

Date Approved: _____

MINUTES

Clallam County Planning Commission

*Regular Meeting of October 7, 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, Ben Cappa, Nancy Esteb, Gary Gleason, Mel Rudin and Leo Leonard. Don Myers, Robert Miller and Ron Bell were not present. Steve Gray, Planning Manager; represented staff from the Department of Community Development. Rich James, Transportation Program Manager, represented staff from Public Works.
- D. WELCOME: Chair Montgomery welcomed all in attendance.
- E. APPROVAL OF MINUTES: September 16, 2009 Meeting Minutes.

Commissioner Leonard made a motion to approve the minutes as submitted. Commissioner Rudin seconded the motion. Discussion was had as follows:

Page 2 – Work Session Item 1: Preliminary Draft Six Year Transportation Improvement Program

Commissioner Gleason requested the following be inserted:

“Commissioner Esteb and Commissioner Gleason initiated extensive discussion regarding safe pedestrian access and crossing at Clallam Transit bus stops at the Deer Park Road and US 101 intersection.”

Page 3 – Work Session Item 3: Draft Comprehensive Plan Updates by City of Sequim

Commissioner Leonard asked that Commissioner Gleason’s concerns regarding future dock expansion, dock alteration, or mooring of research boats at the Battelle site, be addressed under Item H – Unfinished Business.

Following a vote, the motion carried.

- F. ANNOUNCEMENTS:
Staff reported the Washington State Department of Ecology Shoreline staff will attend the Monday, October 12, 2009 Board of County Commissioners’ Work Session, 10:00 a.m. – 11:00 a.m. to provide an update to the Board on the Shoreline Management Program Project. Port Angeles City Council members will be in attendance. Similar Ecology presentations are anticipated later in front of the Forks and Sequim City Councils.
- G. PUBLIC COMMENT PERIOD:
Judy Larson, 1070 W. Palo Verde Loop, Sequim, WA 98382
Ms. Larson was concerned with the staff memorandum focus on an inter local agreement for annexation phasing and not removal of neighborhood from the UGA.
Ms. Larson indicated that at the May neighborhood forum important information, such as potential costs to property owners for utility connection, etc., was not provided. Ms. Larson submitted a letter to staff dated October 7, 2009, noting her concerns.

Ms. Larson indicated her support for continued open public forums, and expressed concern over a planned meeting between County and City representatives in a private home not open to everyone.

Staff responded by indicating that the May 2009 forum was an informational forum. Potential utility costs were not discussed, as this was not the focus of the meeting. The context was to address issues raised in the neighborhood petition, and discuss the Resolution of the Board to consider governmental phased annexation agreement and to study UGA removal alternatives. Staff will provide a detailed presentation as Work Session 1 of the meeting, to address alternatives.

Staff also noted that the private home meeting noted by Ms. Larsen was intended for City/County representatives to meet in a small group setting with neighborhood owners who have been active in wanting removal from the UGA. The County did not dictate who could attend. The meeting was not held.

H. UNFINISHED BUSINESS:

Battelle Site

Staff addressed Commissioner Gleason's concerns, noting that the intent of any new regulation is not to prevent a water dependent use to continue to exist or expand in the area. This matter is listed as Work Session Item # 2, at which time staff will further address this matter. Staff noted that Dennis Lefevre, City of Sequim Planning Director, was in attendance to answer questions.

I. PUBLIC HEARING ITEM: Chair Montgomery opened the public hearing.

Proposed Six Year Transportation Improvement Program (TIP) 2010-2015

Rich James, Transportation Program Manager, presented a PowerPoint presentation on the 6-Year TIP. Mr. James began by indicating that the County is required by the State to prepare an annual 6-year TIP, for budgeting purposes.

Mr. James indicated that Clallam County maintains 500 miles of road, 36 bridges, 8 Olympic Discovery Trail bridges, the Olympic Discovery Trail, and 1,000 miles of roadside vegetation. There are three County district road maintenance facilities to serve the County that are located in Sequim, Port Angeles and Forks.

Mr. James noted that 2010 road budget concerns are similar to that of 2009, regarding a potential ongoing loss of approximately \$1 million dollars per year from the Federal Secure Schools Fund. There is no funding projected in the 2012 budget from this source. There is also a 1% limitation on property taxes that does not keep up with inflation on supplies and COLAs. There is no property tax for Clallam County roads inside the City limits. Mr. James discussed impacts.

Mr. James identified new 2010 major projects, as follows:

Deer Park Under Crossing

Mr. James provided a visualization of this project, a public open house was conducted with regard to the latest alternative, and information was published in the Peninsula Daily News. The Board of County Commissioners has approved the Road Division to begin initial stages of right-of-way acquisition, firm up the design, and construction would begin in 2010 or 2011.

Nichols Bridge Replacement

The bridge was destroyed in a severe storm event last winter. A temporary bridge was installed, which now needs to be replaced.

Bogachiel Way Construction

The County is scheduling its construction portion for 2010, in conjunction with construction conducted by the City of Forks.

Priest Road

This project would finish a small section of road from the Sequim City limits to Hendrickson Road.

Commissioner Gleason asked if the irrigation ditch speed bump will be eliminated. Mr. James noted that a culvert-type structure will be installed, making the road level and eliminating the bump.

Black Diamond Curve

The County recently acquired right-of-way properties, and final design is being conducted.

Old Olympic Highway

The County is in the process of buying right-of-ways in order to construct a section between Spring Road and Barr Road.

Old Olympic Highway

Initial stages of design work for portion east of Barr Road to bridge.

Elwha River Bridge Replacement

Construction continues in the hatchery area which is currently limiting pedestrian access on the east end due to heavy hauling on the construction access road. When hatchery construction is completed, the east pedestrian access will be restored.

Mr. James identified additional 2010 funded and unfunded projects.

Mr. James discussed budget challenges, indicating that unless there is another ongoing source of funding found to replace Federal Secure Schools Fund, construction improvement projects will be limited.

Public testimony received:

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

Ms. Larson thanked staff for some limited improvement for access from the Olympic Discovery Trail to Railroad Bridge.

Ms. Larson asked if the Priest Road project includes a better connection to sidewalks located on the west side of Priest Road in the City limits. Mr. James noted that a culvert will be carried under Priest Road and that a sidewalk will be installed.

Ms. Larson asked that vegetation be continuously cut on the corner of Towne Road by the Dungeness Schoolhouse, as low profile vehicles are unable to see each other approaching.

Ms. Larson asked for an explanation of the project on Old Olympic Highway toward Kendall Road. Mr. James noted that the project includes widening, and providing proper shoulders and clear zones.

Cathy Smith, 607 East 4th Street, Port Angeles, WA 98362

Ms. Smith spoke with concern regarding the Deer Park overpass. She noted that she spoke with Commissioner Gleason earlier, as to whether pedestrians will be able to get from one side to the other without it being an unreasonable distance to walk. Ms. Smith asked the Planning Commission for assurance Clallam Transit was contacted and is involved in the process. Mr. James confirmed that Clallam Transit has been contacted.

Comments by the Commission:

Commissioner Rudin asked if the Washington State DOT could install pedestrian overpasses at Clallam Transit stops within the US 101 widening project. Mr. James indicated that the DOT could be encouraged to do so, but that such pedestrian overpasses were not part of the current project.

Commissioner Gleason spoke with concern of pedestrian crossing at Clallam Transit stops, and confirmed the DOT open house dated of October 15th. Mr. James confirmed the open house date, and encouraged everyone to attend and voice concerns. Similar to Portland, Commission Gleason, indicated that he will suggest a pedestrian safety island with barricades at the DOT meeting.

Mr. James noted two project request considerations received: 1) Letter with signature page requesting speed reduction on West Sequim Bay Road. Mr. James indicated that public works can advise property owners of the speed reduction process, and there is a possibility of directing US 101 traffic to Whitefeather Way. Signage on either side of the Trail was also requested, which Mr. James will address; and 2) Four requests received address safety concerns regarding the intersection of Freshwater Bay Road and Highway 112. The requests are for a left turn at the intersection, and to fix the alignment of the County Road to the Highway in order to have a 90 degree angle that would create a pad. Staff will provide the Commission with copies of the letters in the next packet.

Commissioner Esteb noted her concern regarding safe pedestrian routes at the Deer Park Road and US 101 Intersection.

Commissioner Cappa spoke to budget constraints and proposed an approach that would look at the specifics relating to various areas where maintenance is conducted, such as safety v. maintenance, rather than using a systematic approach. Mr. James indicated that projects are always prioritized.

Commissioner Gleason asked if the West Sequim Bay issue is connected to Battelle. Staff noted that there are two separate issues, although Battelle is located on West Sequim Bay Road.

Chair Montgomery closed the public hearing.

Commissioner Esteb made a motion to approve the 6 Year Transportation Improvement Program. Commissioner Leonard seconded the motion. Commissioner Cappa suggested that the letters for project requests be addressed. Mr. James noted that he will respond to the requestors. Following a roll call vote, the motion carried. Commissioner Cappa – Yes, Commissioner Leonard – Yes, Commissioner Esteb – Yes, Commissioner Gleason – Yes, Commissioner Rudin – Yes, and Chair Montgomery – Yes.

J. WORK SESSION ITEMS:

1. Sequim Urban Growth Area (UGA) – Land Use Updates Study Alternatives Under Consideration for Unincorporated UGA Lands Located South of W. Hendrickson Road, East of North Priest Road, and North of W. Brackett Road

Steve Gray, Planning Manager, presented a PowerPoint, titled: “*Sequim Urban Growth Area (UGA) Land Use Alternatives for Unincorporated UGA Lands Located South of W. Hendrickson Rd, East of North Priest Rd, and North of W. Brackett Rd.*” He began by noting that the County has been working with the City of Sequim, and the focus of the presentation will be to discuss the framework of an inter local annexation phasing agreement and land use alternatives under study related to removal of neighborhood areas from the UGA.

Staff identified the study area located in the Sequim Urban Growth Area, consisting of approximately 100 acres. The study area is primarily single-family residential with some multiple-residential and condominiums that were developed prior to the current zoning designation.

Staff provided GMA compliance history, noting that in April 2008 the WWGMHB found Sequim Urban Residential – I zoning within the unincorporated Sequim UGA in violation of the Growth Management Act, as it allowed only a maximum of two dwelling units per acre. In October 2008, the County adopted Sequim Urban Residential II zoning which allows for a maximum density of 4 to dwelling units per acre with urban services. Staff read excerpts from County Resolution 88, 2008 related to this issue.

Staff identified current County and City Comprehensive land use and zoning designations. Public facilities and services were discussed.

Staff provided a background of road jurisdiction, City of Sequim water and sewer lines, parcels surveyed by Palo Verde Class A water, septic permits with final date, parcel sizes, and platted parcels.

A 10-minute break was taken.

Commissioner Gleason recalled previous testimony regarding North 9th Avenue being connected to Kendall Road, and the extension of W. Brackett Road to Priest Road, and asked if those are currently under study. Staff noted that the proposed 9th road extension is a listed unfunded project within the cities 6-Year TIP, and that the city has part of the right-of-way that would be needed. Staff also noted that an approximately 75,000 sq. ft. commercial retail center on the south-side of W. Brackett and N. Priest Road intersection is pending city approval. Dennis Lefevre indicated that the City of Sequim Planning Commission recommended approval of the project, which will go to public hearing before City of Sequim Council October 26, 2009.

Interlocal Annexation Phasing Area Agreement Framework

Following work with the City of Sequim, staff explained the draft framework as follows:

- 5 annexation areas identified;
- Annexation subject to following phasing rules;
- Annexation petition must be for entire area of each phase;
- Annexation must otherwise comply with other applicable laws; and
- County would not protest annexations consistent with agreed upon phases.

Staff identified annexation phases and discussion was had.

Land Use Strategies

Staff discussed land use alternatives and identified subject areas on related maps. Proposed alternatives are as follows:

- No Action – Retain Sequim Urban Residential – II Land Use and Zoning Designation;
- Alternative 1 – Exclude a portion of the neighborhood from UGA and designate and zone this area Rural (R1). Under this alternative, the excluded area would also be designated as a new Limited Area of More Intensive Rural Development (LAMIRD); or
- Alternative 2 – Exclude a portion of neighborhood from UGA and designate and zone this area Rural Low (R5).

Considerations – Hendrickson Road / N. Priest Road Area

Staff provided several considerations regarding Hendrickson Road and N. Priest Road areas that would be removed and retained in the UGA.

In terms of long-term planning horizon, City and County planning staff recommend retaining entire area in UGA and current S(R-II) zoning together with an inter local cooperative agreement with City of Sequim on phasing annexation and utilities.

At a minimum, retain in the UGA with a land use and zoning designation of S(R-II) the 10 parcels totaling approximately 27 acres, as depicted on the Alternative 1 and Alternative 2 maps.

In terms of near-term planning horizon, County Planning staff does not oppose areas removed from UGA under Alternatives 1 and 2. These are reasonable land use alternatives. Staff discussed concerns regarding these options for the long-term planning horizon.

Next Steps

- Planning Commission to hold a Public Hearing on Neighborhood Land Use Alternatives: Target date: November 4;
- Planning Division to notify neighborhood property owners by mail of public hearing and alternatives under consideration;
- Planning Division will continue to coordinate with City of Sequim; and that
- Any final decision rests with the Board of County Commissioners.

2. Sequim Urban Growth Area (UGA) – Expansion of UGA to Include Battelle Marine Research Lands with a Comprehensive Plan Land Use and Zoning Designation of Research. Battelle Lands under this proposal are located on Sequim Bay between the Sequim City Limits, W. Sequim Bay Road, and Washington Harbor Road

Steve Gray, Planning Manager, noted the packet included a staff report, draft zoning standards for a Research and Development Park, and city comprehensive plan policy updates that were considered by the City Planning Commission on October 6. Commissioners questioned why most of the listed conditional uses needed to be “conditional.” The general consensus was that such uses should be allowed and did not merit a formal conditional use permit process. A question was asked whether

the current draft standards prohibit research related housing, such as an apartment, etc., for on-site residential staff. Staff noted that the current draft supports transitory housing for researchers.

Commission Cappa recommended that detailed information be provided as to Battelle's needs, so that they are not being restricted upon.

Dwight Hughes, Battelle Sequim Buildings Manager, expressed appreciation to City and County efforts for moving this project forward to allow growth. He clarified that Battelle is in the intellectual property tool trade business, and that they partnership with various universities. The current septic system does not provide for growth. He confirmed that it is necessary that Battelle continues to have access to Sequim Bay citing current research projects in the fields of tidal power and bio-fuel.

K. PUBLIC COMMENT PERIOD:

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

Ms. Larson noted that she is one of a majority of property owners in the area that have been on record in 1991, 2004, 2006 and 2008 noting the neighborhood's request to be excluded from the Sequim UGA, and provided background information with regard to critical attributes. She noted the previous acknowledgement that the County had made in its lot coverage limitations for the prior SR-I zoning, which was a maximum 20% coverage, and that the 2008 GMA compliance record did not show the October 13, 2008 SEPA comments regarding inadequate critical attributes analysis.

The neighborhood's land use is non-urban, some property owners have home-based industries involving large equipment, stored materials, agricultural activities, and there are or have been cattle, horses, mule, alpaca, donkeys, chickens, goat and sheep in the area. There are large gardens, mostly organic, and there is a raptor center located in the area.

The area had significant non-urban build out prior to July 1990. Two major subdivisions which account for more than half the parcels were established in the 1970's.

Ms. Larsen noted that neighborhood septic systems are properly maintained, as required. She cited new requirements for regular operation and maintenance of on-site private systems.

During the County 2004 Comprehensive Plan update, the neighborhood submitted a petition indicating that it was a mistake that the neighborhood was included as part of the UGA, and requested that the neighborhood be removed during the update process. The Planning Commission made a recommendation for action, which was forwarded to the Board. The Board of County Commissioners decided not to pursue corrective action due to prior objections of the City of Sequim. Ms. Larsen noted she believes that the current Sequim City Council may be more open to consideration of UGA reduction.

Ms. Larson will submit a letter from Futurewise noting its support of removal from the UGA.

Ms. Larson asked the Planning Commission to follow through in taking corrective action in removing the subject areas from the Sequim UGA. She noted that they would find it acceptable to be considered as Bell Hill, a neighborhood preference with land attributes and build out that should be recognized. This means that the area is not suitable for future urban growth, and should be allowed the zoning and land use like that of rural or rural suburban, one dwelling unit per acre. Ms. Larson noted that she made a public request in 2008 asking how the Bell Hill decision was made, which has not been fully satisfied.

Ms. Larson submitted her letter dated October 6, 2009 and an e-mail that indicates the approval from Futurewise for the removal request. Also submitted was a copy of the County's critical area map, and the County's SR-I zoning designation definition.

Ms. Larson spoke to a letter from Futurewise dated June 15, 2007 that was submitted to the Board, which states that areas with small lots, development patterns that pre-date the GMA, the County can designate these areas as LAMIRDS, and that the Bell Hill LAMIRD does show that even though it was adjacent to the City, it was designated as a LAMIRD.

Staff strongly recommended to Ms. Larsen that she submit any previous public comments and documents she felt were relevant, since this was a new public process.

Staff noted that Andrew Shogren submitted a written letter dated October 6, 2009, which was distributed.

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

Mr. Shogren asked for clarification of the draft alternatives on staff's map, and indicated that he strongly recommends that the neighborhood be removed from the Sequim UGA. Mr. Shogren noted that he supports R5 zoning, as the neighborhood has never been characterized by urban growth or development, and the subject area is rural.

Commissioner Gleason asked Mr. Shogren which alternative he prefers. Mr. Shogren noted that he is not sure, under the legal analysis, whether any of the neighborhood inclusion within the Sequim UGA is permissible under the GMA. He noted none of the neighborhood was characterized as urban growth at the time of designation, and continues not to be characterized by urban growth. Mr. Shogren stated that growth should take place in areas that are characterized by urban growth. Mr. Shogren spoke to the bright line for urban density is 4 dwelling units (du) per acre and the bright line for rural areas is 1 du per 5 acres. He cited that he believed even City areas bordering the neighborhood are not at 4 du per acre densities.

Commissioner Gleason asked Mr. Shogren if he supports the Interlocal Agreement. Mr. Shogren replied that he does not, as the Interlocal Agreement would allow the neighborhood to stay in the UGA and annexations to move forward, and the intent is to be removed from the UGA.

Staff clarified that the recent Supreme Court decision made it clear that there is no bright line established by the Growth Management Act.

Staff indicated that work will continue with the City of Sequim in order to move this forward, and that this issue will be tabled to come before the Planning Commission on November 4.

Discussion was had regarding similarities of the subject neighborhood and Bell Hill.

Dennis Lefevre, Sequim Planning Director, stated support to retain the neighborhood in the Sequim UGA and pursue an inter local on annexation phasing.

L. ADJOURNMENT: The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Steve Gray
Planning Manager