

MINUTES
PLANNING COMMISSION
Port Angeles, Washington 98362
December 14, 2011
6:00 p.m.

ROLL CALL

Members Present: Doc Reiss, Amanda Anderson, David Miller, John Matthews, Tim Boyle, Sissi Bruch,

Members Excused: Nancy Powers

Staff Present: Sue Roberds, Nathan West, Scott Johns, Roberta Korcz, Heidi Greenwood

Public Present: Greg Clampett, Jim and Roxi Baxley, Tamsan Harmon, Rick and Kim Melvin, Jim Ervin, Jeff Konopaski, Daryl and Kim Wakefield, Phil Beirnes, Laurel Rickells, Patrick Wakefield, Ron Wilcox, Wayne Brown, Dan and Kelli Morrison, Randy Alderson, Jim and Linda DeBord, Martin Hammer, Dick Pilling, Rick Parr, Katie Jung, Darren and Terri Delroy, Logan Deane, Katie Wakefield, Connie Warren, Dan Konopaski, PJ Morrison, Kathie Charlfour, Kevin A., Miki Zozowski, Byrd Alderson, Marlene Hamilton, Sandra Lorraine, Melody Pozgay, Brian Hansen, Brian Jackson, Kelly Johnson, Mark Ostroot, Adam Johnson, John Currie, Greg Hopf, Mike Halberg, Connie Curtis, Derick Halsey, Ken McGee, Cordi Fitzpatrick, Patti Koelle, Scott Ackerman, Jason Gizoves, Dale Holiday, Eric W., Jerry Payne, Kurt and Dustin Taylor, Rick Sinclair, Brian Haire, Tim Crowley, Russ Morrison, Walt, Tony, and Tracy Kepler, Sean and Shawna Linn, Jim Maynard, Andrew May, C. Blore, David Ellis, Mike Libera, Joe Swordmaker, S. Taras, Mike and Barb Lundstedt, Ken Simpson, PAHS Cheer Leaders, Roger and Dena Wheeler, Cameron Field, Jordan Vaughn, Kim Baublits, Angie Wilhelm, Jimmy Roberts, Jaden Rockwell, Sierra Baublits, Laurel Gieske, Salina Harmon, Taylor Rutz, Brade McFarlen, Emily Asher Stone, Anna Raemer, Michelle Danelson, Katelyn Coffman, Kara Lindley, Karissa Trole, Megan Weisner, Tang Menlove, Lexie Pankewski, Kelsey and Dana Snell, Sonja Coventon, Paul Breitbach, Carole Brown, Douglas Ridjay, Megan Ginley, Holly and Dylan Wickersham, Christian Carpenter, Laura Almaden, Tabin Beckett, Robin Tweter, Evan and Rick Alderson

PLEDGE OF ALLEGIANCE

Chair Reiss opened the regular meeting at 6:00 p.m. and led the Pledge of Allegiance.

APPROVAL OF MINUTES

Commissioner Anderson moved to approve the October 26, 2011, regular meeting minutes. The motion was seconded by Commissioner Boyle and passed 4 – 0 with Commissioners Anderson and Matthews abstaining due to absence at the meeting.

PUBLIC HEARINGS:

Chair Reiss read the qualifying questions for Commissioners regarding Appearance of Fairness matters with regard to both items on the agenda. All Commissioners responded for the record that they had no Appearance of Fairness issues to report. The Chair then reviewed the quasi judicial public hearing procedures for audience members. No issues were noted by audience members.

Commissioner Sissi Bruch indicated that, as a newly elected City Council person and as an employee of the Lower Elwha Klallam Tribe that is a relevant party to both of the actions before the Commission this evening, she would be stepping down from taking action on the agenda items. She also submitted her official resignation to the Planning Commission as a result of her election to the City Council and left the meeting.

EXTENSION REQUEST – UNCLASSIFIED USE PERMIT UUP 11-01 – A2Z ENTERPRISES, 2917 Edgewood Drive: Request for extension of a permit allowing outdoor recreational uses such as sprint boat racing in the Industrial Heavy zone.

Planning Manager Sue Roberds reviewed the Department Report recommending that a 5 year extension be approved for the Unclassified Use Permit with 5 conditions. Planner Roberds included a revision to the written staff report addressing compliance with Condition 6 of the original conditions of approval and provided amended wording to Finding 6 in the written staff report in support of that revision. Chair Reiss opened the public hearing.

Dan Morrison, 408 E. Scrivner Road spoke of the community's overwhelming support for the sprint boat track and said that the activity stimulated the economy in a significant manner. The race event has always been about the community's need for alternative recreation. It has been about providing an opportunity for outdoor recreation that is not available in this area and bring something really special to the area that defines the area. The results were overwhelming. He spoke about the outpouring of community support and encouragement that was witnessed throughout the final planning and actual operation of the sprint boat races. The Chamber of Commerce roughly estimated that the event brought \$2M in tourist dollars for the weekend event. He appreciated working with City staff on this project. He wanted it known that the City has supported the event from Day 1.

In response to Commissioner Boyle, Mr. Morrison said that if extended, race dates for the 2012 season would be August 4 and September 8, 2012.

Andrew May, Port Angeles Business Association presented a letter from the Business Association providing unequivocal support for the sprint boat track use and extension of same. The sprint boat track operation far exceeded the Association's expectations and provided immeasurable benefit to the community as a whole.

Jim DeBord, 1309 E. 7th Street expounded on the terrific community support exhibited during the event and how well handled the crowds were by just volunteers. He encouraged extension of the use permit.

Rick Parr, 1602 W. Lauridsen Boulevard said that the sprint boat activity provided an activity for people in the area other than hiking and kayaking. His parents developed the Port Angeles Raceway many years ago for just such reasons. He recalled how many people over the years were thrilled to participate in the race track use. Not everyone likes to kayak. The race track is gone, but the sprint boat race attendance shows how people are hungry for a variety of well run outdoor activities that are not all passive.

Scott Ackerman, Spokane, Washington also spoke in favor of extension of the Unclassified Use Permit as a needed recreational opportunity for the area. It is good for the economy and is a good, well run, clean event. No issues were noted. Everyone had a lot of fun.

There being no further testimony, Chair Reiss closed the public hearing.

Following discussion as to revisions included in staff's presentation, **Commissioner Miller moved to extend the Unclassified Use Permit for 5 years** citing the following 5 conditions, 9 findings, including the amendment proposed by staff, and 4 conclusions:

Conditions:

1. The Unclassified Use Permit is extended for a five year period to December 14, 2016 to permit the continuation of sprint boat racing at 2917 Edgewood Drive. If events other than the sprint boat races are planned such that modification to the property are anticipated, the applicant shall inform City staff to determine if an amendment to any pertinent permit is required.
2. Overnight camping for spectators and event participants is permitted only during scheduled events.
3. To prevent trespass that could result in inadvertent damage to the environmentally sensitive areas, all environmentally sensitive areas shall be identified and separated from the rest of the site using a physical barrier such as flexible fencing during all events.
4. The access road from Edgewood Drive shall be developed in such a manner that it can, at minimum, facilitate two lanes of continuous traffic and provide stable foundation so that mud or debris is not transported onto county roads.
5. Event operators shall be responsible for controlling dust generated by vehicle parking and use during events.

Findings:

Based on the information provided in the Community Development Staff Report for UUP 11-01 dated March 23, 2011, the October 11, 2011, request for extension, all information in the public record file, comments and testimony presented during the public hearing, the Planning Commission discussion and deliberation, the City of Port Angeles Planning Commission hereby finds that:

1. Unclassified Use Permit (UUP) UUP 11-01 was approved by the Planning Commission on March 23, 2011 with 6 conditions. The UUP permitted the development of an outdoor sprint boat track use in the Industrial Heavy zone at 2917 Edgewood Drive for an initial one year period.

2. On October 11, 2011, a request for extension was received from Dan Morrison on behalf of A2Z Enterprises in compliance with Condition 1 of Unclassified Use Permit UUP 11-01 approval. The extension request included information as to how the conditions of approval were implemented and outlined anticipated future events.
3. An unclassified use is a use that requires a special degree of control to make such use consistent and compatible with other existing or permissible uses in the same zone. The sprint boat track use is an outdoor activity that is not identified as a permitted or conditionally allowed use in any zone in the City. Due to the unique nature of the proposed use, an Unclassified Use Permit is the appropriate method of review.
4. Per 17.96.070(E) PAMC, Extensions of approved conditional use and unclassified use permits shall be considered in accordance with the same procedures as for the original permit application, and may be granted for a period of one to five years, provided that the following minimum criteria are met:
 1. The use complies with the permit conditions.
 2. There have been no significant, adverse changes in circumstances.
5. Section 17.96.070(F) PAMC Minor Amendment of Approved Conditional Use Permits provides that *“Upon written request submitted to the Department of Community and Economic Development a minor amendment may be made to an approved conditional use permit if the amendment does not increase the intensity of the use by more than 10% of the original approval; the amendment will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is located; and the site has been posted and adjacent property owners notified fifteen (15) days prior to the decision. Any applications that are not granted a minor amendment pursuant to this section must obtain an amendment through the City’s normal conditional use permit procedure.”*
6. The property owner is working with Department of Ecology and Port of Port Angeles staff regarding the potential supply of water for future site activities. Any existing water well(s) on the property are available for onsite use, however, the daily withdrawal from any existing onsite wells is limited to 5000 gallons per day. Any withdrawal greater than 5000 gallons per day will need a water right permit from the Department of Ecology.
7. Following track development, the City’s Public Works and Utilities Department noted that the clearing and grading permit issued for the original site development needed to be corrected. A farm road located in the southwest area of the property had been considerably widened during track development but did not appear on the initial clearing and grading permit. The applicant modified the map that was originally submitted for the clearing and grading permit and, following review including storm water regulations, the necessary land use permits have been revised and are current. Site development did not require a storm water permit. The City’s Fire Department had no concerns to report as a result of the initial sprint boat event that served approximately 9,500 spectators.
8. County Road Department staff noted that traffic for the event was not an issue.
9. Public notice of the request appeared in the *Peninsula Daily News* on November 24, 2011. The site was posted and notification was mailed to property owners within 300 feet of the site and to parties of record to the original application process on November 23, 2011.

Three letters were received in opposition to extension of the use as a result of the public notification process: One letter was received from the Dry Creek Coalition that raised issues regarding water usage and wetland intrusion. A second letter from the Center for Environmental Law & Policy (CELP) raised the same issues. The third letter from Shirley Nixon echoed the concerns of the first two letters but included discussion regarding the clearing and grading, water use, and storm water matters. None of the issues raised in opposition to extension of the permit related to operation of the use, which is the subject of the extension review. Water usage is under the purview of the Department of Ecology and wetland concerns are under the jurisdiction of the Army Corps of Engineers. The City of Port Angeles' permitting realm is that of land use. The property owners are working with jurisdictional agencies to address any matters of concern. City staff spoke with representatives of both the Department of Ecology and Army Corps of Engineers on December 7, 2011. No violations were reported that were not being satisfactorily addressed following said agency site visits.

Several e-mails were also received as a result of the public notification that commented on the success of the September, 2011, sprint boat event and encouraged continuation of such events at the site as being in the best interest of the Port Angeles community.

Conclusions:

Based on the information provided in the Department of Community Development Staff Report for CUP 11-01 dated March 23, 2011, the October 11, 2011, request for extension, all information in the public record file, comments, and testimony presented during the public hearing, the Planning Commission's discussion and deliberation, and the above listed conditions of approval and findings, the City of Port Angeles Planning Commission hereby concludes that:

1. The initial sprint boat race was conducted in accordance with permit conditions. The clearing and grading permit necessary for development of the track was amended when it was determined that it did not include all of the work done in track development. All local permits have been obtained for the work done in developing the site and permits are up to date including storm water.
2. As conditioned, provisions have been made to address public health and safety matters with regard to future events. No significant or adverse changes in circumstance are known to exist.
3. The extension request was processed in accordance with Section 17.96.070 PAMC.
4. Following review of all information presented during the review period, it is appropriate to grant the extension as requested.

The motion was seconded by Commissioner Boyle and passed 5 – 0.

CONDITIONAL USE PERMITS CUP 11-03 AND 11-04 LOWER ELWHA KLALLAM TRIBE – 2917 Edgewood Drive: Request to allow (2) free standing off site directional signs in the IH Industrial Heavy zone.

Planning Manager Sue Roberds stated that two conditional use permits were submitted for two off site directional free standing signs on a property zoned Industrial Heavy. The applications

were submitted by the Lower Elwha Klallam Tribe (LEKT) for property owned by A2Z Enterprises. The applications are essentially exactly the same, e.g., size, informational content, design, with the exception of where they are placed on the site and one sign is single sided. Conditional Use Permit CUP 11-03 is for a double sided sign at the northeast corner of Lower Elwha Road and Edgewood Drive that will replace a very outdated minimally done wooden sign that has existed at that location for many years. Conditional Use Permit CUP 11-04 is a new sign to be located at the intersection of Dry Creek Road and Edgewood Drive to direct travelers to the Lower Elwha Road location. At this time, the applicants, with knowledge of the property owner, would like to proceed only with application CUP 11-04 to allow time for further negotiation with the property owner as to the property owner's signage needs. Planner Roberds asked that the public hearing for Conditional Use Permit CUP 11-04 be continued to January 11, 2012.

Chair Reiss opened the public hearing.

Carol Brown, Lower Elwha Klallam Tribe, 2861 Lower Elwha Road stated that staff had done a thorough job describing the proposed use and asked that Conditional Use Permit CUP 11-03 be approved and that CUP 11-04 be continued to allow further negotiation with the property owner. She noted that the free standing proposed under CUP 11-03 is much more aesthetically pleasing than the existing sign. The sign area on the 100 sq.ft. structure is 24.6 sq. ft.

Jackson Smart, 472 Mt. Pleasant Road stated that the sign area contains directional information to the Lower Elwha River Casino but does not contain changeable advertising information of a commercial nature.

There being no further testimony, Chair Reiss closed the public hearing.

Commissioner Matthews moved to continue Conditional Use Permit CUP 11-04 to January 11, 2012. Commissioner Anderson seconded the motion which passed 5 – 0.

Lengthy discussion ensued regarding how sign area is calculated. Staff pointed out that the Industrial Heavy (IH) zone allows up to 300 square feet of off site advertising signage. The proposed sign structure is 100 square feet per side with sign area of 24.6 square feet per side, as testified by the applicant. No matter how the sign area is measured, it doesn't exceed the off site signage permitted in the IH zone.

Chair Reiss discussed the sign definitions in Section 14.36.320 PAMC with Attorney Greenwood and Planning staff. Following continued discussion, **Commissioner Miller moved to approve Conditional Use Permit CUP 11-03 with the following conditions, findings, and conclusions:**

Conditions:

1. Conditional Use Permit CUP 11-03 is issued to the Lower Elwha Klallam Tribe and Elwha River Casino for the installation of an off site directional sign as shown in application materials presented to the City of Port Angeles on November 14, 2011. The sign shall be constructed as is presented in the application materials and shall be no larger

than is shown in the application materials (10' x 10'). Subdued directional lighting may be used between dusk and dawn. Internal and/or backlighting is not permitted nor is signage that chases, blinks, flashes, etc.

2. The signs must provide direction to an ongoing use. If the use ceases, the sign(s) shall be immediately removed. Signage must be directional in nature and shall not contain event advertising.
3. Signs shall be placed entirely on private property as is described in the application materials and shall not interfere with ingress/egress to said private property.

Findings:

1. A conditional use permit application (CUP 11-03) was submitted to the City of Port Angeles by the Lower Elwha Klallam Tribe (LEKT) and Elwha River Casino representatives on November 14, 2011 to place an off site directional sign on property zoned Industrial Heavy (IH). The sign structure is intended to provide direction to the Lower Elwha River Casino and is planned to be 10' x 10' in size with a sign area (double sided) of approximately 24 sq.ft. Sign location is at the northeast corner of the intersection of Lower Elwha Road and Edgewood Drive, 2917 Edgewood Drive.
2. The subject property is owned by A2Z Enterprises. A2Z Enterprises representative Dan Morrison signed the application acknowledging the submittal.
3. The site is located at the southwest City limits in the Southwest Planning Area of the City. Properties within the City limits in the area include the Port Angeles International Airport and small industrial complex buildings north and northeast of the site. Residential uses south and west of the site are located in the County. A residence exists immediately adjacent to the site (east) that is owned by a business partner of the subject property owner. Properties in the area are suburban in use and design and are much larger than standard City lots.
4. The subject property is approximately 80 acres in area with dimensions of approximately 2500+ lineal feet (east/west) x 1390 lineal feet (north/south). Minimum lot area in the IH zone is 7,000 square feet in area. Section 17.34.010 Port Angeles Municipal Code (PAMC) Purpose reads “ *This is the least restrictive industrial zone intended to be the area that heavy industry could develop causing the least impact on other land uses. Significant adverse impacts can be expected from permitted industrial uses that involve hazardous materials, noise, air and water pollution, shift work around the clock, entertainment businesses with adult-only activities, and outside storage yards and manufacturing activities. This zone provides the basic urban land use pattern for heavy industrial uses with direct access to major transportation facilities, design standards for greater truck traffic, and buffers for non industrial uses unless deemed impractical.*”
5. Section 14.36.070(4) PAMC states “*One off-premise sign containing a commercial message unrelated to any use or activity of the property on which the sign is located, including billboards and other outdoor advertising signs not exceeding three hundred (300) square feet in total sign area and thirty-five (35) feet in height, may be permitted on any site that does not contain any sign for businesses located on said site, subject to approval of a conditional use permit. No billboard or other off-premise outdoor*

advertising sign shall be located within 1,000 feet of another such sign that is on the same side of the street.”

6. Section 17.34.040 PAMC outlines conditional uses that may be considered in the Industrial Heavy zone. Subsection “G” allows “*Off premise outdoor advertising signs*” while Subsection “L” allows “*Other uses compatible with the intent of this Chapter*” by conditional use permit.
7. Section 17.96.050 (A) PAMC Conditional Use Permit reads “*The Planning Commission shall consider applications for Conditional Use Permits of uses as specified in the applicable Chapter of the Zoning Regulations. The Planning Commission may grant said permits that are consistent and compatible with the purpose of the zone in which the use is located, consistent with the Comprehensive Plan, and not contrary to the public use and interest. The Planning Commission may refuse to issue a Conditional Use Permit if the characteristics of the intended use as related to the specific proposed site are such as would defeat the purpose of these Zoning Regulations by introducing incompatible, detrimental, or hazardous conditions.*

17.96.050(B) PAMC reads “*In each application the Planning Commission may impose whatever restrictions or conditions they consider essential to protect the public health, safety, and welfare, and to prevent depreciation of neighboring property.*”

17.96.050(C) PAMC reads “*The purpose of a Conditional Use Permit shall be to assure that the maximum degree of compatibility between uses shall be attained. The purpose of these regulations shall be maintained with respect to the particular use of the particular site and in consideration of other existing and potential uses within the general area in which such use is to be located.*”

8. The proposal will allow an off site free standing advertising sign in the Industrial Heavy zone. The number of off site signs in the IH zone is restricted by a placement distance of 1,000 feet between such signs. No signs currently exist on the subject property that most recently supported a sprint boat race event.
9. Application materials indicate that the directional sign will be indirectly lit and will contain directional information to the Elwha River Casino. Total sign area is noted as being 100 square feet. Sign area is measured as being the sign face plus any recognizable logos or commercial wording.
10. The Elwha River Casino is not located in the City limits, but is located on Tribal land. A directional sign to the Lower Elwha Klallam Reservation has existed at the southwest corner of the City limits, on the subject property for many years. With construction of the Elwha River Casino, it is desired to be able to direct travelers from Highway 101 or from within the City to the Casino location with some success such that travelers do not wander throughout residential areas without direction. The proposed location will legally permit a previously nonconforming sign use at that location.
11. Public notification of pending conditional use permit applications is required per Section 17.96.070 PAMC. The site was posted and notice sent to surrounding property owners within 300 feet of the site by U.S. Mail on November 17, 2011. Public notice was

provided in the *Peninsula Daily News* on November 20, 2011. No written comment has been received as a result of the public notification process.

12. The application was reviewed with respect to the Goals, Policies, and Objectives of the City's Comprehensive Plan and Land Use Map. The site is designated as Industrial on the Comprehensive Plan Land Use Map. Goals and policies specific to directional signage are not addressed in the Comprehensive Plan. However, the entire Comprehensive Plan was reviewed with regard to the proposal. The Goals and Policies found in Attachment "C" to this staff report were found to be relevant to the proposal.

Conclusions:

- A. The application was processed according to Section 17.96 PAMC for conditional use permits. As conditioned, the proposal is in compliance with Section 17.34.040(G) PAMC that allows off premise advertising signs in the Industrial Heavy zone by conditional use permit. Approval is in compliance with Title 17 (Zoning) PAMC.
- B. As conditioned, the sign placement provides for the public interest, welfare, and safety and does not introduce incompatible, detrimental, or hazardous conditions to the general area.

Commissioner seconded the motion which passed 5 – 0.

COMMUNICATIONS FROM THE PUBLIC

None

STAFF REPORTS

Sue Roberds stated that several Commissioners' terms of office will expire in February. Commissioners Powers, Miller, and Boyle will need to reapply for their positions if they wish to continue on the Commission. A vacancy has been created with election of Commissioner Bruch to Council.

REPORTS OF COMMISSION MEMBERS

None

ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Sue Roberds, Secretary

Doc Reiss, Chair