

Date Approved: _____

MINUTES

Clallam County Planning Commission

*Public Hearing of September 17, 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, Ron Bell, Robert Miller and Mel Rudin. Nancy Esteb, Ben Cappa and Leo Leonard were not present. John Miller, Director, Steve Gray, Planning Manager, and Selinda Barkhuis, 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:
The minutes of September 3, 2008 were tabled for approval at the September 24, 2008 meeting.
The meeting of September 10, 2008 was cancelled.
- F. ANNOUNCEMENTS: None.
- G. PUBLIC COMMENT PERIOD: No comments were received.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING:

Proposed compliance response to the Western Washington Growth Management Hearings Board (WWGMHB) Final Order and Decision (FDO) [Futurewise and Dry Creek Coalition vs. Clallam County, WWGMHB No. 07-2-0018c] that found portions of Clallam County's Comprehensive Plan and Development Regulations as non-compliant and/or invalid with the state Growth Management Act (GMA), RCW 36.70A.

The staff report included a PowerPoint Presentation titled: *September 17 & 18 2008 Planning Commission Public Hearing – Presentation by DCD Planning Division*. Staff began by indicating that comprehensive plans and development regulations are subject to continuing evaluation under the Growth Management Act, RCW 36.70A. By December 2004 and every 7 years thereafter, the County must take legislative action to review and, if needed, revise its comprehensive plan and development regulations to ensure continued compliance with the Growth Management Act. RCW 36.70A.130(1).

In 2005, Futurewise first challenged the County's 7-year review to the Western Washington Growth Management Hearings Board. In response, Clallam County completed three major planning reports (2007 Urban Growth Area Analysis and 10-year review, 2006 Rural Lands Report and 2006 LAMIRDs Report); Resolution 77, 2007, affirmed County review and update of the comprehensive plan and development regulations for continued GMA compliance; and Ordinance 827, 2007, which formerly recognized 46 existing areas and related zoning as limited areas of more intensive rural development (LAMIRDs) under the GMA.

Resolution 77, 2007 and Ordinance 827, 2007 were challenged by Futurewise and Dry Creek Coalition to the WWGMHB. Resolution 77 and Ordinance 827 did not change zoning. The petition challenged pre-existing and long-standing comprehensive plan and development regulation provisions as no longer compliant with the GMA.

Staff explained that the WWGMHB ruled on the petition on April 23, 2008. Staff summarized the WWGMHB Orders of non-compliance and invalidity, compliance schedule, appeal by County, and public participation process.

Staff presented the recommended compliance response to the WWGMHB Order that was based on the August and September prior Planning Commission work shops and work sessions. Staff identified the remaining GMA compliance proceeding schedule, as follows:

September 18, 2008: Public Hearing – Forks City Council Chambers, City of Forks, 500 E. Division St., Forks, WA

September 24, 2008: Planning Commission Recommendation to County Board

October 14, 2008: Board of Clallam County Commissioners Public Hearings:

- Clallam County Courthouse - 10:30 a.m.
- Guy Cole Convention Center/Carrie Blake Park, Sequim – 6:00 p.m.

October 15, 2008: Board of Clallam County Commissioners Public Hearings

- Sekiu Community Center – 1:00 p.m.
- Forks City Council Chambers, Forks City Hall – 6:00 p.m.

October 23, 2008: WWGMHB Deadline for Compliance Response

The public hearing was opened, and the following oral testimony was provided:

Mike and Dana Lough, 4114 - 13th Ave. S., Seattle, WA 98108

Mr. Lough spoke with concern to zoning changes to the area around his property that is located in or near the O'Brien LAMIRD.

Bill and Sue Roberds, 54 W. Misty Lane, Port Angeles, WA 98362

Mr. Roberds requested that staff and the Planning Commission do all they can do to protect rights of property owners.

Noel Feakes, 453 Alice Road, Port Angeles, WA 98363

Mr. Feakes stated "This is a war against communism, and he wants the communist land-use planners out of the courthouse. I support the laws that existed in the early 1980's."

Teri Schwiethale, 160 Watkins Road, Port Angeles, WA 98362

Ms. Schwiethale encouraged the Commission to think of property owners first, and indicated that she received the public hearing notice less than one week prior to the hearing and that she did not have enough time to prepare a response. She requested that the amendments be tabled until the public has had adequate time to prepare, and asked that the County identify what the references of "certain areas" and "agencies" mean in the letter that was mailed out.

Teri Schwiethale for Dereck Schwiethale, 160 Watkins Road, Port Angeles, WA 98362

Ms. Schwiethale encouraged the County to take authority and requested additional time in order for everyone to understand and provide input. Her understanding of the proposed zoning change in the O'Brien LAMIRD is to limit commercial activity or development. Previously, the Washington State Department of Transportation informed her that they would like to limit the residential traffic on Watkins Rd. There are currently three residents on Watkins Rd. She opposed taking her property on 160 Watkins Rd and adjacent large parcel out of commercial zoning.

William Hamilton, 3130 W. Edgewood Drive, Port Angeles, WA 98363

Mr. Hamilton read and submitted a letter from the Dry Creek Coalition that stated that the County's interpretation of GMA guidelines for designated of LAMIRD areas in the Laird LAMIRD area is incorrect, due to the County's misinterpretation of historical and current commercial uses in the Lairds Corner LAMIRD. Mr. Hamilton noted that the Dry Creek Coalition believes that the Clallam Log Yard site should remain as rural character conservation lands as it was on July 1, 1990. The Dry Creek Coalition supports removal of this site (bordered by Granite Rd and Power Plant Road) from the Laird West LAMIRD boundary and apply RCC5 zoning designation to this property.

Walt Dalrymple, 2673 Highway 101 W, Port Angeles, WA 98363

Mr. Dalrymple indicated that his property is in the Laird LAMIRD and most of the zoning under the proposal does not change. However, a small sliver of his property that borders Okerman Road is proposed for R5 zoning. He requested that all of his property in the subject area be zoned the same, RNC, and requested a continuance to allow the public adequate time to respond.

Glen Douglas, 226 Guy Kelly Road, Port Angeles, WA 98362

Mr. Douglas spoke in opposition to the zoning change, as he purchased 8.5 acres of property that borders Easy Street in the Deer Park LAMIRD in order to build a church. He is the pastor of a growing congregation, and requested that the zoning remain commercial as it has been in order to allow a church facility use.

Karen Huber, 4630 E. Sequim-Dungeness Way, Sequim, WA 98382

Ms. Huber spoke in opposition to the proposed zoning change of her property from Rural Village (RV) to the new proposed Rural Village Low (RV2) zoning district, and asked that staff visit the area to better decide future zoning that is adequate. Ms. Huber believes that her lot should be allowed the potential to develop at current RV densities based on the character of the area.

Andrew Pratt, 175 Parfitt Way S.W., Suite S-140, Bainbridge Island, WA 98110

Mr. Pratt, Pinnacle Real Estate Law Group, and counsel for Bruce Seton who owns property within the Blyn LAMIRD. He submitted all letters that were previously submitted and read them into the record: 1) Letter with attachments dated August 27, 2008 submitted to the Planning Commission; 2) Letter dated August 27, 2008 to staff; and 3) Letter dated August 28, 2008 to staff. In closing, Mr. Pratt noted his support of staff recommendations with regard to the Blyn LAMIRD.

Lisa DelGuzzi, 4016 Old Mill Road, Port Angeles, WA 98362

Ms. DelGuzzi spoke in opposition to the proposed zoning change of her 45 acres located on Hogback Rd within the Lotzgesell LAMIRD, which would be a tremendous financial impact to her with regard to future development rights. She indicated that of the 45 acres, 10 acres fronts the Dungeness Golf Course. The proposal would reduce development potential from 45 to 8 residential lots.

Steve Wirth, 333 Crescent Bay Lane, Port Angeles, WA 98363

Mr. Wirth spoke in opposition to the zoning change, as he would lose four potential home sites on the Sol Duc River and eight potential home sites in Crescent Bay. His main concern is a 4-acre parcel that he owns in the Deer Park LAMIRD that is located just west of Old Deer Park Road. The Deer Park area parcel is presently zoned commercial and proposed to be changed to R1. He urged the Commission to appeal the zoning changes, and noted that within 1000' of his Deer Park commercial property there are many commercial uses and pre-existing businesses. In closing, he noted that he has made substantial improvements to the Deer Park property consistent with commercial requirements, and indicated that his property has been used as a commercial rock pit since 1984.

A 10-minute break was taken.

Mike Macon, 3033 Ingram Street, Hoquiam, WA 98550

Mr. Macon, Terra Point Services for Rayonier Timber, indicated that they own an approximate 225-acre parcel in the Western Planning Region, located on Highway 101 and Whitcomb/Dimmel Road north of Forks. In 1990, the subject area was not developed. He supports removal of the property

from the Whitcomb/Dimmel Road LAMIRD. Mr. Macon noted that removal would better support a potential future petition to the City of Forks and the County to include their property inside the Forks UGA. Subsequent to any UGA expansion they support the most logical zoning to be RW5 rather than the proposed Commercial Forest (CF) zoning.

Dan Gronvall, 536 W. Lyre River Road, Port Angeles, WA 98363

Mr. Gronvall read a letter in opposition to the proposed zoning change of his property located at the southern end of the Lyre River LAMIRD from RNC to R5, as it would significantly impact his opportunities with regard to retirement. He purchased the RNC zoned property in 2000 with potential plans for a variety of small-scale commercial uses. He inquired as to who would be responsible for the potential calculated loses in property value, resale value and lost opportunity.

Judy Larson, 1070 Palo Verde Loop, Sequim, WA 98382

Ms. Larson requested that her neighborhood be removed from the Sequim UGA, and spoke to the area being similar to that of zoning within Bell Hill. She supports removal of neighborhood from the Sequim UGA and zoning the area Rural Suburban Community (RSC). Related concerns noted included: 1) to critically examine the Sorensen annexation materials; 2) that city planning has recently come up with municipal code revision proposals for 18.20 and 18.44 which would allow no minimum lot size, no maximum lot coverage, which is totally inconsistent with critical recharge areas; and 3) that the County's SEPA will have to demonstrate best available science analysis of the impacts for our Sequim UGA developments to date and those that are projected.

Andrew Shogren, 961 W. Oak Ct, Sequim, WA 98382

Mr. Shogren requested that his neighborhood be removed from the Sequim UGA, as it is a rural area. He noted that the Palo Verde Vista CC&R's state that each lot in the plat shall be considered a minimum size building size, and that the building site shall not be reduced in size.

Lisa Szumski, 131 Bon Jon View Way, Sequim, WA 98382

Ms. Szumski noted that she owns a 2.33 acre property located at 4662 Happy Valley Road purchased approximately one year ago. She purchased the property based on what the County told her with regard to development – there is no city sewer there. It will create a financial burden, if the proposed S(R-II) zoning is approved. Recommended that the County take a look at the SR-I and SR-II zoning in the UGA and reevaluate that based on whether there is sewer available. It was an investment. Later asked that if an extension was granted, whether they would be in limbo throughout that extension period. Following questions, staff suggested that Ms. Szumski contact them to receive more information on the proposed S(R-II) zoning.

Nola Judd, 303 Hytime Lane, Sequim, WA 98382

Mrs. Judd indicated that she just received the notice, and did not receive any information regarding the July 2008 interim controls. She suggested getting rid of the GMA. Later she spoke with regard that some of the proposed changes may still allow for application of a conditional use permit.

Greg Mottis, 290 Zaccardo Rd, Sequim, WA 98382

Mr. Mottis requested that his property located on Zaccardo Rd be zoned commercial, as it was prior to 1985 when he purchased it. The proposed zoning map for the Blyn LAMIRD indicates that the center zone will end on his north property line – he submitted documentation that proves that his property has had commercial use since 1950. He requests the Blyn LAMIRD commercial zoning be expanded to include his property. Mr. Mottis also noted he submitted written testimony.

Jim Clevenger, 226 S. 328th Ln, Federal Way, WA 98003

Mr. Clevenger spoke in opposition to proposed zoning changes of his approximately 63 acres from R1 to R5 (now zoned interim R5) located within the Lotzgesell LAMIRD between Hog Back Road and Lotzgesell Road. He indicated that proposal would reduce development potential from 63 to 12 residential lots. This reduction would substantially impact him financially if he is unable to subdivide his property, as understood under the zoning when he purchased his property in 1975.

Mike McAleer, 283 Fawn Lane, Sequim, WA 98382

Mr. McAleer spoke to the problem being the Growth Management Hearings Board, and indicated that folks need to be talking to legislators and the Governor, and eliminate the Board. He noted that the original intent of the Board was to resolve conflict between cities and counties as the GMA was being implemented – which has been done.

Christi Mitchell, 316 Robbins Road, Sequim, WA 98382

Ms. Mitchell spoke in opposition to the zoning change of their 70-acre farm from Rural Moderate (R2) to Interim Rural Low (R5) located at 343 McComb Rd. She indicated that the farm is located in a transition area, and that her concern is open space as well as having the option to subdivide the property in the future. She supports the recommendation of staff to request an extension to further evaluate final compliance response within prior Rural Moderate (R2) areas.

Morris Quinn, 343 McComb Road, Sequim, WA 98382

Mr. Quinn agreed with testimony provided by daughter, Christi Mitchell, and also agrees with McAleer's testimony to eliminate the Growth Management Hearings Board. In closing, he noted that he and his family have worked very hard, and request a retirement funding option. He commended staff for requesting an extension in order to adequately address all issues.

Randy Simmons, 671 Oxenford Road, Port Angeles, WA 98363

Mr. Simmons noted that he was the owner of the property earlier referenced in the prior testimony as the Clallam Log Yard site. His property is approximately 10-acres located between Granite Road and Power Plant Road in the Lairds Corner East LAMIRD. He purchased the property 3-4 years ago based on the commercial zoning, and questioned whether the current process is mandated. Staff summarized why the County is evaluating his property in response to the Growth Hearing Board Order. Mr. Simmons noted his understanding of historic uses of the property such as a log yard, shake mill, and other uses. Mr. Simmons noted that he currently uses the site for transferring logs. He does not support taking the approximately 10-acre piece out of commercial zoning.

Martha Ireland, 20 Spath Road, Sequim, WA 98382

Ms. Ireland indicated that at the last meeting that she attended there was a man that commented that the County has refused to comply with the GMA for 18 years – which is a misperception and is important to note. Clallam County has complied with the GMA. When the GMA first came out, this County already had a comprehensive plan which it was in the process of reviewing and the way the GMA was written at that time, this County was not required to begin planning under the GMA. However, the County Commissioners at that time opted in to plan under the GMA. GMA was to provide certainty. With regard to discussion of an extension, Jefferson County received a 2-year extension. She encouraged the County to ask for an extension. The rezoning of her property from R1 to Interim R5 affects her with regard to property options, and spoke in opposition to the zoning change.

The public hearing portion was closed.

- J. WORK SESSION ITEMS: None.
- K. PUBLIC COMMENT PERIOD: No comments were received.
- L. ADJOURNMENT: The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Steve Gray
Planning Manager