

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, January 4, 2023, 6:00 p.m.

The Planning Commission will conduct a regularly scheduled meeting in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362 and by Zoom, meeting number 857 7304 5582 with passcode 12345. Materials regarding past and upcoming meetings are available at: <https://wa-clallamcounty.civicplus.com/669/Live-Archived-Meetings-Online>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES:** December 14, 2022
- F. ANNOUNCEMENTS:** Election of Officers; 2023 Workplan
- G. PUBLIC COMMENT – Please Limit Comments to Three Minutes**
- H. UNFINISHED BUSINESS:** Sign Ordinance, final recommendations and approval to send invitations to Sign Workshop on January 18, 2023
- I. PUBLIC HEARING: NONE**
- J. WORK SESSION ITEMS:** Introduction to needed SEPA changes
- K. PUBLIC COMMENT – Please Limit Comments to Three Minutes**
- L. ADJOURNMENT**

Members:

Chair, Steve Gale & Vice-Chair, Ron Long
Robert Miller; N. Bonnie Booth; Jeff Carter; Thomas Butler; Kenneth Reandeau; Jane Hielman
Vacancy District 2

Department of Community Development Staff:

Donella Clark, Principal Planner; Bruce Emery, DCD Director

MINUTES

Clallam County Planning Commission

Meeting of December 14, 2022, 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 Ron Long, Ingrid Carmean, Jeff Carter, Tom Butler, Robert Miller, Ken Reandeau, and Jane Hielman. Donella Clark, Principal Planner, Katherine Connors, Associate Planner, and Bruce Emery, Interim Director, represented staff from the Department of Community Development.
- D. WELCOME: Vice-Chair Ron Long welcomed all in attendance.
- E. APPROVAL OF MINUTES: November 16, 2022
- F. ANNOUNCEMENTS: Staff provided dates for the 2023 calendar for Planning Commission meetings and introduced the Interim DCD Director who has been appointed to office and will be sworn in as the elected DCD Director in January.
- G. PUBLIC COMMENT PERIOD: None.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEM: Current Use Assessments. Six applications were presented by staff for recommendation of approval. No public comments were made during the hearing and the motion to forward the approved permits passed 7-0.
- J. WORK SESSION ITEMS: Continued discussion on Sign Code and desired standards. Planning Commission would like to review the final version one more time and hold the Workshop at the first meeting in February, with the public hearing to follow.
- K. PUBLIC COMMENT PERIOD: None.
- L. ADJOURNMENT: The meeting adjourned at ____7:00__ p.m.

Bylaws of the Clallam County Planning Commission
Adopted February 7, 1996
Revised July 7, 1999
Revised March 7, 2012
Revised February 5, 2014
Revised January 17, 2018
Revised February 7, 2018

BYLAWS OF THE CLALLAM COUNTY PLANNING COMMISSION

ARTICLE I - NAME

Section 1. Name

The official name of the organization shall be "Clallam County Planning Commission".

ARTICLE II - OFFICIAL SEAT

Section 1. Official Seat

The official seat of the Planning Commission shall be in the Clallam County Courthouse, 223 East 4th Street, Port Angeles, Washington, and meetings shall be held there except on such occasions and at such times as the Planning Commission may, by a majority vote of those present at any regular, recessed or special meeting, otherwise direct.

ARTICLE III - OFFICERS

Section 1. Officers

The elective officers of the Planning Commission shall consist of a Chair and Vice-Chair. The Executive Secretary of the Planning Commission shall be the Planning Division Manager or designee.

Section 2. Nomination and Election of Officers

Nomination of elective officers shall be made from the floor at the annual election meeting, which shall be held on the first regular meeting of January of each year. The election shall follow immediately thereafter. Officers shall be nominated and elected from the appointed members only. A nominee receiving a majority vote of those present at the election meeting shall be declared elected.

Section 3. Terms of Officers

The elective officers shall take office at the first regular meeting in February and shall serve for a term of one year.

Section 4. Vacancies in Offices

Vacancies in elective offices shall be filled immediately by regular election procedure for the unexpired portion of the term.

Section 5. Duties of Officers

- a. Chair. The Chair shall preside at all meetings and public hearings of the Planning Commission and shall call special meetings when necessary or required. The Chair shall appoint all committees, shall be an ex-officio member of each, without power to vote. The Chair shall sign all official papers and plans involving the authority of the Planning Commission which are transmitted to the County Commissioners. The Chair shall have the privilege of discussing all matters before the Planning Commission and voting thereon. The Chair shall have all the duties normally conferred by parliamentary usage on such officers and shall perform such other duties as may be conferred by the Planning Commission except as otherwise provided in these Bylaws, in other Planning Commission regulations, or in County ordinances.

- b. Vice-Chair. The Vice-Chair shall assume the duties and powers of the Chair in the Chair's absence. If the Chair and Vice-Chair are both absent, the Planning Commission members may elect a temporary chair by a majority vote of those present at the regular, recessed or special meeting, who shall assume the duties and powers of the Chair and Vice-Chair during their absence.
- c. Executive Secretary. The Executive Secretary or designee shall keep the minutes of all regular, recessed, and special meetings of the Planning Commission; such minutes shall be approved by the Planning Commission. The Executive Secretary or designee shall give notice of all regular and special meetings to Planning Commission members, shall prepare the agenda of regular and special meetings, shall serve proper and legal notice of all public hearings, and shall draft and sign the routine correspondence of the Planning Commission. The Executive Secretary or designee shall maintain a file of all studies, plans, reports, recommendations, and official records of the Planning Commission, and perform such other duties as the Planning Commission may request.

ARTICLE IV - MEETINGS

Section 1. Regular Meetings; Time and Place

The regular meetings of the Planning Commission shall be held on the first and third Wednesday of each month commencing at 6:00 p.m. in the Commissioners' Meeting Room #160, Clallam County Courthouse, 223 East 4th Street, Port Angeles, except as otherwise designated by the Planning Commission. The meeting will adjourn no later than 8:30 p.m., unless extended by majority vote of the Planning Commission. Any change in the hour, date and place of regular meetings shall be given wide publicity for the convenience of persons having business before the Planning Commission. When the regular meeting day falls on a legal holiday, the meeting shall be held the next day unless otherwise determined.

Section 2. Recessed Meetings

Any regular meeting may be recessed to a definite time and place by a majority vote of the Planning Commission members present at the meeting.

Section 3. Special Meetings

Special meetings may be called by the Chair. Special meetings may also be called upon the written request of any three members of the Planning Commission, or by majority vote of the Planning Commission at a regular, special, or recessed meeting.

Section 4. Notice of Meetings

Notice of all regular and special meetings shall be given by the Executive Secretary to each local newspaper of general circulation in Clallam County and to each radio station and television located in Clallam County. Notice of meeting cancellations shall be provided to the media as soon as possible after a meeting is canceled.

Section 5. Order of Business - Regular and Special Meetings

- A. Call to order by Chair
- B. Pledge of Allegiance
- C. Roll Call
- D. Welcome
- E. Approval of minutes of preceding meeting
- F. Announcements
- G. Public Comment on Agenda Items (Not subject of Public Hearing)

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- H. Unfinished Business
 - I. Public Hearing
 - J. Work session items
 - K. Public Comment
 - L. Adjournment
-

See Attachment 1 for standard welcome format.

Each speaker will be limited to 3 minutes at the Chair's discretion.

The Chair may change the order of the agenda if deemed necessary.

Section 6. Operational Guidelines

- a. Any application may be tabled by majority vote of the Commission if the applicant or an authorized representative is not present at the public hearing.
- b. Action on any application or request may be tabled by majority vote of the Commission if all essential information is not provided to the Planning Commission, or if the volume of information provided is significant.
- c. Action on any request or application may be tabled to request a legal opinion or interpretation by a majority vote of the Commission.
- d. The Commission shall act as a body in (1) making its decisions and in announcing them; and, (2) officially representing itself or making public disclosures to entities outside the Commission or the County Planning staff.
- e. Willful misrepresentation of information provided by an applicant pertaining to a request or application will void that request or application upon discovery of the misrepresentation.
- f. The Planning Commission will not commence a new public hearing after 8:00 p.m., at the discretion of the Chair.

Section 7. Public Hearing Procedure

- 1. General. Public hearings provide an opportunity for citizens to give direct input to the Planning Commission on matters being considered. It is the policy of the Planning Commission to conduct hearings in a manner that allows input from the maximum number of citizens possible and respects the opinion of all those wishing to testify.
- 2. Conducting the Hearing. Public hearings are conducted as regular items on the Planning Commission's Board's published agenda. In order to ensure that the public hearing is conducted in a manner that encourages maximum public participation and respect for varying opinions, the Planning Commission will generally adhere to the following rules:

- a. A sign-up sheet will be available for the public to indicate their desire to testify. Speakers will generally be heard in the order in which they sign up, followed by an opportunity for those who did not sign up to comment.
- b. The Chair will open the public hearing and accept any written testimony. All written testimony received prior to the close of the public hearing will be considered.
- c. The Chair will request planning staff to provide a staff report and recommendation on the matters being considered. Planning Commission members are permitted to ask staff any relevant questions regarding the matter being considered.
- d. In order to maintain an accurate public record, all citizens testifying will be required to state their name, address, and nature of interest in the matter for the permanent record.
- e. For any application before the Planning Commission, the applicant will be given the opportunity to testify first with a limit of 20 minutes divided among as many of the speakers as determined by the applicant. The applicant will also be given an opportunity, at the end of the testimony period, to have one rebuttal, limited to 10 minutes. Rebuttal comments shall be limited to factual statements relating to previous testimony. The Chair has the discretion to allow more time to speak and/or additional opportunities to comment with the objective of ensuring adequate time for all present to have an opportunity to comment and in consideration of meeting time and other agenda items.
- f. The Chair, at its discretion, may limit the comment period for each speaker so that all can be heard. As a general rule, testimony will be limited to three minutes per person, except for a group spokesperson, who will be allowed up to 10 minutes.
- g. Public hearings are intended to provide information and opinions from citizens to the Planning Commission. They are not intended to be a debate between those on opposing sides of an issue, nor to weigh how many on each side of an issue attend. The Chair, at its discretion, may limit testimony that provides no new information and/or comments intended solely to debate another person's position on a particular issue while not providing new information to the Planning Commission.
- h. The public hearing is closed. Planning Commission members may voice other significant considerations and pose any relevant questions through the Chair. The Chair will question the proper party for answers.
- i. The Chair with majority vote may extend the written comment period at their discretion.
- j. Motion for disposition.

Section 8. Quorum

Five members of the Planning Commission shall constitute a quorum to conduct business and make recommendations.

Section 9. Motions

When requested, motions shall be restated by the Executive Secretary before a vote is taken. The name of the members making and seconding a motion shall be recorded in the minutes of the meeting.

Section 10. Voting

Any action taken by a majority of the quorum, at any regular, recessed or special meeting of the Planning Commission shall be deemed and taken as the final action of the Planning Commission; except that any

changes to the Comprehensive Plan, as referenced in RCW 36.70.500, or development regulations involving Clallam County ordinances must be approved by a majority of the total membership of the Planning Commission. Voting on all matters requiring a public hearing before the Planning Commission, and all matters referred to the Planning Commission by the Board of Clallam County Commissioners shall be by roll call vote and the vote of each member shall be recorded in the minutes of the meeting.

Section 11. Staff Reports

On all matters considered by the Planning Commission, the report and recommendations of the Planning Division shall be presented to the Planning Commission and shall be recorded in the minutes of the meeting.

Section 12. Conflict of Interest/Appearance of Fairness

- a. Any member of the Planning Commission who has an interest in any matter before the Planning Commission that would or could tend to prejudice his/her actions thereon, shall so publicly indicate this fact to the Planning Commission prior to the opening of the Public Hearing and shall abstain from voting or participating in any way in the Planning Commission members' action on that matter. The member shall excuse him/herself from the Planning Commission and shall leave the meeting room until the conclusion of the subject matter.
- b. During Planning Commission deliberation on any quasi-judicial matter, no member should engage in ex parte communications with opponents or proponents unless the member:
 1. Places on the record the substance of any written or oral ex parte communications concerning the application; and
 2. Provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered or taken on the matter. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are part of the record. Anyone seeking to rely on the appearance of fairness doctrine to disqualify a member of the Planning Commission from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the individual.

In the event of a challenge to a member or members of the Planning Commission which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any challenged member or members shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the member or members publicly disclose the basis for disqualification prior to rendering a decision.

Section 13. Attendance

- a. Attendance at all regular meetings and executive sessions is expected of each Planning Commission member.
- b. Any members anticipating absence from any meeting shall notify the Chair or Executive Secretary in advance.
- c. Any absence may be excused by the Planning Commission, even for an extended period, provided the absence is requested at least 48 hours in advance, unless the absence is necessitated by an emergency.

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Section 14. Parliamentary Procedure

Parliamentary procedure in Planning Commission meetings shall be governed by Roberts Rules of Order, Revised, unless it is specifically provided otherwise in these Bylaws, in other Planning Commission resolutions or in the County Code.

Section 15. Public Nature of Meetings and Records

All regular, recessed and special meetings, hearings, records, and accounts shall be open to the public; provided, however, executive sessions may be held by the Planning Commission as provided in RCW 42.30.110.

ARTICLE V - COMMITTEES

Section 1. Establishment of Committees

The Planning Commission may establish such standing or special sub-committees as it deems advisable and assign each sub-committee specific duties or functions. Each standing sub-committee shall consist of 3 members. No standing or special sub-committee shall have the power to commit the Planning Commission to the endorsement of any plan or program without its submission to the body of the Planning Commission.

Section 2. Appointment and Terms of Committee Members

The Chair of the Planning Commission shall appoint the members of each standing or special sub-committee and shall name the chair of each sub-committee. The members of each standing sub-committee shall be appointed as needed for a term of one year. Special sub-committees may be appointed at such times and for such purposes and terms as the Planning Commission approves.

Section 3. Committee Vacancies

Vacancies on sub-committees shall be filled immediately by the Chair of the Planning Commission for the unexpired portion of the term.

Section 4. Meetings of Committees

The sub-committees shall meet at the call of the sub-committee chair, provided that the Chair of the Planning Commission shall also have the authority to call a special meeting of any sub-committee at any time and upon such notice as the Chair may specify.

The Planning Staff shall issue notice of sub-committee meetings at the request of a sub-committee chair or the Planning Commission Chair.

Section 5. Quorum and Voting

A majority of the members appointed shall constitute a quorum of all sub-committees. The affirmative vote of a majority of the sub-committee membership shall be required for the adoption of a matter before the sub-committee.

ARTICLE VI - AMENDMENTS

Section 1. Amendments

THESE BYLAWS MAY BE AMENDED AT ANY REGULAR MEETING BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE PLANNING COMMISSION PROVIDED THAT THE PROPOSED AMENDMENTS HAVE BEEN SUBMITTED IN WRITING AT A PREVIOUS MEETING.

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ADOPTION

Adopted January 17, 2018 by an affirmative vote of the members of the Clallam County Planning Commission.

Attachment 1 - Welcome

Welcome to the regular meeting of the Clallam County Planning Commission. The Commission is a nine-member, volunteer advisory panel appointed by the Board of Clallam County Commissioners. The Commission makes recommendations to the Board on legislative changes to the Clallam County Comprehensive Plan and implementing development regulations; the Six Year Transportation Improvement Program; applications for amendments to the Comprehensive Plan and Zoning Code, and applications for open space tax reductions. The Commission's actions are advisory to the Board of Clallam County Commissioners.

If you have any questions, please let me know at this time.

Clallam County Planning Commission 2023 Workplan

OVERVIEW

The Clallam County Planning Commission (PC) is a nine-member, volunteer advisory panel that makes recommendations to the Board of County Commissioners (BOCC) on land use planning and regulatory issues, assisting the Clallam County Department of Community Development in carrying out its planning-related duties. The typical duties of the Planning Commission include, but are not limited to, assisting in the update and amendment of the comprehensive plan and land use regulations (e.g., zoning, land division, environmental); reviewing applications for open space tax benefits pursuant to CCC 27.08; assisting in the annual review of the Six Year Transportation Improvement Program, and other matters referred to them by the BOCC. In carrying out their duties, the PC considers public input on matters before them prior to forwarding a recommendation to the BOCC.

TITLE AND DESCRIPTION	SCHEDULE	ESTIMATED COMMISSION TIME	BUDGET IMPLICATIONS	COMMISSION ROLE
Sign Code: (con't from 2022) Overhaul of current Sign Ordinance, reviewing standards including illumination and electronic signage, updates to meet Reed vs Gilbert decision	Jan-Feb	3-4 meetings	None	• Facilitate Public Workshop • Conduct Public Hearing • Provide recommendation to BOCC
SEPA: Revisions and clarifications within existing code to better facilitate integrated SEPA process with permits	Feb	1-2 meetings	None	• Review attorney recommendations on changes • Conduct Public Hearing • Provide recommendation to BOCC
Stormwater: Adoption of a Small Works Manual	Mar-Apr	2 meetings	None	• Facilitate Stormwater Workgroup and review proposed Small Works Manual • Conduct Public Hearing • Provide recommendation to BOCC
Landscaping: Revision to Landscaping standards		4-5 meetings	None	• Review of recommended changes and discussion on improvements to the code • Conduct Public Hearing • Provide recommendation to BOCC

TITLE AND DESCRIPTION	SCHEDULE	ESTIMATED COMMISSION TIME	BUDGET IMPLICATIONS	COMMISSION ROLE
Addressing: Permanent addressing ordinance crafted		2-3 meetings	None	- Review proposed ordinance created through meetings with emergency services, Road, GIS, Building, Planning, etc. - Conduct Public Hearing - Provide recommendation to BOCC
GMA Update				
Six-Year TIP	Oct	1-2 meetings		
RV's and Park Models (Temporary Housing)				
Recreational Uses (camping, vacation rentals)				



MEMORANDUM

Clallam County Department of Community Development

Date: January 4, 2023
To: Clallam County Planning Commission
From: Donella Clark, Principal Planner
Re: Sign Ordinance and introduction to SEPA

Included in your packet you will find:
Proposed Final Sign Ordinance
Code Excerpts that address SEPA

Sign Ordinance

In anticipation of a Public Workshop to hopefully be conducted on February 1, 2023, staff presents to the Planning Commission a Final Draft Sign Ordinance.

Changes suggested at the previous meeting were incorporated in the standards. The definitions of awning and marquee were added to help clarify the language in the façade sign standards. We also added the definition of "copy" to the list.

A question regarding the meaning of "landscaped" was discussed and staff included the word decorative to further explain the intent of the landscaping around the base of a monument sign in the standards. The definition itself appears to explain the intent of the base being landscaped and should not be interpreted to reference the required landscaping in the code for the property in general. The landscaping code does not address areas around the sign and therefore suggests a separate requirement related only to the sign as written in the standards of the sign code.

Adjective: landscaped

1. (of a yard or other area of ground) laid out with plants, ornamental features, etc. by a landscaper.
"a landscaped park"

adjective: decorative

1. serving to make something look more attractive; ornamental.
"the outside of the building is functional rather than decorative"

Upon review of this latest draft, staff would like permission to share this draft ordinance and invite a targeted group for a workshop to be held at the February 1st Planning Commission meeting.

Next Steps

Board of Commissioners Work session January 23, 2023
Public Workshop February 1, 2023 Planning Commission meeting
Anticipated Public Hearing February 15, 2023 Planning Commission meeting

SEPA discussion

The State Environmental Policy Act (SEPA) process identifies allows government to analyze environmental impact associated with issuing permits, constructing public facilities, or adopting regulations, policies, and plans. When a proposal does not meet the exemptions for SEPA (WAC 197-11-800) staff will prepare a determination on the impacts of the proposal, including mitigation or compensation that will avoid, reduce, or illuminate probable impacts.

There has been confusion over the years regarding the process and appeal of SEPA determinations issued by Clallam County due to the way the code is written and the different references within the code. Clallam County Code offers the process when a Determination of Significance is issued or in cases with an underlying permit that are issued a Determination of Non-Significance, but there seems to be some conflicting language that is misinterpreted.

The process in CCC 26.10.640 establishes the appeal procedure when a Determination of Significance is made and indicates that the matter may be consolidated with an underlying permit, whereas appeals in CCC 27.01.210 specifies the process for appeal of a Final Environmental Impact Statement and also a separate process for a Final Determination of Non-Significance. For a Final DNS the matter is required to be consolidated with the underlying permit.

The intent of the code seems to provide applicant's whom the County has determined their project to likely cause significance a process to appeal that determination before a final Environmental Impact Statement is created. There is also the ability for aggrieved parties to appeal a final Environmental Impact Statement and a Determination of Non-Significance, but would require that these appeals be considered during the permitting process and follow the appeal procedures of the underlying permits.

Provided in the packet are the excerpts from the code regarding SEPA and the areas which appear to be the cause of confusion are highlighted. This worksession item is merely the introduction to the issue and the beginning of the discussion. Staff will continue to work with the County attorney's office and the Hearing Examiner to bring back a proposed solution for the Planning Commission to conduct a public hearing.

26.10.350 Integrated project and SEPA review.

(1) The Administrator may determine that requirements for environmental analysis and mitigation measures in development regulations and other applicable laws provide adequate mitigation for some or all of the project's specific probable significant adverse impacts to which the requirements apply.

(2) Nothing in this section limits the County's authority to approve, condition, or deny a project as provided in its development regulations adopted under Chapter [36.70A](#) RCW (the Growth Management Act) and in its policies and criteria adopted under Chapter [43.21C](#) RCW, including project review under Chapter [27.01](#) CCC, SEPA Code, and Chapter [27.12](#) CCC, Critical Areas Code.

26.10.420 Public hearing limitation.

(1) There shall be no more than one open record hearing on any application regulated by this chapter, **except** for those applications which are associated with a determination of significance under Chapter [43.21C](#) RCW, SEPA, and Chapter [27.01](#) CCC, SEPA Code.

(2) If an applicant so requests, a hearing on any project permit may be combined with any hearing held by another local, state, regional, federal, or other agency; provided, that the hearing is held within the geographic boundary of the County; and provided, the joint hearing can be held within the time period guidelines specified in this chapter or the applicant agrees to an alternate schedule in the event that additional time is needed in order to combine the hearings.

26.10.640 State Environmental Policy Act (SEPA) appeals.

The Board of County Commissioners establishes the following administrative SEPA appeal procedures under RCW [43.21C.075](#) and WAC [197-11-680](#) (SEPA).

(1) **Threshold Determination for Type I and II Permits – Open Record Appeal Hearing and Closed Record Appeal.** A threshold determination of significance (DS) by the responsible official on a Type I or II permit shall be processed in accordance with Chapter [27.01](#) CCC. All other threshold determinations by the responsible official on Type I or II permits may be appealed to the Hearing Examiner for an open record public hearing. Said appeal shall be filed within 14 days of the date of the mailing of the administrative decision on the underlying permit. The decision on the appeal shall be consolidated with the Hearing Examiner decision on the underlying permit application.

(2) **Threshold Determination for Type III Permits – Closed Record Hearing with Underlying Permit.** An appeal of threshold determination of significance (DS) on a Type III permit shall be processed in accordance with Chapter [27.01](#) CCC. Said appeal shall be filed within 14 days of the date of the mailing of the Hearing Examiner's decision on the underlying permit. The decision on the appeal may be consolidated with a land use matter pending before the Hearing Examiner on the underlying permit application.

(3) Any appeal of the SEPA threshold determination under this section shall include the following:

- (a) The decision being appealed;
 - (b) The name and address of the appellant and their interest(s) in the matter;
 - (c) The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;
 - (d) The desired outcome or changes to the decision;
 - (e) The appeal fee as required by Chapter 5.100 CCC, Consolidated Fee Schedule;
 - (f) Any additional requirements set forth in the underlying code.
- (4) The threshold determination by the Clallam County responsible official shall carry substantial weight in any appeal proceeding.
- (5) The County shall give official notice under WAC 197-11-680(5) (SEPA) stating the date and place for commencing an appeal.

(6) *Timing of SEPA Appeals.*

(a) There shall be no more than one County appeal proceeding on procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement). The appeal proceeding on a determination of significance may occur before the County's final decision on a proposed action.

(b) The County shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measure or to deny a proposal with a hearing or appeal on the underlying governmental action), by providing for a single simultaneous hearing before one hearing body to consider the agency decision on a proposal and any environmental determinations made under this chapter, with the exception of the appeal, if any, of a determination of significance).

(7) Reconsideration procedures of a SEPA threshold decision or appeal are not provided.

(8) For any appeal of the SEPA threshold determination under this section, the record shall consist of the following:

- (a) Findings and conclusions;
- (b) Documents admitted to the record.

(9) The County shall electronically record the proceedings. Copies of tapes of the proceedings and written transcripts are provided upon request and payment of reasonable fees.

27.01.210 Appeals.

Clallam County establishes the following administrative appeal procedures under RCW [43.21C.075](#), WAC [197-11-680](#), and Chapter [26.10](#) CCC whereby consolidation of public hearings on projects and appeal hearing are made to the fullest extent possible, as follows:

(1) An aggrieved party may appeal the adequacy of a final EIS (FEIS) pursuant to the following procedures:

(a) Appeals relating to the adequacy of a FEIS shall be consolidated in all cases with the public hearing, if any, of the underlying governmental action. Appeals of the adequacy of a FEIS shall be made within 14 days of the issuance of the FEIS and shall be consistent with Chapter [26.10](#) CCC.

(b) If an appeal relating to the adequacy of a FEIS is filed, at the same public hearing on the underlying governmental action, if applicable, the decision-making body shall either affirm or reverse the decision of the responsible official and shall prepare a finding on its decision on the FEIS appeal. The powers of the decision-making body (e.g., Planning Commission) on FEIS appeals shall be consistent with the powers on the underlying governmental action. For example, the Planning Commission provides a recommendation on rezones to the Board of Commissioners; in such a situation, the Board of Commissioners would have final authority on the adequacy of the FEIS. On the other hand, the Hearing Examiner issues final decisions on shoreline permits, subject to appeal; in this situation, an appeal of the adequacy of the FEIS would accompany an appeal of the shorelines decision. If the decision-making body determines that the FEIS is not adequate, it may remand the FEIS to the responsible official requiring that specific impacts be reconsidered.

(c) If no public hearing process is required for the underlying governmental action, or if the underlying governmental action is appealed or advisory, review of the FEIS adequacy shall be heard by the Hearing Examiner in accordance with appeal procedures as set forth in Chapter [26.10](#) CCC.

(2) An aggrieved party may appeal a final DNS pursuant to the following procedures:

(a) Appeals relating to the adequacy of a final DNS shall be filed with the Hearing Examiner, except that an appeal of a SEPA threshold determination, which is part of the decision on the underlying permit, shall be filed with the Superior Court as an appeal of a land use or other appropriate tribunal.

(b) At the open or closed record hearing before the Hearing Examiner on the appeal, whichever applies, the Hearing Examiner shall either affirm or reverse the decision of the responsible official which is a part of the underlying permit decision. If the Hearing Examiner determines that the DNS is not adequate, it may:

(i) Remand the decision to the responsible official requiring that specific impacts be reconsidered. The Hearing Examiner shall adopt a finding which substantiates the need for a new

public hearing for proper and adequate review of the project and wherever possible, all parties shall agree to such process. The new public hearing shall be duly advertised to the parties of record after which the decision-making body shall take action on said permit; or

(ii) Modify the decision of the decision-making body in accordance with the processing of appeals of the underlying permit as specified in Chapter [26.10](#) CCC.

(3) An applicant may appeal a determination of significance to the Hearing Examiner within 14 days of the date the DS is issued. The processing of an appeal of a DS is exempt from the public hearing limitations set forth in Chapter [26.10](#) CCC.

(4) For any appeal under this section, the County shall provide for a record that shall consist of the following:

(a) Findings and conclusions; and

(b) A taped or written transcript.

(c) The County may require the appellant to provide an electronic transcript.

(5) The procedural determination by the County's responsible official shall carry substantial weight in any appeal proceeding.

(6) The County shall give official notice pursuant to WAC [197-11-680\(4\)](#) and [\(5\)](#) whenever it issues a license or project approval for which a statute or ordinance exists which establishes a time limit for commencing judicial appeal.

27.01

Part One. Authority

27.01.010 Authority.

The County of Clallam adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904.

Part Two. General Requirements

27.01.020 Purpose of this part and adoption by reference.

This part contains the basic requirements that apply to the SEPA process and to intergovernmental coordination of natural resource issues. Clallam County adopts the following SEPA Rules by reference:

[197-11-040](#) Definitions.

[197-11-050](#) Lead agency.

[197-11-055](#) Timing of the SEPA process.

- [197-11-060](#) Content of environmental review.
- [197-11-070](#) Limitations on action during SEPA process.
- [197-11-080](#) Incomplete or unavailable information.
- [197-11-090](#) Supporting documents.
- [197-11-100](#) Information required of applicants.

(1) By June 1st of each year, the Board shall notify State and federal agencies managing land, water, wildlife, or other natural resources within Clallam County of its interest in early and full participation in decision-making for major plans, regulations, policies, or other actions affecting lands of the County. Such notification shall be directed to those offices having direct local responsibilities as well as other administrative offices at the district, regional or headquarters level, as appropriate. These notices shall specifically:

- (a) Reference specific projects or issues of interest whenever appropriate.
- (b) Outline the basis for County interest.
- (c) Request that each agency respond by listing any pending or anticipated projects, policies, plans, regulations, or other actions affecting natural resources in the County.

(2) From responses to the above notices and from any other sources of information, the Board shall establish priorities for County involvement, and direct the Department of Community Development to notify agencies of County interest and desire to:

- (a) Review draft documents.
- (b) Participate in formal and informal discussions prior to decision-making.
- (c) Be notified of and invited to participate in public hearings.
- (d) Hold any public meetings and/or hearings in Clallam County.
- (e) Participate fully in any NEPA determinations pertaining to the management of natural resources of the County.

(3) The County shall pro-actively utilize available information sources such as the Federal Register, or computer networks, as fully as time and resources allow, to identify and track issues and opportunities for local involvement in federal land management issues.

27.01.030 Additional definitions.



In addition to those definitions contained within WAC [197-11-700](#) through [197-11-799](#), when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

(1) "Aggrieved party" means those parties with standing to bring action on appeals and is limited to the following parties:

(a) The applicant or owner of property on which a development is proposed;

(b) Any person entitled to special notice of development proposals on the underlying governmental action;

(c) Any person who deems themselves aggrieved by a decision and who will suffer direct and substantial impacts from the underlying governmental action.

(2) "Department" means any division, subdivision or organizational unit of the County established by ordinance, rule, or order.

(3) "Early notice" means the County's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated DNS procedures).

(4) "Environmental clearance" means the status given an activity when all requirements of the State Environmental Policy Act and this chapter have been satisfied.

(5) "Final DNS" means the final date upon which action concerning the proposal may be taken by Clallam County. For DNSs issued under WAC 197-11-340(2), a DNS shall not be considered final until the fifteen (15) day comment period closes.

(6) "License" means any form of written permission given by the County to any person, organization, or agency to engage in any activity, as required by law or agency rule. A license includes all or part of an agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular proposal. The term does not include a license required solely for revenue purposes.

(7) "Procedural determination" as used in CCC 27.01.210 shall mean the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement.

(8) "Responsible official" as defined in WAC 197-11-788 shall refer to the Director of Community Development or his designee.

(9) "Substantive determination" as used in CCC 27.01.210 shall mean any decision to require particular mitigation measures or to deny a proposal based on this chapter.

(10) "SEPA Rules" means Chapter 197-11 WAC adopted by the Department of Ecology implementing the State Environmental Policy Act (SEPA) as they exist or are hereafter amended.

27.01.040 Designation of responsible official.

(1) For those proposals for which the County is lead agency, the responsible official shall be the Director of Community Development or ~~their~~ his designee.

(2) For all proposals for which the County is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the “lead agency” or “responsible official” by those sections of the SEPA rules that are adopted by reference in this chapter.

27.01.050 Lead agency determination and responsibilities.

(1) The responsible official shall determine the lead agency for proposals under WAC [197-11-050](#) and WAC [197-11-922](#) through [197-11-940](#); unless the lead agency has been previously determined pursuant to Chapter [43.21C](#) RCW or the responsible official is informed that another agency is in the process of determining the lead agency.

(2) When the County is the lead agency for a proposal, the responsible official shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(3) When the County is not the lead agency for a proposal, all departments of the County shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No County department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC [197-11-600](#). The County may conduct supplemental environmental review under WAC [197-11-600](#).

(4) If the County or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC [197-11-922](#) through [197-11-940](#), it may object to the determination. Any objection must be made by the responsible official to the agency originally making the determination and resolved within fifteen (15) days of receipt of the determination, or the County must petition the Department of Ecology for a lead agency determination under WAC [197-11-946](#) within the fifteen (15) day time period. Any such petition on behalf of the County may be initiated by the responsible official. Resolution of the said inconsistent determination shall be by the Department of Ecology pursuant to WAC [197-11-946](#).

(5) The responsible official of the County is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC [197-11-942](#) and [197-11-944](#).

(6) The responsible official when making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses).

(7) The responsible official upon review of a DNS may transmit to the initial lead agency a completed “Notice of Assumption of Lead Agency Status.” This notice shall be substantially similar to the form in WAC [197-11-985](#). Assumption of lead agency status shall occur only within fifteen (15) days of issuance of a DNS.

(8) Upon transmitting the DS and notice of assumption of lead agency status, the County shall become the “new” lead agency and shall expeditiously prepare an EIS; provided, however, that the responsible official may issue a mitigated DNS, after assuming lead agency responsibility,

pursuant to CCC 27.01.090. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the County as the new lead agency.

27.01.060 Additional considerations in time limits applicable to the SEPA process.

The following time limits (expressed in calendar days) shall apply when the County processes licenses for all private projects and those governmental proposals submitted to the County by other agencies:

(1) *Categorical Exemptions*. The County shall identify whether an action is categorically exempt within ten (10) days of receiving a completed application as defined in the codes or ordinances of the underlying governmental action.

(2) *Threshold Determinations*.

(a) The County should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen (15) days of the date an applicant's complete application and completed checklist are submitted.

(b) When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction:

(i) The County should request such further information within fifteen (15) days of receiving a complete application and completed environmental checklist;

(ii) The responsible official should complete the threshold determination within fifteen (15) days of receiving the requested information from the applicant or the consulted agency.

27.01.070 Additional timing considerations.

(1) For nonexempt proposals, the DNS or final EIS for the proposal shall accompany the County's staff recommendation to the decision-making body or appropriate advisory body, such as the Planning Commission, Shorelines and Sensitive Areas Committee, Board of Adjustment, or Board of Commissioners.

(2) If the County's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the County conduct environmental review prior to submission of the detailed plans and specifications. However, the applicant must still apply for the required license(s) and submit plans detailed enough to accomplish adequate environmental review pursuant to this chapter.

Part Three. Categorical Exemptions and Threshold Determinations

27.01.080 Purpose of this part and adoption by reference.

This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. Clallam County adopts the following SEPA Rules by reference, as supplemented in this part:

- [197-11-300](#) Purpose of this part.
- [197-11-305](#) Categorical exemptions.
- [197-11-310](#) Threshold determination required.
- [197-11-315](#) Environmental checklist.
- [197-11-330](#) Threshold determination process.
- [197-11-335](#) Additional information.
- [197-11-340](#) Determination of nonsignificance (DNS).
- [197-11-350](#) Mitigated DNS.
- [197-11-360](#) Determination of significance (DS/initiation of scoping).
- [197-11-390](#) Effect of threshold determination.

27.01.090 Use of exemptions.

- (1) The responsible official shall determine whether the license and/or the proposal is exempt. The responsible official's determination that a license and/or proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The County shall not require completion of an environmental checklist for an exempt proposal.
- (2) In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC [197-11-060](#)). If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency, even if the license application that triggers the responsible official's consideration is exempt.
- (3) If a proposal includes both exempt and nonexempt actions, the responsible official may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
 - (a) The responsible official shall not give authorization for:
 - (i) Any nonexempt action;
 - (ii) Any action that would have an adverse environmental impact; or
 - (iii) Any action that would limit the choice of alternatives;
 - (b) A County department or the responsible official may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose, if the nonexempt action(s) associated thereto were not approved; and

(c) A department or the responsible official may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if the associated nonexempt action(s) were not approved.

27.01.100 Environmental checklist.

(1) A completed environmental checklist shall be filed at the same time as an application for a license or other non-exempt proposal; except, a checklist is not needed if the County and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The checklist shall be in the form of WAC 197-11-960.

(2) For private proposals, the County will require the applicant to complete the environmental checklist, providing assistance as necessary. For County proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

(3) The County may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

(a) The County has technical information on a question or questions that is unavailable to the private applicant; or

(b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

27.01.110 Mitigated determination of nonsignificance (MDNS).

(1) As provided in this section and in WAC 197-11-350, the responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant. This type of determination shall herein after be referred to as a mitigated determination of nonsignificance (MDNS).

(2) As much as possible, the County should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(3) When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the County shall base its threshold determination on the changed or clarified proposal and should make the threshold determination pursuant to requirements of this chapter.

(a) The applicant's proposed mitigation measures must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

(b) The County shall review the amended application and make a threshold determination, issuing a DNS or DS as appropriate.

(4) Staff reports and other County approved studies analyzing the proposal shall be considered environmental documents as amendments to and part of the environmental checklist. Mitigation measures which justify issuance of a MDNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

(5) When issuing a MDNS, the responsible official shall review the environmental checklist, staff reports, and other County approved studies concerning the proposal and issue an environmental clearance resolution stating conditions to be attached to the license to mitigate identified environmental impacts.

(6) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the County.

(7) A mitigated DNS is issued under WAC [197-11-340\(2\)](#), and requires a fourteen (14) day comment period and public notice which shall be consistent with Chapter [26.10](#) CCC.

Part Four. Environmental Impact Statement (EIS)

27.01.120 Purpose of this part and adoption by reference.

This part contains the rules for preparing environmental impact statements. Clallam County adopts the following SEPA Rules by reference, as supplemented by this part:

[197-11-400](#) Purpose of EIS.

[197-11-402](#) General requirements.

[197-11-405](#) EIS types.

[197-11-406](#) EIS timing.

[197-11-408](#) Scoping.

[197-11-410](#) Expanded scoping.

[197-11-420](#) EIS preparation.

[197-11-425](#) Style and size.

[197-11-430](#) Format.

[197-11-435](#) Cover letter or memo.

[197-11-440](#) EIS contents.

[197-11-442](#) Contents of EIS on nonproject proposals.

[197-11-443](#) EIS contents when prior nonproject EIS.

- [197-11-444](#) Elements of the environment.
- [197-11-448](#) Relationship of EIS to other considerations.
- [197-11-450](#) Cost-benefit analysis.
- [197-11-455](#) Issuance of DEIS.
- [197-11-460](#) Issuance of FEIS.

27.01.130 Preparation of EIS – Additional considerations.

(1) Preparation of draft and final EISs and SEISs is the responsibility of the responsible official. Before the County issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter [197-11](#) WAC.

(2) The draft and final EIS or SEIS shall be prepared by County staff, or by a consultant employed by contract to the County. Preparation of an EIS by the applicant or the applicant's consultant can occur only in those circumstances where the scope of the EIS has been narrowed to no more than two (2) technical issues, such as storm water and transportation. In all cases the responsible official shall determine who prepares the EIS and shall have approval authority over its contents. If the responsible official requires an EIS for a proposal and determines that someone other than the County will prepare the EIS, the responsible official shall notify the applicant within ten (10) days after completion of the threshold determination. In such cases, the County will contract directly with a qualified consultant for preparation of the EIS.

(3) The responsible official may require an applicant to provide additional environmental or project description information, including specific investigations necessary to reasonably understand the proposal and its impacts and to enable the responsible official to make a well-reasoned environmental determination. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. (This does not apply to information the County may request under another ordinance or statute.)

(4) If the responsible official determines that a consultant will be required to prepare an EIS, the Department of Community Development shall call for proposals and qualifications of firms to prepare the EIS within ten (10) days of completion of the EIS scoping process. A call for proposals may be made prior to completion of the scoping process, provided that a draft scoping notice has been completed to the satisfaction of the responsible official.

(5) The responsible official shall determine which consultants are qualified to complete an EIS as described in a call for proposal. The County shall place the names of consultants eligible to prepare the EIS on a list to be submitted to the applicant. The applicant shall select the consultant from the list and shall submit a letter to the responsible official providing the applicant's consent to the consultant. Clallam County shall then enter into a contract for professional services with the consultant setting forth duties, responsibilities and costs for preparation of the EIS. Fees for preparation of the EIS shall be required of the applicant as set forth in CCC [27.01.300](#) and Chapter [3.30](#) CCC.

27.01.140 Additional topics to be covered in an EIS.

The following additional topics may be considered as part of the environment if deemed appropriate by the responsible official for the purposes of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

- (1) Economic impact;
- (2) Cultural factors;
- (3) Social policy analysis;
- (4) Employment;
- (5) Quality of life;
- (6) Neighborhood stability.

Part Five. Commenting

27.01.150 Adoption by reference.

This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA including rules for public notice and hearings. Clallam County adopts the following SEPA Rules by reference, as supplemented in this part:

- [197-11-500](#) Purpose of this part.
- [197-11-502](#) Inviting comment.
- [197-11-504](#) Availability and cost of environmental documents.
- [197-11-508](#) SEPA Register.
- [197-11-535](#) Public hearings and meetings.
- [197-11-545](#) Effect of no comment.
- [197-11-550](#) Specificity of comments.
- [197-11-560](#) FEIS response to comments.
- [197-11-570](#) Consulted agency costs to assist lead agency.

27.01.160 Public notice.

(1) Whenever Clallam County issues a DNS under WAC [197-11-340\(2\)](#) or a DS under WAC [197-11-360\(3\)](#) the County shall give public notice as follows:

(a) The County shall give notice of comment and appeal periods of a DNS in accordance with Chapter [26.10](#) CCC.

(b) Whenever the County issues a DS under WAC [197-11-360\(3\)](#), the County shall give notice in accordance with Chapter [26.10](#) CCC and shall state the scoping procedure for the proposal in the DS as required in WAC [197-11-408](#).

(2) Whenever the County issues a draft EIS under WAC [197-11-455\(5\)](#) or a supplemental EIS under WAC [197-11-620](#), notice of the availability of those documents shall be given by:

(a) Indicating the availability of the DEIS in a public notice required for a nonexempt license; and

(b) Publishing notice in a newspaper of general circulation in the County where the proposal is located.

(3) Whenever possible, the County shall integrate the public notice required under this section with existing notice procedures for the County's nonexempt permit(s) or approval(s) required for the proposal.

(4) The County may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

27.01.170 Designation of official to perform consulted agency responsibilities for the County.

The responsible official shall be responsible for responding to a consultation request on a threshold determination, scoping, or a draft EIS. Additionally, the responsible official shall be responsible for the County's compliance with WAC [197-11-550](#) and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the County.

Part Six. Using Existing Environmental Documents

27.01.180 Purpose of this part and adoption by reference.

This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for Clallam County's own environmental compliance. Clallam County adopts the following SEPA Rules by reference:

[197-11-600](#) When to use existing environmental documents.

[197-11-610](#) Use of NEPA documents.

[197-11-620](#) Supplemental environmental impact statement – Procedures.

[197-11-625](#) Addenda – Procedures.

[197-11-630](#) Adoption – Procedures.

[197-11-635](#) Incorporation by reference – Procedures.

[197-11-640](#) Combining documents.

Part Seven. SEPA and Agency Decisions

27.10.190 Purpose of this part and adoption by reference.

This part contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. Clallam County adopts the following SEPA Rules by reference:

[197-11-650](#) Purpose of this part.

[197-11-655](#) Implementation.

[197-11-660](#) Substantive authority and mitigation.

[197-11-680](#) Appeals.

27.01.200 Substantive authority.

- (1) The policies and goals set forth in this chapter are supplementary to other County codes.
- (2) The County may attach conditions to a license or for a proposal so long as:
 - (a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to the ordinance; and
 - (b) Such conditions are in writing; and
 - (c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
 - (d) The County has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient or insufficient to mitigate the identified impacts; and
 - (e) Such conditions are based on one or more County SEPA policies specified in subsection [\(4\)](#) of this section and cited in the license or other decision document.
- (3) The County may deny a license or approval for a proposal on the basis of SEPA so long as:
 - (a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter; and
 - (b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
 - (c) The denial is based on one or more SEPA policies identified in subsection [\(4\)](#) of this section and identified in writing in the decision document.

(4) The County designates and adopts by reference the following SEPA policies as the basis for the County's exercise of authority pursuant to subsections (2) and (3) of this section.

(a) The County shall use all practicable means, consistent with other essential considerations of State policy, to improve and coordinate plans, functions, programs, and resources to the end that the State and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) Clallam County recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(c) The County adopts by reference, as SEPA policies, the policies in the following County codes and State and federal laws: CCC Title 31, County Comprehensive Land Use Plan; CCC Title 33, Zoning Ordinance; CCC Title 29, Subdivision Ordinance; Chapter 27.08 CCC, Open Space Ordinance; CCC Title 32, Floodplain Management Ordinance; CCC Title 35, Shoreline Master Program; CCHR 2 Solid Waste; CCHR 4, Sewage Disposal; Chapter 15.02 CCC, Assembly Ordinance; Clallam County Six-Year Road Program; Clallam County Park Plan; Chapter 19.27 CCC, State Uniform Building and Fire Codes; Chapter 90.48 RCW, Water Pollution Control Act; Chapter 90.52 RCW, Pollution Disclosure Act of 1971; Chapter 90.54 RCW, Water Resources Act 1971; Chapter 90.58 RCW, Shoreline Management Act of 1971; Chapter 70.93 RCW, Model Litter Control and Recycling Act; Chapter 70.94 RCW, Washington Clean Air Act; Chapter 70.95 RCW, Solid Waste Management – Recovery and Recycling; Chapter 70.105 RCW, Hazardous Waste Disposal; Chapter 70.105A RCW, Hazardous Waste Regulations; Chapter 70.107 RCW, Noise Control; Sequim Bay Watershed Management Plan; Dungeness River Flood Control Management Plan; Interim Critical Areas Ordinance, Chapter 27.12 CCC; Growth Management Act of 1990, Chapter 36.70A RCW.

Each condition based on State law shall reference said law and shall be accomplished pursuant to the State administration mechanisms established to implement such law.

(d) The County establishes the following additional policies: Clallam County shall apply any mitigation conditions necessary to mitigate identified adverse environmental impacts associated with license applications. Further, if impacts cannot be adequately mitigated as specified in an EIS, Clallam County may deny the license application based upon these impacts. In implementation of this policy for each individual license application Clallam County shall review all of the elements of the environment listed in WAC [197-11-444](#) and shall attempt to apply conditions as appropriate to mitigate identified adverse environmental impacts under all elements of the environment. Mitigation conditions may include but shall not be limited to: timing and scheduling of construction and operation, modification of site design, project design or location, modification of the physical environment, installation of physical and vegetation improvements, installation of pollution abatement equipment or safety equipment or improvements, providing of or upgrading of on- and off-site infrastructure improvements, including transportation systems, schools, parks and recreation facilities, utilities and drainage systems; conditions for the preservation or protection of specified habitat and species of flora and fauna, mitigation of pollution sources, provision for buffers and open spaces, site restoration, provision for lot owners or homeowners' maintenance associations.

(5) When any license is conditioned or denied on the basis of SEPA by the responsible official, the decision shall be appealable to the County Commissioners as provided in CCC [27.01.210](#).

27.01.220 Notice/statute of limitations.

The County, applicant for, or proponent of an action may publish a notice of action pursuant to RCW [43.21C.080](#) for any action.

Part Eight. Definitions

27.01.230 Purpose of this part and adoption by reference.

This part contains uniform usage and definitions of terms under SEPA. Clallam County adopts the following SEPA Rules by reference, as supplemented by WAC [173-806-040](#):

[197-11-700](#) Definitions.

[197-11-702](#) Act.

[197-11-704](#) Action.

[197-11-706](#) Addendum.

[197-11-708](#) Adoption.

[197-11-710](#) Affected tribe.

[197-11-712](#) Affecting.

[197-11-714](#) Agency.

197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decisionmaker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-744	Environmental document.
197-11-748	Environmentally sensitive area.
197-11-752	Impacts.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.

- [197-11-776](#) Phased review.
- [197-11-778](#) Preparation.
- [197-11-780](#) Private project.
- [197-11-782](#) Probable.
- [197-11-784](#) Proposal.
- [197-11-786](#) Reasonable alternative.
- [197-11-788](#) Responsible official.
- [197-11-790](#) SEPA.
- [197-11-792](#) Scope.
- [197-11-793](#) Scoping.
- [197-11-794](#) Significant.
- [197-11-796](#) State agency.
- [197-11-797](#) Threshold determination.
- [197-11-799](#) Underlying governmental action.

Part Nine. Categorical Exemptions

I 27.01.240Adoption by reference.

Clallam County adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, CCC [27.01.090](#) (Use of exemptions), and CCC [27.01.290](#) (Environmentally sensitive areas):

- [197-11-800](#) Categorical exemptions.
- [197-11-880](#) Emergencies.
- [197-11-890](#) Petitioning DOE to change exemptions.

Part Ten. Forms

I 27.01.250Adoption by reference.

Clallam County adopts the following forms and sections by reference:

- [197-11-960](#) Environmental checklist.
- [197-11-965](#) Adoption notice.

- [197-11-970](#) Determination of nonsignificance (DNS).
- [197-11-980](#) Determination of significance and scoping notice (DS).
- [197-11-985](#) Notice of assumption of lead agency status.
- [197-11-990](#) Notice of action.

Part Eleven. Enforcement

27.01.260 Enforcement.

- (1) A violation of the provisions of this chapter shall constitute a civil violation subject to a monetary penalty as well as prosecution as a misdemeanor. Conviction of a violation or payment of a penalty does not relieve a violator from compliance with this chapter.
- (2) A violation of the provisions of this chapter is hereby determined to be detrimental to the public health, safety, and environment and is hereby declared to be a public nuisance, subject to prevention, removal, or abatement at the expense of the person(s) creating, causing, or committing such violation, and subject to the recording of a lien for such expenses against the property where the public nuisance is located, with such lien to be of equal rank with State, County, and municipal taxes.
- (3) The provisions of this chapter are subject to the enforcement and penalty provisions contained in CCC Title [20](#), Code Compliance, except to the extent preempted by State or federal law, and except to the extent preempted by any contrary enforcement and penalty provisions contained in this chapter.
- (4) Any person subject to this chapter who violates any provision of this chapter or the provisions of a permit or approval issued pursuant to this chapter shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation.
- (5) Clallam County shall not issue any permit, license, or other development approval on a development proposal site subject to an enforcement order under this section; provided, that Clallam County may issue such permits to rectify or correct enforcement orders.

27.01.270 Penalty for violation.

Repealed by [Ord. 814](#), 2007.

Part Twelve. Agency Compliance

27.01.280 Purpose of this part and adoption by reference.

This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. Clallam County adopts the following SEPA Rules by reference:

- [197-11-900](#) Purpose of this part.

- [197-11-902](#) Agency SEPA policies.
- [197-11-916](#) Application to ongoing actions.
- [197-11-920](#) Agencies with environmental expertise.
- [197-11-922](#) Lead agency rules.
- [197-11-924](#) Determining the lead agency.
- [197-11-926](#) Lead agency for governmental proposals.
- [197-11-928](#) Lead agency for public and private proposals.
- [197-11-930](#) Lead agency for private projects with one agency with jurisdiction.
- [197-11-932](#) Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is county.
- [197-11-934](#) Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- [197-11-936](#) Lead agency for private projects requiring licenses from more than one state agency.
- [197-11-938](#) Lead agencies for specific proposals.
- [197-11-940](#) Transfer of lead agency status to a state agency.
- [197-11-942](#) Agreements on lead agency status.
- [197-11-944](#) Agreements on division of lead agency duties.
- [197-11-946](#) DoE resolution of lead agency disputes.
- [197-11-948](#) Assumption of lead agency status.

27.01.290 Environmentally sensitive areas.

- (1) Clallam County shall designate environmentally sensitive areas under the standards of WAC [197-11-908](#) and shall file maps designating such areas, together with the exemptions from the list in WAC [197-11-908](#) that are inapplicable in such areas, with the County Auditor and the Department of Ecology, headquarters office, Olympia, Washington. The environmentally sensitive area designations shall have full force and effect of law as of the date of filing.
- (2) The County shall treat nonexempt proposals located wholly or partially within an environmentally sensitive area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The County shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive area.

(3) Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

27.01.300Fees.

The County shall require fees for its environmental evaluation activities in accordance with the provisions of Chapter 5.100 CCC.

(1) *Threshold Determination.* For every environmental checklist the County will review when it is lead agency, the County shall collect a fee pursuant to Chapter 5.100 CCC from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of the fee. When the County completes the environmental checklist at the applicant's request or under CCC 27.01.090(3), an additional fee as provided in Chapter 5.100 CCC shall be collected.

(2) In the majority of cases most of the County's cost in making a threshold determination will be covered by the normal checklist fee. However, in some cases where impacts are more significant and varied, the research and analysis required may become more costly and regular costs do not adequately cover the County's expenses in consideration of the applications. This is particularly true when expanded environmental checklists or extensive addendums to the checklist are developed and submitted for an application for a license. In cases where such applications are submitted, Planning Department time involved in review of the application may become extensive. When expanded checklists or applications with extensive addendums are submitted or when a checklist application and related project takes more than eight work hours to review and analyze, an additional fee shall be collected as provided by Chapter 5.100 CCC.

(3) *Environmental Impact Statement.*

(a) When the County is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the County, the County may charge and collect a reasonable fee from the project proponent to cover costs incurred by the County in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or remit payment of such costs pursuant to Chapter 5.100 CCC.

(b) The responsible official may determine that the County will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by a person or agency other than the County and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the County and applicant after a call for proposals. The County may require the applicant to post bond or remit payment of such costs prior to the consultant beginning work on the preparation of the EIS.

(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection (3)(a) or (3)(b) of this section which remain after incurred costs are paid pursuant to Chapter 5.100 CCC and CCC 27.01.170.

(4) The County may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this chapter relating to the applicant's proposal.

(5) The County shall not collect a fee for performing its duties as a consulted agency.

(6) The County may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW.

I 27.01.310Adoption of Washington Administrative Code.

This chapter refers to specific sections of the Washington Administrative Code. These references are intended to adopt the regulation in its current form and any future amendments thereto.

I 27.01.320Effective date.

This chapter shall become effective 10 days after adoption.

I 27.01.330Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

I 27.01.340Repealer.

The Clallam County Environmental Policy Ordinances Nos. 55 and 56 of 1974 and 154 of 1981, relating to environmental policy and categorical exemptions, are repealed effective as of the effective date of this chapter.

| 33.57.010 Purpose.

- (a) To encourage the effective use of signs as a means of communication in the County;
- (b) To maintain and enhance the visual environment and the County's ability to provide an attractive area for economic development and growth;
- (c) To minimize excessive lighting in rural Clallam County along designated scenic highways;
- (d) To maintain and enhance scenic views along the County's scenic highways;
- (e) To improve traffic and pedestrian safety and to eliminate distractions to vehicle drivers;
- (f) To minimize the adverse effect of signs on nearby public and private property;
- (g) To prevent damage and personal injury from signs improperly constructed.
- (h) To ensure compliance with the Scenic Vistas Act and the Growth Management Act; and
- (i) To enable the fair and consistent enforcement of these sign regulations.

| 33.57.020 Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular. The word "shall" is mandatory; the word "may" denotes a use of administrative discretion in making a decision. The words "used" or "occupied" shall be considered as though followed by the words "or intended, maintained, arranged or designated to be used or occupied."

- (1) "Abandoned sign" means a sign that, for a period of more than six (6) months, no longer correctly identifies, exhorts, or advertises any person, business, lessor, lessee owner, product or activity conducted or available on or off the premises on which the sign is located. Signage on a property which is continuously listed for sale or lease shall not be considered abandoned.
- (2) "Administrator" means the Director of the Clallam County Department of Community Development or his/her designee.
- (3) "Advertising" means to announce publicly by emphasizing a printed notice or to call public attention to desirable qualities so as to arouse a desire to buy or patronize. This also includes logos, borders, backgrounds and accents.
- (4) "A-frame" or "Sandwich Board" means two usually hinged boards not permanently attached to the ground and generally oriented to pedestrians.
- (5) "Animation" means the manipulation of electronic images in order to create moving images; or a sign depicting action, motion, light, or color changes through electrical or mechanical means.

(6) "Awning" means a shelter extending from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

(7) "Backlit sign" means a sign whose face is illuminated from behind.

(8) "Banner sign" means a flexible substrate on which copy or graphics are displayed. These signs can be mounted to a structure with a cord, rope, cable, or a similar method, or that may be supported by stakes in the ground. These signs are considered a temporary sign unless affixed to a building.

(9) "Building frontage" means the linear frontage of a building facing an abutting public or private street. When a building fronts on multiple streets, the building frontage shall be the one building front that would result in the greatest linear frontage.

(10) "Copy" means The words, logos, symbols, or message displayed on a sign.

(11) "Dwell time" means the amount of time that text or animated content is required to stay in place on a digital sign.

(12) "Digital or Electronic Sign" means changeable copy sign that uses illumination (LED-light emitting diodes, LCD- liquid crystal display, plasma display, individual light bulbs) to display or project copy.

(13) "Exterior illuminated sign" means a sign illuminated by a light source that is directed towards and shines on the face of a sign.

(14) "Facade sign" means a sign which is attached parallel to and within nine (9) inches of the wall of a building, or vertical face of an awning or parapet which is supported by and confined within the limits of such wall, awning or parapet and which displays only one sign surface. "Facade sign" also include signs affixed to (within nine (9) inches at one point) or painted on an awning, canopy or roof so long as they do not extend above the primary roofline or more than eight (8) feet from the outside edge of the building. Soft drink dispensing machines will be considered a facade sign if located within nine (9) inches of the building.

(15) "Fade" means a mode of message transition on a digital sign accomplished by varying light intensity or color, where the first message gradually grows faint and disappears.

(16) "Feather Flutter, Flag or Blade sign" means a freestanding portable sign that contains a harpoon-style pole or staff driven into the ground for support that resembles a sail or flag made of fabric of nylon.

(17) "Flashing sign" means a sign or a portion thereof which changes light intensity or switches on and off in a repetitive pattern at less than one-minute intervals, or uses electrical energy to provide motion or the optical illusion of motion.

(18) "Freestanding sign" means a sign which is supported by permanent uprights, pole or braces to the ground and which is not connected to a building.

(19) "Grade" means the average elevation of the natural ground surface immediately below the sign before construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign; and provided, that when the elevation of the natural ground surface of a freestanding/monument sign is below the grade of the edge of the adjacent roadway, then the height of a freestanding or monument sign shall be measured from the grade at the outer edge of the roadway nearest the proposed sign location.

(20) "Grand opening sign" means a temporary sign of no more than thirty (30) days' duration announcing the new opening of a store or a complete change in ownership or product line sold.

(21) "Illuminated sign" means any sign illuminated in any manner by an on-site artificial light source. These signs include both exterior-illuminated and backlit signs.

(22) "Illegal sign" means any sign placed without proper approval or permits as required by any applicable zoning or building code and also any sign placed contrary to the terms or time limits of any permit, or out of compliance with any applicable code.

(23) "Legal Nonconforming sign" means any sign in existence within the County on the date of adoption of the ordinance 694 codified in 2000 which did conform to all applicable laws in effect on the date the sign was originally erected.

(24) "Marquee" means a permanent, roof-like canopy with an integral sign that extends from part or all of a building face that may or may not project over a public right-of-way.

(25) "Memorial sign" means a sign memorializing a person, event, or significance related to a site, building, or structure.

(26) "Monument sign" means a ground-related, freestanding sign which is attached to the ground or to its base on grade by a solid sign structure and which structure extends from the ground or base to the sign face at the same or greater width as the sign face. Banner signs on fences are considered a form of monument sign and are only allowed to be placed temporarily.

(27) "Multiple-business complex" means a group of structures housing at least two (2) separate businesses or agencies operating under separate State tax numbers, or a single structure containing more than one business with separating walls and at least one outside or inside access for each business which shares a common lot, access and/or parking facility operating under separate State tax numbers.

(28) "Mural" means an outdoor wall painting on a building which consists exclusively of paint applied to the wall or to framework attached within nine (9) inches of the wall and which contains no advertising.

(29) "Noise" means any intended or unintended sound created by the sign or its installed equipment which exceeds forty (40) decibels as measured from the nearest point adjacent to the property or place of business, whichever is closer.

(30) "Permanent sign" means a sign attached to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign.

(31) "Portable or movable sign" means any sign which is not permanently affixed to the ground or a structure or building. This definition includes movable reader boards, outdoor soft drink dispensers located farther than nine (9) inches from a building and sandwich boards that are placed so as to be seen from public right-of-ways.

(32) "Primary roofline" means the roofline under which a majority of the square footage of the business is located.

(33) "Real estate sign" means a temporary sign advertising real estate for sale, rent or lease.

(34) "Rotating signs" means a moving sign that physically revolves about an axis.

(35) "Sidewalk/Sandwich Board sign" means a moveable sign not secured or attached to the ground or surface upon which it is located, supported by its own frame.

(36) "Sign" means any object, device, fixture, placard, banner, structure or portion thereof, including any letters, figures, design, symbol, trademark or device that uses any color, form, graphic, illumination, symbol or writing intended to advertise, announce the purpose of, or identify the purpose of a person or entity, or to attract attention to any message, activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise or to communicate information of any kind to the public, and which is visible from any right-of-way open to the public. Lighting that highlights an architectural feature of a building and does not consist of lettering, symbols or graphics shall not be considered a sign.

(37) "Sign area" means the entire face of the sign, including advertising surface, backlit surface, but does not include any framing, trim or molding, or supporting structure. Sign area is measured by multiplying the maximum horizontal width by the maximum vertical width. The surface area of a sign painted on a wall, awning or roof shall be measured by multiplying the maximum width of the copy by the maximum length of the copy. Sign areas may also be calculated by measuring the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the advertising copy, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, including an awning. Supportive framework which contains no written copy or other advertising and is clearly incidental to the display itself shall not be included in sign area calculations; provided, that the sign support structure shall be the minimum necessary to support the sign. For the purpose of this chapter the total sign area of any two (2) faced sign with parallel faces or V-type sign having an interior angle of forty-five (45) degrees or less shall be calculated as the area of the larger of the two (2) faces or one face if equal in size. All other multiple-faced or paneled signs shall be the total area of all faces or panels combined.
[picture]

(38) "Sign surface" means any surface of a sign upon which there is lettering, logos, symbols or other advertising messages.

(39) "Sign height" means the vertical distance from grade to the highest point of a sign or any projection thereof.

(40) "Sign structure" means any structure that supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a pole or poles, or may be an integral part of a building. Structures that perform a separate use, such as a telephone booth, bus shelter, recycling or used goods container, etc., shall not be considered a sign structure. Sign structures shall be the minimum necessary to support the sign and shall not depict any product being advertised.

(41) "Street" means a public or private way open to the general public for the purpose of vehicular traffic, including all classes of roadways and easements.

(42) "Temporary sign" means a nonpermanent sign intended for use for a short period of time.

(43) "Under common ownership" describes a situation where one person, corporation, legal entity or related legal entities owns contiguous properties occupied by closely related businesses in which case these businesses will be considered to be one business, operating on one property for the purpose of applying this chapter (i.e., a car dealership may cover multiple contiguous parcels and have several related businesses on these parcels but shall be considered to be "under common ownership" for the purpose of interpreting the provisions of this chapter).

(44) "Vehicular signs" are signs affixed or painted on work vehicles, tractor-trailers, busses, vans or other vehicles.

(45) "Window sign" is any sign viewable through and/or affixed in any manner to a window or exterior glass that is intended to be viewable from the exterior.

33.57.030 Exempt signs.

The following types of signs shall be exempt from the standards established within this code and from the permitting requirements of this chapter; provided, that the standards in this section are met:

(1) Official notices authorized by a court, public body or public safety official, provided they are removed within seven (7) days after conclusion of the subject of notification;

(2) Directional, warning or information signs authorized by federal, State or municipal governments or signs required by law not exceeding 200 square feet of sign area and twenty (20) feet in height. Directional signs located within State or County right-of-way shall be administered by State standards for directional signs and, if within Clallam County right-of-way, shall be administered by the Motorist Informational Sign Ordinance, Chapter 9.21 CCC;

(3) Memorial plaques, building identification signs and building cornerstones which are cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure. Plaques, tablets, or inscriptions indicating the name of a building, its date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, and which are not illuminated, except incidentally from light sources used for other purposes;

- (4) Sculptures, murals, landscape features, fountains, mosaics, religious symbols, and design features which do not incorporate advertising or identification;
- (5) The flag of a government or noncommercial institution such as a school;
- (6) Traffic or pedestrian control signs or signals, or signs indicating scenic or historic points of interest which are erected by, or on the order of, a public officer in the performance of his/her public duty;
- (7) Exterior signs or displays not visible from streets or ways open to the public;
- (8) "No trespassing," "no dumping," "no parking," "private," and other informational warning signs which shall not exceed four (4) square feet in surface area and eight (8) feet maximum height above grade;
- (9) Commercial or residential address signs with lettering not exceeding twelve (12) inches in height and newspaper boxes located within ten (10) feet of an existing commercial/industrial building; and
- (10) Signs erected in anticipation of an election (for the purpose of advertising a candidate or proposal) shall be no greater than thirty-two (32) square feet in area and five (5) feet in height above grade and shall be compliant with WAC 468-66-050 regarding removal.
- (11) Replacement of permitted or legal non-conforming signs if not changed in height, shape, size, lighting/illumination and does not affect the structure of the sign
- (12) Signs at a construction site, no more than three and no greater than 32 square feet each, that may identify the architect, engineers, contractors, suppliers or grant agencies involved in the construction project or announces the character of the building. This type of sign shall be removed two weeks after completion of construction.
- (13) Signs advertising real estate for sale, rent or lease and removed after the real estate transaction is complete no greater than thirty-two (32) square feet in area.
- (14) Grand opening or closing displays, such as temporary banners, flags, or balloons, are permitted for a period of fourteen days to announce the opening of a completely new business or new management. All materials not been permitted shall be removed immediately after fourteen days.
- (15) Businesses located within commercial zones may use one banner sign as a temporary monument sign for no more than 3 months. After 3 months it is the expectation that a permanent sign be constructed and appropriate permits obtained. Banner signs affixed to a wall shall be required to be permitted as a façade sign.
- (16) Portable signs used to provide traffic and directional information during events or for agricultural businesses that do not interfere with safety sight lines or block motorists pulling into or out from a business or within safety sight triangles on corner lots. These types of temporary signs shall be removed immediately after the conclusion of the season.

(17) One feather/flutter/flag/blade sign placed per 200 feet of road frontage. If fronting two or more roads the total of the road frontages determines the number of signs allowed to be used. The sign(s) shall remain in good condition with no rips, tears, frayed edges or be sun-faded.

33.57.040 Prohibited signs.

The following signs or displays are prohibited and subject to enforcement action and/or removal by the County,

- (1) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or radio equipment vehicle; or which obstruct the visibility of any street sign or signal device;
- (2) Signs erected, constructed, altered or relocated without a permit issued by the County or any other governmental agency that requires a permit under law;
- (3) Signs identifying activities, products, businesses or services which have been discontinued for more than three (3) months on the premises upon which the signs are located;
- (4) Private signs on public utility poles;
- (5) Any sign that interferes with safe sight distances (determined by the County Road Department) at an intersection or causes an intersection to be illuminated.
- (6) Portable signs, except if placed as an exempt sign, due to the fact that they are often placed where they block safety sight lines of motorists pulling into or out from a business or within safety sight triangles on corner lots;
- (7) Signs that rotate or have a part or parts that move or revolve shall not be permitted in any zone except for the face of a clock less than six (6) square feet in size;
- (8) Signs or advertising displays consisting of clusters of posters, banners not affixed to a building wall,

should this portion just be reduced to
- (9) Banner signs that do not meet the exemption listed above;
- (10) Pennants, ribbons, streamers, strings of lights other than holiday lights used exclusively for decorative purposes, spinners, twirlers or propellers, human-held or twirled signs, flashing signs, rotating or blinking lights, chasing or oscillating lights, light projections on other natural or manmade surfaces, television type video, flares, balloons, inflatable signs, bubble machines and similar devices of carnival nature, or containing elements creating sound greater than 40 decibels as measured from the nearest adjacent property or business boundary shall not be permitted in any zone;

(11) Parking of vehicles with the sole intent to remain stationary for more than three days for purposes of using the signage in or on the vehicle as advertising. Parking of registered vehicles on property with a company message is not considered intentionally advertising.

(12) Signs within the public right-of-way unless erected by Clallam County or the State of Washington. These signs are subject to removal by the Clallam County Road Department.

| 33.57.050 Permitting

No sign may be erected, relocated, constructed, or altered within the areas of the County under Clallam County jurisdiction without a permit obtained from the Clallam County Department of Community Development, unless specifically exempt under this code (CCC 33.57.080).

Painting, cleaning, refacing, or replacement of defective parts may be completed without a permit; however, replacement of the sign structure will need to be reviewed by the building department to determine if a building permit is required in accordance with the International Building Code.

The application for permitting of a sign shall include drawings and details of the proposed sign, associated support structure and method of attachment, drawing of all exterior lighting (if any), a site plan with location of all proposed and existing signs, and dimensions of all existing signs. If the applicant is not the property owner the application must include a statement from the property owner verifying that permission is granted for the submission of the application.

| 33.57.060 Commercial and Industrial sign standards.

The following standards shall apply to signs placed on property zoned commercial or industrial:

- (1) Freestanding sign, including monument signs, shall meet the following standards:
 - a. Shall be designed so they appear firmly anchored to the ground with a base width at least forty percent of the total sign width. [picture]
 - b. Integrates a top, middle, and base element.
 - c. One sign permitted for each business not part of a multi-business complex.
 - d. Shall be designed as an integrated architectural feature of the site and include durable high quality materials that complement the design of on-site buildings.
 - e. Located outside of the public right of way.
 - f. Shall include one square foot of decorative landscaped area around the base of the sign per one square foot of sign area.
 - g. Shall not exceed thirty-two (32) square feet of sign area, except for multiple-business complexes advertising multiple businesses.
 - h. Multiple-business complex signs shall be limited to one freestanding sign not exceeding the signage area limit of 100 square feet and shall be used to advertise the complex name and the businesses within the complex. Complex name shall be distinct from the names of the tenants. The top can include a distinctive sign cap that includes the name of the complex. The sign may not be used for only one tenant, unless it is limited to 32 square feet. Individual tenants in a multiple-business complex may not erect individual freestanding signs.

- i. Sign copy shall not exceed ten (10) feet in height above grade and the structure shall be a maximum fifteen (15) feet above grade.
- j. Sign may be internally or externally illuminated, but contain no electronic/digital components, unless displaying a numeric price per unit of a fixed item, such as the current price of gasoline at a gas station. [picture]
- k. Illuminated signs shall have a steady, stationary, fully shielded light source with a brightness of no greater than 0.3 foot candle at the property line.
- l. Illumination of the business's fleet or outside inventory shall be considered advertising and shall not exceed brightness of no greater than 0.3 foot candle at the property line. Security lighting for inventory shall be set on a motion sensor.

(2) Façade sign(s) shall meet the following standards:

- a. The total area of signage attached to any face of the building(s) shall not exceed a total of one square foot of sign area for each linear foot of the building frontage facing a single public or private road. Banner signs affixed to a wall count toward the total square footage for façade signs. For multiple-business complexes each business within a plaza may have one facade sign attached to the commercial structure, limited to one square foot of sign area per linear foot of each businesses building frontage.
- b. Shall not extend above the building parapet soffit, eave line or primary roof of the building.
- c. The sign frame shall be concealed or integrated into the building's architectural character in terms of form, color, and materials.
- d. Marquee and awning signs may be used as façade signs.
- e. Shall be placed a minimum of eight feet above the sidewalk or walkway.
- f. Shall not be located directly over windows or in conflict with other signs or architectural features of the building.
- g. Sign may be internally or externally illuminated, but contain no electronic/digital components, unless displaying a numeric price per unit of a fixed item, such as the current price of gasoline at a gas station.
- h. Illuminated signs shall have a steady, stationary, fully shielded light source with a brightness of no greater than 0.3 foot candle at the property line.

| 33.57.070 Residential/Resource zoning district sign standards.

The following standards apply to signs placed on property zoned residential or resource:

- (1) Limited to one unlit freestanding or façade sign;
- (2) Sign shall not be electronic;
- (3) Sign shall be no more than six (6) square feet on residentially zoned property and no more than twenty (20) square feet on resource zoned property;
- (4) Freestanding sign shall not exceed five (5) feet in height above grade and no façade sign may extend above the primary roofline.

33.57.080 Nonconforming signs.

It is the intent of this section to ensure that nonconforming signs are brought into compliance with the standards of this code. The following standards apply to nonconforming signs:

- (1) No nonconforming sign maintenance shall be conducted that increases the nonconformity of the sign.
- (2) A nonconforming sign shall not be altered in height, shape, size, lighting/illumination, or affect the base or support without conforming with the provisions of this chapter. No off-premise sign shall add electronic components that move, flash, or change copy.
- (3) Properties with nonconforming signage shall only be allowed new or replacement signage requiring a permit after bringing an equivalent number of nonconforming signs on the property into conformance with the standards of this chapter.

33.57.090 Signage visible from a scenic highway.

A permit or other written approval is required from the Washington State Department of Transportation prior to review of certain types of sign permits by Clallam County for those areas within 600 feet of a designated scenic and recreational highway to show conformance with the Scenic Vistas Act and the Highway Advertising Control Act (Chapter 468-66 WAC).

33.57.110 Review of Administrator's action (appeals).

Any person aggrieved by the granting, denying or rescinding or enforcement of a decision of the Administrator made under this chapter may seek review from the Hearing Examiner in accordance with Chapters 33.33 and 26.10 CCC. The request must be in writing setting forth the basis of the appeal and must be accompanied by the appropriate fees outlined in Chapter 5.100 CCC.

33.57.115 Enforcement

The provisions of this title are subject to the enforcement and penalty provisions contained in CCC Title 20, Code Compliance, except to the extent preempted by State or federal law, and except to the extent preempted by any contrary enforcement and penalty provisions contained in this title.

Upon identification of a noncomplying or abandoned sign by the Department of Community Development, a notice of violation will be sent to the violator and landowner (if different) requiring corrective action within 90-days. Failure to correct the violation on or before a specified date, which shall be 90 days after mailing of the notice of violation, will result in the accrual of fines. If the violation identified in the notice of violation have not been corrected by the specified date, a certified letter will be sent informing them that fines shall accrue at a rate of \$100 per day on residential property and \$250 per day on commercial/industrial property until the violations are corrected.

33.57.120 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application to other persons or circumstances shall not be affected.

