

Date Approved: _____

MINUTES

Clallam County Planning Commission

*Special Meeting of September 24, 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, Gary Gleason, Ben Cappa, Ron Bell, Robert Miller, and Mel Rudin. Don Myers, Nancy Esteb, 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:
 - Commissioner Miller moved and Commissioner Gleason seconded approval of the minutes of September 3, 2008. The motion passed unanimously.
 - Commission Miller moved and Commissioner Rudin seconded approval of the minutes of September 17, 2008. The motion passed unanimously.
 - Commissioner Miller moved and Commissioner Gleason seconded approval of the minutes of September 18, 2008. The motion passed unanimously.
- F. ANNOUNCEMENTS: There were no announcements.
- G. PUBLIC COMMENT PERIOD: None
- H. UNFINISHED BUSINESS: None
- I. PUBLIC HEARING: None
- J. WORK SESSION ITEMS: Recommended Compliance Response to Western Washington Growth Management Hearing Board (WWGMHB) Final Decision and Order.

Staff reviewed the following meeting handouts: 1) Draft Planning Commission Decision Matrix; 2) Summary Table of Written Comments by Issue Area; 3) Summary of Oral Public Comments Received Following April 23, 2008, Decision Date; 4) Memorandum dated September 24, 2008, from Planning Staff, RE: Summary of Public Comments and Staff Recommendations for changes to proposed Planning Commission Recommendations; 5) New public written comments received; and 6) Clallam County GMA Compliance Draft Scope of Work for Michael J. McCormick and BHC Consultants, LLC Comments.

Staff used the draft decision matrix summarizing the five compliance issue areas from the WWGMHB Final Decision and Order, and the staff memo summarizing and responding to public comments, to assist the Planning Commission in formulating their recommended compliance response to the Board of County Commissioners (BOCC).

The following summarizes Planning Commission discussion and actions taken:

Compliance Issue 1. The WWGMHB found that the County's Rural Moderate (R2) and Western Region Rural Moderate (RW2) Zoning Districts, and related comprehensive plan policies and map designations, permit urban, not rural, densities, outside of urban growth areas and are invalid.

Staff reviewed the proposed issues, public comments received, and the proposed recommended response to the WWGMHB Order.

Proposed Recommendation: Retain the Interim Rural Low (R5) and Western Region Rural Low (RW5) zoning adopted under Ordinance 833, and request the WWGMHB to extend the October 23, 2008, deadline for compliance to evaluate a variety of compliant zoning designations, and to study other options. The main difference between the interim controls and the found invalid R2 and RW2 zones is the allowed residential density. The R2 and RW2 zones allow for a maximum residential density of 1 dwelling unit per 2.4 acre, whereas the R5 and RW5 allow for a maximum density of 1 du per 4.8 acres.

Proposed Findings: During the process of the Commission's review, the BOCC adopted interim zoning designations and development restrictions for those lands affected by invalidity findings on the Rural Moderate (R2) and Western Region Rural Moderate (RW2) lands, affected by invalidity with respect to the Blyn Rural Activity Center (RAC), and the Carlsborg UGA. The Commission finds that the interim regulations should remain in place for the R2 and RW2 lands, and for the Carlsborg UGA, while the County and Commission seek additional time from the Hearings Board under RCW 36.70A.300 (3)(b) to propose compliance measures in these two areas. The Commission believes that comprehensive study, redrafting and remapping of the lands previously designated under the invalid rural zoning are of sufficiently unusual scope and complexity that it is not possible for the Commission to offer a compliance proposal to the BOCC by October 2008. The County has retained the services of Roger Wagoner, FAICP of BHC and Michael McCormick, FAICP to assist the Commission in a comprehensive review of Clallam County's rural lands sections of the Code. These consultants recommend that the County request ninety (90) days, through January 2009, to complete their work plan. These lands would remain under the interim R-5 zoning.

Planning Commission Action: Commissioner Cappa moved and Commissioner Rudin seconded approval of the recommended compliance response and finding. Following discussion, the motion carried 5 -0, with Commissioner Bell abstaining.

Compliance Issue 2. The WWGMHB found that the Carlsborg Urban Growth Area (UGA) does not possess a valid capital facilities plan for the construction and funding of a municipal sewer, and fails to establish sufficient law enforcement coverage for the area.

Staff reviewed the proposed issues, public comments received, and the proposed recommended response to the WWGMHB Order.

Proposed Recommendation: Retain the interim controls adopted under Ordinance 833 that apply to the Carlsborg UGA and request the WWGMHB to extend the October 23, 2008, deadline for compliance for one-year to allow for completion of capital facility planning for wastewater treatment, collection, and water reuse system, level of service for police services, and related land use plan updates.

Proposed Findings: The Commission finds that the unusual scope and complexity of the Carlsborg UGA capital facilities compliance obligations requires the Commission to similarly recommend requesting additional time from the Hearings Board in order to bring a compliance recommendation to the BOCC. The County capital facilities consultant has reported that the capital facilities study for Carlsborg, which relies primarily upon the County and the Clallam County PUD #1 being able to fund public sewers for the area, will extend into next fall. Similarly, and because that facilities study may ultimately define the footprint (and even the continuing viability) of the Carlsborg non-municipal UGA, the Commission does not find it practicable to designate the levels of service for police services without a determination of the size and nature of the service area. The Commission noted that Jefferson County was recently granted a one year extension on a compliance order involving the Irondale and Port Hadlock UGA, and involving similar capital facilities issues.

Planning Commission Action: Commissioner Bell moved and Commissioner Cappa seconded approval of the recommended compliance response. Following discussion, the motion carried 6 -0. Commissioner Gleason moved and Commissioner Cappa seconded approval of the findings, which carried 6 – 0.

Compliance Issue 3. The WWGMHB issued an order of invalidity that the following three zoning districts within the Port Angeles and Sequim Urban Growth Areas (UGA) allowed for new development at non-urban densities: Urban Residential High (URH), Urban Residential Low (URL) and Sequim Urban Residential – I S(R-I), together with all comprehensive plan policies and map designations that relate to these zoning districts.

Staff reviewed the proposed issues, public comments received, and the proposed comprehensive plan and zoning map and text changes to respond to the WWGMHB Order.

Proposed Recommendations:

- The URH and URL zones are not found within either UGA, and no changes to these zoning districts are recommended at this time as part of the compliance response.
- Update the comprehensive plan land use and zoning map to adopt the Interim Sequim Urban Residential – II zoning that replaced the found invalid S(R-I) zoning under Ordinance 833 as the final land use and zoning designation.
- Amend Chapter 33.19, Sequim Urban Growth Area, of the zoning code to eliminate the S(R-I) zoning district and related development standards.
- Amend CCC 31.03.315 of the comprehensive plan to eliminate S(R-I) designations and related policies.
- Separate from the compliance response to the WWGMHB Order, it is proposed to: (a) evaluate removal of all or portions of the unincorporated area located south of W. Hendrickson Rd. and east of N. Priest Road from the Sequim Urban Growth Area and to place a moratorium on new land divisions in this area during the period of evaluation; and (b) explore an intergovernmental agreement with the City of Sequim on annexations and utility extensions. If approved, these actions would be initiated after the County's October 2008 compliance deadline.

Proposed Findings: The Commission finds that adopting the Interim Sequim Urban Residential – II [S(R-II)], a zoning designation currently provided for under the approved City of Sequim Comprehensive Plan and Development Regulations, is the appropriate re-designation of non-compliant, urban zoning districts in the Sequim area. The Commission was otherwise unable to identify non-compliant urban zoning districts, comprehensive plan policies or map designations within the Sequim and Port Angeles UGAs, in accordance with the Order of the Hearings Board. The Commission finds that pursuing an intergovernmental agreement with the City of Sequim on annexations and utility extensions, and a study on the removal of all or portions of the Hendrickson/N. Priest Rd. area from the Sequim Urban Growth Area is an appropriate matter for future Commission consideration. The Commission further finds that controlling land division activity to prevent new urban density divisions within the Hendrickson/N. Priest Rd. area during the period of any re-evaluation of the UGA boundary is also an appropriate matter for future Commission consideration.

Planning Commission Action: Commissioner Rudin moved and Commissioner Cappa seconded approval of the recommended compliance response. Following discussion, the motion carried 6 -0. Commissioner Gleason moved and Commissioner Cappa seconded approval of the findings, which carried 6 – 0.

Compliance Issue 4. The WWGMHB found invalid the County's designation of Blyn as a Rural Activity Center for more intensive rural development, where Blyn has not been established as either a UGA or LAMIRD (limited area of more intensive rural development).

Staff reviewed the proposed issues, public comments received, and the proposed comprehensive plan and zoning map and text changes to respond to the WWGMHB Order.

Proposed Recommendations:

- Limit the Rural Center (CEN) land use and zoning designation to the area north of US 101 and an area south of US 101 in the vicinity of Zaccardo Rd and formerly designate these areas as the Blyn LAMIRD under CCC 31.02.263.
- Update the comprehensive plan land use and zoning map to adopt the Interim Rural Low (R5) designation that replaced the found invalid CEN zoning under Ordinance 833 as the final land use and zoning designation for the areas excluded from the recommended Blyn LAMIRD
- Amend the CEN zoning district standards to require uses to be similar to the type, scale, size, or intensity of uses that existed prior to or as of July 1, 1990, and amending the comprehensive plan neighborhood provisions for Blyn under CCC 31.03.435 consistent with the above responses.

Proposed Findings: As to the Blyn area, the Commission would recommend adopting a Limited Areas of More Intensive Rural Development (LAMIRD) in the Blyn area which reflects the historic photographs, and supporting testimony and documentation of land uses as of July 1, 1990, the public comments and the staff reports discussed at the Planning Commission workshop on August 20, 2008, outlined in the August 27, 2008 staff memo and public comments to the Commission, and revisited before the Commission by the public in hearings and in writing September 17-19, 2008. The Commission also finds that rezoning those parcels that do not qualify for LAMIRD designation to Rural Low (R5) to be an appropriate rural zoning designation for those areas. The Commission further finds changes to the Rural Center (CEN) zoning standards as outlined in the August 14, 2008 staff memo and associated discussions to comply with the compliance concerns of the Hearings Board.

Planning Commission Action: Commissioner Bell moved and Commissioner Cappa seconded approval of the recommended compliance response. Following discussion, the motion carried 6 -0. Commissioner Gleason moved and Commissioner Cappa seconded approval of the findings, which carried 6 – 0.

Compliance Issue 5. The WWGMHB found the designation or boundaries of 20 of the County's LAMIRDs is not supported by sufficient facts that such more intense rural development was in existence as of July 1, 1990.

Staff reviewed the proposed issues, public comments received, and the proposed comprehensive plan and zoning map and text changes to respond to the WWGMHB Order. Staff also noted updates to bullets 1, 2 and 4 on the Draft Planning Commission Decision Matrix regarding recommendations related to this compliance issue. The changes are incorporated into the below proposed recommendations and addressed the proposal to eliminate the Lyre River LAMIRD based on comments from property owners within the affected area.

Proposed Recommendations:

- De-designate the Southwest Carlsborg, Quillayute Prairie, Little Quillayute Prairie, and Lyre River LAMIRDs in their entirety which also involves proposed new land use and zoning designations for the affected lands;
- Adjust the outer boundary of the other 16 found non-compliant LAMIRDs which also involves proposed new land use and zoning designations for the affected lands;
- Create a new Rural Village Low (RV2) zoning district for the southern portion of the Dungeness Village LAMIRD;
- Create a new Tourist Rural (TR) zoning district for the proposed Crescent Beach LAMIRD;
- Change the Deer Park LAMIRD General Commercial (GC) land use and zoning designation to Rural Limited Commercial (RLC) and eliminate the GC zoning under CCC 33.15.030;
- Amend the Rural Neighborhood Commercial (RNC) and Rural Limited Commercial (RLC) zoning district standards under CCC 33.15.050 and CCC 33.15.060, respectively, to require uses to be similar to the type, scale, size, or intensity of uses that existed prior to or as of July 1, 1990;
- Update LAMIRD comprehensive plan designation and other provisions under CCC 31.02.263;

- Update rural land provisions of the comprehensive plan under CCC 31.02.(260, 265), CCC 31.03 (020, 260, 270, 290, 340, and 435); and CCC 31.04 (225, 230, 400, and 410) consistent with the above proposed actions; and
- Amend the Rural Limited Commercial (RLC) zoning district standards to list churches as an allowed use instead of a prohibited uses within the Rural Limited Commercial (RLC) zoning district.

The Planning Commission preceded with their review of the proposed comprehensive plan land use and map amendments for the 20 non-compliant LAMIRDs taken to public hearing. This review included consideration of public comments and staff response outlined in the September 24, staff memorandum for individual LAMIRDs. The staff response/recommendation included proposed changes from the public hearing draft to the outer boundaries and related land use/zoning designations for 6 of the 20 LAMIRDs (Blyn, Dungeness Village, Dryke/Sherbourne, Deer Park, Crescent Beach, and Lyre River LAMIRDs). Staff did not present any recommended changes to the proposed land use and zoning designations for the other 14 LAMIRDs that were taken to public hearing. The Planning Commission actions taken in regards to the staff recommended comprehensive plan land use and zoning map amendments for each LAMIRD were as follows:

LAMIRD	Motion	Seconded	Vote
Dungeness Village	Cappa	Bell	6-0
Lotzgesell	Cappa	Bell	5-1, Comm. Miller Opposed.
Dryke-Sherbourne	Cappa	Gleason	6-0
Lairds Corner	Cappa	Bell	6-0
Deer Park	Bell	Cappa	6-0
Lake Farm	Cappa	Bell	6-0
O'Brien	Cappa	Bell	6-0
Crescent Beach	Cappa	Rudin	6-0
Lyre River	Bell	Cappa	6-0
Whitcomb-Dimmel	Cappa	Bell	Failed 4-2; For: Montgomery/Cappa; Against: Bell, Rudin, Miller, & Gleason
Whitcomb-Dimmel	Bell – With understanding that lands excluded from LAMIRD will be included and re-evaluated within the rural land study.	Cappa	6-0
Others: Bogacheil Bridge, Snider, Bear Creek, Three Rivers, Quillayute River Quillayute Prairie, Little Quillayute Prairie, SW Carlsborg, Bullman Beach, and E. Anderson Road LAMIRDs.	Miller - With understanding that lands excluded from LAMIRDs will be included and re-evaluated within the rural land study.	Bell	6-0

Proposed Findings: As to the Blyn area, the Commission would recommend adopting a Limited Areas of More Intensive Rural Development (LAMIRD) in the Blyn area which reflects the historic photographs, and supporting testimony and documentation of land uses as of July 1, 1990, the public comments and the staff reports discussed at the Planning Commission workshop on August 20, 2008, outlined in the August 27, 2008 staff memo and public comments to the Commission, and revisited before the Commission by the public in hearings and in writing September 17-19, 2008. The Commission also finds that rezoning those parcels that do not qualify for LAMIRD designation to Rural Low (R5) to be an appropriate rural zoning designation for those areas. The Commission further finds changes to the Rural Center (CEN) zoning standards as outlined in the August 14, 2008 staff memo and associated discussions to comply with the compliance concerns of the Hearings Board.

The Planning Commission publicly acknowledged the strong feelings expressed at its public hearings and written comments received. The Commission is mindful of the wishes of many, if not most, of the witnesses that they want to prevent their property rights from being diminished by county actions meant to comply with the WWGMHB order.

Planning Commission Action: Commissioner Gleason moved and Commissioner Rudin seconded approval of the findings, which carried 6 -0.

Planning Commission Action: Commissioner Cappa moved and Commissioner Gleason seconded the recommended changes to the comprehensive plan and zoning code related to the LAMIRDS (see above). The motion carried 6-0.

Planning Commission Recommendation to County Board

Commissioner Bell moved and Commissioner Gleason seconded to authorize Chair Montgomery to transmit the findings and recommendations of the Planning Commission to the Board of Clallam County Commissioners (BOCC). The motion carried 6-0.

K. PUBLIC COMMENT PERIOD:

L. ADJOURNMENT: The meeting adjourned at approximately 10:25 p.m.

Respectfully submitted,

Steve Gray
Planning Manager