



WORK SESSION AGENDA

BOARD OF CLALLAM COUNTY COMMISSIONERS

223 East 4th Street Room 160

Port Angeles, Washington

Monday, December 4, 2023 – 9:00 a.m.

Board of Clallam County Commissioner meetings will also be available virtually at:

If you would like to participate in the meeting via Zoom audio only, call 253-215-8782 and use meeting ID: 875 561 7844 and passcode: 12345

If you would like to participate in the meeting via Zoom video conference, visit <https://zoom.us/j/8755617844> and use meeting ID: 875 561 7844 and passcode: 12345

This meeting can be viewed on a live stream at this link: <https://www.clallamcountywa.gov/669/Live-Archived-Meetings-Online>

Public comment can be directed to the Clerk of the Board at 360-417-2256 or Loni.Gores@clallamcountywa.gov

Administration ? 9 a.m.

1. [Calendar/Correspondence](#)
2. [Reappointing Katherine Krueger and Alice Ryan to the North Pacific Coast Marine Resources Committee](#)

[Resolution](#) 

3. [Reappointing Jennifer Pelikan to the North Olympic Library System Board of Trustees](#)

[Resolution](#) 

4. [Reappointing Karin Ashton to the Clallam Bay / Sekiu Sewer Advisory Committee](#)

[Resolution](#) 

5. [Reappointing Margaret Owens to the Crescent Community Advisory Council](#)

[Resolution](#) 

6. [Reappointing Cindy Kelly, Richard Hendricksen, and Brandon Janisse to the Boundary Review Board](#)

[Resolution](#) 

7. [Reappointing Helen Kenoyer to the Board of Health](#)

[Resolution](#) 

8. Reappointing Helen Kenoyer to the Behavioral Health Advisory Board

Resolution 

9. Reappointing Jim Haguewood and Gene Unger to the Lake Sutherland Steering Committee

Resolution 

10. Agreement with Washington State Parks and Recreation Commission for Boating Safety Grant

Agreement 

11. Agreement with Norpoint Protective Services for Courthouse security services

Agreement 

Public Works

12. Resolution establishing government equipment rental schedule for year 2024 (4b)*

Resolution 

13. Agreement amendment E with Anchor QEA, LLC for Dungeness Off-Channel Reservoir Project

Agreement 

Community Development

14. Request to extend LDV2018-00035 Pakala LLC 14 cluster development

Request 

15. Discussion regarding the Towne Road Levee

Discussion 

Board of Commissioners

16. Housing Solutions Committee progress report

Report 

17. Letter to Commissioner Hilary Franz regarding Department of Natural Resources and Natural Climate Solutions Program

Letter 

18. Resolution designating Commissioner involvement on advisory boards

Resolution 

Budget

19. Certification of Taxing District Levy Budgets to Assessor **(Action item 1a work session 12-4-23)**

Certification 

****Action Item****

- 1a. Certification of Taxing District Levy Budgets to Assessor

Certification 

General Discussion/Items for Future Agendas

*** Department of Transportation Highway 101 Project Discussion (December 11 at 9 a.m.)**

EXECUTIVE SESSION

The Board may recess into Executive Session to consider employment or dismissal of personnel, to review the performance of a public employee, to consult with legal counsel, to consider the position to be taken in collective bargaining, to consider acquisition or sale of real estate, or other matters per RCW 42.30.110

- Other items may be added at the discretion of the Board and additional Work Sessions may be scheduled if more time is needed to allow for adequate discussion.
- Written testimony presented by members of the public during the Board meeting is considered a public document and must be submitted to the Clerk of the Board.
- Copies of public documents from Board meetings are available by contacting the Public Records Department.



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DEC 04 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ Meeting Date: 12-4-23

REGULAR AGENDA ☒ Meeting Date: 12-12-23

Item summary:

- | | | |
|--|--|--------------------------------------|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☒ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Vacancies exist on the Committee due to expired terms.

A press release was issued in November 2023 soliciting applications from interested citizens, and the current members whose terms are expiring were notified. No applications were received.

The current members with the expiring terms advised the Commissioner's Office in writing that they are interested in continuing service and asked to be considered for another term.

The Department of Community Development endorses the reappointments of Katherine Krueger and Alice Ryan to the North Pacific Coast Marine Resources Committee.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign resolution reappointment.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners and Department of Community Development

Relevant Departments: Board of Commissioners and Department of Community Development

Date submitted: 11-29-23

* Work Session Meeting - Submit 1 single sided/not stapled copy

North Pacific Coast MRC Krueger & Ryan 12-12-23

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256



RESOLUTION _____, 2023

REAPPOINTING MEMBERS TO THE NORTH PACIFIC COAST MARINE RESOURCES
COMMITTEE FOR WESTERN CLALLAM AND JEFFERSON COUNTIES

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Resolution 78 adopted by the Board of Commissioners on September 15, 2009 created the North Pacific Coast Marine Resources Committee.
2. Vacancies exist on the Committee due to expired terms.
3. A press release was issued in November 2023 soliciting applications from interested citizens, and the current members whose terms are expiring were notified. No applications were received.
4. The current members with the expiring terms advised the Commissioner's Office in writing that they are interested in continuing service and asked to be considered for another term.
5. The Department of Community Development endorses the reappointments of Katherine Krueger and Alice Ryan to the North Pacific Coast Marine Resources Committee.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners in consideration of the above findings of fact:

1. **Katherine Krueger** is reappointed to the Clallam County Citizen (Scientific Community) for a term ending December 31, 2025.
2. **Alice Ryan** is reappointed to the Clallam County Citizen (Recreational Groups) for a term ending December 31, 2025.

PASSED AND ADOPTED this 12th day of December 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Randy Johnson

Mike French

ATTEST:

Loni Gores, CMC, Clerk of the Board

c: A22.164
Appointee
DCD
Tami Pokorny - Jefferson



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

DEC 04 2023

Department: BOCC

WORK SESSION ☒ **Meeting Date: 12-4-23**

REGULAR AGENDA ☒ **Meeting Date: 12-12-23**

Item summary:

- | | | |
|--|--|--------------------------------------|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☒ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

A vacancy exists on the North Olympic Library System Board of Trustees due to an expired term.

A press release was issued during the month of November 2023 soliciting applications from interested citizens, and the current member with an expiring term was notified. Three new applications were received.

The member with expiring term advised the Commissioner's Office in writing that they are interested in continuing service and asked to be considered for another term.

The Executive Director of the North Olympic Library System endorses the reappointment of Jennifer Pelikan to the North Olympic Library System Board of Trustees.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign resolution to reappoint.

County Official signature & print name:

Loni Gores

Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners, Noah Glaude – Executive Director - NOLS

Relevant Departments: Board of Commissioners

Date submitted: 11-29-23

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

NOLS Pelikan 12-12-23
Revised: 3-04-2019



RESOLUTION _____, 2023

REAPPOINTING A MEMBER TO THE
NORTH OLYMPIC LIBRARY SYSTEM BOARD OF TRUSTEES

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. A vacancy exists on the North Olympic Library System Board of Trustees due to an expired term.
2. A press release was issued during the month of November 2023 soliciting applications from interested citizens, and the current member with an expiring term was notified. Three new applications were received.
3. The member with expiring term advised the Commissioner's Office in writing that they are interested in continuing service and asked to be considered for another term.
4. The Executive Director of the North Olympic Library System endorses the reappointment of Jennifer Pelikan to the North Olympic Library System Board of Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Clallam County Board of Commissioners, in consideration of the above findings of fact:

1. **Jennifer Pelikan** is reappointed for a term ending December 31, 2028.

PASSED AND ADOPTED this 12th day of December 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, CMC, Clerk of the Board

Mike French

c: A22.165
Appointee (s)
NOLS



AGENDA ITEM SUMMARY

4
DEC 04 2023

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ Meeting Date: 12-4-23

REGULAR AGENDA ☒ Meeting Date: 12-12-23

Item summary:

- | | |
|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☒ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

A vacancy exists on the Clallam Bay/Seki Sewer Advisory Committee due to an expiration of term.

A press release was issued to the press in November 2023 to solicit applications and the current member with the expiring term was notified. No other applications were received.

The member with the expiring term notified the Board of Commissioner's in writing that they are interested in being considered for reappointment.

The Public Works/Roads Department endorses the reappointment of Karin Ashton to the Clallam Bay/Seki Sewer Advisory Committee.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign resolution reappointing.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners and Public Works/Roads

Relevant Departments: Board of Commissioners and Public Works/Roads

Date submitted: 11-29-23

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



RESOLUTION _____, 2023

REAPPOINTING A MEMBER TO THE
CLALLAM BAY/SEKIU SEWER ADVISORY COMMITTEE

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. A vacancy exists on the Clallam Bay/Sekiu Sewer Advisory Committee due to an expiration of term.
2. A press release was issued to the press in November 2023 to solicit applications and the current member with the expiring term was notified. No other applications were received.
3. The member with the expiring term notified the Board of Commissioner's in writing that they are interested in being considered for reappointment.
4. The Public Works/Roads Department endorses the reappointment of Karin Ashton to the Clallam Bay/Sekiu Sewer Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. **Karin Ashton** is reappointed to serve on the Clallam Bay/Sekiu Sewer Advisory Committee with a term ending December 31, 2026.

PASSED AND ADOPTED this 12th day of December 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, CMC, Clerk of the Board

Mike French

c: A22.155
Appointee



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week's agenda)

5
DEC 04 2023

DEC 04 2023

Department: BOCC

WORK SESSION ☒ **Meeting Date: 12-4-23**

REGULAR AGENDA ☒ **Meeting Date: 12-12-23**

Item summary:

- | | | |
|--|--|--------------------------------------|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☒ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

A vacancy exists on the Crescent Community Advisory Council due to an expiration of term.

A press release was issued during the month of November 2023 soliciting applications from interested citizens, and the current member with an expiring term was notified. No applications were received.

The member with the expiring term advised the Commissioner's Office in writing that they are interested in continuing service and asked to be considered for another term.

Crescent Community Advisory Council membership supports the reappointment of Margaret Owens to the Crescent Community Advisory Council.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign a resolution to reappoint.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: Board of Commissioners

Date submitted: 11-29-23

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

CCAC Owens 12-12-23
Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256



RESOLUTION _____, 2023

REAPPOINTING A MEMBER TO THE CRESCENT COMMUNITY ADVISORY COUNCIL

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. A vacancy exists on the Crescent Community Advisory Council due to an expiration of term.
2. A press release was issued during the month of November 2023 soliciting applications from interested citizens, and the current member with an expiring term was notified. No applications were received.
3. The member with the expiring term advised the Commissioner's Office in writing that they are interested in continuing service and asked to be considered for another term.
4. Crescent Community Advisory Council membership supports the reappointment of Margaret Owens to the Crescent Community Advisory Council.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. **Margaret Owens** is reappointed to serve as the At-large representative for a term expiring December 31, 2026.

PASSED AND ADOPTED this 12th day of December 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, Clerk of the Board

Mike French

c: Appointee
CCAC
A22.26



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

DEC 04 2023

Department: BOCC

WORK SESSION ☒ Meeting Date: 12/4/23

REGULAR AGENDA ☒ Meeting Date: 12/12/23

Item summary:

- | | |
|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☒ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Vacancies exist on the Boundary Review Board due to expiration of terms.

A notice of vacancy was issued to the press in November 2023 to solicit applications, and the current members with an expiring term were notified. No applications were received.

The members with the expiring terms advised the Commissioner's Office of their interest in continuing to serve.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign a resolution to reappoint.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: Board of Commissioners

Date submitted: 11-29-23

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Boundary Review Board Hendricksen et al 12-12-23

Revised: 3-04-2019



RESOLUTION _____, 2023

REAPPOINTING REPRESENTATIVES
TO THE BOUNDARY REVIEW BOARD

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Vacancies exist on the Boundary Review Board due to expiration of terms.
2. A notice of vacancy was issued to the press in November 2023 to solicit applications, and the current members with an expiring term were notified. No applications were received.
3. The members with the expiring terms advised the Commissioner's Office of their interest in continuing to serve.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. **Cindy Kelly** is reappointed to the Special District Appointee representative position on the Boundary Review Board for a term ending December 31, 2027.
2. **Richard Hendricksen** is reappointed as the Governor Appointee representative position on the Boundary Review Board for a term ending December 31, 2027.
4. **Brandon Janisse** is reappointed as the Cities Appointee representative position on the Boundary Review Board for a term ending December 31, 2027.

PASSED AND ADOPTED this 12th day of December 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, CMC, Clerk of the Board

Mike French



7
DEC 04 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date: 12-4-23**

REGULAR AGENDA ☒ **Meeting Date: 12-12-23**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | |
|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☒ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

A vacancy exists on the Clallam County Board of Health due to an expiration of term.

A notice of vacancy was issued to the press in November 2023 to solicit applications and the current member with an expiring term was notified. One application was received.

The member whose term is expiring notified the Board of Commissioner's in writing that they are interested in being considered for reappointment.

Department of Health and Human Services endorses the reappointment of Helen Kenoyer to the Board of Health.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign a resolution to reappoint.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners, HHS

Relevant Departments: Board of Commissioners and HHS

Date submitted: 11-29-23

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Board of Health Kenoyer 12-12-23
Revised: 3-04-2019



RESOLUTION _____, 2023

REAPPOINTING A MEMBER TO THE
CLALLAM COUNTY BOARD OF HEALTH

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. A vacancy exists on the Clallam County Board of Health due to an expiration of term.
2. A notice of vacancy was issued to the press in November 2023 to solicit applications and the current member with an expiring term was notified. One application was received.
3. The member whose term is expiring notified the Board of Commissioner's in writing that they are interested in being considered for reappointment.
4. Department of Health and Human Services endorses the reappointment of Helen Kenoyer to the Board of Health.

NOW, THEREFORE, BE IT RESOLVED by the Clallam County Board of Commissioners, in consideration of the above findings of fact:

1. **Helen Kenoyer** is reappointed to the One Consumer of Public Health representative position for a term ending December 31, 2026.

PASSED AND ADOPTED this 12th day of December 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Randy Johnson

ATTEST:

Loni Gores, CMC, Clerk of the Board

Mike French

C: A22.176
Appointee
HHS



8
DEC 04 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date: 12-4-23**

REGULAR AGENDA ☒ **Meeting Date: 12-12-23**

Item summary:

- | | | |
|--|--|--------------------------------------|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☒ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

A vacancy exists on the Behavioral Health Advisory Board due to an expiration of term.

A press release was issued during the month of November 2023 soliciting applications from interested citizens, and the current member with an expiring term was notified. Two applications were received.

The member with the expiring term advised the Commissioner's Office in writing that they are interested in continuing service and asked to be considered for another term.

Health and Human Services Deputy Director endorses the reappointment of Helen Kenoyer to the Behavioral Health Advisory Board.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign a resolution to reappoint.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners, Health and Human Services Department

Relevant Departments: Board of Commissioners, Health and Human Services Department

Date submitted: 11-29-23

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Behavioral Health Advisory Board Kenoyer 12-12-23

Revised: 3-04-2019



RESOLUTION _____, 2023

REAPPOINTING A MEMBER TO THE
BEHAVIORAL HEALTH ADVISORY BOARD

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. A vacancy exists on the Behavioral Health Advisory Board due to an expiration of term.
2. A press release was issued during the month of November 2023 soliciting applications from interested citizens, and the current member with an expiring term was notified. Two applications were received.
3. The member with the expiring term advised the Commissioner's Office in writing that they are interested in continuing service and asked to be considered for another term.
4. Health and Human Services Deputy Director endorses the reappointment of Helen Kenoyer to the Behavioral Health Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Clallam County Board of Commissioners, in consideration of the above findings of fact:

1. **Helen Kenoyer** is reappointed as the Consumer/past consumer of substance use disorder services representative for a term ending December 31, 2026.

PASSED AND ADOPTED this 12th day of December, 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, CMC, Clerk of the Board

Mike French

c: A22.52
Appointee(s)
HHS



9
DEC 04 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date:** 12-4-23

REGULAR AGENDA ☒ **Meeting Date:** 12-12-23

Item summary:

- | | |
|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☒ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Vacancies exist on the Lake Sutherland Steering Committee due to expiration of terms.

A press release was issued November 2023 soliciting applications from interested citizens. The current members with the expiring terms were notified. One application was received.

Members whose terms are expiring notified the Commissioners' Office that they would like to be considered for reappointment.

Christina St. John – Noxious Weed Coordinator and Lake Sutherland Steering Committee contact endorses the reappointments of Jim Haguewood and Gene Unger to the Lake Sutherland Steering Committee.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve and sign resolution reappointing.

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners and Lake Sutherland Steering Committee Coordinator – Christina St. John

Relevant Departments: Board of Commissioners and Lake Sutherland Steering Committee Coordinator – Christina St. John

Date submitted: 11-29-23

- * Work Session Meeting - Submit 1 single sided/not stapled copy Lake Sutherland Steering Committee Haguewood & Unger 12-12-23
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies) Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256



RESOLUTION _____, 2023

REAPPOINTING MEMBERS TO THE
LAKE SUTHERLAND STEERING COMMITTEE

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Vacancies exist on the Lake Sutherland Steering Committee due to expiration of terms.
2. A press release was issued November 2023 soliciting applications from interested citizens. The current members with the expiring terms were notified. One application was received.
3. Members whose terms are expiring notified the Commissioners' Office that they would like to be considered for reappointment.
4. Christina St. John – Noxious Weed Coordinator and Lake Sutherland Steering Committee contact endorses the reappointments of Jim Haguewood and Gene Unger to the Lake Sutherland Steering Committee.

NOW, THEREFORE, BE IT RESOLVED by the Clallam County Board of Commissioners, in consideration of the above findings of fact:

1. **Jim Haguewood** is reappointed to the Lake Sutherland Steering Committee for a term expiring on December 31, 2026.
2. **Gene Unger** is reappointed to the Lake Sutherland Steering Committee for a term expiring on December 31, 2025.

PASSED AND ADOPTED this 12th day of December 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

ATTEST:

Randy Johnson

Loni Gores, CMC, Clerk of the Board

Mike French



AGENDA ITEM SUMMARY

10
DEC 04 2023

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Sheriff

WORK SESSION ☒ **Meeting Date:** 12/4/23

REGULAR AGENDA ☒ **Meeting Date:** 12/12/23

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|---|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # 11003-23-01 | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: The Boating safety grant renews annually with this new performance period ending Sept 30, 2024. Boating Safety funds are awarded from the State Parks and Recreation Commission for the purpose of enhancing boating safety performance and education outreach in order to reduce recreational boating casualties and ensure a safe boating environment for all users. Our boating unit uses these funds for overtime or operational supplies in exchange for reporting and conference attendance requirements.

Budgetary impact: Already included in 2024 budget

Recommended action: Board approval

County Official signature & print name: Brian King, Sheriff

Handwritten signature of Brian King in blue ink.

Name of Employee/Stakeholder attending meeting: Amy Bundy

Relevant Departments: Sheriff

Date submitted: 11/28/23

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



INTERGOVERNMENTAL AGREEMENT

Between

WASHINGTON STATE PARKS AND RECREATION COMMISSION

And

Clallam County Sheriff's Office

Agency Size Category: Medium

Marine Lead: Brian Knutson, 360-460-6897

AGREEMENT# LE: MLE1306



THIS AGREEMENT is between the Washington State Parks and Recreation Commission, "STATE PARKS," and Clallam County Sheriff's Office the "AGENCY".

THE PURPOSE OF THIS AGREEMENT is to establish a cooperative framework between STATE PARKS and the AGENCY to enhance the performance of boating safety and education services in the state per RCW 88.02650 and WAC 352-65.010. The goal is to reduce the number and severity of recreational boating casualties of all types associated with recreational boating and ensure a safe and enjoyable boating environment for all users.

THEREFORE, IT IS MUTUALLY AGREED THAT:

SUMMARY STATEMENT

In exchange for vessel registration fees, transmitted to the AGENCY by the Washington State Treasurer, AGENCY shall furnish the necessary personnel, equipment, material, and services and otherwise do all things necessary for, or incidental to, the performance of marine law enforcement and other duties as defined in Chapter 79A.60 RCW - REGULATION OF RECREATIONAL VESSELS.

PERIOD OF PERFORMANCE

The term of this agreement, once signed by STATE PARKS, shall end on September 30, 2024.

RECORDS MAINTENANCE

The parties to this agreement shall each maintain books, records, documents and other evidence that sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the services described herein. These records are subject to inspection, review, or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this agreement must be retained for six years after expiration, and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties must have full access and the right to examine any of these materials during this period.

Records and other documents, in any medium, furnished by one party to this agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. Each party shall utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

INDEPENDENT CAPACITY

The employees or agents of each party who are engaged in the performance of this agreement will continue to be employees or agents of that party and will not be considered for any purpose to be employees or agents of the other party.

AGREEMENT ALTERATIONS AND AMENDMENTS

This agreement may be amended by mutual agreement of the parties. Such amendments are not binding unless they are in writing.

INDEMNIFICATION

Each party is responsible for the actions and inactions of itself and its own officers, employees, and agents acting within the scope of their authority.

TERMINATION FOR CAUSE

If STATE PARKS determines that AGENCY is not in compliance with the minimum requirements of this agreement, the State Parks Marine Law Enforcement Coordinator will notify AGENCY in writing of the deficiency. AGENCY will have forty-five days following receipt of the notice of deficiency to submit a plan satisfactory to STATE PARKS to remedy the deficiency. If, after forty-five days, AGENCY has not submitted a plan to STATE PARKS for remedying the deficiency or is unable to demonstrate its ability to meet minimum requirements, STATE PARKS will have the option to terminate this agreement. If AGENCY disagrees with STATE PARKS' decision to cancel this agreement, AGENCY may seek a hearing per chapter 34.05 RCW, the Administrative Procedure Act to contest this decision.

DISPUTES

In the event that a dispute arises under this agreement, it will be determined by a Dispute Board in the following manner: Each party to this agreement appoints one member to the Dispute Board. The members so appointed jointly appoint an additional member to the Dispute Board. The Dispute Board reviews the facts, contract terms, and applicable statutes and rules and make a determination of the dispute. The determination of the Dispute Board is final and binding on the parties hereto.

GOVERNANCE

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this agreement must be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency must be resolved by giving precedence in the following order:

- a. Applicable state and federal statutes and rules;
- b. Summary Statement; and
- c. Any other provisions of the agreement, including materials incorporated by reference.

ASSIGNMENT

The work to be provided under this agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent may not be unreasonably withheld.

WAIVER

A failure by either party to exercise its rights under this agreement does not preclude that party from subsequent exercise of such rights and does not constitute a waiver of any other rights under this agreement unless stated to be such, in writing, signed by an authorized representative of the party, and attached to the original agreement.

SEVERABILITY

If any provision of this agreement or any provision of any document incorporated by reference is held invalid, such invalidity does not affect the other provisions of this agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this agreement, and to this end the provisions of this agreement are declared to be severable.

ALL WRITINGS CONTAINED HEREIN

This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement exist or bind the parties.

CONTRACT MANAGEMENT

The contract representative for each of the parties are responsible for and are the contact person for all communications and billings regarding the performance of this agreement.

The Contact Representative for AGENCY is:

Brian Knutson, Sergeant

Clallam County Sheriff's Office

360-460-6897

brian.knutson@clallamcountywa.gov

The Contract Representative for STATE PARKS is:

Bryan Alexander, Marine Law Enforcement Coordinator

(360) 902-8835.

IN WITNESS WHEREOF, the parties have executed this agreement.

Washington State Parks and
Recreation Commission

Clallam County

By: _____

By: _____

Title: _____

Title: Chair of the Board, Clallam County Commissioners

Date: _____

Date: _____

Approved As To Form:

Michael Young

Asst. Attorney General

12/21/17



Approved as to Form
Deputy Prosecutor

Exhibit A

AGENCY REQUIREMENTS

Signed Agreement:

AGENCY shall sign an Approved Program Agreement with STATE PARKS that contains all qualifications and requirements necessary to establish or maintain eligibility to receive vessel registration fees as established by RCW 88.02.650. AGENCY agrees to use the A-299 Web Forms to provide information necessary to complete the annual Approved Program Agreement. AGENCY agrees to utilize the web-enabled process designated by STATE PARKS to generate the Approved Program Agreement. AGENCY agrees to complete the submission process by October 15, 2023.

Designated Marine Lead / Conference Attendance / Surveys:

AGENCY must designate a "Marine Lead" - the Deputy/Officer/or Supervisor (LT, SGT, Undersheriff) that is responsible for interacting with STATE PARKS on all issues and matters related to AGENCY's Marine Law Enforcement unit. Duties include but are not limited to:

- Ensuring all required reports are completed and submitted to STATE PARKS within document due date guidelines.
- Submitting personnel names to attend training courses and conferences.
- Attending the annual Fall Conference or designating another to attend.
- Ensuring that all commissioned officers/deputies identified in the A-299 Web Form have received Marine Law Enforcement Training.
- Ensuring that all tasks identified on the BOAT Currency Web Form are current and up to date.
- Taking proactive steps to ensure that his/her agency will have all necessary equipment and other necessary infrastructure in place so to utilize the SECTOR system for all boating related safety inspections and warnings. Inspections can be entered into SECTOR at the time of the inspections or at a later time.
- Communicating with STATE PARKS on all matters and issues that may arise around recreational boating safety and marine law enforcement and disseminating information within their agency as appropriate.
- Responding to any and all recreational boating safety surveys sent by STATE PARKS within the requested timeline.
- Ensuring that all data on their agency held by STATE PARKS is up to date and accurate.

Reporting Recreational Boating Activities and Financial Data:

Training Currency Forms: AGENCY agrees to complete a BOAT Currency Web Form for each officer/deputy identified in their A-299 Web Form by October 15 of each year. Only officers/deputies whose training qualifications are current will be considered trained.

Summary of Activity Report Web Forms: AGENCY agrees to use the Summary of Activity Report (SOAR) web form to report all required recreational boating safety (RBS) activities. AGENCY may report the activities daily, monthly, or quarterly using the SOAR Web Forms.

Utilize SOAR Web Forms: AGENCY will use the Summary of Activity Report (SOAR) web form designated by STATE PARKS to report all required RBS Activities.

Reporting Frequency: AGENCY must submit a Summary of Activity Report (SOAR) at least quarterly to STATE PARKS. However, it may report RBS Activities daily or monthly using the SOAR Web Forms.

Review and Approval of SOAR: STATE PARKS will provide AGENCY with a summary of all reported RBS Activities at the end of the quarter and provide AGENCY with the opportunity to correct, update, and/or amend their report to address any inaccuracies or omissions. If all information is correct, AGENCY will print, sign, and submit a copy of the SOAR quarterly summary to STATE PARKS by the designated deadline.

Due Dates: The SOAR is due to STATE PARKS by the 15th of the month following the end of the quarter as follows:

Quarter	Beginning Date	End Date	SOAR Due Date
First Quarter	January 1	March 31	April 15
Second Quarter	April 1	June 30	July 15
Third Quarter	July 1	September 30	October 15
Fourth Quarter	November 1	December 31	January 15

Vessel Registration Fee Expenditure Report: AGENCY will use the Vessel Registration Fee Expenditure Report Web Form to provide STATE PARKS with accounting information as directed. AGENCY agrees to submit this form by October 15 of each year.

EXHIBIT B
FUNDING REQUIREMENTS

AGENCY Financial System Report: AGENCY agrees to provide STATE PARKS with a report from the AGENCY'S financial system that demonstrates that vessel registration fees (VRFs) are deposited in a dedicated account and showing the deposit of state vessel registration funds received from the Office of State Treasurer. See Exhibit E for an example. This report may not be an Excel spreadsheet, and it must be submitted with the Vessel Registration Fee Expenditure Report.

VRF Fund Balance Report: AGENCY agrees to provide STATE PARKS a report from the AGENCY financial system showing the fund balance of the dedicated VRF account. See Exhibit E for an example. VRF fund balance on this system-generated report should match the bottom line on the VRF report ("Total Remaining Balance of State VRF funds for Fiscal Year").

Provide Local Spending: AGENCY agrees to contribute local funds to provide financial support to its marine law enforcement program to augment the funding provided through VRFs.

Limitation on Use of Funds: AGENCY agrees to use VRFs solely for recreational boating safety purposes, which include all activities or expenditures identified in the document "Allowable Costs and Expenditures for State Vessel Registration Fees and Federal Assistance Grants," as now existing or as may be updated in the future. This document can be found on the MLE Forms Website at: <http://mle.parks.wa.gov/>. AGENCY may charge actual, direct administrative costs to the VRF account. An example would be actual staff hours spent to fill out forms, or to maintain the dedicated account. AGENCY agrees not to charge administrative fees based on an estimated percentage of a staff person's time.

Local Ordinances, STATE PARKS notification: AGENCY agrees that if it adopts a local ordinance governing recreational boating, the ordinances will be at least as restrictive as, but may be more restrictive than, Washington State boating laws and regulations.

EXHIBIT C
OPERATIONAL REQUIREMENTS

Officer/Deputy Qualifications: AGENCY agrees to utilize officers/deputies with law enforcement certificates from the Criminal Justice Training Commission that authorize them to enforce all boating laws and regulations. Officers/deputies who have completed equivalent training may be approved by the STATE PARKS Director or designee.

Officer/Deputy Training Required: AGENCY agrees to ensure that all officers/ deputies involved in the recreational boating safety program attend the Washington State Basic Marine Law Enforcement Training course. STATE PARKS agrees to provide this training at no charge to AGENCY. Only officers/deputies that have attended this training will be considered trained. The AGENCY recognizes the National Association of Boating Law Administrators' Boating Crewmember Course or the Federal Law Enforcement Training Centers' Marine Law Enforcement Training Program as an equivalent course. Officers/deputies may attend an alternative and equivalent course with prior written STATE PARKS approval.

New Programs, Officers/Deputies, Must Acquire Training Within One Year: AGENCY agrees to acquire required training for officers/deputies within one year of becoming an approved program, and within one year for each newly assigned boating safety officer/deputy.

Training Currency: AGENCY must submit a BOAT Currency Requirements Report Web Form for all active personnel listed on the roster submitted with the A-299 Web Form by October 15 each year. These reports must be submitted at least annually but may be updated throughout the year. If AGENCY feels that they will be unable to complete all training tasks required, it shall submit a statement of explanation to the Marine Law Enforcement Coordinator.

Document Additional Training: AGENCY agrees to list on the A-299 form any additional training courses its personnel have completed.

Vessels and Equipment: AGENCY agrees to acquire and make available the necessary boating safety patrol equipment, including vessels capable of serving the minimum requirements outlined in this agreement. Patrol vessels must be properly marked and properly equipped as provided in chapter 88.02 RCW and chapter 352-60 WAC.

Vessel, Aircraft, Vehicle and Equipment Inventory Required: AGENCY agrees to supply STATE PARKS with an inventory of all vessels, aircraft, vehicles, and equipment utilized in the

recreational boating safety missions along with details of how they are equipped each year in the A-299 web form.

Information required on the A-299 includes:

- **Vessels:** STATE PARKS requires the following data on each vessel:
 - Name
 - Manufacturer
 - Radio equipped (Y/N): Radio equipped means the vessel has an agency radio installed or “hardwired”. Non-radio equipped boats are vessels that do not have radios installed. Portable radios may be carried on these boats, but they would be considered non-radio equipped. Examples include personal watercraft, drift boats, jon boats, kayaks, and inflatable rafts (motorized or non-motorized).
 - SECTOR equipped (Y/N): SECTOR equipped boats are the patrol vessels that are SECTOR equipped with a computer or tablet plus printer and scanner, including those that are permanently installed or “hardwired” OR portable cased units that are taken on an off the vessel. Non-SECTOR equipped boats are vessels that do not have a computer, tablet, printer installed or a cased kit.
 - Model
 - Length
 - Type of propulsion
 - Horsepower
 - Year purchased
 - Funds used to purchase the vessel (local, state, or federal)
 - Percent of time employed for the RBS mission
- **Aircraft:** The number of aircraft in your agency and the percentage they used for RBS activities.
 - Aircraft type
 - Manufacturer
 - SECTOR/Radio equipped
 - Model
 - Year
 - Funds Used for Purchase
 - Percent of time employed for the RBS mission
- **Vehicles:** Other Patrol Vehicles (Trucks, Cars, SUVs, ATVs) The number of other patrol vehicles assigned to the marine services unit and the percentage they are used for RBS activities
 - Vehicle Type
 - Manufacturer
 - SECTOR/Radio equipped
 - Model
 - Year
 - Funds Used for Purchase
 - Percent of time employed for the RBS mission

- **Equipment Valued at \$5000.00 Dollars** (i.e. Engines, Electronics, etc.): Agencies are required to update their inventory of durable items defined as having a cost or value of \$5000.00 dollars or more. Only items listed under “allowable expenses” defined in the document “Allowable Costs and Expenditures for State Vessel Registration Fees and Federal Assistance Grants” (found on the MLE Forms Website at <http://mle.parks.wa.gov/>) should be purchased with vessel registration fees.
 - Equipment Type
 - Manufacturer
 - Model
 - Year purchased
 - Funds used for Purchase (local, state, federal)

Sale of Vessels Purchased with Vessel Registration Fees or STATE PARKS Provided

Federal Funding: AGENCY agrees to notify STATE PARKS 60 days in advance of the sale date of any vessel purchased with federal funds provided by STATE PARKS. The sale of vessels purchased with state dollars, when sold at the end of their useful life, must be consistent with the AGENCY’s policies and procedures. AGENCY agrees to remove the vessel from the Patrol Vessel Inventory once it is sold.

Boating Accident Reports Required, Timeline to Submission: AGENCY agrees to submit accident reports to STATE PARKS (in compliance with RCW 79A.60.200, RCW 79A.60.220 and WAC 352-70) as follows:

- For any boating accident resulting in a death, or in an injury requiring hospitalization, AGENCY agrees to:
 - Notify STATE PARKS within 48 hours of becoming aware of the incident.
 - Fill out and submit a complete Boating Accident Investigation Report (BAIR – form number A-425) within ten days of the occurrence.
 - Include the results of any other investigation conducted by the agency, including but not limited to statements from witnesses or any party involved, photos, maps, or additional information.
 - Submit, within one week of completion, any coroner’s reports concerning the death of any person resulting from the boating accident.
- In addition to the requirements above, for any boating accident resulting in a death, or in an injury requiring hospitalization, OR damage to any vessel or property of two thousand dollars or more, OR a vessel is a complete loss, OR a person disappears from the vessel under circumstances that indicate death, AGENCY agrees to submit a Boating Accident Report (BAR – Form number A-440) within 10 days of the occurrence to STATE PARKS.

Boater Assistance: AGENCY agrees to create and maintain the ability to respond, or coordinate response to, boating emergencies that occur within AGENCY’s jurisdiction and document each occurrence and report it to STATE PARKS through the Summary of Activity Report (SOAR) Web Form as prescribed in this agreement. AGENCY agrees to report each incident utilizing the following definitions:

- **Search & Rescue/Recovery:** Search and rescue (SAR) is defined as a water-borne response (including aircraft) involving a person or vessel **in peril**. AGENCY agrees to only report SAR cases on the Summary of Activity Report (SOAR) Web Form that were assigned a case number by their agency or a USCG MISLE Case ID Number and an Urgent Marine Information Broadcast (UMIB) initiated by the USCG. Agencies should not report assists (defined below) as SAR cases.
- **Assist:** An "Assist" is defined as aid where there is no immediate danger to the vessel or its occupants. This includes vessels involved in boating accidents, disabled, aground, out of fuel, or otherwise unable to reach a safe mooring under its own power. Assistance may include providing a tow, jump start, re-floating, re-righting, fuel, repair, repair parts, assisting persons in the water, etc. This does NOT include the salvage of a vessel once abandoned, or commercial vessels. AGENCY agrees to report responses of this nature as assists and will report the number of vessels assisted and the number of persons assisted on the SOAR web form.

Boating Safety Patrols Required, Minimum Hours: AGENCY agrees to patrol on the waters of its jurisdiction with the intent of enforcing Washington State Boating Safety Laws and Regulations and to promote boating safety some minimum hours based on their agency size (Small – 133, Medium – 255, Large - 436) per year during peak boating hours within AGENCY's jurisdiction. Patrol hours can be a combination of hours patrolling on the water in a vessel as well as hours spent at boat launch ramps or other appropriate shore-side enforcement activities.

Enforcement of Boating Laws Required: AGENCY agrees to enforce all Washington State boating safety laws and regulations including vessel registration laws as specified in Title 88 RCW, and as specified in local codes or ordinances. In addition, AGENCY shall document and report the numbers of inspections and warnings for each type of boating violation through SECTOR either at the time of the inspection or at a later time. STATE PARKS recommends that AGENCY adopt a zero tolerance policy in the enforcement of mandatory boater education card carriage, life jacket wear/carriage, boating under the influence, and rules of the road violations, and strongly consider issuing citations for violations of these laws, in all circumstances.

Boating Safety Inspections Required: AGENCY shall complete a minimum number of written boating safety inspections based on their agency size (Small – 92, Medium – 283, Large – 372) using the SECTOR system or Form #A-274 during enforcement and informational contacts when considered safe and appropriate to document boater compliance with state boating laws. STATE PARKS will provide boating safety inspection forms. AGENCY shall enter all inspections through SECTOR either at the time of the inspections or at a later time.

Boating Safety Education Program Required, Designated Officer or Deputy: AGENCY shall create, adopt, and/or maintain a boating safety education and information program. At a minimum AGENCY shall designate an officer/deputy to coordinate the activities of the boating safety education program. AGENCY shall ensure that the designated boating safety education officer/deputy receives training from STATE PARKS. AGENCY agrees that the designated officer or deputy will oversee AGENCY's boating safety education and outreach program including, but not limited to, coordinating activities listed in Exhibit F. AGENCY is not obligated to engage in all outreach and education activities listed in Exhibit F but it must ensure that its program is appropriate for the types of boating and primary boating accidents within AGENCY's jurisdiction.

Waterway Marking: AGENCY agrees to place and maintain Aids to Navigation (ATONs) as appropriate, within the waters of AGENCY's jurisdiction. AGENCY agrees to report to STATE PARKS the number and hours spent placing or maintaining only the ATONs that they are responsible for within its jurisdiction on the SOAR web form. AGENCY agrees to use only those waterway markers that conform to the United States Aids to Navigation System.

EXHIBIT D
NOTES AND DEFINITIONS

Washington STATE PARKS' Marine Law Enforcement Training Program is accredited through the National Association of State Boating Law Administrators Boat Operation and Training (BOAT) Program. As a term of accreditation, STATE PARKS must ensure that all active marine officers and deputies maintain proficiency in basic recreational boating safety skills. This is important because these skills are perishable but critical to operate in a marine environment. STATE PARKS recognizes that there are many different circumstances that could prevent training from being completed (wildfires, maintenance issues, staffing shortfalls, etc.). Each circumstance will be evaluated on its own merits.

Approved Program: A marine law enforcement program that has signed an Approved Program Agreement with Washington State Parks and is in good standing.

Boating Safety Patrol: The total number of hours that all agency vessels patrolled on the water. These are the actual hours as documented on the patrol vessel hour meter or logbook. Note that this is different than officer on-water patrol hours. If two officers are patrolling on a single vessel for eight hours, you would report eight boating safety patrol hours and 16 officer on-water patrol hours. The patrol hours do not include transit time to the body of water to be patrolled.

Instructor Qualified Certified Boating Education Instructors: Any officer/deputy designated as Certified Boating Education Instructors must be listed as Instructor Qualified for the Adventures in Boating course by the State Parks Education and Outreach Program Manager. STATE PARKS considers education and outreach activities a key component of preventing boating injuries and fatalities. Classroom instruction, school presentations, and participation in Community Events, along with Dealer and Rental site visits, and effective use of media are crucial to preventing boating accidents and fatalities.

Local Spending: These are funds appropriated by the city or county government used for boating safety programs. Local funds cannot include state or federal grant dollars.

Peak Boating Hours: STATE PARKS defines peak boating hours as four hours on Friday afternoon/evening and 8 hours Saturday and Sunday for weekends from Memorial Day to Labor Day, which equals approximately 332 hours per boating season. STATE PARKS also recognizes that AGENCY may be impacted by non-traditional Peak Boating seasons due to hunting and fishing activities. STATE PARKS maintains this patrol hour goal to ensure local agencies are focused on injury prevention activities. While many agencies patrol many more

hours than 332 and many agencies patrol less than 332 hours, the goal to achieve these patrol hours remains the same. While the patrol hour goal is 332 hours, STATE PARKS has collected data for patrol hours performed by all participating agencies over a period of years and has established the average boat log hours for agencies based on jurisdiction population size according to the U.S. Census. Patrol hours are considered a critical metric. It is used by STATE PARKS to determine if an agency is complying with the minimum requirements. Failing to achieve the minimum number of hours of patrol (based on size) could be a factor in determining ineligibility for vessel registration fees.

RBS Activities: AGENCY is required to report all RBS activities to STATE PARKS on the Summary of Activity Report (SOAR) web form. RBS Activities include, but are not limited to, enforcement activities, outreach and education, and administrative support.

Trained: Commissioned officer/deputy trained by the CJTC or equivalent who has attended the Basic Marine Law Enforcement Course or STATE PARKS approved equivalent and has maintained currency requirements documented on the BOAT Currency Web Form. AGENCY must have a trained officer/deputy aboard a vessel in order to use vessel registration fees to pay either the trained officer or untrained officers/deputies.

Web-enabled Forms: These are forms located on the website <http://mle.parks.wa.gov/> that are the official documents used by STATE PARKS in the administration of state vessel registration fees and federal financial assistance grants. These forms replace paper versions used prior to CY 2018 and must be used as a condition of ongoing eligibility to receive state vessel registration fees.

NOTE: Use of SECTOR is mandatory during all operating hours.

EXHIBIT E
FINANCIAL REPORT EXAMPLES

Example of a VRF Fund Balance Report

XXXXXX County
Fund Master – All Funds
Balances as of 06/06/2017

Key	Cash in Funds	Pooled Cash	Pooled Investment	Investment Funds	Cash & Investments	Total Payables	Available Funds
130-Boating Safety	57,294.64	0.00	0.00	0.00	57,294.64	7,300.64	64,595.28
	57,294.64	0.00	0.00	0.00	57,294.64	7,300.64	64,595.28



Balance as of 06/06/2017 matches
Bottom Line (Total Remaining
Balance on VRF Report

Example of a Financial System Report

XXXXXXX County
Treasurer Cash Receipt
Receipt #
EFWA12345678

Date of
Transfer /
Deposit

Date: 060602017

Received From: StateOfWAMonthlyEFT

Customer ID # 8910

Clerk: David Smith

Fund/Key	Revenue	Description	Amount
130	33600840	State Boating Safety	\$20,744.72
Total Receipt Amount			\$20,744.72

Deposited into
Dedicated Account
For Boating Safety

Correct Amount
Received

EXHIBIT F

EDUCATION AND OUTREACH TACTICS AND SUGGESTED GOALS

- **Education Classes:** This is classroom instruction of the Adventures in Boating course sanctioned by Washington State Parks that qualifies passing students to obtain a Mandatory Boater Education Card.
 - Small Agency, 15 students, 1 Class
 - Medium Agency, 20 students, 1 Class
 - Large Agency, 50 students, 1 Class
- **Boating Safety Presentations to Groups:** These are boating safety presentations to various groups, yacht clubs, kayak clubs, anglers, and any groups that use boats on the water.
 - Small Agency, 10 hours
 - Medium Agency, 15 hours
 - Large Agency, 25 hours
- **Boating Safety Presentations to Schools:** These are presentations to local public and private schools, K-12, colleges or universities.
 - Small Agency, 10 hours
 - Medium Agency, 15 hours
 - Large Agency, 25 hours
- **Vessel Rental Site Visits:** These are site visits to local vessel rental sites if they exist. The intent is to ensure the employees and renters are following the guidance on the Motor Vessel Rental Safety Checklist (Form number P&R A-446 - Rev 04/2017). These can also be site visits to businesses that rent out kayaks, canoes, stand-up paddleboards or other small non-motorized craft. The intent of visits in this case is to emphasize basic safety behaviours such as encouraging renters to always wear a life jacket and encouraging boating in low hazard areas.
 - Small Agency, 2 visits
 - Medium Agency, 4 visits
 - Large Agency, 6 visits
- **Participation in Community Events:** These are events like county fairs, parades, and night outs that have the ability to reach large numbers of community members. A qualified event requires face-to-face interaction with community members. Participation on the water in regattas, races, opening days where there is little to no face-to-face interaction between officers/deputies and community members does not count as a "Community Event". Also, maintaining a screen line or security area at an on-water event does not count for reporting event hours on the SOAR.
 - Small Agency, 40 hours
 - Medium Agency, 150 hours
 - Large Agency, 275 hours
- **Vessel Dealer Site Visits:** These are visits to vessel dealerships and brokers, where applicable, to ensure they are following dealer registration laws, educate them on any safety issues with type of vessels they sell, and checks that required safety equipment is on board during test rides and sea trials. Dealers should also be encouraged to remind their customers of the mandatory boater education requirement.

- Small Agency, 5 visits
 - Medium Agency, 10 visits
 - Large Agency, 15 visits
- **Professional Prevention Partners (Safe Kids, Power Squadron, USCG Auxiliary, etc.):** Engaging partners can multiply the effectiveness of a marine law enforcement program's effectiveness by increasing its area of influence and leveraging the resources of partners. Partnering activities include meetings, conference calls, event participation, and actual on-water time. Agencies should report the hours spent working with Prevention Partners conducting RBS activities in their jurisdictions as well as meetings, conference calls etc.
 - Small Agency, 1 hour
 - Medium Agency, 3 hours
 - Large Agency, 5 hours

Media Contacts: Agencies should distribute recreational boating safety content through their own social media channels, social media channels of their partners, or the news media.

- **Owned Media:** This is the number of hours spent on this activity and the number of posts or articles distributed through communication channels that are owned and managed by the agency, like the agency website, social media channels (Facebook, Twitter), newsletters, etc.
 - Small Agency, 4 hours
 - Medium Agency, 8 hours
 - Large Agency, 16 hours
- **Earned Media:** This is the number of hours spent on this activity and the number of articles broadcast through media channels that are not managed by the agency. Examples include stories in the newspaper, radio, television. Agencies should also count the number of recreational boating safety posts on the social media channels of partner organizations when the agency can show that the posts are the result of its interaction with that partner.
 - Small Agency, 4 hours
 - Medium Agency, 8 hours
 - Large Agency, 16 hours
- **Campaigns; Operation Dry Water, Spring Aboard, National Safe Boating Week, and Safe Paddling Week:** See the SOAR web form for reporting requirements, and goals for all agencies regardless of size is participation in these campaigns. The State Parks Recreational Boating Safety Communication staff will distribute content to all agencies for each of the campaigns, making participation quick and simple. These campaigns can have a powerful impact if all agencies participate.
 - The Operation Dry Water campaign is a national campaign focused on the deterrence of boating under the influence. Participation in this campaign is mandatory for all agencies that receive a federal assistance grant. It is a combination of emphasis patrols and media the weekend before the Fourth of July.
 - The Spring Aboard campaign is a national campaign designed to encourage all boaters to take a recreational boating safety class. It occurs in late March.
 - National Safe Boating Week is a nationally observed week focused on encouraging all boaters to wear their lifejackets. In addition to media posts, agencies are encouraged to

participate in "Wear IT" events. More information will be distributed in the late winter about this campaign to help agencies effectively participate. This campaign is sponsored by the National Safe Boating Council.

- Safe Paddling Week is a new campaign being sponsored by the Washington State Parks Recreational Boating Safety Program. The purpose of the week is to elevate awareness around basic paddling safety behaviours such as always wearing a PFD, obtaining training etc.

EXHIBIT G

DATA ENTERED ON THE A-299 FORM

Washington State Parks & Recreation Commission – Recreational Boating Program

Request for Boating Safety Program Approval

Application Year:

2024

AGENCY INFO	
Agency Name	Agency Size
Clallam County	Medium
Agency Signing Officer Title	Signing Officer First Name
Chair of the Board, Clallam County Commissioners	Mark
Signing Officer Last Name	Dedicated Account Number
Ozias	11003

STAFFING

Roles	SAW ID	Rank	First Name	Last Name	Commission	FT/PT	Email Address	Date of Marine L.E. Training	Training Current?	Non-WA Parks Courses
Supervisor, Boating Safety Officer		Sergeant	Eric	Munger	Regular	Part time/Seasonal	eric.munger@clallamcountywa.gov	5/10/2007	Yes	
Lead Accident Investigator,		Deputy	William	Cortani	Regular	Part time/Seasonal	bill.cortani@clallamcountywa.gov	4/11/2013	Yes	

Boating Safety Officer, Certified Boating Ed Instructor										
Boating Safety Officer, Coordinator of Boating Education, Fiscal Lead, Marine Lead, Supervisor	bdknutson	Sergeant	Brian	Knutson	Regular	Part time/Seasonal	brian.knutson@clallamcountywa.gov	5/18/2017	Yes	
Boating Safety Officer		Deputy	Jim	Dixon	Regular	Part time/Seasonal	jim.dixon@clallamcountywa.gov	5/18/2017	Yes	
Boating Safety Officer		Deputy	Jeff	Pickrell	Regular	No longer on marine unit	jpickrell@co.clallam.wa.us	4/13/2014	Yes	
Boating Safety Officer		Deputy	Eric	Morris		Resigned		5/3/2018	Yes	
Boating Safety Officer		Deputy	Sean	Hoban	Regular	No longer on marine unit	shoban@co.clallam.wa.us	5/3/2018	Yes	
Boating Safety Officer		Deputy	Dylan	Heck	Regular	Part time/Seasonal	dylan.heck@clallamcountywa.gov	9/24/2020	Yes	
Boating Safety Officer		Deputy	Cody	Anderson	Regular	No longer on marine unit	cody.anderson@clallamcountywa.gov	9/24/2020	Yes	
Boating Safety Officer		Deputy	Donald	Kitchen		Resigned		5/13/2021	Yes	
Boating Safety Officer		Deputy	Seth	Parker		Resigned		5/5/2022	Yes	

Boating Safety Officer		Deputy	Hector	Eagan	Regular	Part time/Seasonal	hector.eagan@clallamcountywa.gov	5/5/2022	Yes	
Boating Safety Officer		Deputy	Nicholas	Cannady	Regular	Part time/Seasonal	nicholas.cannady@clallamcountywa.gov	4/27/2023	Yes	

Number of Full Time RBS Officer	Number of Part Time/Seasonal RBS Officers
0.00	7.00
Number of Other RBS Officers	Marine Lead Mobile Phone
0.00	360-460-6897

BOAT PATROL SCHEDULE

Patrol Season Begins	Patrol Season Ends
1/1/2024	12/31/2024

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Patrol Hours	0.00	0.00	0.00	8.00	0.00	0.00	8.00
Number of Officers	0.00	0.00	0.00	3.00	0.00	0.00	3.00
Number of Vessels	0.00	0.00	0.00	1.00	0.00	0.00	1.00

Total Planned Patrol Hours
300.00

Total Planned Inspections
300.00

RBS EQUIPMENT, VESSELS, AIRCRAFT AND VEHICLES

Type	Vessel Name	Vehicle/Aircraft/Equipment Type	Manufacturer	Sector/Radio	Model	Length	Propulsion Type	Horse Power	Year	Funds Used for Purchase	% Time Used for RBS
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Vessels	Commander		Lifeproof	SECTOR equipped,Radio equipped,	Center console	21.00	Outboard	250.00	2,023	Federal Financial Assistance provided by WA Parks,	100.00
Vessels	Protector		Lee Shore	SECTOR equipped,Radio equipped,	Swiftsilver	26.00	Outboard	400.00	2,011		95.00
Vessels	(None)		Alumaweld	Radio equipped,	Alumaweld	16.00	Manual	1.00	1,985		1.00
Vehicles		Truck	Chevrolet		Silverado				2,012		98.00

Number of Radio Equipped Boats	Number of Non-Radio Equipped Boats
3.00	0.00
Number of Aircraft	Number of Other Patrol Vehicles
0.00	1.00
Number of Vessels SECTOR Equipped	Number of Vessels Non-SECTOR Equipped
2.00	1.00

LOCAL ORDINANCES

11
DEC 04 2023



AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Sheriff

WORK SESSION ☒ **Meeting Date:** 12/4/23

REGULAR AGENDA ☒ **Meeting Date:** 12/12/23

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|---|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # 815-23-06 | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary: Norpoint Services has been providing courthouse security since mid 2022, when the jail staffing levels fell to critical minimums and the corrections deputies could no longer staff that auxiliary assignment. We recently requested and accepted bids for courthouse security services, since this ongoing need has surpassed the temporary and emergency nature of the initial contract.

Two companies submit bids through this process, and based on the hourly wages required by each, the Sheriff's Office recommends that the County accept the bid from Norpoint Security and continue working with that company to provide security services.

Budgetary impact: The first \$53,000 of contract costs will be reimbursed through a Rural Court Security grant awarded to the Superior Court of Clallam County. The Sheriff's Office budget will be evaluated during the first several months of 2024 to determine whether salary budget will be available to reallocate towards this contract or whether general fund support will be needed.

Recommended action: Board approval

County Official signature & print name: Brian King, Sheriff

A handwritten signature in blue ink, appearing to read "Brian King", written over a horizontal line.

Name of Employee/Stakeholder attending meeting: Don Wenzl

Relevant Departments: Sheriff

Date submitted: 11/28/23

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



BID, RFP, OR QUOTE CONFIRMATION

****FORMAL BID OR RFP** ☒ **INFORMAL QUOTE** ☐

Opening or Solicitation Date: 11/21/2023

Department: Clallam County Sheriff's Office

Description of Purchase, Project, or Proposal: (Contract)

Security Services at the Clallam County Courthouse and Clallam County Juvenile and Family Center

Bidder 1: SECURITY SERVICES NORTHWEST

Total Price*: **\$75.00/HOUR** **Meets All Bid Requirements?** YES

Comments: Based on proposal request, the cost for armed security services at both buildings will be approximately \$27,000 per month (\$6750 per week).

Bidder 2: NORPOINT PROTECTIVE SERVICES

Total Price*: **\$55.00/HOUR** **Meets All Bid Requirements?** YES

Comments: Based on proposal request, the cost for armed security services at both buildings will be approximately \$19,800 per month (\$4950 per week).

Bidder 3: N/A

Total Price*:

Meets All Bid Requirements?

Comments:

Bidder 4: N/A

Total Price*:

Meets All Bid Requirements?

Comments:

Bidder 5: N/A

Total Price*:

Meets All Bid Requirements?

Comments:

Recommended Action and Reason: Based on the proposals, both bidders can satisfactorily meet our requirements for providing armed security services of the Clallam County Courthouse and Clallam County Juvenile and Family Center. The Sheriff's Office recommends Norpoint Protective Services due to the cost differential associated with providing the service and their already established relationship with Clallam County.

County Official Signature:

Bridget King

Date Submitted: 11/28/2023

* Including Tax, Shipping, etc. If county is including alternatives or options, price for each bidder should include the same alternatives or options.

** See Purchasing and Contracting Policy 560 for detailed requirements



PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is entered into between CLALLAM COUNTY, a political subdivision of the State of Washington, (hereinafter called "County" or "Clallam County") and

Name: Norpoint Protective Services

Address: 1010 South C Street

Port Angeles, WA 98363

Phone N°: 877.667.7676

(hereinafter called "Contractor") and changes the following attachments to the agreement entered into on month, day, year.

This Amendment is comprised of:



Attachment A – Scope of Work

Attachment B – Compensation

Attachment C – General Conditions

Attachment D – Special Terms and Conditions

Attachment E (specify) –

copies of which are attached hereto and incorporated herein by this reference as if fully set forth.

The term of this Agreement shall commence on the 1st day of January 2024 and shall, unless terminated as provided elsewhere in the Agreement, terminate on the 30th day of June 2024. This contract may be extended with a review of rates, services, and needs of CCSO and County Administrative staff.

IN WITNESS WHEREOF, the parties have executed this Agreement on this ____ day of _____ 2023.

CONTRACTOR

CLALLAM COUNTY BOARD OF COMMISSIONERS

Steven Bentley, Norpoint Protective Services

Mark Ozias, Chair

Title: _____

Date: _____ 2023

Originals: BOCC
Vendor
Initiating Department

THIS CONTRACT HAS BEEN APPROVED AS TO
FORM BY THE CLALLAM COUNTY PROSECUTING
ATTORNEY

SCOPE OF WORK

1. Norpoint Protective Services (NPS) will provide armed security services at, and for the Clallam County Courthouse located at 223 E 4th Street, Port Angeles, WA 98362 and the Clallam County Juvenile and Family Services Facility courtroom at 1912 W. 18th Street, Port Angeles, WA 98363.
2. NPS will provide properly trained, uniformed, and equipped licensed security personnel at the Courthouse, 8 hours a day, 5 days a week, Monday - Friday, except for County recognized holidays, from January 1st, 2024, until June 30th, 2024.
3. NPS will provide security personnel at the Juvenile and Family Services courtroom at 1912 W. 18th Street up to ten hours per week, on a schedule to be determined and flexible based on that court schedule each week.
4. NPS security officer will be posted inside the courthouse for monitoring of the courthouse, courtrooms, BOCC public meetings on Tuesdays, and be posted at the security desk on the main floor and roaming as instructed. On scheduled dates determined by the Juvenile Court, an NPS security officer will be posted in or near the juvenile courtroom.
5. NPS will not under any circumstances, as a government agent, contractor, or at the request of a private entity, citizen or any other, act in a manner that would violate any constitutional rights or freedoms available to an American citizen. Any requests will be immediately reported to an NPS supervisor and CCSO contract manager.
6. Due to any state of emergency, pandemics, or other uncontrollable mitigating factors, NPS reserves all rights to modification of how services are rendered and carried out, acting in the best interests of NPS personnel, the client, as conditions worsen or lessen, at our sole discretion, while providing the required security coverage.
7. NPS will be supplied radios for communication to CC Courthouse staff. NPS will also be supplied a radio for communications to PENCOM, CCSO deputies, and other local LE and Fire agencies as needed in the event of an emergency. Radios will be stored on the chargers in the Courthouse security office when not in use during business hours.
8. NPS Security officers and supervisors will have access to necessary portions of the Clallam County courthouse and Juvenile Facility building, while on duty, and be provided the necessary credentials, physical keys, and digital access cards labeled "CC Court House Security" by the contract manager by start date.
9. NPS Security Officers will act at the request of CCSO deputies, Court Room Commissioners and Judges, in the capacity contracted and authorized to perform.
10. All Invoices will be based on actual costs.

COMPENSATION

☒ **HOURLY RATES:** For services rendered, the County shall compensate the Contractor at the following hourly rates:

SERVICE	RATE	DURATION	ANTICIPATED TOTALS
Courthouse Security Officer	\$55.00 per hour	8 hours per day (8:30am to 4:30pm) Closed weekends and holidays.	125 Days \$55,000.00
Courthouse Security Officer	\$55.00 per hour	8 hours per day (8:30am to 4:30pm) Closed weekends and holidays.	125 Days \$55,000.00
Juvenile Services Security Officer	\$55.00 per hour	Ten (10) hours per week, scheduled based on court schedule.	26 weeks \$14,300.00
TOTAL			\$124,300.00

Payments for completed tasks shall be made no more frequently than ☒ every two weeks.

Each request for payment shall be supported by an invoice specifying: the name/position of the Contractor's employee if two or more are identified above; number of hours worked; completed tasks for which compensation is sought; estimated percentage of task completion; payment amount requested

In no event shall Contractor be compensated in excess of ONE HUNDRED TWENTY-FOUR THOUSAND THREE HUNDRED DOLLARS (\$124,300.00) for the completed work set forth in Attachment "A."

2. AND

☒ The compensation set forth herein includes, without limitation: labor, materials, equipment, travel, telephone, computer, copiers and the like.

GENERAL CONDITIONS

1. **Scope of Contractor's Services.** The Contractor agrees to provide to the County services and any materials set forth in the project narrative identified as Attachment A during the agreement period. No material, labor, or facilities will be furnished by the County, unless otherwise provided for in the Agreement.
2. **Accounting and Payment for Contractor Services.** Payment to the Contractor for services rendered under this Agreement shall be as set forth in Attachment B. Unless specifically stated in Attachment B, the County will not reimburse the Contractor for any costs or expenses incurred by the Contractor in the performance of this contract.

The County shall compensate the Contractor through the County voucher system for the Contractor's service pursuant to the fee schedule set forth in Attachment B.

3. **Delegation and Subcontracting.** Contractor's services are deemed personal and no portion of this contract may be delegated or subcontracted to any other individual, firm or entity without the express and prior written approval of the County Project Manager.
4. **Independent Contractor.** The Contractor's services shall be furnished by the Contractor as an independent contractor and nothing herein contained shall be construed to create a relationship of employer/employee or master/servant.

The Contractor acknowledges that the entire compensation for this Agreement is specified in Attachment B and the Contractor is not entitled to any county benefits including, but not limited to: vacation pay, holiday pay, sick leave pay, medical, dental or other insurance benefits, or any other rights or privileges afforded to Clallam County employees. The Contractor represents that it maintains a separate place of business, serves clients other than the County, will report all income and expense accrued under this contract with the Internal Revenue Service on a business tax schedule, and has a tax account with the State of Washington Department of Revenue for payment of all sales and use and Business and Occupation taxes collected by the State of Washington.

In the event that either the state or federal government determines that an employer/employee or master/servant relationship exists rather than an independent contractor relationship such that Clallam County is deemed responsible for federal withholding, social security contributions, workers compensation and the like, the Contractor agrees to reimburse Clallam County for any payments made or required to be made by Clallam County. Should any payments be due to the Contractor pursuant to this Agreement, the Contractor agrees that reimbursement may be made by deducting from such future payments a pro rata share of the amount to be reimbursed.

Notwithstanding any determination by the state or federal government that an employer/employee or master/servant relationship exists, the Contractor, its officers, employees and agents, shall not be entitled to any benefits that Clallam County provides to its employees.

5. **No Guarantee of Employment.** The performance of all or part of this contract by the Contractor shall not operate to vest any employment rights whatsoever and shall not be deemed to guarantee any employment of the Contractor or any employee of the Contractor or any subcontractor or any employee of any subcontractor by the County at the present time or in the future.
6. **Regulations and Requirements.** This Agreement shall be subject to all federal, state, and local laws, rules, and regulations.
7. **Right to Review.** This contract is subject to review by any federal or state auditor. The County shall have the right to review and monitor the financial and service components of this program by whatever means are deemed expedient by the County Project Manager. Such review may occur with or without notice, and may include, but is not limited to, on-site inspection by County agents or employees, inspection of all records or other materials that the County deems pertinent to the Agreement and its

performance, and any and all communications with or evaluations by service recipients under this Agreement. The Contractor shall preserve and maintain all financial records and records relating to the performance of work under this Agreement for three (3) years after contract termination, and shall make them available for such review, within Clallam County, State of Washington, upon request, during reasonable business hours.

8. Modifications. Either party may request changes in the Agreement. Any and all agreed modifications shall be in writing, signed by each of the parties.
9. Termination for Default. If the Contractor defaults by failing to perform any of the obligations of the contract or becomes insolvent or is declared bankrupt or makes an assignment for the benefit of creditors, the County may, by depositing written notice to the Contractor in the U.S. Mail, postage prepaid, terminate the contract, and at the County's option, obtain performance of the work elsewhere. If the contract is terminated for default, the Contractor shall not be entitled to receive any further payments under the contract. Any extra cost or damage to the County resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor agrees to bear any extra expenses incurred by the County in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the County by reason of such default.

If a notice of termination for default has been issued and it is later determined for any reason that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the Termination for Public Convenience paragraph hereof.

10. Termination for Public Convenience. The County may terminate the contract in whole or in part whenever the County determines, in its sole discretion that such termination is in the interests of the County. Whenever the contract is terminated in accordance with this paragraph, the Contractor shall be entitled to payment for actual work performed for completed items of work. An equitable adjustment in the contract price for partially completed items of work will be made, but such adjustment shall not include provision for loss of anticipated profit on deleted or uncompleted work. Termination of this contract by the County at any time during the term, whether for default or convenience, shall not constitute a breach of contract by the County.
11. Termination Due to Insufficient Funds. If sufficient funds for payment under this contract are not appropriated or allocated or are withdrawn, reduced, or otherwise limited, the County may terminate this contract upon five (5) days written notice to the Contractor. No penalty or expense shall accrue to the County in the event this provision applies.
12. Termination Procedure. The following provisions apply in the event that this Agreement is terminated:
 - (a) The Contractor shall cease to perform any services required hereunder as of the effective date of termination and shall comply with all reasonable instructions contained in the notice of termination, if any.
 - (b) The Contractor shall provide the County with an accounting of authorized services provided through the effective date of termination.
 - (c) If the Agreement has been terminated for default, the County may withhold a sum from the final payment to the Contractor that the County determines necessary to protect itself against loss or liability.
13. Defense and Indemnity Agreement.
 - (a) The Contractor agrees to hold harmless, indemnify and defend the County, its officers, officials, employees and agents, from and against any and all claims, actions, suits, liability, loss, expenses, damages and judgments of any nature whatsoever, including reasonable costs and attorneys' fees in defense thereof, for injury, sickness, disability or death to persons or damage to

property (including loss of use thereof) or business (including economic loss), caused by or arising out of the Contractor's acts, errors or omissions in the performance of the Contract. Provided, however, that the Contractor's obligation under this provision will not extend to injury, sickness, disability, death or damage caused by or arising out of the sole negligence of the County, its officers, officials, employees or agents.

(b) With regard to any claim against the County, its officers, officials, employees and agents by any employee of the Contractor, subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the indemnification obligation under this Section will not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Contractor or subcontractor under workers' compensation acts, disability benefit acts or other employee benefit acts. It is clearly agreed and understood by the parties to the Contract that the Contractor expressly waives any immunity the Contractor might have had under such laws. By executing the Contract, the Contractor acknowledges that the foregoing waiver has been mutually negotiated by the parties as is required by RCW 4.24.115, and that the provisions of this Section will be incorporated, as relevant, into any contract the Contractor makes with any subcontractor or agent performing work under the Contract.

(c) The Contractor's obligations under these provisions include, but are not limited to, investigating, adjusting, and defending all claims alleging loss from action, error or omission, or breach of any common law, statutory or other delegated duty by the Contractor, the Contractor's employees, agents or subcontractors.

14. Industrial Insurance Waiver. With respect to the performance of this Agreement and as to claims against the County, its appointed and elected officers, agents and employees, the Contractor expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, as now or hereafter amended, for injuries to its employees and agrees that the obligations to indemnify, defend and hold harmless provided in this Agreement extend to any claim brought by or on behalf of any employee of the Contractor. Along with the other provisions of this Agreement, this waiver is mutually negotiated by the parties to this Agreement.
15. Venue and Choice of Law. In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action shall be in the courts of the State of Washington in and for the County of Clallam. This Agreement shall be governed by the law of the State of Washington.
16. Withholding Payment. In the event the County Project Manager determines that the Contractor has failed to perform any obligation under this Agreement within the times set forth in this Agreement, then the County may withhold from amounts otherwise due and payable to Contractor the amount determined by the County as necessary to cure the default, until the County Project Manager determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to termination or damages, provided that the County promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than ten (10) days after it determines to withhold amounts otherwise due. A determination of the County Project Manager set forth in a notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provision of the Disputes clause of this Agreement. The County may act in accordance with any determination of the County Project Manager which has become conclusive under this clause, without prejudice to any other remedy under the Agreement, to take all or any of the following actions: (1) cure any failure or default, (2) to pay any amount so required to be paid and to charge the same to the account of the Contractor, (3) to set off any amount paid or incurred from amounts due or to become due the Contractor. In the event the Contractor obtains relief upon a claim under the Disputes clause, no penalty or damages shall accrue to the Contractor by reason of good faith withholding by the County under this clause.

17. **Rights and Remedies.** The duties and obligations imposed by this Agreement and the rights and remedies available hereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law.
18. **Contractor Commitments, Warranties and Representations.** Any written commitment received from the Contractor concerning this Agreement shall be binding upon the Contractor, unless otherwise specifically provided herein with reference to this paragraph. Failure of the Contractor to fulfill such a commitment shall render the Contractor liable for damages to the County. A commitment includes, but is not limited to any representation made prior to execution of this Agreement, whether or not incorporated elsewhere herein by reference, as to performance of services or equipment, prices or options for future acquisition to remain in effect for a fixed period, or warranties.
19. **Patent/Copyright Infringement.** Contractor will defend, indemnify and save harmless County, its appointed and elected officers, agents and employees from and against all loss or expense, including but not limited to claims, demands, actions, judgments, settlements, attorneys' fees and costs by reason of any and all claims and demands upon the County, its elected or appointed officials or employees for damages because of the Contractor's alleged infringement on any patent or copyright. The Contractor will pay those costs and damages attributable to any such claims that are finally awarded against the County, its appointed and elected officers, agents and employees in any action. Such defense and payments are conditioned upon the following:
- (a) That Contractor shall be notified promptly in writing by County of any notice of such claim.
 - (b) Contractor shall have the right, hereunder, at its option and expense, to obtain for the County the right to continue using the information, in the event such claim of infringement, is made, provided no reduction in performance or loss results to the County.
20. **Disputes:**
- (a) **General.** Differences between the Contractor and the County, arising under and by virtue of the contract documents shall be brought to the attention of the County at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. The records, orders, rulings, instructions, and decision of the County Project Manager shall be final and conclusive 30 days from the date of mailing unless the Contractor mails or otherwise furnishes to the County Administrator a written notice of appeal. The notice of appeal shall include facts, law, and argument as to why the conclusions of the County Project Manager are in error.

In connection with any appeal under this clause, the Contractor and County shall have the opportunity to submit written materials and argument and to offer documentary evidence in support of the appeal. Oral argument and live testimony will not be permitted. The decision of the County Administrator for the determination of such appeals shall be final and conclusive. Reviews of the appellate determination shall be brought in the Superior Court of Clallam County within 15 days of mailing of the written appellate determination. Pending final decision of the dispute, the Contractor shall proceed diligently with the performance of this Agreement and in accordance with the decision rendered.
 - (b) **Notice of Potential Claims.** The Contractor shall not be entitled to additional compensation or to extension of time for (1) any act or failure to act by the County Project Manager or the County, or (2) the happening of any event or occurrence, unless the Contractor has given the County a written Notice of Potential Claim within 10 days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the County. The written Notice of Potential Claim shall set forth the reasons for which the Contractor believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the amount of the potential claim. Contractor shall keep full and complete daily records of the work performed, labor and material used, and all costs and additional time claimed to be additional.

(c) Detailed Claim. The Contractor shall not be entitled to claim any such additional compensation, or extension of time, unless within 30 days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the County, the Contractor has given the County a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

21. Ownership of Items Produced. All writings, programs, data, art work, music, maps, charts, tables, illustrations, records or other written, graphic, analog or digital materials prepared by the Contractor and/or its consultants or subcontractors, in connection with the performance of this Agreement shall be the sole and absolute property of the County and constitute "work made for hire" as that phrase is used in federal and/or state intellectual property laws and Contractor and/or its agents shall have no ownership or use rights in the work.
22. Recovery of Payments to Contractor. The right of the Contractor to retain monies paid to it is contingent upon satisfactory performance of this Agreement, including the satisfactory completion of the project described in the Scope of Work (Attachment A). In the event that the Contractor fails, for any reason, to perform obligations required of it by this Agreement, the Contractor may, at the County Project Manager's sole discretion, be required to repay to the County all monies disbursed to the Contractor for those parts of the project that are rendered worthless in the opinion of the County Project Manager by such failure to perform.

Interest shall accrue at the rate of 12 percent (12%) per annum from the time the County Project Manager demands repayment of funds.

23. Project Approval. The extent and character of all work and services to be performed under this Agreement by the Contractor shall be subject to the review and approval of the County Project Manager. For purposes of this Agreement, the County Project Manager is:

Name: Don Wenzl
Title: Chief Corrections Deputy
Address: 223 E. 4th Street Port Angeles, WA 98362
Telephone: 360-417-2356
E-mail: Don.Wenz@ClallamCountyWA.gov
Fax: 360-417-2499

In the event there is a dispute with regard to the extent and character of the work to be done, the determination of the County Project Manager as to the extent and character of the work to be done shall govern subject to the Contractor's right to appeal that decision as provided herein.

24. Non-Discrimination. The Contractor shall not discriminate against any person on the basis of race, creed, political ideology, color, national origin, sex, marital status, sexual orientation, age, or the presence of any sensory, mental or physical handicap.
25. Subcontractors. In the event that the Contractor employs the use of any subcontractors, the contract between the Contractor and the subcontractor shall provide that the subcontractor is bound by the terms of this Agreement between the County and the Contractor. The Contractor shall insure that in all subcontracts entered into, Clallam County is named as an express third-party beneficiary of such contracts with full rights as such.
26. No Third Party Beneficiaries. This agreement is intended for the benefit of only the County and Contractor. This agreement does not confer any benefits, rights, or privileges upon any third party.

27. **Standard of Care.** The Contractor shall perform its duties hereunder in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession as the Contractor currently practicing under similar circumstances. The Contractor shall, without additional compensation, correct those services not meeting such a standard.
28. **Time is of the Essence.** Time is of the essence in the performance of this contract unless a more specific time period is set forth in either the Special Terms and Conditions or Scope of Work.
29. **Notice.** Except as set forth elsewhere in the Agreement, for all purposes under this Agreement, except service of process, any notices shall be given by the Contractor to the County Project Manager. Notice to the Contractor for all purposes under this Agreement shall be given to the person executing the Agreement on behalf of the Contractor at the address identified on the signature page.
30. **Severability.** If any term or condition of this contract or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this contract are declared severable.
31. **Precedence.** In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order:
 - (a) Applicable federal, state, and local statutes, ordinances, and regulations;
 - (b) Scope of Work (Attachment A) and Compensation (Attachment B);
 - (c) Special Terms and Conditions (Attachment D); and
 - (d) General Conditions (Attachment C).
32. **Waiver.** Waiver of any breach or condition of this contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this contract shall be held to be waived, modified, or deleted except by an instrument, in writing, signed by the parties hereto.
33. **Attorney Fees.** In the event that litigation must be brought to enforce the terms of this agreement, the prevailing party shall be entitled to be paid reasonable attorney fees.
34. **Construction.** This agreement has been mutually reviewed and negotiated by the parties and should be given a fair and reasonable interpretation and should not be construed less favorably against either party.
35. **Survival.** Without being exclusive, Paragraphs 4, 7, 13-19, 21-22 and 31-35 of these General Conditions shall survive any termination, expiration, or determination of invalidity of this Agreement in whole or in part. Any other Paragraphs of this Agreement which, by their sense and context, are intended to survive shall also survive.
36. **Entire Agreement.** This written contract represents the entire Agreement between the parties and supersedes any prior statements, discussions or understandings between the parties except as provided herein.

SPECIAL TERMS AND CONDITIONS

1. Reporting. The Contractor shall submit written progress reports to the County Project Manager as set forth below:

- ☐ With each request for payment.
- ☐ Monthly.
- ☐ Quarterly.
- ☐ Semi-annually.
- ☐ Annually.
- ☐ Project completion.
- ☒ Other (specify): Weekly

Progress reports shall include, at a minimum, the following: All incidents requiring NPT at the facility.

Reports shall include any problems, delays or adverse conditions which will materially affect the Contractor's ability to meet project objectives or time schedules together with a statement of action taken or proposed to resolve the situation. Reports shall also include recommendations for changes to the Scope of Work, if any. Payments may be withheld if reports are not submitted.



2. Insurance. The Contractor shall maintain in full force and effect during the term of this Agreement, and until final acceptance of the work, public liability and property damage insurance with companies or through sources approved by the state insurance commissioner pursuant to RCW Title 48, as now or hereafter amended. The County, its appointed and elected officials, agents and employees, shall be specifically named as additional insureds in a policy with the same company which insures the Contractor or by endorsement to an existing policy or with a separate carrier approved pursuant to RCW Title 48, as now or hereafter amended, and the following coverages shall be provided:

- ☒ **COMMERCIAL GENERAL LIABILITY:**

Bodily injury, including death	\$1,000,000 per occurrence
	\$2,000,000 aggregate
Property damage	\$1,000,000 per occurrence
	\$2,000,000 aggregate
- ☒ **ERRORS AND OMISSIONS or PROFESSIONAL LIABILITY** with an Extended Reporting Period Endorsement (two year tail) \$2,000,000 per occurrence
- ☒ **WORKERS COMPENSATION:** Statutory amount

- ☐ AUTOMOBILE: coverage on owned, non-owned, rented and hired vehicles
- | | | |
|---|----|----------------|
| Bodily injury, liability, including death | \$ | per occurrence |
| | \$ | aggregate |
| Property damage liability | \$ | per occurrence |
| | \$ | aggregate |
- ☒ BUSINESS AUTOMOBILE LIABILITY: \$1,000,000 per occurrence

If the Errors and Omissions or Professional Liability insurance obtained is an occurrence policy as opposed to a claims-made policy, the Extended Reporting Period Endorsement is not required.

Any such policy of insurance the Contractor is required to obtain and maintain pursuant to this Agreement shall be primary over any third party liability coverage provided to Clallam County by and through its membership in the Washington Counties Risk Pool or WCRP. The third party liability coverage provided by the WCRP to Clallam County shall be non-contributory with respect to any policy of insurance the Contractor is required to obtain and maintain pursuant to this Agreement. The County shall have no obligation to report occurrences unless a claim or lawsuit is filed with it and the County has no obligation to pay any insurance premiums.

Evidence of primary insurance coverage shall be submitted to the County Project Manager within 20 days of the execution of the Agreement. The Agreement shall be void ab initio if the proof of coverage is not timely supplied.

If the proof of insurance or certificate of coverage indicating the County is an "additional insured" to a policy obtained by the Consultant in order to comply with this agreement refers to an endorsement (by number, abbreviation or name) but does not provide the full text of that endorsement, then it shall be the obligation of the Consultant to obtain the full text of that endorsement and forward that full text to the County within 30 days of the execution of this Agreement.

The coverage limits identified herein shall not limit the potential liability of the Contractor and the Contractor's duty to defend, indemnify, and hold harmless shall apply to any liability beyond the scope of insurance coverage.

- ☐ 3. Liquidated Damages. For delays in timely completion of the work to be done or missed milestones of the work in progress, the Contractor shall be assessed _____ Dollars (\$) per day as liquidated damages and not as a penalty because the County finds it impractical to calculate the actual cost of delays. Liquidated damages will not be assessed for any days for which an extension of time has been granted. No deduction or payment of liquidated damages will, in any degree, release the Contractor from further obligations and liabilities to complete the entire project.

- ☐ 4. Other (specify):.



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DEC 04 2023
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AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: PUBLIC WORKS/ROADS

WORK SESSION ☒ **Meeting Date: 12/04/2023**

REGULAR AGENDA ☒ **Meeting Date: 12/05/2023**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|--|---|--------------------------------------|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # 101-22-008 | |
| ☒ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

A resolution to adjust the rental rates of equipment so they will be sufficient to include depreciation, maintenance and/or repair, and supplies consumed in operating road equipment. It is the responsibility of ER&R to provide safe, cost effective, reliable transportation for the County's needs. Rental rates on equipment need to be set to ensure replacement, cover maintenance and increased fuel costs.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Adjustments in the rates will affect the budgets of those departments who use ER&R equipment.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

The County Engineer has reviewed the rate changes with the ERR Manager and approves them to move forward for Commissioner signatures.

County Official signature & print name:  Joe Donisi

Name of Employee/Stakeholder attending meeting: Joe Donisi, Brian Wahlsten

Relevant Departments: Road Dept.

Date submitted: 11/28/2023

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Agenda Item Summary
Revised: 3-04-2019



CR RESOLUTION _____, 2023

ESTABLISHING GOVERNMENT EQUIPMENT RENTAL SCHEDULE
FOR YEAR 2024

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. R.C.W. 36.33A.040 allows the Board of County Commissioners to adjust the rental rates of the equipment so that they will be sufficient to include (1) Depreciation; (2) Maintenance and/or repair; and (3) Supplies consumed in operating such road equipment.
2. It is the mission of the Fleet Operations Division of ER&R to provide safe, cost efficient, reliable transportation that adequately meets the County's needs.
3. Some of the existing rental rates are not paying their cost to ensure replacement, cover maintenance and increased fuel costs.
4. The ER&R Manager shall be the responsible authority for all fleet purchasing and management decisions including, but not limited to, type of vehicle purchased, purchase options and accessories, added options and accessories, fleet service and maintenance, rebuild dates, replacement dates, and reassignment and/or disposal of replaced equipment.
5. The County Engineer in consultation with ER&R has recommended the below appropriate rates for Board consideration.

NOW, THEREFORE, BE IT RESOLVED that the following equipment rental rates shall become effective December 31, 2023.

NUMBER SERIES	CLASS	DESCRIPTION	HOURLY RENTAL RATE	MIN. MONTHLY RENTAL RATE	MIN. YEARLY RENTAL RATE
	01	PW- Administration	\$6.60	\$660.00	
		Also rented at \$52.00/day plus \$.38/mile			
	01H	PW- Pool Hybrid	\$7.00	\$700.00	
		Also rented at \$56.00/day plus \$.38/mile			
100	03	Pickups, Panels	\$4.25	\$425.50	
	03A	West End Supervisor Pickup	\$5.75	\$575.00	
	05	Diesel Shop Trucks	\$25.00	\$1260.00	
	06	Diesel Pickups	\$5.28	\$528.00	
	07	Crew Pickups & Station Wagons	\$5.75	\$575.00	
	07a	Trail Volunteer Crew Truck	\$5.00	\$240.00	
	08	1-Ton Patch	\$9.63	\$660.00	
	09	Chain Gang		\$1,900.00	
200	10	Dump 10 Cu. Yd.	\$29.16	\$2916.00	
	11	Dump 5 Cu. Yd.	\$47.52	\$1000.00	
	12	5 th Wheel Tractor	\$34.50	\$1000.00	
	16	Special Trucks	\$44.28	\$1200.00	
300		GRADERS:			
	14	Slope King	\$5.00	\$420.00	
	15	Graders	\$42.50	\$1900.00	

400		TRACTORS:		
	20	Crawler/Dozer	\$18.50	\$550.00
400	21	Mowers, reach	\$63.80	\$900.00
	22	Flail/Mower Attachments	\$2.50	\$50.00
	23	Riding Lawn Mower	\$5.00	Actual cost
	27	Sweeper	\$38.50	\$1000.00
	29	Pickup Broom	\$80.00	\$3250.00
500	17	Road Striper	\$181.65	\$900.00
600	24	Shovels, Crane	\$35.00	\$1200.00
700		TRAILERS:		
	31	Semi-Trailer Tank	\$5.00	\$125.00
	32	Low Boy, Tilt Deck	\$30.00	\$500.00
	33	Belly Dump & Pony	\$10.00	\$100.00
	39	Chipper	\$36.00	\$360.00
	46	Engineer Job Trailer	\$0.50	\$15.00
	48	Heated Asphalt Storage	\$2.40	\$170.00
800		LOADERS:		
	35	Belt Loader	\$73.00	\$500.00
	36	Forklift	\$18.00	\$250.00
	37	Loaders	\$44.00	\$1000.00
	38	Backhoe	\$24.00	\$450.00
900	40	Distributor, Bituminous	\$71.00	\$1000.00
	41	Tack Trailer	\$16.00	\$250.00
1000		ROLLERS & PAVING EQUIPMENT:		
	44	Pavement Roller	\$30.00	\$1,000.00
	45	Rubber Tire Compactor (Pneumatic Rollers)	\$39.00	\$475.00
	49	Chip Spreader (primary)	\$63.00	\$1200.00
	50	Chip Spreader Box	\$3.50	\$65.00
	51	Vibratory Hand Compactor	\$3.00	\$65.00
1400 & 1500	47	Portable Plant, Light Plant	\$2.50	
	52	Surplus Generators	\$4.20	\$50.00
	53	Emergency Lighting	\$1.00	\$10.00
1600	60	Plows	\$11.00	\$100.00
1700	61	Sanders	\$5.70	\$65.00
	62	Hopper Sanders	\$25.00	\$160.00
	62D	Dump Truck Hopper Sanders	\$25.00	\$195.00
1800	63	Compressors, Air	\$0.13	Actual cost
	63A	Compressors, Tow-behind	\$6.30	\$250.00
1900	64	Pumps, Portable	\$0.20	
	64A	Buffalo Pumper	\$6.00	\$50.00

2000	65	Welders	\$0.25	\$250.00
	68	Jackhammer/drill (gas)	\$5.00	
2100	69	Asphalt saws	\$12.50	\$150.00
	70	Chain Saws, Sand Blaster	\$0.50	\$25.00
	70E	Chain Saws, Electric	\$5.50	\$60.00
2200	71	Base Unit/Repeaters	\$9.00/unit	
	71R	Radio Repeaters	\$100.00/unit	
	72	Mobile Unit	\$3.75/unit	
2300		MISCELLANEOUS EQUIPMENT:		
	54	Crack Sealer/Thermo Striper	\$53.00	\$10,000.00
	73	Steam Cleaners	\$7.00	\$1,250.00
	76	Fans, Pumps, etc.	\$1.00	\$11.00
	77	Road Patrol Equipment		
		# 2450	\$3.00	
8000	80's	Rental Equipment on Demand	Cost + 15%	Cost + 15%
	90	Shoring	\$0.88	\$85.00
	91	Reader Boards (insert)	\$3.00	\$1,500.00
	95	Copiers	\$.0709/each	10% above cost
		OTHER DEPARTMENTS:		
	A1	Assessor's Vehicles		\$435.00
	AH	Assessor's Hybrid		\$451.00
	CD	Community Development Vehicles		\$600.00
	CDH	Community Development Hybrid		\$456.00
	EHH	Environmental Health Hybrid		\$445.00
	EX	Extension Agent		\$405.00
	J1	Juvenile Vehicles		\$520.00
	J2	Juvenile Vehicles – Surplus		\$280.00
	JH	Juvenile Hybrid		\$455.00
		SHERIFF:		
	S1	Patrol Vehicles REPURPOSED	\$1.45/mile	\$235.00
	S11	Patrol AWD Vehicles	\$1.01/mile	\$645.00
	S2	Admin./Det./Reserve	\$1.00/mile	\$360.00
	S3	Hybrid	\$1.00/mile	\$495.00
	S33	West End AWD Vehicles	\$1.25/mile	\$585.00
	S4	Animal Control	\$0.96/mile	\$600.00
	S5	Pool Vehicles	Cost + 10% (pool vehicles)	
	S6	4x4 Expeditions/SUV	\$1.00/mile	\$575.00
	S7	Radio Van	\$0.84/mile	\$525.00
	S8	Jail Vans	\$0.50/mile	\$187.00
		PARKS:		
	P1	Small Pickups	\$5.25/hour	\$525.00
	P2	Riding Mowers	\$1.50/hour	\$150.00
	P5	Trailers	\$1.45/hour	\$145.00
8000	P6	Kubota/4 Wheel Drive, Tractors	\$4.30/hour	\$430.00
	P7	Parks JD Tractors	\$5.80/hour	\$580.00
	P8	3/4 Ton Pickup	\$3.90/hour	\$390.00
	P8H	Heavy Duty Pickup	\$23.50/hour	\$2350.00
	P9	Patch Truck	\$12.45/hour	\$870.00

PA	Parks Tractors	\$1.38/hour	\$138.00
PE1	Parks Electric Carts	\$1.50/hour	\$150.00
PE2	Parks Electric Carts 2	\$2.27/hour	\$227.00
PT	Tractors	\$7.50/hour	\$750.00
PX	Boat Motor	\$.95/hour	\$95.00
PY	Boat Trailer	\$0.42/hour	\$85.00
PZ	Boats	\$0.12/hour	\$85.00
TP	Sekiu/Clallam Bay Treatment Plant		\$450.00
WC	Weed Control Board		Cost + 10%

This resolution also rescinds all previous equipment rental rate resolutions including CR Resolution No. 9, 2022, adopted October 18, 2022.

PASSED AND ADOPTED this _____ day of _____ 2023

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Randy Johnson

ATTEST:

Loni Gores, CMC, Clerk of the Board

Mike French



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DEC 04 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Public Works

WORK SESSION ☒ **Meeting Date: December 4, 2023**

REGULAR AGENDA ☒ **Meeting Date: December 12, 2023**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|---|---|
| ☐ Call for Hearing | ☒ Contract/Agreement/MOU - Contract # 304-21-001E | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other: Project Update |

Documents exempt from public disclosure attached: ☐

Executive summary:

The Public Works Dept. is leading the County effort to acquire land, design, and secure funding to construct a Dungeness Off-Channel Reservoir (OCR). The project site is located south of Sequim on approximately 396-acres currently owned by WA. Department of Natural Resources off River Road. The Dungeness River is an important water supply for local farms, communities, and four Endangered Species Act listed species.

The key objective of the proposed Dungeness OCR is to help restore river flows in late summer by storing water from the Dungeness River during winter and spring when flows are plentiful. This stored water will be used in late summer in place of water withdrawn directly from the river by irrigation districts when flows are at their lowest to restore streamflow to the river, provide for a stable, drought-resistant, and climate-resilient water supply for local agriculture, and other benefits.

Anchor QEA, an engineering consulting firm, has been providing design services for the Dungeness Off-channel Reservoir (OCR) project for the County. Attached is a memorandum that provides an update on the progress of the Dungeness OCR project as it relates to work being completed by Anchor QEA and their subconsultants under for the County. As the memorandum summarizes, the Phase 1 work supporting preliminary design work was completed. The Phase 2 work to support detailed design and permitting that is under contract expires on December 31, 2023.

The purpose of this amendment (Amendment E) is to revise the approved scope of work and extend the contract time until December 31, 2024. The attached contract amendment scope of work is proposed to be added to the Phase 2 Scope of Work approved as Amendment D to the original professional services agreement entered into on July 13, 2021. Amendment D was approved on October 4, 2022, and included detailed design and permitting services for the project. Several of the tasks outlined in Amendment D are underway or have been completed. However, the detailed design

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

BOCCagenda_ContractAmend (12-4-23)

Revised: 3-04-2019

analysis, design drawings, and permitting tasks included in Amendment D are at least partially on hold and cannot be completed until the additional scope of work proposed to supplement seismic reconnaissance work is completed. After this scope of work below completed, it is anticipated that another amendment will be requested to amend the project budget to accommodate this and other work that has been required to move the project forward, but was not included in the scope of work and budget for detailed design and permitting approved as Amendment D.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

This is a no cost amendment. The current compensation under Amendment D is not changed by this amendment.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

The Department recommends extension of the contract with Anchor QEA and the additional scope of work for supplemental seismic reconnaissance.

County Official signature & print name:  Steve Gray

Name of Employee/Stakeholder attending meeting: Steve Gray

Relevant Departments: Public Works

Date submitted: November 29, 2023

* Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

BOCCagenda_ContractAmend (12-4-23)
Revised: 3-04-2019



PERSONAL SERVICES AGREEMENT AMENDMENT E

THIS AMENDMENT is entered into between CLALLAM COUNTY, a political subdivision of the State of Washington, (hereinafter called "County" or "Clallam County") and

Name: Anchor QEA, LLC
Address: 1201 3rd Ave., Suite 2600
Seattle, WA 98101
Phone N^o: 206-287-9130

(hereinafter called "Contractor") and changes the following attachments to the agreement entered into on July 13, 2021.

This Amendment is comprised of:

- ☒ Attachment A – Scope of Work
☐ Attachment B – Compensation

copies of which are attached hereto and incorporated herein by this reference as if fully set forth.

The term of this Amendment shall commence on the 15th day of December 2023 and shall, unless terminated as provided elsewhere in the Agreement, end on the 31st day of December 2024.

IN WITNESS WHEREOF, the parties have executed this Agreement on this day of December 2023.

CONTRACTOR

CLALLAM COUNTY BOARD OF COMMISSIONERS

Anchor QEA, LLC

Mark Ozias, Chair

Print name: David Rice

Title: Member, LLC

Date: _____ 2023

Originals: BOCC
Vendor
Initiating Department

THIS CONTRACT HAS BEEN APPROVED AS TO
FORM BY THE CLALLAM COUNTY PROSECUTING
ATTORNEY

SCOPE OF WORK

The purpose of this amendment (Amendment E) is to revise the approved scope of work and extend the contract time until December 31, 2024. The following scope of work is added to the Phase 2 Scope of Work approved as Amendment D to the original professional services agreement entered into on July 13, 2021. Amendment D was approved on October 4, 2022, and included detailed design and permitting services for the project. Several of the tasks outlined in Amendment D are underway or have been completed. However, the detailed design analysis, design drawings, and permitting tasks included in Amendment D are at least partially on hold and cannot be completed until the following scope of work is completed. The following scope of work will be completed with budget allocated to the detail design analysis and design drawing tasks approved under Amendment D that cannot be completed until the scope of work below is completed. After this scope of work below completed, it is anticipated that another amendment will be requested to amend the project budget to accommodate this and other work that has been required to move the project forward, but was not included in the scope of work and budget for detailed design and permitting approved as Amendment D.

Background and Understanding

This scope of work was prepared to outline work that will be completed under an amendment (Amendment E) to Anchor QEA's professional services agreement with Clallam County for engineering design and permitting services needed to support the Dungeness Off-Channel Reservoir project (Project). Anchor QEA entered into a professional services agreement with Clallam County on July 21, 2021, to initiate Phase 1 – Preliminary Design services for the Project. Preliminary design work was completed under that original professional services agreement in March 2022. Additional work, including a Phase 2 Environmental Site Assessment and installation of a monitoring well, was also completed under amendments to the professional services agreement. More recently, Anchor QEA initiated Phase 2 – Detailed Design and Permitting services under Amendment D to the professional services agreement for the Project. Amendment D was approved on October 4, 2022.

The scope of work approved as Amendment D for the Phase 2 – Detailed Design and Permitting services included a series of site investigations to help provide additional basis for detailed design and permitting of the Project. As part of the Phase 2 geotechnical explorations for the Project, Shannon & Wilson performed a Seismic-Geologic Site Reconnaissance to evaluate the presence of the Sequim Fault. The reconnaissance focused on the Sequim fault, which was originally mapped as part of 2007 United States Geologic Survey (USGS) study of faults in the north Olympic Peninsula area (Nelson and others, 2007). The fault was mapped by the USGS across the Project site and subsequently included as a Class A fault in the USGS Quaternary Fault & Fold Database on the basis of the mapping by Nelson and others (2007). No documentation or explanation was provided by Nelson and others (2007) as to why the fault was mapped and no detailed information is available on the fault in the USGS database.

Prior to initiating the design of the Dungeness Off-Channel Reservoir project, Clallam County engaged with PanGEO, a geotechnical consulting firm, to complete a feasibility-level review of the site. They completed a review of available geologic information, visited the site with geologists from the USGS, and reviewed geologic maps and LiDAR topographic data for the site. They found no information to support the interpretation of the Sequim fault by Nelson and others (2007) and found "no identifiable evidence of faulting in the project area." As part of the Seismic-Geologic Site Reconnaissance, seismic and surface fault rupture experts from Shannon & Wilson reviewed all of the background information cited in the PanGEO study, completed a more detailed analysis and interpretation of LiDAR topography, and reviewed conditions at the site. Shannon & Wilson identified linear topographic features (i.e., lineaments) in the LiDAR data and identified geomorphic features commonly associated with fault surface rupture during the site reconnaissance.

Based on the findings of the Seismic-Geologic Site Reconnaissance, which were originally presented to Clallam County in May 2023, additional investigations are warranted to determine the origin of the lineaments and how they may impact reservoir design. If the lineaments are related to surface faulting, investigations to assess fault location(s), orientation, style and degree of deformation, and, if possible, paleoearthquake timing will also be warranted. Anchor QEA and Shannon & Wilson propose to complete a phased investigation that would include desktop study, geologic and geomorphic mapping, paleoseismic

trenching, and laboratory testing of age-dateable material. The phased approach to this work would include the following:

- **Step 1 – Supplemental Desktop Study and Initial Reporting** (this scope of work)
- Step 2 – Detailed Trench Planning
- Step 3 – Trench Excavation
- Step 4 – Final Reporting

This scope of work includes a detailed outline of tasks to complete Step 1 – Supplemental Desktop Study and Initial Reporting. Following completion of Step 1 and each subsequent step, the design team proposes to review the results with Clallam County and the Washington Department of Ecology Dam Safety Office (DSO). The phased approach is designed to incorporate flexibility in objectives and level of effort of the investigation. At the end of each step, we will assess the information and conclusions to determine whether the results of the investigation to that point are sufficient to support design and permitting of the Dungeness Reservoir. If additional information is needed, we will refine our recommended approach to the subsequent steps, as needed, and submit a detailed scope of work for the next step. All of this will be done with the goal of developing the information needed to support design of the project to meet DSO requirements in the most efficient and cost-effective manner possible. Early and regular coordination with DSO will be critical to confirm that the work completed in each step of the investigation is acceptable to DSO for providing an adequate basis of design for the Project.

The results of this fault investigation will be used to support future design of the reservoir embankment, including considerations to accommodate deformations associated with possible surface fault rupture hazard or seismic hazard associated with nearby fault rupture. The findings of the investigation may indicate that the reservoir embankment should be relocated outside of possibly identified fault zones to minimize the impact of fault rupture on the embankment design. This scope of work does not include the engineering analysis or design that may be needed to accommodate the findings of the investigation, for example revisions to the reservoir design to accommodate surface fault rupture.

This scope of work only includes the first step of the fault investigation, Step 1 – Supplemental Desktop Study and Initial Reporting. The primary deliverable of this work is a report that will summarize the findings of the Seismic-Geologic Site Reconnaissance and Supplemental Desktop Study. The Phase 2 geotechnical exploration program and design work outlined in the approved scope of work for Amendment D and the budget associated with that work will need to be revisited and modified following the fault investigation to incorporate the fault investigation findings and reflect the final location of the reservoir.

Scope of Services and Deliverables

Anchor QEA will work with Shannon & Wilson to complete the Step 1 – Supplemental Desktop Study and Initial Reporting. This will include the following work:

Task 1: Present Results of Seismic Geologic Site Reconnaissance

This task includes the following work to summarize and present the results of the Seismic-Geologic Site Reconnaissance, and determine next steps with the Project Team:

- Prepare a presentation and present findings of the Seismic-Geologic Site Reconnaissance to Anchor QEA and Clallam County. This work was completed in May 2023.
- Research dam embankment design for fault offset. This work was initiated in June 2023.
- Review potential revised dam configurations. This work was completed in July 2023.
- Inform USGS of the seismic reconnaissance findings. This work was completed through phone conversations and correspondence with the USGS over the summer of 2023.
- Develop preliminary alternatives for trench locations and configurations for the fault study. Present the alternatives to the Project Team with estimated order of magnitude costs to facilitate selection

of the preferred next steps for this Project. This work was completed as an initial approach to the fault investigation in August and September 2023.

- Coordinate with DSO to present our proposed next steps and learn from them if other explorations or evaluations will be required for this Project. A meeting was held to discuss the findings of the Seismic-Geologic Site Reconnaissance and next steps with DSO engineering staff on October 10, 2023.

This Task 1 work is generally complete. As discussed during our recent meetings to review the fault investigation approach with Clallam County, we will wait to summarize the findings of this work until we complete Task 2: Desktop Review.

Task 1 Deliverables

- Initial presentation of seismic reconnaissance findings (Microsoft PowerPoint format). This presentation was delivered in PDF format in May 2023.

Task 2: Desktop Review and Reporting

This task includes the following desktop studies and evaluations, to be completed by Shannon & Wilson to better understand the lineaments identified as part of the Seismic-Geologic Site Reconnaissance completed in the spring of 2023, and to recommend a path forward for later steps in the fault investigation:

- LiDAR point cloud processing to increase resolution and aid further analyses.
- Extend the LiDAR interpretation to the west to assess possible fault structural connection with the North Olympic fault zone.
- Geomorphic interpretation of the LiDAR data, including terrace surface mapping, landform mapping, and development of longitudinal and channel-normal profiles.
- Develop a geologic and geomorphic history of the site vicinity by reviewing archaeological data (e.g., Manis Mastodon and other related sites), data regarding history of volcanic eruptions, and geologic papers and maps focused on the site vicinity.

The above tasks in the desktop review are necessary to accomplish the following:

- Constrain ages of surfaces and landforms.
- Aid in developing a site geologic history.
- Understand depositional environments associated with the lineaments.
- Bracket the relative age of the lineaments.
- Constrain the style and location of identified deformation.
- Aid in trench site selection, if it is determined that fault trenching is needed.
- Develop recommendations for the next step in the fault investigation to provide an adequate basis for design of the reservoir.

Following completion of the supplemental desktop studies and evaluations, Shannon & Wilson will prepare a draft report summarizing findings of the Seismic-Geologic Site Reconnaissance completed in the spring of 2023 and the findings of the supplemental desktop studies and evaluations. The report will also provide recommendations for next step(s) in the fault investigation to support future reservoir design.

If the desktop study indicates that trenching is needed to provide the information required to support the design of the reservoir, a detailed scope of work and cost estimate will be provided for Step 2 – Detailed Trench Planning.

The draft report will be submitted to Clallam County for review and, following our incorporation of the County's review comments, the draft report will be forwarded to DSO for review. A follow-up meeting will be scheduled with DSO, as outlined in Task 3. Comments from the DSO and additional comments from the County will be incorporated into a final Seismic-Geologic Site Reconnaissance Summary Report.

Shannon & Wilson will provide updates and discuss implications of findings from our Desktop Review during check-in meetings with Clallam County and Anchor QEA (see Task 3). During these meetings we will provide status reports and our opinions regarding:

- If Desktop Review findings impact potential trench locations, number of trench(es) required to obtain information needed for reservoir design, and likelihood of trenching to provide good information for fault location, paleoseismic history, and seismic displacement.
- If recommendations for next step(s) in the fault investigation vary depending on reservoir configuration.
- If Desktop Review findings suggest that any of the previously considered reservoir configurations (Options A-D) should be eliminated.
- Pros and cons of pursuing possible alternatives to fault trenching, such as observing soil cut slopes and exposures during reservoir excavation.

Task 2 Deliverables

- Draft and Final Seismic-Geologic Site Reconnaissance Summary Report (PDF format)

Task 3: Step 1 Meetings, Project Management, and Coordination

This task includes time for additional meetings (not included in the other tasks that are part of this scope of work), project management, and coordination that will be needed to support the Fault Investigation work. This work will include the following:

- Preparation of monthly invoices and progress updates.
- Regular coordination with Clallam County.
- Weekly check-in meetings during the duration of the work outlined in this scope of work between Anchor QEA's project manager, principal engineer, and Clallam County staff.
- Monthly check-in meetings with Anchor QEA, Shannon & Wilson, and Clallam County staff. The monthly check-in meetings would take place during the time scheduled for weekly check-in meetings, but would also include participation from Shannon & Wilson.
- One additional coordination meeting with DSO (including preparation time) following preparation of the draft Seismic-Geologic Site Reconnaissance Report. The purpose of the meeting will be to review the information learned through completion of Step 1 – Supplemental Desktop Study and Initial Reporting and discuss a recommended path forward. The meeting will include Anchor QEA, Shannon & Wilson, and Clallam County staff.

Task 3 Deliverables

- Monthly invoices (PDF format) and progress reports (PDF format)
- Meeting agendas and notes (PDF format)

Assumptions

The scope of work and budget prepared for this amendment reflect the following assumptions:

- This scope of services does not include engineering evaluations, design, or re-design. Reservoir embankment engineering analyses and design considering seismic deformations and fault rupture (or nearby fault rupture) will be performed in a future design phase.
- This scope of services does not include geotechnical borings. The previously estimated and scoped Phase 2 exploration program, which does include borings, will need to be revisited and modified to incorporate the findings of this investigation and final location of the reservoir.
- This scope of services does not include selection of preferred trench locations, detailed trench planning, or trench excavation. If that work is needed, it will occur in later steps of the fault investigation.
- This scope of services does not include any other field work or site investigations.
- This scope of services does not include field or laboratory testing.
- The Seismic-Geologic Site Reconnaissance Summary Report will be delivered in electronic format and comments will be incorporated after two review cycles (prior to meeting with DSO and following the meeting with DSO).
- All meetings will be held virtually.

Budget

Table 1 summarizes the estimated budget needed to complete the tasks outlined in this scope of work. Anchor QEA proposes to complete the work on a time and materials basis for a total budget of \$207,136 as an amendment to our contract with Clallam County for design and permitting of the Dungeness Reservoir. As noted previously, this scope of work will be completed with budget allocated to the detail design analysis and design drawing tasks approved under Amendment D that cannot be completed until the scope of work below is completed. After this scope of work below completed, it is anticipated that another amendment will be requested to amend the project budget to accommodate this and other work that has been required to move the project forward, but was not included in the scope of work and budget for detailed design and permitting approved as Amendment D. A more detailed breakdown of the costs included in the estimated budget are included as Exhibit A to this scope of work.

Table 1
Summary of Estimated Budget – Step 1 – Supplemental Desktop Study and Initial Reporting

Cost Item	Anchor QEA Labor Costs¹	Subconsultant Costs²	Other Costs³	Total Cost
Task 1: Present Results of Seismic-Geologic Site Reconnaissance	\$3,678	\$54,985	\$0	\$58,663
Task 2: Desktop Review and Reporting	\$2,452	\$119,659	\$10	\$122,121
Task 3: Step 1 Meetings, Project Management, and Coordination	\$12,364	\$13,968	\$20	\$26,352
Total – Step 1	\$18,494	\$188,612	\$30	\$207,136

Notes:

1. Includes Anchor QEA labor costs, estimated at the rates shown in Exhibit A.
2. Includes subconsultant labor costs, subconsultant non-labor costs, and an 8% mark-up on subconsultant costs, consistent with what has been applied for previous work.
3. Includes Anchor QEA non-labor costs.

Schedule

Anchor QEA will work with Shannon & Wilson to complete the work outlined in this scope of work within 4 months of receiving a notice to proceed.

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Memorandum

November 28, 2023

To: Steve Gray, Joe Donisi, and Rhiana Barkie – Clallam County

From: David Rice, PE – Anchor QEA, LLC

**Re: Dungeness Off-Channel Reservoir
Progress Report – November 28, 2023**

This memorandum provides an update on the progress of the Dungeness Off-Channel Reservoir project as it relates to the work being completed by Anchor QEA and our subconsultants under our professional services agreement with Clallam County for design and permitting of the project. The work is being completed and tracked by Anchor QEA as follows:

- Phase 1 – Preliminary Design (Anchor QEA Project Number 210439-02.01)
- Phase 2 – Detailed Design and Permitting, which includes the following:
 - Work that was original intended to be to be funded by a Streamflow Restoration Grant from the Washington Department of Ecology (Ecology) (Anchor QEA Project Number 210439-02.02)
 - Work that was original intended to be funded by an Irrigation Efficiencies Grant Program from the Washington State Conservation Commission (Anchor QEA Project Number 210439-02.03)

A summary of the status of each Phase and the tasks included in Anchor QEA's approved scope of work for each phase of the project is provided below.

Status – Phase 1 – Preliminary Design

The Phase 1 scope of work was completed in 2021 and 2022. The following provides a summary of the work completed as part of Anchor QEA's Phase 1 scope of work:

Task 1-1: Data Collection/Validation of Concept

This task is complete. Most of the work was completed in 2021.

Subtask 1-1.1: Collection and Review of Background Information

This subtask is complete. The project team completed the following:

- Collected and reviewed available background information.
- Summarized background information in a short memorandum.
- Reviewed the memorandum and additional data needs with Clallam County.

Subtask 1-1.2: Phase 1 Topographic Surveys

This subtask is complete. The project team completed the following:

- The Phase 1 topographic surveys were completed by Anchor QEA's subconsultant, Parametrix. The following data was collected:
 - Key points along the thalweg of the H1 Lateral from the HID Main Canal through the reservoir parcel (Clallam County Parcel 04306210000).
 - Detailed topography of the HID Main Canal at the location of the flow control structure that will be constructed near the intersection of the HID Main Canal and H1 Lateral.
- Anchor QEA prepared a base map of existing conditions based on the survey data collected and publicly available LiDAR data.

Two optional survey work tasks were included in the Phase 1 scope of work that were not completed. Clallam County and Anchor QEA determined that these tasks will be completed by the City of Sequim as part of a separate, but related project:

- Survey of the overland flow capture system alignment, including:
 - The HID Canal from upstream of Sporseen Road to downstream of Happy Valley Road
 - The Happy Valley Road right-of-way from east of the HID Canal to the reservoir parcel
- Survey of wetlands along Happy Valley Road, related to the overland flow capture system.

Subtask 1-1.3: Phase 1 Geotechnical Explorations

This subtask is complete. Anchor QEA worked with our subconsultant Shannon & Wilson to complete the Phase 1 Geotechnical Explorations. The following was completed by Shannon & Wilson:

- Review of existing project data, published geologic maps, well logs and other information.
- Participation in the project kick-off meeting at the site with the project team and County.
- Completion of a geologic reconnaissance of the site and geologic exposures near the site.
- Completion of Phase 1 explorations, including:
 - Marking exploration locations.
 - Contacting the one-call utility locate; initial coordination with the Washington State Department of Ecology Dam Safety Office (DSO) to advise them of the project.
 - Completion of borings and test pits to characterize subsurface soil conditions.
 - Installation of groundwater elevation monitoring devices in multiple borings
 - Laboratory testing of soil samples obtained.
- Preparation of a preliminary Geotechnical Data Report that presents the data collected, geologic reconnaissance, subsurface explorations, groundwater data, laboratory testing, and existing pre-project subsurface exploration data.

Subtask 1-1.4: Additional Cultural Resources Review

This task is complete. Anchor QEA worked with our cultural resources experts and Dudek to complete the following:

- Coordination of cultural resources compliance with the funding agency (Ecology)
- Coordination of the cultural resources review with Phase 1 geotechnical work
- Preparation of cultural resources compliance memorandums and forms needed to continue to move the project forward

Anchor QEA worked closely with Dudek to complete a supplemental cultural resources survey of areas of the site that had not previously been surveyed in detail in the fall of 2022. Dudek completed a draft report of their findings in December 2022. That report was reviewed by the County, finalized, and then passed to Ecology in April 2023 for review and consultation with the tribes and the Washington Department of Historical Preservation (DAHP). The additional cultural resources work was included in our Phase 1 scope of work, but most of the work and budget related to the supplemental cultural resources survey and report was transferred to Phase 2 for invoicing and tracking so that it could be reimbursed with funding from the Irrigation Efficiencies Grant.

Subtask 1-1.5: Wetland Study (Optional)

The portions of this task related to the reservoir are complete. A wetland delineation and ordinary high-water mark survey was completed for the reservoir site and the area in and around the existing HID intake facilities. The wetland delineation was summarized as a subsection in the Preliminary Basis of Design Report. Delineation of wetlands along Happy Valley Road was not completed as part of this scope of work. As noted previously, it was determined that delineation of wetlands related to the overland flow capture project would be completed by the City of Sequim under a separate scope of work for that project.

Subtask 1-1.6: Phase 1 Infiltration Testing

Limited work was completed on this task. Anchor QEA subcontracted with Pacific Groundwater Group to complete an evaluation of infiltration potential at the reservoir site. Work completed under this task by Pacific Groundwater Group was limited to the participation in meetings to discuss groundwater conditions at the site and observation of groundwater conditions in borings during the geotechnical exploration. It was determined that infiltration testing needed to support design of the proposed infiltration facility would be completed by the City of Sequim under a separate scope of work with grant funding they secured to complete analysis and design of the overland flow capture system and infiltration facilities.

Task 1-1 Deliverables

Anchor QEA completed and submitted the following deliverables to Clallam County:

- Data Summary, Data Gaps, and Additional Data Collection Plan Memorandum
- Phase 1 Topographic Survey
- Preliminary Geotechnical Data Report
- Wetlands and Waters of the U.S. Delineation Summary (included as a subsection in the Preliminary Basis of Design Report)

Task 1-2: Preliminary (30% Complete) Design

This task is complete. Preliminary design deliverables were submitted for review in December 2021. The preliminary design was presented to the County Commissioners and the Dungeness Reservoir Work Group early in 2021. The deliverables were then revised based on comments and submitted as final deliverables for the preliminary design phase of the project in March 2022.

Subtask 1-2.1: Preliminary Design Studies

This subtask is complete. The following was completed as part of this subtask:

- **Reservoir Configuration Evaluation:** Anchor QEA reviewed and evaluated multiple reservoir configurations, including hosting a half-day design charrette with Clallam County and Washington Water Trust to discuss the potential reservoir configurations, constraints, cost drivers, and other design considerations.
- **Reservoir Hydrology and Hydraulics Analysis:** Anchor QEA completed a preliminary reservoir hydrology and hydraulics analysis. The hydrology and hydraulics analysis was included as a section in the Preliminary Basis of Design Report.
- **Geotechnical Engineering Analyses:** Shannon & Wilson completed geotechnical engineering analyses to support preliminary design of the project, including the following:
 - Preliminary development of seismic design parameters and ground motion spectra
 - A preliminary liquefaction susceptibility evaluation for embankment foundation soils
 - A preliminary engineering seepage and stability analyses for the reservoir embankment and foundation and bluff west of the reservoir
 - Development of concept designs for the reservoir embankment
 - Development of concept sketches for the embankment slopes and internal zoning
 - Preparation of a Preliminary Geotechnical Engineering Design Report
- **HID Irrigation Intake and Screening Assessment:** Anchor QEA worked closely with our subconsultant, HDR, to complete the following as part of this assessment:
 - Review of existing project design and record (as-builts) documents.
 - Completion of a site visit.
 - Discussion of operations and maintenance with HID personnel.

- Completion of a brief condition assessment of the intake and associated structures.
- Identification and preparation of an annotated list of potential improvement options.
- Preparation of a short memorandum summarizing the assessment.
- **Water Quality Analysis:** Anchor QEA completed an analysis of water quality. The analysis included a detailed review of available water quality data from the site and information about water quality in similar lakes and initial water quality modeling to estimate nutrient loading, generalized trophic conditions, and impact on dissolved oxygen and temperature. The results were summarized as a subsection in the Preliminary Basis of Design Report.

This task also included an optional evaluation of the overland flow capture and conveyance system and related infiltration facilities. This evaluation was not completed as it was determined that the study would be completed as part of a separate scope of work by the City of Sequim with funding provided for the analysis and design of the overland flow capture and infiltration facilities.

Subtask 1-2.2 Preliminary Permitting Approach and Outreach

This subtask is complete. Anchor QEA initiated discussions with key regulatory agencies about the project, including the U.S. Army Corps of Engineers (USACE), the Washington Department of Fish and Wildlife (WDFW), and Clallam County. Anchor QEA prepared a detailed summary of anticipated permitting requirements and a recommended approach to obtaining the necessary permits and approvals, which were included as a subsection in the Preliminary Basis of Design Report.

Subtask 1-2.3: Preliminary (30% Complete) Design

This subtask is complete. Anchor QEA prepared and submitted a draft Preliminary Basis of Design Report with preliminary design drawings and opinions of cost to Clallam County and the Dungeness Reservoir Work Group for review in December 2021. Comments were provided and the documents were then revised and submitted as the final deliverables for this task in March 2022.

Task 1-2 Deliverables

Anchor QEA completed and submitted the following deliverables to Clallam County:

- Alternative Reservoir Configuration Figures and Summary Table
- Permitting Approach (provided as a subsection of the Preliminary Basis of Design Report)
- Preliminary Basis of Design Report
- Preliminary Design Drawings
- Preliminary Opinion of Probable Costs
- Preliminary Environmental Impacts Summary (also provided as a subsection of the Preliminary Basis of Design Report)

Task 1-3: Phase 1 Project Management and Coordination

This task is complete and included the following:

- Management of the work completed during Phase 1 of the project.
- Scheduling and participation in a kick-off meeting and initial site visit with the project team in July 2021.
- Coordination of the work with Clallam County.
- Participation in meetings with the Dungeness Reservoir Work Group.
- Participation by Anchor QEA's project manager and principal-in-charge in weekly check-in meetings with Clallam County.
- Presentation of the preliminary design to the Clallam County Board of Commissioners.
- Presentation of the preliminary design to the Dungeness Reservoir Work Group.
- Preparation for a participation in a public meeting in December 2022.
- Support for public outreach and response to requests for information from the public.
- Preparation of invoices and regular coordination with the County's project manager.

Task 1-3 Deliverables

Anchor QEA has completed and submitted the following deliverables to Clallam County as part of the work completed on Task 1-2:

- Invoices and progress reports (PDF format)
- Meeting notes (PDF format)
- Preliminary Design Presentation Materials (PDF and Microsoft PowerPoint format)

Phase 1 – Amendments

The following changes in scope of work and amendments were incorporated into the Phase 1 work:

Amendment No. 1 – Monitoring Well Installation and QAPP

Anchor QEA coordinated with Shannon and Wilson to drill a shallow boring and install a monitoring well near the dump site at the south end of the reservoir parcel. A flush-mount monitoring well was installed to monitor groundwater conditions adjacent to the dump site. Anchor QEA's geologist developed the well and sampled the well for hydrocarbons and total and dissolved heavy metals. The data was integrated into a revision of the Phase 2 Environmental Site Assessment, previously prepared by Anchor QEA under a separate scope of work. Anchor QEA also update the opinion of probable cost for cleaning up the dump site.

As part of this amendment, Anchor QEA also prepared a QAPP, as required by Ecology, to support water quality monitoring of surface waters through the irrigation system.



Amendment No. 2 – Time Extension

Amendment No. 2 was a no cost time extension that extended the time for completion of the Phase 1 work until December 31, 2022.

Phase 1 – Additional Work Completed

Anchor QEA also completed additional tasks that were not included in our approved scope of work for Phase 1, but were requested by Clallam County to keep the project moving forward. These additional tasks included:

- **Funding Application Support** – Anchor QEA provided many hours of support and input to grant funding applications for the project. The County has pursued funding from the Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) program, the FEMA Hazard Mitigation Grant (HMG) program, the U.S. Bureau of Reclamation WaterSMART program, and Ecology's Streamflow Restoration Grant program.
- **Participation in On-site Meeting with the Dungeness Reservoir Work Group** – Anchor QEA prepared for and participated in a meeting at the site with the Dungeness Reservoir Work Group in October 2021 during development of the preliminary designs.
- **Additional Cultural Resources Coordination with Ecology** – Additional time and effort was required, beyond what was included in our original scope of work, during initiation of the Phase 1 geotechnical field work to coordinate with Ecology. Multiple meetings were conducted with Ecology and the County and correspondence was completed to resolve these concerns to allow for the planned geotechnical field work to proceed. Adjustments were made to boring and test pit locations to allow for the work to progress.

Status – Phase 2 – Detailed Design and Permitting

Phase 2 work on the detailed design and permitting for the project was initiated with an amendment in October 2022. The following provides a summary of the work completed as part of Anchor QEA's Phase 2 scope of work:

Task 2-1: Permit Ready Design Drawings

Anchor QEA initiated work on updating the preliminary design drawings so that they can be submitted with permit applications to initiate environmental permit review for the project. This work was initiated under the assumption that the preliminary design would move forward without substantial changes. This task only included time to make minor updates and prepare permit ready design drawings. Anchor QEA has coordinated with Clallam County to confirm the key design elements to be included in the detailed design for the project. Some key elements were not developed to the 30% level of design during Phase 1 – Preliminary Design. Others require revisions prior to submitting permit ready design drawings. In addition, further changes will likely be required



to address property owner concerns, input from the Dungeness Reservoir Work Group, and the findings of the seismic-geologic field reconnaissance completed earlier this year.

The following additions and adjustments are being made to the design drawings so that the permit-ready drawing set reflects the intended project as accurately as possible:

- Development of design drawings for the intake and screening facility upgrades to the preliminary (30% complete) level. Only a concept drawing for these upgrades was included in the preliminary design deliverables. Additional detail is needed for permitting the project.
- Development of design drawings for piping of the HID Main Canal to the preliminary (30% complete) level. Design of the HID Main Canal was not included with the preliminary design deliverables but is needed for permitting the project.
- Adjustments to the reservoir design to reflect public comment. These adjustments are being evaluated and discussed with Clallam County.
- Adjustments to the reservoir design to reflect updated information collected during the seismic-geologic reconnaissance completed in the spring of 2023. These adjustments are being evaluated and discussed with Clallam County.
- Adjustments to the design of the outlet works to reflect preliminary design comments.
- Adjustments to the spillway design to reflect preliminary design comments and our more recent review of site topography and layout.

Because these changes are ongoing, this task has not yet been completed.

Task 2-1 Deliverables

No deliverables have been submitted yet in support of this task.

Task 2-2: Support for Funding Applications

Anchor QEA continues to support Clallam County in developing and completing requests and applications for funding. Support provided during Phase 2 has included the following work:

- Providing updated information to FEMA for evaluation of the Hazard Mitigation Grant Program funds that the County applied for in 2021.
- Support for requests for congressional funding appropriation from offices of members of the U.S. Congress that represent Washington and Clallam County.
- Review of the budget submitted for the WaterSMART grant to support contracting of grant funds with the U.S. Bureau of Reclamation. This included research to provide a basis for using the 15% contingency that was used in the funding application and communication with Clallam County to support contracting the WaterSMART funds.
- Responses to the NRCS and coordination with the County to support contracting of funding to be provided by the NRCS to construct the pipeline that will replace the HID Main Canal.

Task 2-3: Phase 2 Field Data Collection

A multiphase approach to collect field data needed to support the design was proposed at the outset of the project. This second phase of targeted field data collection has been initiated.

Subtask 2-3.1: Phase 2 Topographic and Boundary Surveys

This subtask is mostly complete. Anchor QEA has been working with our subconsultant, Parametrix, to complete collection of the following topographic survey data:

- **Survey of HID Intake Structure, Diversion Canal, and Fish Screen.** This data was collected in December 2022 and a base map was provided in AutoCAD format early in 2023.
- **Survey of HID Main Canal Pipeline Alignment.** This data was also collected in December 2022 and mapping was provided in AutoCAD format early in 2023.
- **Survey of Existing Independent Canal Intake Channel and Screening Facility.** Topographic survey of the area around the Independent Canal screening facility and the outlet of the proposed spillway was completed in December 2022 and January 2023. Mapping was provided in AutoCAD format early in 2023.
- **Geophysical Survey Lines.** As an additional item of work, staked locations placed by the geophysical survey team were located by the surveyor in January 2023. These were also provided on a base map provided in AutoCAD format early in 2023.
- **Boring Locations.** The locations of geotechnical borings that have been completed to date, including the Phase 1 borings and two borings completed during Phase 2 on the HID Main Canal, were collected by the surveyor in April 2023.
- **Boundary Survey.** The surveyor completed a boundary survey and related calculations to locate and map the parcel boundary for the reservoir parcel (Clallam County Parcel 043036210000). The field work was completed in late April 2023 and mapping was provided in AutoCAD format early in May 2023.
- **Additional Survey Points.** Additional data was collected during the field work that was completed in April 2023 to supplement the survey of the HID intake structure, diversion canal, and fish screen.

An updated, comprehensive base map was requested in July 2023 to include all data collected on the project to date. That comprehensive base map was provided in AutoCAD format by Parametrix late in the summer of 2023. Additional coordination and adjustments were made during the fall of 2023. The remaining task to be completed during Phase 2 will include the location of additional borings that will be completed at the reservoir site once property owner permission is granted and the Phase 2 geotechnical site investigations are completed.

Subtask 2-3.2: Phase 2 Geotechnical Explorations and Recommendations

This subtask is partially complete. Anchor QEA is working with Shannon & Wilson to complete the supplemental geotechnical explorations and develop recommendations for detailed design. To date, the following work has been completed by Shannon & Wilson or our other subconsultants:

- **Additional consultation with the Washington Department of Ecology DSO.** Anchor QEA and Shannon & Wilson participated in a call with DSO in early March 2023.
- **Geophysical Survey.** Shannon & Wilson worked with Global Geophysics and Jamestown Excavating to complete a geophysical survey of subsurface soils to estimate the depth to the top of the glacial till layer that underlies the site. This included the following work:
 - Clearing limbs off trees and bushes to establish site lines.
 - Completion of the geophysical survey.
 - Calibration and interpretation of the resulting geophysical data.
- **Phase 2 Borings on HID Main Canal.** Shannon & Wilson and Holt Services completed borings near the HID fish screen facility and near the bifurcation of the HID Main Canal and H1 Lateral in April 2023. These two borings were completed within the HID Main Canal easement and were located by the surveyor, as indicated in the summary of Subtask 2-3.1. Boring logs were finalized in the fall of 2023.
- **Seismic-Geologic Site Reconnaissance.** Shannon & Wilson completed a detailed seismic-geologic site reconnaissance that included a detailed desktop investigation of available documents about seismic conditions at the site, a detailed review of LiDAR data, and a site visit by geologists with expertise identifying seismic features and assessing seismic conditions.

The seismic reconnaissance work identified subtle linear topographic features (lineaments) that indicate the presence of post-glacial, fault-induced ground displacement at the site. The Phase 2 Scope of Work had anticipated that this seismic reconnaissance step would confirm the findings of the 2020 PanGEO report, which found no identifiable evidence of faulting at the site. Our original Phase 2 Scope of Work did not include any additional work to further verify fault locations or conditions. However, because the findings do suggest that there is likely faulting at the site and those findings could have implications on the design, the following additional work has been done to follow up on these findings:

- The results were presented to Clallam County in May 2023.
- The results were discussed with the County during additional follow up virtual meetings in June and July 2023.
- Additional work was done to summarize the potential impacts of these findings on the design and to identify next steps that should be taken to confirm the location and characteristics of these seismic features.

- A detailed scope of work and costs were developed in September 2023 for a phased seismic-geologic study that would include field work and additional analyses needed to confirm the location and characteristics of these seismic features.
- Anchor QEA and Shannon & Wilson are currently working with the County to get approval for the first phase of this study, which will include a more detailed desktop review and preparation of a summary report with recommendations for additional field work, if needed.

Completion of borings and test pits on the reservoir property is on hold until the phases seismic-geologic review is complete and the property owner (Washington Department of Natural Resources) provides an updated land use license or other permission that will allow for this field work. The current land use license only allows for non-ground disturbing field work. The locations of borings and test pits will be refined based on the results of the geophysical survey and phased seismic-geologic study prior to completing the work. Additional work that is yet to be completed will also include suspension logging in one of the deep borings to obtain seismic shear wave velocities, completion of additional observation wells, hydraulic conductivity testing of glacial till layer material, and laboratory testing of samples collected in borings and test pits. The work will be summarized in a Phase 2 Geotechnical Data Report.

Subtask 2-3.3: Utility Locations

Anchor QEA coordinated with the City of Sequim to discuss the location of utilities known to exist in River Road. The City of Sequim has a 12-inch asbestos-cement water main in River Road. A City of Sequim vactor truck crew located the 12-inch main, with the assistance of Clallam County and Anchor QEA, in April 2023. The location will be used to refine the design of the inlet pipeline to ensure that water main is protected during construction of the inlet pipeline.

Subtask 2-3.4: Verify Capacity of the HID Main Canal

Anchor QEA visited the site with HID personnel in the fall of 2022 to measure flow in the HID Main Canal to estimate the capacity of the canal. Those measurements have been completed and the analysis has confirmed the need for replacing the canal with a pipeline to increase the capacity to 25 cfs. The work will be summarized in the Basis of Design Report for the project.

Task 2-3 Deliverables

Anchor QEA has not completed or submitted any formal deliverables yet. Field data has been shared with Clallam County during our weekly check-in meetings. Topographic survey data, utility locate information, and HID Main Canal capacity calculations are available for review.

Task 2-4: Detailed Design Analyses

This task has been initiated as described below.

Subtask 2-4.1: Geotechnical Engineering Analyses

Shannon & Wilson completed the review of geophysical data collected at the site. The data provided from the geophysical survey was imported into a model so that the data could be reviewed in a three-dimensional format relative to the three-dimensional model of the preliminary reservoir configuration. The analysis will be refined, as needed, to support the design.

Additional geotechnical engineering analysis tasks that have not been initiated or completed yet include seepage and stability analyses, refined seismic design analyses, supplemental geologic hazards review, embankment construction materials review, review of reservoir liner and core material options. The analyses and geotechnical recommendations will be summarized in a final Geotechnical Engineering Report.

Subtask 2-4.2: Final Design Studies and Final Basis of Design Report

This task has been initiated with the following work:

- Initial work has been completed to evaluate a potential dam breach and resulting inundation extents. A hydraulic model has been developed for this analysis. Additional refinement is needed to complete this work and to reflect any adjustments to the reservoir design.
- Additional hydrology and hydraulic analyses are underway.
- Additional analysis has been completed to evaluate water availability and the proposed reservoir water balance. Anchor QEA is coordinating with Washington Water Trust to support their development of a graphical model that will represent the reservoir water balance.
- Water quality analyses have been initiated, but additional water quality data is needed to support the completion of the analysis.
- Analysis has been completed to evaluate the feasibility of incorporating a drought pump station that would deliver reservoir water to users that are supplied water from the HID Main Canal downstream of the reservoir. A memorandum is being prepared to summarize this feasibility-level analysis.

Additional work that will be completed as part of this subtask includes a detailed reservoir operations plan and analysis, additional water quality analyses, and completion of a memorandum summarizing the evaluation of drought pumping to the HID Main Canal. The work will be incorporated into the Basis of Design Report for the project.

Task 2-4 Deliverables

No deliverables have been submitted yet in support of this task.

Task 2-5: Detailed Design Documents

Anchor QEA has initiated work on several detailed design tasks. As noted in the update for Task 2-1, the primary design work being completed now includes development of designs for key elements that were not developed to the preliminary design level during preliminary design and adjustments needed to reflect comments on the preliminary design from the public and the Dungeness Reservoir Work Group. This includes coordination of design work and development of design drawings for the intake and fish screening facility improvements, a settling basin at the upstream end of the HID Main Canal, and a pipeline that will replace the HID Main Canal from the fish screening facilities down to the H1 Lateral. These design activities were summarized as part of the update for Task 2-1.

Additional design work that has been completed to date that was not part of the approved Phase 2 Scope of Work has included the following:

- Evaluation of alternate reservoir configurations that are intended to either address comments from the public or reflect the findings of the seismic-geologic reconnaissance. Several alternate reservoir configurations have been evaluated and four alternate reservoir configurations have been presented to Clallam County for consideration.
- Evaluation of costs associated with alternate reservoir configurations.
- Presentation of alternate reservoir configurations to Clallam County.

Subtask 2-5.1: 60% Design

Limited design work has been done to set up the 60% drawings and incorporate the elements identified as part of the update for Task 2-1. Work is also being done to develop drawings for elements that were not included in the preliminary design drawings but will need to be included in the design drawings as the project moves forward. These includes detailed design of intake and fish screening facility upgrades and the HID Main Canal pipeline (from the fish screen to the H1 Lateral).

Subtask 2-5.3: Final Design

This subtask has not yet been initiated.

Task 2-5 Deliverables

No deliverables have been submitted yet in support of this task.

Task 2-6: Permitting

Anchor QEA has drafted applications for local, state, and federal permits, based on the preliminary design layout and anticipated impacts that the preliminary design would have on the site and adjacent resources. Work completed to date primarily includes the following:

- Preparation and review of a SEPA checklist for the project.

- Initiation of documentation to support application for a shoreline permit by Clallam County, which will trigger their review and SEPA determination.
- Coordination with the permitting agencies.
- Coordination of permitting documents and activities with the design work.
- Participation in a virtual pre-planning meeting with key regulatory personnel from Clallam County, the U.S. Army Corps of Engineers, and the Washington Department of Fish and Wildlife.

Anchor QEA has paused work on permit applications while work is being done to confirm the findings of the seismic-geologic reconnaissance and determine how those findings will impact the reservoir design. The first objective of this task is to initiate the permitting process, which may likely take up to year to complete, and to help the County make a determination regarding SEPA compliance. If the SEPA determination indicates that a more detailed project-level environmental review is required, that could significantly impact the project schedule. Completion of the applications will be contingent on completion of permit-ready design drawings, which are underway. However, key decisions about how to revise the reservoir configuration to incorporate public comment and reflect the findings of the seismic reconnaissance still need to be made before the drawings and permit applications can be completed.

Task 2-6 Deliverables

A draft SEPA checklist was submitted to the County for review in February 2022. Additional permit documents will be submitted to the County for review as they are completed. The permit applications and supporting documentation will be completed once additional direction is provided regarding the configuration of the reservoir and other key elements.

Task 2-7: Dam Construction Permit

Anchor QEA has continued consultation with the Washington Department of Ecology DSO. Anchor QEA, Shannon & Wilson, and Clallam County participated in a check-in call early in March 2023. Anchor QEA, Shannon & Wilson, and Clallam County also participated in a check-in call with DSO on October 10, 2023. A dam construction permit application will be completed and submitted when directed by Clallam County to formalize DSO's engagement in the project. They will then be given an opportunity to review geotechnical field activities and design deliverables as they are completed.

Task 2-7 Deliverables

No deliverables have been submitted yet in support of this task.

Task 2-8: Operations and Maintenance

To support initiation of discussions with the Dungeness Reservoir Work Group about operations and maintenance, Anchor QEA has completed the following:

- Preparation of a draft summary table and O&M framework document to support the discussion about O&M held during the July Dungeness Reservoir Work Group Meeting.
- Review of the O&M framework document with Clallam County.
- Participation in the July Dungeness Reservoir Work Group Meeting to present the O&M framework and initiate a discussion with the group about O&M roles and responsibilities.

Task 2-8 Deliverables

The following deliverables have been submitted in support of this task:

- A draft summary table and O&M framework (PDF format)

A more detailed O&M Plan, opinion of long-term operating costs, and life-cycle cost analysis will be submitted later in the detailed design process.

Task 2-9: Phase 2 Project Management

Anchor QEA is actively managing the work being completed during Phase 2 of the project. Work completed to date has included:

- Initiation and management of the work completed during Phase 2 of the project.
- Coordination of the work with Clallam County.
- Participation by Anchor QEA's project manager and principal-in-charge in regular check-in meetings with Clallam County.
- Participation in three virtual meetings with the Jamestown S'Klallam Tribe and the Washington Department of Fish and Wildlife to discuss impacts on fish early in 2023.
- Preparation for and participation in meetings with the Dungeness Reservoir Work Group in March, May, June, July, August, September, and October 2023.
- Preparation for and participation in design review meetings with the County's project manager, other public works staff, and Commissioner Ozias to discuss the reservoir configurations and potential adjustments that may need to be made to address concerns and comments provided by the public and the County's project partners. Design review meetings were held with the County on January 20, 2023; April 17, 2023; and August 3, 2023.
- Support for public outreach and response to requests for information from the public.
- Preparation for and participation in a meeting with neighbors of the reservoir hosted by the Dungeness Meadows Homeowner's Association on November 1, 2023.
- Participation in calls to review the proposed scope of work for the seismic-geologic study and next steps towards completing that work.
- Preparation of invoices and regular coordination with the County's project manager.

Task 2-9 Deliverables

The following have been prepared and submitted as deliverables for this subtask:

- Monthly invoices
- Progress reports
- Presentation materials
- Meeting notes

Phase 2 – Amendments

No amendments have been requested or approved to date during the Phase 2 work. However, several out-of-scope work items have been completed or are pending, as noted below under "Phase 2 – Additional Work Completed". An amendment, or amendments will be required to cover most of this additional work. Anchor QEA will continue to monitor the additional work against the overall Phase 2 budget and will communicate with Clallam County to determine when it would be most appropriate to request and secure an amendment, or amendments, for this work.

Phase 2 – Status of Project Budget

Table 1 outlines the costs that have been invoiced to date for the Anchor QEA team's work on this project (through our October 2023 invoice) and a comparison against the budgets that were allocated for the work. As shown in Table 1 and as requested by Clallam County, Anchor QEA is tracking the work completed under Phase 2 under two different project numbers. Each project number reflects work that the County is intending to reimburse with separate funding sources. One source is the Ecology Streamflow Restoration Grant and the other is the Washington State Conservation Commission Irrigation Efficiencies Grant. The Irrigation Efficiencies Grant expired on May 31, 2023. Work that has not been invoiced yet that was intended to be completed with that funding will need to be covered with other funding. In addition, Anchor QEA is tracking work that will be constructed with funds from the U.S. Bureau of Reclamation's WaterSMART Grant with separate task numbers with a "WS" suffix, so that the County can track funds that can be used as match for that grant.

It should also be noted that the work that has been invoiced to date includes the additional work completed to date that was not originally part of our scope of work. This work is listed below under Phase 2 – Additional Work Completed and in Table 2. As noted previously, no amendments or increases to the budget have been requested yet to cover this work. However, an amendment or amendments may be required to cover some of this additional work, because the funds used to cover this work were originally intended to cover in-scope detailed design and project management work that has not yet been completed. Anchor QEA will continue to monitor the additional work



against the overall Phase 2 budget and will communicate with Clallam County to determine when an amendment is warranted.

Phase 2 – Additional Work Completed

Anchor QEA has completed additional tasks that were not included in our approved scope of work but were requested by Clallam County to keep the project moving forward. These tasks are outlined in Table 2. Each additional task includes a summary of the work completed, an estimated cost, and an indication of the status of the work and whether the work has already been invoiced. As noted previously, no amendments have been requested or approved to date during the Phase 2 work. However, amendments will be required to cover most of this additional work.

Phase 2 – Additional Work That May be Required

Table 2 also identifies several pending items of work that may be required to complete the detailed design and permitting for the Dungeness Reservoir project. This additional work includes inclusion of additional elements that have been requested by the Dungeness Reservoir Work Group and work that will likely be required to better understand the seismic features at the site and revise the design to address risks associated with those features.

Anchor QEA appreciates the opportunity to work on this project with Clallam County. Please feel free to contact Anchor QEA's project manager (David Rice, drice@anchorqea.com or 206-219-5902) with any questions or concerns regarding the progress of the project to date.



Table 1
Dungeness Reservoir – Budget Status Summary

Phase/Task	Description	Intended Funding Source – Ecology Streamflow Grant		Intended Funding Source – Irrigation Efficiencies Grant		Total – All Funding Sources	
		Budget	Invoiced to Date	Budget	Invoiced to Date	Budget	Invoiced to Date
Phase 1 – Preliminary Design							
Total	Phase 1 – Preliminary Design ^{2,3}	\$926,464	\$926,171			\$926,464	\$926,171
Phase 2 – Detailed Design and Permitting							
2-1	Permit Ready Design Drawings	\$10,774	\$8,782			\$10,774	\$8,782
2-1-WS	Permit Ready Design Drawings – WS ⁵	\$4,000	\$0			\$4,000	\$0
2-2	Support for Funding Applications	\$26,382	\$3,838			\$26,382	\$3,838
2-3	Phase 2 Field Data Collection	\$493,616	\$266,342	\$292,866	\$147,377	\$786,482	\$413,719
2-3.1–OPT	Reservoir LiDAR Survey (Optional) ¹	\$52,704	\$0			\$52,704	\$0
2-3.1	Topographic and Boundary Surveys ¹			\$111,477	\$102,457	\$111,477	\$102,457
2-3.2	Phase 2 Geotechnical Explorations ¹	\$438,265	\$263,769	\$152,000	\$15,234	\$590,265	\$279,003
2-3.3	Utility Locations ¹	\$2,647	\$2,573			\$2,647	\$2,573
2-3.4	Verify Capacity of the HID Main Canal ¹			\$3,970	\$3,919	\$3,970	\$3,919
2-3.5	Cultural Resources ¹			\$25,419	\$25,767	\$25,419	\$25,767
2-3-WS	Phase 2 Field Data Collection - WS ⁵			\$30,066	\$29,391	\$30,066	\$29,391
2-3.1-WS	Topographic Survey of Intake Facilities - WS ^{1, 5}			\$13,066	\$13,504	\$13,066	\$13,504
2-3.2-WS	Phase 2 Geotechnical Borings and Wells - WS ^{1,5}			\$14,000	\$13,614	\$14,000	\$13,614
2-3.5-WS	Cultural Resources - WS ^{1,5}			\$3,000	\$2,273	\$3,000	\$2,273
2-4	Detailed Design Analysis	\$343,065	\$39,741	\$19,000	\$12,400	\$362,065	\$52,141
2-4-WS	Detailed Design Analysis	\$15,000	\$676			\$15,000	\$676
2-5	Detailed Design Documents	\$434,723	\$112,379			\$434,723	\$112,379
2-5-WS	Detailed Design Documents	\$190,000	\$20,295			\$190,000	\$20,295
2-6	Permitting	\$39,363	\$32,146			\$39,363	\$32,146
2-6-WS	Permitting - WS ⁴	\$16,000	\$1,790			\$16,000	\$1,790
2-7	Dam Construction Permit	\$37,221	\$4,452			\$37,221	\$4,452
2-8	Operations and Maintenance	\$39,254	\$5,689			\$39,254	\$5,689
2-8–OPT	Energy Generation Feasibility (Optional)	\$18,359	\$0			\$18,359	\$0
2-9	Phase 2 Project Management	\$175,887	\$180,890			\$175,887	\$180,890
Total	Phase 2 – Detailed Design and Permitting ⁵	\$1,843,644	\$677,020	\$341,932	\$189,169	\$2,185,576	\$866,189
Total	All Phases	\$2,770,108	\$1,603,191	\$341,932	\$189,169	\$3,112,040	\$1,792,360

Notes:

- The numbers for sub-tasks shaded in gray roll up into the totals for the task above the gray shaded rows.
- The original budget approved for preliminary design and related amendments was \$931,464. Of the budget allocated to cultural resources review as part of the Phase 1 budget, \$25,000 was transferred to Tasks 2-3.5 and 2-3.5-WS under Phase 2 so that it could be invoiced against funding provided by the Irrigation Efficiencies Grant. To accommodate additional effort that was needed to prepare and participate in the public meeting in December, \$20,000 of budget was transferred from the Phase 2 budget for Tasks 2-5 and 2-5-WS to Phase 1. The net decrease in the Phase 1 budget was \$5,000.
- Most of the Phase 1 budget for optional work that was not completed was reallocated to additional work that was required during Phase 1, including funding application support, additional meetings and coordination, and additional cultural resources coordination with Ecology.
- The budget approved for Phase 2 was \$2,180,576. That included \$2,109,512 of non-optional work and \$71,063 of optional work. As noted above, \$25,000 was transferred to Tasks 2-3.5 and 2-3.5-WS from Phase 1 so that it could be invoiced against funding provided by the Irrigation Efficiencies Grant. To accommodate additional effort that was needed to prepare and participate in the public meeting in December, \$20,000 of budget was transferred from the Phase 2 budget for Tasks 2-5 and 2-5-WS to Phase 1. The net increase in the Phase 2 budget was \$5,000.
- Tasks with a "WS" suffix indicate design and permitting work for items that will be constructed with U.S. Bureau of Reclamation WaterSMART funds.

Table 2
Dungeness Reservoir – Out-of-Scope Work Summary

Out-of-Scope Work Item or Change Requested	Estimated Cost	Status
Additional Cultural Resources Survey Work – Main Canal from Intake to H1 Lateral: <i>Anchor QEA issued an amendment to Dudek for this work in October 2022 to include a survey of the HID Main Canal. Their original scope of work just included additional survey of the reservoir site and areas around the intake and screening facilities. Work was completed during their field survey in November 2022. The cultural resources work is being tracked as Task 2-3.5.</i>	\$6,268	Complete, Invoiced
Additional Topographic Survey Work – Near Intake, Along HID Main Canal, and for Spillway: <i>The cost of the topographic survey increased when we contracted the work with our subconsultant, Parametrix, due to additional detail that was needed near the intake facilities and along the HID Main Canal, as part of the work outlined in Task 2-3.1 of our approved scope of work. We also made adjustments to the scope of the survey and requested additional detail in the area at the Dungeness River side channel near the Independent Canal diversion facilities to support the design of the spillway facilities. In addition, we asked the surveyor to gather the locations of stakes along the geophysical lines, which was not part of their original scope of work, but they were able to gather that data within the time frame allocated for their most recent trip to the site.</i>	\$21,670	Complete, Invoiced
Initial Review of Alternate Reservoir Design Configurations: <i>In response to the comments from the public and project partners, Anchor QEA initially reviewed three additional potential alternate reservoir configurations. This review consisted of the following work for each alternate configuration:</i> <i>Revisions to the reservoir grading to determine the size and shape of the alternate reservoir configuration. Each alternate configuration was reviewed to confirm that it provides roughly the same storage capacity as the preliminary design, but with a lower embankment to elevation.</i> <i>Calculation of the volumes of materials required for each alternate reservoir configuration.</i> <i>Completion of a high-level opinion of cost (by plugging new volumes into the opinion of cost for the preliminary design configuration) to reflect the volumes to understand the order-of-magnitude impact on the cost of the project.</i> <i>Preparation of figures to illustrate the alternate configuration relative to the preliminary design, including plan and section views.</i>	\$10,000	Complete, Invoiced

Out-of-Scope Work Item or Change Requested	Estimated Cost	Status
Additional Meetings and Coordination: <i>Anchor QEA has prepared for and participated in meetings to coordinate the work with Clallam County, the Dungeness Reservoir Work Group, and key stakeholders that were not anticipated in our Phase 2 Scope of Work. These have included the following meetings:</i> <i>• A virtual design review meeting to discuss potential reservoir design adjustments with Clallam County, Shannon & Wilson, and Anchor QEA on January 20, 2023.</i> <i>• A virtual meeting to discuss concerns about the impact of upgrades to HID intake facilities on fish habitat with Clallam County, the Jamestown S'Klallam Tribe, WDFW, HID, Anchor QEA, and HDR on February 17, 2023.</i> <i>• A virtual meeting to discuss concerns about the impact of upgrades to HID intake facilities on fish habitat with Clallam County, the Jamestown S'Klallam Tribe, WDFW, HID, Anchor QEA, and HDR on March 3, 2023.</i> <i>• A meeting with the Dungeness River Work Group to review progress on the design and respond to questions for the Work Group with Anchor QEA and Shannon & Wilson on March 13, 2023.</i> <i>• A virtual design review meeting to discuss potential reservoir design adjustments with Clallam County, Shannon & Wilson, and Anchor QEA on April 17, 2023.</i> <i>• A virtual meeting with the Dungeness Reservoir Work Group to review progress on the design and respond to comments for Work Group members with Anchor QEA on May 11, 2023.</i> <i>• A virtual meeting to discussion water rights with Washington Water Trust, Clallam County, the Dungeness Water User's Association, and Ecology on June 21, 2023.</i> <i>• An in-person meeting with the Dungeness Reservoir Work Group to review progress on the design and respond to comments for Work Group members with Anchor QEA on June 21, 2023.</i> <i>• A virtual meeting to discussion water rights with Washington Water Trust, Clallam County, the Dungeness Water User's Association, and Ecology on August 2, 2023.</i> <i>• An in-person meeting with the Clallam County Board of Commissioners to present alternate reservoir configurations and provide an update on the project on August 14, 2023.</i> <i>• A virtual meeting with the Dungeness Reservoir Work Group to present alternate reservoir configurations and provide an update on the project on August 16, 2023.</i> <i>• A virtual meeting with the Dungeness Reservoir Work Group on September 20, 2023.</i> <i>• A meeting with Clallam County on September 25, 2023 to discuss the proposed scope of work for the seismic-geologic fault study.</i> <i>• A virtual meeting with the Dungeness Reservoir Work Group on October 18, 2023.</i> <i>• A meeting with the Dungeness Meadows Homeowner's Association to present an update to the neighbors on November 1, 2023.</i> <i>Anchor QEA has also assisted the County in developing responses to comments from various members of the Dungeness Reservoir Work Group and helped the County prepare a comment response table that will track comments from Work Group members.</i>	\$43,000	Complete, Invoiced

Out-of-Scope Work Item or Change Requested	Estimated Cost	Status
Frequently Asked Questions Document: Anchor QEA assisted Clallam County and Washington Water Trust in preparing a Frequently Asked Questions (FAQ) Document to summarize questions submitted by the public through the public meeting in December, through the County's web site, and via other communications with the County. A response was prepared for each question, either by Anchor QEA, Clallam County, or Washington Water Trust. The document was then formatted and edited by Anchor QEA, submitted to the Dungeness Reservoir Work Group for review, then edited further to address comments provided. The document was finalized and published to the County's web site late in May 2023.	\$6,000	Complete, Invoiced
Geotechnical Field Work – Additional Trip to Complete Borings: Anchor QEA coordinated with Shannon & Wilson to schedule an additional trip to the site to complete borings on the HID Main Canal near the fish screen/settling basin and at the H1 Lateral, so that the work could be reimbursed with IEGP funds before they expire. These borings were planned as part of the overall Phase 2 geotechnical program in our approved scope of work but were intended to be completed at the same time as borings to be completed at the reservoir site. The additional trip will result in a change in the cost of the Phase 2 geotechnical field work due to increased labor time for those involved and an additional mobilization/demobilization fee from the drilling contractor.	\$5,000	Complete, Invoiced
Topographic Survey – Additional Data Collection and Additional Trip: Anchor QEA coordinated with the surveyor to collect the remaining data that could be collected at the site, including the property boundary at the reservoir site and Phase 1 boring locations, to allow for reimbursement with IEGP funds before they expire. The Phase 2 boring locations will not be complete, so an additional trip will be required to collect those locations. The collection of this data is included in Anchor QEA's scope of work, but the additional trip may result in additional surveying costs that are above the budget allocated for that work. However, based on the work invoiced to date, we are hopeful that the additional trip will fit within the budget allocated for the work.	\$1,000	Complete, Invoiced
Additional Geotechnical Analysis – Based on Seismic-Geologic Site Reconnaissance Results (Work Already Completed to Date) Includes work completed between May through October 2023 to follow up on the seismic-geologic site reconnaissance work, including work completed since presenting the seismic reconnaissance results to Clallam County in May 2023. Additional work that has been completed as a follow up to the seismic-geologic site reconnaissance that was not anticipated as part of our scope of work includes the following: • Additional coordination between Anchor QEA and our geotechnical subconsultant, Shannon & Wilson • Additional work by our subconsultant, Shannon & Wilson, to understand the potential impact on the project design, identify potential next steps, and communicate that information to Anchor QEA and Clallam County • An additional meeting with Clallam County to discuss the results and anticipated path forward • Initial research of fault offsets for nearby faults • Initial literature review on embankment dam design for fault offset • An additional meeting to review potential next steps and prepare for presentations to the Clallam County Board of Commissioners and Dungeness Reservoir Work Group • Scoping of a fault study to further evaluate potential fault lines at the reservoir site	\$50,118	Complete, Invoiced

Out-of-Scope Work Item or Change Requested	Estimated Cost	Status
Additional Reservoir Configuration Analysis – Based on Seismic-Geologic Site Reconnaissance Results <i>In response to the findings of the seismic site reconnaissance work, Anchor QEA reviewed and additional alternate reservoir configuration that would involve locating the reservoir further south on the property to avoid overlap of the reservoir embankment with the potential fault zone identified through the seismic site reconnaissance. This would require coordination with BPA to figure out how the reservoir could be constructed through the BPA easement and reconfiguration of the reservoir to deal with other site constraints.</i> <i>Work completed included:</i> • Refinement of reservoir grading to determine the size and shape of the alternate reservoir configuration. • Calculation of the volumes of materials required for each alternate reservoir configuration. • Completion of a high-level opinion of cost (by plugging new volumes into the opinion of cost for the preliminary design configuration) to reflect the volumes to understand the order-of-magnitude impact on the cost of the project. • Preparation of figures to illustrate the alternate configuration relative to the preliminary design, including plan and section views. • Presentation of the information to Clallam County for review.	\$8,000	Complete, Invoiced
Additional Support for Property Acquisition, Coordination with DNR <i>Our scope of work included up to five working meetings to support the County's negotiation of the property purchase with Washington DNR. The level of coordination and effort provided by Anchor QEA's principal scientist, Mark Larsen, to support the property acquisition has already exceeded what was anticipated when the scope of work was prepared. We anticipate that additional effort will be required by Mark over the next 6 months to assist the County in coordinating with DNR to complete the property acquisition.</i>	\$10,000	Ongoing, Partially Invoiced
Revisions to QAPP for Sampling Downstream Irrigation System <i>Anchor QEA prepared a QAPP for sampling the downstream irrigation system as part of our Phase 1 scope of work. Ecology recently provided several comments on the QAPP that will need to be addressed and a revised QAPP will need to be submitted to initiate the sampling at these additional locations to provide a baseline for the water quality analysis.</i>	\$8,500	Ongoing, Partially Invoiced
Frequently Asked Questions Document Revisions and Updates: <i>Anchor QEA is in the process of updating the FAQ document so that it can be reposted to the County's project web site with updated information for the public.</i>	\$1,000	Ongoing, Not Invoiced Yet
Subtotal – Out-of-Scope Work that is Complete or Ongoing	\$170,556	Completed, Ongoing
Completion of Step 1 – Desktop Review of Seismic-Geologic Fault Study <i>Includes remainder of work to be completed for Step 1 – Desktop Review for the Seismic-Geologic Site Reconnaissance. This includes all work budgeted in the most current scope of work for Step 1 – Desktop Review that has not already been completed. Work completed through October 2023 is reflected in the item above titled "Additional Geotechnical Analysis – Based on Seismic-Geologic Site Reconnaissance Results (Work Already Completed to Date)".</i>	\$157,018	Pending

Out-of-Scope Work Item or Change Requested	Estimated Cost	Status
Completion of Additional Steps Needed to Complete Seismic-Geologic Fault Study <i>This would include additional field work or other steps that may need to be completed to follow up on the seismic-geologic site reconnaissance results. The additional work could include:</i> <i>Trench site selection to select appropriate sites for trenching to evaluate seismic features.</i> <i>Trenching to evaluate seismic features.</i> <i>Preparation of a report.</i> <i>Recommendations and a more detailed approach and cost for these steps will be developed at the completion of Step 1 – Desktop Review of the Seismic-Geologic Fault Study.</i>	TBD	Pending
Seismic Displacement (Fault Rupture) Modeling and Analysis <i>This would include modeling and analysis of fault rupture along the fault lines identified at the site based on the data collected as part of the Additional Geotechnical Field Work listed above. A detailed scope of work and budget for this analysis has not yet been developed but would be developed based on the findings of the Additional Geotechnical Field Work listed above.</i>	TBD	Pending
Revisions to Design of Reservoir Embankment to Accommodate Fault Rupture <i>This would include modifying the zoned embankment design to accommodate the findings of the Additional Geotechnical Field Work and Seismic Displacement Modeling and Analysis tasks outlined above. The embankment design would be revised to reflect the actual fault location and characteristics of the final reservoir configuration selected for the project.</i>	TBD	Pending
Additional Consultation with DSO Regarding Seismic Findings <i>Additional consultation will likely be needed with DSO to review the findings of the seismic reconnaissance, confirm the approach to the Additional Geotechnical Field Work and Seismic Displacement outlined above, and to ensure that revisions to the design of the reservoir embankment meet Dam Safety requirements.</i>	TBD	Pending
Additional Consultation with BPA for Impacts to BPA Easement <i>If the selected reservoir configuration causes additional impact to the BPA easement through the reservoir site, additional consultation may be required with BPA to ensure that the improvements are consistent with the restrictions on their easement.</i>	TBD	Pending
Additional Borings, Test Pits, Revisions to Phase 2 Geotechnical Investigation <i>The plan for drilling borings and digging test pits to gather additional information to support the detailed design of the reservoir will likely need to be revised based on the outcome of the other pending tasks listed here and the reservoir configuration selected for final design.</i>	TBD	Pending
Revisions to Reservoir Grading and Site Layout <i>The reservoir grading and site layout will need to be revised if the reservoir configuration selected is different from the reservoir configuration indicated in the preliminary design. The level of effort required for these revisions will be based on the reservoir configuration selected.</i>	TBD	Pending

Out-of-Scope Work Item or Change Requested	Estimated Cost	Status
Additional Wetland Survey and Permitting Effort <i>The wetland survey and permitting effort that has been completed to date assumed that the reservoir footprint, configuration, and impact on the site would be similar to what is represented in the preliminary design drawings and report. If the reservoir configuration changes, additional effort may be required to review wetland locations and impacts and revise permit applications to reflect the revised configuration.</i>	TBD	Pending
Detailed Design of Downstream Irrigation Pipelines <i>Anchor QEA developed preliminary design drawings for downstream pipelines needed to convey reservoir water to downstream users under a separate contract with Clallam Conservation District in 2021. The detailed design of these pipelines has not been initiated and funding for the design has not been identified or secured. The Dungeness Water Users Association has asked that this work be included with the reservoir design as one project.</i>	TBD	Pending
Detailed Design of Drought Relief Pump Station <i>The Phase 2 Scope of Work includes a feasibility-level evaluation of the potential for including a pump station that would deliver water from the reservoir to the HID Main Canal to serve users on the canal that cannot be supplied with reservoir water by gravity. Design of the pump station and related facilities was not included in the design. The Dungeness Water Users Association has asked that this be included in the design, if the feasibility-level evaluation indicates that it is feasible.</i>	TBD	Pending
Subtotal – Out-of-Scope Work that is Pending or May Be Needed in the Future	TBD	Pending



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AGENDA ITEM SUMMARY

DEC 04 2023

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: DCD

WORK SESSION ☒ **Meeting Date:** 12/4/2023

REGULAR AGENDA ☒ **Meeting Date:** 12/12/2023

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other Request for Extension |

Documents exempt from public disclosure attached: ☐

Executive summary:

LDV2018-00035 was approved by the Clallam County Hearing Examiner for a 14 lot cluster development on March 7, 2019. Expiration of land divisions, per Clallam County Code and as noted in the hearing examiner decision, is 5 years from the date of approval. Pakala LLC is requesting an extension in order to complete the 27 conditions and complete the platting process. In accordance with CCC 29.19.300 a request for a one-time 12 month extension may be granted from the Board of Commissioners if it is shown that improvements of at least 50% of the cost of all required improvements have been installed. A letter from Tracy Gudgel, P.E. certifies that 50% of the total costs of all required improvements have been completed. Water and power have been brought to each of the 14 cluster lots, stormwater detention ponds have been installed and the roads have been paved. The extensions is being sought to determine utility extension to the remainder lot and to allow the processing of the final paperwork with the County.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Approve extension of LDV2018-00035. New expiration date will be March 8, 2025

County Official signature & print name:

Bruce W. Emery Bruce Emery

Name of Employee/Stakeholder attending meeting: Donella Clark, Principal Planner

Relevant Departments: DCD

Date submitted: 11-29-2023

- * Work Session Meeting - Submit 1 single sided/not stapled copy
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Agenda11-27-23
Revised: 3-04-2019

November 28, 2023

Clallam County Commissioners

Mr. Mark Ozias, Mr. Randy Johnson, & Mr. Mike French

Clallam County

223 E 4th Street

Port Angeles, WA 98362

Dear Commissioner Ozias, Commissioner Johnson & Commissioner French,

On March 8, 2019, Pakala, LLC was granted preliminary approval for a cluster subdivision under LDV2018-00035. This preliminary approval was accompanied by 27 conditions of approval that have been pursued in earnest by Pakala, LLC ranging from utility installation, road building, grading, and buffer management among other administrative steps.

During the timeframe of March 2020-2022 progress was impeded by the impacts of the global COVID-19 pandemic from closure of non-essential businesses, followed by resultant supply chain and labor challenges causing timelines for all projects to lengthen. Nevertheless, progress has continued and at this time over fifty (50) percent of the costs of the total improvements have been realized. Water and power have been brought to each of the 14 cluster lots, community stormwater detention ponds have been installed and the two cul-de-sac roads have been graded, installed, and paved. The remaining conditions pertaining to the final plat approval are both administrative and logistical in determining the best way to extend utilities to the remainder lot across Bagley Creek. While many conditions have been met, there is yet work to be done which could extend past the expiration of the application of March 8, 2024.

Pursuit of Clallam County Code 29.19.300(2) Pakala, LLC is seeking a one-time 12 month extension to the expiration of the LDV2018-00035 application to March 8, 2025. In compliance with 29.19.300(2), please see the enclosed certification from Tracy Gudgel, licensed engineer, that the heretofore completed improvements comprise more than fifty (50) percent of the total costs of all required improvements.

Thank you for your consideration,

Pakala, LLC



CIVIL ENGINEERING

501 East 6th Street, Suite 1
Port Angeles, Washington 98362
(360) 411-5001
E-mail: office@zenovic.net

November 21, 2023

Clallam County Commissioners
Mr. Mark Ozias, Mr. Randy Johnson, and Mr. Mike French

Clallam County
223 E. 4th Street
Port Angeles, WA 98362

SUBJECT: LDV2018-00035, Parcel Numbers: 053016-440000 and 053021-110000

Dear Commissioners:

Regarding the preliminary approval of subdivision LDV2018-00035 to create 14 cluster development lots and one remainder lot, on approximately 37.37 acres of undeveloped land south of Highway 101 and east of Bagley Creek on parcel numbers 053016-440000 and 053021-110000.

I, Tracy Gudgel, licensed engineer certify that completed improvements as of November 13, 2023 represent more than fifty (50) percent of the total costs of all required improvements of the conditions of final plat. This office performed inspections previously and verified that water and power have been extended to the 14 cluster lots. The roadways serving these lots have also been constructed and paved and the stormwater system has also been installed to serve the cluster development.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tracy Gudgel', is written over the word 'Sincerely,'.

Tracy Gudgel, P.E.

Fc: 18384



**BEFORE THE HEARING EXAMINER
FOR CLALLAM COUNTY**

In the Matter of the Application of	)	No. LDV2018-00035
	)	
Pakala, LLC	)	
	)	
	)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Preliminary Subdivision</u>	)	AND DECISION

SUMMARY OF DECISION

The request for a preliminary subdivision to create 14 cluster development lots and one remainder lot, on approximately 37.37 acres of undeveloped land south of Highway 101 and east of Bagley Creek, is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held a hearing on the request on February 21, 2019.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Donella Clark, County Senior Planner
Tracy Gudgel, Applicant Representative
Jeanne LaBrecque
Janet Walker
John Christensen
Diane Christensen

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated February 14, 2019
2. Land Division Application, received December 27, 2018
3. Statutory Warranty Deed and Declaration of Easement (No. 2005-1163532), recorded August 24, 2005
4. Site Plans:
 - a. Cover Sheet (Sheet 1 of 5), dated January 9, 2019
 - b. Roadway Plan and Profile (Sheet 2 of 5), dated December 27, 2018
 - c. Roadway Plan and Profile (Sheet 3 of 5), dated December 27, 2018
 - d. Stormwater Plan (Sheet 4 of 5), dated December 27, 2018
 - e. Water and Power Plan (Sheet 5 of 5), dated December 27, 2018

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Clallam County Hearing Examiner
Pakala, LLC Cluster Subdivision, No. LDV2018-00035*

5. Preliminary Stormwater Plan, Zenovic & Associates, Inc., received December 27, 2018
6. Notice of Complete Application, dated January 10, 2019
7. Environmental Checklist, dated December 27, 2018
8. Determination of Nonsignificance, issued January 16, 2019; Memorandum from Donella Clark to Steve Gray, dated January 15, 2019
9. Letter from Southwest Regional Office, Department of Ecology, to Donella Clark, dated February 7, 2019
10. Email from Sue Waldrip to Donella Clark, dated January 8, 2019, with email string
11. Clallam County Road Department Comments, dated January 10, 2019
12. Email from Steve Jackson to Donella Clark, dated January 11, 2019, with email string
13. Email from Joel Dressel to Donella Clark, dated January 16, 2019, with email string
14. Hearing Examiner Decision, Pakala, LLC, No. LDV2006-0022, dated August 9, 2006
15. Memorandum Opinion, No. 06-2-01059-3, Superior Court of Washington County of Clallam, filed September 17, 2007; Judgment, No. 06-2-01059-3, Superior Court of Washington County of Clallam, filed July 9, 2010
16. Notice Materials:
 - a. Declaration of Mailing, dated January 16, 2019
 - b. Declaration of Posting, dated January 18, 2019
 - c. Affidavit of Publication, *Peninsula Daily News*, dated January 18, 2019; Legal Invoice, *Peninsula Daily News*, No. PDN841615, dated January 18, 2019
17. Covenants and Road Maintenance Agreement (No. 2005-1162898), recorded August 15, 2005; Record of Survey, Zenovic & Associates, Inc., (Sheets 1 and 2 of 2), dated October 26, 2005
18. Easement (No. 1999-1037271), recorded October 8, 1999

The Hearing Examiner enters the following findings and conclusions based upon the admitted testimony and exhibits:

FINDINGS

Application and Notice

- I. Pakala, LLC (Applicant) requests preliminary subdivision approval to create 14 cluster development lots and one remainder lot on two parcels totaling approximately 37.37 acres. The 14 clustered lots would be separated into two clusters of 7 lots each, with access provided off of Phillips Parkway, a private road. Each of the 14 clustered lots would range in size from 0.56 to 0.80 acres. The remainder lot would be approximately 27.75 acres and accessed from Hulse Road, a county road. A trail would be constructed throughout the remainder lot for enjoyment by all homeowners within the development. The property is located south of Highway 101, just east of Bagley Creek.¹ *Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 4.*

¹ The parcels are identified by tax parcel numbers 053016-440000 and 053021-110000. *Exhibit 1, Staff Report, page 1.* A legal description of the property is included with the statutory warranty deed. *Exhibit 3.*

2. Clallam County (County) determined that the application was complete on January 10, 2019. On January 16, 2019, the County mailed or emailed notice of the application and associated open record hearing to property owners within 600 feet of the subject property and to reviewing government departments and agencies. On January 18, 2019, the County posted notice of the application and hearing at the property and published notice in the *Peninsula Daily News*. *Exhibit 1, Staff Report, page 15; Exhibit 6; Exhibit 16.*
3. The County received no public comments on the application in response to its notice materials. The County received several agency comments, however, from the reviewing departments or agencies. Specifically:
 - The County's Building Division commented that the proposal would be subject to the fire protection requirements of Chapter 21.02 Clallam County Code (CCC) and that no final plat would be approved or building permits issued until the Fire Marshal verifies that such requirements have been satisfied.
 - Clallam County Fire District #3 noted that it has no concerns at this time related to the proposed subdivision.
 - The County Road Department noted that the proposal would require a drainage plan and that private roads within the subdivision would need to be named.
 - County Environmental Health commented that additional information would be necessary to determine that soils evaluations have been completed for each lot. Environmental Health also noted that a water availability application would be required, water lines must be installed to each parcel prior to final plat, and that each lot is served by on-site septic.

Exhibits 11 through 13.

Environmental Review

4. The County Department of Community Development (DCD) acted as lead agency and analyzed the environmental impacts of the proposal, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). DCD reviewed the Applicant's Environmental Checklist and other information on file and determined that the proposal would not have a probable significant adverse impact on the environment. Accordingly, the County issued a Determination of Nonsignificance (DNS) on January 16, 2019, with a comment deadline of February 7, 2019. The County received general comments from the Washington State Department of Ecology (DOE) about appropriate water quality management and the potential need for a Construction Stormwater General Permit. No other comments specific to SEPA were received. The DNS may be appealed to Superior Court within 10 working days of the issuance of this decision. *Exhibit 1, Staff Report, page 11; Exhibit 7; Exhibit 8; Exhibit 9.*

Existing Site, Comprehensive Plan, and Zoning

5. The eastern half of the property is relatively flat and then slopes steeply down to Bagley Creek. The clustered lots would be sited along Phillips Parkway on this eastern section

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of the property. The remainder lot would encompass Bagley Creek as well as an undeveloped area to the west. Any future homesite on the remainder lot would be built on this portion of the property, west of Bagley Creek. The southern portion of the property has been logged, but timber stands remain on the northern portion of the property. A similar proposal was approved by the Hearing Examiner in 2006, but the approval expired without work on the development. *Exhibit 1, Staff Report, page 1; Exhibit 14; Exhibit 15.*

6. The property is located within the Deer Park Neighborhood of the Port Angeles Regional Planning Area under the County Comprehensive Plan. *CCC 31.04.410.* The Comprehensive Plan notes that, within the Deer Park Neighborhood, there 'are large areas of undeveloped land between Deer Park and O'Brien Roads which provide a unique opportunity to utilize a type of planned unit development which could conserve rural character to a far greater extent than the conventional zoning currently [allows]." *CCC 31.04.410.* The subject property is designated "Rural Character Conservation" (RCC) under the Comprehensive Plan. The purpose of the RCC designation is to provide for a diversity of rural lot sizes, which includes large lots, where productive rural land uses continue to thrive, and smaller residential-sized lots for homesites. *CCC 31.04.225.* The RCC designation is "often utilized where critical areas are present, in order to allow a pattern of development which could provide a greater measure of protection to these lands." *CCC 31.04.225.* With the RCC designation, lots must be at least 0.5 acres in size, and one dwelling unit per 10 acres is allowed, without clustering, or densities of either one dwelling per 4.8 acres or one dwelling per 2.4 acres, if large lots are retained. *CCC 31.04.225. Exhibit 1, Staff Report, pages 6 through 8.*
7. County staff analyzed the proposal for consistency with the goals and policies of the Comprehensive Plan and determined that the proposal would be consistent with such goals and policies. Staff specifically identified the following policies, applicable to the Deer Park Neighborhood, as relevant to the proposal:

Policy 8. Rural character conservation designations are applied to just over half of the land between Deer Park and O'Brien Roads. Many of these lands have not been able to develop to their maximum density due to the large percentage of land being within critical areas. Streams, ravines, wetland complexes and erosion hazard areas are extensive in this area. Utilizing a rural character conservation approach would allow development to occur at current densities but would allow critical areas to be protected in large lot sizes and by homeowners' associations. To include these critical areas in small individual lots as is the case under conventional zoning would lead to loss of rural character, diminish water quality and destroy wildlife habitat.

Policy 9. The steep-sided creek ravines and creek bottom lands of Morse, Siebert and Bagley Creeks as well as the marine bluffs on the Strait should be protected for public safety, maintenance of water quality and as linear wildlife corridors through the neighborhood. These areas when left in a natural state stabilize the geologically unstable ravine and bluff environments, filter out sediments before they reach streams and shorelines and provide critical habitat for eagles, falcons, and other birds utilizing trees for perch or nesting. Allowing transfer of development rights from these areas and providing open space tax benefits to owners will further the protection of these critical areas.

Policy 18. Water service is provided to this neighborhood by the PUD.

Policy 20. The steep-sided creek ravines form a natural greenbelt in this neighborhood. Open space will occur as a result of wetland protection, stream buffering and rural character conservation development which requires large, rural sized lots to be retained in rural areas.

CCC 31.04.410.

8. The property is zoned "Rural Character Conservation 3" (RCC3). The purpose of the RCC3 zone is to conserve and enhance the rural character of Clallam County by providing for the retention of large rural lot sizes allowing productive woodlots, pasture lands, and other rural uses typically requiring more than 5 acres. *CCC 33.10.060*. The RCC3 zone preserves open land, sensitive natural areas, and rural community character that would be lost under conventional development while allowing developers to reduce road and utility costs. *CCC 33.10.060*. Rural character conservation developments and single-family dwellings are permitted uses in the RCC3 zone. *CCC 33.10.060(1)*. All surrounding properties are also zoned for rural residential development. *Exhibit 1, Staff Report, page 1.*
9. Special development standards related to clustered developments are applicable in the RCC3 zone. Specifically, under *CCC 33.10.060(9)*:
 - Maximum residential density of one dwelling unit per 2.4 acres is allowed.
 - Lots must be at least one-half acre in size.
 - For parcels less than 60 acres in area, the remainder lot must be 70 percent of the gross parcel size before development.
 - Minimum lot width must be 75 feet for clustered lots.
 - Maximum lot width to depth ratio must be 1:4.
 - Front yards must be set back at least 30 feet from private roads or 100 feet from County roads or State highways.
 - Side yard setbacks must be at least 25 feet.
 - Rear yard setbacks must be at least 30 feet.

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- No more than 9 adjacent lots may be clustered without providing at least 200 feet of separation between cluster areas.
 - No clustered lot area shall contain more than 20 percent of floodplain, wetlands, landslide hazard areas, or areas within an Open Space Overlay Corridor.
 - There shall be no more than 2 lots for every 1,000 feet of frontage along a public street.
 - Each lot shall be adjacent to the remainder lot or other open space areas.
 - No lot shall be located closer than 100 feet to a public road.
 - Remainder lots shall be located and designed to maximize common boundaries with open land on adjacent tracts and shall consist of large contiguous areas not less than 100 feet in width.
10. Here, the proposed development would divide the property into 15 lots: 14 clustered lots and a large remainder lot. Project plans show that the proposal would satisfy the requirements of CCC 33.10.060(9) for cluster developments. The remainder lot would meet the minimum 70 percent requirement of gross parcel size. Clustered lots would meet minimum lot size requirements and would be clustered in two groups of 7 lots, located around cul-de-sacs, accessible from two access points off Phillips Parkway. A 100-foot buffer would be maintained between Phillips Parkway and the clustered lots. Any development on the remainder lot would occur outside of critical areas. In addition, the remainder lot would abut all of the proposed clustered lots and a trail would be developed on the remainder lot to be enjoyed by all lots within the development. *Exhibit 1, Staff Report, page 9; Exhibit 4.*
11. Chapter 33.23 CCC also provides specific standards related to clustered developments. These standards require:
- Clustered development to be designed and arranged to relate to surrounding properties and to minimize adverse impacts of noise, traffic, and incompatible land uses.
 - Designing and situating clustered development to minimize alteration to significant natural features.
 - Ensuring that clustered development promotes compatibility among land uses within the development and outside the development.
 - Ensuring clustered development results in a positive contribution to the community which could not be achieved through standard platting and zoning procedures.
 - Consistency with the Comprehensive Plan, zoning code, Shoreline Master Program, Land Division Code, Floodplain Management Code, Environmental Policy Code, Road Plan, and Health, Building, and Fire Codes.
 - A visual buffer within the boundary of the residential portions of the clustered development to be established along all property boundaries with adjacent rural

residential zoning districts to assure that clustered development is compatible to abutting low-density development through appropriate screening and/or setbacks. *Exhibit 1, Staff Report, pages 9 through 11.*

12. Here, the proposed clustered lots would be developed near Phillips Parkway, outside of the critical areas located on the larger remainder lot. The remainder lot would retain Bagley Creek and all other critical areas, leaving such areas undisturbed. Surrounding development is located on parcels between 2 to 10 acres in size, which the remainder lot exceeds. A visual buffer would be provided on all clustered lots that border adjacent residential development, as required by Chapter 33.23 CCC. County staff reviewed the proposal and determined that it would comply with the specific standards of Chapter 33.23 CCC. *Exhibit 1, Staff Report, pages 8 through 11; Exhibit 4.*

Critical Areas

13. The Clallam County Critical Areas Code, Chapter 27.12 CCC, was adopted to implement the environmental protection policies of the County's Comprehensive Plan and the critical area protection requirements of the Growth Management Act, Chapter 36.70A RCW. *Exhibit 1, Staff Report, page 3.*
14. The County's Critical Areas Map identifies Bagley Creek as a Type 3 stream containing Puget Sound Steelhead, an Endangered Species Act (ESA) listed species. Accordingly, Bagley Creek is classified as a Type 1 Aquatic Habitat Conservation Area (AHCA) subject to the buffer protection standards of CCC 27.12.315(1). In addition, County staff determined that the ravine associated with Bagley Creek is a landslide and erosion hazard area subject to the protection standards of CCC 27.12.415 and CCC 27.12.420. The critical areas associated with the property would be retained on the large remainder lot. All proposed development of the clustered lots would occur over 200 feet from the identified critical areas, outside the jurisdiction of the critical areas code. Because of this, County staff determined that further critical areas review of the proposal would not be necessary at this time. If the proposed trail were to extend within 200 feet of the critical areas, however, a Certificate of Compliance would be necessary. In addition, any future development of the remainder lot that encroached on the 200-foot buffer would require further analysis under the critical areas code. *Exhibit 1, Staff Report, pages 11 through 15.*

Subdivision Requirements

15. Chapter 29.30 CCC provides specific requirements related to the subdivision of land, including requirements concerning improvements; minimum access and street standards; minimum water supply standards; minimum sewage disposal standards; standards related to irrigation, fire protection, drainage, and utilities; lot configuration requirements; common facilities ownership and maintenance requirements; and installation, construction, and inspection requirements. County staff reviewed the proposal

and determined:

- Access would be provided by two separate roads off Phillips Parkway to the two separate clustered areas. The private road would be constructed at a minimum graveled surface width of 20 feet, with a minimum roadbed complying with CCC 29.30.200(2). The private roads would be constructed within a 40-foot easement and include a cul-de-sac at the dead-end of each road. The private roads would be maintained as common facilities, as required by CCC 29.30.200(2)(b). The private roads would be named and, once approved by the Road Department, shown on the final plat map. The remainder lot would be accessed from Hulse Road, a county road.
- The clustered lots would connect to PUD#1, a group water system. The Applicant must obtain a certificate of water availability prior to final plat approval.
- Individual on-site septic systems would be utilized on each clustered lot. Each system would be fully contained within the respective lot's boundary, or an easement would be established for off-site systems serving the development, as required by CCC 29.30.400.
- The property is not located within an irrigation district.
- The Fire Marshal would provide verification that necessary fire protection standards have been met prior to final plat approval, as required by CCC 29.30.500(2).
- The Applicant would install community drainage and erosion control improvements prior to final plat approval. Common drainage facilities would be maintained by the land divider, a designee, or a lot owners' association, as required by CCC 29.30.500(3).
- Underground electrical and telephone service would be provided to each lot, as required by CCC 29.30.500(4). Easements would be reserved for installed utilities and designated on the face of the final plat.
- Each clustered lot would abut upon a road right-of-way and have a minimum lot frontage of 30 feet, as required by CCC 29.30.060.
- The responsibility for common facilities ownership and maintenance requirements would be determined prior to final plat approval. Common facilities may include, but are not limited to, sewage disposal, water supply, drainage facilities, streets, and recreational areas serving the lot owners. If it is decided that common facilities would be owned by a lot owner's association, this would be established prior to final plat approval, as required by CCC 29.30.700.
- All required improvements would be verified prior to final plat approval as required by CCC 29.30.800.

Exhibit 1, Staff Report, pages 3 through 6.

Testimony

16. County Senior Planner Donella Clark testified generally about the application and how

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Clallam County Hearing Examiner
Pakala, LLC Cluster Subdivision, No. LDV2018-00035*

the County reviewed the application for consistency with the County's Comprehensive Plan and zoning ordinances. Ms. Clark explained how clustering within the proposal would work and stated that, were development to eventually occur on the remainder lot, it would need to comply with requirements of the RCC3 zone and be compatible with the County's Comprehensive Plan. No such development is currently proposed on the remainder lot, however, and review of any proposed development on the remainder lot would occur in the future. Ms. Clark also stressed that all critical areas on-site would remain undisturbed and would be located entirely on the remainder lot. Finally, she explained that the County does not assess the requirements for approval of subdivisions under the State Subdivision Act, RCW 58.17, which requires that appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that ensure safe walking conditions for students who only walk to and from school. Instead, the County relies on its own local regulations in assessing whether a proposal satisfies the requirements for subdivision approval. Ms. Clark acknowledged that, under the County's municipal code, detailed review of proposed subdivisions, like this one, occurs later in the planning process, often during the civil construction phase. *Testimony of Ms. Clark.*

17. Applicant Representative Tracy Gudgel testified that stormwater on-site would be collected and treated in stormwater detention ponds on-site, and that all stormwater-related infrastructure would comply with the requirements of the 1992 Stormwater Manual, as required by the municipal code. Mr. Gudgel explained that the clustered lots within the subdivision would be subject to an existing "Covenants and Road Maintenance Agreement" related to Phillips Parkway (Exhibit 17), which requires all property owners to share in the cost of repairing and maintaining the private road.² He stated that the Applicant has not yet determined whether a homeowners' association would be established for the development but, at a minimum, all lots would be subject to an agreement that addresses common maintenance of stormwater facilities, roads, and the proposed trail. Mr. Gudgel also noted that the Applicant intends to develop Lot 15 with a single-family residence (as opposed to some other use) in the future. *Testimony of Mr. Gudgel.*
18. Jeanne LaBrecque testified that she lives approximately one mile south of the proposed development and is concerned with water availability for the proposal. She explained that her property is served by the PUD, but last year, severe water restrictions were put in

² The agreement also provides, in part, that: factory assembled homes may not be placed on the subject property; recreational vehicles may not be parked upon streets or rights-of-way identified in the agreement; the property shall not be used for business, apart from business that is conducted entirely within a residence; industry is forbidden on the property; and interior ground-floor space for dwellings shall be no less than 1,200 square feet. *Exhibit 17.* Although not addressed in this decision, presumably all development occurring on the property would need to adhere to these requirements.

place due to water shortages in the vicinity. Ms. LaBrecque also expressed concerns about Phillips Parkway. She noted that it connects two county roads (Sutter and Hidden Valley Roads), and it would be preferable to have the County assume the ownership and maintenance requirements of Phillips Parkway. Ms. LaBrecque also explained that turning on to Phillips Parkway from Sutter Road can be dangerous and that adding 14 additional homes would exacerbate this problem. She also noted that, currently, a trail on the western portion of the remainder lot provides access to a private shooting range, which has created excessive noise. *Testimony of Ms. LaBrecque.*

19. Janet Walker testified that she lives directly east of the proposed development, across Phillips Parkway. She also expressed concern over safety on Phillips Parkway and maintenance of the road. Specifically, Ms. Walker stated that it would be beneficial to have a stop sign installed at the intersection of Sutter Road and Phillips Parkway. In addition, although there may be an agreement in place related to the maintenance of Phillips Parkway, there is no mechanism in place for residents to maintain the road. Ms. Walker also expressed concern over septic drainfields on the proposal, impacting their property through the leaching of contaminants, and the potential for contaminants in stormwater to negatively impact adjacent properties. Ms. Walker also stated that she would like a visual buffer between Phillips Parkway and the proposed development because the property is currently visible from her property. Finally, she expressed concern that, under CCC 33.10.060(9)(j)(iii), no more than two lots for every 1,000 feet of frontage along a public street should be allowed and that the County has right-of-way interest in Phillips Parkway.³ *Testimony of Ms. Walker.*
20. John Christensen testified that he lives to the south and is concerned that adding additional homes in the vicinity would overload Phillips Parkway. He also expressed concern over whether internal roads would be paved and how the remainder lot would receive water. *Testimony of Mr. Christensen.*
21. Diane Christensen testified that Phillips Parkway is dangerous and that it would be preferable to have the County take over the road. She also expressed concern over septic systems on the subject properties impacting Bagley Creek. Ms. Christensen also noted that neighbors in the vicinity would like an opportunity to connect to any fiber optic cables that are installed on the property. *Testimony of Ms. Christensen.*
22. In response to public testimony, Ms. Clark explained that residents must petition the County to accept ownership of a private road. She noted that the County Road Department did not have any concerns over increased traffic on Phillips Parkway from the proposed development and that the County does not have the authority to require a stop sign on a private road. Those subject to the Road Maintenance Agreement, however, could agree to have a stop sign installed on the private road. Ms. Clark also

³ Ms. Walker provided information on the County's interest in the right-of-way. *Exhibit 18.*

explained that, with CCC 33.10.060(9)(j)(iii), the County does not believe this provision relates to easements or right-of-way but, instead, limits development on public streets, making it inapplicable to the proposal. Ms. Clark noted that the School District would determine where appropriate bus stops would be located, if necessary. In relation to other concerns expressed by area residents, Ms. Clark noted that a certificate of water availability would be required prior to final plat approval; stormwater would be retained on the property itself, and this would be ensured through review of a final drainage plan; septic systems on the property would be required to meet state standards, which ensure that such systems do not contaminate groundwater; a portion of the remainder lot already provides a buffer along Phillips Parkway, but this would be designated on the final plans as a landscaped area that must be maintained; and the property is not within a “no shooting” zone, but if state noise ordinances are being violated, the County sheriff would be responsible for responding to such complaints. In addition, if an illegal, commercial shooting range is being operated in the area, that matter could be addressed through the County’s code enforcement process. *Testimony of Ms. Clark.*

23. Mr. Gudgel also responded to public testimony. He noted that the property would be graded, as necessary, but that grading would be limited, in light of requirements related to septic drainfields, and the private roads serving the property would be paved. Mr. Gudgel also explained that stormwater runoff from the property would be controlled, and runoff would not sheet drain into Bagley Creek or onto adjacent properties. Runoff would be routed and treated in two stormwater detention ponds for treatment before being released in natural flow paths. Mr. Gudgel stated that the Applicant would not be opposed to a stop sign being installed on Phillips Parkway, but that would have to be decided amongst the properties subject to the Road Maintenance Agreement. The Applicant would also support a bus stop being sited on the property if the school district was willing to come to the site. In relation to the remainder lot, Mr. Gudgel explained that, if development occurs on the remainder lot and PUD water is not available, appropriate permits would be necessary to allow a well to be drilled on-site. In relation to CCC 33.10.060(9)(j)(iii), Mr. Gudgel pointed out that the provision would be inapplicable because none of the clustered lots actually front on Phillips Parkway: the remainder lot provides a buffer between Phillips Parkway and the clustered lots. Finally, Mr. Gudgel noted that new septic systems installed on the property would be subject to current state standards and would likely provide greater protection than existed when other septic systems in the area were installed. *Testimony of Mr. Gudgel.*

Staff Recommendation

24. Ms. Clark testified that County staff recommends approval of the preliminary subdivision, with conditions designed to ensure the proposal complies with municipal code requirements and mitigates project impacts. Mr. Gudgel testified that the Applicant understands and would comply with the proposed conditions. *Exhibit 1, Staff Report, pages 16 through 20; Testimony of Ms. Clark; Testimony of Mr. Gudgel.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide subdivision applications. CCC 26.04.060; CCC 29.13.200.

Criteria for Review

Under Chapter 29.10 CCC, review and preliminary determination for a land division requires consistency with the following:

1. The standards of Title 29 CCC, Subdivisions;
2. The Comprehensive Plan;
3. The Zoning Code;
4. The Shoreline Master Program;
5. The Floodplain Management Code;
6. The Environmental Policy Code;
7. The Critical Areas Code;
8. The Consolidated Permit Process Code;
9. The public health, safety, welfare, use and interest.

CCC 29.10.100.

The state subdivision criteria, codified at Chapter 58.17 RCW, are as follows:

A proposed subdivision and dedication shall not be approved unless the city, town, or county legislature body makes written findings that: (a) appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.

RCW 58.17.110(2).

The criteria for review adopted by the Clallam County Board of Commissioners are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with County development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. RCW 36.70B.040.

Conclusions Based on Findings

1. **With conditions, the preliminary subdivision would be consistent with the criteria of approval established under Chapter 29.10 CCC.** The property is located within the Deer Park Neighborhood of the Port Angeles Regional Planning Area under the County Comprehensive Plan. CCC 31.03.350. County staff analyzed the proposal for

Findings, Conclusions, and Decision

Clallam County Hearing Examiner

Pakala, LLC Cluster Subdivision, No. LDV2018-00035

consistency with the goals and policies of the Comprehensive Plan and determined that the proposal would be consistent with such goals and policies. The property is zoned Rural Character Conservation 3 (RCC3). The purpose of the RCC3 zone is to conserve and enhance the rural character of Clallam County by providing for the retention of large rural lot sizes, allowing productive woodlots, pasture lands, and other rural uses typically requiring more than 5 acres. The RCC3 zone is intended to preserve open land, sensitive natural areas, and rural community character that would be lost under conventional development while allowing developers to reduce road and utility costs. Clustered developments, like the proposed subdivision, are permitted in the RCC3 zone.

CCC 33.10.060(9) and Chapter 33.23 CCC provide specific requirements related to development of clustered subdivisions. The proposal would satisfy these requirements. In addition, the proposal would satisfy the requirements of Chapter 29.30 CCC concerning improvements; minimum access and street standards; minimum water supply standards; minimum sewage disposal standards; standards related to irrigation, fire protection, drainage, and utilities; lot configuration requirements; common facilities ownership and maintenance requirements; and installation, construction, and inspection requirements.

The County's Critical Areas Map identifies Bagley Creek as a Type 3 stream and is classified as a Type 1 Aquatic Habitat Conservation Area (AHCA) subject to the buffer protection standards of CCC 27.12.315(1). In addition, County staff determined that the ravine associated with Bagley Creek is a landslide and erosion hazard area subject to the protection standards of CCC 27.12.415 and CCC 27.12.420. All proposed development of the clustered lots, however, would occur over 200 feet from the identified critical areas, outside the jurisdiction of the critical areas code. If the proposed trail were to extend within 200 feet of the critical areas, a Certificate of Compliance would be necessary. In addition, any future development of the remainder lot that encroached on the 200-foot buffer would require further analysis under the critical areas code.

Safety and maintenance of Phillips Parkway was the primary concern raised at the open record hearing. Ultimately, property owners subject to the Road Maintenance Agreement must determine the best path forward to ensure that the road is properly maintained. Once development occurs, lot owners on the subject property would be included in this deliberation. The County, however, does not have the authority to require that a stop sign be placed on a private road.

Conditions are necessary to ensure that the Applicant properly records the plat; ensures consistency with submitted plans; provides certificates of water availability and plans addressing extension of the water system; ensures plans are approved by the Fire Marshal; provides appropriate information to Environmental Health concerning installation of septic systems and drainfields; properly constructs and names the private roads; provides appropriate visual buffers, where required; ensures all easements are

established and properly recorded; provides an engineered drainage plan; ensures critical areas are protected; ensures all utilities are properly installed and common facilities are maintained; obtains all necessary inspections; ensures property taxes are paid; and develops the proposal in a timely manner. *Findings 1 – 24.*

2. **With conditions, the proposed subdivision would be consistent with development regulations, considering land use type, development level, infrastructure, and development characteristics, such as development standards, as required by Chapter 58.17 RCW.** The County provided reasonable notice and opportunity to comment on the proposed preliminary plat. The County received no public comments in response to its notice materials. Environmental impacts of the proposed plat were considered, as required by SEPA, and the County issued a SEPA Determination of Nonsignificance that was not appealed. The preliminary plat would provide single-family residential development consistent with applicable development regulations. County staff determined that, with conditions, the proposal would be consistent with all applicable County requirements, including the applicable Comprehensive Plan, municipal code, and development standards. The public interest would be served by the platting of the subdivision. As detailed above in Conclusion 1, conditions are necessary to ensure that the proposal meets all criteria required for plat approval. *Findings 1 – 24.*

DECISION

Based on the preceding findings and conclusions, the request for a preliminary subdivision to create 14 cluster development lots and one remainder lot, on approximately 37.37 acres of undeveloped land south of Highway 101 and east of Bagley Creek, is **APPROVED**, with the following conditions:⁴

1. The complete plat number and existing parcel numbers must appear at the top right corner of the final plat as follows:

PLAT NO. LDV2018-00035

Parcel Numbers: 053016-440000 and 053021-110000

2. The final plat shall be substantially consistent with the proposed development as modified by these conditions of approval.
3. The Applicant shall comply with the requirements for final plat approval of Chapter 29.20 CCC.

⁴ Conditions include both legal requirements applicable to all developments and requirements to mitigate the specific impacts of this development.

4. Prior to final plat approval, the Applicant shall provide Water Availability Verification (WAV) to the Environmental Health Division pursuant to CCC 29.30.300(1)(b). The application shall be accompanied by a letter from the water purveyor stating that the distribution system has been installed in accordance with their requirements and specifications and that water is available to each of the newly created lots.
5. The Applicant shall provide construction plans and specifications for the extension of the water system to the Clallam County Fire Marshal. The plans must be stamped by a registered, professional engineer licensed in the State of Washington. The Clallam County Fire Marshal shall approve these plans in writing prior to installation of the system.
6. The Applicant shall install hydrants as specified in Table A of CCC 21.02.035. The Applicant should consult the Clallam County Fire Marshal for further information. Approval of the hydrant placement by the Fire Marshal shall be submitted prior to final plat approval. The location of all hydrants shall be noted on the final plat map and all distances verified by a surveyor.
7. The Applicant shall provide a map to the Environmental Health Division that shows the existing location of the test pits in relation to the proposed lot layout. If any lots do not align with an existing site registration a soils test will be required to be complete for the lot.
8. The private roads off Phillips Parkway will be required to be improved prior to final plat approval. These private roads shall be required to be constructed to a minimum 20 foot width, consisting of a minimum nine-inch gravel base with a three-inch crushed gravel surface, located within a 40 foot easement, in accordance with CCC 29.30.200(1)(b). Both roads shall terminate with a cul-de-sac with an improved surface radius of 45-feet located with an easement of a 50-foot radius.
9. The two private roads shall be named through the Road Department and the final names printed on the face of the plat.
10. A visual buffer shall be located between proposed Lots 1, 2 and 3 and the residential property to the north as well as Lots 12, 13, and 14 and the residential properties to the south and west. A 60-foot-wide buffer of undisturbed timber is indicated to the north. A minimum 30-foot-wide buffer shall be planted along the south and west, planted with trees 30-foot on center, two shrubs planted between each pair of trees, and a groundcover. These buffers shall be indicated on the final plat map to ensure protection of the buffers in perpetuity. The planting, maintenance, and management of these landscaping buffers shall be required pursuant to CCC 29.30.700.

11. Use of the existing crossing of Bagley Creek for the driveway from Hulse Road and development of a trail will require approval of a certificate of compliance pursuant to CCC 27.12.705.
12. Easements shall be established for any common facilities, such as trails, drainage, roads, or landscaping, proposed within the remainder lot. Such easements shall be clearly shown on the face of the final plat map and identified in any related homeowner's association required for the development.
13. An engineered drainage plan shall be submitted to and approved by the Clallam County Road Department prior to final plat approval. The plan must also include provision for temporary erosion and sediment control plan. The plan must be prepared by an engineer licensed in the State of Washington and done in conformance with the Department of Ecology's Stormwater Management Manual, 1992.
14. A minimum 50-foot protective buffer shall be provided from all areas designated as Landslide Hazard, and a 100-foot protective buffer shall be provided from the ordinary high water mark (OHWM) of Bagley Creek, a Type 3 stream. Pursuant to CCC 27.12.315(9) and .415(4), the designated Landslide Hazard Area, Type 3 and associated buffers shall be surveyed and shown on the face of the final plat map. A plat note shall be added that states:

Lots within this subdivision may contain critical areas designated as Type 3 stream, Landslide Hazard Area, Erosion Hazard, Frequently Flooded Area, and Critical Aquifer Recharge Area pursuant to Chapter 27.12 CCC. Development within the jurisdiction of designated critical areas is subject to compliance with Chapter 27.12 CCC. Consult the Clallam County Department of Community Development for further information.

15. The following language shall be clearly shown on the face of the final plat:

This land division was determined to be consistent with the maximum residential density of the underlying zone at the time of approval. Notwithstanding a change in zoning, residential density for property shown herein shall not be increased. The size and configuration of the remainder lot, Lot 15, is designed to retain at least 70% of the total gross acreage of this subdivision in a large, contiguous lot or tract. Lot 15 shall not be further subdivided or altered in any way which reduces its present acreage. Consult the Clallam County Planning Division for further information.

16. In accordance with CCC 29.30.700, the responsibility for the maintenance and operation of any common facilities, including roads, shall be determined prior to final plat approval. Said facilities may be maintained and operated by the land divider, a lot owners' association, a public agency, or a private agency consistent with applicable state

requirements. However, no public or private agency has been designated for the maintenance of common facilities, and is therefore not being considered as part of this proposal. If said common facilities are to be owned and managed by a lot owners' association, said lot owners' association shall be established prior to final approval. The association would be responsible for operating and maintaining all common facilities dedicated or deeded to it by the land divider. The by-laws of the association shall authorize, at a minimum, the following responsibilities and authorities:

- To enforce covenants and conditions required by this Title, or in the lot owners' association.
 - To levy and collect assessments against all lots to adequately accomplish the association's responsibilities.
 - To collect money from unit owners to finance future improvements.
 - To collect delinquent assessments through the courts, including money to pay for the costs of court action.
 - To enter into contracts to build, maintain and manage common facilities required by this Title.
 - To allow amendments to the by-laws for improvements required by this Title require a land division alteration to be submitted, approved and finalized in accordance with this Title.
17. If a Home Owners Association is formed, the final plat shall include a statement which requires indefinite existence of the association and automatic membership in the association upon assumption of ownership of a lot within the plat. The Association by-laws shall be submitted and approved by the Administrator prior to final approval. The by-laws required for this section shall be separate from any by-laws or private covenants established by the subdivider. Any private covenants or restrictions proposed by the subdivider shall not be included with any required by-laws set forth by Title 29 of the Clallam County Code.
18. Prior to final plat approval, underground utilities must be installed to each lot by the land divider including, but not limited to electrical and telephone. Television cable is optional, provided that if cable service is installed, it must be installed underground. Reservation of all required utility easements must be assured and clearly shown on the face of the final plat.
19. All required improvements shall be installed by the land divider after the County has granted preliminary approval and prior to final approval in accordance with the following procedures:

- Underground utilities, sanitary sewers, and storm drains installed in the road right-of-way shall be constructed before surfacing of streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed so as to avoid disturbance of street improvements when service connections are made.
 - A drawing showing required improvements as constructed shall be signed by the designer or installer, retained by the land divider and shall be submitted and filed with the Road Department upon completion of the improvements.
 - Lot Grading: Grading and filling of lots in a land division having an average slope of ten (10) percent or more shall be in compliance with the most recent edition of the Uniform Building Code adopted by Clallam County, and comply with the Chapter 27.12, CCC, and the Clallam County Drainage Manual, if applicable.
 - Minimum improvements required by this Title shall be installed at the expense of the land divider prior to final approval.
 - The County Public Works Department shall inspect and approve all required construction prior to final approval.
20. Prior to inspection of the required improvements, the Applicant shall submit a completed *Affidavit of Improvements* and *Improvement Inspection Request* (forms available at the Clallam County Department of Community Development).
 21. The Applicant shall submit a Certificate of Title dated no earlier than 30 days prior to submitting for final plat approval.
 22. The above requirements are subject to change if proposed lot sizes or any other information provided by the Applicant or their authorized representative proves inaccurate.
 23. Current year property taxes (year in which the subdivision is to receive final approval) and any delinquent assessments for which the property may be liable to be paid in full to the Clallam County Treasurer.
 24. Upon completion of all of the above requirements, the Applicant shall submit the certificate of title and three (3) copies of the proposed final plat and appropriate fees for review by the Administrator for final approval.
 25. All certification stamps and signatures shall be in permanent black ink.

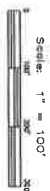
Findings, Conclusions, and Decision
Clallam County Hearing Examiner
Pakala, LLC Cluster Subdivision, No. LDV2018-00035

26. The Clallam County Auditor will only accept a final plat which shall consist of one or more pages, each 18 inches wide by 24 inches, clearly and legibly drawn on polyester base (Mylar) film with a minimum thickness of three mil. All drawing and lettering on the final plat shall be in permanent black ink. The only acceptable alternative is photographically processed Mylar film copies (photographically processed means fixed line silver based photopositive chemical process). The following processes are not acceptable: Diazo (ammonia) process Mylar, electrostatic Mylar, wash off (wet erasable) Mylar, sepia paper, pencil on Mylar, or tracing paper.
27. A final plat which meets all of the requirements of Title 29 and of this decision shall be submitted to the Administrator for processing and approval within five (5) years of the date of this preliminary land division approval. The final plat may be presented to the County at any time during the period of preliminary approval. The preliminary approval shall be null and void unless a final plat is approved and recorded during the original five-year approval period.

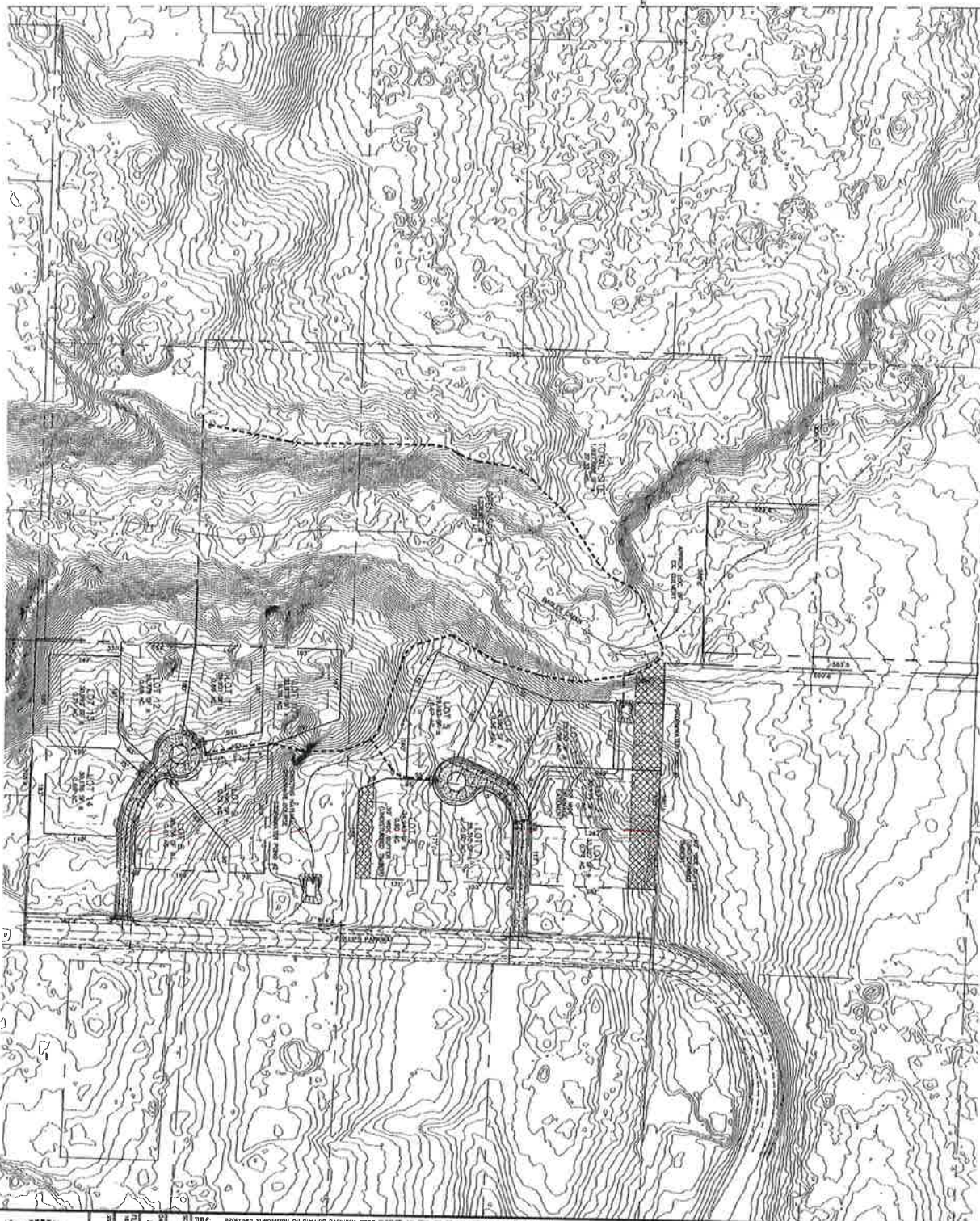
Decided this 7th day of March 2019.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center



SITE PLAN
SCALE 1" = 100'

[illegible]

TITLE: PROPOSED SUBDIVISION ON PHILLIPS PARKWAY, PORT ANGELES, WA (FW 23-23-12-440000 488-23-21-112000)

SUTTER WOODS CLUSTER SUBDIVISION - STORMWATER PLAN

PAKALA LLC
C/O KEVIN ESTES
259003 HIGHWAY 101
SEQUIM, WA 98382

ZENOVIĆ & ASSOCIATES
INCORPORATED

819 S. PEABODY ST., STE. 22
PORT ANGELES, WA 98362
PHONE: (360) 417-0501
FAX (360) 417-0314
E-MAIL: JENNY@CINEMAC.NET

[illegible] $T'' = 100$

December 27, 2016

2000-2001

18384



STYLING: JENNIFER HARRIS

100

HEAT

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15
DEC 04 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: Community Development, Roads

WORK SESSION ☒ **Meeting Date: December 4, 2023**

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☒
Will be provided on:

Item summary:

- | | | |
|---|--|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other Issue for discussion |

Documents exempt from public disclosure attached: ☐

Executive summary:

The DCD and Road Department, with members of the Board of County Commissioners, collaborated on a public outreach effort for presenting and soliciting feedback from the public on four alternatives for the surfacing of the new Towne Road Levee. The attached report details the background, alternatives considered, and responses received from members of the public within the established comment period. The DCD and Roads Department would like an opportunity to discuss the results of the public outreach effort and other issues related to the surfacing alternatives. It is hoped that following this discussion, the Board will be in a position to provide clear direction as to the preferred alternative for the future use of the levee facility.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐ The budgetary impact will be dependent on direction agreed to by the BOCC.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Provide direction for the DCD and Roads Department for pursuing a preferred alternative for the surfacing of the new Towne Road Levee.

County Official signature & print name: Bruce Emery

A handwritten signature in blue ink that reads "Bruce W. Emery".

Name of Employee/Stakeholder attending meeting: _Bruce Emery, Director_____

Relevant Departments: _DCD, Roads Department_____

Date submitted: 11/29/2022

* Work Session Meeting - Submit 1 single sided/not stapled copy

Agenda Item Summary Levee Discussion 1204233

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Revised: 3-04-2019



CLALLAM COUNTY
Department of Community Development
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Phone: (360) 417-2323
Fax: (360) 417-2443

bruce.emery@clallamcountywa.gov

November 29, 2023

Board of Clallam County Commissioners

RE: Towne Road Levee Surfacing Alternatives/Public Outreach

Dear Honorable Commissioners,

The Lower Dungeness Floodplain Restoration Project has reconnected and restored approximately 175 acres of former floodplain with the Dungeness River. In total, the project included the removal and reconstruction of approximately 2.2 miles of new levee, generally divided into three segments: the North Levee (approx. 0.3 mi.), the Towne Road Levee (approx. 0.8 mi.), and the River's Edge Levee (approx. 1.1 miles). Only the Towne Road Levee portion is considered for vehicle use; the North Levee and River's Edge Levee are exclusively available for non-motorized use.

On September 26, 2023, the Public Works Department, DCD, and members of the Board of County Commissioners provided a public outreach meeting at Guy Cole Community Center in Sequim. The purpose of the meeting was to provide the public with an update regarding the status of the Lower Dungeness Floodplain Restoration Project—specifically concerning four alternatives for the surfacing and future use of the Towne Road Levee segment. Written notice of the meeting was provided to all landowners within one mile of the Old Dungeness Schoolhouse property. Notice was also provided on the County's web page, in the peninsula Daily News and the Sequim Gazette.

A public comment period was allowed for the submittal of comments, starting on September 9th and concluding at 5:00 PM on October 10, 2023. A total of 413 emailed and hand-written comments were received by the County at the close of the comment period. Additional comments have been received following the close of the comment period but are not reflected in this report.

Towne Road Levee Surfacing Alternatives. The four surfacing alternatives presented at the September 26th meeting include:

- Alternative 1: Construct a two-lane (ten-foot lanes, four-foot shoulders) road to connect existing Towne Road to E. Anderson Road. This was the original design concept pursued since 2015.

- Alternative 2: Construct a two-lane road and separate six-foot trail surface. Given the limited 32-feet available, the road would include ten-foot-wide lanes with one-foot shoulders, and two-foot guard rails.
- Alternative 3: Construct a one-lane, 16-foot road surface (south-bound) and a 12-foot-wide pedestrian trail-surface.
- Alternative 4: Construct a pedestrian trail-surface centered on the levee. This option would require the placement of a single-use driveway access to accommodate an existing landowner.

Public Comments. The following Table summarizes the results of the public comments received during the comment period:

Lower Dungeness Floodplain Restoration Project				
Towne Road Levee Surfacing Alternatives, Public Comment Results				
Response Summary				
	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Electronic Responses:	118	59	13	163
Hard copy Responses:	<u>22</u>	<u>12</u>	<u>4</u>	<u>22</u>
Total Responses:	<u>140</u>	<u>71</u>	<u>17</u>	<u>185</u>
Percent of Total:	<u>34%</u>	<u>17%</u>	<u>4%</u>	<u>45%</u>
	Number	Percent of Total		
2-Lane, Paved Alts *:	<u>200</u>	<u>51%</u>		
Recreational Alts *:	<u>194</u>	<u>49%</u>		
(* Corrected for multiple votes)				

In considering each of the four alternatives, Alternative 4 received the most exclusive support at 45%. However, when considering the responses from the standpoint of a two-lane paved alternative (Alts 1 & 2) compared to a recreation-centered alternative (Alts 3 & 4), the results were close to an even split, with 49% of respondents favoring a recreational-centered alternative, and 51% favoring a two-lane road alternative. Divided between an exclusive recreational alternative and some form of through-road paved alternative, the divide is even greater, with 45% favoring a recreation-only alternative and 55% favoring some form of paved through-road alternative.

The comments received included a range of reasons supporting the positions of each commentor. However, common themes did emerge as the basis for the opinions offered. While not complete, the following summarizes the themes revealed by the comments received:

- **Two-lane Paved Alternatives (Alts 1 & 2):** Respondents cited Tsunami evacuation as a primary concern. Emergency response access, also cited by the District 3 Fire Chief, was cited as a primary concern. Respondents also identified residual impacts from spill-over traffic to other regional roads, maintenance of historic access, and the fulfillment of the commitment of the original design as key reasons for completing a two-lane through road facility.
- **Recreation-oriented Alternatives (Alts 3 & 4):** Respondents cited the unique recreational opportunity presented by the new levee surface and natural regeneration of the restored floodplain as reasons to keep vehicle access restricted or limited. Respondents also cited less impact on fish and wildlife through restricting vehicle access. Respondents cited tsunami evacuation concerns in support of Alternative 3.

Implicit in several of the pro-recreation comments received was the notion that introduction of vehicle traffic on the Towne Road segment would negatively impact the aesthetic quality of current recreational use. This might suggest that a combination of trail and vehicle accommodations would substantially impact the trail experience. Likewise, implicit in several of the pro-road comments received was the notion that accommodating full vehicle traffic access was necessary to ensure evacuation egress. This might suggest that anything short of full lane and shoulder widths for vehicles would be unacceptable.

Other Considerations. Peripheral issues exist with some of the stated alternatives. Should the road be permanently closed to public vehicle access, there still remains the matter of driveway access for one of the abutting landowners. Access still needs to be maintained for farm equipment between the Dungeness area and farmlands to the south. A functional gate system will be required to restrict unauthorized vehicle access but allow limited access for area residents and farmers. The current gating system is failing due to vandalism and failure of users to maintain the gates locked when not in use. In the matter of Alternative 3, enforcing the one-way use of the one-way road may also be a challenge. Alternative 3 also fails to address the need for farm equipment transport from south to north.

The North Levee and the River's Edge Levee both provide recreational opportunities without interference from traffic. However, these opportunities would be significantly diminished without a trail nexus between the two facilities.

Costs of Alternatives. The costs of the four alternatives vary substantially. The following is an engineer's rough estimate for each of the four alternatives:

- Alternative 1: \$3.909M
- Alternative 2: \$3.751M
- Alternative 3: \$3.082M
- Alternative 4: \$0.754M

(These costs are a best estimate assuming a 2024 construction year, inspection costs and 20% contingency.)

Closing Thoughts and Recommendation. In considering additional ways to expand the levee surface for accommodating a wider use area for both road and recreational users, the engineering consultant suggested a technique using geofabric wraps to extend the pedestrian surface. This technique could allow for an additional four feet of usable surface width. In applying to Alternative 2, for example, the one-foot shoulders could be expanded to three-feet in width; OR, the shoulders could be expanded to two-foot widths and the trail expanded from six to eight feet in width.

In considering these factors and the public sentiment expressed, it is the Department of Community Development's recommendation that the Board of County Commissioners pursue the design features described in **Alternative 2**, with emphasis on utilizing surface expanding techniques to improve vehicle and recreational use, proportionately. Specifically, the minimum design parameters should include: two, ten-foot vehicle lanes with two-foot shoulders, guardrails, and a separate eight-foot-wide recreational-use path. The reasons for this recommendation are as follows:

- Concerns regarding public safety—particularly those expressed by Fire District 3, are compelling. Deliberately ignoring these concerns increases risk to area residents.
- Concerns regarding Tsunami evacuation are also compelling. While Towne Road is not currently designated a formal tsunami evaluation route, it has nevertheless been suggested by Clallam County Emergency Management that any and all possible routes could expand safety of evacuees during an emergency event by providing additional egress opportunities. Liquefaction created by significant earthquake events or mere traffic congestion could render designated escape routes ineffective, making alternative routes vital.
- The quality recreational experience provided in the past year by the new levee surface is apparent. But exclusive recreational use is already available at the North Levee and River's Edge Levee portions. It would be a missed opportunity not to provide a nexus between these two facilities via the Towne Road Levee portion—especially given the additional surface-expansion techniques described earlier.
- The selection of Alternative 2 achieves the commitment for the replacement of Towne Road agreed to in 2015, while recognizing the unique recreational opportunity favored by a substantial number of constituents. In short, it strikes the right balance.
- Alternatives 3 and 4 create an ongoing commitment for the monitoring, enforcement and maintenance of a gate system that restricts public vehicle access, while allowing for private driveway access and limited farm equipment access.
- Alternative 1 fails to recognize and reasonably accommodate non-vehicle use of the levee surface. A clear and accessible alternative exists to accommodate both interests with minimal compromise.

- Concerns expressed regarding impacts to fish and wildlife are addressed through the extensive stormwater treatment improvements required as part of the County's permits for the project. Deferring traffic to Ward Road, Sequim-Dungeness Way or other vicinity roads means additional traffic will be experienced on these road surfaces with no additional mitigation for related environmental impacts.
- Maintaining regional access throughout Clallam County makes sense from a future planning standpoint. While existing roads may currently provide adequate service, deferring additional traffic to other roads means the time horizon in which these roads begin to fail to provide adequate levels of service is shortened. Maintaining the existing road network is important to future levels of service and for meeting the increased demand of future development.

We look forward to discussing this matter with you at the next scheduled BOCC Work Session.

Sincerely,



Bruce Emery, Director
Clallam County DCD

Attachments: Vicinity Maps and Four Alternative Design Sketches

STRAIT OF JUAN DE FUCA

VICINITY MAP
(1" = 2500')

PROJECT AREA

DUNGENESS RIVER

SUNLAND

CARLSBORG

US-101

SEQUIM

US-101

E ANDERSON ROAD

SEQUIM-DUNGENESS WAY

NORTH LEVEE

TOWNE ROAD LEVEE
SURFACING OPTION 1-4

RIVER'S EDGE LEVEE

DUNGENESS RIVER

LEGEND



EXISTING GRAVEL SURFACE



PROPOSED LEVEE SURFACING OPTIONS



REMOVED TOWNE ROAD

E ANDERSON ROAD

DUNGENESS RIVER

EXISTING NORTH PARKING LOT

SEQUIM-DUNGENESS WAY

EXISTING NORTH LEVEE (GRAVEL SURFACE)

REMOVED TOWNE ROAD

EXISTING TOWNE ROAD LEVEE

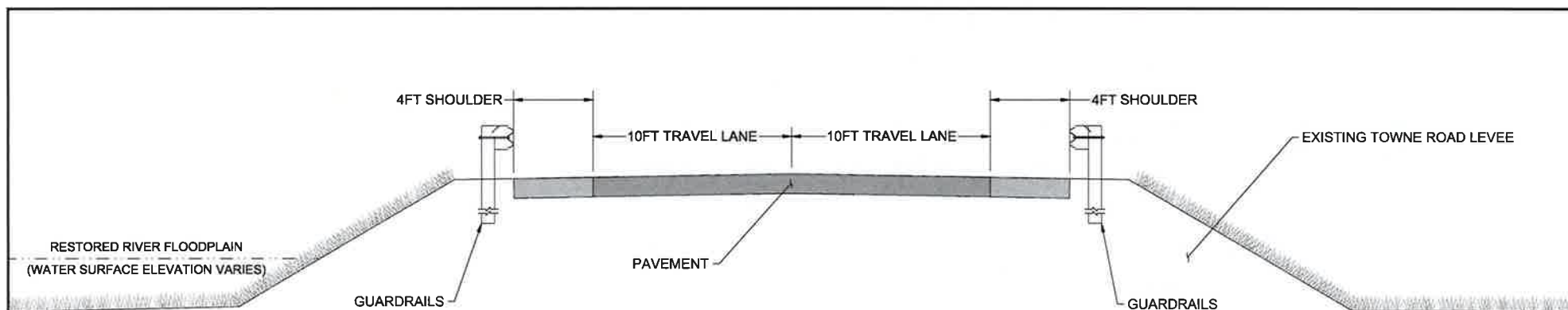
REMOVED TOWNE ROAD

EXISTING RESIDENTIAL DRIVEWAY

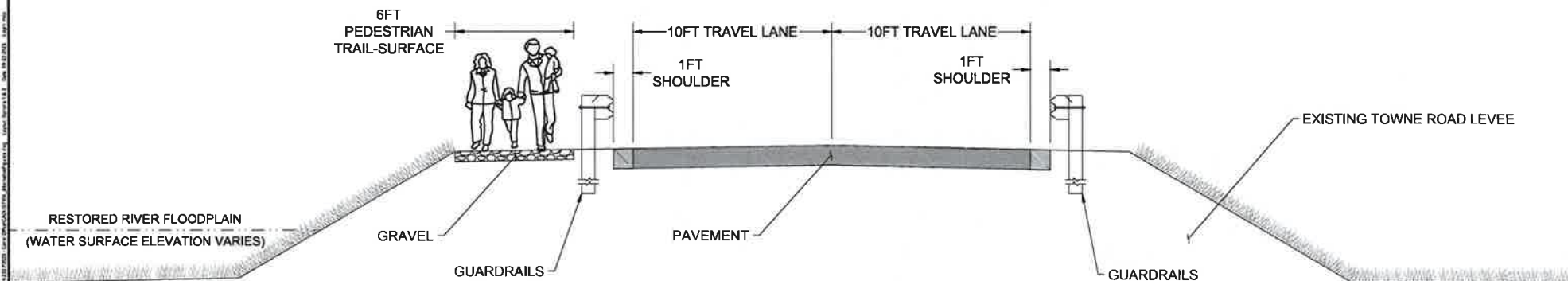
EXISTING RIVER'S EDGE LEVEE (GRAVEL SURFACE)

SEQUIM-DUNGENESS WAY

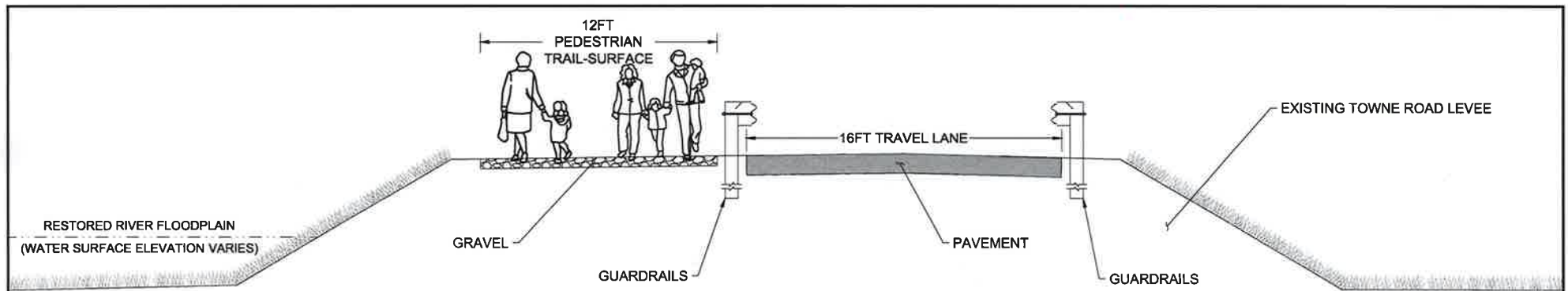




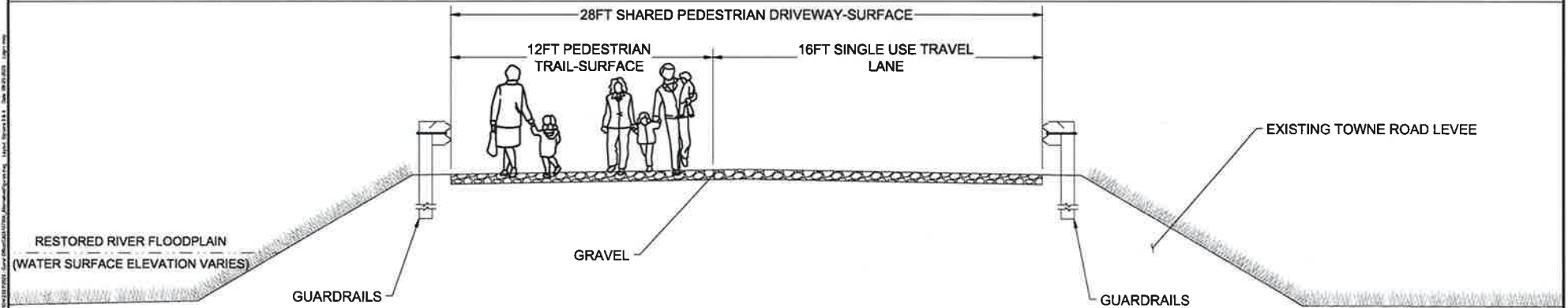
OPTION 1
TWO-WAY ROADWAY



OPTION 2
TWO-WAY ROADWAY WITH PEDESTRIAN TRAIL



OPTION 3
ONE-WAY SINGLE LANE PUBLIC ROADWAY WITH PEDESTRIAN TRAIL-SURFACE



OPTION 4
PEDESTRIAN TRAIL SURFACE & SINGLE USE DRIVEWAY
(SIMILAR TO CURRENT USE)



16

AGENDA ITEM SUMMARY

DEC 04 2023

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date:** 12/4/23

REGULAR AGENDA ☐ **Meeting Date:**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other informational |

Documents exempt from public disclosure attached: ☐

Executive summary:

Update on the Housing Solutions Committee's progress in 2023 including major goals/timelines/progress updates goals and objectives in addition to looking at 2024 Goals and Objectives. Update concerning timeline and process for reviewing county-owned properties. Status of 1406/1590 funding.

Budgetary impact: No Budget Impact

Recommended action: No Action Required

County Official signature & print name: Todd Mielke 

Name of Employee/Stakeholder attending meeting: Timothy Dalton, Housing Director

Relevant Departments: BOCC - Housing Solutions Committee

Date submitted: 11/29/23

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)



CLALLAM COUNTY HOUSING SOLUTIONS COMMITTEE

2023 UPDATE

HOUSING SOLUTIONS COMMITTEE

TWO AREAS OF HOUSING

- **Affordable Housing** which is tasked with working to create housing for individuals and families with income at 80% of AMI or below
- **Workforce and Market Rate Housing** is tasked with creating workforce housing for 80 – 120% of AMI and above.



WHAT IS AFFORDABLE HOUSING

What is **Affordable Housing**?



The government says housing is "affordable" if a family spends **no more than 30%** of their income to live there.



HOUSING CLASSIFICATIONS FOR INDIVIDUALS

Affordable

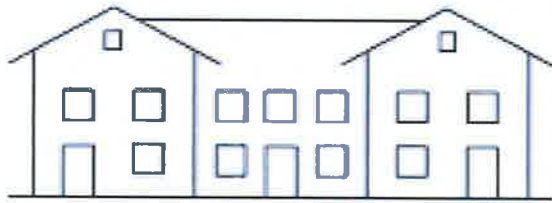
1. Extremely Low Income 0-30% of AMI Income - \$16,710 or below
2. Very Low Income 30-50% of AMI Income \$16,710 – \$27,850
3. Low Income – 50-80% AMI Income \$27,850 - \$44,560

Attainable

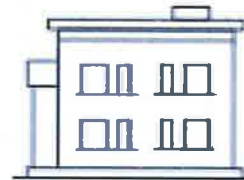
1. Middle Income (Workforce Housing) 80-120% of AMI – Income \$44,560 - \$66,840
2. Market Rate housing +120% AMI Income \$66,840 and greater.



Future housing needs broken down by area median income (AMI) groups



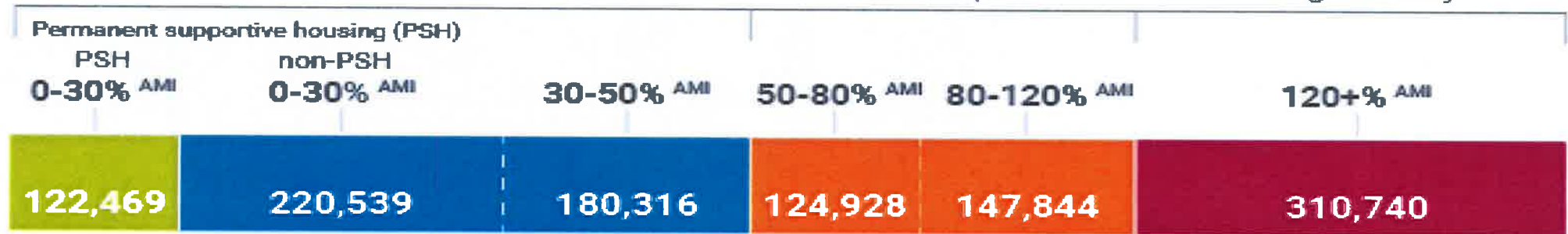
Apartments



Multi-plex



Single family



1.1 Million new homes will be needed in the next 20 years

In addition, there will also need to be:

91,357 Emergency housing beds (temporary housing)

CLALLAM COUNTY POPULATION

NUMBER ARE ESTIMATE FROM OFM FOR 2023

Location	2023 Population	Percentage of Clallam County	Growth for 2023
Clallam County	78,075		
Unincorp. Clallam	46,090	.59%	
Forks, WA	3,395	.04%	1.31%
Port Angeles, WA	20,240	.26%	0.77%
Sequim, WA	8,350	.11%	2.39%

PROJECTED HOUSING NEEDS BY COUNTY (MEDIUM OFM PROJECTION,
2044)
DETERMINED BY THE DEPARTMENT OF COMMERCE

<i>County</i>	<i>TOTAL</i>	<i>0-30% Non-PSH</i>	<i>0-30% PSH</i>	<i>30-50%</i>	<i>50-80%</i>	<i>80-100%</i>	<i>100-120%</i>	<i>120%+</i>	<i>Emer. Housing</i>
• Clallam	5,847	1,654	751	1,504	712	246	186	794	437
• Forks	239	66	30	60	28	10	7	32	17
• Sequim	643	182	83	165	78	27	20	87	48
• Port Angeles	1,520	430	195	391	186	64	48	206	113
• Unincorp CC	3,450	976	443	887	420	145	110	468	258

2023 HSC GOALS AND OBJECTIVES FOR AFFORDABLE HOUSING

Goal - Increase affordable housing for low-income households :

Objectives

1. Use existing templates to develop a request for proposal with specific quantifiable requirements.
 - a) Allocations should be able to quantitatively prove need, financial forecast, etc.
 - b) Explore developing a single RFP to use all existing public housing funds
 - i. Check off for fund source
 - ii. Create review teams will be made up of a small but diverse team who shall have no interest in organizations applying
2. Use the 2021 affordable housing plan to update and create a pipeline approach
 - a) Create capacity to aggressively pursue state funds for projects
3. Develop an ongoing land bank for affordable housing projects
4. Promote and support manufactured/RV parks for affordable housing
5. Pursue options to purchase and remodel motels
6. Build shelter on the west end of Clallam County
 - I. Potential Metrics:
 - I. Target adding 100 new affordable units each year across the county
 - II. Develop an organized pipeline of proposed projects that cover 5 years into the future

2023 AFFORDABLE HOUSING PROJECTS IN CLALLAM COUNTY COMPLETED

- Dawn View Court – (Permanent Supportive Housing 0-30%) 30 to 40 people will live in Dawn View Court's 26 units that include 21 permanent supportive housing units (including two that are ADA-compliant) and four studios that are reserved for participants in Clallam County's mental health court and 1 unit is market rate for veteran with voucher.
- PHA Forks Homeownership Project – 5 new homes which started in June of 2020, completed Nov. 2023 in time for the Holiday's.



PERMITTED USES OF FUNDING UNDER RCW 82.14.530 (1590):

A minimum of sixty percent of the moneys collected under this section must be used for the following purposes:

- Constructing or acquiring affordable housing, which may include emergency, transitional, and supportive housing and new units of affordable housing within an existing structure, and facilities providing housing-related services, or acquiring land for these purposes; or
- Constructing or acquiring behavioral health-related facilities, or acquiring land for these purposes;
- Funding the operations and maintenance costs of new units of affordable housing and facilities where housing-related programs are provided, or newly constructed evaluation and treatment centers.
- The remainder of the moneys collected under this section must be used for the operation, delivery, or evaluation of behavioral health treatment programs and services or housing-related services.



PERMITTED USES OF FUNDING UNDER RCW 82.14.540(1406 FUNDING)

The moneys collected or bonds issued under this section may only be used for the following purposes:

- Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW [71.24.385](#) (Behavioral health administrative services and managed care organizations—Mental health and substance use disorder treatment programs—Development and design requirements).
- Funding the operations and maintenance costs of new units of affordable or supportive housing; or
- For providing rental assistance to tenants.
- The housing and services provided pursuant to subsection (6) of this section may only be provided to persons whose income is at or below sixty percent of the median income of the county or city imposing the tax.

Project	# of Units	Type	Population Served	TDC	Current Shortfall	Current and/ or potential funding sources	Agency	Anticipated Time Frame
Minsky Place Sequim	6	Group Home	Veteran 30-80% AMI	\$550,000	\$150K	Remodel	NORVHN	October 1, 2023
Eklund Heights Self-Help Phase 3	12	Homeownership	Under 80% of AMI	\$320,000	\$0	PHA, City of PA CDBG, SHOP	PHA to develop	2023 - development complete. Lots to be sold to participants in Aug/Sept 2023, construction to start immediately
Brownfield Rd Sequim	52	Homeownership	Under 80% of AMI	\$4.24M	\$1.6M	ARPA,	Habitat for Humanity	Site plan under development
Eklund Heights Phase 4	25	Multifamily rental	1 bedroom units under 80% of AMI with set asides for Seniors/Vets/Singles	\$5M	\$5M	HTF	PHA	2024, considering modular construction, in pre-development phase
2nd and Oak Port Angeles	24-30	Multifamily rental	Individuals and Veterans engaged in behavioral health treatment with priority given to homeless, primarily 1 bedroom	\$6M	\$6M	Will apply for Apple Health and Homes funding in 2024.	Peninsula Behavioral Health with consultation support from Peninsula Housing Authority	Phase I ESA; Lot combination; Architectural design; tear down/removal of existing buildings. Construction 2025 or 2026 depending on Commerce funding
Mt. Angeles View Senior Housing	33	Multifamily rental	Seniors	\$9M	\$9M	Waiting for HUD 202 NOFA, which includes project based rental assistance	PHA	2025
Shane Place	12	Home ownership	Under 80% of AMI	250k	250K		PHA	2025
Mt. Angeles View Family Phase II	60	Multifamily rental	2023 Serving 60% or below of AMI Variety of 1, 2, 3 bed with set asides for Disabled/Vets/Homeless/Seniors	\$20M	\$20M	Will apply for LIHTC (combination of 4% and 9%)	PHA	2025-2026
Mt. Angeles View Self-Help	17	Homeownership	Under 80% of AMI	\$100,000	\$100,000		PHA to develop	2025-2026
Mt. Angeles View Family Phase III	59	Multifamily rental	Serving 60% or below of AMI Variety of 1, 2, 3 bed with set asides for Disabled/Vets/Homeless/Seniors	\$20M	\$20M	Will apply for LIHTC (combination of 4% and 9%)	PHA	2026-2027
Owen Crossing Self Help	24	Homeownership	Under 80% of AMI	\$750,000	\$750,000		PHA to develop	2026-2027
Miller Rd. Sequim	40	Homeownership	Under 80% of AMI	\$3.2M	\$2.65M		Habitat for Humanity	Future Project
Fairmont & Hazel Port Angeles	4	Homeownership	Veteran 30-80% AMI	\$500,000	475k	Ben Phillips Grant \$25K	Habitat for Humanity	2023 Sewer/Storm water pipe replacement
8th St. Bridge PA	2	Homeownership	Veteran 30-80% AMI	\$550,000	550k		Habitat for Humanity	Future Project

2023 HSC GOALS AND OBJECTIVES

- **GOAL #1:** *Increase and diversify housing supply*
 - Objective #1 Perform a multi-faceted, county wide, housing analysis to identify barriers or “choke points” in housing creation.
 - Objective #2 Develop and highlight options and/or funding to reduce/subsidize housing-related infrastructure costs.
 - Objective #3 Establish a county-level land bank to identify existing underused public land that has development potential and acquire other strategic properties for development.
 - Objective #4 The Housing Solutions Committee should engage the for-profit building community in developing housing solutions.



6 INNOVATIVE WAYS TO TACKLE THE HOUSING CRISIS

As home prices rise and inventory tightens up across the country, states and cities are proposing innovative solutions to provide more homes for more people. Check out ways your community could alleviate a housing shortage.

1 BUILD BACKYARD HOMES

IT COSTS AN AVERAGE OF **\$156,000**

TO BUILD AN ACCESSORY DWELLING UNIT IN THREE PROGRESSIVE NORTHWESTERN CITIES — PORTLAND, SEATTLE AND VANCOUVER, B.C.*

Limited land poses a significant challenge to building more homes. Accessory dwelling units (ADU) allow additional homes to be built on existing lots. These homes come with lower construction costs and can be great options for young professionals, aging parents, or students.

4 RENOVATE HISTORIC BUILDINGS

13.5% OF THE NATION'S TOTAL HOUSING UNITS WERE BUILT PRIOR TO 1940*

Increasing the housing supply doesn't always have to mean new construction. States like Maryland, New Jersey, Minnesota, and Rhode Island are developing building "smart codes" to encourage the alteration of existing buildings.

6 DESIGN FOR THE SPACE

Cities and towns come with intricate systems of roads, public transportation and infrastructure. Cities like Seattle, Washington are redeveloping properties to be transit-oriented and more integrated with the existing street grid.

2 FLIP PUBLIC LAND

Did you know local government can contribute land toward housing projects? Cities like Washington, DC and Boston, Massachusetts and towns like Frisco, Colorado are addressing the need for affordable housing options by allocating vacant or under-utilized lots for new housing projects.*

3 REVAMP PARKING LOTS

As ride-sharing and public transportation expands, many parking spaces will go unused. City planners are thinking of ways to repurpose existing parking garages, from convertible pods that can be used as temporary housing to converting entire parking garages into residential space.*

5 MAKE HOMES MODULAR

BY 2025, **10% OF HOMES** WILL BE MODULAR*

Building new houses can be costly and time-consuming. Modular homes are partially built in a factory and then shipped to the housing site to cut costs and time. Modular home construction technology is advancing to create better quality, greener, and cheaper homes.

COULD ANY OF THESE WORK FOR YOUR COMMUNITY? START TALKING TO YOUR LOCAL AND STATE OFFICIALS!

CREATIVE IDEA

- City of Spokane – Middle Housing Catalog
- City of Port Angeles ADU Catalog
- Tri-Cities – Hybrid home sales with land lease

*Source: SmartCodeLab, a research group focused on housing issues.
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NATIONAL HOUSING CONFERENCE



LEGISLATIVE GOALS FOR 2024/25

- Increase 1406/1590 to at least 80% of AMI
- Raise low income in rural area to 120% of AMI





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DEC 04 2023

AGENDA ITEM SUMMARY

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date: 12-4-23**

REGULAR AGENDA ☒ **Meeting Date: 12-12-23**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☒ Other – Discussion - Letter |

Documents exempt from public disclosure attached: ☐

Executive summary:

Letter to Commissioner Franz regarding Department of Natural Resources and Natural Climate Solutions Program.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Review and approval of letter to Commissioner Hilary Franz

County Official signature & print name: Loni Gores Loni Gores, Clerk

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: Board of Commissioners

Date submitted: 11-29-23

* Work Session Meeting - Submit 1 single sided/not stapled copy Hilary Franz Department of Natural Resources 12-12-23
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies) Revised: 3-04-2019



MARK OZIAS, District 1, Chair
RANDY JOHNSON, District 2
MIKE FRENCH, District 3

Board of Clallam County Commissioners

223 East 4th Street, Suite 4
Port Angeles, WA 98362-3015
360.417.2233 Fax: 360.417.2493
Email: commissioners@clallamcountywa.gov

TODD MIELKE, County Administrator

File: A72

December 12, 2023

Hilary Franz
Commissioner of Public Lands
Olympia, WA 98504-7001

Dear Commissioner Franz,

The Clallam County Commissioners greatly value the exchange of information your department provided on November 6th. Our discussions with Duane Emmons and Sarah Ogden on your staff communicated the desire of the DNR to create a collaborative relationship between the Department of Natural Resources and Clallam County and the discussions were very useful. The fact that Clallam County has a total of 161,144 acres managed by the DNR, 66% in a deferred status, and 93,063 of state forest transfer acres with 60% also deferred, means that the County and all interested parties need to have a comprehensive approach that provide outcomes that benefit most of our citizens. Our discussions also have helped us to focus on the fact that there are many constituents that depend on and benefit from the management of these forests in many ways.

We have become very aware of the many alternatives for the 161144 acres in Clallam County and we request continued close collaboration with the DNR on matters related to this timberland. As an example of the close collaboration, we appreciate being involved in the DNR purchase of the Wahkiakum timberland property to help mitigate for the marbled murrelet financial "hit" to this County. This in turn will now require a sharing agreement with the receivers of revenue from these new properties at both the county level in the case of the Wahkiakum property and the junior taxing districts.

As a result of the timberland acquisition in Wahkiakum County for the benefit of the impacted counties and the discussion on candidate parcels under the Natural Climate Solutions Carbon Sequestration Forest Proviso, we are commencing to formulate a working group of constituents to include our junior taxing districts including the local school districts, fire districts, hospital districts, library districts, tribes and other interested parties. Our next meeting with the DNR will also include these other constituencies.

It is also critically important to the Commissioners of Clallam County that State forestlands that may transfer under the Natural Climate Solutions include logical criteria for their inclusion in the program. Close collaboration and input between the beneficiaries, and government to government communication with the tribes is important. In addition, it is important that the replacement lands under the Natural Solutions proviso have a realistic estimate of the revenue to be received from any replacement timberland. Therefore, as described earlier, our next discussions will include a larger audience of interested parties. Other criteria for potential timberland exchange under the Climate Solutions proviso should also include the avoidance of the short-term financial effects with the inclusion of near-term harvests, if possible, to not affect the junior Taxing Districts and as well as your staff. Based on our conversations with your staff, other important criteria include the issue of forest health, logging methods, carbon sequestration potential and a host of other decision metrics.

Finally, from our perspective, a possible candidate under the Climate Solutions proviso is the DNR ownership south of Lake Sutherland that is interspersed with Marbled Murrelet habitat, is an older forest, and appears to be primarily cable logging on steep slopes. We believe that this would be a possible candidate for Natural Climate Solutions.

The Commissioners would appreciate being able to communicate with the DNR, the Junior Taxing Districts, Tribal partners and others as candidate timberland continues to be considered under the Natural Climate Solutions. This letter of support requests that Clallam County should be considered in the Natural Climate Solutions proviso with the understanding that our beneficiaries will not continue to be negatively impacted financially, and that we maintain a viable forest products industry.

Sincerely,

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias, Chair

Randy Johnson

Mike French



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AGENDA ITEM SUMMARY

DEC 04 2023

(Must be submitted NLT 3PM Wednesday for next week agenda)

Department: BOCC

WORK SESSION ☒ **Meeting Date: 12/4/23**
REGULAR AGENDA ☒ **Meeting Date: 1/2/24**

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | |
|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☒ Resolution | ☐ Proclamation ☐ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other |

Documents exempt from public disclosure attached: ☐

Executive summary:

Individual Commissioners serve on, or act as a liaison to, various state and local advisory boards and commissions and wish to confirm these appointments by resolution.
Discussion and Resolution designating Commissioner involvement on advisory boards for 2024.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐
None.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)
Discussion and Resolution designating Commissioner involvement on advisory boards for 2024.

County Official signature & print name:  Loni Gores

Name of Employee/Stakeholder attending meeting: Board of Commissioners

Relevant Departments: Board of Commissioners

Date submitted: November 29, 2023

* Work Session Meeting - Submit 1 single sided/not stapled copy

** Regular Meeting - Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Commissioner involvement Advisory Boards 2024

Revised: 3-04-2019



RESOLUTION _____, 2024
DESIGNATING COMMISSIONER INVOLVEMENT ON ADVISORY BOARDS

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

1. Individual Commissioners serve on, or act as a liaison to, various state and local advisory boards and commissions and wish to confirm these appointments by resolution.
2. A work session was held December 4, 2023 and the Commissioners stated their preferences.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

1. All three Commissioners will serve on the Board of Health, the Clallam County Finance Committee, the Olympic Area Agency on Aging (CRJ lead), the Housing Solutions Committee (CRJ lead) and as members of the Washington State Association of Counties (WSAC), and individually as follows:

MARK OZIAS

Behavioral Health Advisory Board
Canvassing Board (Alternate)
Clallam Transit System
Housing Solutions Committee (Alternate)
Lodging Tax Advisory Committee (Alternate)
Clallam County Marine Resources Committee
North Olympic Development Council
Olympic Area Agency on Aging (Alternate)
Olympic Coast National Marine Sanctuary Advisory Council
Olympic Consortium Board (Alternate)
Salish Behavioral Health Associated Services Organization
Sequim Chamber of Commerce Ex-Officio Member
Solid Waste Advisory Committee
Tribal Liaison – Jamestown S'Klallam
Washington State Association of Counties – Legislative Steering Committee
Washington State Association of Counties – Board of Directors

RANDY JOHNSON

Clallam County Disability Board
Clallam Transit System (Alternate)
Conservation Futures Program Advisory Board
Economic Development Council Board
Heritage Advisory Board
Homelessness Task Force
Housing Solutions Committee
Law and Justice Council
Lodging Tax Advisory Committee
Noxious Weed Control Board
Olympic Area Agency on Aging
Olympic Consortium Board
Olympic Region Clean Air Agency (Alternate)
Port Angeles Chamber of Commerce
Salish Behavioral Health Associated Services Organization (Alternate)
Veterans' Affairs Liaison
Washington Timber Counties Caucus
William Shore Memorial Pool District

Mike French

Canvassing Board
Clallam Bay/Seki Chamber of Commerce Liaison
Clallam Bay/Seki Community Action Team
Clallam Bay/Seki Sewer Advisory Committee
Clallam Transit System
Crescent Community Advisory Council
Developmental Disability Advisory Committee
Forks Chamber of Commerce Liaison
Housing Solutions Committee (Alternate)
Law Library Board of Trustees
Neah Bay Chamber of Commerce Liaison
Olympic Area Agency on Aging (Alternate)
Olympic Community Action Programs (OlyCAP)
Olympic Region Clean Air Agency
Peninsula Regional Transportation Planning Organization
Trails Advisory Committee
Tribal Liaison – Lower Elwha/Quileute/Makah
Veterans' Affairs Liaison (Alternate)
William Shore Memorial Pool District

PASSED AND ADOPTED this 2nd day of January 2024

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike French

Randy Johnson

Mark Ozias

ATTEST:

Loni Gores, MMC, Clerk of the Board



AGENDA ITEM SUMMARY
(Must be submitted NLT 3PM Wednesday for next week agenda)

DEC 04 2023

19
12/4/23
19

Department: Finance

WORK SESSION ☒ Meeting Date: 12/4/2023

REGULAR AGENDA ☒ Meeting Date: 12/4/2023
(Special Action Item)

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | |
|---|--|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # |
| ☐ Resolution | ☐ Proclamation ☒ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance ☐ Other Monthly Review |

Documents exempt from public disclosure attached: ☐

CERTIFICATION OF TAXING DISTRICT LEVY BUDGETS TO ASSESSOR

Pursuant to RCW 84.52.070, "it is the duty of the county legislative authority of each county, on or before December 15th of each year, to certify to the county assessor the amount of taxes levied upon the property in the county for county purposes, and on or before the first Monday in December the respective amounts of taxes levied by the board of each taxing district within the county for district purposes."

Based on all Levy Certification Forms and 2024 Budgets submitted to the County Assessor's office as of Wednesday, November 29, 2023 by all County Taxing Districts, the Assessor has compiled the total levy budgets or estimates of budgets received and prepared the attached Taxing District Budget form for review and approval by the Board of County Commissioners. Review and approval of the Taxing District Budget form by the Board of County Commissioners is requested as a special action item to be held on Monday, December 4, 2023.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Certification is required in order for the County Assessor to finalize and certify tax levies to be assessed for taxes to be collected in 2024 for each taxing district in accordance with RCW 84.52.070.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Certify budgeted tax levy requests submitted by Taxing Districts.

* Work Session Meeting - Submit 1 single sided/not stapled copy Agenda Item Summary 2024 Tax District Certification of Levies to Assessor 12042023
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies) Revised: 3-04-2019

County Official signature & print name:  Mark Lane_____

Name of Employee/Stakeholder attending meeting: _____Mark Lane, Pam
Rushton_____

Relevant Departments: Assessor’s Office, County Administrator, Budget Director, Board of
Commissioners, Finance Department

Date submitted:

November 29, 2023

2023-2024 TAX DISTRICT BUDGET SUMMARY
APPROVED BY THE CLALLAM COUNTY LEGISLATIVE AUTHORITY RCW 84.52.070

TOTAL BUDGET WITH REFUND AMOUNT INCLUDED ON LEVY CERTIFICATION FORMS
SCHOOL ENRICHMENT, CAPITAL PROJECTS AND BOND BUDGETS TO INCLUDE ADMINISTRATIVE REFUNDS

Districts who did not certify their budgets to the Assessor by 11/28/2023 were estimated and may need to be amended

DISTRICT	TAX YEAR 2024	BUDGET OR ESTIMATED AMOUNT	% INCREASE REQUESTED	VOTED/BANKED
COUNTY		\$12,491,031.00	1%	
ROADS		\$8,380,128.00	1%	
COUNTY CONSERVATION FUTURES		\$286,250.47	0%	
NORTH OLYMPIC LIBRARY		\$4,758,040.31	1%	
CITY OF PORT ANGELES		\$5,268,673.18	1%	
CITY OF SEQUIM		\$1,828,899.52	1%	
CITY OF FORKS		\$475,065.30	1%	
PORT OF PORT ANGELES		\$1,777,927.50	3.812%	Banked
HOSPITAL DISTRICT #1 (FORKS)		\$365,660.74	1%	
HOSPITAL DISTRICT #1 EMS		\$220,383.70	1%	
HOSPITAL DISTRICT #2 (PA)		\$5,058,429.80	1%	
FIRE DISTRICT #1		\$329,490.62	1%	
INCLUDES JEFFERSON CO				
FIRE DISTRICT #2		\$2,087,337.49	1%	
FIRE DISTRICT #3		\$10,539,347.77	4.5%	Voted-CPI
INCLUDES JEFFERSON CO				
FIRE DISTRICT #3 EMS		\$3,350,453.10	1%	
INCLUDES JEFFERSON CO				
FIRE DISTRICT #4		\$499,529.00	4.5%	Voted-CPI
FIRE DISTRICT #5		\$65,029.29	1%	
FIRE DISTRICT #6		\$38,383.01	1%	
PORT ANGELES SCHOOL DIST #121	ENRICHMENT	\$5,620,901.90		
	CAPT PROJECT	\$10,752,208.02		
CRESCENT SHOOOL DIST #313	ENRICHMENT	\$523,715.05		
	CAPT PROJECT	\$125,760.06		
SEQUIM SCHOOL DIST #323	ENRICHMENT	\$7,555,893.72		
INCLUDES JEFFERSON CO	CAPT PROJECT	\$3,799,393.52		
CAPE FLATERY SCHOOL DIST #401	ENRICHMENT	\$362,468.81		
	BOND	\$301,190.42		
QUILLAYUTE SCHOOL DIST #402	ENRICHMENT	\$715,718.58		
INCLUDES JEFFERSON CO	BOND	\$1,230,127.74		
WILLIAM SHORE MET PARK DIST		\$1,889,813.90	2%	Voted

Date Stamp:

BOARD OF CLALLAM COUNTY COMMISSIONERS

MARK OZIAS, CHAIR

RANDY JOHNSON

LONI GORES, CLERK OF THE BOARD

MIKE FRENCH



AGENDA ITEM SUMMARY
(Must be submitted NLT 3PM Wednesday for next week agenda)

DEC 04 2023

Department: Finance

WORK SESSION ☒ Meeting Date: 12/4/2023

REGULAR AGENDA ☒ Meeting Date: 12/4/2023
(Special Action Item)

Required originals approved and attached? ☐
Will be provided on:

Item summary:

- | | | |
|---|--|---|
| ☐ Call for Hearing | ☐ Contract/Agreement/MOU - Contract # | |
| ☐ Resolution | ☐ Proclamation | ☒ Budget Item |
| ☐ Draft Ordinance | ☐ Final Ordinance | ☐ Other Monthly Review |

Documents exempt from public disclosure attached: ☐

CERTIFICATION OF TAXING DISTRICT LEVY BUDGETS TO ASSESSOR

Pursuant to RCW 84.52.070, "it is the duty of the county legislative authority of each county, on or before December 15th of each year, to certify to the county assessor the amount of taxes levied upon the property in the county for county purposes, and on or before the first Monday in December the respective amounts of taxes levied by the board of each taxing district within the county for district purposes."

Based on all Levy Certification Forms and 2024 Budgets submitted to the County Assessor's office as of Wednesday, November 29, 2023 by all County Taxing Districts, the Assessor has compiled the total levy budgets or estimates of budgets received and prepared the attached Taxing District Budget form for review and approval by the Board of County Commissioners. Review and approval of the Taxing District Budget form by the Board of County Commissioners is requested as a special action item to be held on Monday, December 4, 2023.

Budgetary impact: (Is there a monetary impact? If so, are funds for this already allocated or is a budget change necessary? If this is a contract and a budget change is necessary, the budget change form must be submitted with the item at work session and for the regular agenda) **If a budget action is required, has it been submitted and a copy attached?** ☐

Certification is required in order for the County Assessor to finalize and certify tax levies to be assessed for taxes to be collected in 2024 for each taxing district in accordance with RCW 84.52.070.

Recommended action: (Does the Board need to act? If so, what is the department's recommendation?)

Certify budgeted tax levy requests submitted by Taxing Districts.

* Work Session Meeting - Submit 1 single sided/not stapled copy Agenda Item Summary 2024 Tax District Certification of Levies to Assessor 12/04/2023

** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies)

Revised: 3-04-2019

Questions? Call Loni Gores, Clerk of the Board, ext 2256

1a
12/4/23
Action Item

County Official signature & print name:  Mark Lane_____

Name of Employee/Stakeholder attending meeting: _____Mark Lane, Pam
Rushton_____

Relevant Departments: _____Assessor’s Office, County Administrator, Budget Director, Board of
Commissioners, Finance Department

Date submitted:

November 29, 2023

* Work Session Meeting - Submit 1 single sided/not stapled copy Agenda Item Summary 2024 Tax District Certification of Levies to Assessor 12042023
** Regular Meeting – Submit 1 single sided/not stapled copy and originals (1 or 3 copies) Revised: 3-04-2019

19
12/4/23

2023-2024 TAX DISTRICT BUDGET SUMMARY
APPROVED BY THE CLALLAM COUNTY LEGISLATIVE AUTHORITY RCW 84.52.070

TOTAL BUDGET WITH REFUND AMOUNT INCLUDED ON LEVY CERTIFICATION FORMS
SCHOOL ENRICHMENT, CAPITAL PROJECTS AND BOND BUDGETS TO INCLUDE ADMINISTRATIVE REFUNDS

Districts who did not certify their budgets to the Assessor by 11/28/2023 were estimated and may need to be amended

DISTRICT	TAX YEAR 2024	BUDGET OR ESTIMATED AMOUNT	% INCREASE REQUESTED	VOTED/BANKED
COUNTY		\$12,491,031.00	1%	
ROADS		\$8,380,128.00	1%	
COUNTY CONSERVATION FUTURES		\$286,250.47	0%	
NORTH OLYMPIC LIBRARY		\$4,758,040.31	1%	
CITY OF PORT ANGELES		\$5,268,673.18	1%	
CITY OF SEQUIM		\$1,828,899.52	1%	
CITY OF FORKS		\$475,065.30	1%	
PORT OF PORT ANGELES		\$1,777,927.50	3.812%	Banked
HOSPITAL DISTRICT #1 (FORKS)		\$365,660.74	1%	
HOSPITAL DISTRICT #1 EMS		\$220,383.70	1%	
HOSPITAL DISTRICT #2 (PA)		\$5,058,429.80	1%	
FIRE DISTRICT #1		\$329,490.62	1%	
INCLUDES JEFFERSON CO				
FIRE DISTRICT #2		\$2,087,337.49	1%	
FIRE DISTRICT #3		\$10,539,347.77	4.5%	Voted-CPI
INCLUDES JEFFERSON CO				
FIRE DISTRICT #3 EMS		\$3,350,453.10	1%	
INCLUDES JEFFERSON CO				
FIRE DISTRICT #4		\$499,529.00	4.5%	Voted-CPI
FIRE DISTRICT #5		\$65,029.29	1%	
FIRE DISTRICT #6		\$38,383.01	1%	
PORT ANGELES SCHOOL DIST #121	ENRICHMENT	\$5,620,901.90		
	CAPT PROJECT	\$10,752,208.02		
CRESCENT SHOOOL DIST #313	ENRICHMENT	\$523,715.05		
	CAPT PROJECT	\$125,760.06		
SEQUIM SCHOOL DIST #323	ENRICHMENT	\$7,555,893.72		
INCLUDES JEFFERSON CO	CAPT PROJECT	\$3,799,393.52		
CAPE FLATERY SCHOOL DIST #401	ENRICHMENT	\$362,468.81		
	BOND	\$301,190.42		
QUILLAYUTE SCHOOL DIST #402	ENRICHMENT	\$715,718.58		
INCLUDES JEFFERSON CO	BOND	\$1,230,127.74		
WILLIAM SHORE MET PARK DIST		\$1,889,813.90	2%	Voted

Date Stamp:

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