

AGENDA

Clallam County Planning Commission

Virtual/Audio PC Meeting of May 19, 2021
Clallam County Courthouse
223 East Fourth Street, Port Angeles
6:00 p.m.

The Clallam County Planning Commission (PC) will conduct a virtual meeting appearing by [Zoom.com](#) video conferencing at 6:00 p.m. on May 19, 2021. If you would like to attend in person please contact Greg Ballard at (360) 565-2616 or by e-mail at gballard@co.clallam.wa.us so we make sure we meet Covid spacing and other requirements. The meeting can be viewed via live stream at <http://www.clallam.net/features/meetings.html>

Please click on the hyperlink [5-19-21 PC Meeting](#) or you can go to <https://zoom.us/join> or call (888) 475-4499 or (253) 215-8782 and then enter Meeting ID: 660 165 2237 and Passcode: 12345.

The information provided to the Commission in preparation for this meeting is available at: <https://websrv7.clallam.net/forms/uploads/PlanningCommissionPacket.pdf>

- A. **CALL TO ORDER**
- B. **PLEDGE OF ALLEGIANCE**
- C. **ROLL CALL**
- D. **WELCOME**
- E. **APPROVAL OF MINUTES** - Minutes from May 5, 2021 (included in packet)
- F. **ANNOUNCEMENTS** –FEMA workshops on updates to the Flood Insurance Rate Maps was held at the BOCC at 10:30 a.m. on May 10, 2021, and another workshop is scheduled before the PC at 6:30 p.m. on June 16, 2021. Additional info available at the following link http://www.clallam.net/DCD/doc/website_FEMA.pdf
- G. **PUBLIC COMMENT** - Please Limit Comments to Three Minutes
- H. **UNFINISHED BUSINESS**
- I. **PUBLIC HEARING: NONE**
- J. **WORK SESSION ITEM:**

Draft Ordinance Re: Recreational Use dated May 19, 2021
Draft Stormwater Ordinance dated April 23, 2021
- K. **PUBLIC COMMENT** - Please Limit Comments to Three Minutes
- L. **ADJOURNMENT**

Members:

Chair, Jane Hielman & Vice-Chair, Scott Clausen
Robert Miller; Steve Gale; Ron Long; N. Bonnie Booth; M. Ingrid Carmean; Philip Giuntoli

Department of Community Development Staff:

Mary Ellen Winborn, Director;
Donella Clark, Principal Planner; Greg Ballard, Senior Planner;

MINUTES

Clallam County Planning Commission

*Meeting of May 5, 2021
6:00 PM*

- A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Vice-Chair Clausen, Robert Miller, Steve Gale, Ron Long, N. Bonnie Booth, and Philip Giuntoli. Greg Ballard, Senior Planner and Donella Clark, Principal Planner represented staff from the Department of Community Development.
- D. WELCOME: Vice-Chair Clausen welcomed all in attendance
- E. APPROVAL OF MINUTES: Minutes from march 17 and April 7, 2021 (no minutes from canceled April 21st meeting) approved 4-0 with an abstention from Commissioner Booth who was not in attendance of those meetings.
- F. ANNOUNCEMENTS: FEMA workshops on updates to the Flood Insurance Rate Maps will be held at BOCC meeting 10:30 am on May 10, 2021, and at the Planning Commission meeting on June 16, 2021 at 6:30pm. Additional information is available at http://www.clallam.net/DCD/doc/website_FEMA.pdf
- G. PUBLIC COMMENT PERIOD: None.
- H. UNFINISHED BUSINESS: Staff wanted to know if hard copy of the packets are needed by the Commissioners or if electronic copies are fine. Please let Greg Ballard know your preference.
- I. PUBLIC HEARING ITEM: None.
- J. WORK SESSION ITEMS:

Draft Ordinance Rd. Recreational Uses dated April 21, 2021

Draft ordinance provided. Eliminated the need for a permit and brought the focus on septic and garbage as requested. Pierce County example provided shows they only allow use for 120 days. The chart provided in the proposed ordinance varies based on size of parcel and region. One acre parcels do not get 120 days. Staff is trying to allow use of property that cannot otherwise be developed with permanent structures through the ordinance. May need to reference floodplains since the State and CCC 27.12 allows RV's for only 180 days.

Commissioner Gale stated this was a much better version. Concerns with the table since the County should not be regulating based on geography. Should not exempt Clallam Bay/Seiku area to allow RV's, and felt #3 should be struck since the County should not be regulating special events. Did not feel #5 went far enough and should be expanded to include more than just waste.

Commissioner Long followed up on #5 with the sentiment that one man's treasure is another man's junk and understood Gale's idea to expand this. Had concern that #10 did not take into consideration generators that are enclosed. Perhaps staff should limit the noise to not exceed a certain decibel. If you can generate electricity quietly, then you can generate it all the time.

Commissioner Clausen thought there may be a problem with #10 because some people generate heat with their generators. Suggests that Commissioner Heilman should make a case for the exemption in Sekiu/Clallam Bay since we cannot just exempt this one area.

Greg Ballard noted that the UC zone allows the creation of RV lots and provides standards for these lots in the zoning code, which is not common in other zones, that is why it is exempted.

Public Works has also been having trouble with people paying for RV connections to the sewer. There are maybe 30 RV's already in the Sekiu/Clallam Bay area and by allowing them it would help the County get legal hook-ups, plus there is a need in the area. RV parks are allowed in RW5 zones, a western rural zone, and west of the Straits, whereas, they are not allowed in R5 zone in the Sequim area. The County gets more complaints in Sequim and that is why there was the difference per region. People have different expectations in different regions. #3 was intended to allow bonus days for special events, in addition to the time allotted in the chart, so to strike it would mean to reduce the amount of use on the property to the designated days. Could reference the WAC 197-60 regarding noise of the generators. Cannot use generator if in excess of the noise standard. Performance based standards could be accomplished.

Commission would like to remove the table and keep the times noted for the Western region reducing only the 20 acre from 365 to something less, fix the noise of generators as the standard, and reference code enforcement codes regarding solid waste and may need to stipulate that household items need to be placed in a garage. Maybe add something to #9 that personal items will also need to be screened.

Ecology Comments on the 2018 SMP updates:

A presentation of changes will be done at the BoCC work session on May 17.

Call for Hearing will occur on May 25 with the hearing to be held on June 15.

Information is posted on the SMP webpage <http://www.clallam.net/landuse/smp.html>

Public can provide comments by emailing dclark@co.clallam.wa.us or by clicking the "comment on the Shoreline Master Program" link on the webpage.

Comments given to staff will be provided to the County Commissioners at the public hearing.

Once we finalize we will turn around and conduct the periodic review that is required every eight years, which is expected to result in minimal changes since we will have just finalized our SMP.

K. PUBLIC COMMENT PERIOD: None.

Staff did bring up that the Stormwater Ordinance will be sent at the next meeting and the Small Project Manual so that staff can get comments from the Commissioners.

L. ADJOURNMENT: The meeting adjourned at __6:50__ p.m.

DRAFT 05/19/2021
Recreational Use Ordinance

Chapter
Recreational Use
May 19, 2021

Purpose.

The purpose of this chapter is to protect public health, safety, and welfare of Clallam County citizens and the environment by providing standards for recreational use of property and provide guidance of process for commercial recreational use. It is also intended to acknowledge the use of RV's as permanent residences when placed within approved mobile home parks or RV parks.

Requirements for Recreational Vehicle use.

- (1) The term Recreational Vehicle (RV) is defined by RCW 43.22.335 as “a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.” RCW 59.30.020 defines Recreational vehicles as ”a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a manufactured/mobile home lot.”
- (2) No person shall use a Recreational Vehicle as a permanent residence, unless located within an approved/legal RV Park, mobile home park, or within a legal lot of record in the (UC) Zone of Clallam Bay/Sekiu Urban Growth Area with proof of public water, sewer, and electrical service. Except as addressed above residing in an RV more the number of days outline in Table 1 below is considered establishing a permanent residence. Within frequent flooded areas, the maximum number of days an RV can be occupied is 180 days. Upon a request by DCD (i.e. complaint received), the applicant shall provide evidence of compliance with these RV Standards.

TABLE 1- Number of days one RV is allowed per year per parcel

Less than 1 acre	1 to 2.4 acres	2.4 to 5 acres	5 acres to 20 acres	Over 20 acres
60	90	180	240	300

- (3) For parcels over 2.4 acres in size, one special event (family re-union, hunting camp, etc.) per year for a maximum of 7 days would be excluded from the limitation found in Table 1 above.

- (4) Proof of black and gray water disposal shall be provided for use of an RV on property. Connection of the RV to a septic system or sewer must be approved by the Clallam County Environmental Health or Public Works Department. Sani-cans shall be screened from public view.
- (5) Solid waste must be properly disposed from the property as outlined in Solid Waste Regulations (Chapter 41.11). In the event of solid waste investigation (i.e. burning of trash, the accumulation of junk vehicles, or more than 12 cubic feet of solid waste as outlined in Section 41.11.070 CCC, etc), documentation of the disposal of solid waste in an approved facility will be required to be provided to Clallam County DCD and/or Environmental Health.
- (6) No more than two unoccupied recreational vehicles of any kind may be stored on a property, and only one unoccupied RV may be stored on parcels under five acres.
- (7) RVs shall not be parked on a public roadway, right-of-way, or easement.
- (8) RVs shall be licensed and operable, and shall not include any fixtures or attachments such as decks, porches, attached skirting, etc. that would prevent the movement of the vehicle.
- (9) Adequate screening (including existing/proposed structures, fencing, berms, landscaping, etc.) from adjacent properties and roadways will be required of all RV units, appurtenances, and personal property (non-solid waste).
- (10) The long term use of RV's should connect to permanent electrical service whenever feasible, which is intended to reduce noise, fumes, fire hazard, and potential spills of fuel from the use of generators. Generators should include noise reducing measures (low noise ratings, mufflers, insulation, location, etc) to comply with the Washington State Department of Ecology Maximum Environmental Noise Levels codified at WAC 173-60, which includes stricter standards at night time (10 p.m. to 7 a.m.).
- (11) Improvements to a site for the placement of an RV shall not disturb the native vegetation within a critical area, shoreline, or their buffers without compliance with Shoreline and Critical Area regulations. On pre-existing sites (developed prior to adoption of applicable regulations), RVs shall comply with the zoning, shoreline, and critical areas codes to the maximum extent possible.
- (12) Two or more electric and/or water hook-ups on a property constitutes an RV park and is subject to compliance with the underlying zoning. Renting of RV spaces requires compliance with the underlying zoning and approval of a binding site plan. If conditionally allowed RV parks with 4 or less spaces will not require approval of a binding site plan.
- (13) The Administrator may permit one temporary RV for a caretaker for commercial/industrial development, or documented medical hardship for a caretaker or immediate family member. The temporary RV requires renewal every three years upon proof of continuing need, and shall not be allowed if a primary & ADU is already located on the parcel, or if the caretaker RV is used for full time residency.
- (14) In situations of undue hardship, the Administrator may grant an extension of time of the number of days in Section 2 above (or Table 1) on a case-by case basis for 1 RV occupied by the landowner or

immediate family, when these RV Standards are being substantially met, and provided that efforts to relocate or acquire permanent housing are underway.

- (15) Non-compliance with any of these requirements will subject the violator to civil penalties listed in Chapter 20.28 for non-commercial violators.

Temporary living quarters during construction.

During construction of a single family residence, the land owner may place an RV for temporary living quarters. Upon completion of the single family residence or expiration of the building permit the RV shall no longer be used as living quarters.

Tent and Yurts.

A property owner may dry camp without improvements using tents or yurts on their property for no more than 30 days. Camping may not be used as a permanent living arrangement.

If the land owner intends to create improvements to the property, or camp more than 30 days, or provide camp sites to the public, the owner shall comply with underlying zoning standards. If allowed outright, the applicant shall provide a site plan showing compliance with all zoning setbacks and critical area/shoreline buffers, provide a source of approved septic disposal, and if potable water is intended to be provided, an approved water system shall be noted. Platforms or stands that are 30 inches or greater in height, which are constructed for the placement of tents, require issuance of a building permit. Any other structures must comply with Building Department standards.

Violation – Penalty.

Failure to comply with the provisions of this chapter shall be a violation. Violations of this code will be subject to civil penalties listed in Chapter 20.28 for non-commercial violations.

DRAFT 04/23/2021
Clallam County Stormwater Ordinance
Chapter xx.xx
STORMWATER MANAGEMENT

DRAFT 04/23/2021
Clallam County Stormwater Ordinance
Chapter xx.xx
STORMWATER MANAGEMENT

- xx.xx.010 Purpose
- xx.xx.020 Applicability
- xx.xx.030 Exemptions
- xx.xx.040 Definitions
- xx.xx.050 Stormwater Management Manual and Review Thresholds
- xx.xx.060 Site Activity Stormwater Permit
- xx.xx.070 Construction Stormwater Best Management Practices
- xx.xx.080 Adjustments and Exceptions/Variances.
- xx.xx.090 Experimental BMPs
- xx.xx.100 Easements, Deeds and Covenants
- xx.xx.110 Illicit Discharges and Connections
- xx.xx.120 Enforcement
- xx.xx.130 Fees
- xx.xx.140 Security
- xx.xx.150 Authority
- xx.xx.160 Compliance with Other Laws
- xx.xx.170 Effectiveness/No Retroactivity

xx.xx.010 Purpose

This Chapter is intended to address comprehensive stormwater management in unincorporated Clallam County for new development and redevelopment through the use of post-construction best management practices. As part of implementing comprehensive stormwater management in Clallam County, this Chapter also addresses illicit non-stormwater discharges and illegal connections to public stormwater drainage systems.

Comment [BP1]: Taken from 11/10/20 Version of Ordinance with edits. Opted to not include the purpose statements – these seem unnecessarily long and I think this succinct statement provides for what the intent of the chapter is.

xx.xx.020 Applicability

All Land Development Activity occurring within unincorporated Clallam County shall be subject to the provisions of this Chapter unless specifically exempted under this Chapter. No approval of any required Site Activity Stormwater Permit shall be made by Clallam County prior to the Applicant's satisfying the submittal requirements as set forth in this Chapter and the Land Development Activity being in compliance with all applicable federal, state and Clallam County regulations, including the provisions of this Chapter.

xx.xx.030 Exemptions

A. The following Land Development Activities are exempt from the requirements of this Chapter:

1. Forest practices regulated under Title 222 WAC, except for Class IV-General forest practices that are conversions from timberland to other uses.
2. Commercial agriculture practices involving working the land for production, except the conversion from timberland to agriculture and the construction of impervious surfaces are not exempt.
3. Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations.
4. Pavement maintenance practices consisting of any of the following: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, pavement preservation activities that do not expand the road prism, and vegetation maintenance.
5. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to I-3.4.2 MR2 Construction Stormwater Pollution Prevention Plan of the Department of Ecology's 2019 Stormwater Manual.

B. The following Land Development Activity is exempt from the requirements of this Chapter in Unincorporated Clallam County, excluding within the UPAUGA:

1. Land clearing, grading, filling, sandbagging, diking, ditching, or similar work during or after periods of extreme weather or other emergency conditions which have created situations such as toxic releases, flooding, or high fire danger that present an immediate danger to life or property.
2. Digging of individual graves in a permitted graveyard.
3. Routine landscape maintenance of existing landscaped areas on developed lots, including pruning, weeding, planting annuals, and other activities associated with maintaining an already established landscape or thinning of limbs of individual trees to provide for a view corridor consistent with Chapter 27.12.

Comment [BP2]: Taken from 11/10/20 Version of Ordinance.

Comment [BP3]: Taken from 11/10/20 version of ordinance.

The exemptions in the UPAUGA match the exemptions in Appendix I of the Phase II Permit and have been deemed appropriate for use by Ecology.

Comment [BP4]: Question from County to Ecology – can we match the SEPA exemption for roadway?

WAC 197-11-800(2)(d):

(d) The construction or installation of minor road and street improvements by any agency or private party that include the following:

- (i) Safety structures and equipment: Such as pavement marking, adding or removing turn restrictions, speed limit designation, physical measures to reduce motor vehicle traffic speed or volume, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators;
- (ii) Transportation corridor landscaping (including the application of state of Washington approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality;
- (iii) Temporary traffic controls and detours;
- (iv) Correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required;
- (v) Adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required;
- (vi) Channelization, rechannelization, elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation;
- (vii) Installation of catch basins and culverts for the purposes of road and street improvements;
- (viii) Reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulder.

Comment [BP5]: Removed redundant exemptions.

4. Routine drainage maintenance of existing, constructed stormwater drainage facilities located outside of a protected area, including, but not limited to, detention/retention ponds, wetponds, sediment ponds, constructed drainage swales, water quality treatment facilities, such as filtration systems, and regional storm facilities that are necessary to preserve the water quality treatment and flow control functions of the facility. This exemption does not apply to any expansion and/or modification to already excavated and constructed stormwater drainage facilities.
5. Clearing, grading, filling, grubbing or excavation of less than one hundred (100) cubic yards.
6. Construction, expansion or repair of detached accessory buildings four hundred (400) square feet or less in size not located within two hundred (200) feet of a wetland, aquatic habitat, conservation area, landslide hazard area an erosion hazard area or frequently flooded area pursuant to Chapter 27.12.

xx.xx.040 Definitions

Clallam County adopts the definitions contained within the Glossary of Ecology's 2019 Stormwater Management Manual for Western Washington, unless otherwise augmented below:

- A. "Clallam County Small Project Drainage Manual" means the manual adopted by Clallam County to be used for small-scale residential projects that meet the requirements for a small project drainage plan review.
- B. "Critical Areas" means any of those areas of Clallam County which meet the definition of geologically hazardous areas; wetlands; streams; flood hazard areas; fish and wildlife conservation areas; and areas with a critical recharging effect on aquifers used for potable water (i.e., ground water discharge areas) and are regulated under Title 27 of the Clallam County Code.
- C. "Hard Surface" An impervious surface is a surface that blocks the natural infiltration of surface water. Common hard surfaces include asphalt pavement, cement concrete, and compacted gravel. Permeable pavements and green roofs shall be considered impervious for minimum requirement thresholds but modelled depending on the characteristics of the design.
- D. "Land Development Activity" means New Development and Redevelopment as those terms are defined herein.
- E. "New Development" means any land disturbing activities, including but not limited to clearing, grading, grubbing, filling, excavation and demolition; Class IV General Forest Practices that are conversions from timber land to other uses; reclamation of mineral extraction; reclamation of sand and gravel extraction; structural development, including construction, installation or expansion of a building or other structure; creation of hard surfaces; and any subdivision, short subdivision and binding site plans, as defined and applied in RCW 58.17 and any Land Division as defined herein. Projects meeting the definition herein of Redevelopment shall not be considered New Development.
- F. "Project" means any proposed action to alter or develop a site.

Comment [BP6]: Reviewed definitions from 11/20/20 version of ordinance and included definitions as necessary to supplement terms in ordinance.

Comment [BP7]: AHBL's recommended definition for hard surface.

- G. "Project Site" means the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development, and/or redevelopment.
- H. "Redevelopment" means development of a site that is already substantially developed (i.e., has 35% or more existing hard surface coverage) through the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW; replacement of hard surface that is not part of a routine maintenance activity; and other land disturbing activities including but not limited to clearing, grading, grubbing, filling, excavation and demolition.
- I. "Site Activity Stormwater Permit" means the written permission by the County Engineer to the permittee/applicant to proceed with the act of land development activities, whether new development or redevelopment, within the requirements and procedures contained in this Chapter. The Site Activity Stormwater Permit shall include the associated approved site plan, any required stormwater site plans consistent with Minimum Technical Requirements set forth herein, any required construction stormwater pollution prevention plan consistent with the Minimum Technical Requirements set forth herein, and any conditions of approval as well as the permit form itself.
- J. "Storm Drainage System" means publicly-owned or publicly-maintained facilities by which stormwater is collected and/or conveyed, including but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.
- K. The terms "single residential," "duplex," "townhome," "accessory building," and "multi-family residential" mean the definition of such terms contained in the County's current Building Code, CCC Title 21.

xx.xx.050 Stormwater Management Manual and Review Thresholds

- A. Stormwater Management Manual within the UPAUGA. Within the UPAUGA, Clallam County Clallam County adopts Ecology's 2019 Stormwater Management Manual for Western Washington ("Ecology's 2019 Stormwater Manual") in its entirety (with no modifications).
- B. Stormwater Management Manual within unincorporated Clallam County outside the UPAUGA. Outside of the UPAUGA, Ecology's 2019 Stormwater Manual's minimum requirements contained in Volume I, Section 3.4, are modified as provided in the table below. For certain proposed Land Development Activities, Clallam County adopts and applies the Clallam County Small Project Drainage Manual as provided in the table below.

Table xx.xx.050 Stormwater Management Requirements Within Unincorporated Clallam County Outside of the UPAUGA

Comment [BP8]: We will be making a flow chart to illustrate this table.

Proposed Land Development Activity	Thresholds (Hard surface/Land disturbance)	Site Activity Permit required –Y/N?	Applicable Stormwater Manual	Minimum Requirements	Is a Civil or Geotechnical Engineer Required to Sign Stormwater Plans?
Construction of single residential, duplex, townhome, accessory building to such dwelling — on less than 1 acre	< 5,000 sq. ft. of new plus replaced hard surface OR <10,000 sq. ft. land disturbing activity	N, but Construction Stormwater Best Management Practices are always required.	Clallam County Small Project Drainage Manual	N/A	No, if conditions are met under the Small Project Drainage Manual, and the project does not require an engineer under state law.
Construction of single residential, duplex, townhome, accessory building to such dwelling — on less than 1 acre	>5,000 sq. ft. of new plus replaced Hard Surface OR >10,000 sq. ft. land disturbing activity	Y	2019 SWMMWW	MRs 1-5 (if <7,000 sq. feet new plus replaced Hard Surface or <20,000 sq. ft. land disturbing activity, otherwise MRs 1-9 apply; MR3 and MR8 are usually N/A; MR9 only applies if a stormwater facility is installed	Yes, if engineering is required

Comment [BP9]: This table includes Ecology's most recent comments/feedbacks. The highlighted thresholds may be modified by the County.

Proposed Land Development Activity	Thresholds (Hard surface/Land disturbance)	Site Activity Permit required –Y/N?	Applicable Stormwater Manual	Minimum Requirements	Is a Civil or Geotechnical Engineer Required to Sign Stormwater Plans?
Construction of single residential, duplex, townhome, accessory building to such dwelling — on 1 acre or more	<7,000 sq. ft. of new plus replaced hard surface OR <12,000 sq. ft. land disturbing activity OR <1.5 acres of veg to lawn conversion, OR <5 acres of veg to pasture	N, but Construction Stormwater Best Management Practices are always required.	Clallam County Small Project Drainage Manual	N/A	<i>No, if conditions are met under Small Project Drainage Manual, and the project does not require an engineer under state law.</i>
Construction of single residential, duplex, townhome, accessory building to such dwelling — on 1 acre or more	>7,000 sq. feet new plus replaced Hard Surface OR >12,000 sq. ft. land disturbing activity, OR >1.5 acres of veg to lawn conversion, OR >5 acres of veg to pasture conversion	Y	2019 SWMMWW (as modified in this Table)	MRs 1-5 (if <10,000 sq. feet new plus replaced Hard Surface OR <20,000 sq. ft. land disturbing activity OR <2.0 acres of veg to lawn conversion, OR <7.5 acres of veg to pasture conversion, otherwise MRs 1-9; MR3 and MR8 are usually N/A; MR9 only applies if a stormwater facility is installed	<i>Yes, if engineering is required</i>

Comment [BP9]: This table includes Ecology's most recent comments/feedbacks. The highlighted thresholds may be modified by the County.

Proposed Land Development Activity	Thresholds (Hard surface/Land disturbance)	Site Activity Permit required –Y/N?	Applicable Stormwater Manual	Minimum Requirements	Is a Civil or Geotechnical Engineer Required to Sign Stormwater Plans?
Construction of multi-family residential or accessory building to such dwelling	≥ 2,000 sq. ft. of new plus replaced hard surface OR ≥ 7,000 sq. ft. land disturbing activity	Y	2019 Ecology Stormwater Manual (as modified in this Chapter)	MRs 1-5 (for <5,000 sq. ft. new plus replaced hard surface OR <7,000 sq. ft. land disturbing activity); MRs 1-9 (for >5,000 sq. ft. new plus replaced hard surface OR >0.75 acres conversion of veg to lawn, OR >2.5 acres of conversion of veg to pasture)	Yes
Within critical areas/buffers, adjacent to shorelines or within regulated flood plain or floodways	As set forth in CCC Title 27 or SMP as applicable (supersedes all other Table Thresholds)	Y	2019 Ecology Stormwater Manual (as modified in this Chapter)	MRs 1-9	Yes

Comment [BP9]: This table includes Ecology's most recent comments/feedbacks. The highlighted thresholds may be modified by the County.

Proposed Land Development Activity	Thresholds (Hard surface/Land disturbance)	Site Activity Permit required –Y/N?	Applicable Stormwater Manual	Minimum Requirements	Is a Civil or Geotechnical Engineer Required to Sign Stormwater Plans?
All other land disturbing activities not already listed in this Table, including commercial, industrial, and multifamily.	≥ 2,000 sq. ft. of new plus replaced hard surface OR ≥ 7,000 sq. ft. land disturbing activity	Y	2019 Ecology Stormwater Manual	MRs 1-5 (for <5,000 sq. ft. new plus replaced hard surface OR <7,000 sq. ft. land disturbing activity); MRs 1-9 (for >5,000 sq. ft. new plus replaced hard surface OR >0.75 acres conversion of veg to lawn, OR >2.5 acres of conversion of veg to pasture)	Yes

Comment [BP9]: This table includes Ecology's most recent comments/feedbacks. The highlighted thresholds may be modified by the County.

xx.xx.060 Site Activity Stormwater Permit

- A. An application for a Site Activity Stormwater Permit shall be submitted to the County Engineer on a form provided by the County.
- B. Unless otherwise specified by the Clallam County Small Project Drainage Manual, all applicants for a Site Activity Stormwater Permit shall provide the following basic plan exhibits: Site Topographical Map, General Stormwater Site Plan, Construction Stormwater Pollution Prevention Plan (SWPPP) and a Vicinity Topographical Map. A construction plan set that includes this information or individual plan sheets may be used to meet this requirement. The basic plan exhibits shall contain all information as set forth in the official submittal checklist provided by the County Engineer.
- C. All plans prepared in connection with this Chapter shall be submitted for review and approval by the County Engineer. Prior to the issuance of the Site Activity Stormwater Permit, the Applicant must submit final stormwater site plans. The specific information to be included on each exhibit shall be as noted below.
- D. A Site Activity Stormwater Permit shall be issued by the County Engineer only after the applicant demonstrates compliance with the requirements of this Chapter and the payment of the

Comment [BP10]: Recommend that we move all the requirements of what must be shown on site plans to submittal checklists. See the required information in the 11/20/20 version of ordinance.

applicable permit fees for plan review, inspection, and related expenses as specified in Section xx.xx.130, Fees.

- E. Any permit granted under this Chapter shall expire one (1) year from the date of issuance. With approval of the County Engineer, a permit issued under this Chapter may be extended for one 12-month period.
- F. The decision by the County Engineer to deny a Site Activity Stormwater Permit is appealable to the Clallam County Hearing Examiner using the procedures for denial of a Type I permit as defined under CCC Title 26.

xx.xx.070 Construction Stormwater Best Management Practices

- A. All Land Development Activities are required to employ Construction Stormwater Best Management Practices, regardless of if a Site Activity Stormwater Permit is required pursuant to Section xx.xx.060. All Land Development Activities shall prevent (1) erosion and discharge of sediment and other pollutants into receiving waters and (2) harmful impacts to infrastructure or neighboring properties. A Construction Stormwater Pollution Prevention Plan (SWPPP) shall be provided that meets the requirements contained within the applicable stormwater manual, or otherwise specified in this section.
- B. For all Land Development Activities that are located within the UPAUGA and meet or exceed the project thresholds contained within Ecology's 2019 Stormwater Manual, a Construction SWPPP shall be provided in accordance with Volume I, Section 3.4.2 of Ecology's 2019 Stormwater Manual.
- C. For all Land Development Activities that are located within unincorporated Clallam County outside of the UPAUGA and meets or exceeds the thresholds specified within Table xx.xx.050, a Construction SWPPP shall be provided in accordance with the applicable Stormwater Management Manual adopted by the County.
- D. If a Land Development Activity requires a building permit but falls below the thresholds contained in Ecology's 2019 Stormwater Manual or specified in Table xx.xx.050, and is not otherwise exempt under this Chapter, the property owner of the project site shall submit with the building permit application a drainage plan consistent with Clallam County Construction Stormwater Pollution Prevention Best Management Practices Packet (the "BMP Packet") and such drainage plan must also include all construction Stormwater Pollution Prevention elements specified in the applicable Stormwater Management Manual adopted by the County for that geographic area (i.e. either within UPAUGA, or Unincorporated Clallam County outside the UPAUGA).
- E. If a Land Development Activity does not require a building permit and falls below the threshold contained in Ecology's 2019 Stormwater Manual or specified in Table xx.xx.050, and is not otherwise exempt under this Chapter, the property owner of the project site shall print out from the County's website a copy of the Clallam County BMP Packet, and mail to the County (prior to the land disturbing activity) a signed and dated copy of the Acknowledgement Page which provides that the property owner has read the BMP Packet and shall consider and implement applicable best management practices in connection with the land disturbing activity.

Comment [BP11]: Taken from 11/20/20 version or ordinance. As the County is adopting the Ecology Manual or the Clallam County Small Project Drainage Manual which specify the minimum requirements, it is not necessary to repeat all of the minimum requirements in this ordinance. However, as MR2 is required regardless of if the project triggers the threshold for review under one of the applicable manuals, the County should include this section which specifies the requirements for a Construction SWPPP. We've broken this down into the requirements if it's in the UPAUGA and exceeds the thresholds of the manual (as specified in Ecology Manual), if it is outside the UPAUGA and meets or exceeds the thresholds (as specified in the applicable manual), if it falls below the thresholds as requires a permit (submit the Clallam County BMP packet with a building permit) or if it falls below the thresholds and does not require a permit (submit the acknowledgement form).

xx.xx.080 **Adjustments and Exceptions/Variations.**

Comment [BP12]: Taken from Skagit County

- A. The County Engineer may grant an adjustment to the application of the Stormwater Management Manual and its minimum requirements prior to permit approval and construction consistent with the criteria in Ecology's 2019 Stormwater Manual, Volume I, Section 3.6.1 (Adjustments to the MRs).
- B. The County Engineer may grant an exception/variance from this Chapter or the application of the Stormwater Management Manual and its minimum requirements prior to permit approval and construction when consistent with the criteria in Ecology's 2019 Stormwater Manual, Volume I, Section 3.6.2 (Exceptions/Variations). The applicant bears the burden to demonstrate the required criteria for an exception/variance. The County Engineer shall retain records, including the written findings of fact, of all exceptions from the minimum requirements.
- C. A request for an adjustment or exception shall adequately describe the justification for relief and is processed as a Type III decision under Clallam County Code (CCC) Chapter 26.10.

xx.xx.090 **Experimental BMPs**

- A. In those situations where the County Engineer, or his designee, determines that the applicable Stormwater Management Manual does not provide appropriate BMPs to manage project site conditions, experimental BMPs may be considered. The County Engineer, or his designee, is authorized to approve experimental BMPs on a particular project site and may require that the performance of experimental BMPs be monitored to document their effectiveness for any future use.
- B. Clallam County requires that experimental BMPs within the UPAUGA be limited to BMPs that have been reviewed and certified by the Washington State Technology Assessment Protocol – Ecology (TAPE program).
- C. Outside of the UPAUGA experimental BMPs that have been reviewed and certified by the TAPE program may be used. Project applicants wishing to use experimental BMPs not certified under the TAPE program shall submit to the County Engineer documentation in the same format as required by the TAPE program (Department of Ecology Publication no. 18-10-039).

Comment [BP13]: Taken from Skagit County

Comment [BP14]: Added by AHBL in response to Ecology comments.

xx.xx.100 **Easements, Deeds and Covenants**

Comment [BP15]: Taken from 11/10/20 Version of Ordinance.

- A. Drainage easements shall be required where stormwater conveyance, storage, or treatment facilities identified in development plans are not located in public rights-of-way, and where access to stormwater facilities is required. Drainage easements shall be granted to the persons responsible for providing ongoing maintenance of the drainage systems. Drainage easements through structures are not allowed. Easements shall be of a width and location sufficient to allow access for equipment that would normally perform maintenance activities.
- B. Stormwater and conveyance facilities that are to be maintained by Clallam County, together with maintenance access roads to the facilities, shall be located in public right-of-way, in separate tracts dedicated to Clallam County, or corresponding to drainage easements granted to Clallam County.

- C. Land development projects having 5,000 square feet or more of new and/or replaced impervious surface must place a declaration of covenant on the title of the parcel to protect the drainage facilities on the property. The covenant shall specifically address and/or amend the requirements and responsibilities for long-term management and maintenance of the drainage facility on the property.
- D. Private homeowner deed restrictions and homeowners/building covenants shall be required for all properties with on-site low impact development (LID) features to ensure that the stormwater management applications continue to function as designed. The deed restrictions or covenants shall specifically address and/or amend the requirements and responsibilities for long-term management and maintenance of any LID features.
- E. Any flow control and runoff treatment BMPs for which the applicant identifies the operation and maintenance to be the responsibility of a private party must have a declaration of covenant and grant of easement which shall be recorded on the title of the parcel.

Comment [BP16]: Greg – County may elect to have the approved site map that is on file with the County control rather than require a covenant be recorded.

xx.xx.110 Illicit Discharges and Connections

- A. Illicit Discharges Prohibited. No person may throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain, or otherwise discharge into the storm drain system any materials other than stormwater.
- B. Allowable Discharges. The following types of discharges are not illicit discharges for the purpose of this Chapter unless the County Engineer determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:
 - 7. Diverted stream flows.
 - 8. Rising groundwaters.
 - 9. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20).
 - 10. Uncontaminated pumped groundwater.
 - 11. Foundation drains.
 - 12. Air conditioning condensation.
 - 13. Irrigation water from agricultural sources that is commingled with urban stormwater.
 - 14. Springs.
 - 15. Water from crawl space pumps.
 - 16. Footing drains.
 - 17. Flows from riparian habitats and wetlands.
 - 18. Non-stormwater discharges authorized by another NPDES or state waste discharge permit.

Comment [BP17]: Taken from Skagit County and cross-referenced with the Phase II MS4 Permit:
<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal-stormwater-general-permits/Western-Washington-Phase-II-Municipal-Stormwater>

19. Discharges from emergency firefighting activities in accordance with S2 Authorized Discharges.

C. Conditionally Allowed Discharges. The following types of discharges are not illicit discharges for the purposes of this Chapter if they meet the stated conditions, unless the County Engineer Official determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

1. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges must be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.
2. Lawn watering and other irrigation runoff are permitted but must be minimized.
3. Dechlorinated swimming pool discharges. These discharges must be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system. Discharges must be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the stormwater system.
4. Street and sidewalk wash water, water to control dust and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water is minimized. At active construction sites, street sweeping must be performed prior to washing the street.
5. Other nonstormwater discharges. The discharges must be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the County which addresses control of such discharges by applying AKART to prevent pollutants from entering surface or groundwater.

D. Illicit Connections

1. No person may use the stormwater system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater.
2. No person may make, allow, use, or allow the continued existence of any connection to the stormwater system that could result in an illicit discharge.
3. Connections to the stormwater system from the interiors of structures are prohibited.
4. Connections to the stormwater system for any purpose other than to convey stormwater or groundwater are prohibited and must be eliminated.

xx.xx.120 **Enforcement**

- A. The County Engineer is authorized to carry out inspection and enforcement actions pursuant to Clallam County Code (CCC) Chapter 33.59, Enforcement, and CCC Title 20, Code Compliance.

Comment [BP18]: Edited down by referencing Chapter 33.59 and Title 20. Upped the penalty to \$1,000 per Ecology and City of Sequim comments, consistent with the penalty assessed in Pierce County.

B. Any person who fails to comply with the standards contained within this Chapter and/or any person who fails to comply with a final written order may be assessed a civil penalty as follows:

1. The County Engineer may assess the violator a civil penalty not to exceed \$1,000 for each violation.
2. Each violation or each day of continued unlawful activity shall constitute a separate violation. Each day that a person fails to comply with the terms of a final written order shall constitute a separate violation.

xx.xx.130 Fees

The schedule of all fees associated with complying with this Chapter shall be those established pursuant to CCC Chapter 5.100. If Site Activity Stormwater Permit work is done in violation of this Chapter or the work is not done in accordance with an approved permit, a fee, not less than twice the applicable permit fee, covering investigation of any violation and inspection and plan checking of work required to correct the violation shall be charged to the violator to cover all actual costs. Such additional fee being in addition to any other of the remedies specified herein under Section xx.xx.120, Enforcement.

Comment [BP19]: Note to County – update relevant fee schedule to include fees for site activity stormwater permit.

Comment [BP20]: Taken from 11/10/20 Version of Ordinance.

xx.xx.140 Security

The County Engineer may require as a condition to the granting of a Site Activity Stormwater Permit, that the applicant furnish security in the form of a bond, cash escrow account, an irrevocable letter of credit or other security acceptable to the County in its sole discretion, in an amount determined by the County Engineer to be sufficient to complete the restoration and replanting of the property in accordance with the terms of the Site Activity Stormwater Permit and within the duration thereof. The security shall be in an amount equal to the estimated cost of such restoration and replanting and with surety and conditions satisfactory to the County Engineer.

Comment [BP21]: Taken from 11/10/20 Version of Ordinance.

xx.xx.150 Authority

The Clallam County Engineer shall administer and enforce compliance with all terms in this Chapter. The Clallam County Engineer may adopt and amend administrative policies and procedures for the purposes of implementing and enforcing the provisions of this Chapter. All such administrative policies and procedures shall be available to the public at the Public Works Department.

Comment [BP22]: Taken from 11/10/20 Version of Ordinance.

xx.xx.160 Compliance with Other Laws

Approvals and permits granted under this Chapter and any policies and procedures promulgated hereunder do not constitute waivers of the requirements of any other laws or regulations nor do they indicate compliance with any other laws or regulations. Compliance is still required with all applicable federal, state, or local laws and regulations. In the event of any conflict between this Chapter and any other Chapter of the Clallam County Code, the provisions of this Chapter shall prevail.

Comment [BP23]: Taken from 11/10/20 Version of Ordinance.

xx.xx.170 Effectiveness/No Retroactivity

- A. This Chapter shall become effective on [October __, 2021]
- B. This Chapter shall be prospective in operation only.

Comment [BP24]: Taken from 11/10/20 Version of Ordinance.

- C. The provisions of this Chapter shall not apply to existing Land Disturbing Activity for which all previously required permits were obtained prior to the effective date.
- D. The provisions of this Chapter shall not apply to a project or development not yet constructed provided that an appropriate residential or commercial building permit has been obtained and the permit bears a date prior to the effective date of this Chapter.

Question from County to Ecology – can we match the SEPA exemption for roadway?

WAC 197-11-800(2)(d):

(d) The construction or installation of minor road and street improvements by any agency or private party that include the following:

(i) Safety structures and equipment: Such as pavement marking, adding or removing turn restrictions, speed limit designation, physical measures to reduce motor vehicle traffic speed or volume, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators;

(ii) Transportation corridor landscaping (including the application of state of Washington approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality;

(iii) Temporary traffic controls and detours;

(iv) Correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required;

(v) Adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required;

(vi) Channelization, rechannelization, elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation;

(vii) Installation of catch basins and culverts for the purposes of road and street improvements;

(viii) Reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders where capacity is not increased and no new right of way is required;

(ix) Addition of bicycle lanes, paths and facilities, and pedestrian walks and paths including sidewalk extensions, but not including additional automobile lanes.