

# AGENDA

## Clallam County Planning Commission

**Planning Commission Meeting of Wednesday, December 4, 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:** November 6, 2024. Discuss comment from Tribe regarding minutes from October 16<sup>th</sup>.
- F. ANNOUNCEMENTS:** No meetings December 18 or January 1. Will need to select officers at the January 15<sup>th</sup> meeting.
- G. PUBLIC COMMENT on AGENDA ITEMS** – Please Limit Comments to Three Minutes
- H. UNFINISHED BUSINESS:** None
- I. PUBLIC HEARING/COMMISSION ACTION:**
  - a) Rezone Application PRZN2024-00001, Gates
  - b) Public Benefit Rating System – Open Space applications (4)
- J. WORK SESSION ITEMS:** Continued conversation regarding Open Space Ordinance
- 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:**

Enrique Valenzuela, Planner; Donella Clark, Principal Planner; Bruce Emery, DCD Director

## **MINUTES**

### **Clallam County Planning Commission**

*Meeting of November 6, 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, Jane Hielman, Dann May, and Bonnie Booth. Bruce Emery, Director, Donella Clark, Principal Planner and represented staff from the Department of Community Development.
- D. WELCOME: Chair Gale welcomed the Commissioners. No public was present.
- E. APPROVAL OF MINUTES: Motion passed 8-0 with a modification to add Ron Long's motion to the recommendation to forward the TIP.
- F. ANNOUNCEMENTS: No Planning Commission meeting on November 20, 2024. Tom Butler asked a question about Ed Bowen's written comment regarding culverts and how they are prioritized.
- G. PUBLIC COMMENT PERIOD: None
- H. UNFINISHED BUSINESS: None
- I. PUBLIC HEARING ITEM: None
- J. WORK SESSION ITEMS: Staff presented the draft Public Benefit – Open Space Ordinance for discussion. Received a suggestion from the Assessor that will be integrated into Section 27.08.040(5). Was also suggested we should try to make the WAC language more clear and in more common language. Staff will work with the Assessor on that. Suggestions from the Commission will be integrated into the next draft that will be brought back for further discussion. One of the big changes will be to put a scale on the benefit for those properties doing a lot combination. It was also requested that the Assessor join the discussion at the next meeting and staff will invite them to return to answer questions.
- K. PUBLIC COMMENT PERIOD: None
- L. DISCUSSION OF PUBLIC COMMENTS: None
- M. GOOD OF THE ORDER: None
- N. ADJOURNMENT: The meeting adjourned at \_\_7:10\_\_ p.m.

## Clark, Donella

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**From:** McCarter, Pamela  
**Sent:** Tuesday, October 29, 2024 11:45 AM  
**To:** Clark, Donella; Rushton, Pam  
**Subject:** Chapter 27.08 CCC, Open Space

Hi Donella and Pam,

You asked me to edit the Removal of Classified Land by Owner Request portion (5) of the Administration Code (27.08.040) on Page 3 of 10 in the draft of the new Clallam County Open Space Code. This edit is uniform with WAC 458-30-285 of the Open Space Taxation Act Rules.

Please revise the language in Section 5 to read as follows:

Land Classified as Open Space under this code must be applied to the classified use and remain in its classified status for at least ten assessment years from the date of classification. During the eleventh or later assessment year of classification, the owner may request to have all or a portion of the land withdrawn from the Open Space Program. The owner must submit a written request to withdraw classification to the assessor of the county in which the land is located.

- (a) A parcel of land may be withdrawn from classification in whole or in part.
- (b) The additional tax and interest imposed by RCW 84.34.108(4) are due when land is withdrawn from classification if the land has been classified under chapter 84.34 RCW for a minimum of ten assessment years.

If the assessor gives written notice of removal as provided in RCW 84.34.108 (1)(d)(i) for all of a portion of the land prior to the owner providing the assessor with a request for withdrawal, then additional tax, interest, and penalty will be imposed.

Note: State law grant's the Assessor's Office 15 days to respond to requests for continuance "after all required information is received." See WAC 458-30-275(3)(a)

*Pamela McCarter*  
*Clallam County Assessor's Office*  
*223 E 4<sup>th</sup> St. Suite 2*  
*Port Angeles, WA. 98362*  
*(360)417-2203*  
*pamela.mccarter@clallamcountywa.gov*

## Clark, Donella

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**From:** Gray, Steve  
**Sent:** Wednesday, November 13, 2024 3:41 PM  
**To:** Clark, Donella  
**Cc:** Wendy Clark-Getzin  
**Subject:** FW: Minutes from the Planning Commission meeting on the 6YR TIP  
**Attachments:** PC Minutes.pdf

Hi Donella,

I am forwarding the below email to you from Wendy Clark-Getzin regarding a requested correction to how her comments were represented in the October 16, 2024, Planning Commission meeting minutes.

Thanks, Steve

**Steve Gray, Deputy Director**

Clallam County Public Works  
223 East Fourth Street, Suite 6  
360-417-2290 (office)  
[steve.gray@clallamcountywa.gov](mailto:steve.gray@clallamcountywa.gov)

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**From:** Wendy Clark <[wclark@jamestowntribe.org](mailto:wclark@jamestowntribe.org)>  
**Sent:** Wednesday, November 13, 2024 12:39 PM  
**To:** Gray, Steve <[steve.gray@clallamcountywa.gov](mailto:steve.gray@clallamcountywa.gov)>  
**Subject:** Minutes from the Planning Commission meeting on the 6YR TIP

Hi Steve,

There is a mistake in the attached minutes regarding my first public comments to the Planning Commission. I very much want the minutes to be corrected before they become adopted and forwarded to the Board of County Commissioners.

I asked in the first public comment period at the beginning of the meeting to have the expression “; and widening” removed from the Project #3 description of work. The expression was not linked to a road segment or facility type. That was the issue; “and widening” is an ambiguous phrase with negative connotations. I was sent by the Tribe to note two concerns: a.) striking “widening” as it was not necessary for the 6-Yr TIP and it harms the multi-faceted project more than it helps, and b.) the comment on phasing the project to re-align Voice of America next summer away from the cliff. The second comment was clear in the minutes – thank you.

I was disappointed that the Planning Commission accepted the staff version (9/19/2024) of the TIP since one of the Planning Commission Members made the same request to not include shoulder widening to Voice of America Road. Did you make any changes to the TIP as the result of the public hearing?

Do you think PW is ready to follow-through with the requested meeting concerning the con-joined FLAP projects and access coordination? I have not seen any proposed dates.

Thank you,

# Peninsula Daily News

## Affidavit of Publication

State of Washington }

County of Clallam/Jefferson } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Peninsula Daily News a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Clallam/Jefferson County, Washington and is and always has been printed in whole or part in the Peninsula Daily News and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Clallam/Jefferson County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of PDN1005239 HEARING 12/4/24 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 11/14/2024 and ending on 11/14/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$61.42.

Subscribed and sworn before me on this

14th day of November  
2024.

Randie P.

Notary Public in and for the State of Washington.

CL CO COMMUNITY DEV - LEGAL ADS | 48140985  
DONELLA CLARK



## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN**, that the Clallam County Department of Community Development has scheduled a public hearing before the Clallam County Planning Commission **December 4, 2024 beginning at 6:00pm** in room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362. The public may also participate via Zoom.com or by phone 1-253-205-0468. Meeting ID 857 7304 5582 Passcode 12345.

**SUMMARY OF PROPOSAL:** Lee R. Gates submitted an application to request a Comprehensive Plan Land Use and Zoning Map amendment for an approximate 75 acre parcel referenced as parcel number 042908-310100. The property is located at the end of Lost Mountain Road, east of McDonald Creek, south of Highway 101. The request of the proposal is to change the designation of the property from Rural Very Low (R20) to Commercial Forest (CF).

**COMPLIANCE w/ the State Environmental Policy Act (SEPA):** A Determination of Non-Significance (DNS) was issued for this non-project action by the responsible official on October 7, 2024.

**COMMENTS & ADDITIONAL INFORMATION:** All persons wishing to comment are welcome to either submit their written comments before the hearing to the Department of Community Development or present written and/or oral comments during the public hearing. The staff report and other information regarding the proposal is available for review at the Clallam County Department of Community Development located in the Clallam County Courthouse at 223 E. 4th Street, Port Angeles, WA and on-line at: <https://clallamcountywa-energovweb.tylerhost.net/apps/selfservice/#/search>  
PDN.: November 14, 2024 Legal No. 1005239



## Staff Report

# Clallam County Department of Community Development

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**Date:** November 27, 2024  
**To:** Clallam County Planning Commission  
**From:** DCD Planning Division  
**Re:** Rezone and Comprehensive Plan and Zoning Map Amendment  
Application PRZN2024-00001 – Gates

### REQUEST

Lee R. Gates submitted an application to request a Comprehensive Plan Land Use and Zoning Map amendment for an approximate 75 acre parcel referenced as parcel number 042908-310100. The property is located at the end of Lost Mountain Road, east of McDonald Creek, south of Highway 101. The request of the proposal is:

- Change the designation of the property from Rural Very Low (R20) to Commercial Forest (CF).

### APPLICATION SUMMARY

The full application submitted is provided in Appendix A. The rationale in support of the requested rezone is found in the applicant's "Consistency" report. The rationale is for the rezone is to reduce the development potential of the property and decrease the potential burden on public resources and infrastructure in the area. The applicant has owned the property since 1999 and conducted a land swap with the Department of Natural Resources.

### BACKGROUND

#### Ownership

The property is described in a Statutory Warranty Deed (AFN1999-1027082) as Parcel 1 of survey Vol. 33 Pg. 86. The property is owned by Lee R. Gates. A land exchange was completed with the Department of Natural Resources, swapping lands between the applicant and the DNR (AFN2023-1454495 and AFN2023-1454496).

#### Existing Land Use/Land Cover

The property is mostly forested, with development of a single-family residence and outbuildings in the center of the property. In the developed clearing is a pond and associated wetland and areas used for grazing. The purpose of the R20 zone is to "conserve and enhance the forest resources of Clallam County by providing a transition between rural land uses and Commercial Forest zoning districts," CCC 33.10.010. Density is one dwelling unit per 20, which would allow the property to be divided into three residential lots.

#### Surrounding Land Use/Land Cover

The property abuts State owned timberlands to the north, south, and west. Properties to the east are residentially developed R20 zoned properties. These properties vary in size from 5 acres to 20 acres in size.

#### Access

The property is served by Lost Mountain Road, a County road.

#### Utilities

The property is developed with a single-family residence with PUD electric, on-site septic, and an individual well.

#### Critical Areas

There are wetlands and streams on the subject property.

### **MAP AMENDMENT CRITERIA OF APPROVAL**

When considering an application for rezone, the Planning Commission and Board of County Commissioners (BOCC) are required to evaluate the amendment with regard to six criteria contained under CCC 33.35.090 in the Zoning Code, and at CCC 31.08.370 in the Comprehensive Plan. These six criteria, or "Required Showing for an Amendment," provide the scope of consideration that the Planning Commission and BOCC must respond to in order to determine if a rezone should be approved. The following summarizes staff's preliminary analysis with regard to the required showing for amendment.

#### **Criterion 1. The proposed amendment is consistent with the spirit and intent of the Clallam County Comprehensive Plan.**

The goals and policies adopted by the Board of County Commissioners in the Clallam County Comprehensive Plan, the various Regional Plans, and the Clallam County Zoning Code provide the framework for land use decisions in Clallam County. Particularly relevant to this request are the goals and policies that were specifically developed to guide the designation of the Rural Very Low (R20) and Commercial Forest (CF) zones. Excerpts of these referenced county code sections are attached as Appendix B. For the full text of the County's Code, go to <https://clallam.county.codes/CCC>

The County-wide Comprehensive Plan Land Use Map has designated lands into three general uses: urban, rural, and forest resource. Forest lands are identified as a significant economic resource, CCC 31.02.130, and are being lost to residential development. Timber production can be realized on parcels 80 acres or larger and owners of land between 20 and 80 acres would likely require a residential development component. The Comprehensive Plan states that *"It is the task of this plan to provide the policy framework necessary to protect our remaining forest lands from conversion to other uses, through regulations and incentives to landowners,"* at CCC 31.02.130(2), and lists as its very first forest land use goal that *"suitable forest land in the County [be retained] in commercial forest land use, because of general economic benefits to the people of the county derived from forests, including timber production and processing, watershed conservation, recreation, and fish and wildlife conservation."* CCC 31.02.140(1). The proposed rezone will change approximately 75 acres into a commercial forest zone located on three sides by other Commercial Forest zoned properties.

**Designation of Commercial Forest (CF) Land.** The Comprehensive Plan contains several key policies that guide designation of Commercial Forest land from both a "county-wide" and "regional" standpoint.

The Comprehensive Plan establishes eight criteria for designating Commercial Forest lands under CCC 31.02.140(8). These criteria apply as follows to the subject property:

- 1. The land is primarily devoted to growing trees (includes clearcuts and plantations).** The property in an approximate 75 acre parcel that contains residential development surrounded by trees. The land owner has managed the land since 1999 for farming and timber management. Over 40 acres of the property is enrolled in, and taxed, as timberland.
- 2. The "private forest land grade" established in RCW Title 84 is 1 through 4 or the site index for Douglas Fir is greater than 83 feet and for Hemlock is greater than 82 feet (50 year rotation base).** The soil type found on the subject property is identified as "Elwha gravelly sandy loam, 0 to 15 percent slopes" which has a mean index for Douglas fir estimated at 115 for a 50 year period, well above the minimum standard for commercial forest land of 82-feet.
- 3. The land does not have access (hookup rights) to municipal sewers.** The property does not have access to municipal sewer service. The residence is connected to an on-site septic system.
- 4. The parcel has a minimum parcel size of 80 acres or 1/8 of a standard section subdivision or contiguous parcels under one ownership can be grouped to total 80 acres or 1/8 of a standard section subdivision.** The subject property is a surveyed property Volume 33 Page 86 and is approximately 75 acres, just short of an 1/8 of a standard section. The remaining property within the section is owned by the Department of Natural Resources.
- 5. The parcel does not meet criteria a) through d) above, but are surrounded on at least three sides by lands meeting the definition of Commercial Forest Resource Lands.**  
The subject parcel appears to meet 3 of the criteria for designation as commercial forest, and is only a few acres short of 80 acres to meet criteria 4. The property is also adjacent to State owned Department of Natural Resources land on three sides of the property.
- 6. The parcel is not within the city limits of an incorporated city.** The subject property is not within any city limits.
- 7. Forest lands are usually found in large contiguous blocks of ownership and are not generally surrounded by residential development (densities do not exceed one dwelling per five acres).** The property is a single privately owned 75 acre parcel surrounded on three sides by DNR land and is the last privately owned property on Lost Mountain Road. Properties to the east that are zoned Rural Very Low range in size from 5 acres to 20 acres and are mostly residentially developed.
- 8. While slope is not a primary criteria for determination of commercial forest, steep slopes in excess of 40% slope should generally be included with commercial forest lands due to their unsuitability for development.** The subject

property is relatively flat and is developed with a single family residence. The layout of the existing residence is located in the center of the parcel surrounded by forest.

**Conclusion:** The parcel does not meet all criteria for designation of Commercial Forest Land, but is nearly 80 acres and is surrounded by State owned commercial forest lands on three sides. Rezoning this 75 acre residential property to commercial forest would align with the Comprehensive Plan, providing a property between 20 and 80 acres to be managed for forest resources while maintaining a residential component. The Comprehensive Plan identifies that parcel less than 80 acres should have the ability to add residences to achieve economic and practical use of the parcel.

**Criterion 2. The proposed amendment is consistent with the spirit and intent of the Clallam County Zoning Code and with interlocal agreements, transportation, parks and recreation, capital facility, utility, watershed, and other applicable land use and environmental plans and policies adopted by the County.**

The spirit and intent of the Clallam County Zoning Code is defined under the purpose statement of CCC 33.01.020. This section identifies a clear link between the Zoning Code and the Comprehensive Plan in that the Zoning Code is to *"direct the future growth and development of the County consistent with the Comprehensive Plan"*; and *"implement the goals and policies of the Comprehensive Plan in a manner which protects private property rights and in the least intrusive manner possible."*

The stated purpose of the Commercial Forest (CF) zoning district is to *"protect large forest parcel from encroachment of uses which threaten effective forest management practices."* CCC 33.07.020. The purpose of the Rural Very Low (R20) zone is to *"conserve and enhance the forest resources of Clallam County by providing a transition between rural land uses and Commercial Forest zoning districts."* The R20 zone allows a residential density of one dwelling unit per 20 acres, which would allow the subject property to develop two more residences from the almost 80 acres. Under the CF zone the property would only be allowed the one residence.

**Conclusion:** The current zoning designation of R20 is intended to be a transitional zone between commercial forest lands and residential development. Under the current zoning the property would qualify for development of 3 lots, needing an extension of utilities, use of water, and maintenance of the County Road for additional traffic. Under the proposed rezone, the one residence would be the only residence allowed to be developed on the property, and would provide protection of the forest resources, which is the intention of the CF zone. The proposed rezone will extend the CF zone to include a property surrounded on three sides by State lands that are also zoned CF. The size and management of the property appears more in the spirit and intent of the CF zone.

**Criterion 3. The proposed amendment will not be detrimental to the public health, safety and welfare.**

Reducing the development potential of the parcel and rezoning it to for management of commercial forest resources will not be detriment to public health, safety and welfare.

**Criterion 4. The proposed amendment is necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a different land use [and zoning] designation.**

The applicant hopes to change the zoning in order to decrease the potential of residential development on the property and maintain the resources that are available on the site. The property was originally zoned to allow growth, but development of the property with the structures near the center of the property reduces that potential. The applicant intends to continue managing the property for resource extraction

**Criterion 5. The proposed amendment will not result in probable significant adverse impact to the adequacy of public facilities and services including, but not limited to transportation, sewer, water, storm water, utilities, and parks required to meet urban or rural needs, and will not place uncompensated burdens upon existing and planned services.**

Approval of the rezone would decrease the potential of residential development, removing the need for additional sewer, water, stormwater or utilities. Approval of any subsequent land use application would be subject to review under applicable land use and environmental health regulations, including the availability and adequacy of public facilities and services.

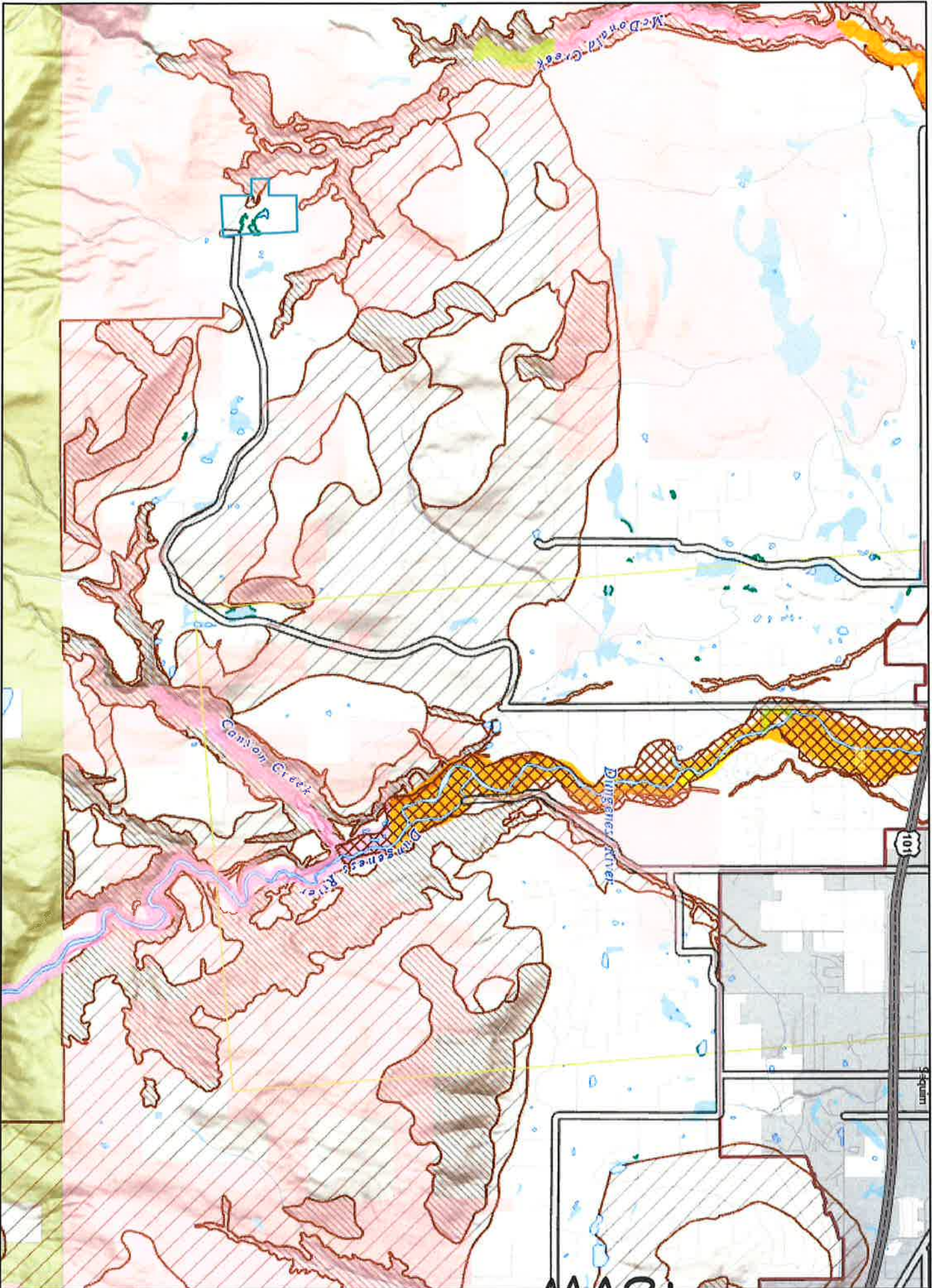
**Criterion 6. The cumulative effects of all proposed amendments have been assessed and determined to be consistent with the spirit and intent of the Clallam County Comprehensive Plan.**

In taking action on an application for rezone and Comprehensive Plan amendment, the Board of County Commissioners makes policy decisions that not only directly impact the subject property owners, but directly and indirectly impact other property owners, both in the immediate area and throughout the County. Zoning designations control what uses are allowed or prohibited on a particular piece of property. While an applicant may have a specific use in mind that he or she is able to achieve through a change in zoning, the applicant is nevertheless under no obligation to limit land use activities to that original plan. The applicant would in fact be eligible for any of the land uses listed as Allowed in the underlying zoning district. For this reason, the applicant's stated intent on their application must not be the sole or primary criteria for a zoning change, and an evaluation of a rezone application must consider all possible uses allowed under the proposed zoning district.

Additionally, a decision on a rezone must be evaluated with respect to its application to other similarly situated properties. The parcel does not meet all specific criteria to be placed within the CF zone, but is surrounded on three sides by State owned Commercial Forest land. The parcel contained development before zoning existed and is the last privately owned parcel on Lost Mountain Road. Rezoning the subject parcel from R20 to CF removes further development potential and changes the zoning to match those parcels surrounding the property on three sides. If no development had existed this nearly 80 acre parcel would have likely been zoned Commercial Forest originally, instead of the residential zone selected for the area. The applicant intends to manage the property for the resources and does not wish to further divide, which would be consistent with the spirit and intent of the Comprehensive Plan for commercial forest zoned property.

## **STAFF RECOMMENDATION**

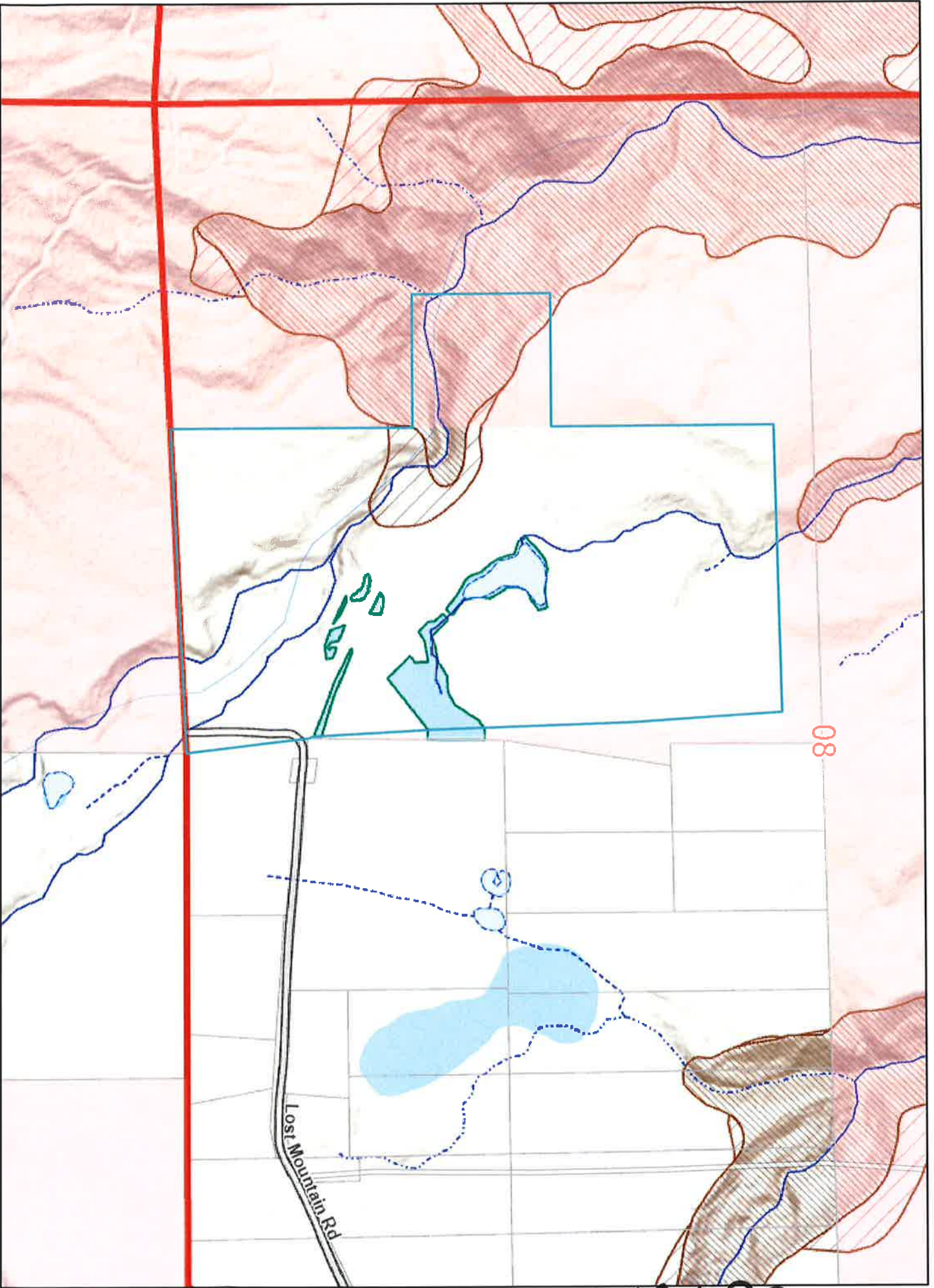
Based on the above analysis, Planning Division staff believes that Rezone and Comprehensive Plan Map Amendment Application REZ2023-00001 is supported by existing policies and **recommends approval** of the request.



MAP 1

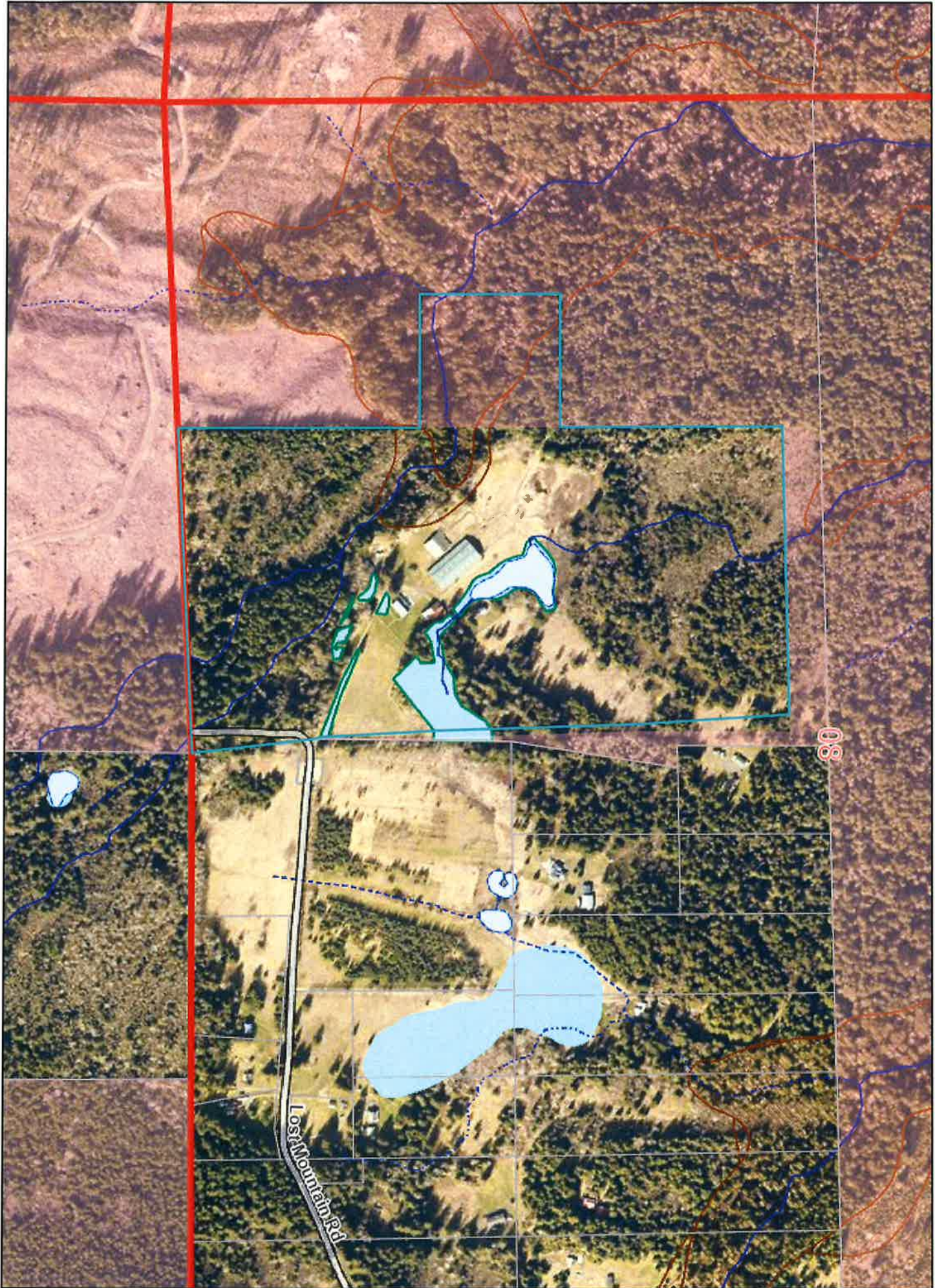
We are happy to share our maps and hope that you find them helpful. Please be advised, however, that these maps are intended to serve as a guide to the general location of features shown. The accuracy of the individual layers varies and layers may not align with one another. Determination of actual regulatory location of features shown on this map typically requires a field examination by qualified staff. Any person or entity that relies on any information contained herein does so at their own risk. Clallam County makes no warranty of the accuracy or usefulness of this data.

We are happy to share our maps and hope that you find them helpful. Please be advised, however, that these maps are intended to serve as a guide to the general location of features shown. The accuracy of the individual layers varies and layers may not align with one another. Determination of actual regulatory location of features shown on this map typically requires a field examination by qualified staff. Any person or entity that relies on any information contained herein does so at their own risk. Clallam County makes no warranty of the accuracy or usefulness of this data.



MAP2

We are happy to share our maps and hope that you find them helpful. Please be advised, however, that these maps are intended to serve as a guide to the general location of features shown. The accuracy of the individual layers varies and layers may not align with one another. Determination of actual regulatory location of features shown on this map typically requires a field examination by qualified staff. Any person or entity that relies on any information contained herein does so at their own risk. Clallam County makes no warranty of the accuracy or usefulness of this data.



MAP 3

## **Reference List:**

Map 1 Vicinity Map  
Map 2 Critical Area Map  
Map 3 Aerial Photo

Exhibit 1 Application and Justification  
Exhibit 2 SEPA Determination, staff memo, and checklist  
Exhibit 3 Statutory Warranty Deed AFN1999-1027082, AFN2023-1454495, AFN2023-1454496  
Exhibit 4 Survey Volume 33, Page 86

Relevant code citations, found at: <https://clallam.county.codes/>

### Text of Zoning Code

CCC 33.07.020, Commercial Forest (CF)  
CCC 33.10.010, Rural Very Low (R20)

### Text of Comprehensive Plan

CCC 31.02.130, Forest land issues  
CCC 31.02.140, Forest land goals  
CCC 31.02.260, Rural growth.  
CCC 31.03.250, Forest land conservation – Policies  
CCC 31.03.270, Rural land - Policies  
CCC 31.03.500, Lost Mountain neighborhood



# CLALLAM COUNTY DCD

EXHIBIT 1

DATE 12-4-24

**Clallam County**  
**Department of Community Development**

223 East 4<sup>th</sup> Street, Suite 5, Port Angeles, WA 98362

(p) 360-417-2420 ✧ (f) 360-417-2443

email: [dcdplan@clallamcountywa.gov](mailto:dcdplan@clallamcountywa.gov)

**NOTE: ADDITIONAL INFORMATION MAY BE ATTACHED ON SUPPLEMENTAL SHEETS.**

## PROPERTY OWNER INFORMATION

Name: Lee R. Gates

Mailing Address: 5095 Lost Mountain Road

City: Sequim St.: WA Zip: 98382

Phone Number: 206-569-5216 Business Phone \_\_\_\_\_

Email (optional): \_\_\_\_\_

## AGENT INFORMATION (If applicable)

Name: Patrick M. Irwin

Mailing Address: 106 N. Laurel St.

City: Port Angeles St. WA Zip 98362

Phone Number: 360-928-7117 Contact Person \_\_\_\_\_

Email (Optional): pmirwin@patrickirwin.com

## PROJECT INFORMATION

Tax Parcel Number(s): 042908-310000<sup>100</sup>

Total Acreage: 76.90 acres Current Zoning: R20 Requested Zoning: Commercial Forest

Existing Land Use Res/Timber/Ag Proposed Land Use Res/Timber/Ag/Industrial

Location of Critical Areas: Wetlands are found mainly in the middle of the property around a pond and part of a creek. There are limited areas of erosion and landslide on the west of the property within the middle third of the property, north to south

Directions to site: The last privately owned property at the end of Lost Mountain Road

Compatibility with the existing and allowed uses in the surrounding area: The properties to the north, west and south of the Applicant's property are zoned Commercial Forest and owned by the Washington State Department of Natural Resources. The properties immediately east are privately owned, zoned R20 and are primarily put to residential use.

By making this application, you are hereby granting consent to the Clallam County Director of Community Development and his/her designee to enter and inspect the property, structure(s) or geophysical feature related thereto which is the subject of this application, in order that the County may verify actual physical site issues, as well as compliance with proposed conditions or conditions imposed pursuant to the application.

I certify, under penalty of perjury of the Laws of the State of Washington, that I am the owner or authorized owner of the property that is the subject of this application.

[Signature] 9/25/2024  
Applicant Date

[Signature] 9/26/24  
Agent Date



**Clallam County**  
**Department of Community Development**

223 East 4<sup>th</sup> Street, Suite 5, Port Angeles, WA 98362

(p) 360-417-2420 ✧ (f) 360-417-2443

email: [dcdplan@clallamcountywa.gov](mailto:dcdplan@clallamcountywa.gov)

REZ \_\_\_\_ - \_\_\_\_ DATE RECEIVED \_\_\_\_\_ RECEIPT # \_\_\_\_\_

**Criteria for Approval:** In considering an application for comprehensive plan and zoning map amendment, the Planning Commission and Board of County Commissioners are obligated to evaluate the amendment with regard to specific criteria contained in Section 33.35.090 of the Zoning Code, and Section 31.08.370 of the Comprehensive Plan. An amendment application should address these criteria. These criteria, or "Required Showing for an Amendment" provide the scope of consideration that the Planning Commission and Board must respond to in order to determine if a rezone is to be approved. The required showing includes the following:

**Section 33.35.090, Required showing for an amendment.**

The Planning Commission and the Board of County Commissioners shall determine that a proposed amendment is consistent with all the following criteria before approval:

- (1) The proposed amendment is consistent with the County Comprehensive Plan.
- (2) The proposed amendment is consistent with interlocal agreements, transportation, parks and recreation, capital facility, utility, watershed, and other applicable land use and environmental plans adopted by the County.
- (3) The proposed amendment will not be detrimental to the public health, safety, and welfare.
- (4) The proposed amendment is necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a different land use designation. This criterion only applies to Comprehensive Plan and zoning map amendments.
- (5) The proposed amendment will not result in probable significant adverse impacts to the adequacy of public facilities and services including, but not limited to, transportation, sewer, water, storm water, utilities, and parks required to meet urban or rural needs, and will not place uncompensated burdens upon existing and planned services.

**Section 31.08.370 Required showing for an amendment.**

The Planning Commission and the Board of County Commissioners shall determine that a proposed amendment is consistent with all the following criteria before approval:

- (1) The proposed amendment is consistent with the spirit and intent of this title.
- (2) The proposed amendment is consistent with the spirit and intent of CCC Title 33, Zoning, and with interlocal agreements, transportation, parks and recreation, capital facility, utility, watershed, and other applicable land use and environmental plans and policies adopted by the County.
- (3) The proposed amendment will not be detrimental to the public health, safety, and welfare.
- (4) The proposed amendment is necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a different land use designation. This criterion only applies to Comprehensive Plan and zoning map amendments.
- (5) The proposed amendment will not result in probable significant adverse impacts to the adequacy of public facilities and services including, but not limited to, transportation, sewer, water, storm water, utilities, and parks required to meet urban or rural needs, and will not place uncompensated burdens upon existing and planned services.
- (6) The cumulative effects of proposed amendments have been assessed and determined to be consistent with the spirit and intent of this title.

The Applicant seeks to rezone his property from R20 to Commercial Forest. The purpose of the “downzone” is to: (a) bring all of the Applicant’s property under one zoning district, (b) limit the potential for future more intense residential development, and (c) to allow for the possibility of a manufacturing business, which would be an allowed industrial use under Commercial Forest, on the property.

## BACKGROUND

The Applicant is the owner of the property at the very end of Lost Mountain Road. Department of Natural Resource (“DNR”) land borders the Applicant’s property to the north, west, and south. On October 24, 2023, the Applicant completed a land swap with the DNR, granting the DNR portions of the Applicant’s property to the north and east of the property in exchange for annexing a piece of DNR land to the west of the property into the Applicant’s ownership. The deeds that accomplished the exchange are filed under Clallam County Auditor’s File Nos. 2023-1454495 and 2023-1454496. Prior to the land swap, all of Applicant’s property was zoned R20, with the DNR property zoned Commercial Forest. The applicant has been assured by DNR that the annexed area will be “up-zoned” to R20 upon final filing of all documentation.

A copy of the deeds for the land swap are attached hereto as **Exhibit A and B**. A map depicting the Applicant’s property is attached hereto as **Exhibit C**.

## CONSISTENCY WITH COMPREHENSIVE PLAN CCC 33.35.090(1), and CCC 31.08.370(1) and (6)

The Applicant notes that downzoning his property is consistent with the planning goals of the Comprehensive Plan. CCC 31.03.240(4) states that “A significant conflict with commercial forest operations [a]s the growing residential encroachment into forest areas.” CCC 31.03.500 “Lost Mountain neighborhood”, paragraph 3, identifying Policy No. 6 of the Comprehensive Plan, expresses concern that historically the area “includes large acreage of lands designated as forest lands of long-term commercial significance” but that residential development has increasingly encroached into the forest lands on Lost Mountain. The code states that “Further encroachment into the commercial forest lands shall not be allowed.” CCC 31.03.500(3)(a). While the Applicant’s property is zoned “Rural Very Low” (R20), this has not limited residential development in the area of Applicant’s property.

## CONSISTENCY WITH COMMUNITY PLANNING CCC 33.35.090(2) and (5), and CCC 31.08.370(2) and (5)

The proposed downzone decreases the potential burden on public resources and infrastructure. The most commercially reasonable alternative for the property for a future owner is to subdivide it and develop the property into residential lots, as is allowed under R20 zoning. This would mean at least two additional residences on the property, with the potential for more if cluster development is utilized. Any allowed use under Commercial Forest, to which the Applicant or a future owner may put the property would be less burden on County infrastructure than additional

residential units. Any specific burdens possible under a Commercial Forest designation will be addressed in any land use permit application process.

**NO NEGATIVE PUBLIC IMPACT**  
CCC 33.35.090(3) and 31.08.370(3)

By decreasing the potential intensity of use of Applicant's property, there would be an overall benefit to the public's health, safety, and welfare.

**NECESSARY DUE TO CHANGE IN CONDITION**  
CCC 33.35.090(4) and 31.08.370(4)

As noted above, the general change within the area is the increased residential development near the end of Lost Mountain Road. The intended restraint on development hoped for by R20 zoning designation adjacent to Lost Mountain Road has not slowed development. The conversion to Commercial Forest would eliminate the possibility of the continued creep of development and erosion of the commercial forest in the area, in compliance with the policies set forth in CCC 31.03.500.

The change in condition specific to the Applicant is that, while DNR has asserted that the annexed property will be removed from Commercial Forest and zoned R20, there is still some uncertainty. If the property is not up-zoned to R20, any future development of the property would not be prevented by the difference in zoning, but the difference in development standards would cause complication. Consistent zoning for the entire property eliminates this potential problem.

If DNR is correct that the annexed property will be zoned at R20, then this is a further encroachment into the County's Commercial Forests. This is in conflict with the policies set forth in CCC 31.03.500.



STATE ENVIRONMENTAL POLICY ACT (SEPA),  
CHAPTER 43.21C RCW  
DETERMINATION OF NON-SIGNIFICANCE (DNS)

CLALLAM COUNTY DCD

EXHIBIT 2

DATE 12-4-24

**Applicant:** Lee R. Gates

**SEPA Project #:** PECL2024-00009

**Land Use Permit Case #:** PREZ2024-00001

**Lead Agency:** Clallam County Department of Community Development (DCD)

**Description of Proposal:** Lee Gates is proposing a rezone to amend the Clallam County Comprehensive Plan Land Use Designation Map and Zoning Map for property identified as parcel number 042908-310000. Approval of the request would change the zoning and Comprehensive Plan designation for 76.90 acres presently zoned "Rural Very Low" (R20) to "Commercial Forest" (CF). The property is the last privately owned property at the end of Lost Mountain Road and is developed with a single-family residence. Surrounding parcels to the north, south, and west are zoned Commercial Forest and the parcels to the east are zoned Rural Very Low.

**Location of Proposal:** The subject property is located at the end of Lost Mountain Road, east of McDonald Creek, being within Section 8, Township 29, Range 4 W, W.M. and is referenced as Assessor's Tax Parcel Number 042908-310100.

**Required Permits/Approvals:** Rezone application, future development permits

**SEPA Threshold Determination:** The lead agency has determined that this proposal will not result in probable significant adverse impacts to the environment and has issued a Determination of Non-Significance (DNS) under WAC 197-11-340(2). An environmental impact statement is not required under RCW 43.21.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency and existing regulations applicable to the proposal. This information is available to the public upon request during normal business hours and can be found on the Clallam County Online Permit website at [www.clallam.net/Permits](http://www.clallam.net/Permits).

**Comment Period:** Comments on this DNS must be submitted by close of business on October 21, 2024. Unless the Responsible Official withdraws the threshold determination pursuant to WAC 197-11-340(3)(a), the threshold determination shall be final at the end of the comment period. Agencies and interested parties will be notified if the threshold determination is withdrawn. The Rezone will be reviewed by the County's Planning Commission December 4, 2024 and Board of County Commissioners in January or February.

**Staff Contact:** For additional information, contact Donella Clark at the address below or 360-417-2594, [donella.clark@clallamcountywa.gov](mailto:donella.clark@clallamcountywa.gov).

**Responsible Official:** Bruce Emery, Director DCD

**Address:** Clallam County Department of Community Development  
RE: SEPA COMMENTS  
223 E. 4<sup>th</sup> Street, Suite 5  
Port Angeles, WA 98362

**Issuance Date:** 10/7/2024

**Signature:** Bruce W. Emery

# M E M O R A N D U M

## Clallam County Department of Community Development

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**DATE:** October 7, 2024

**PROPOSAL:** Lee Gates is proposing a rezone to amend the Clallam County Comprehensive Plan Land Use Designation Map and Zoning Map for property identified as parcel number 042908-310000. Approval of the request would change the zoning and Comprehensive Plan designation for 76.90 acres presently zoned "Rural Very Low" (R20) to "Commercial Forest" (CF). The property is the last privately owned property at the end of Lost Mountain Road and is developed with a single-family residence. Surrounding parcels to the north, south, and west are zoned Commercial Forest and the parcels to the east are zoned Rural Very Low.

**CASE NUMBER:** PREZ2024-00001

**TO:** Bruce Emery, Director  
Clallam County Department of Community Development

**FROM:** Donella Clark, Principal Planner (360) 417-2594

**RE:** Environmental Review and Staff Recommendation for  
SEPA Determination for Rezone Application

**APPLICANT:** Lee R. Gates  
5095 Lost Mountain Road  
Sequim, WA 98382

**LOCATION:** The subject property is located at the end of Lost Mountain Road, east of McDonald Creek, being within Section 8, Township 29, Range 4 W, W.M. and is referenced as Assessor's Tax Parcel Number 042908-310100.

The proposal will require the following additional permits: approval of the rezone, future development permits

### **A. ENVIRONMENTAL RECORD and EXHIBITS**

The environmental review consisted of analysis based on the following documents included in the environmental record.

- Environmental Checklist dated September 25, 2024
- Final Environmental Impact Statement (FEIS) for the adoption of the Clallam County Comprehensive Plan and Regional Comprehensive Plans.
- Clallam County Critical Areas Code – Title 27.12 CCC
- Clallam County Comprehensive Plan - Title 31 CCC
- Clallam County Zoning Ordinance - Title 33 CCC

Unless otherwise noted, the above information is available for review between the hours of 8:30 AM and 4:30 PM Monday through Friday at the Clallam County Department of

## **B. STAFF AMENDMENTS TO THE ENVIRONMENTAL CHECKLIST**

The following sections correspond with related categories of the environmental checklist submitted for the proposal, and clarify, amend, or add to that document.

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### **CHECKLIST ITEMS**

#### **1. EARTH**

The checklist description is adequate. No development is proposed due to this rezone proposal. Future review of development will occur at the project level at the time of site preparation/construction.

#### **2. AIR**

There are no significant concerns relevant to this proposal.

#### **3. WATER**

Surface Water: Two streams flow on the property and feed into McDonald Creek. Through the implementation of protective buffers and drainage plans during the development permit review process the Critical Area will be protected. The current proposal is a non-project action that will not directly affect the streams.

Ground Water: The rezone from Rural Very Low to Commercial Forest will not directly affect groundwater.

Water Runoff: Runoff from future development will be addressed at the time of development.

#### **4. PLANTS**

The checklist adequately addresses the issues of this section.

#### **5. ANIMALS**

The checklist adequately addresses the issues of this section.

#### **6. ENERGY AND NATURAL RESOURCES**

The checklist adequately addresses the issues of this section. Buildings, if proposed, will be constructed to meet the current Washington State Energy Code.

#### **7. ENVIRONMENTAL HEALTH**

Should the proposed rezone be approved, future SEPA review for non-exempt actions and the Clallam County Environmental Health regulations should ensure the prevention of adverse environmental health impacts from future development of the subject parcels.

**8. LAND AND SHORELINE USE**

The proposal is to rezone the property from a Rural Very Low (R20) zone to a Commercial Forest (CF) zone. The CF is a resource zone that is intended to protect Clallam County's timber resources and allows only one dwelling per 80 acres with no accessory dwelling units allowed. The majority of the property is in forest land and the rezone intends to maintain this use.

The applicant will be required to demonstrate consistency with the criteria of approval of a Comprehensive Plan and Zoning amendment as set forth under CCC 31.08.370 and CCC 33.35.090, which will ensure that the proposal will not result in significant adverse land use impacts.

The property is not within the jurisdiction of the Shoreline Master Program.

**9. HOUSING**

The potential for development of housing will be reduced by the proposed rezone. The property is developed with a single residence, and this will be the only residence allowed if the proposal to change the zoning to CF, a resource zone, is approved.

**10. AESTHETICS**

These issues will be addressed at the project level following the rezone.

**11. LIGHT AND GLARE**

These issues will be addressed at the project level following the rezone.

**12. RECREATION**

Recreational opportunities do not appear to be affected or prevented as a result of this non-project action.

**13. HISTORICAL AND CULTURAL PRESERVATION**

Checklist is adequate. These issues will be addressed at the project level following the rezone.

**14. TRANSPORTATION**

Access will not be changed from the existing use of Lost Mountain Road, a county road.

**15. PUBLIC SERVICES**

At the time of development, Clallam County would address any deficiencies in transportation and public services.

**16. UTILITIES**

The checklist description is adequate and issues will be addressed at the project level.

## SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Clallam County current codes and policies address these issues and will adequately mitigate the potential for adverse impacts that might otherwise result from future development of the property.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

At this time there are no indications of endangered or threatened plant or animal species at the subject properties and the rezone will not directly impact these.

3. How would the proposal be likely to deplete energy or natural resources?

The is not applicable to the proposed rezone.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The Clallam County Critical Areas Ordinance (CAO) requires protection standards for any development or land disturbing activities within 200 feet of regulated aquatic and wildlife habitat conservation areas (CCC 27.12.315). The CAO standards will adequately mitigate the potential for significant adverse environmental impacts that might occur, through the implementation of protective buffers and drainage plans during the development permit review process.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This proposal would rezone the subject property to a resource zone from a rural residential zone. The applicant will be required to demonstrate consistency with the criteria of approval of a Comprehensive Plan and Zoning amendment as set forth under CCC 31.08.370 and CCC 33.35.090, which will ensure that the proposal will not result in significant adverse land use impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Clallam County codes and policies address these issues and will adequately mitigate the potential for adverse impacts that might otherwise result through the rezone process and also through the development process. The current zoning does not preclude development on the property, in an area that is surrounded by commercial forest lands and residential development and located at the end of a County road. The 80 acre property is developed with a single family residence, but is mostly forested.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

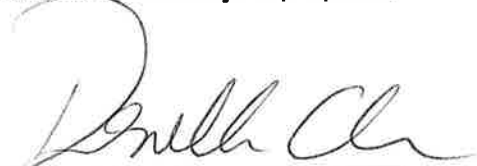
The proposed rezone will have to demonstrate consistency with Clallam County Zoning and Comprehensive Plan Map Amendment criteria for a change in land use. Future development will have to comply with all local, state, and federal regulations.

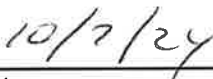
### **C. CONCLUSIONS AND RECOMMENDATIONS**

The environmental review indicates that there will be no significant environmental impacts as a result of this proposal that will not be evaluated and addressed under the Rezone and Comprehensive Plan Amendment process enumerated under Title 31 and Title 33, CCC (Comprehensive Plan and Zoning Codes, respectively) and the Clallam County Land Division Ordinance (Title 29, CCC). Therefore, a mitigated determination of non-significance is unnecessary and an environmental impact statement is not warranted for this non-project action.

#### **Threshold Determination Recommendation:**

Staff recommends a **Determination of Non-Significance** be issued by the Responsible Official for the subject proposal.

  
\_\_\_\_\_  
Donella Clark, Principal Planner

  
\_\_\_\_\_  
Date



# **SEPA ENVIRONMENTAL CHECKLIST**

## ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## ***A. Background*** [HELP]

1. Name of proposed project, if applicable:
2. Name of applicant: Lee R. Gates
3. Address and phone number of applicant and contact person: 5095 Lost Mountain Road, Sequim Washington, 98382 -- Phone: 206-569-5216

4. Date checklist prepared: 9/25/2024
5. Agency requesting checklist: Clallam County Department of Community Development
6. Proposed timing or schedule (including phasing, if applicable): Rezone in year 2025
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. Possibly. Applicant is considering light industrial uses on the property.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. No
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. Only the proposed rezone of the property.
10. List any government approvals or permits that will be needed for your proposal, if known. The Clallam County Planning Commission.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)  
At this time no project is planned. Petitioner seeks to "down zone" his property from R20 to Commercial Forest in order to reduce the residential density and possible future light industrial use.
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. **See Exhibit A**

## **B. Environmental Elements** [\[HELP\]](#)

### **1. Earth** [\[help\]](#)

#### **a. General description of the site:**

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

#### **b. What is the steepest slope on the site (approximate percent slope)? 15%**

#### **c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. Elwha Gravel Sandy Loam. Please see Soil Survey of Clallam County Washington (1951, 1987).**

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. An Erosion zone is on the West of the property near a stream that feeds into McDonald Creek.
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. **N/A**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **N/A**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **N/A**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **N/A**

## **2. Air** [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. **N/A**. At this time there is no proposed construction.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **N/A**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **N/A**

## **3. Water** [\[help\]](#)

### a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. A pond at the center of the property with wetlands near the pond. There are two streams on the property. Both feed into McDonald Creek.
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **N/A**
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **N/A**
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **N/A**

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **N/A**

b. Ground Water: [\[help\]](#)

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. **N/A**

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **N/A**

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **N/A**

2) Could waste materials enter ground or surface waters? If so, generally describe. **N/A**

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. No.

ci. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: **N/A**

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site:

- \_\_\_deciduous tree: alder, maple, aspen, other
- \_\_\_evergreen tree: fir, cedar, pine, other
- \_\_\_shrubs
- \_\_\_grass
- \_\_\_pasture
- \_\_\_crop or grain
- \_\_\_Orchards, vineyards or other permanent crops.
- \_\_\_wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- \_\_\_water plants: water lily, eelgrass, milfoil, other
- \_\_\_other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? **N/A**
- c. List threatened and endangered species known to be on or near the site. Unknown
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **N/A**
- e. List all noxious weeds and invasive species known to be on or near the site. Unknown.

## 5. **Animals** [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Dear and seasonal migratory birds

Examples include:

birds: hawk, heron, eagle, songbirds, other:  
 mammals: deer, bear, elk, beaver, other:  
 fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

- b. List any threatened and endangered species known to be on or near the site.  
Unknown
- c. Is the site part of a migration route? If so, explain. **N/A**
- d. Proposed measures to preserve or enhance wildlife, if any: **N/A**
- e. List any invasive animal species known to be on or near the site. Unknown

## **6. Energy and Natural Resources** [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. **N/A**. Current structures are served by the Clallam County Public Utility District.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. Unknown at this time.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: Unknown at this time.

## **7. Environmental Health** [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
  - 1) Describe any known or possible contamination at the site from present or past uses. **N/A**
  - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. None known
  - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. None known
  - 4) Describe special emergency services that might be required. **N/A**
  - 5) Proposed measures to reduce or control environmental health hazards, if any: **N/A**
- b. *Noise*
  - 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **N/A**
  - 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. **N/A**
  - 3) Proposed measures to reduce or control noise impacts, if any: **N/A**

## **8. Land and Shoreline Use** [\[help\]](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. Residential to the east of the property and DNR timberland to the west.
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? Most of property is in forest land. The reason for the application is to continue this use.
  - 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: No.
- c. Describe any structures on the site. Residential home, barn, horse arena, and outbuildings.
- d. Will any structures be demolished? If so, what? **N/A**
- e. What is the current zoning classification of the site? R20 for a majority of the property and Commercial Forest for a portion to the west.
- f. What is the current comprehensive plan designation of the site? Working forest.
- g. If applicable, what is the current shoreline master program designation of the site? **N/A**
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. A part of the property, at its western boundary, is within a potential slide area.
- i. Approximately how many people would reside or work in the completed project? **N/A**
- j. Approximately how many people would the completed project displace? **N/A**
- k. Proposed measures to avoid or reduce displacement impacts, if any: **N/A**

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: The application is a down zone with the goal of perpetuating the existing use.
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: The application is a down zone with the goal of perpetuating the existing use.

**9. Housing** [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. None.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. None.
- c. Proposed measures to reduce or control housing impacts, if any: **N/A**

**10. Aesthetics** [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **N/A**
- b. What views in the immediate vicinity would be altered or obstructed? **N/A**
- b. Proposed measures to reduce or control aesthetic impacts, if any: **N/A**

**11. Light and Glare** [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? None.
- b. Could light or glare from the finished project be a safety hazard or interfere with views? no.
- c. What existing off-site sources of light or glare may affect your proposal? None.
- d. Proposed measures to reduce or control light and glare impacts, if any: **N/A**

**12. Recreation** [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?  
**N/A**

b. Would the proposed project displace any existing recreational uses? If so, describe.  
**No.**

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **N/A**

**13. Historic and cultural preservation** [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. **No.**

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. **No.**

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. **N/A**

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. **N/A**

**14. Transportation** [\[help\]](#)

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. **Lost Mountain Road.**

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? **No.**

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? **N/A**

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). **N/A**
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **N/A**
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? **N/A**
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. No.
- h. Proposed measures to reduce or control transportation impacts, if any: **N/A**

**15. Public Services** [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. No.
- b. Proposed measures to reduce or control direct impacts on public services, if any.

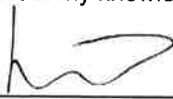
**16. Utilities** [\[help\]](#)

- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_
- c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. **N/A**

### **C. Signature** [HELP]

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_



Name of signee: \_\_\_\_\_ Lee R. Gates

Position and Agency/Organization \_\_\_\_\_

Date Submitted: \_\_\_\_\_

### **D. Supplemental sheet for nonproject actions** [HELP]

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

No increase would take place do to the change in zoning. Any potential future use would be mitigated through the application of SEPA and the land use application process.

Proposed measures to avoid or reduce such increases are: The "down zone" would eliminate the possibility of future residential subdivision, reducing future environmental burden on the property.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

No impact would take place do to the change in zoning. Any potential future use would be mitigated through the application of SEPA and the land use application process.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources? No additional recourse burden would take place do to the change in zoning. Any potential future use would be mitigated through the application of SEPA and the land use application process.

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks,

wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? No impact would take place do to the change in zoning. Any potential future use would be mitigated through the application of SEPA and the land use application process.

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities? No impact would take place do to the change in zoning. Any potential future use would be mitigated through the application of SEPA and the land use application process.

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. No impact would take place do to the change in zoning.

# EXHIBIT A

**Tax Parcel No. 042908-310000**

**Legal Description:**

**Parcel 1 of Survey recorded September 11, 1995 in Volume 33 of Surveys, page 86 under Auditor's File No. 728061, being a portion of the Northwest Quarter of the Southeast Quarter and the East half of the Southwest Quarter of Section 8, Township 29 North, Range 4 West, W.M., Clallam County, Washington.**

**Situate in the County of Clallam, State of Washington.**

Exhibit A to Quitclaim Deed from State to Gates

That portion of the Southwest quarter of Section 8, Township 29 North, Range 4 West, W.M., Clallam County, Washington, described as follows:

Commencing at the South One-Quarter Corner of said Section 8, Township 29 North, Range 4 West, being a concrete monument per Survey, recorded in Volume 91 of Surveys, page 92, records of Clallam County, with all bearings and distances herein relative to said Survey;

THENCE South 89°02'58" West, along the south line of said Section 8, 1318.58 feet, to the Southeast corner of the West half of the Southwest Quarter of said Section 8

THENCE North 01°34'18" East, along the East line of the West half of the Southwest quarter of said Section 8, 979.71 feet to the True Point of Beginning;

THENCE North 88°25'42" West, 540.00 feet,

THENCE North 01°34'18" East, 565.00 feet;

THENCE South 88°25'42" East, 540.00 feet more or less, to the East line of the West half of the Southwest quarter of Section 8;

THENCE South 01°34'18" West, along the East line of the West half of the Southwest quarter of Section 8, 565.00 feet to the true point of beginning.

Situate in County of Clallam, State of Washington.



1999 1027082 Clallam County

WHEN RECORDED RETURN TO:  
Mr. & Mrs. Lee Ryan Gates  
144 S. Third St. #539  
San Jose, Ca. 95112

CLALLAM COUNTY DCD  
Clallam Title Co. 3  
OF EXHIBIT  
RECORDED IN RECORDS/CLALLAM CO.  
DATE 99 MAR 31 10 12-4-24  
PAGE 1  
NEW FEE: AUDITOR  
CLALLAM COUNTY, WASH.  
BY KCH DEPUTY

CLALLAM TITLE COMPANY

P-3889-CN / 74508

STATUTORY WARRANTY DEED

THE GRANTORS DAVID F. KLEIN, as his separate estate

for and in consideration of Ten dollars and other good and valuable consideration  
in hand paid, convey and warrant to LEE RYAN GATES AND JENNIFER LEIGH WESP GATES,  
Husband and Wife

the following described real estate, situated in the County of Clallam, State  
of Washington:

Parcel 1 of Survey recorded September 11, 1995 in Volume 33 of Surveys, page 86,  
under Auditor's file no. 728061, being a portion of the Northwest Quarter of the  
Southeast Quarter and the East half of the Southwest Quarter of Section 8,  
Township 29 North, Range 4 West W. M., Clallam County, Washington.  
Situate in County of Clallam, State of Washington.

COUNTY TREASURER'S PARCEL NOS. 04-29-08-310000-1000 / 2001 / 2002 AND 2003

SUBJECT TO:

Forest Land Classification for tax purposes, notice of which is given by  
instruments recorded under auditor's file no. 445861 and 506213.  
Farm & Agricultural Classification for tax purposes, notice of which is given by  
instrument recorded under auditor's file no. 509212.  
Easements recorded under auditor's file nos. 149331 and 730637.  
Right of way for County road no. 4360, Lost Mountain Road.  
Easements as delineated on Survey recorded in volume 10 of Surveys, page 113,  
under auditor's file no. 565858.  
Easements as delineated on Survey recorded in Volume 33 of Surveys, page 86,  
under Auditor's file no. 728061.

ALSO SUBJECT TO: There shall be no future clear cutting of timber on the  
property.

Dated this 29 day of March, 1999

DAVID F. KLEIN

STATE OF California SS  
COUNTY OF Marin

NO. 42924  
CLALLAM COUNTY  
TRANSACTION EXCISE TAX 15,300.00

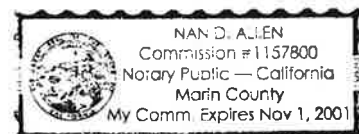
DATE PAID MAR 31 1999

AMOUNT 1,000.000.00  
COUNTY TREASURER  
BY [Signature]

On this day personally appeared before me DAVID F. KLEIN to me known to be the  
individual described in and who executed the within and foregoing instrument, and  
acknowledged that he signed the same as his free and voluntary act and deed, for  
the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 29 day of March, 1999

NOTARY PUBLIC in and for the State of California  
Residing at San Rafael, CA  
My Commission expires 11-1-01  
PRINTED NAME OF NOTARY NAN D. ALLEN



2023-1454495

Page 1 of 22

Warranty Deed

Wash State Of Dept Of Nat Resources

Clallam County Washington

10/24/2023 01:35:55 PM



**AFTER RECORDING MAIL TO:**

Department of Natural Resources  
Strategic Planning Division  
Attn: Bob Winslow  
Mail Stop 47014  
Olympia, WA 98504-7014  
33572-CL

NO. 134866  
CLALLAM COUNTY  
TRANSACTION EXCISE TAX  
DATE OCT 24 2023  
PAID \$48000.00

AMOUNT \$859.40  
CLALLAM COUNTY TREASURER  
BY [Signature], DEP

**Document Title(s):** Statutory Warranty Deed

**Grantor(s):** Lee Gates, who acquired title as Lee Ryan Gates, a married man

**Grantee(s):** State of Washington, acting by and through the Department of Natural Resources

**Abbreviated Legal Description as follows:** Portion of Pcl. 1, Surv. 33/86, E 1/2 SW 1/4 8-29-4

**Assessor's Property Tax Parcel/Account Number(s):** 042908-310000-1000

**DNR File Numbers:** Lost Mountain Land Exchange 86-102692;  
Easement No. 50-104432;

**EXHIBIT** A

**STATUTORY WARRANTY DEED**  
**Clallam County**

THE GRANTOR, LEE GATES, who acquired title as Lee Ryan Gates, an unmarried man, for and in consideration of the conveyance by the State of Washington of real property and additional monetary consideration of FORTY EIGHT THOUSAND DOLLARS, hereby conveys and warrants to the STATE OF WASHINGTON, acting by and through the DEPARTMENT OF NATURAL RESOURCES, GRANTEE, the real property situated in Clallam County, State of Washington, and described in Exhibit A, attached hereto, which by this reference is made a part hereof.

SUBJECT TO AND EXCEPTING the matters set forth in Exhibit B, attached hereto, and incorporated herein by this reference.

Grantor hereby reserves a permanent non-exclusive all-purpose road and utility easement over the property legally described in and according to the terms set forth in Exhibit C to this deed.

Dated this 25<sup>th</sup> day of August, 2023.

By

Title

Lee Gates

By

Title

Amy R Gates

DNR Exchange No. 86-102692  
DNR Easement No. 50-104432

Exhibits  
Acknowledgement

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Washington )  
COUNTY OF Clallam ) ss

On this day personally appeared before me Lee Gates  
to me known to be the individual \_\_\_ described in and who executed the within and foregoing instrument  
and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for  
the uses and purposes therein mentioned.

Given under my hand and official seal this 25<sup>th</sup> day of August, 2023.



M. Planey  
Notary Public in and for the State of Washington, residing at Edmonds, WA.

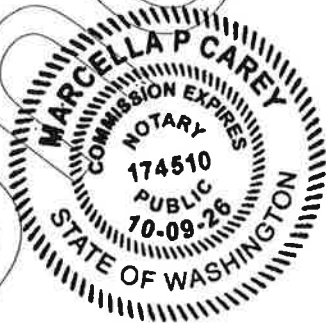
My appointment expires 10.9.2026.

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Washington )  
COUNTY OF Clallam ) ss

On this day personally appeared before me Amy R. Gates  
to me known to be the individual \_\_\_ described in and who executed the within and foregoing instrument  
and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for  
the uses and purposes therein mentioned.

Given under my hand and official seal this 25<sup>th</sup> day of August, 2023.



M. Planey  
Notary Public in and for the State of Washington, residing at Edmonds.

My appointment expires 10.9.2026.

**EXHIBIT A TO WARRANTY DEED TO STATE**

That portion of the Southwest quarter of Section 8, Township 29 North, Range 4 West, W.M., Clallam County, Washington, described as follows:

Commencing at the South One-Quarter Corner of said Section 8, Township 29 North, Range 4 West, being a concrete monument per record of survey Volume 10 of Surveys, page 113, records of Clallam County;

THENCE North 04°52'37" West, 498.21 feet, more or less, to the Southwest corner of Lot 4 as shown on record of survey Volume 10 of Surveys, page 113, records of Clallam County and the TRUE POINT OF BEGINNING;

THENCE North 16°45'11" West, 22.51 feet;

THENCE North 01°25'53" East, 490.66 feet;

THENCE North 00°04'37" East, 490.39 feet;

THENCE North 00°08'17" West, 309.98 feet;

THENCE North 02°14'45" East, 151.90 feet;

THENCE North 01°52'46" East, 455.40 feet;

THENCE North 89°38'12" West, 1235.54 feet, more or less, to the east line of the West half of the Southwest quarter of said Section 8;

THENCE North 01°34'18" East, along the east line of West half of the Southwest quarter of said Section 8, 157.71 feet, more or less, to a concrete monument and brass cap at the center West 1/16th corner, per Department of Natural Resources Final Map #183 on file with the Public Land Survey Office, also being on the North line of the Southwest quarter of said Section 8;

THENCE South 89°38'12" East, along the north line of the Southwest Quarter of said Section 8, 1296.40 feet, more or less, to the Northwest corner of Lot 2 as shown on record of survey recorded under Volume 33 of Surveys, page 86, records of Clallam County;

THENCE South 01°52'46" West, along the west line of said Lot 2, 613.47 feet, more or less, to the Southwest corner of said Lot 2;

THENCE South 89°18'42" East, along the south line of said Lot 2, 89.63 feet, more or less to the Northeasterly angle point of Lot 1 as shown on record of survey Volume 33 of Surveys, page 86, records of Clallam County;

THENCE South 10°42'33" West, along the east line of said Lot 1, 683.46 feet, more or less, to the Northwest corner of Lot 4 as shown on record of survey Volume 10 of Surveys, page 113, records of Clallam County;

THENCE South 02°28'50" West, along the east line of Lot 1 as shown on record of survey Volume 33 of Surveys, page 86, records of Clallam County, 791.60 feet, more or less to the TRUE POINT OF BEGINNING.

Situate in the County of Clallam County, State of Washington.

**EXHIBIT B TO WARRANTY DEED TO STATE**

Easement, including its terms, covenants and provisions as disclosed by instrument;

Recorded: November 2, 1932

Recording No: 149331

In Favor of: Secretary of Agriculture of the United States Department of Agriculture

For: Road and telephone lines

Affects: A portion of said premises

Affects: The description contained therein is not sufficient to determine its exact location within the property herein described.

Covenants, conditions, restrictions, recitals, dedications, disclaimers, notices, agreements, assessments and / or easements as contained in a Survey;

Recorded: April 18, 1985

Recording No.: 565858

Said instrument has been amended or modified by the following instrument(s);

Recorded: July 6, 1987

Recording No(s): 593037

Matters as set forth on Survey:

Recorded: September 11, 1995

Recording No.: 728061

Easement, including its terms, covenants and provisions as disclosed by instrument;

Recorded: November 6, 1995

Recording No: 730637

For: Ingress, egress and utilities

Affects: A portion of said premises

Restrictions as contained in an instrument, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant is (a) exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicapped persons;

Recorded: March 31, 1999

Recording No: 1999-1027082

## EXHIBIT C TO WARRANTY DEED TO STATE

### EASEMENT RESERVATION

1. **Reservation of Easement.** Grantor, as defined in that deed to which this reservation (hereafter Reservation) is attached (hereafter Deed), hereby reserves to itself, its successors and assigns, for the benefit of the property described in the attached Exhibit C-1 (hereafter Benefitted Parcel), the following easement (hereafter Easement) over certain land in Clallam County, Washington described more particularly in the attached Exhibit C-2 (hereafter Burdened Parcel), being transferred to the Washington State Department of Natural Resources (hereafter State) by the terms of the Deed:

A non-exclusive, divisible Easement Ten (10) feet in width for the first 791.60 feet, running Five (5) feet on each side of a centerline then Twenty (20) feet in width for the last 2728.40 feet, running Ten (10) feet on each side of the centerline of a certain road on the Burdened Property located approximately as shown on the attached Exhibit C-3 (hereafter Easement Area).

2. **Purpose.** The Easement is reserved to provide access for any and all purposes, including installation of buried utilities, to and from lands owned by Grantor legally described as set forth in Exhibit C-1 (hereafter Benefitted Parcel). Authorized use shall include the right to travel, maintain, repair, construct or reconstruct the Easement Area subject to the restrictions set forth hereafter. The purpose of this Easement contained in this Reservation shall not be changed or modified without the consent of State which shall be at its sole discretion. Any unauthorized use of this Easement Area shall be considered a material breach of this Reservation.
3. **Term.** The Easement shall be perpetual.
4. **Reservations.** State reserves all ownership of the Easement Area and other profits thereon (including timber) and the right of use of the Easement Area for any purpose including but not limited to the right to remove timber within the Easement Area; the right at all times to cross and recross the Easement Area at any place on grade or otherwise; and the right to use, maintain, patrol, reconstruct or repair the Easement Area so long as it does not unreasonably interfere with the rights granted herein. State may grant to third parties any and all rights reserved. State further reserves the right to relocate the right of way. If the right of way is relocated at the sole request of State, State shall construct the relocated right of way to the same standards existing at the time of relocation.
5. **Waiver.** Grantor acknowledges that State will acquire and manage the Burdened Parcel(s) and adjoining lands for commercial forestry. This use will include activities such as, but not limited to, logging, slash burning, fire control, silvicultural site preparation, aerial and ground application of forest chemicals any of which often create noise, dust visual impacts and other alterations of the forest environment. Grantor waives its right to protest or remonstrate the issuance of any permit required to manage or

harvest timber on the Burdened Parcel or adjacent state-owned lands.  
(initial) \_\_\_\_\_

6. **Export Restrictions.** Any export restricted timber originating from state land under this Reservation shall not be exported until processed. Grantor shall comply with all applicable requirements of WAC 240-15-015 (relating to the prohibitions on export and substitution), WAC 240-15-025 (relating to reporting requirements), and WAC 240-15-030 (relating to enforcement). All export restricted timber from state lands shall be painted and branded in compliance with WAC 240-15-030(2). If Grantor knowingly violates any of the prohibitions in WAC 240-15-015, Grantor shall be barred from bidding on or purchasing export restricted timber as provided. Grantor shall comply with the Export Administration Act of 1979 (50 U.S.C. App. Subsection 2406(i)) which prohibits the export of unprocessed western cedar logs harvested from state lands.
7. **Maintenance.** Maintenance is defined as work normally necessary to preserve and keep the road in its present condition or as hereafter improved. At a minimum, the road will be maintained to meet forest practice standards set forth in Chapter 222-24 WAC as now written or hereafter amended.
  - a. When a road is being used solely by Grantor, Grantor shall be solely responsible for maintaining that portion of the road so used to the standards existing at the time solo use is commenced until joint use begins. During periods when Grantor, State and/or other parties with an easement or license from State use the road, or any portion thereof, the cost of maintenance and resurfacing shall be allocated among such users on the basis of their respective use including that of their agents.
  - b. During periods of joint maintenance, the users shall meet at times to be set at the discretion of State and establish necessary maintenance provisions. Such provisions shall include, but not be limited to
    - (a) The appointment of a maintainer, which may be one of the parties or any third party, to perform or contract the maintenance; and
    - (b) The extent of resurfacing necessary to keep the road safe and to reduce environmental impacts; and
    - (c) A method of payment by which each party using the road or a portion thereof, shall pay its pro rata share of the cost of maintenance.
8. **Repairs.** Each party shall repair, or cause to be repaired at its sole cost, that damage to the road and improvements occasioned by it which is in excess of that which it would cause through normal and prudent usage. Should damage be caused by an unauthorized user, the cost of repair shall be treated as ordinary maintenance and handled as set forth above.
9. **Relocation.** State reserves to itself, its successors and assigns, the right to require Grantor

to realign or relocate the Easement Area, at no cost to State, if the location provided for by this Easement interferes with the use and development of the Easement Area. Any new location for the Easement Area resulting from such realignment or relocation shall be covered by the terms and conditions of this Easement and this Easement shall be construed as being modified to reflect any such realignment or relocation; **PROVIDED**, that State is fully compensated for any additional right of way (as measured in square feet) required for such realignment or relocation in the manner prescribed by RCW 79.36.355, as presently codified or hereafter amended; **AND PROVIDED** further, that Grantor shall provide State a new survey exhibit showing new location of Easement Area. Upon failure, neglect, or refusal by Grantor to perform any realignment or relocation as required, or failure, neglect or refusal of Grantor to provide a new survey exhibit, State may perform such realignment, relocation and survey, the cost to be repaid by Grantor, together with attorney's fees, costs and interest should it be necessary to bring an action to recover such realignment, relocation or survey costs.

10. **Improvements.** Grantor shall construct no improvements without the prior written consent of State, which shall be at State's sole discretion. Unless the parties agree in writing to share the cost of improvements, improvements shall be at the sole expense of the improver. Any improvements to the Easement Area shall become property of State unless the applicable consent specifically provides otherwise. Improvements installed by Grantor shall, at State's option, be removed at the termination or expiration of the Easement at Grantor's expense.
11. **Compliance with Laws.** Grantor shall, at its own expense, conform to all applicable laws, regulations, permits, or requirements of any public authority affecting the Easement Area and the use thereof. Upon request, Grantor shall supply State with copies of permits or orders.
12. **Compliance with Habitat Conservation Plan.** The Easement Area is located within an area that is subject to the State's Habitat Conservation Plan adopted in connection with Incidental Take Permit No. TE812521-1 as supplemented by Permit No. 1168 (collectively "ITP"). As long as the Habitat Conservation Plan remains in effect, Grantor and all contractors, subcontractors, invitees, agents, employees, licensees or permittees acting under Grantor shall comply with the terms and conditions set forth in Exhibit No. C-4 while operating on the Easement Area.
13. **Indemnity.** Grantor shall indemnify, defend with counsel acceptable to State, and hold harmless State, its employees, officers, and agents from any and all liability, damages, expenses, causes of action, suits, claims, costs, fees (including attorney's fees), penalties, or judgments, of any nature whatsoever, arising out of the use, occupation, or control of the Easement Area by Grantor, its contractors, subcontractors, invitees, agents, employees, licensees, or permittees, including but not limited to the use, storage, generation, processing, transportation, handling, release, threatened release or disposal of any hazardous substance or materials. To the extent that RCW 4.24.115 applies, Grantor shall not be required to indemnify State from State's sole or concurrent negligence. This indemnification shall survive the expiration or termination of the Easement. Grantor

waives its immunity under Title 51 RCW to the extent required to indemnify State.

#### 14. Insurance.

**Evidence of Insurance:** The Grantor must furnish evidence of insurance in the form of a Certificate of Insurance satisfactory to State, executed by a duly authorized representative of each insurer showing compliance with the insurance requirements set forth below. The Certificate of Insurance must reference State's easement contract number.

**Cancellation:** State must be listed on the policy, and the insurer must provide 45 days written notice to State before the cancellation, non-renewal, or material change of any insurance referred to therein.

**Specific Coverage Requirements:** During the entire term of the Easement, the Grantor must purchase and maintain the insurance coverages and limits specified below:

1. **Personal Automobile Insurance.** The Grantor must purchase and maintain Personal Auto Policy (PAP) which covers damages for bodily injury and property damage for which Grantor and any residents of Grantor's becomes legally liable. Such insurance must cover the use of any auto owned by or furnished to (1) Grantor and (2) any residents of Grantor's property. Such coverage must be on an occurrence basis. The PAP must provide liability coverage with limits not less than those specified below.

| Per Description | Person         | Occurrence |
|-----------------|----------------|------------|
| Bodily Injury   | \$100,000      | \$300,000  |
| Property Damage | Not applicable | \$50,000   |

2. **Homeowner's or Tenant Homeowner's Insurance, including Liability coverage.** Grantor must purchase and maintain homeowner's insurance which covers damages for bodily injury and property damage for which Grantor and any residents of Grantor's become legally liable. Such coverage must extend to (1) Grantor and (2) any residents of Grantor's property. Coverage must be provided on an occurrence basis. Liability coverages must include:

- Fire Legal Liability
- Liability assumed under a written contract, such as a lease or Easement

The homeowner's or tenant homeowner's insurance must provide liability coverage with limits not less than \$300,000 per occurrence.

All insurance must be purchased on an occurrence basis and should be issued by companies admitted to do business within the State of Washington and have a rating of A- or better in the most recently published edition of Best's Reports. Any exception to State's requirements shall be reviewed and approved in advance by the Risk Manager for the Department of Natural Resources. If an insurer is not admitted, all insurance policies and procedures for issuing the insurance policies must comply with RCW 48.15 and WAC 284-15 .

State shall be provided written notice before cancellation or non-renewal of any insurance referred to herein, as prescribed in statute (RCW 48.18.290 or RCW 48.15.070).

All insurance provided in compliance with this Reservation shall be primary. Grantor waives all rights against State for recovery of damages to the extent these damages are covered by general liability or umbrella insurance maintained pursuant to this Reservation.

By requiring insurance herein, State does not represent that coverage and limits will be adequate to protect Grantor and its Permittees, and such coverage and limits shall not limit Grantor's liability under the indemnities and reimbursements granted to State in this Reservation.

15. **Waste.** Grantor shall not cause or permit any filling activity to occur in or on the Easement Area, except as approved by State. Grantor shall not deposit refuse, garbage, or other waste matter or use, store, generate, process, transport, handle, release, or dispose of any hazardous substance, or other pollutants in or on the Easement Area except in accordance with all applicable laws. The term hazardous substance means any substance or material as those terms are now or are hereafter defined or regulated under any federal, state, or local law including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA 42 USC 9601 *et seq.*) as administered by the US Environmental Protection Agency, or the Washington Model Toxic Control Act (MTCA RCW 70.105D) as administered by the State Dept. of Ecology. Grantor shall immediately assume responsibility for a hazardous substance release (spill) caused by Grantor or its Permittees on or adjoining the Easement Area.

As responsible party, Grantor shall:

- Immediately notify all necessary emergency response agencies, as required under federal, state and local laws, regulations or policies.
- Following emergency response agency notifications, notify State (Dept. of Natural Resources) of all spill releases and Grantor actions completed for spill reporting and actions planned or completed toward spill cleanup. State notification requirements are "same business day" notification for normal state work days and "next available business day" notification for weekends and holidays.
- At Grantor's sole expense, conduct all actions necessary to mitigate the spill release. Mitigation response actions may include, but are not necessarily limited to, initial release containment, follow-up site cleanup and monitoring actions, and

continued contact and coordination with regulators and State, as defined under the aforementioned laws, regulations, policies and this agreement.

- Other than performing initial emergency response cleanup/containment actions; obtain approvals in advance of all site cleanup actions (e.g. site characterization investigations, feasibility studies, site cleanup and confirmation sampling, and groundwater monitoring) conducted on State lands, in coordination with regulatory agencies and State.
- Obtain and understand all necessary hazardous substance spill release notification and response mitigation requirements, in advance of conducting Grantor operations on State lands.

**16. Survey Markers.** Grantor shall not destroy any land survey corner monuments and reference points (including but not limited to corner markers, witness objects, or line markers) without prior written approval from State, which shall not be unreasonably withheld. Monuments or reference points that must necessarily be disturbed or destroyed during road construction or maintenance activities must be adequately referenced and replaced, at Grantor's cost, under the direction of a State of Washington Professional Land Surveyor, in accordance with all applicable laws of the State of Washington in force at the time of construction, including but not limited to RCW 58.24, and all Department of Natural Resources regulations pertaining to preservation of such monuments and reference points.

**17. Construction/Reconstruction.** Sixty (60) days prior to any construction or reconstruction by Grantor on the Easement Areas, Grantor shall submit a written plan of construction to State outlining the construction or activity for State's approval, which shall not be unreasonably withheld. In the event of an emergency requiring immediate action to protect person or property, Grantor may take reasonable corrective action without prior notice to State. Grantor shall notify State within thirty (30) days of any corrective action taken and all construction or reconstruction shall comply with applicable state or local laws.

**18. Easement Closure Risk.** Grantor assumes all risk and costs associated with easement access due to road closures and blockages caused by any road closure event, including but not limited to environmental regulation, or natural disasters including, fire, flood, snow, slides, tree wind throw, or road wash out. State is not obligated to repair or unblock an existing road leading to the Easement Area or any part of the Easement Area described herein if State determines the road is no longer safe or viable for trust management purposes.

**19. Weed Control/Pesticides.** The Grantor shall control at its own cost, all noxious weeds on any portion of the Easement Area herein granted. Such weed control shall comply with county noxious weed control board rules and regulations established under the Uniform Noxious Weed Control Statue (Chapter 17.10 RCW). The Grantor shall be responsible for, or shall immediately reimburse State any weed control cost incurred as a result of the Grantor's failure to control weeds on the Easement Area.

- a. All ground methods of chemical weed control shall be approved in writing by State prior to beginning such activities.
- b. The aerial application of pesticides is not permitted.

20. **Notice.** Any notices or submittals required or permitted under this Reservation may be delivered personally, sent by facsimile machine or mailed first class, return receipt requested, to the following addresses or to such other place as the parties hereafter direct. Notice will be deemed given upon delivery, confirmation of facsimile, or three (3) days after being mailed, whichever is applicable:

a. **To DNR:**

Washington State Department of Natural Resources  
Olympic Region  
411 Tillicum Lane  
Forks, WA 98331  
360-374-2800

b. **To Grantor:**

Lee Gates  
5095 Lost Mountain Road  
Sequim, WA 98382

21. **Advance by State.** If State advances or pays any cost or expense for or on behalf of Grantor, Grantor shall reimburse State the amount paid and shall pay interest on such amount at the rate of one percent (1%) per month until paid.
22. **Lien.** Any amount due from but not paid by Grantor as required under this Reservation within thirty (30) days of demand shall be a lien upon the Benefited Parcel. Grantor hereby authorizes State to file a notice of lien with the county auditor and to foreclose such lien as a mortgage.
23. **Termination.** State shall have the right to terminate this Reservation if Grantor fails to cure a material breach of this Reservation within sixty (60) days of notice of default (Cure Period). If a breach is not reasonably capable of being cured within the Cure Period for reasons other than lack of or failure to expend funds, Grantor shall commence to cure the default within the Cure Period and diligently pursue such action necessary to complete the cure. In addition to the right of termination, State shall have any other remedy available in law or equity. Any Grantor not fully performed upon termination shall continue until fully performed. Designation of certain breaches as material throughout this Reservation shall not preclude other breaches from being declared material.

24. **Abandonment.** If Grantor ceases to use the Easement Area for the purposes set forth herein for a period of two (2) successive years, this Reservation shall be deemed abandoned and terminate without further action by State.
25. **Construction.** The terms of this Reservation shall be given their ordinary meaning unless defined herein and shall not be presumed construed against the drafter.
26. **Effective Date.** The Effective Date of this Reservation shall be the date on which the deed is recorded.
27. **Exhibits.** All exhibits and addenda referenced in this Reservation, are incorporated as part of the Reservation.
28. **Headings.** The headings in this Reservation are for convenience only and are not intended to, and shall not be construed to, limit, enlarge, or affect the scope or intent of this Reservation nor the meaning of any of its provisions.
29. **Modification.** Any modification of the Reservation must be in writing and signed by the parties. State shall not be bound by any oral representations or statements.
30. **Non-waiver.** The waiver by State of any breach or the failure of State to require strict compliance with any term herein shall not be deemed a waiver of any subsequent breach.
31. **Severability.** If any provision of this Reservation shall be held invalid, it shall not affect the validity of any other provision herein.
32. **Successors and Assigns.** This Reservation shall be binding upon and shall inure to the benefit of the parties, their successors and assigns except to the extent that this section conflicts with the section labeled "Indivisible" in which case the Indivisibility section will control.

**EXHIBIT C-1**

**Legal Description of Benefited Property**

Parcel 1 of Survey Recorded September 11, 1995 in Volume 33 of Surveys, page 86 under Auditor's File No. 728061, being a portion of the Northwest quarter of the Southeast quarter and the East half of the Southwest quarter of Section 8, Township 29 North, Range 4 West, W.M., Clallam County, Washington.

**EXCEPT FOR**

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 29 NORTH, RANGE 4 WEST, W.M., CLALLAM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND SHOWN ON ATTACHED EXHIBIT "B":

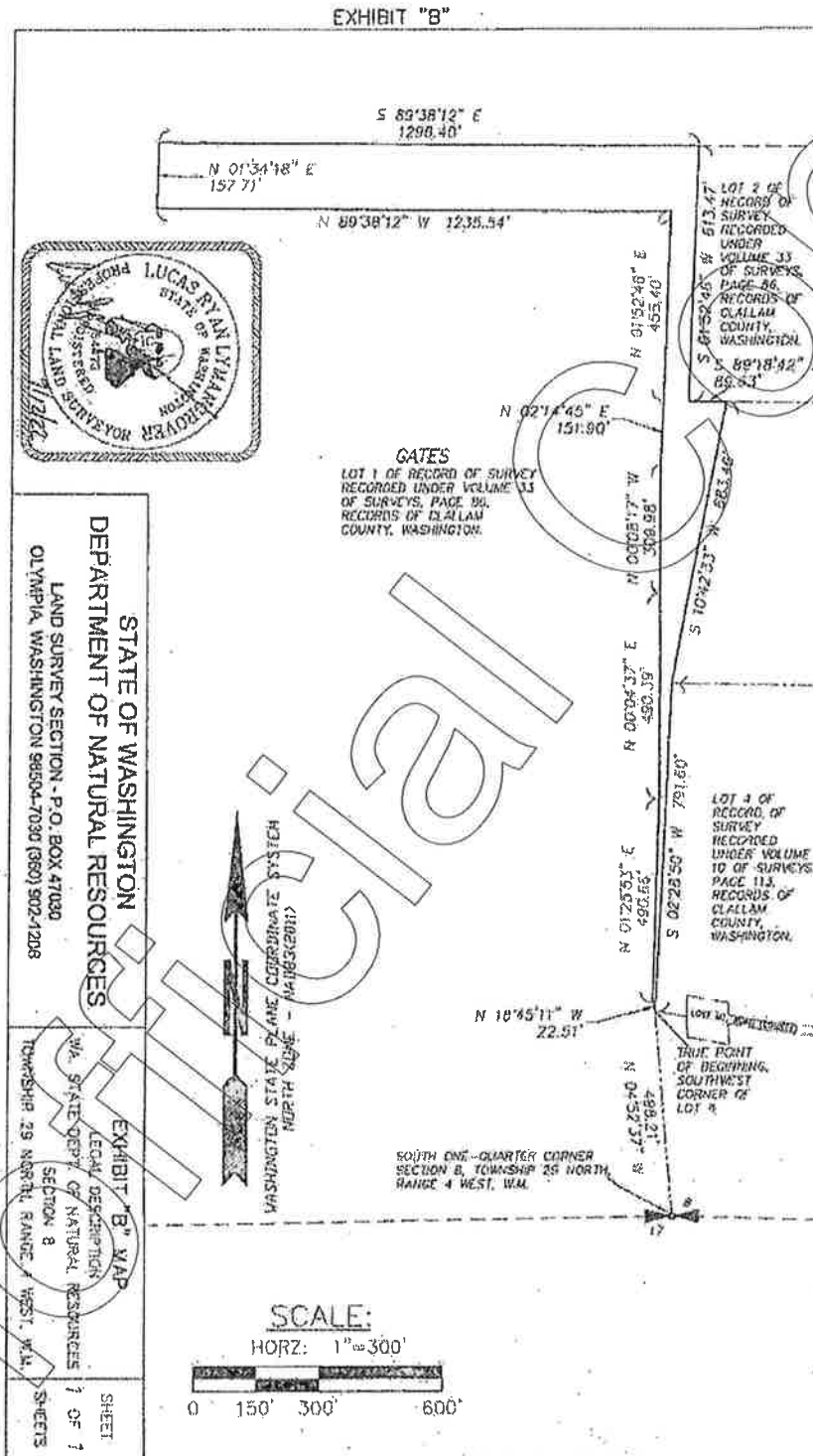
COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 8, TOWNSHIP 29 NORTH, RANGE 4 WEST, BEING A CONCRETE MONUMENT PER RECORD OF SURVEY VOLUME 10 OF SURVEYS, PAGE 113, RECORDS OF CLALLAM COUNTY; THENCE NORTH 04°52'37" WEST, 498.21 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 4 AS SHOWN ON RECORD OF SURVEY VOLUME 10 OF SURVEYS, PAGE 113, RECORDS OF CLALLAM COUNTY AND THE TRUE POINT OF BEGINNING; THENCE NORTH 16°45'11" WEST, 22.51 FEET; THENCE NORTH 01°25'53" EAST, 490.66 FEET; THENCE NORTH 00°04'37" EAST, 490.39 FEET; THENCE NORTH 00°08'17" WEST, 309.98 FEET; THENCE NORTH 02°14'45" EAST, 151.90 FEET; THENCE NORTH 01°52'46" EAST, 455.40 FEET; THENCE NORTH 89°38'12" WEST, 1235.54 FEET, MORE OR LESS, TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE NORTH 01°34'18" EAST, ALONG THE EAST LINE OF WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8, 157.71 FEET, MORE OR LESS, TO A CONCRETE MONUMENT AND BRASS CAP AT THE CENTER WEST ONE-SIXTEENTH CORNER, PER DEPARTMENT OF NATURAL RESOURCES FINAL MAP # 183 ON FILE WITH THE PUBLIC LAND SURVEY OFFICE, ALSO BEING ON THE NORTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 8; THENCE SOUTH 89°38'12" EAST, ALONG THE NORTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 8, 1296.40 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 2 AS SHOWN ON RECORD OF SURVEY RECORDED UNDER VOLUME 33 OF SURVEYS, PAGE 86, RECORDS OF CLALLAM COUNTY; THENCE SOUTH 01°52'46" WEST, ALONG THE WEST LINE OF SAID LOT 2, 613.47 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 89°18'42" EAST, ALONG THE SOUTH LINE OF SAID LOT 2, 89.63 FEET, MORE OR LESS TO THE NORTHEASTERLY ANGLE POINT OF LOT 1 AS SHOWN ON RECORD OF SURVEY VOLUME 33 OF SURVEYS, PAGE 86, RECORDS OF CLALLAM COUNTY; THENCE SOUTH 10°42'33" WEST, ALONG THE EAST LINE OF SAID LOT 1, 683.46 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 4 AS SHOWN ON RECORD OF SURVEY VOLUME 10 OF SURVEYS, PAGE 113, RECORDS OF CLALLAM COUNTY; THENCE SOUTH 02°28'50" WEST, ALONG THE EAST LINE OF LOT 1 AS SHOWN ON RECORD OF SURVEY VOLUME 33 OF SURVEYS, PAGE 86, RECORDS OF CLALLAM COUNTY, 791.60 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 305,100 SQUARE FEET, 7.00 ACRES, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" MAP ATTACHED HERETO AND MADE A PART HEREOF.



EXHIBIT C-1 CONTINUED



TOGETHER WITH

**EXHIBIT C-1 CONTINUED**

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 29 NORTH, RANGE 4 WEST, W.M., CLALLAM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND SHOWN ON ATTACHED EXHIBIT "B":

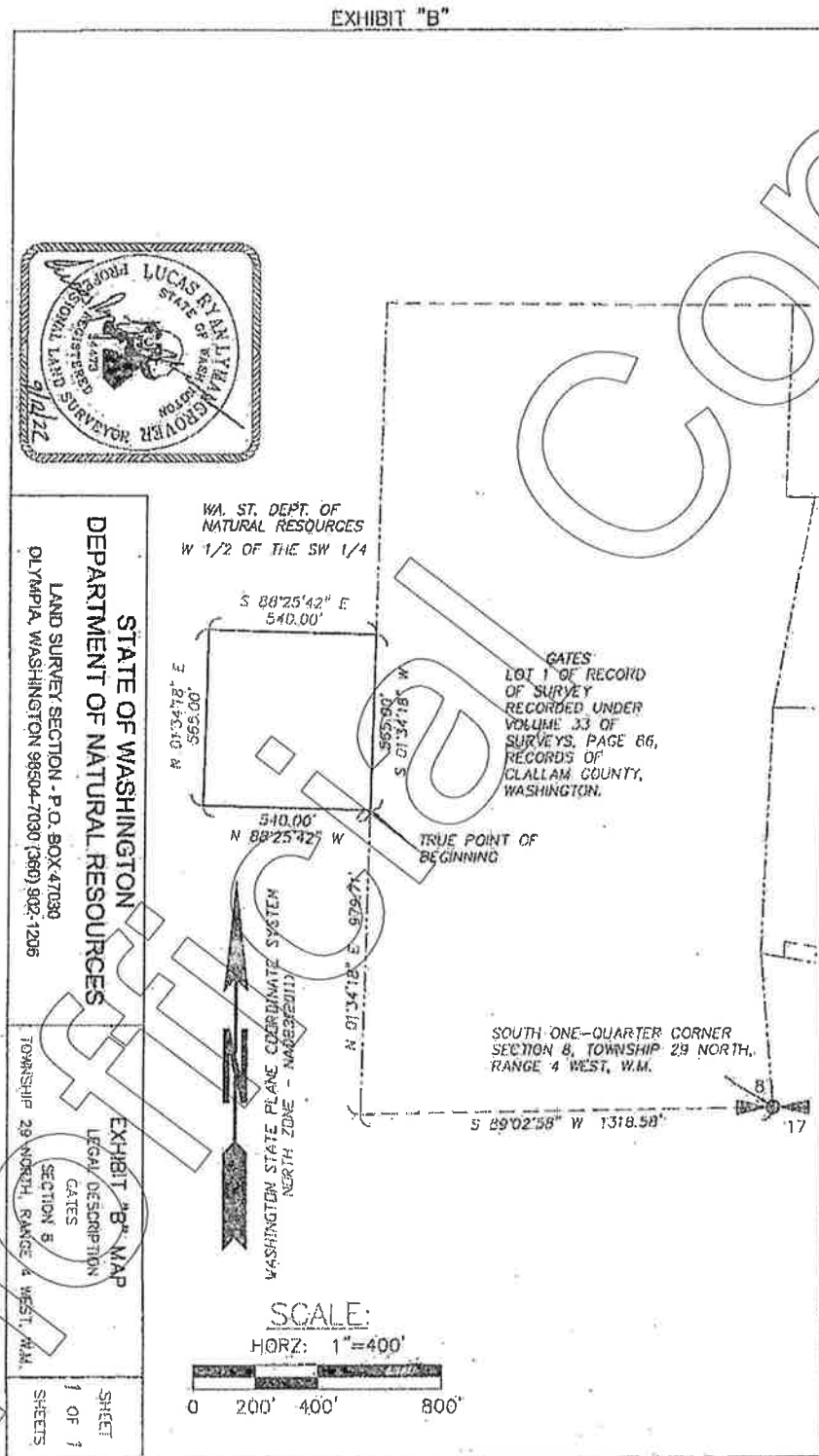
COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 8, TOWNSHIP 29 NORTH, RANGE 4 WEST, BEING A CONCRETE MONUMENT PER RECORD OF SURVEY VOLUME 10 OF SURVEYS, PAGE 113, RECORDS OF CLALLAM COUNTY;  
THENCE SOUTH 89°02'58" WEST, ALONG THE SOUTH LINE OF SAID SECTION 8, 1318.58 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8, BEING A CONCRETE MONUMENT AND BRASS CAP, AS SHOWN ON DEPARTMENT OF NATURAL RESOURCES FINAL MAP #183 ON FILE WITH THE PUBLIC LAND SURVEY OFFICE;  
THENCE NORTH 01°34'18" EAST, ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8, 979.71 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 88°25'42" WEST, 540.00 FEET; THENCE NORTH 01°34'18" EAST, PARALLEL TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8, 565.00 FEET;  
THENCE SOUTH 88°25'42" EAST, 540.00 FEET, MORE OR LESS, TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 8; THENCE SOUTH 01°34'18" WEST, ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 8, 565.00 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 305,100 SQUARE FEET, 7.00 ACRES, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" MAP ATTACHED HERETO AND MADE A PART HEREOF.



EXHIBIT C-1 CONTINUED



All situate in the County of Clallam, State of Washington.

**EXHIBIT C-2**

**Legal Description of Burdened Property**

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 29 NORTH, RANGE 4 WEST, W.M., CLALLAM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND SHOWN ON ATTACHED EXHIBIT "B":

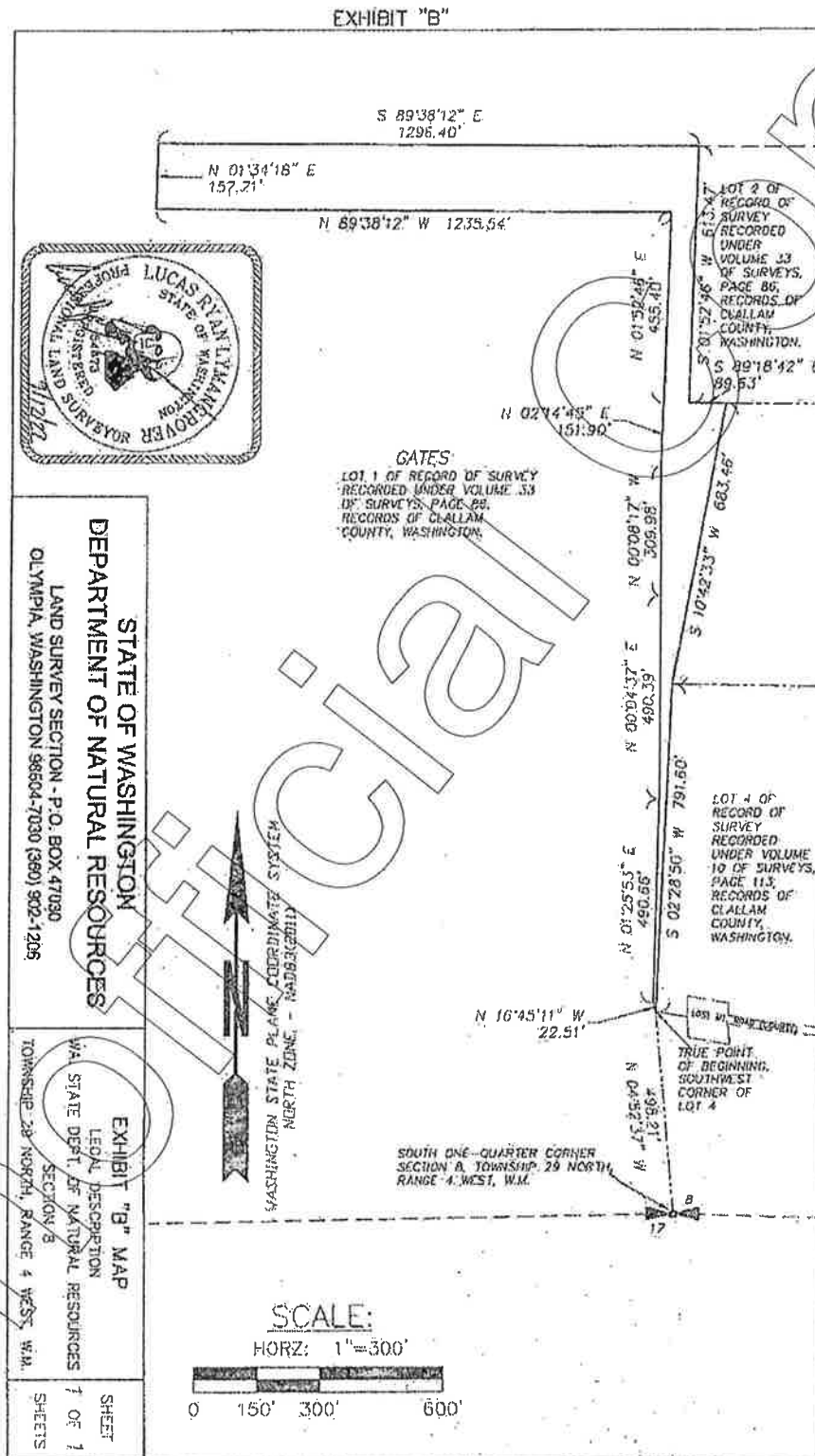
COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 8, TOWNSHIP 29 NORTH, RANGE 4 WEST, BEING A CONCRETE MONUMENT PER RECORD OF SURVEY VOLUME 10 OF SURVEYS, PAGE 113, RECORDS OF CLALLAM COUNTY; THENCE NORTH 04°52'37" WEST, 498.21 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 4 AS SHOWN ON RECORD OF SURVEY VOLUME 10 OF SURVEYS, PAGE 113, RECORDS OF CLALLAM COUNTY AND THE TRUE POINT OF BEGINNING; THENCE NORTH 16°45'11" WEST, 22.51 FEET; THENCE NORTH 01°25'53" EAST, 490.66 FEET; THENCE NORTH 00°04'37" EAST, 490.39 FEET; THENCE NORTH 00°08'17" WEST, 309.98 FEET; THENCE NORTH 02°14'45" EAST, 151.90 FEET; THENCE NORTH 01°52'46" EAST, 455.40 FEET; THENCE NORTH 89°38'12" WEST, 1235.54 FEET, MORE OR LESS, TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8; THENCE NORTH 01°34'18" EAST, ALONG THE EAST LINE OF WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8, 157.71 FEET, MORE OR LESS, TO A CONCRETE MONUMENT AND BRASS CAP AT THE CENTER WEST ONE-SIXTEENTH CORNER, PER DEPARTMENT OF NATURAL RESOURCES FINAL MAP # 183 ON FILE WITH THE PUBLIC LAND SURVEY OFFICE, ALSO BEING ON THE NORTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 8; THENCE SOUTH 89°38'12" EAST, ALONG THE NORTH LINE OF SOUTHWEST QUARTER OF SAID SECTION 8, 1296.40 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 2 AS SHOWN ON RECORD OF SURVEY RECORDED UNDER VOLUME 33 OF SURVEYS, PAGE 86, RECORDS OF CLALLAM COUNTY; THENCE SOUTH 01°52'46" WEST, ALONG THE WEST LINE OF SAID LOT 2, 613.47 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 89°18'42" EAST, ALONG THE SOUTH LINE OF SAID LOT 2, 89.63 FEET, MORE OR LESS TO THE NORTHEASTERLY ANGLE POINT OF LOT 1 AS SHOWN ON RECORD OF SURVEY VOLUME 33 OF SURVEYS, PAGE 86, RECORDS OF CLALLAM COUNTY; THENCE SOUTH 10°42'33" WEST, ALONG THE EAST LINE OF SAID LOT 1, 683.46 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 4 AS SHOWN ON RECORD OF SURVEY VOLUME 10 OF SURVEYS, PAGE 113, RECORDS OF CLALLAM COUNTY; THENCE SOUTH 02°28'50" WEST, ALONG THE EAST LINE OF LOT 1 AS SHOWN ON RECORD OF SURVEY VOLUME 33 OF SURVEYS, PAGE 86, RECORDS OF CLALLAM COUNTY, 791.60 FEET, MORE OR LESS TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 305,100 SQUARE FEET, 7.00 ACRES, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" MAP ATTACHED HERETO AND MADE A PART HEREOF.



EXHIBIT C-2 CONTINUED



**EXHIBIT C-3**

**Approximate Location of Road Easement Area**

THAT PORTION OF THE WEST HALF OF SECTION 8, TOWNSHIP 29 NORTH, RANGE 4 WEST, W.M., CLALLAM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

A STRIP OF LAND FOR EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND SHOWN ON ATTACHED EXHIBIT "B":

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 8, TOWNSHIP 29 NORTH, RANGE 4 WEST, BEING A CONCRETE MONUMENT PER RECORD OF SURVEY VOLUME 10 OF SURVEYS, PAGE 113, RECORDS OF CLALLAM COUNTY; THENCE NORTH 04°32'37" WEST, 498.21 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 4 AS SHOWN ON RECORD OF SURVEY VOLUME 10 OF SURVEYS, PAGE 113, RECORDS OF CLALLAM COUNTY AND THE TRUE POINT OF BEGINNING; A STRIP OF LAND 10 FEET WIDE, WESTERLY OF THE FOLLOWING DESCRIBED CENTER LINE AND ALONG THE CENTER LINE OF AN EXISTING ROADWAY; THENCE NORTH 02°28'50" EAST, ALONG THE WEST LINE OF LOT 4 AS SHOWN ON RECORD OF SURVEY RECORDED UNDER VOLUME 10 OF SURVEYS, PAGE 113, RECORDS OF CLALLAM COUNTY, 791.60 FEET MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LOT 4 AND THE BEGINNING OF A STRIP OF LAND 20 FEET WIDE, 10 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTER LINE; THENCE NORTH 03°02'41" WEST, 280.76 FEET; THENCE NORTH 01°35'25" EAST, 576.53 FEET; THENCE NORTH 02°08'44" EAST, 411.01 FEET; THENCE NORTH 79°58'01" WEST, 67.06 FEET; THENCE NORTH 89°36'29" WEST, 483.02 FEET; THENCE SOUTH 61°02'53" WEST, 194.44 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, FROM WHICH THE RADIUS BEARS NORTH 38°15'37" WEST, 135.15 FEET; THENCE ALONG SAID CURVE WITH A DELTA ANGLE OF 59°59'20", AN ARC LENGTH OF 141.51 FEET; THENCE NORTH 41°33'47" WEST, 95.69 FEET; THENCE NORTH 63°00'09" WEST, 87.72 FEET; THENCE NORTH 88°11'50" WEST, 237.23 FEET; THENCE SOUTH 16°48'59" WEST, 48.28 FEET; THENCE SOUTH 02°50'18" WEST, 105.33 FEET TO THE TERMINUS OF SAID CENTER LINE.

SIDE LINES OF SAID EASEMENT ARE TO BE SHORTENED OR EXTENDED TO MEET AT THE OWNERSHIP LINES OF THE PARCEL OF LAND OWNED BY THE WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES.

EXCEPT ANY PORTION OF THE PARCEL LAND SHOWN ON RECORD OF SURVEY FILED UNDER VOLUME 19 OF SURVEYS, PAGE 74, RECORDS OF CLALLAM COUNTY, WASHINGTON.

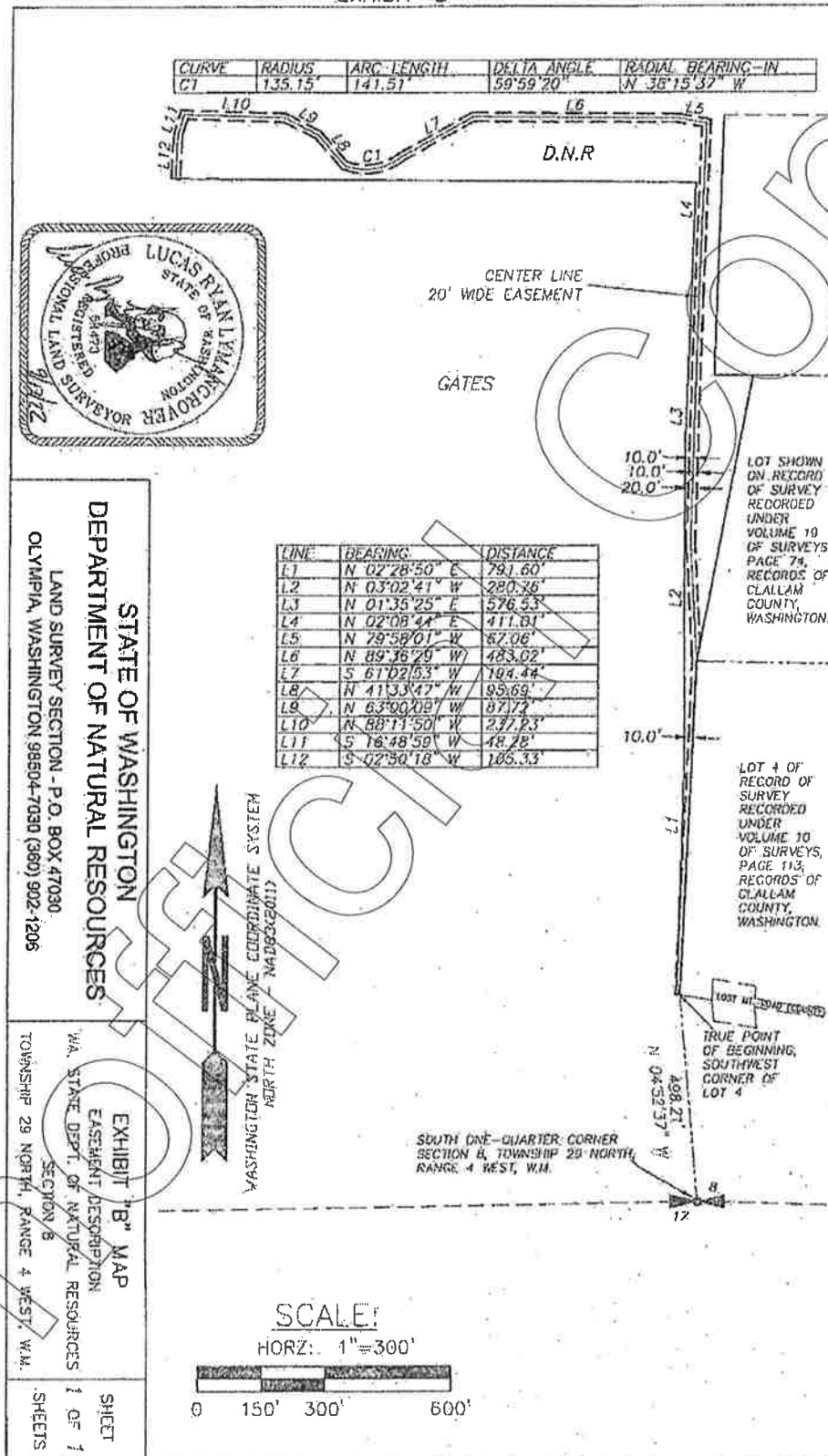
CONTAINING AN AREA OF 62,304 SQUARE FEET, 1.43 ACRES, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" MAP ATTACHED HERewith AND MADE A PART HEREOF.



# EXHIBIT C-3 Continued

EXHIBIT "B"



## **EXHIBIT C-4**

### **Requirements of Grantor when using the Reserved Easement associated with DNR HCP**

#### **HCP Requirements**

- 1) Grantor shall immediately notify State of the following:
  - a) That Grantor has discovered locations of any species listed by the U.S. Fish and Wildlife Service as threatened or endangered species (listed species) under the Endangered Species Act as such list may be updated from time to time; and
  - b) That Grantor has located any live, dead, injured, or sick specimens of any listed species.
- 2) Notification required in subsection 1) must in all circumstances occur as soon as practicable but in any event within 24 hours.
- 3) Grantor may be required to take certain actions to help State safeguard the well-being of any live, injured or sick specimen of any listed species until the proper disposition of such specimen can be determined by State.
- 4) Any application for a Forest Practices Permit submitted by Grantor for activities on the Easement Areas on the State property must identify that the State property is covered by the HCP.

**AFTER RECORDING MAIL TO:**

Department of Natural Resources  
Strategic Planning Office  
Attn: Bob Winslow  
PO Box 47014  
Olympia, WA 98504-7014

NO. 134867  
CLALLAM COUNTY  
TRANSACTION EXCISE TAX

DATE  
PAID OCT 24 2023

AMOUNT 0  
CLALLAM COUNTY TREASURER  
BY James H. DEP.

**Document Title(s):** Quitclaim Deed

**Grantor(s):** State of Washington, acting by and through the Department of Natural Resources, who acquired title as State Forest Board of Washington

**Grantee(s):** Lee Gates, a married man, as his separate property

**Abbreviated Legal Description as follows:** Ptn. W ½ SW 8-29-4

**Assessor's Property Tax Parcel/Account Number(s):** Ptn. of 042908-320000

EXHIBIT B

**QUITCLAIM DEED**  
**Clallam County**

THE GRANTOR, STATE OF WASHINGTON, acting by and through the Department of Natural Resources, for and in consideration of the conveyance by LEE GATES, who acquired title as Lee Ryan Gates, an unmarried man, of real property of equal value as authorized and approved by Resolution No. 1598 adopted by the Board of Natural Resources, State of Washington, on March 7, 2023, hereby conveys and quitclaims to LEE GATES, a married man, as his separate property, GRANTEE, all interest in the real property situated in Clallam County, Washington, and described in Exhibit A, attached hereto, which by this reference is made a part hereof.

The lands described in Exhibit A are subject to that certain statutory reserved right as set forth in RCW 79.36.370, and to the following reservation:

The Grantor hereby expressly saves, excepts, and reserves out of the grant hereby made, unto itself and its successors and assigns forever, all oils, gases, coal, ores, minerals, and fossils of every name, kind, or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself and its successors and assigns forever, the right to enter by itself or its agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by its or their agents, servants, and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself and its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render

beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved.

No rights shall be exercised under the foregoing reservation, by the state or its successors or assigns, until provision has been made by the state or its successors or assigns, to pay to the owner of the land upon which the rights reserved herein to the state or its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: PROVIDED, That if said owner from any cause whatever refuses or neglects to settle said damages, then the state or its successors or assigns, or any applicant for a lease or contract from the state for the purpose of prospecting for or mining valuable minerals, or option contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situate, as may be necessary to determine the damages which said owner of said land may suffer.

This Deed is executed and delivered pursuant to RCW 79.17.060 at the request of the Commissioner of Public Lands with the approval of the Board of Natural Resources, State of Washington.

WITNESS the Seal of the State of Washington, affixed this 21<sup>st</sup> day of  
July, 2023.

  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE

**Amanda Doyle**  
Chief of Staff



Approved as to form this 21<sup>st</sup> day  
of July, 2023.

Adrienne Smith  
Assistant Attorney General

State Deed No. 26940  
State Record of Deeds, Volume 14, Page 151.  
Transaction File No. 86-102692

**Exhibit A to Quitclaim Deed from State to Gates**

That portion of the Southwest quarter of Section 8, Township 29 North, Range 4 West, W.M., Clallam County, Washington, described as follows:

Commencing at the South One-Quarter Corner of said Section 8, Township 29 North, Range 4 West, being a concrete monument per Survey, recorded in Volume 91 of Surveys, page 92, records of Clallam County, with all bearings and distances herein relative to said Survey;

THENCE South  $89^{\circ}02'58''$  West, along the south line of said Section 8, 1318.58 feet, to the Southeast corner of the West half of the Southwest Quarter of said Section 8

THENCE North  $01^{\circ}34'18''$  East, along the East line of the West half of the Southwest quarter of said Section 8, 979.71 feet to the True Point of Beginning;

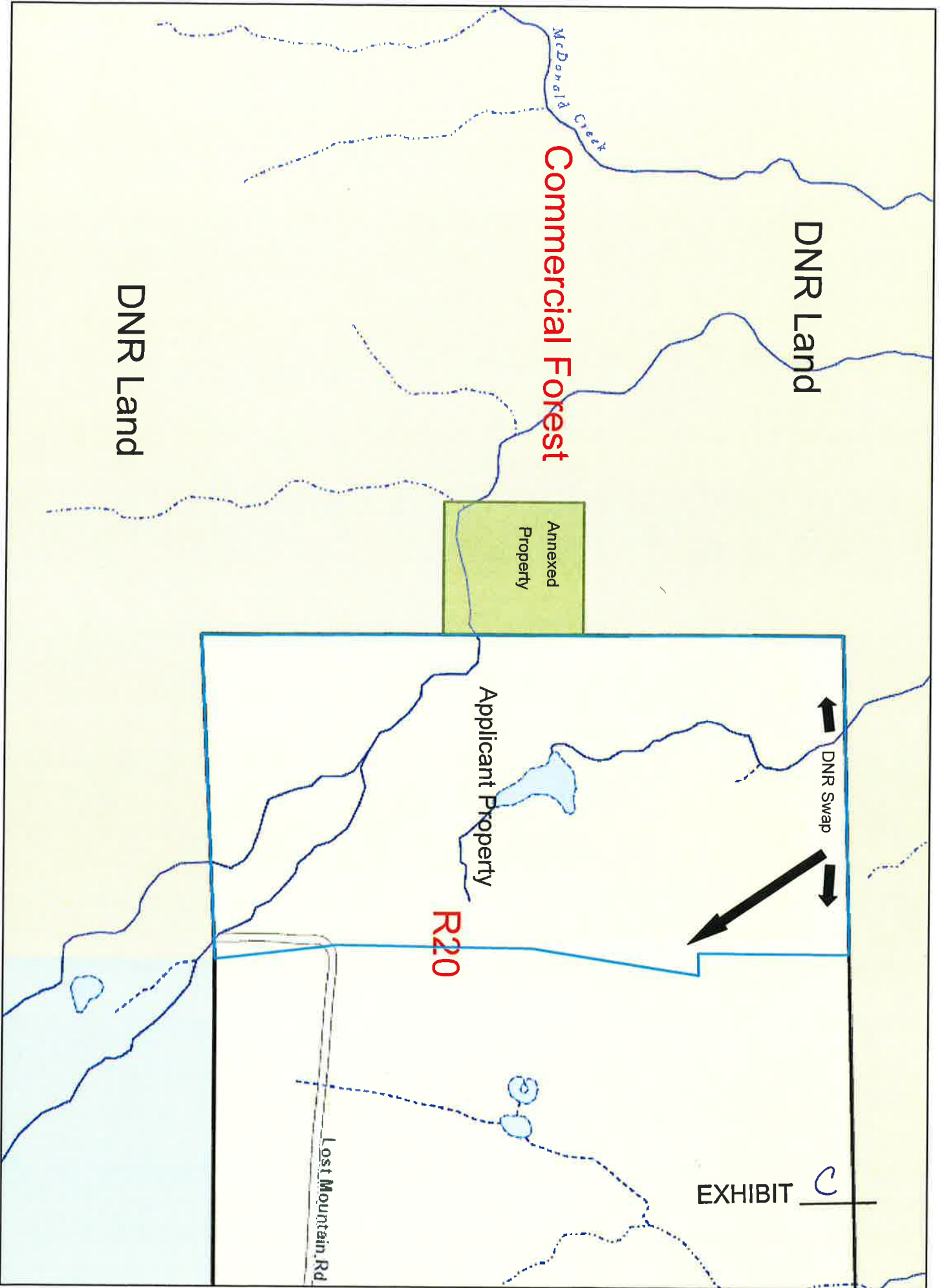
THENCE North  $88^{\circ}25'42''$  West, 540.00 feet,

THENCE North  $01^{\circ}34'18''$  East, 565.00 feet;

THENCE South  $88^{\circ}25'42''$  East, 540.00 feet more or less, to the East line of the West half of the Southwest quarter of Section 8;

THENCE South  $01^{\circ}34'18''$  West, along the East line of the West half of the Southwest quarter of Section 8, 565.00 feet to the true point of beginning.

Situate in County of Clallam, State of Washington.



We are happy to share our maps and hope that you find them helpful. Please be advised, however, that these maps are intended to serve as a guide to the general location of features shown. The accuracy of the individual layers varies and layers may not align with one another. Determination of actual regulatory location of features shown on this map typically requires a field examination by qualified staff. Any person or entity that relies on any information contained herein does so at their own risk. Clallam County makes no warranty of the accuracy or usefulness of this data.



**AFTER RECORDING MAIL TO:**

Department of Natural Resources  
Strategic Planning Office  
Attn: Bob Winslow  
PO Box 47014  
Olympia, WA 98504-7014

NO. 134867  
CLALLAM COUNTY  
TRANSACTION EXCISE TAX

DATE  
PAID OCT 24 2023

AMOUNT  
CLALLAM COUNTY TREASURER  
BY

*[Signature]* DEP.

**Document Title(s):** Quitclaim Deed

**Grantor(s):** State of Washington, acting by and through the Department of Natural Resources, who acquired title as State Forest Board of Washington

**Grantee(s):** Lee Gates, a married man, as his separate property

**Abbreviated Legal Description as follows:** Ptn. W ½ SW 8-29-4

**Assessor's Property Tax Parcel/Account Number(s):** Ptn. of 042908-320000

**QUITCLAIM DEED**  
**Clallam County**

THE GRANTOR, STATE OF WASHINGTON, acting by and through the Department of Natural Resources, for and in consideration of the conveyance by LEE GATES, who acquired title as Lee Ryan Gates, an unmarried man, of real property of equal value as authorized and approved by Resolution No. 1598 adopted by the Board of Natural Resources, State of Washington, on March 7, 2023, hereby conveys and quitclaims to LEE GATES, a married man, as his separate property, GRANTEE, all interest in the real property situated in Clallam County, Washington, and described in Exhibit A, attached hereto, which by this reference is made a part hereof.

The lands described in Exhibit A are subject to that certain statutory reserved right as set forth in RCW 79.36.370, and to the following reservation:

The Grantor hereby expressly saves, excepts, and reserves out of the grant hereby made, unto itself and its successors and assigns forever, all oils, gases, coal, ores, minerals, and fossils of every name, kind, or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself and its successors and assigns forever, the right to enter by itself or its agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by its or their agents, servants, and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself and its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render

beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved.

No rights shall be exercised under the foregoing reservation, by the state or its successors or assigns, until provision has been made by the state or its successors or assigns, to pay to the owner of the land upon which the rights reserved herein to the state or its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: PROVIDED, That if said owner from any cause whatever refuses or neglects to settle said damages, then the state or its successors or assigns, or any applicant for a lease or contract from the state for the purpose of prospecting for or mining valuable minerals, or option contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situate, as may be necessary to determine the damages which said owner of said land may suffer.

This Deed is executed and delivered pursuant to RCW 79.17.060 at the request of the Commissioner of Public Lands with the approval of the Board of Natural Resources, State of Washington.

WITNESS the Seal of the State of Washington, affixed this 21<sup>st</sup> day of

July, 2023.

  
GOVERNOR

ATTEST:

  
SECRETARY OF STATE

**Amanda Doyle**  
Chief of Staff

Approved as to form this 21<sup>st</sup> day  
of July, 2023.

Adrienne Smith  
Assistant Attorney General



State Deed No. 26940  
State Record of Deeds, Volume 14, Page 151.  
Transaction File No. 86-102692

**Exhibit A to Quitclaim Deed from State to Gates**

That portion of the Southwest quarter of Section 8, Township 29 North, Range 4 West, W.M., Clallam County, Washington, described as follows:

Commencing at the South One-Quarter Corner of said Section 8, Township 29 North, Range 4 West, being a concrete monument per Survey, recorded in Volume 91 of Surveys, page 92, records of Clallam County, with all bearings and distances herein relative to said Survey;

THENCE South  $89^{\circ}02'58''$  West, along the south line of said Section 8, 1318.58 feet, to the Southeast corner of the West half of the Southwest Quarter of said Section 8

THENCE North  $01^{\circ}34'18''$  East, along the East line of the West half of the Southwest quarter of said Section 8, 979.71 feet to the True Point of Beginning;

THENCE North  $88^{\circ}25'42''$  West, 540.00 feet,

THENCE North  $01^{\circ}34'18''$  East, 565.00 feet;

THENCE South  $88^{\circ}25'42''$  East, 540.00 feet more or less, to the East line of the West half of the Southwest quarter of Section 8;

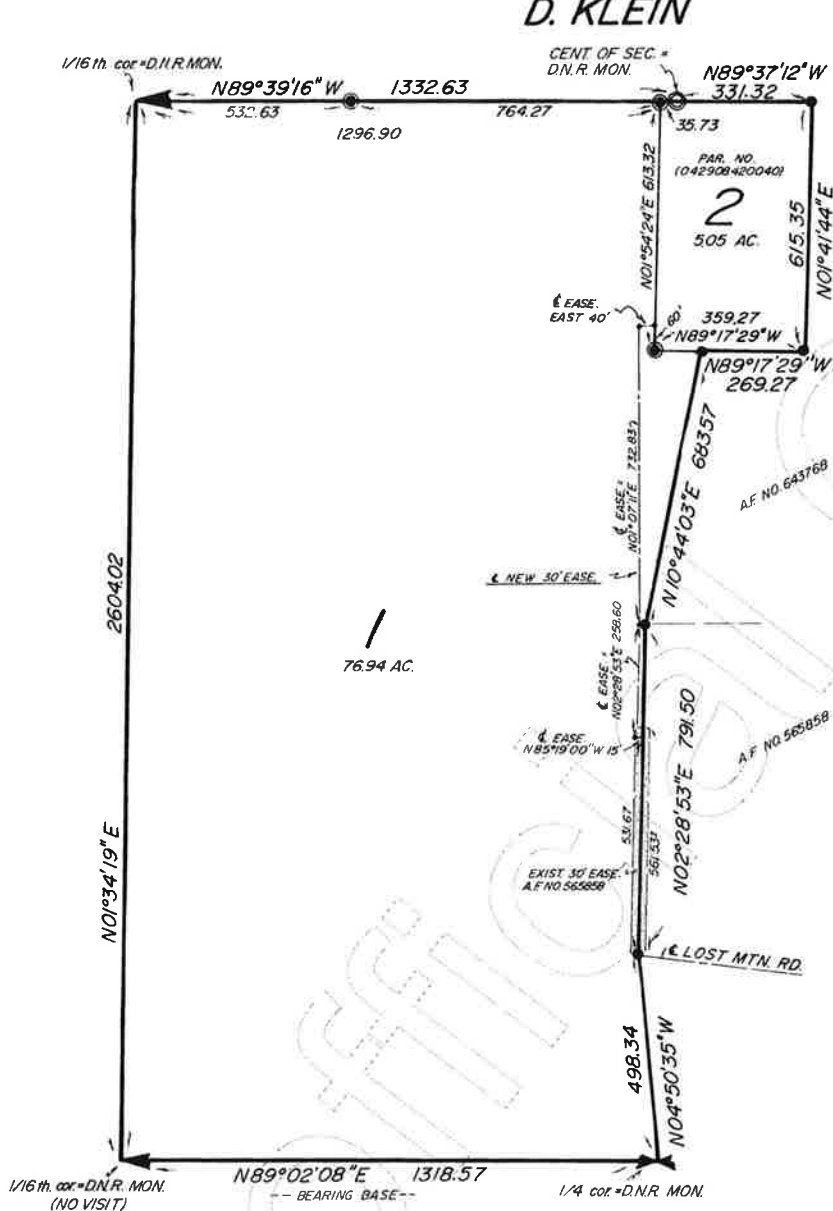
THENCE South  $01^{\circ}34'18''$  West, along the East line of the West half of the Southwest quarter of Section 8, 565.00 feet to the true point of beginning.

Situate in County of Clallam, State of Washington.

# RECORD OF SURVEY EXHIBIT 4

## A PORTION OF THE SOUTH 1/2, SECTION 8, T.29N. R.14W., WM., CLALLAM CO., WA.

728061  
for  
D. KLEIN



- REBAR & CAP, L.S. 12750
- REBAR & CAP, L.S. 18104
- EASEMENT ANGLE POINT

### SURVEY NOTES

1. THIS SURVEY IS BASED UPON THE "BLETHEN" SURVEY RECORDED IN VOL. 10 OF SURVEYS AT PAGE 113. REFER TO SAME FOR SUBDIVISION INFO. & BEARING BASE.
2. THIS SURVEY WAS PERFORMED BY FIELD TRAVERSE METHOD USING A 6" TOTAL STA.
3. SEE A.F. NO. 565858 AND 643768 FOR PERTINENT PROP. DESCS.
4. IN REGARDS TO BOUNDARY SHOWN, THIS SURVEY SUPERCEDES ALL PREVIOUS SURVEYS AND PARTITIONING.

### SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF D. KLEIN.

*Ted A. Thornton*  
TED A. THORNTON, L.S. 12750  
8/1/95



### AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 11<sup>th</sup> DAY OF September, 1995  
AT 9:30 A.M., IN VOLUME 33 OF SURVEYS, AT PAGE 86  
AT THE REQUEST OF TED A. THORNTON.

*Genevieve K. Kenna*  
DEPUTY COUNTY AUDITOR

# **Staff Report to the Clallam County Planning Commission**

## **2024 2<sup>nd</sup> Half Current Use Assessment Applications**

**December 4, 2024**

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### **BACKGROUND**

The Clallam County Open Space Code (CCC 27.08) was adopted pursuant to RCW 84.34, commonly known as the Open Space Tax Act. The purpose of the Open Space Tax Act is to promote the preservation of open space, natural features, natural resources, scenic beauty, and public recreation for the social well-being of the state and its citizens by valuing property based on its current use, rather than its highest and best use. Open Space properties are assessed based on Public Benefit Resources as identified and adopted by the local legislative authority. The tax burden resulting from approval in the program is shifted to other taxpayers in that taxing district. The intent is that the tax shift is offset by the public benefit derived by maintaining the property in its current use according to the chapter.

Attached are the packet items for review in preparation for the public hearing regarding the 2024 Current Use Assessment (CUA) applications (reclassifications).

- Statistical Summary Tables
- Data Spreadsheet for Reclassification Applications (Table 1)
- Draft Decision Documents
- Individual Staff Reports

See below for a description of each section.

### **APPLICATION DATA**

Table 1 contains the summary information for the reclassification applications under consideration: name, parcel number, acreage, and tax effect.

### **DRAFT DECISION DOCUMENT**

Chapter 27.08 does not require that the Planning Commission prepare Findings of Fact and Conclusions of Law when making a recommendation to the Board of County Commissioners for action on CUA Applications. However, it is important to ensure that any recommendation of the Planning Commission is well documented, and that the intent of the recommendation is clearly stated to the Board of County Commissioners for their consideration and action. That is why this Draft Decision Document has been submitted for your consideration. These documents summarize the applications currently under consideration.

Notwithstanding any additional changes, staff would recommend that this document be cited when making final recommendations on this matter. Certainly, if there are any changes that affect the outcome or decisions reached on any application, staff will modify this document accordingly to ensure it reflects the record.

### **STAFF REPORTS**

Staff reports for each application review under consideration are included in the Planning Commissioner's packets. Applications, professional reports and other supporting documents are not included, but available online. To read individual applications, go to

[clallamcountywa.gov](http://clallamcountywa.gov), select "Services" at the top of the webpage, and then select "Permit System Online".

## STATISTICAL SUMMARIES

The table below provides a summary of the reclassification reviews under consideration in this cycle and the corresponding tax shift as a result of approval of staff recommendations. The Staff Reports provide case-specific data that shows how the property owners will be affected should staff's recommendations be approved by the Planning Commission. Staff is recommending approval of the Reclassification reviews presented in this round (4 parcels, 4 owners).

| 2 <sup>nd</sup> Half 2024 Open Space Application Summary                 |            |
|--------------------------------------------------------------------------|------------|
| ACREAGES WITH TAX INCREASES (reclassification to O/S from other program) | 123.03     |
| DOLLAR AMOUNT OF TAX INCREASES TO OWNERS, DECREASES TO THE PUBLIC        | \$784.68   |
| ACREAGES WITH TAX DECREASES (new to O/S)                                 | 23.27      |
| DOLLAR AMOUNT OF TAX DECREASES TO OWNER, INCREASES TO THE PUBLIC         | \$4,616.94 |

**TABLE 1: 2024 2<sup>nd</sup> Half Current Use Assessment Open Space Applications**

| <b>Application Number</b> | <b>Applicant Name</b>            | <b>Parcel Number</b>           | <b>Parcel Acres</b> | <b>Acreage added to Program</b> | <b>Program Applied For</b> | <b>Tax Shift</b> |
|---------------------------|----------------------------------|--------------------------------|---------------------|---------------------------------|----------------------------|------------------|
| <b>CUA2024-00007</b>      | Frederick Johns & Helle Andersen | 043012-210200<br>043012-210210 | 23.27               | 21.27                           | O/S Classification         | -\$4,616.94**    |
| <b>PCUA2024-00001</b>     | Kaleb Van Selus                  | 142822-430000                  | 82                  | 9.5                             | O/S Reclass                | +\$16.08*        |
| <b>PCUA2024-00002</b>     | Chester Moore                    | 083001-230060                  | 5.09                | 2.09                            | O/S Reclass                | +\$202.44*       |
| <b>PCUA2024-00003</b>     | Gwendolyn & Gaylord Jones        | 043011-210020                  | 35.94               | 10                              | O/S Reclass                | +\$566.16*       |

\*Tax shift from public to owner. \*\*Tax shift from owner to public.

Respectfully Submitted,

Enrique Valenzuela, Planner I  
Department of Community Development, Clallam County

**2<sup>nd</sup> Half 2024 Current Use Assessment Applications Decision Document  
of the Clallam County Planning Commission  
July 17, 2024**

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**BACKGROUND**

The Clallam County Open Space Code (CCC 27.08) was adopted pursuant to RCW 84.34, commonly known as the Open Space Tax Act. The purpose of the Open Space Tax Act is to promote the preservation of open space, natural features, natural resources, scenic beauty and public recreation for the social well-being of the state and its citizens by valuing property based on its current use, rather than the highest and best use. An Open Space application's tax valuation is based on Public Benefit Resources as identified by the Ratings Table and adopted by the Planning Commission. The tax burden resulting from approval in the program is shifted to taxpayers not enrolled in the program within the respective taxing district. The intent is the tax shift is offset by the public benefit derived by maintaining the property in its current use.

In 2024, the Clallam County Assessor's Office received 4 applications for reclassifying 3 parcels into the County's Open Space Program from the Farm and Agriculture classification and the Designated Forest Land classification and classifying 1 parcel into the County's Open Space Program.

In accordance with the Clallam County Open Space Code (CCC 27.08), Planning Agency (CCC 26.01), and Title 31, Clallam County Comprehensive Plan, the Planning Commission held a duly advertised public hearing on December 4, 2024.

Following the close of the public hearing and after consideration of the applications, staff recommendation, public testimony, and other information provided at the public hearing, the Clallam County Planning Commission by a vote of \_\_\_\_\_ hereby recommends that the Board of Clallam County Commissioners take action on the 2024 2<sup>nd</sup> Half Current Use Assessment Applications consistent with Table 1.

Respectfully Submitted,

Enrique Valenzuela, Planner I

Department of Community Development, Clallam County

# Staff Report to the Planning Commission

## Current Use Assessment CUA2024-00007

November 25, 2024

*Prepared by the Clallam County Department of Community Development, Planning Division  
223 East Fourth Street, Port Angeles (360) 417-2271*

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### 1. PROJECT INFORMATION:

- A. Applicant: Frederick Johns & Helle Andersen  
111 Whidby Avenue  
Port Angeles, WA 98362
- B. Property IDs: 043012-210200 (geographic) 36776 (property)  
043012-210210 (geographic) 36780 (property)
- C. Parcel Acreage: 23.27 total acres
- D. Acreage Under Review: 21.27 total acres
- E. Home Site: Yes. 2 Acres
- F. Legal Description: PTN NENW & SENW S12 – T30N – R4W WM
- G. Zoning: NC, Rural Neighbourhood Conservation
- H. Review Synopsis: Property is being reviewed as a new classification request to Open Space Land.

### 2. PLANNING DIVISION ANALYSIS:

The parcel is eligible for several categories under the Public Benefit Rating System (PBRs) CCC 27.08.060. See discussion in Findings.

The subject parcel qualifies for 23 PBRs points on the acreage for a 90% reduction.

| Public Benefit Description | Clallam County Code Reference | Public Benefit Rating Points |
|----------------------------|-------------------------------|------------------------------|
| Conservation Easements     | CCC 27.08.060(17)             | 23                           |
| Total                      |                               | 23                           |

### 3. FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDED ACTION:

#### A. Findings of Fact and Conclusions of Law:

1. This Current Use Assessment has been reviewed in accordance with the requirements of Chapter 27.08 Clallam County Code.
2. The parcel is granted points for "Conservation Easements" as recorded under AFN 2024-1458577 and found to be consistent described under the eligibility language of

the definition found in CCC 27.08.060(17)(b)(iii) ("*Perpetual conservation easements that: Preserve open space (including farmland and forestland) where such preservation is for the scenic enjoyment of the general public or pursuant to a clearly delineated federal, State, or local governmental conservation policy....*")

3. This review grants 90% discount on the eligible acreage. See below table for tax summary:

| Current Assessed Value                     | Value if Approved | 2024 Levy Rate (per \$1000 of Value) tax area 202 | Tax on Current Assessed Value | Estimated Tax if Approved | Estimated Tax Shift to Other Taxpayers |
|--------------------------------------------|-------------------|---------------------------------------------------|-------------------------------|---------------------------|----------------------------------------|
| <u>PID 36776</u><br>\$483,748              | \$48,375          | \$7.382                                           | \$3,947.14                    | \$357.10                  | \$3,590.04                             |
| <u>PID 36780</u><br>3.14 ACRES<br>\$72,220 | \$7,222           | \$7.382                                           | 5.14 ACRES<br>\$1,886.69      | 5.14 ACRES<br>\$859.79    | \$1,026.90                             |

B. Recommended Action:

Based on the above analysis and citing the findings and conclusions, the Planning Division recommends **approval** of the classification Review for current use assessment.

The subject areas are eligible for a 90% reduction in land valuation for 21.27 acres total. The two-acre home site will remain at full market value and full taxation.  
Staff contact: Enrique Valenzuela, Planning Dept. (360) 417-2271

# Staff Report to the Planning Commission

## Current Use Assessment PCUA2024-00001

November 25, 2024

*Prepared by the Clallam County Department of Community Development, Planning Division  
223 East Fourth Street, Port Angeles (360) 417-2271*

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### 1. PROJECT INFORMATION:

- A. Applicant: Kaleb Van Selus  
514 Agnew Parkway  
Port Angeles, WA 98362
- B. Property IDs: 142822-430000 (geographic) 9853 (property)
- C. Parcel Acreage: 82 total acres
- D. Acreage Under Review: 9.5 total acres
- E. Home Site: No.
- F. Legal Description: PTN GL10 & SESE 22-28-14W
- G. Zoning: RW5, Western Region Rural Low
- H. Review Synopsis: Property is being reviewed as a reclassification request from Designated Forest Land to Open Space Land.

### 2. PLANNING DIVISION ANALYSIS:

The parcel is eligible for several categories under the Public Benefit Rating System (PBRs) CCC 27.08.060. See discussion in Findings.

The subject parcel qualifies for 8 PBRs points on the acreage for a 30% reduction.

| Public Benefit Description | Clallam County Code Reference | Public Benefit Rating Points |
|----------------------------|-------------------------------|------------------------------|
| Floodplains or Floodways   | CCC 27.08.060 (2)             | 3                            |
| Class III Wetlands         | CCC 27.08.060 (8)(b)          | 2                            |
| Shorelines                 | CCC 27.08.060 (9)             | 3                            |
| Total                      |                               | 8                            |

### 3. FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDED ACTION:

#### A. Findings of Fact and Conclusions of Law:

1. This Current Use Assessment has been reviewed in accordance with the requirements of Chapter 27.08 Clallam County Code.

2. The parcel is granted points for "Floodplains or Floodways" as described under the eligibility language of the definition found at CCC 27.08.060 (2) *"Properties within riparian meander hazard zones as designated by the Clallam County critical areas maps. Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under subsection (4) of this section, Streams...."*)
3. The parcel is granted points for "Wetlands" as described under the eligibility language of the definition found at CCC 27.08.060(8)(b) *"Properties which contain regulated Class I through IV wetlands as defined by Chapter 27.12 CCC, Critical Areas Code. Landowners whose properties contain unclassified wetlands may choose to either:...(b) Accept public benefit points equal to that provided for Class III wetlands...."*)
4. The parcel is granted points for "Shorelines" as described under the eligibility language of the definition found at CCC 27.08.060(9)(b) *"Properties which contain or abut shorelines classified as any of the following in accordance with the Clallam County Shoreline Master Program:...(b) Conservancy environment...."*)
5. The parcel is not granted points for streams on the property due to the language of points awarded for "Floodplains or Floodways" and "Shorelines" (CCC 27.08.060 (2), CCC 27.08.060(9)(b)) which state "Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under subsection (4) of this section, Streams."
6. This review grants 30% discount on the eligible acreage. See below table for tax summary:

| Current Assessed Value (DFL) | Value if Approved | 2024 Levy Rate (per \$1000 of Value) tax area 502 | Tax on Current Assessed Value | Estimated Tax if Approved | Estimated Tax Shift to Taxpayer |
|------------------------------|-------------------|---------------------------------------------------|-------------------------------|---------------------------|---------------------------------|
| \$161.50                     | \$2,465.25        | \$6.9812                                          | \$1.13                        | \$17.21                   | \$16.08                         |

B. Recommended Action:

Based on the above analysis and citing the findings and conclusions, the Planning Division recommends **approval** of the reclassification Review for current use assessment.

The subject areas are eligible for a 30% reduction in land valuation for 9.5 acres total.  
Staff contact: Enrique Valenzuela, Planning Dept. (360) 417-2271

# Staff Report to the Planning Commission

## Current Use Assessment PCUA2024-00002

November 25, 2024

Prepared by the Clallam County Department of Community Development, Planning Division  
223 East Fourth Street, Port Angeles (360) 417-2271

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### 1. PROJECT INFORMATION:

- A. Applicant: Chester Moore  
PO Box 166  
Joyce, WA 98343
- B. Property IDs: 083001-230060 (geographic) 75483 (property)
- C. Parcel Acreage: 5.09 acre
- D. Acreage Under Review: 2.09 acres
- E. Home Site: No
- F. Abbreviated Legal Description: Parcel 6 Survey V 31 P 37
- G. Zoning: RLM, Rural Low Mixed
- H. Review Synopsis: Property is being reviewed as a reclassification request to Current Use.

### 2. PLANNING DIVISION ANALYSIS:

The parcel is eligible for several categories under the Public Benefit Rating System (PBRs) CCC 27.08.060. See discussion in Findings.

The subject parcel qualifies for 2 PBRs points on the acreage for a 5% reduction.

| Public Benefit Description | Clallam County Code Reference | Public Benefit Rating Points |
|----------------------------|-------------------------------|------------------------------|
| Wetlands                   | CCC 27.08.060 (8)             | 2                            |
| Total                      |                               | 2                            |

### 3. FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDED ACTION:

#### A. Findings of Fact and Conclusions of Law:

1. This Current Use Assessment has been reviewed in accordance with the requirements of Chapter 27.08 Clallam County Code.
2. The parcel is granted points for containing *Wetlands* as defined in CCC 27.080.060 (8)(b). Properties which contain regulated Class I through IV wetlands as defined by Chapter 27.12 CCC, Critical Areas Code. Landowners whose properties contain

unclassified wetlands may choose to either...(b) Accept public benefit points equal to that provided for Class III wetlands.

3. This review grants 5% discount on the eligible acreage. See below table for tax summary:

| Current Assessed Value (DFL) | Value if Approved | 2024 Levy Rate (per \$1000 of Value) tax area 153 | Tax on Current Assessed Value | Estimated Tax if Approved | Estimated Tax Shift to Taxpayer |
|------------------------------|-------------------|---------------------------------------------------|-------------------------------|---------------------------|---------------------------------|
| \$300.96                     | \$30,710          | \$6.657                                           | \$2.00                        | \$204.44                  | \$202.44                        |

B. Recommended Action:

Based on the above analysis and citing the findings and conclusions, the Planning Division recommends **approval** of the reclassification Review for current use assessment.

The subject areas are eligible for a 5% reduction in land valuation for 2.09 acres total.  
Staff contact: Enrique Valenzuela, Planning Dept. (360) 417-2271

# Staff Report to the Planning Commission

## Current Use Assessment PCUA2024-00003

November 25, 2024

Prepared by the Clallam County Department of Community Development, Planning Division  
223 East Fourth Street, Port Angeles (360) 417-2271

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### 1. PROJECT INFORMATION:

- A. Applicant: Gwendolyn & Gaylord Jones  
117 Terri Ln  
Chehalis, WA 98532
- B. Property IDs: 043011-210020 (geographic) 82010 (property)
- C. Parcel Acreage: 35.94 acres
- D. Acreage Under Review: 10 acres
- E. Home Site: No
- F. Abbreviated Legal Description: Parcel 1 Survey V71 P42 V73 P8
- G. Zoning: AR, Agricultural Retention
- H. Review Synopsis: Property is being reviewed as a reclassification request to Current Use.

### 2. PLANNING DIVISION ANALYSIS:

The parcel is eligible for several categories under the Public Benefit Rating System (PBRs) CCC 27.08.060. See discussion in Findings.

The subject parcel qualifies for 5 PBRs points on the acreage for a 20% reduction.

| Public Benefit Description | Clallam County Code Reference | Public Benefit Rating Points |
|----------------------------|-------------------------------|------------------------------|
| Type 3 or 4 streams        | CCC 27.08.060 (4)             | 2                            |
| Wetlands                   | CCC 27.08.060 (8)             | 3                            |
| Total                      |                               | 5                            |

### 3. FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDED ACTION:

#### A. Findings of Fact and Conclusions of Law:

1. This Current Use Assessment has been reviewed in accordance with the requirements of Chapter 27.08 Clallam County Code.
2. The parcel is granted points for containing *Streams* as defined in CCC 27.080.060 (4). Properties which contain or abut Types 1 through 5 streams as defined by WAC

222-16-030, Water Typing Systems, and regulated through Chapter 27.12 CCC and CCC Title 35, Clallam County Shoreline Master Program (SMP).

3. The parcel is granted points for containing *Wetlands* as defined in CCC 27.08.060 (8)(a). Properties which contain regulated Class I through IV wetlands as defined by Chapter 27.12 CCC, Critical Areas Code. Landowners whose properties contain unclassified wetlands may choose to either:...(a) Provide the legislative authority with documentation that specifies the classification of the subject wetland.
4. Points were not granted for *Shorelines* due to points being granted for the associated stream. CCC 27.08.060 (9) states "Points shall not be assigned id the associated stream also qualifies the subject property for benefit points under subsection (4) of this section, Streams.
5. This review grants 20% discount on the eligible acreage. See below table for tax summary:

| Current Assessed Value (AG) | Value if Approved | 2024 Levy Rate (per \$1000 of Value) tax area 202 | Tax on Current Assessed Value | Estimated Tax if Approved | Estimated Tax Shift to Taxpayer |
|-----------------------------|-------------------|---------------------------------------------------|-------------------------------|---------------------------|---------------------------------|
| \$5,670                     | \$82,365          | \$7.382                                           | \$41.86                       | \$608.02                  | \$566.16                        |

B. Recommended Action:

Based on the above analysis and citing the findings and conclusions, the Planning Division recommends **approval** of the reclassification Review for current use assessment.

The subject areas are eligible for a 20% reduction in land valuation for 10 acres total.  
Staff contact: Enrique Valenzuela, Planning Dept. (360) 417-2271