

Date Approved: _____

MINUTES

Clallam County Planning Commission

*Special Meeting of August 27, 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 and Mel Rudin. Leo Leonard was not present. Steve Gray, Planning Manager, and 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: Regular Meeting of August 20, 2008
Page 2 – Action Item No. 2
Correct Gary Hendricks to Jerry Hendricks.
Page 3 – Sentence at top of page
Amend to read “Commissioner Bell spoke to a potential significant impact on property owners with regard to the proposed rezone from R1 and R2 to R5.”
Commissioner Cappa made a motion to approve the minutes, as amended. Commissioner Gleason seconded the motion. Following a vote, the motion carried.
- F. ANNOUNCEMENTS:
Staff announced that a public hearing has been rescheduled from September 10, 2008 to October 1, 2008, for the rezone application received in 2007 by the Dept. of Community Development. The subject property is located on the west side of Fey Road in Port Angeles.
Staff noted that simultaneously, a Noise Ordinance meeting is being conducted in the Emergency Operations Center located in the basement of the Courthouse.
Commissioner Gleason asked for confirmation whether the City of Port Angeles received a grant for work regarding the extension of the Olympic Discovery Trail across Dry Creek. Staff confirmed that a grant was received by the City of Port Angeles for assistance in extending the Olympic Discovery Trail, and that staff will bring the 6-Year Transportation Improvement Program to the Commission in October 2008.
- G. PUBLIC COMMENT PERIOD:
Harley Oien, 215 Rife Road, Port Angeles, WA 98363
Mr. Oien, Dry Creek Coalition, addressed financial impacts associated with the County refusing to obey State law, and noted that the County needs to obey and adopt portions of the State law.

Bryan Booren, 335 Dungeness Meadows, Sequim, WA 98382

Mr. Booren indicated that he owns 6.25 acres located at 252 Lavender Ridge Lane, Sequim, and spoke in opposition to the R2 to R5 zoning designation, as his intent is to subdivide the property so that his family can purchase a portion for retirement purposes.

Christy Mitchell, 316 Robbins Road, Sequim, WA 98382

Mrs. Mitchell spoke in opposition to the R2 to R5 zoning designation, and indicated that her family has owned and operated a 70-acre farm on McComb Road since 1951. She spoke with concern of retaining a majority of the farmland, and maintaining income with minimal impact.

Morris Quinn [Christy Mitchell's father], 316 Robbins Road, Sequim, WA

Mr. Quinn spoke in opposition to the R2 to R5 zoning designation, as he had planned to subdivide his property for retirement income.

Following Commissioner Cappa's request, Doug Jensen outlined the Planning Commission's legislative restrictions and limitations, as well as discretion in adopting and amending the comprehensive plan and development regulations.

H. UNFINISHED BUSINESS: None.

I. PUBLIC HEARING: None.

J. WORK SESSION ITEMS:

Staff identified hand-out materials presented to the Planning Commission: County's Petition for Review; Thurston County's Petition; Written comments received from Cynthia Ritchey (CTED), Jon Gibson (Parkwood) Kay Edmiston, Kathy Emery & Carmen Germain, and R. Doreen Emerson & Loren Meyer; and staff's presentation.

Compliance strategies for Rural Moderate (R2) and Western Region Rural Moderate (RW2)

Staff gave a PowerPoint presentation titled: *"Workshop on Rural Moderate (R2) and Western Region Rural Moderate (RW2) Zones Found Non-Compliant and Invalid"* with regard to the Western Washington Growth Management Hearings Board finding of non-compliance and invalidity regarding rural densities allowed within the Western Region Rural Moderate (RW2) and Rural Moderate (R2) zoning districts.

The Western Washington Growth Management Hearings Board (WWGMHB) found approximately 22,000 acres of Rural Moderate (R2) and Western Region Rural Moderate (RW2) zoning districts non-compliant and invalid.

Staff noted the following Clallam County reports and actions taken that were subject of the petition to the WWGMHB:

- Completed three major planning reports: 1) 2007 Urban Growth Area (UGA) analysis and 10-year review; 2) 2006 Rural Lands Report; and 3) 2006 LAMIRDS Report
- Resolution 77, 2007, affirming county review and update of the comprehensive plans and development regulations for continued GMA compliance (*Challenged by Futurewise and Dry Creek Coalition to the WWGMHB – Resolution 77 or Ordinance 827 did not change zoning, and the petition challenged pre-existing, and long-standing comprehensive plans and development regulation provisions as no longer compliant with the Growth Management Act*)
- Ordinance 827, 2007, which formerly recognized 46 existing areas and related zoning as limited areas of more intensive rural development (LAMIRDS) under the Growth Management Act

Staff identified areas of non-compliance and invalidity, the compliance and appeal schedule and appellate responses.

The WWGMHB found approximately 22,000 acres zoned Rural Moderate (R2) and Western Region Rural Moderate (RW2) violates RCW 36.70A.110, RCW 36.70A.020(1) and RCW 36.70.020(2), as the zoning district permit urban, not rural, densities outside of an urban growth area. All comprehensive plan policies and map designations related to R2 and RW2 zoning were found non-compliant and invalid.

Staff discussed the WWGMHB Findings and effect of the invalidity order.

Interim Controls

In response to the invalidity order, the Board of County Commissioners adopted Ordinance 832, Emergency Interim Controls, on May 27, 2008, which was later replaced with the adoption of Ordinance 833, Interim Official Controls, on July 22, 2008.

Compliance Response Recommendations

- Do not adopt R5 and RW5 land use and zoning designations for all of the approximately 22,000 acres of deemed invalid R2 and RW2 zones
- Request time extension of 90 days from WWGMHB to conduct further sub-area/ neighborhood level evaluation of affected areas
- Continue Interim R5 and RW5 Zoning

Staff indicated that the first phase has been to re-evaluate lot size, land use, and ownership patterns, with re-evaluation of urban or rural transitional zones where local circumstances at regional scale, sub-area scale, and neighborhood scale, support rural densities greater than 1 dwelling per 5 acres. Staff identified lot size patterns on regional maps, and provided neighborhood examples.

A 10-minute break was taken.

Doug Jensen provided background information with regard to the Thurston County case and decision set forth by Supreme Court. Mr. Jensen noted that the Department of Community Development will be requesting approval by the Board of County Commissioner's for contracting assistance to help with the research and analysis process, and provided information with regard to the individuals.

Staff reiterated the public participation process noting methods of providing public comment, acquiring information, and requesting to be placed on a mailing or email list.

Commissioner Gleason inquired whether agricultural significance could be demonstrated as part of the appeal process. Staff responded that further re-evaluation will be conducted of farms in order to provide necessary detail and distinction of agricultural lands.

Following discussion, there was a consensus of the Planning Commission to the recommendations by staff, as outlined. Commissioner Bell abstained.

PUBLIC COMMENT PERIOD:

Fred Mitchell, 316 Robbins Road, Sequim, WA

Mr. Mitchell spoke in support of the recommendations set forth by staff, and the consensus by the Planning Commission. Mr. Mitchell spoke to the rural character of his property, as well as the character of the land which consists of 70-acres of operating agriculture located 2 miles northwest from Sequim City Hall, and is surrounded by 1.0 – 1.25 acre parcels. The rural character of the 70-acre farm is do to Morris Quinn who works the land and who has worked to support the rural character of Sequim over 25,000 days with no more than 100 days off. To rezone this property to R5 would result in the sale of 5 acre mini-ranchettes that are not the rural character that people enjoy. A better solution for a rural character would be codes and zoning that creates a transition zone from urban to rural allowing smaller lots sizes consistent with surrounding character while preserving the largest portion of land in open space. This method would enhance the rural character of the land, and preserve the rural character that is the owner, thereby sustaining a traditional rural lifestyle. The County should maintain some R2 transition zoning, and adopt codes and practices to facilitate and encourage land owners to maintain open space through the ability to develop some small parcels, and stand up for the deference as accorded to a local governments' decisions under

the GMA with respect to the WWGMHB finding on the R2 zoning and in light of recent relative Supreme Court ruling.

Tom Rief, 182 Marine Drive, Sequim, WA

Mr. Rief, present on behalf of his son, Michael, who has downs syndrome and has worked very hard to build a house. He indicated that he purchased a 5 acre parcel in the Dungeness area in order to divide the land so that his son could own 2.5 acres and build a home. Mr. Rief indicated that regarding the 7,500 parcels discussed, 80% will probably never be developed – which leaves 1,500 parcels – 17% of which are larger than 4.8 acres, so the bottom line is – is that we are talking about 180 parcels.

Linda Barnfather, 83 Medsker Road, Sequim, WA

Ms. Barnfather indicated that she owns a 33-acre farm in a very transitional Dungeness area with the northern border being Sunland, to the south is zoned R1, and slightly farther is the Sequim city limits. She appreciates staff reviewing transitional zoning, keeping the rural character, innovative zoning practices, and reiterated that she has been a good steward of the land, however would like to be able to have future plans for her property.

Christy Mitchell, 316 Robbins Road, Sequim, WA

Mrs. Mitchell inquired whether Mr. Oien's statement of the County not obeying State law was true. Doug Jensen indicated that the County has previously addressed her inquiry, and that Mr. Oien was entitled to his opinion.

Commissioner Myers commended staff for the excellent work, and public comment received supports the hard work.

K. ADJOURNMENT

Respectfully submitted,

Steve Gray
Planning Manager