

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, September 18, 2024, 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://clallamcountywa.gov/meetings>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES:** August 7, 2024
- F. ANNOUNCEMENTS:** PW has been giving input regarding roundabouts on Hwy 101 and WSDOT provides a quarterly report to the Commissioners. Philosophy from the County is that 101 is our arterial and should move traffic. WSDOT 101 study can be found at the link: <https://wsdot.wa.gov/construction-planning/search-studies/us-101-paving-pre-design-study>
- G. PUBLIC COMMENT on AGENDA ITEMS** – Please Limit Comments to Three Minutes
- H. UNFINISHED BUSINESS:** None
- I. PUBLIC HEARING/COMMISSION ACTION:** None
- J. WORK SESSION ITEMS:** Presentation of Current Use Program from County Assessor; continued discussion on Current Use Program, CCC 27.08
- K. PUBLIC COMMENT** – Please Limit Comments to Three Minutes
- L. DISCUSSION OF PUBLIC COMMENTS**
- M. GOOD OF THE ORDER**
- N. ADJOURNMENT**

Members:

Chair, Steve Gale & Vice-Chair, Ron Long
N. Bonnie Booth; Thomas Butler; Katina Hester;
Kenneth Reandeau; Jane Hielman; Dann May; Vacancy District 2

Department of Community Development Staff:

Donella Clark, Principal Planner; Bruce Emery, DCD Director

Assessor's Office Staff:

Pam Rushton, Assessor

MINUTES

Clallam County Planning Commission

Meeting of August 7, 2024, 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 Chair Steve Gale, Vice-Chair Ron Long, Tom Butler, Ken Reandeau, Katina Hester, and Jane Hielman. Donella Clark, Principal Planner and Enrique Valenzuela, Assistant Planner represented staff from the Department of Community Development.
- D. WELCOME: Chair Gale welcomed all in attendance.
- E. APPROVAL OF MINUTES: Ken Reandeau made a motion to approve the minutes from May and Ron Long seconded. Motion passed with one abstention from Jane Hielman.
- F. ANNOUNCEMENTS: Currently two vacancies on the
- G. PUBLIC COMMENT PERIOD: None
- H. UNFINISHED BUSINESS: None
- I. PUBLIC HEARING ITEM: Staff presented a summary of the five Current Use Assessments that were submitted. A conversation was held regarding the Public Benefit Program and the current applications. No public was in attendance so a public hearing was not opened. Ron Long motioned to forward the recommendation from staff to the BOCC and Katine Hester seconded. Ken Reaundeau recused himself for the vote on CUA2023-00013. The motion for Sallstrom passed 4-1 and the motion for the other four applications passed 5-1.
- J. WORK SESSION ITEMS: Staff discussed Chapter 27.08 Open Space and went through the list of qualifying points to understand what qualifications continue to be important as a public benefit and what elements are being addressed through codes that would no longer require the program to incentivize protection. Public use continues to be important to provide a reduction in taxes. Conservation easements and protection of wildlife and rare plant communities should continue to provide reduction, however, the assessment of habitat becomes a challenge for staff to determine. Perhaps the introduction of language to ensure soils are preserved is the public benefit. Large parcels should also be protected which means that development pressure should be reprioritized than just a medium benefit. Water quality should also be considered for protection.
- K. PUBLIC COMMENT PERIOD: None
- L. DISCUSSION OF PUBLIC COMMENTS: None
- M. GOOD OF THE ORDER: Steve Gale asked what the status of the proposed roundabouts on Highway 101 are and if the County provides any input or suggests designs.
- N. ADJOURNMENT: The meeting adjourned at __7:35__ p.m.



MEMORANDUM

Clallam County Department of Community Development

Date: September 11, 2024
To: Clallam County Planning Commission
From: Donella Clark, Principal Planner
Re: Public Benefit Rating System

Discussion

At the previous Planning Commission meeting we discussed the categories that should be prioritized to assess points within the Public Benefit Rating System. Conservation easements, buffers boarding public lands, habitat protection, public access, water quality/protection of waters, protection of wildlife and rare and unique habitat and plant communities, and those properties in the rural lands that could be divided but have not rose as a priority that should be considered. During the previous review of this chapter by DCD the chart below was presented with the following eligibilities that staff would like to discuss as a starting point for revisions:

OPEN SPACE PUBLIC BENEFIT RESOURCE	CODE REFERANCE	PERCENT REDUCTION IN TAX VALUATION	MAXIMUM REDUCTION IN TAX VALUATION ALLOWED
Conservation Easement- diminished development right(s)	27.08.080(8)	90%	90%
Transfer of Development Right(s)	27.08.080(9)		
Lot Combination- diminished development right(s)	27.08. 080(7)		
Historic or Archaeological Sites	27.08. 080(5)	50%	50%
Urban Open Spaces	27.08. 080(10)		
Conservation Easement- No diminished development right	27.08. 080(4)	25%	40%
Restoration or Enhancement of Sensitive Ecological Resources	27.08. 080(1)		

Farm and Agriculture Conservation Land	27.08. 080(6)		
Rare and Unique Plant Communities	27.08. 080(2)		
Parkland Buffers	27.08. 080(3)		

(1) Restoration or Enhancement of Sensitive Ecological Resources.

(a) Definition. Properties that contain wetlands, streams, floodplain or floodways, endangered species, or wildlife habitat as defined in CCC 27.12, shorelines of statewide significance provided for in Clallam County Shoreline Master Program, or Priority Habitats and Species identified by Washington Department of Fish and Wildlife.

(b) Source. Clallam County Comprehensive Plan Title 31, Clallam County Critical Areas Code Chapter 27.12, Washington Department of Fish and Wildlife Priority Habitats and Species List.

(c) Eligibility. Eligible lands are those properties that:

i) Meet the definition above; and
ii) Provide documentation from a qualified Clallam County Consultant, Federal, or State Agency that verifies the existence, location, extent, method of restoration or enhancement, expected outcome of restoration or enhancement, and implementation schedule.

iii) Following completion of restoration or enhancement, the applicant is responsible for providing the Department of Community Development or their designee with documentation that said project was completed. Photo documentation may also be required at the discretion of the legislative authority. Failure to provide documentation of project completion shall be grounds for removal pursuant to CCC 27.08.030(6).

(2) Rare or Unique Plant Communities.

(a) Definition. Properties which contain documented plant communities listed as rare or unique by the Washington State Natural Heritage Program.

(b) Source. Location of known Rare and Unique Plant Communities on file with the Washington State Natural Heritage Program.

(c) Eligibility. Eligible lands must meet the definition above and the location of the said rare or unique plant community must be documented and mapped by an approved Clallam County consultant or other person with adequate knowledge to identify said Rare or Unique Plant Community. Photo documentation may also be required at the discretion of the legislative authority.

(3) Parkland Buffers.

(a) Definition. Undeveloped tax parcels that have a minimum 200 feet of common property line with an existing County or State park, wildlife preserve, or sanctuary that has existing native vegetation or are planted with native vegetation. The 200 feet of common property line should remain free of fencing or any man-made implements that could impede wildlife movement.

(b) Source. Clallam County Parks and Recreation Plan, Clallam County Comprehensive Plan, Clallam County Zoning Map, Washington State Parks.

(c) Eligibility. Eligible lands must meet the definition above. The location and extent of the native vegetation must be documented and field verified by an approved Clallam County consultant or other person with adequate knowledge to identify native vegetation. Photo documentation may also be required at the discretion of the legislative authority.

(4) Conservation Easement (No diminished development right).

(a) Definition. A conservation easement is a voluntary, legally enforceable land preservation agreement between a landowner and a municipality or a qualified land protection organization that sets permanent restrictions on the future use of the land thus protecting the lands natural attributes including but not limited to preservation of land areas for natural habitat used by fish, wildlife, plants or similar ecosystems, or the preservation of land for farm and agriculture purposes.

(b) Sources. Municipalities or qualified land protection organizations including but not limited to North Olympic Land Trust, PCC Farmland Trust, Washington Department of Natural Resources, Washington State Office of Archaeology and Historic Preservation, Washington State Department of Fish and Wildlife, and United States Department of Agriculture Natural Resource Conservation Service.

(c) Eligibility. Property must meet the definition above. Conservation easement must be in perpetuity and the stated purpose must be enhanced protection of a sensitive ecological resource or preservation of farm and agriculture lands. Enhanced protection for the purposes of this section shall mean CCC 27.12 Critical Areas Ordinance required buffer be at least doubled. Applicant must submit documentation of conservation easement that includes a map that shows the area the extent of the conservation easement. Tax benefit reductions for perpetual conservation easements shall apply only to that portion of a subject property that is conserved by the easement.

(5) Historic Structures or Archaeological Sites.

(a) Definition. Historic Structures or Archaeological Sites that are significant to Clallam County's cultural heritage and identified and preserved as official Historic Structures or Archaeology Sites on registers with State or Federal agencies.

(b) Source. Location of known sites on file with Federal or State agencies including but not limited to Washington Heritage Register, National Register of Historic Places, Washington State Office of Archaeology and Historic Preservation, National Archaeological Database, or National Anthropological Archives.

(c) Eligibility. Eligible lands must meet the definition above and provide the following:

(i) Documentation from State or Federal agency.

(ii) The Historic or Archaeological Site must allow public access unless criteria for listing precludes public access due to site sensitivity. Public access can include but is not limited to researchers, educational opportunities, or general public access.

(iii) The application shall be accompanied by landowner's proposed rules of conduct and a description of how public access is to be managed within the limitations of this section. This requirement for public access will not be fulfilled if it would involve trespass on or over neighboring properties; and

(iv) A site map showing parcel boundaries, location of the Historic or Archaeological Site, location of area available to public, and access information including road or trail that provides access the Historic or Archaeological Site.

(6) Farm and Agricultural Conservation Land. The intent of this category is to encourage the conservation of agricultural lands for future commercial agriculture use.

(a) Definition. Land that was previously classified as Farm and Agricultural land, that no longer meets the criteria for such classification or land that is traditional farmland that is not classified as Farm and Agricultural land and has not been irrevocably devoted to a use inconsistent with agricultural uses.

(b) Source. RCW 84.34 and Clallam County parcel information.

(c) Eligibility. Property must meet the definition above and are either subdividable or at least 4 acres or zoned Agriculture Retention (CCC 33.07.010) and submit a statement of intent.

(d) Statement of Intent. Eligible properties must submit a statement of intent which includes the following:

- (i) The name, address, and daytime telephone number of the landowner;
- (ii) The size of the subject property and the size of the area to be preserved for future commercial agriculture production;
- (iii) Location of fences or other measures taken to protect Critical Areas regulated under 27.12 from grazing or other necessary farming operations; and
- (iv) A signed agreement stating the landowner agrees to enroll in and qualify for Farm and Agriculture land pursuant to RCW 84.34.020 and this chapter 7 years following approval under this section. If property is not returned to commercial agricultural production, the property will be subject to removal from Current Use Program and applicable back taxes, interest, and penalties pursuant to 27.08.030(6).

(7) Lot Combination.

(a) Definition. Adjacent parcels under a single ownership that combine parcels in accordance with Chapter 29.43 CCC, Boundary Line Adjustments and Lot Combination. The area of the resulting parcel created through the lot combination process must be less than two (2) times the maximum residential density of the underlying zoning district (e.g. non-subdividable).

(b) Source. No inventory available.

(c) Eligibility. Property must meet the definition above. The landowner shall initiate and receive final approval of the lot combination prior to the application in the Current Use Program. The landowner shall provide at the time of Current Use Program application documentation of approval and completion of the lot combination. The parcel created through the lot combination process must result in at least one diminished development right and may contain one single-family residence. Lot combination under this section shall not create a "split zone" parcel. In the event a rezone is required, the lowest density zoning shall prevail and the rezone must have received final approval prior to the submittal of the open space application. Tax benefit reductions for lot combinations shall apply to that percentage of the subject property which would otherwise be available for development prior to the lot combination. For example, two five acre parcels that are zoned Rural Low (R5, CCC 33.10.020) are combined, pursuant to 29.43 CCC. One of the five acre parcels contains a single family home. Following approval under this section, reductions in tax valuation would apply to one 5 acre parcel or the area that would have been available for development prior to approval of the lot combination.

(8) Conservation Easement (at least one diminished development right).

(a) Definition. A conservation easement is a voluntary, legally enforceable land preservation agreement between a landowner and a municipality or a qualified land protection organization that sets permanent restrictions on the future use of the land thus protecting the lands natural attributes including but not limited to preservation of land areas for natural habitat used by fish, wildlife, plants or similar ecosystems, or the preservation of land for farm and agriculture purposes.

(b) Sources. Municipalities or qualified land protection organizations including but not limited to North Olympic Land Trust, PCC Farmland Trust, Washington Department of Natural Resources, Washington State Office of Archaeology and Historic Preservation, Washington State Department of Fish and Wildlife, and United States Department of Agriculture Natural Resource Conservation Service.

(c) Eligibility. Property must meet the definition above. Conservation easement must be in perpetuity and diminish at least one development right. Applicant must submit documentation of conservation easement that clearly demonstrates diminishment of at least one development right including a map that shows the area the conservation easement applies to. Reductions in assessed value for perpetual conservation easements shall apply only to that portion of a subject property that is conserved by the conservation easement and has at least one diminished development right. For example, a 10 acre parcel zoned R5 with a conservation easement that covers 7 of the 10 acres will receive a reduction in tax valuation for the portion of the property that would have been available for development prior to the conservation easement which equals 4.8 acres.

(9) Transfer of Development Rights.

(a) Definition. Transfer of development rights (TDR) means an innovative voluntary program in which unused development rights credited by the County to one parcel can be sold and transferred to another parcel without buying and selling the land. These transferable development rights may be utilized in an urban growth area to increase allowable densities where adequate infrastructure exists.

(b) Source. 33.26 CCC

(c) Eligibility. Applicant must submit documentation of a recorded TDR. Reductions in assessed value for TDRs shall apply to that percentage of the subject property that would have otherwise been available for development prior to the transfer.

(10) Urban Open Space

(a) Definition. Undeveloped parcels of land not less than one acre situated in an Urban Growth Area (UGA) and open to public use.

(b) Source. Clallam County parcel information.

(c) Eligibility. Applicant must submit documentation of all the following:

(i) Undeveloped parcel not less than one acre within an UGA;

(ii) Terms and conditions of public use in accordance with this section;

(d) Public Use. Applications shall be accompanied by the landowner's proposed rules of conduct and a description of how public access is to be managed within the limitations set forth in this section. The County Assessor's Office shall provide applicants with terms of the Clallam County Public Access Policy as part of the application packet.

(e) In certain instances, public use may be detrimental to the resource(s) involved; therefore, reductions in assessed value for urban open space shall not be assigned to properties in which any of the following conditions occur:

(i) The subject property involves Restoration or Enhancement of Sensitive Ecological Resources; except, applicants may earn bonus points by demonstrating to the satisfaction of the legislative authority that public access shall be managed such that there will be no adverse effects on the associated natural feature;

(ii) The subject property qualifies as open space due to the promotion of soils, wetlands, beaches, or tidal marshes;

(iii) The subject property contains a known archaeological site as listed by the Washington State Office of Archaeological and Historic Preservation; or

(iv) Access to the subject property would involve trespass on or over neighboring properties.

(f) Signage. Open space signs are required only when public access is granted under the provisions of this section. Signs shall conform to Clallam County land use codes and the following criteria. All signs shall:

(i) Be provided by Clallam County as official open space-public access signage;

(ii) Be posted as follows: At least one open space sign shall be posted on the subject property's road frontage, or nearest public road as applicable, in a conspicuous location, visible to passing motorists. At minimum, signs shall identify access points, allowed uses, and landowner contact information.

(iii) Be purchased by the property owner for the appropriate fee as established in <FEE TITLE>; and

(iv) Be maintained at the owner's expense in good condition for as long as the landowner is receiving public benefit points based on allowing public access to the subject property and its open space feature(s). Failure to maintain or replace removed or missing signs by the property owner may jeopardize the open space benefit points based on granting public access to the subject property pursuant to this chapter.