removed from the UGA. Mr. Jensen noted legal issues in regards to addressing the "density" issue in the WWGMHB order and the issue of removal from the UGA requested by landowners in this area. Mr. Jensen agreed with staff's recommendation, as a suitable response to the WWGMHB order, and also to requests of the neighborhood. Mr. Jensen indicated that a moratorium would be an interim measure decided by the Board. If the Commission recommends a moratorium, his advice would be to recommend a moratorium with a suggestion that it be adopted as a permanent regulation until such time that the annual update occurs.

Staff reiterated the two issue areas, and offered suggestions to the Commission that would bring the County into compliance with the invalidity.

Following inquiry by Chair Montgomery, there was a consensus in supporting the recommendation by staff with the concept of a moratorium. There was no opposition.

A 10-minute break was taken.

2. Carlsborg Urban Growth Area

Staff gave a PowerPoint presentation titled: *"Carlsborg Urban Growth Area (UGA): Responding to Non-Compliance and Invalidity Ruling of Western Washington Growth Management Hearing Board (WWGMHB) Case No. 07-2-0018c, Dry Creek Coalition & Futurewise vs. Clallam County."* Staff began by indicating that findings included in the Growth Management Hearings Board identified the Carlsborg Urban Growth Area (UGA) to be non-compliant and "invalid". Staff provided background information with regard to the Carlsborg UGA, the Carlsborg Capital Facilities Plan, the Sewer Feasibility Study, and upcoming Phase 2 – General Sewer/Facility Plan.

Staff noted that in the Decision, the Hearings Board found that Futurewise did not prove its case with regard to stormwater facilities in the Carlsborg UGA, and park facilities in the Carlsborg UGA.

The Hearings Board did find that *"The lack of an adopted sewer plan causes the Carlsborg UGA to be non-compliant with RCW 36.70A.070(3), 36.70A.110(3), and substantially interferes with RCW 36.70A.020(1), (2), and (12)", and that "The Carlsborg Capital Facilities Plan for police services does not comply with RCW 36.70A.070(3)(b)-(d)."*

The Board of County Commissioners established interim control measures for the Carlsborg UGA in response to the Decision. On July 8, 2008, the County appealing the Decision regarding the Carlsborg UGA, and the County is working towards compliance.

Staff recommendation is that the County continues to pursue keeping Carlsborg as an UGA, and request a one-year extension in order to finish the County and PUD jointly sponsored Phase 2 activities for providing a sewer system with wastewater and water reuse in the Carlsborg UGA. The year extension will provide the County with the time required to complete the Land Use Analysis and General Sewer/Feasibility Plan with the Funding Program, and allow the County the necessary time

and information needed to decide on recommendations for proceeding with the sewer system for wastewater treatment and water reuse, evaluate options for continuing Carlsborg as an UGA, and obtain public comment on recommendations.

Discussion was had regarding the formation of a utility district in order to have a sewer system. Associated costs are outlined in the Carlsborg Capital Facilities Plan. Doug Nass, General Manager, PUD, indicated that associated costs would be addressed in the next stage of acquiring a General Facilities Plan, at which time State and Federal funding would be researched. The approximate estimated cost is \$13 million. Mr. Jensen provided further explanation of the process. Commissioner Miller inquired whether property owners will have to pay and be responsible for connection to the system, etc. Staff replied that \$13 million is for the initial sewer service area, and that the General Facilities Plan will outline costs in detail. Commissioner Gleason asked if a community with a functional system could opt out of the sewer system proposal. Staff indicated that at some point, connection of those areas may be required.

K. PUBLIC COMMENT PERIOD:

Brian Magner, 592 Carlsborg Rd., Sequim, WA

Mr. Magner spoke in opposition to a sewer system in Carlsborg.

Following Commissioner Gleason's inquiry, staff indicated that a community such as Parkwood would not be required to connect to system facilities if they have a functioning septic system.

Following inquiry by Chair Montgomery, there was a consensus in supporting the recommendation by staff. There was no opposition.

Staff reiterated that the regular meeting of August 20, 2008 will focus on proposed compliance strategies for Blyn Rural Center located at the base of Sequim Bay along the US 101 corridor areas, and proposed compliance strategies for 20 LAMIRDs (limited areas of more intensive rural development) located throughout Clallam County.

L. ADJOURNMENT: The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Steve Gray
Planning Manager