



BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of February 28 – March 4, 2022

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3/8/22

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, February 28, 2022. Present were Commissioners Ozias, Johnson and Peach, and Deputy Administrator Reyes. All appeared by video.

Items of discussion per the agenda published February 24 were:

- Calendar/Correspondence
- Presentation and request a letter of support for Daughters of the American Revolution
- Contract amendment A with Salish Behavioral Health Administrative Services Organization for prohibited uses of funding
- Letter to four regional tribes requesting input for the new Joint Public Safety Facility
- Agreement with Washington State Department of Ecology for furthering management of solid waste
- Resolution to initiate a county road project as designated as CRP C1259, Traffic Control Devices
- Request for temporary easement from Washington State Department of Transportation to remove a fish passage barrier
- Resolution reappointing Steven Kernes to the Civil Service Commission
- Resolution appointing Matthew Peloquin to the Lodging Tax Advisory Committee
- Resolution appointing Roberta Stoneman to the Noxious Weed Control Board
- Resolution appointing Kristine Johnson to the Behavioral Health Advisory Board
- Discussion on Clallam County Housing Solutions Committee and proposed members
- Agreement with North Olympic Peninsula Resource Conservation & Development Council for broadband expansion planning

Meeting adjourned at 10:56 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, March 1, 2022. Also present were Commissioner Johnson and Deputy Administrator Reyes. All appeared by video. Commissioner Peach arrived at 10:30 a.m.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

ACTION TAKEN: CRJm to adopt the agenda as presented, CMOs, mc

PUBLIC COMMENT

- Kenneth Reandeau, Port Angeles, commented on taxation

CONSENT AGENDA

- 1a Approval of vouchers for the week of February 21
- 1b Approval of minutes for the week of February 21
- 1c Proclamation recognizing March as Developmental Disability Awareness Month
- 1d Proclamation recognizing March as American Red Cross Month

ACTION TAKEN: CRJm to adopt the consent agenda, CMOs, mc

REPORTS AND PRESENTATIONS

- CMO read Proclamation recognizing March as Developmental Disability Awareness Month
 - Elisia Anderson, First Step Family Support Center, commented on the Proclamation
- CRJ read Proclamation recognizing March as American Red Cross Month
 - Don Zanon, American Red Cross, commented on the Proclamation
 - Justin VanLandschoot, American Red Cross, commented on the Proclamation
- CRJ commented on Coastal Caucus
- CMO commented on North Olympic Development Council

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CONTRACTS AND AGREEMENTS

2a Agreement with Olympic Peninsula Visitor Bureau to promote year-round tourism

ACTION TAKEN: CRJm to approve, CMOs, mc

2b Memorandum of Understanding with City of Forks for additional funding for their waste water treatment facility

ACTION TAKEN: CRJm to approve, CMOs, mc

2c Interlocal Agreement with Jamestown S’Klallam Indian Tribe to provide law enforcement and mutual aid services

ACTION TAKEN: CRJm to approve, CMOs, mc

2d Agreement with Washington State Parks and Recreation Commission for recreation boating enforcement and education

ACTION TAKEN: CRJm to approve, CMOs, mc

2e Agreement with Washington State Department of Ecology for furthering management of solid waste

ACTION TAKEN: CRJm to approve, CMOs, mc

PUBLIC WORKS

3a Resolution to initiate a county road project as designated as CRP C1259, Traffic Control Devices

ACTION TAKEN: CRJm to adopt, CMOs, mc

HEARING(S)

H1 Ordinance amending Clallam County Code Title 33.50 Zoning (Accessory Housing)

- Holden Fleming, Department of Community Development, provided a staff report

ACTION TAKEN: CRJm to open the public hearing, CBPs, mc

- The following provided comment:
 - Judy Larson, Sequim
 - Ed Bowen, Clallam Bay
- The following sent in written testimony: Paul McHugh, Marguerite Glover, Judy Larson (see attached)

ACTION TAKEN: CRJm to close the public hearing, CBPs, mc

ACTION TAKEN: CBPm to adopt, CRJs with comment

The Board held discussion and recommended to postpone the Ordinance for discussion to Monday, March 21, 2022 and take a vote on Tuesday, March 29, 2022

CBP rescinded his motion to approve

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on ADU Ordinance and Hoko-Ozette Road
- Kenneth Reandeau, Port Angeles, commented on Climate Change

Meeting concluded at 12:13 p.m. and continued to 9 a.m., Monday, March 7, 2022.

There are no Zoom chat logs for the week of February 28.

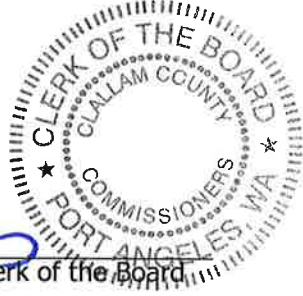
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The Board of Commissioners attended a WSAC Virtual COVID update during the week of February 28.
PASSED AND ADOPTED this 8 day of March 2022.

ATTEST:

L. Gores

Loni Gores, CMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Mark Ozias

Randy Johnson

Bill Peach

Bill Peach

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CBP Commissioner Bill Peach

m moved
mc motion carried
s seconded

ADU Hearing
Public comments submitted

Gores, Alanna

From: paulmcq@olypen.com
Sent: Sunday, February 6, 2022 1:48 PM
To: Gores, Alanna
Subject: Testimony for Commissioner Hearing upcoming March 2022 re Accessory dwelling units.

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Greetings,

I have reviewed the changes to the Accessory dwelling Ordinance that the commissioners will be discussing at the upcoming workshop. I have a couple of observations and suggestions that I would like to convey at the upcoming hearing.

Chapter 35.50.030 (General Requirements)

<Two> Density

The code should be modified to eliminate the 1.5 acre minimum requirement for an ADU. This should be replaced with (Legally Created Parcel) I have never understood the magic associated with the 1.5 acre minimum lot size since the majority of legally created parcels in the county were created as 5 acre parcels exempt from platting requirements or short plats of those same 5 acre parcels into (4) 1.25 acre parcels. In either event (1.25 or legally created) the carrying capacity of the soils for septic will be the deciding factor as to lot size in most cases.

<Three> Occupancy

The code as written requires that the owner of the property occupy either the ADU or the primary residence. I see no reason for this requirement. Occupancy is occupancy and housing is housing. If the purpose of this ordinance is to create more affordable housing which is always (rental vs. Ownership) then allow both dwellings to be rented. The occupancy restriction is probably unenforceable in any event as once the ADU is approved no inspections or verifications of who occupies what will be performed anyway.

There you have it. Could you confirm that these suggestions will be made a part of the record at the upcoming March hearing.

Thanks,

Paul McHugh
P.O. Box 871 Sequim WA 98382
360-460-0434
paulmcq@olypen.com

Gores, Alanna

From: marg@sequim.com
Sent: Monday, February 7, 2022 9:29 AM
To: Gores, Alanna
Subject: The changes to the ADU section of the County Zoning Code

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Dear Commissioners:

What is the purpose of exempting homes/dwellings under 400 SF, from the square footage requirement for ADUs? Is it to promote having two of the County pre-approved tiny house designs, for a property? It would be unlikely that someone would do this, on a 1.5 acre (or larger) parcel.

It would be more helpful, to many more people, if we could have an RV or tiny home (which is also technically an RV, most of the time) placed on a property, with proper drinking water and septage/sewage. That way, a caregiver could live there, or a "kid," who is going to school or working. Rentals and homes to buy are short in supply, and very expensive. Or, another relative or friend, who needed a place to stay, could stay there.

If we had a tiny home or RV Ordinance, that could be another way to more effectively enforce removing the illegal massive camp areas that have no sewage, are a nuisance, etc.

People are NOW using RVs and tiny homes, on their properties. I know that the Building Department cannot enforce requirements for their construction; as they are under L & I. But, DCD, the County Commissioners, and the Sheriff, could enforce placement and hookup requirements, through an ordinance.

Donella Clark, from the Building Department, has been very helpful, in responding to me. She said that the RV Ordinance is not currently on the table.

The Sequim Association of REALTORS® supports allowing one or two RVs, or a tiny home, appropriately connected to, water and sewage (or, with another sewage solution, such as Commissioner Peach as spoken about), on parcels of land that are .75 acre or more. Covenants would still preclude these, if they are in existence.

Thank you for all of your work, for all of us, in Clallam County!

Marguerite Glover
Chairman, Sequim Association of REALTORS®
marg@sequim.com
360-461-3365

Gores, Alanna

From: larjdyng@olypen.com
Sent: Tuesday, March 1, 2022 12:20 PM
To: Gores, Alanna; Ozias, Mark; Fleming, Holden
Cc: larjdyng@olypen.com
Subject: RE:Public Hearing on 3/1/22 for Proposed Ordinance Amending CC 33.50 Zoning (Accessory Housing)

Commissioners:

*I requested and received on 2/26/22 a copy of this proposed ordinance and AGAIN submit for your consideration 11/3/21 concerns and 11/4/21 response I received when this matter was addressed at a Public Hearing by the Planning Commission in November 2021.

*I observe that our local newspapers have not provided the public with much (any?) coverage about a matter that can significantly impact the quality of life of our county's residents - both those with homes/properties and those needing housing. I bring this to your attention, because I believe you would receive more and meaningful input before you should make any decision at this time for this proposed change.

*I have made an effort to track pertinent state bills in WA Legislature HB1711,HB1337,HB1660/SB5648).

These seem to address "ADU" issues for UGAs.

One bill- if passed - would remove the "protective" measure of imposing requirements for owner residency after 7/1/24.

Some of these bills make note of and "incentive fund," so I ask is that the motivation for Planning to urge this proposal RATHER than

33.50.010(4) purpose and intent?

Would its application outside UGAs be consistent with .010

(1),(2),(7) & (8) for rural areas without infrastructure and transportation already existing or planned for?

What would cumulative environmental (SEPA type) impacts be for rural zones and at what point would "Zones" have little meaning for density considerations?

Conditions for water sources and septic structures VARY considerably throughout our County (i.e. requirements of Dungeness River Water Rule in east and soil conditions for septic and number of bathrooms that can be supported by given systems and soil characteristics). Has Environmental Health been consulted and provided review and input?

Does .030(2) allow for placement of manufactured homes as ADU and effect on neighborhood/rural character?

*I believe HB1711 at least has provisions requiring binding commitments, so no "short term" occupancy, plus having programs to audit ongoing compliance.

*This version of proposed ordinance in .040(3)(a) has a minimum term for owner occupancy of only 120 days as "primary" residence. Yet IRS and our County voter registration details cite 183 days.

*Some state bills being considered would also eliminate .030(3)(c) requirement as local option.

*With our current experiences in property sales/market prices sky-rocketing beyond the means of most long-term Clallam residents, don't you think this proposal would invite even more speculators to develop parcels with primary PLUS ADU structures for income to be collected when "owners" are really "visiting" investors ?

*My objections are substantive, but I did note inconsistencies in removing some referred sections but not deleted in others.

*The state bills have thus far been endorsed by Democrats and not Republicans (HB1660: 50:48), but I do not think this should be a political issue. It should be based on preserving neighborhood and rural values, and meaningful zoning designations. Per Inslee's last veto message: "Let's actually do something to create more affordable housing stock." This ordinance is not the way... Consider allowing more multi-housing in areas suitably zoned that are clearly able to provide needed infrastructure to support extra density. Perhaps also allow for more RV parks in areas that have needed infrastructure and utilities; such parks could be readily inspected.

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

----- Original Message -----

Subject: RE: ADU update & Planning Commission P.H. for 11/3/21

Date: 2021-11-04 15:16

From: "Fleming, Holden" <hfleming@co.clallam.wa.us>

To: "'larjdyng@olypen.com'" <larjdyng@olypen.com>

Ms. Larson,

Thank you for your comments and concerns related to the proposed updates to the Clallam County Accessory Housing code. Your comments will be included in the next Planning Commission packet for the scheduled November 17 meeting. Please read through my comments below and feel free to ask for any additional clarification or raise any additional concerns.

Attention: Planning Commission and H.Fleming, Planner II

*I received and appreciate information provided to me by H. Fleming about proposed ordinance update, associated SEPA and background materials.

I summarize note:

* I question inclusion of "Satellite Bedroom" under 33.03.010 for ADU update vs. B&B requirements.

There is no specific section of the zoning code related to Bed & Breakfast Inn requirements, rather they are narrowly defined in CCC 33.03.010(13). The addition of a definition for Satellite Bedrooms within the zoning code helps codify a type of structure already being built within the County while creating a narrow definition capable of assisting with effective code administration.

* Governor vetoed related proposed similar Legislative updates EXCEPT for UGA areas.<RE:33.50.010(40)>

The purpose of including the 2021 Legislative Changes to the Housing Laws was to provide a look at how housing issues are being addressed at the state level. While the ADU recommendations discussed in the document were vetoed because they were not specifically limited to lands within UGAs, the recommendations should still be evaluated on merit

to determine if similar policies would meet the needs of Clallam County residents. The intent of these code changes is to modify our existing ADU standards that were last updated in 2002.

* Under 33.50.010:

(2)How is rural/neighborhood character (required in GMA) specifically protected "per guidelines provided by AARP ADU "Hot Topics" & p.15 of The ABCs of ADUs?

The supplemental information included with the ADU code change is intended to establish a broad base of understanding on how other professional organizations and jurisdictions view ADUs. While helping to inform policy changes, no part of the supplemental information would be codified or utilized as policy under this proposed update to the ADU code. The goal of the ADU code update is to modify an existing code to better serve the needs of Clallam County residents, not force-fit policies from outside groups or organizations. The requirements for rural character protection may not be directly addressed in the supplemental documents, but any approved code changes, such as requiring detached ADUs to be within 300' of the primary dwelling, will ensure rural/neighborhood character protection.

(7) & (8) The SEPA needs verifiable water, sewerage capacity not only per parcel but for cumulative effects in a given area/neighborhood. How will this be accomplished? THIS also applies to 33.50.030(3). Single Family Development is typically exempt from SEPA requirements under WAC 197-11-800(1)(b)(i), but cases not meeting this exemption will be addressed at the project level. Additionally, there are currently no proposed changes to CCC 33.50.030(3) related to Water and Wastewater disposal for ADUs.

* The owner-occupancy requirement <33.50.030(4)> is absolutely essential, but the 33.50.040(3)(a)&(3c*) provisions lead to questionable primary intent for use of property as primary single housing residential

use:

Without meeting the occupancy requirements found in CCC 33.50.040(3), a property owner would not be eligible for an ADU. This requirement shows the commitment of Clallam County to ensuring that ADUs are an incidental and subordinate use related to a primary dwelling.

also,(4) should include more of cited AARP guidelines AND need to show how "addressing" WILL BE "addressed." 911 addressing of ADUs is subject to a separate ordinance administered by the Clallam County Building Division and ADUs are subject to the same requirements as all other addressed properties.

ALSO: What is justification for (1)'s size "specification" addition?
While

(2) states minimum parcel size requirement waivers, the cumulative effects for area/neighborhood need more attention for protection of GMA & SEPA standards for allowing such waivers.

The additional language added to 33.50.040(1)(a) is to allow property owners who originally developed small (less than 800 sq. ft.) primary dwellings to be able to develop small (up to 400 sq. ft.) detached ADUs if they meet all other development standards. Changing the language of 33.50.040(2)(a) addresses the fact that there are many legally created parcels (most notably in the RCC3 & RCC5 zones) that have well over 1.5 acres but have less than the required zone minimums because the lots were legally created prior

to current zoning requirements. By changing the wording of the ADU code requirement to reflect on the parcels legality, we are allowing many parcels that were previously able to have attached ADUs but not detached ADUs to now have detached ADUs. Staff has identified nearly 2000 parcels that under the current code would qualify for attached ADUs, but under this proposal would now have the option of developing a detached ADU. This particular change to the code does not alter whether or not a parcel qualifies for an ADU but rather clarifies what type of ADU is eligible for development.

Sincerely,

Holden A. Fleming
Planner
Department of Community Development
223 East 4th Street, Suite 5
Port Angeles, WA 98362
Phone: 360-417-2277