AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, January 15, 2025, 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: December 4, 2024

F. ANNOUNCEMENTS: Election of Chair and Vice-Chair, 2025 Work Plan

G. PUBLIC COMMENT on AGENDA ITEMS – Please Limit Comments to Three Minutes

H. UNFINISHED BUSINESS: None

I. PUBLIC HEARING/COMMISSION ACTION: None

J. WORK SESSION ITEMS:

1) Draft Public Benefit Rating System-Open Space program ordinance.
2) Proposed changes to Consolidated Development Permit Process

K. PUBLIC COMMENT – Please Limit Comments to Three Minutes

L. DISCUSSION OF PUBLIC COMMENTS

M. GOOD OF THE ORDER: Bylaws

N. ADJOURNMENT

Members:
Chair, Steve Gale & Vice-Chair, Ron Long
Bonnie Booth; Thomas Butler; Katina Hester;
Kenneth Reandeau; Jane Hielman; Dann May; Vacancy District 3
Department of Community Development Staff:
Donella Clark, Principal Planner; Bruce Emery, DCD Director

MINUTES

Clallam County Planning Commission

Meeting of December 4, 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, Tom Butler, Ken Reandeau, Katina Hester, 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: Commissioner Booth motioned to approve, and Commissioner Reandeau seconded. Motion passed. Staff asked if any action was needed based on the comment received by the Tribe regarding the desire to remove "and widening" from the October 16 minutes. The Board felt since the comment was discussed during the meeting no action was necessary.

F. ANNOUNCEMENTS: No Planning Commission meeting on December 18th or January 1st. Selection of officers will need to take place at the January 15th meeting. Director Emery discussed revisions he intends to bring regarding RV's in the next year.

G. PUBLIC COMMENT PERIOD: No public present.

H. UNFINISHED BUSINESS: None

I. PUBLIC HEARING ITEM:

a) Rezone Application PRZN2024-00001, Gates. The proposal is the rezone of a 75 acre parcel from Rural Low (R20) to Commercial Forest (CF). Commission asked questions regarding the types of industrial uses that would be allowed if the CF zone was designated and expressed concerns these may pose for surrounding residential neighborhood. Following the discussion and questions Steve Gale moved to recommend approval and forward to the Board of County Commissioners and Bonnie Booth seconded. Motion passed 4-1.

b) Staff presented the tax shift expected from the 4 Open Space applications. Three of the four were classifications and would add to the applicant's taxes but will keep them from having to pay back taxes. The one new application does hold a conservation easement and will eventually be farmed and received a 90% shift to the public. After some questions were answered Katina Hester motioned to approve the applications and Tom Butler seconded. Motion passed 5-0.

J. WORK SESSION ITEMS: Discussion of Open Space Code with Auditor and staff. Staff will bring ordinance for review to the January 15th meeting.

K. PUBLIC COMMENT PERIOD: None

L. DISCUSSION OF PUBLIC COMMENTS: None

M. GOOD OF THE ORDER: Commissioner Hester would like to propose a change to the Bylaws regarding the conflict-of-interest section and will bring proposed language to the January 15th meeting.

N. ADJOURNMENT: The meeting adjourned at __7:15_ p.m.

Clark, Donella

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

From: Wendy Clark <wclark@jamestowntribe.org>
Sent: Wednesday, November 13, 2024 12:39 PM
To: Gray, Steve <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,

Clallam County Planning Commission 2025 Workplan

OVERVIEW

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

TITLE AND DESCRIPTION	SCHEDULE	ESTIMATED COMMISSION TIME	BUDGET IMPLICATIONS	COMMISSION ROLE
Public Benefit Rating System Ordinance	January-February	2 meetings	Tax shift, not budget	• Conduct Public Hearing • Provide recommendation to BOCC
Consolidated Development Permit Process	January-March	3-5 meetings	None	• Review State bill 5290 and required changes to code • Review proposed changes • Conduct Public Hearing • Provide recommendation to BOCC
SEPA: Revisions and clarifications within existing code to better facilitate integrated SEPA process with permits		1-2 meetings (consolidate with development permit process review)	None	• Review recommendations on changes • Conduct Public Hearing • Provide recommendation to BOCC
RV Definitions, clarifications in code	February 5th-March	2-3 meetings	None	• Presentation of issues and proposed changes to code • Review proposed language • Conduct Public Hearing • Provide recommendation to BOCC

TITLE AND DESCRIPTION	SCHEDULE	ESTIMATED COMMISSION TIME	BUDGET IMPLICATIONS	COMMISSION ROLE
Floodplain: Revisions to existing codes and adoption of New FEMA maps	March-April			• Review necessary changes • Conduct Public Hearing • Provide recommendation to BOCC
Stormwater: Adoption of a Small Works Manual		2 meetings	None	• Facilitate Stormwater Workgroup and review proposed Small Works Manual • Conduct Public Hearing • Provide recommendation to BOCC
GMA and Public Outreach	June			• Early meeting before June to discuss schedule • Joint work sessions and outreach
Six-Year TIP	Oct	1-2 meetings		• Review TIP • Conduct Public Hearing • Provide recommendation to BOCC
Open Space Applications	June and Nov	2 meetings	Tax shift, not budget	• Review applications • Conduct Public Hearing Provide recommendation to BOCC

MEMORANDUM

Clallam County Department of Community Development

Date: **January 15, 2025**
To: **Clallam County Planning Commission**
From: **Donella Clark, Principal Planner**
Re: **Public Benefit Rating System**

Discussion

Staff edited the proposed Open Space ordinance based on suggestions of the Planning Commission at the November 6, 2024 meeting.

- Added language in General Requirements 27.08.030(2) to inform applicants regarding potential of penalties.
- Changed Administration 27.08.040(5) to the language requested by the Assessor's office and makes the language more clear.
- Added requirement for a protection plan to be submitted if requesting a reduction for rare or unique plant communities.
- Rearranged the Table to increase the reduction for Public Use and create a sliding scale for lot combinations.

Opted not to add a picture of signage because of formatting issues with imbedding pictures in code. Do want to discuss if there should be some limitation on the size or requirements to the size so that the signs are not overly large or illegible. Had already included that the applicant provide proposed rules of conduct and description of use with the application, but added that this would be reviewed during the process. There was a suggestion that we state minimums, but instead staff decided to just allow review of the proposal. This will ensure that the proposed use meets the intend of the what the Planning Commission wishes to see as "public use" and if the site is too restrictive it will not qualify.

In consideration of removing the Planning Commission from the process, at this time I want to have the Commission be involved in the process to be sure the process is what was intended. After a few cycles with the new code we could consider their removal from the process if interested.

Chapter 27.08
OPEN SPACE

Sections:

27.08.010 Purpose.
~~27.08.020 Applicability.~~
~~27.08.030 Authority.~~
27.08.020 Ineligible Lands
27.08.030 General Requirements
27.08.040 Administration.
27.08.050 Definitions.
27.08.060 Open space land public benefit resources.
~~27.08.070 Factors to be considered for open space land classification.~~
27.08.0780 Open space land public benefit rating system.
~~27.08.090 Public access policy.~~
27.08.080~~100~~ Signage.
~~27.08.110 Hold harmless agreement.~~
~~27.08.120 Open space land amendments.~~
~~27.08.130 Home site exclusion.~~
27.08.090~~140~~ Procedure.
~~27.08.150 Enforcement.~~
27.08.100~~190~~ Severability.

SOURCE:	ADOPTED:
Ord. 606	12/17/96
AMENDED SOURCE:	ADOPTED:
Ord. 712	09/04/01

Ord. 897 01/20/15

27.08.010 Purpose.

This chapter constitutes Clallam County's rules for implementation of Chapter 84.34 Revised Code of Washington (RCW); popularly known as the "Open Space Taxation Act." This law was enacted by the Washington State Legislature in 1971 for the purpose of ~~To~~ maintaining, preserveing, conserving, and otherwise continueing in existence, adequate open space lands for the current or future production of food, ~~and~~ fiber, and forest crops, and to assure the continued use and enjoyment of natural resources and scenic beauty for the economic welfare, social well being, and quality of life for the County and its citizens, ~~in accordance with Chapter 84.34 RCW and the Clallam County Comprehensive Plan, Chapter 31.02 CCC, as adopted and hereafter amended, the following policies and procedures are hereby adopted.~~

(1) In accord with the intent of Chapter 84.34 RCW and the Clallam County Code (CCC) Title 31, the purpose of open space lands in Clallam County is to reduce development pressure in rural areas and to provide an incentive for landowners to identify, retain, conserve, restore, and enhance open space lands.

(2) Ensure that applications for the Open Space Classification shall be evaluated by Clallam County according to the public benefit and will not be construed as a means for land speculation or a mechanism to subsidize an individual, organization, or industry.

~~27.08.020 Applicability.~~

~~This chapter shall regulate applications for, and the subsequent classification or reclassification of land as open space land pursuant to Chapter 84.34 RCW, throughout Clallam County. Applications that involve properties within incorporated portions of the County shall require additional review by the appropriate jurisdiction's legislative body.~~

~~27.08.030 Authority.~~

~~Clallam County adopts the ordinances codified in this chapter under the authority of Chapter 84.34 RCW. The Board of Clallam County Commissioners is the legislative authority to approve or deny open space land applications reviewed under this chapter.~~

27.08.020 Ineligible Lands

(1) Parcels or portions of parcels less than 4 acres. This requirement does not apply to parcels that meet one of the following criteria for:

(a) Farm and Agriculture Conservation land defined herein;

(b) Properties that diminish development right(s) with Conservation Easements, Lot Combinations in rural zoning areas

(c) Urban properties that provide public access.

(2) Designated open space areas or critical areas and shoreline buffers required as part of an approval for zoning, land use, or subdivision requirements.

(3) Lands or portions thereof which require a membership or rental for such use and that significantly alter the natural topography, hydrology, or the variety and distribution of existing native vegetation including but not limited to golf courses, campgrounds, RV parks.

(4) Property zoned industrial or commercial, including but not limited to RC, RV, GC, DPA, CEN, WRC, RNC, RLC, TC, UNC, URC, UC, M, or LI.

27.08.030 General Requirements

(1) Amendments to approved open space land applications shall be processed the same as new open space land applications in accordance with this chapter.

(2) Periodic Inspections. Each application for classification and reclassification as open space land shall include authorization for the County Assessor to periodically enter and inspect the subject land, in order to determine if the subject land is in compliance with all terms and conditions of the current use classification. Parcels of land which have been approved for current use classification, but which are found to be in violation of any term or condition of its current use classification, shall be removed from the current use classification pursuant to Chapter 84.34 RCW and may be assessed additional tax, interest, and/or penalties.

(3) Periodic Audits. All approved applications are subject to periodic audits in which the parcel owner must show proof of conditions of prior approval within 60 days of receipt of said audit. Failure to respond shall be grounds for removal from the program.

(4) One-acre Homesite. When determining the eligibility of a parcel of land for the open space land that includes or proposes a residence, a minimum one-acre home site exclusion shall be required. The one-acre homesite exclusion applies for each existing or proposed residence on the property. The legislative authority can increase the homesite exclusion if land is not primarily devoted to the pertinent classification. This required home site exclusion may prevent eligibility for the open space land, but does not apply to lands that qualify as Historic Structures per CCC 27.08.050.

(5) Hold Harmless Agreements. All property owners of land approved for Open Space must execute a hold harmless agreement, freeing Clallam County of any liability which may arise as a result of approval. The Assessor's Office shall provide applicants with a hold harmless agreement as part of the application packet.

(6) Payment of Fees and Delinquent Property Taxes. A condition precedent to approval of any application pursuant to RCW 84.34 is a certification of non-delinquent property tax account issued by the Clallam County Treasurer. Also, the Board shall deny approval if the landowner has failed to satisfy any judgment the County has obtained against the landowners including but not limited to junk vehicles, critical area violations, and zoning code violations.

27.08.040 Administration.

(1) The Clallam County Assessor and ~~the Director of the~~ Department of Community Development~~, or his or her designee,~~ are vested with the responsibility to administer the provisions of this chapter, unless otherwise specified. ~~All applications shall be processed in accordance with CCC 27.08.170, Procedure.~~

(2) Application forms and related materials shall be provided by, and returned with a fee, to the Assessor's Office. Application fees are non-refundable even if the application is denied.

(3) Clallam County adopts the ordinances codified in this chapter under the authority of Chapter 84.34 RCW as amended. The Board of Clallam County Commissioners is the legislative authority to approve or deny open space land and timber land applications reviewed under this chapter. Land proposed for enrollment must meet all requirements of this chapter and 84.34 RCW.

(4) Transfers of Classified Land. When classified land is transferred or otherwise legally conveyed, the seller or transferor becomes liable at the time of sale for the applicable tax, interest and penalty pursuant to RCW 84.34.108 of all or a portion of the classified land(s), unless the new owner signs the notice of continuance on file with the Assessor. The County Auditor shall not accept for recording an instrument of conveyance on any classified land unless the notice of continuance has been signed.

(5) Removal of Classified Land by Owner Request. 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 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. The owner must submit a written request to withdraw classification to the assessor of the county in which the land is located. 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.

(6) Removal of Classified Land by Assessor. The Assessor may determine, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land classified under this chapter no longer meets the criteria for approval. Within 30 days of determining the land no longer meets the criteria for classification, the Assessor must provide written notice and explanation of why the land no longer qualifies for current use classification. At the time the classified land is removed, the land is subject to additional taxes, interest, and penalties pursuant to RCW 84.34.108.

(7) Removal of Lands Which Adversely Affect Water Quality. The Assessor or their designee may determine, after receiving written notification from the Clallam County Department of Health, Clallam Conservation District, or other governmental organization that land classified under this chapter causes surface or ground water to fall below water quality standards listed in 173-200 WAC or 173-201 WAC, the Assessor may remove the classified land pursuant to CCC 27.08.030(6).

(8) When Removal Is Not Subject to Additional Tax. When land is approved under this chapter and is removed from Current Use Program, additional taxes, interest, and penalties will not be imposed if the removal qualifies for one of the following:

(a) Land is transferred to a government entity in exchange for other land located in the State of Washington;

(b) Land is taken by power of eminent domain or transferred in anticipation of the exercise of such power;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(e) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(f) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(g) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land classified under this chapter continuously since 1993.

27.08.050 Definitions.

Those definitions set forth in RCW 84.34.020 as adopted and hereafter amended are hereby incorporated by reference and shall govern and control the application and interpretation of this chapter. Applicable definitions include, but are not limited to, the following:

(1) "Conservation easement" means a voluntary, legally enforceable land preservation agreement between a land owner and a municipality or a qualified land protection organization

that sets permanent restrictions on the future use, thus protecting the natural attributes of the land, thus protecting the lands natural attributes including but not limited to preservation of land areas for natural habitat used by fish, wildlife, plants or similar ecosystems, or the preservation of land for farm and agriculture purposes. Municipalities or qualified land protection organizations include but are not limited to North Olympic Land Trust, PCC Farmland Trust, Washington Department of Natural Resources, Washington State Office of Archaeology and Historic Preservation, Washington State Department of Fish and Wildlife, and United States Department of Agriculture Natural Resource Conservation Service.

(2) "Farm and agricultural conservation land" means land that has been granted a conservation easement that no longer meets the criteria for other taxed agricultural land classification and that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

(3) "Legislative authority" means the Board of Clallam County Commissioners, or its designee.

(4) "Native vegetation" means vegetation indigenous to the North Olympic Peninsula as found in Flora of the Pacific Northwest by Hitchcock and Cronquist, Univ. of Washington Press, 1972, as amended, Flora of the Olympic Peninsula by N. Buckingham and E. Shreiner, 1995, as amended.

(5~~1~~) "Open space land" refers to the open space program in its entirety, and often referred to as the "current use" program regulated under this chapter and RCW 84.34. ~~For the purposes of this chapter, this includes "open space land" as defined below.~~

~~(2) "Open space land" means:~~

~~(a) Any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or~~

~~(b) Any land area, the preservation of which in its present use would:~~

~~(i) Conserve and enhance natural or scenic resources, or~~

~~(ii) Protect streams or water supply, or~~

~~(iii) Promote conservation of soils, wetlands, beaches or tidal marshes, or~~

~~(iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or~~

~~(v) Enhance recreation opportunities, or~~

~~(vi) Preserve historic sites, or~~

(vii) Preserve visual quality along highway, road, and street corridors or scenic vistas; or

(c) Any land meeting the definition of "farm and agricultural conservation land" under subsection (8) of RCW 84.34.020, Definitions.

(3) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified as "farm and agricultural land," that no longer meets the criteria for such classification, and that is reclassified as "open space lands" pursuant to Chapter 84.34 RCW; or

(b) Land that is traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

(4) "Traditional farmland," for the purposes of this chapter, shall mean land which has been used on a regular basis for the purpose of attempting to obtain cash income by:

(a) Raising, harvesting, and selling lawful crops;

(b) Feeding, breeding, managing, and selling of livestock, poultry, fur-bearing animals, or honey bees, or any products thereof;

(c) Dairying or selling of dairy products;

(d) Animal husbandry;

(e) Aquaculture;

(f) Horticulture;

(g) Participating in a government-funded crop reduction or acreage set-aside program; or

(h) Cultivating Christmas trees or short-rotation hardwoods on land that has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such trees.

(5) "Legislative authority" means the Board of Clallam County Commissioners, or its designee.

(6) "Parkland buffer" means an undeveloped parcel that has a minimum 200 feet of common property line with an existing County or State park, wildlife preserve, or sanctuary that has existing native vegetation or are planted with native vegetation. The 200 feet of common property line should remain free of fencing or any man-made implements that could impede wildlife movement.

(7) "Sensitive ecological resources" shall mean shorelines subject to the Shoreline Master Program or frequently flooded areas, streams, wetlands, aquatic and wildlife habitat conservation areas defined and regulated in CCC 27.12. Clallam County Comprehensive Plan Title 31, Clallam County Critical Areas Code Chapter 27.12, Washington Department of Fish and Wildlife Priority Habitats and Species List.

(8) "Undeveloped Land" for the purposes of this chapter, shall mean any tax parcel that has not undergone human-induced change, including, but not limited to, the construction of buildings or other structures, placement of manufactured homes or mobile homes, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or other activities that substantially alter the natural topography, hydrology, or existing native vegetation.

(9) "Urban Open Space" means undeveloped parcels of land not less than one acre situated in an Urban Growth Area (UGA) and open to public use.

27.08.060 Open space land public benefit qualifications~~resources~~.

Properties which contain, abut (if applicable), or otherwise meet one or more of the following criteria shall be eligible for open space land public benefit rating and valued according to the Open Space Rating system~~points~~: Reductions in assessed value will only apply to the specified area for the following public benefit resources unless specifically noted.

(1) Conservation Easement (at least one diminished development right). A property which has a conservation easement in perpetuity and diminishes at least one development right shall qualify for a reduction. The applicant must submit documentation of the conservation easement that clearly demonstrates diminishment of at least one development right including a map that shows the area the conservation easement applies to. Reductions in assessed value for perpetual conservation easements shall apply only to that portion of a subject property that is conserved by the conservation easement and has at least one diminished development right. For example, a 10 acre parcel zoned R5 with a conservation easement that covers 7 of the 10 acres will receive a reduction in tax valuation for the portion of the property that would have been available for development prior to the conservation easement.

(2) Lot Combination. Adjacent parcels under a single ownership that are combined in accordance with Chapter 29.43 CCC, Boundary Line Adjustments and Lot Combination may qualify for a reduction under this program. The area of the resulting parcel created through the lot combination process must be at least two (2) times the maximum residential density of the underlying zoning district to qualify for the benefit. The landowner shall initiate and receive final approval of the lot combination prior to the application in the Current Use Program. The landowner shall provide at the time of Current Use Program application documentation of approval and completion of the lot combination. The parcel created through the lot combination process must result in at least one diminished development right and may contain one single-family residence. Lot combination under this section shall not create a "split zone" parcel.

In the event a rezone is required, the lowest density zoning shall prevail and the rezone must have received final approval prior to the submittal of the open space application. Tax benefit reductions for lot combinations shall apply to that percentage of the subject property which would otherwise be available for development prior to the lot combination. For example, two five acre parcels that are zoned Rural Low (R5, CCC 33.10.020) are combined, pursuant to 29.43 CCC. One of the five acre parcels contains a single family home. Following approval under this section, reductions in tax valuation would apply to one 5 acre parcel or the area that would have been available for development prior to approval of the lot combination.

(3) Conservation Easement (No diminished development right). A property which has a conservation easement in perpetuity and the stated purpose must be enhanced protection of a sensitive ecological resource or preservation of farm and agriculture lands. Tax benefit reductions for perpetual conservation easements shall apply only to that portion of a subject property that is conserved by the easement.

(4) Farm and Agricultural Land. The intent of this category is to encourage the conservation of agricultural lands for future commercial agriculture use while allowing the farm to lay fallow until such time as agricultural practices occur on the property. The property must meet the definition above and either be subdividable or at least 4 acres or zoned Agriculture Retention (CCC 33.07.010). The applicant shall submit a statement of intent which includes the following:

(i) The size of the subject property and the size of the area to be preserved for future commercial agriculture production;

(ii) Location of fences or other measures taken to protect Critical Areas regulated under 27.12 from grazing or other necessary farming operations; and

(iii) A signed agreement stating the landowner agrees to enroll in and qualify for Farm and Agriculture land pursuant to RCW 84.34.020 and this chapter within 7 years following approval under this section. This agreement will be recorded with the Notice of Approval if accepted into the Open Space program. If property is not returned to commercial agricultural production, the property will be subject to removal from Current Use Program and applicable back taxes, interest, and penalties pursuant to 27.08.030(6).

(5) Restoration or Enhancement of Sensitive Ecological Resources. Eligible lands are those properties that provide documentation from a qualified Clallam County Consultant, Federal, or State Agency that verifies the existence, location, extent, method of restoration or enhancement, expected outcome of restoration or enhancement, and implementation schedule. The restored/enhanced resource shall be maintained and documentation of continued success of the project when requested. Failure to provide documentation of project completion shall be grounds for removal.

(6) Rare or Unique Plant Communities. Eligible lands shall provide documentation and mapping by an approved Clallam County consultant of the rare and unique plant community on file with the Washington State Natural Heritage Program and provide a plan how the applicant intends to protect the plants. Photo documentation may also be required at the discretion of the legislative authority to insure the protection of this resource.

(7) Parkland Buffers. Eligible lands are those undeveloped lands that contain native vegetation with a common property line of 200 feet with exiting County, State, or Federal park, wildlife preserve, or sanctuary.

(8) Public Use. Applications shall be accompanied by the landowner's proposed rules of conduct and a description of how public access is to be managed and may be reviewed during the application process of the open space program. The County Assessor's Office shall provide applicants with terms of the Clallam County Public Access Policy as part of the application packet. Access to the subject property may not involve trespass on or over neighboring properties. Open space signs are required to be posted on the subject property's road frontage or nearest public road. Signs shall conform to Clallam County land use codes and the following criteria. At minimum, signs shall identify access points, allowed uses, and landowner contact information. All proposed uses shall be compliant with allowed zoning uses. The sign shall be maintained at the owner's expense in good condition for as long as the landowner is receiving public benefit points. Failure to maintain or replace removed or missing signs by the property owner may jeopardize the open space benefit points based on granting public access to the subject property pursuant to this chapter.

~~(1) *Floodplains or Floodways.* Properties which contain floodways or 100-year floodplains as designated by the Clallam County critical areas maps or by the Federal Emergency Management Agency flood 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.~~

~~(2) *Meander Hazard Zones.* 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) *Open Space, Wildlife Corridor, or Greenbelts.* Properties within open space zoning districts, wildlife corridors, or greenbelts, as identified by federal, State, or local agencies. Optionally, public benefit rating points will be awarded if an applicant demonstrates to the satisfaction of the legislative authority the existence of a wildlife corridor within the subject property. Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under subsection (4) of this section, Streams.~~

~~(4) *Streams.* 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).~~

~~(5) *Habitat.* Properties which contain any of the following:~~

~~(a) Private wildlife reserves. Such reserves must be officially designated areas, as defined by federal, State, or local agencies, under private ownership, that are maintained in a manner as to provide habitat for animal species native to the North Olympic Peninsula.~~

(b) Properties which contain Class I or II Wildlife Habitat Conservation Areas as provided by the Clallam County Critical Areas Code, CCC 27.12.310(b) and (c), Classification Areas.

(c) Those areas where County-sanctioned ongoing habitat restoration, protection, or demonstration projects are in progress.

(6) *Endangered Species.* Properties which contain documented occurrence of a State or federal endangered species; State or federal threatened species; or State or federal proposed endangered or threatened species.

(7) *Rare or Unique Plant Communities.* Properties which contain plant communities listed as rare or unique by the Washington Natural Heritage Program.

(8) *Wetlands.* 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. If necessary, such documentation shall be prepared, at the landowner's expense, by a professional consultant approved by Clallam County; or

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

(9) *Shorelines.* Properties which contain or abut shorelines classified as any of the following in accordance with the Clallam County Shoreline Master Program:

(a) Natural environment;

(b) Conservancy environment;

(c) Rural environment;

(d) Suburban environment;

(e) Urban environment;

(f) Shorelines of State-wide significance.

Points shall not be assigned if the associated stream also qualifies the subject property for benefit points under subsection (4) of this section, Streams.

(10) *Well Head Protection Areas.* Properties within a designated well head protection area as may be identified by Clallam County maps.

(11) *Historical or Archaeological Sites.* Properties which contain either of the following:

(a) Historical sites which are listed, or are eligible for listing, on the Washington Heritage Register or the National Register of Historic Places; or

(b) Documented or potential archaeological sites listed, or eligible for listing, with the Washington State Office of Archaeology and Historic Preservation.

(12) *Scenic Vistas.* Properties which provide either of the following scenic resources:

(a) Unique scenic vistas and features. Public access shall be required for point eligibility under this subsection. Tax benefit reductions shall apply only to the portion(s) of the subject property that is provided for public access; or

(b) Unique scenic resources within the visual corridor of a federal, State, or County designated scenic highway, such as Highways 101 and 112, and the Dungeness Scenic Loop. Applicants must provide photographic documentation if requested by the County legislative authority.

(13) *Landslide Hazards.* Properties which contain landslide hazard areas as defined by Chapter 27.12 CCC, Critical Areas Code, and documented on the Clallam County critical areas maps.

(14) *Farm and Agricultural Conservation Land.* To be eligible for public benefit points under this subsection a property must meet all of the following criteria:

(a) Properties must meet the definition of "farm and agricultural conservation land" as specified by CCC 27.08.050(4), Definitions; and

(b) Properties must be "subdividable," that is, the area of each subject property must be equal to or greater than two (2) times the maximum residential density of the underlying zoning district. This provision does not apply to those properties within the Agricultural Retention (AR) zoning district.

(c) Applications shall be accompanied by a statement of intent, which includes all interim measures that will be followed to protect and manage the land in a manner that allows

resumption of commercial agricultural use. The statement shall provide the following information:

(i) The name, address, and daytime telephone number of the landowner;

(ii) The tax parcel number of the subject property;

(iii) The size of the subject property;

(iv) A nontechnical soils description and agricultural capability classification as assigned in the Soil Survey of Clallam County Area, published by the U.S. Department of Agriculture;

(v) A copy of the published soils map showing the boundaries of the subject property;

(vi) A schedule of measures that are and will be used to accomplish the goals and objectives; and

(vii) The steps that will be taken to conserve the agricultural soils to allow a return to commercial agricultural production.

Public benefit rating points for farm and agricultural conservation lands shall be assigned in terms of parcel size and soil capability classifications (as provided by the U.S. Department of Agriculture's Soil Survey of Clallam County Area, Washington). Benefit points shall be assigned in accordance with the following table:

Points Table for Farm and Agricultural Conservation Lands

	Parcel Size				
Soils	**0 – 4.99 Acres**	**5.0 – 9.99 Acres**	**10.0 – 14.99 Acres**	**15.0 – 19.99 Acres**	**20.0 Acres and greater**
"Prime" or Class I	3	6	9	12	15
Class II	2	3	6	9	12

Soils	Parcel Size				
	0 – 4.99 Acres	5.0 – 9.99 Acres	10.0 – 14.99 Acres	15.0 – 19.99 Acres	20.0 Acres and greater
Class III	1	2	3	6	9
Class IV	0	1	2	3	6

(15) *Public Access.* Public benefit points may be earned in accordance with the following:

(a) *Privately Owned Recreation Facilities.* Properties that are maintained in a substantially natural state, and are made available to the public for a fee for the purpose of hiking, fishing, horseback riding, hunting, picnicking, or other outdoor recreational activities that do not significantly alter the natural topography, hydrology, or the variety and distribution of the existing native vegetation.

(b) *General Public Access.* Properties which are made available to the public in accordance with CCC 27.08.090, Public Access Policy.

(16) Development Pressure/Zoning. The following categories of parcel area preservation shall be eligible for public benefit rating points:

(a) Eligible properties are those zoned R1, RW1, R2, RW2, QR, R5, RW5, RCC5, RCC3, RLM, RSC, R20, CFM5, CFM20, and CF. Also included are RC, RNC, TC, and CEN properties when associated with a residential land use, or are undeveloped. To be eligible for points under this subsection, the subject property must be large enough to be legally subdividable. Points shall not be assigned under this subsection if the subject property(s) qualifies for benefit points under subsection 16(b) of this section.

(b) Public benefit points may be earned by combining contiguous parcels under single ownership through the lot combination process in accordance with Chapter 29.43 CCC, Boundary Line Adjustments and Lot Combination. The resulting parcel created through the lot combination process may contain one single-family residence. The area of the resulting parcel created through the lot combination process must be equal to or greater than two (2) times the maximum residential density of the underlying zoning district.

The landowner shall initiate the lot combination process prior to, or concurrently with, the open space application, and shall provide at the time of open space application appropriate documentation of the proposed or final lot combination.

Lot combination under this section shall not create a "split zone" parcel. In the event a rezone is required, the lowest density zoning shall prevail. The landowner shall initiate the rezone procedure concurrently with the open space application, and shall so demonstrate to the legislative authority with the appropriate documentation.

(c) Undeveloped properties which abut (minimum of fifty (50) feet of common property line) existing public park lands, forests, wildlife preserves, sanctuaries, or other open space lands classified under Chapter 84.33 RCW or Chapter 84.34 RCW shall be eligible for public benefit points. For the purposes of this subsection, "undeveloped property" shall mean any property that has not undergone human-induced change, including, but not limited to, the construction of buildings or other structures, placement of manufactured homes or mobile homes, mining, dredging, clearing, filling, grading, paving, excavation, drilling operations, or other activities that substantially alter the natural topography, hydrology, or existing native vegetation.

(17) *Conservation Easements and TDRs.* Properties with diminished development rights resulting from either:

(a) Transfer of development rights (TDRs) in accordance with provisions of the Clallam County Zoning Code, CCC Title 33; or

(b) Perpetual conservation easements that:

(i) Preserve land areas for outdoor recreation or for the education of the general public; or

(ii) Protect natural habitat for fish, wildlife, plants or similar ecosystems; or

(iii) 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.

Tax benefit reductions for TDRs shall apply to that percentage of the subject property, which would otherwise be available for development prior to the transfer. Tax benefit reductions for

perpetual conservation easements shall apply only to that portion of a subject property that is conserved by the easement.

27.08.070 Factors to be considered for open space land classification.

In determining whether an application for open space land classification or reclassification should be approved, the Board of Commissioners may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider the following:

(1) The resulting revenue loss or tax shift;

(2) Whether granting the application for land applying under RCW 84.34.020(1)(b) (CCC 27.08.050(2)(b)) will:

(a) Conserve or enhance natural, cultural, or scenic resources;

(b) Protect streams, stream corridors, wetlands, natural shorelines and aquifers;

(c) Protect soil resources and unique or critical wildlife and native plant habitat;

(d) Promote conservation principles by example or by offering educational opportunities;

(e) Enhance the value of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries, or other open spaces;

(f) Enhance recreation opportunities;

(g) Preserve historic and archaeological sites;

(h) Preserve visual quality along highway, road, and street corridors or scenic vistas;

(i) Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and

(3) Whether granting the application for land applying under RCW 84.34.020(1)(C) (CCC 27.08.050(2)(c)) will:

(a) Either preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under Chapter 84.34 or 84.33 RCW;

(b) Preserve land with a potential for returning to commercial agriculture, and

(c) Affect any other factors relevant in weighing benefits to the general welfare of preserving the current use property.

27.08.0780 Open space land public benefit rating system.

(1) The categories provided by CCC 27.08.060, Open Space Land Public Benefit Resources, are presented in the following table, which shall be considered used for in determining reduction in tax valuation for open space land applications classified under this chapter. public benefit ratings for open space land applications. Public benefit points specified herein shall be assigned for each criterion met by the subject property, up to a maximum value within each of six (6) brackets. Earned points from each bracket are then totaled and matched to the open space land classification rate schedule in subsection (2) of this section. Except where noted, the specific feature considered must be contained within the subject property to be eligible. Parcelsroperties which meet a given criterion shall receive the reduction in the highest category qualified; public cbenefit resources are non-cumulative. full number of points provided for that criterion.

The following criteria are presented in six (6) brackets, based on the level of identified public benefit. Resource and feature categories within each bracket include physical characteristics such as streams and shorelines, cultural resources such as historical and archaeological sites, and undivided land parcels.

After determining, from the following ranked public benefit listings, the appropriate criteria for their property, applicants are urged to refer to the indicated reference for detailed descriptions of the criteria by which the application will be evaluated in terms of eligibility for public benefit rating.

Public Benefit Rating Table

OPEN SPACE PUBLIC BENEFIT RESOURCE	CODE REFERANCE	PERCENT REDUCTION IN TAX VALUATION	MAXIMUM REDUCTION IN TAX VALUATION ALLOWED

Conservation Easement- No diminished development right	27.08. 080(3)	25%	40%
Restoration or Enhancement of Sensitive Ecological Resources	27.08. 080(5)		
Rare and Unique Plant Communities	27.08. 080(6)		
Parkland Buffers	27.08. 080(7)		
Conservation Easement- diminished development right(s)	27.08.080(1)	90%	90%
Lot Combination- diminished development right(s)	27.08. 080(2)		90%
Public Use	27.08. 080(8)	75%	75%
Farm and Agriculture Conservation Land	27.08. 080(4)	50%	50%

~~Item No.~~	~~Item~~	~~Reference~~	~~Pts.~~	~~Maximum Allowed in Category~~
~~Highest Public Benefit~~				

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
1.	Conservation easements, TDRs	CCC 27.08.060(17)	23	23
	Very High Public Benefit			
2. A.	Lot combination	CCC 27.08.060(16)(b)	15	15
2. B.	Public access	CCC 27.08.060(15)(b)	15	
	High Public Benefit			
3.	Farm and agricultural conservation lands	CCC 27.08.060(14)	0 - 15	15
	Medium/High Public Benefit			
4. A.	Floodways, floodplains and meander zones	CCC 27.08.060(1), (2)	3	12
4. B.	Type 1 or 2 streams	CCC 27.08.060(4)	3*	
4. C.	Habitat or endangered species protection	CCC 27.08.060(5)	3	
4. D.	Class I or II wetlands	CCC 27.08.060(8)	3	
4. E.	Natural or conservancy environment shorelines, or shorelines of State-wide significance	CCC 27.08.060(9)	3	
4. F.	Historical sites	CCC 27.08.060(11)	3	
4. G.	Archaeological sites	CCC 27.08.060(11)	3	

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
4. H.	Scenic vistas	CCC 27.08.060(12)	3	
4. I.	Open space, greenbelts, or wildlife corridors	CCC 27.08.060(3)	3	
4. J.	Development pressure/zoning	CCC 27.08.060(16)(a)	3	
4. K.	Rare or unique plant communities	CCC 27.08.060(7)	3	
	Medium Public Benefit			
5. A.	Type 3 or 4 streams	CCC 27.08.060(4)	2	6
5. B.	Landslide hazard areas	CCC 27.08.060(13)	2	
5. C.	Class III wetlands	CCC 27.08.060(8)	2	
5. D.	Well head protection areas	CCC 27.08.060(10)	2	
5. E.	Rural environment shorelines	CCC 27.08.060(9)	2	
5. F.	Public access (privately owned recreation facilities)	CCC 27.08.060(15)(a)	2	
5. G.	Development pressure (abuts parks, public forests, etc.)	CCC 27.08.060(16)(c)	2	
	Low Public Benefit			
6. A.	Type 5 streams	CCC 27.08.060(4)	1	2

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
6. B.	Class IV wetlands	CCC 27.08.060(8)	1	
6. C.	Suburban or urban environment shorelines	CCC 27.08.060(9)	1	

* May be increased to 6 points if the landowner agrees to maintain a riparian buffer twice that provided by the Clallam County Critical Areas Code, Chapter 27.12 CCC.

(2) *Open Space Land Classification Rate Schedule.* The following rate schedule shall apply to eligible lands under the open space land category. Maximum reduced land valuation possible shall equal ninety (90) percent.

Open Space Classification Rate Schedule

Public Benefit Rating	Reduction in Land Valuation
< 2	0%
2	5%
3 – 4	10%
5 – 7	20%
8 – 10	30%
11 – 13	40%
14 – 16	60%

Public Benefit Rating	Reduction in Land Valuation
17 – 19	70%
20 – 22	80%
23	90%

27.08.090 Public access policy.

(1) Except as provided in subsections (3)(a) through (3)(d) of this section, applicants for open space land classification may agree to provide public access to the subject property and the features and resources contained therein. Such applications shall earn public benefit rating points in accordance with provisions of this chapter. Applications involving public access shall be accompanied by the landowner's proposed rules of conduct and a description of how public access is to be managed within the limitations set forth in this section. The one-acre home site exclusion may apply in administering public access management by limiting access to those portions of the property outside the home site exclusion. Approved applications shall be conditioned to require approved signage pursuant to CCC 27.08.100, Signage.

(2) The County Assessor's Office shall provide applicants with terms of the Clallam County Public Access Policy as part of the application packet.

(3) In certain instances, public access may be detrimental to the resource(s) involved; therefore, public access points shall not be assigned to properties in which any of the following conditions occur:

(a) The subject property involves an endangered or threatened species as provided by CCC 27.08.060(6), Endangered Species;

(b) The subject property qualifies as open space due to the promotion of soils, wetlands, beaches, or tidal marshes; except, applicants may earn public access points by demonstrating to the satisfaction of the legislative authority that public access shall be managed such that there will be no adverse effects on the associated natural feature;

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

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

27.08.080~~100~~ Signage.

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

~~(1) Be provided by Clallam County as official open space-public access signage;~~

(2~~1~~) Be posted as follows: At least one open space sign shall be posted on the subject property's road frontage, or nearest public road as applicable, in a conspicuous location, visible to passing motorists. At minimum, signs shall identify access points, allowed uses designed per zoning code and property owner approval, and landowner contact information.

(3~~2~~) Be purchased by the property owner ~~for the appropriate fee as established in Chapter 5.100 CCC; and~~

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

~~27.08.110 Hold harmless agreement.~~

~~All open space property owners who grant public access must execute a hold harmless agreement, freeing Clallam County of any liability which may arise as a result of open space approval. The County Assessor's Office shall provide applicants with a hold harmless agreement as part of the application packet.~~

~~In addition to the hold harmless agreement, applicants for public access benefit points shall provide proof of comprehensive general liability insurance for the subject property. The proof~~

~~of insurance shall include a copy of the insurance endorsement from companies or through sources approved by the state insurance commissioner pursuant to RCW Title 48, as now or hereafter amended, setting forth that Clallam County, and its elected and appointed officers and employees have been named as an additional insured.~~

~~Each applicant shall show proof of the following coverage: bodily injury, including death, and property damage in the amount of $1,000,000 per occurrence.~~

~~27.08.120 Open space land amendments.~~

~~Amendments to approved open space land applications shall be processed the same as new open space land applications in accordance with this chapter.~~

~~27.08.130 Home site exclusion.~~

~~When determining the eligibility of a parcel of land for the open space land that includes or proposes a residence, a one-acre home site exclusion shall be required. The one-acre minimum requirement may be increased upon review of the timber management plan and site improvements. A required home site exclusion may prevent eligibility of a taxation reduction for the open space land or timber land classification.~~

27.08.090~~140~~ Procedure.

Applications for open space land current use assessments shall be evaluated in accordance with the provisions of Chapter 84.34 RCW and this chapter. Applications pending at the time of the adoption of the ordinance codified in this chapter shall be considered pursuant to the terms and conditions of the ordinance codified in this chapter.

~~(1) Application forms and related materials shall be provided by, and returned to, the Assessor's office. Applications shall be assessed for completeness and eligibility jointly by the Assessor's office and the Department of Community Development prior to review by the Clallam County Planning Commission.~~

(~~2~~1) The processing schedule that follows intends to ~~(i)~~ provide that applications will be approved or denied within six months following the application submittal period and ~~date the application is deemed complete; and (ii)~~ allow sufficient time for County staff to evaluate the applications. Reductions in assessed value resulting from approval will begin the following year.

Application Submittal Period	Application Review Period	Current Use Taxation Begins:
January 1 – June 30	By December 31 of the same year	January 1 of the taxing year
July 1 – December 31	By July 1 of the next year	January 1 of the taxing year

~~Applications will be accepted during either of two submittal periods as follows:~~

~~(a) Applications received during the period January 1st through April 30th shall be reviewed for eligibility during the period May 1st through June 30th. Applications shall be deemed complete by July 1st of each year, and shall be approved or denied by the County legislative authority by December 31st.~~

~~(b) Applications received during the period July 1st through October 31st shall be reviewed for eligibility during the period November 1st through December 31st. Applications shall be deemed complete by December 31st of each year, and shall be approved or denied by the County legislative authority by July 1st of the following year.~~

(a) Applicants whose submittal is deemed incomplete or ineligible shall be notified as soon as reasonably possible in order to identify additional information required to make the application complete, or to give the applicant an opportunity to withdraw the application before review by the Planning Commission.

(~~2~~3) The Planning Commission shall act upon applications after a public hearing and forward a recommendation on the applicants to the Board of Commissioners. Notice of the public hearing shall ~~have~~ be~~en~~ given by publishing a summary of the open space applications in a newspaper of general circulation in the area at least 15 days prior to the open record hearing before the

Planning Commission. Notification of the public hearing shall also be forwarded to each applicant.

(43) ~~Following the public hearing T~~the Planning Commission's ~~shall make a~~ recommendation on each application ~~to the Board of Commissioners. Such recommendations~~ shall be forwarded to the Board of Commissioners following a 14-day appeal period which begins the day after the Planning Commission recommendation. This recommendation shall be forwarded to the applicants as soon as possible.

~~Applications involving properties within incorporated portions of Clallam County will require the approval of the appropriate jurisdiction and will be forwarded to the appropriate jurisdiction for review.~~

(45) Upon receipt of the Planning Commission recommendation~~s~~, the Board of Commissioners shall schedule a date for decision on the applications. The date of decision shall be within thirty (30) calendar days from the date of receipt of the Planning Commission recommendation~~s~~. The Board of Commissioners shall approve or deny the application~~s~~ after reviewing ~~comments taken at~~ the recommendation from the Planning Commission ~~public hearing~~.

(65) If the Board of Commissioners approves the application, an ~~o~~Open ~~s~~Space ~~land~~ agreement between the County and the landowner(s) shall be signed. Said agreement may contain conditions of approval necessary to assure that the classification of ~~o~~Open ~~s~~Space land furthers the purposes of ~~the Open Space Act,~~ Chapter 84.34 RCW and this chapter. If the Board of Commissioners denies the application, in whole or in part, the applicant has the right to appeal only to the Clallam County Superior Court, as specified by WAC 458-30-250(4)(b).

~~27.08.150 Enforcement.~~

~~Each application for classification and reclassification as open space land shall include authorization for the County Assessor or the Director of the Department of Community Development, or their designee, to periodically enter and inspect the subject land, in order to determine if the subject land is in compliance with all terms and conditions of the current use classification.~~

~~Parcels of land which have been approved for current use classification, but which are found to be in violation of any term or condition of its current use classification, shall be removed from~~

~~the current use classification pursuant to Chapter 84.34 RCW. Parcels of land classified as open space land may be removed from such classification if land use activities result in ground or surface water quality falling below water quality standards pursuant to Chapters 173-200 and 173-201A WAC.~~

~~Parcels of land removed from current use classification shall be subject to all penalties set forth in Chapter 84.34 RCW, including the compensation tax pursuant to RCW 84.34.108.~~

~~Within 30 days after such removal, the Assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor or owner may appeal such removal to the County Board of Equalization.~~

27.08.10090 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of this chapter; it being hereby expressly declared that this chapter and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

MEMORANDUM

Clallam County Department of Community Development

Date: **January 15, 2025**
To: **Clallam County Planning Commission**
From: **Donella Clark, Principal Planner**
Re: **Legislative changes to time limits**

Discussion

Senate Bill 5290 adopted new regulations under RCW 36.70B that affect processing time limits that need to be updated in our local codes. Staff has provided the proposed changes they have deemed necessary to maintain compliance and would like the recommendation of the Planning Commission to move these changes forward in the process.

26.10.540 Time limit for final decision – Exceptions.

(1) *One-Hundred-Twenty-Day Time Limit.* The final decision on project permit applications categorized as Type II – III should be made within 120 days from the date of the determination of completeness. The time limit for the processing of Type I permits should not exceed 65~~120~~ days from the date of application.

(2) *Excluded Time Periods.* In determining the number of days that have elapsed after the County has notified the applicant that the application is complete for processing, the following periods shall be excluded:

~~(a) Any period during which the applicant has been requested by the County to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the County notifies the applicant of the need for additional information until the date the County determines the additional information satisfies the request for information or 14 days after the date the information has been provided to the County, whichever is earlier;~~

~~(b) If the County determines that the information submitted by the applicant under subsection (2)(a) of this section is insufficient, it shall notify the applicant of the deficiencies and the procedures under subsection (2)(a) of this section shall apply as if a new request for studies had been made;~~

(c) Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW, Chapter 197-11 WAC (SEPA), and Chapter 27.01 CCC (SEPA Code);

(d) Any period for administrative appeals of project permits or SEPA appeals not to exceed 90 days for open record appeal hearings or 60 days for closed record appeal hearings;

(e) Any extension of time mutually agreed upon by the applicant and the County;

(f) Any reconsideration action to the Administrator or Hearing Examiner.

(3) *Time Limit Exceptions for Certain Applications.* The 120-day time limit shall not apply if a project permit application:

Standard Process Timelines Guidelines by Permit Category			
Timeline Element	**Type I**	**Type II**	**Type III**
for in this chapter should issue a decision on the appeal within 90 days of submittal of application for administrative or SEPA appeals, and within 60 days of application for closed record appeal hearings.			
Note – Exceptions to these timelines are specified under CCC 26.10.330(3) and this section.	Yes	Yes	Yes

(5) *Time Limit Extensions.* If the County is unable to issue its final decision within the time limit guidelines, it shall provide written notice of this fact to the project applicant; provided, that any extension of such time limit for a permit decision shall not exceed one additional time period according to permit type or action. The notice shall include a statement of reasons why the time limit has not been met and an estimated date for issuance of the notice of final decision.

2SSB 5290 - H COMM AMD
By Committee on Appropriations

ADOPTED AS AMENDED 04/10/2023

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70B.140 and 1995 c 347 s 418 are each amended to read as follows:

(1) A local government by ordinance or resolution may exclude the following project permits from the provisions of RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130: Landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process or time periods for approval which are different from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130.

(2) A local government by ordinance or resolution also may exclude the following project permits from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130: Lot line or boundary adjustments and building and other construction permits, or similar administrative approvals, categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

(3) A local government must exclude project permits for interior alterations from site plan review, provided that the interior alterations do not result in the following:

(a) Additional sleeping quarters or bedrooms;

(b) Nonconformity with federal emergency management agency substantial improvement thresholds; or

(c) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.

(4) Nothing in this section exempts interior alterations from otherwise applicable building, plumbing, mechanical, or electrical codes.

(5) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of commerce must establish a consolidated permit review grant program. The department may award grants to any local government that provides, by ordinance, resolution, or other action, a commitment to the following building permit review consolidation requirements:

(a) Issuing final decisions on residential permit applications within 45 business days or 90 calendar days.

(i) To achieve permit review within the stated time periods, a local government must provide consolidated review for building permit applications. This may include an initial technical peer review of the application for conformity with the requirements of RCW 36.70B.070 by all departments, divisions, and sections of the local government with jurisdiction over the project.

(ii) A local government may contract with a third-party business to conduct the consolidated permit review or as additional inspection staff. Any funds expended for such a contract may be eligible for reimbursement under this act.

(iii) Local governments are authorized to use grant funds to contract outside assistance to audit their development regulations to identify and correct barriers to housing development.

(b) Establishing an application fee structure that would allow the jurisdiction to continue providing consolidated permit review within 45 business days or 90 calendar days.

(i) A local government may consult with local building associations to develop a reasonable fee system.

(ii) A local government must determine, no later than August 1, 2023, the specific fee structure needed to provide permit review within the time periods specified in this subsection (1)(b).

(2) A jurisdiction that is awarded a grant under this section must provide a quarterly report to the department of commerce. The report must include the average and maximum time for permit review during the jurisdiction's participation in the grant program.

(3) If a jurisdiction is unable to successfully meet the terms and conditions of the grant, the jurisdiction must enter a 90-day probationary period. If the jurisdiction is not able to meet the requirements of this section by the end of the probationary period, the jurisdiction is no longer eligible to receive grants under this section.

(4) For the purposes of this section, "residential permit" means a permit issued by a city or county that satisfies the conditions of RCW 19.27.015(5) and is within the scope of the international residential code, as adopted in accordance with chapter 19.27 RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the department of commerce must establish a grant program for local governments to update their permit review process from paper filing systems to software systems capable of processing digital permit applications, virtual inspections, electronic review, and with capacity for video storage.

(2) The department of commerce may only provide a grant under this section to a city if the city allows for the development of at least two units per lot on all lots zoned predominantly for residential use within its jurisdiction.

NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70B RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce must convene a digital permitting process work group to examine potential license and permitting software for local governments to encourage streamlined and efficient permit review.

(2) The department of commerce, in consultation with the association of Washington cities and Washington state association of counties, shall appoint members to the work group representing groups including but not limited to:

(a) Cities and counties;

(b) Building industries; and

(c) Building officials.

(3) The department of commerce must convene the first meeting of the work group by August 1, 2023. The department must submit a final report to the governor and the appropriate committees of the legislature by August 1, 2024. The final report must:

(a) Evaluate the existing need for digital permitting systems, including impacts on existing digital permitting systems that are already in place;

(b) Review barriers preventing local jurisdictions from accessing or adopting digital permitting systems;

(c) Evaluate the benefits and costs associated with a statewide permitting software system; and

(d) Provide budgetary, administrative policy, and legislative recommendations to increase the adoption of or establish a statewide system of digital permit review.

Sec. 5. RCW 36.70B.020 and 1995 c 347 s 402 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local

government for a project action, including but not limited to ((~~building permits,~~)) subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones ((~~authorized by a comprehensive plan or subarea plan~~)) which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

Sec. 6. RCW 36.70B.070 and 1995 c 347 s 408 are each amended to read as follows:

(1) (a) Within ((~~twenty-eight~~)) 28 days after receiving a project permit application, a local government planning pursuant to RCW 36.70A.040 shall ((~~mail or~~)) provide ((~~in person~~)) a written determination to the applicant((~~, stating~~)).

(b) The written determination must state either:

((~~(a)~~)) (i) That the application is complete; or

((~~(b)~~)) (ii) That the application is incomplete and that the procedural submission requirements of the local government have not been met. The determination shall outline what is necessary to make the application procedurally complete.

(c) The number of days shall be calculated by counting every calendar day.

(d) To the extent known by the local government, the local government shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application.

(2) A project permit application is complete for purposes of this section when it meets the procedural submission requirements of the

local government ((~~and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently~~)), as outlined on the project permit application. Additional information or studies may be required or project modifications may be undertaken subsequent to the procedural review of the application by the local government. The determination of completeness shall not preclude the local government from requesting additional information or studies either at the time of the notice of completeness or subsequently if new information is required or substantial changes in the proposed action occur. However, if the procedural submission requirements, as outlined on the project permit application have been provided, the need for additional information or studies may not preclude a completeness determination.

(3) The determination of completeness may include or be combined with the following ((~~as optional information~~)):

(a) A preliminary determination of those development regulations that will be used for project mitigation;

(b) A preliminary determination of consistency, as provided under RCW 36.70B.040; ((~~or~~))

(c) Other information the local government chooses to include; or

(d) The notice of application pursuant to the requirements in RCW 36.70B.110.

(4)(a) An application shall be deemed procedurally complete on the 29th day after receiving a project permit application under this section if the local government does not provide a written determination to the applicant that the application is procedurally incomplete as provided in subsection (1)(b)(ii) of this section. When the local government does not provide a written determination, they may still seek additional information or studies as provided for in subsection (2) of this section.

(b) Within ((~~fourteen~~)) 14 days after an applicant has submitted to a local government additional information identified by the local government as being necessary for a complete application, the local government shall notify the applicant whether the application is complete or what additional information is necessary.

(c) The notice of application shall be provided within 14 days after the determination of completeness pursuant to RCW 36.70B.110.

Sec. 7. RCW 36.70B.080 and 2004 c 191 s 2 are each amended to read as follows:

(1)(a) Development regulations adopted pursuant to RCW 36.70A.040 must establish and implement time periods for local government actions for each type of project permit application and provide timely and predictable procedures to determine whether a completed project permit application meets the requirements of those development regulations. The time periods for local government actions for each type of complete project permit application or project type should not exceed ((~~one hundred twenty days, unless the local government makes written findings that a specified amount of additional time is needed to process specific complete project permit applications or project types~~)) those specified in this section.

((~~The~~)) (b) For project permits submitted after January 1, 2025, the development regulations must, for each type of permit application, specify the contents of a completed project permit application necessary for the complete compliance with the time periods and procedures.

((~~(2)~~)) (c) A jurisdiction may exclude certain permit types and timelines for processing project permit applications as provided for in RCW 36.70B.140.

(d) The time periods for local government action to issue a final decision for each type of complete project permit application or project type subject to this chapter should not exceed the following time periods unless modified by the local government pursuant to this section or RCW 36.70B.140:

(i) For project permits which do not require public notice under RCW 36.70B.110, a local government must issue a final decision within 65 days of the determination of completeness under RCW 36.70B.070;

(ii) For project permits which require public notice under RCW 36.70B.110, a local government must issue a final decision within 100 days of the determination of completeness under RCW 36.70B.070; and

(iii) For project permits which require public notice under RCW 36.70B.110 and a public hearing, a local government must issue a final decision within 170 days of the determination of completeness under RCW 36.70B.070.

(e) A jurisdiction may modify the provisions in (d) of this subsection to add permit types not identified, change the permit names or types in each category, address how consolidated review time periods may be different than permits submitted individually, and

provide for how projects of a certain size or type may be differentiated. Unless otherwise provided for the consolidated review of more than one permit, the time period for a final decision shall be the longest of the permit time periods identified in (d) of this subsection or as amended by a local government.

(f) If a local government does not adopt an ordinance or resolution modifying the provisions in (d) of this subsection, the time periods in (d) of this subsection apply.

(g) The number of days an application is in review with the county or city shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a final decision is issued on the project permit application. The number of days shall be calculated by counting every calendar day and the following time periods:

(i) Any period between the day that the county or city has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant;

(ii) Any period after an applicant informs the local government, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the local government, in writing, that they would like to resume the application. A local government may set conditions for the temporary suspension of a permit application; and

(iii) Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired.

(h) The time periods for a local government to process a permit shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use, as required by the local government under RCW 36.70B.070.

(i) If, at any time, an applicant informs the local government, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the county or city has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for local

government action to issue a final decision for each type of project that is subject to this chapter. Any written notice from the local government to the applicant that additional information is required to further process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.

(j) Annual amendments to the comprehensive plan are not subject to the requirements of this section.

(k) A county's or city's adoption of a resolution or ordinance to implement this subsection shall not be subject to appeal under chapter 36.70A RCW unless the resolution or ordinance modifies the time periods provided in (d) of this subsection by providing for a review period of more than 170 days for any project permit.

(l)(i) When permit time periods provided for in (d) of this subsection, as may be amended by a local government, and as may be extended as provided for in (i) of this subsection, are not met, a portion of the permit fee must be refunded to the applicant as provided in this subsection. A local government may provide for the collection of only 80 percent of a permit fee initially, and for the collection of the remaining balance if the permitting time periods are met. The portion of the fee refunded for missing time periods shall be:

(A) 10 percent if the final decision of the project permit application was made after the applicable deadline but the period from the passage of the deadline to the time of issuance of the final decision did not exceed 20 percent of the original time period; or

(B) 20 percent if the period from the passage of the deadline to the time of the issuance of the final decision exceeded 20 percent of the original time period.

(ii) Except as provided in RCW 36.70B.160, the provisions in this subsection (1)(l) are not applicable to cities and counties which have implemented at least three of the options in RCW 36.70B.160(1)(a) through (j) at the time an application is deemed procedurally complete.

(2)(a) Counties subject to the requirements of RCW 36.70A.215 and the cities within those counties that have populations of at least ((~~twenty thousand~~)) 20,000 must, for each type of permit application, identify the total number of project permit applications for which decisions are issued according to the provisions of this chapter. For each type of project permit application identified, these counties and cities must establish and implement a deadline for issuing a notice of final decision as required by subsection (1) of this section and minimum requirements for applications to be deemed complete under RCW 36.70B.070 as required by subsection (1) of this section.

(b) Counties and cities subject to the requirements of this subsection also must prepare an annual performance report((~~s~~)) that ((~~include, at a minimum, the following information for each type of project permit application identified in accordance with the requirements of (a) of this subsection:~~

~~(i) Total number of complete applications received during the year;~~

~~(ii) Number of complete applications received during the year for which a notice of final decision was issued before the deadline established under this subsection;~~

~~(iii) Number of applications received during the year for which a notice of final decision was issued after the deadline established under this subsection;~~

~~(iv) Number of applications received during the year for which an extension of time was mutually agreed upon by the applicant and the county or city;~~

~~(v) Variance of actual performance, excluding applications for which mutually agreed time extensions have occurred, to the deadline established under this subsection during the year; and~~

~~(vi) The mean processing time and the number standard deviation from the mean.~~

~~(c) Counties and cities subject to the requirements of this subsection must:~~

~~(i) Provide notice of and access to the annual performance reports through the county's or city's website; and~~

~~(ii) Post electronic facsimiles of the annual performance reports through the county's or city's website. Postings on a county's or city's website indicating that the reports are available by~~

~~contacting the appropriate county or city department or official do not comply with the requirements of this subsection.~~

~~If a county or city subject to the requirements of this subsection does not maintain a website, notice of the reports must be given by reasonable methods, including but not limited to those methods specified in RCW 36.70B.110(4).~~

~~(3)~~)) includes information outlining time periods for certain permit types associated with housing. The report must provide:

(i) Permit time periods for certain permit processes in the county or city in relation to those established under this section, including whether the county or city has established shorter time periods than those provided in this section;

(ii) The total number of decisions issued during the year for the following permit types: Preliminary subdivisions, final subdivisions, binding site plans, permit processes associated with the approval of multifamily housing, and construction plan review for each of these permit types when submitted separately;

(iii) The total number of decisions for each permit type which included consolidated project permit review, such as concurrent review of a rezone or construction plans;

(iv) The total number of days from a submittal to a decision being issued. This shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a decision is issued on the application. The number of days shall be calculated by counting every calendar day;

(v) The total number of days the application was in review with the county or city. This shall be calculated from the day completeness is determined under RCW 36.70B.070 to the date a final decision is issued on the application. The number of days shall be calculated by counting every calendar day. The days the application is in review with the county or city does not include time periods between where the county or city has notified the applicant, in writing, that additional information is required to further process the application and when that information is submitted by the applicant. Time periods shall also be stopped when an applicant informs the local government, in writing, that they would like to temporarily suspend review of the project permit application; and

(vi) The total number of days the permit is the responsibility of the applicant, including days the county or city is waiting for additional information.

(c) Counties and cities subject to the requirements of this subsection must:

(i) Post the annual performance report through the county's or city's website; and

(ii) Submit the annual performance report to the department of commerce by March 1st each year.

(d) No later than July 1st each year, the department of commerce shall publish a report which includes the annual performance report data for each county and city subject to the requirements of this subsection and a list of those counties and cities whose time periods are shorter than those provided for in this section.

The annual report must also include key metrics and findings from the information collected.

(e) The initial annual report required under this subsection must be submitted to the department of commerce by March 1, 2025, and must include information from permitting in 2024.

(3) Nothing in this section prohibits a county or city from extending a deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the local government.

((~~(4) The department of community, trade, and economic development shall work with the counties and cities to review the potential implementation costs of the requirements of subsection (2) of this section. The department, in cooperation with the local governments, shall prepare a report summarizing the projected costs, together with recommendations for state funding assistance for implementation costs, and provide the report to the governor and appropriate committees of the senate and house of representatives by January 1, 2005.~~))

Sec. 8. RCW 36.70B.160 and 1995 c 347 s 420 are each amended to read as follows:

(1) Each local government is encouraged to adopt further project review and code provisions to provide prompt, coordinated review and ensure accountability to applicants and the public((~~, including expedited review for project permit applications for projects that are consistent with adopted development regulations and within the capacity of systemwide infrastructure improvements~~)) by:

(a) Expediting review for project permit applications for projects that are consistent with adopted development regulations;

(b) Imposing reasonable fees, consistent with RCW 82.02.020, on applicants for permits or other governmental approvals to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW. The fees imposed may not include a fee for the cost of processing administrative appeals. Nothing in this subsection limits the ability of a county or city to impose a fee for the processing of administrative appeals as otherwise authorized by law;

(c) Entering into an interlocal agreement with another jurisdiction to share permitting staff and resources;

(d) Maintaining and budgeting for on-call permitting assistance for when permit volumes or staffing levels change rapidly;

(e) Having new positions budgeted that are contingent on increased permit revenue;

(f) Adopting development regulations which only require public hearings for permit applications that are required to have a public hearing by statute;

(g) Adopting development regulations which make preapplication meetings optional rather than a requirement of permit application submittal;

(h) Adopting development regulations which make housing types an outright permitted use in all zones where the housing type is permitted;

(i) Adopting a program to allow for outside professionals with appropriate professional licenses to certify components of applications consistent with their license; or

(j) Meeting with the applicant to attempt to resolve outstanding issues during the review process. The meeting must be scheduled within 14 days of a second request for corrections during permit review. If the meeting cannot resolve the issues and a local government proceeds with a third request for additional information or corrections, the local government must approve or deny the application upon receiving the additional information or corrections.

(2)(a) After January 1, 2026, a county or city must adopt additional measures under subsection (1) of this section at the time of its next comprehensive plan update under RCW 36.70A.130 if it meets the following conditions:

(i) The county or city has adopted at least three project review and code provisions under subsection (1) of this section more than five years prior; and

(ii) The county or city is not meeting the permitting deadlines established in RCW 36.70B.080 at least half of the time over the period since its most recent comprehensive plan update under RCW 36.70A.130.

(b) A city or county that is required to adopt new measures under (a) of this subsection but fails to do so becomes subject to the provisions of RCW 36.70B.080(1)(l), notwithstanding RCW 36.70B.080(1)(l)(ii).

((~~(2)~~)) (3) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution.

((~~(3)~~)) (4) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

((~~(4)~~)) (5) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

NEW SECTION. **Sec. 9.** A new section is added to chapter 36.70B RCW to read as follows:

(1) The department of commerce shall develop and provide technical assistance and guidance to counties and cities in setting fee structures under RCW 36.70B.160(1) to ensure that the fees are reasonable and sufficient to recover true costs. The guidance must include information on how to utilize growth factors or other measures to reflect cost increases over time.

(2) When providing technical assistance under subsection (1) of this section, the department of commerce must prioritize local governments that have implemented at least three of the options in RCW 36.70B.160(1).

Sec. 10. RCW 36.70B.110 and 1997 c 429 s 48 and 1997 c 396 s 1 are each reenacted and amended to read as follows:

(1) Not later than April 1, 1996, a local government planning under RCW 36.70A.040 shall provide a notice of application to the public and the departments and agencies with jurisdiction as provided in this section. If a local government has made a threshold

determination under chapter 43.21C RCW concurrently with the notice of application, the notice of application may be combined with the threshold determination and the scoping notice for a determination of significance. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to the notice of application. Nothing in this section or this chapter prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under chapter 43.21C RCW or from allowing appeals of procedural determinations prior to submitting a project permit ((~~application~~)).

(2) The notice of application shall be provided within ((~~fourteen~~)) 14 days after the determination of completeness as provided in RCW 36.70B.070 and, except as limited by the provisions of subsection (4)(b) of this section, ((~~shall~~)) must include the following in whatever sequence or format the local government deems appropriate:

(a) The date of application, the date of the notice of completion for the application, and the date of the notice of application;

(b) A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070 ((~~or 36.70B.090~~));

(c) The identification of other permits not included in the application to the extent known by the local government;

(d) The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing the notice of application, such as a city land use bulletin, the location where the application and any studies can be reviewed;

(e) A statement of the public comment period, which shall be not less than fourteen nor more than thirty days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A local government may accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or, if no open record predecision hearing is provided, prior to the decision on the project permit;

(f) The date, time, place, and type of hearing, if applicable and scheduled at the date of notice of the application;

(g) A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in RCW 36.70B.030(2) and 36.70B.040; and

(h) Any other information determined appropriate by the local government.

(3) If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the open record hearing.

(4) A local government shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction and may use its existing notice procedures. A local government may use different types of notice for different categories of project permits or types of project actions. If a local government by resolution or ordinance does not specify its method of public notice, the local government shall use the methods provided for in (a) and (b) of this subsection. Examples of reasonable methods to inform the public are:

(a) Posting the property for site-specific proposals;

(b) Publishing notice, including at least the project location, description, type of permit(s) required, comment period dates, and location where the notice of application required by subsection (2) of this section and the complete application may be reviewed, in the newspaper of general circulation in the general area where the proposal is located or in a local land use newsletter published by the local government;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Notifying the news media;

(e) Placing notices in appropriate regional or neighborhood newspapers or trade journals;

(f) Publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and

(g) Mailing to neighboring property owners.

(5) A notice of application shall not be required for project permits that are categorically exempt under chapter 43.21C RCW, unless an open record predecision hearing is required or an open record appeal hearing is allowed on the project permit decision.

(6) A local government shall integrate the permit procedures in this section with ((~~its~~)) environmental review under chapter 43.21C RCW as follows:

(a) Except for a threshold determination and except as otherwise expressly allowed in this section, the local government may not issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.

(b) If an open record predecision hearing is required, the local government shall issue its threshold determination at least fifteen days prior to the open record predecision hearing.

(c) Comments shall be as specific as possible.

(d) A local government is not required to provide for administrative appeals of its threshold determination. If provided, an administrative appeal ((~~shall~~)) must be filed within fourteen days after notice that the determination has been made and is appealable. Except as otherwise expressly provided in this section, the appeal hearing on a threshold determination ((~~of nonsignificance shall~~)) must be consolidated with any open record hearing on the project permit.

(7) At the request of the applicant, a local government may combine any hearing on a project permit with any hearing that may be held by another local, state, regional, federal, or other agency, if:

(a) The hearing is held within the geographic boundary of the local government; and

(b) ((~~The joint hearing can be held within the time periods specified in RCW 36.70B.090 or the~~)) The applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings. All agencies of the state of Washington, including municipal corporations and counties participating in a combined hearing, are hereby authorized to issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, and take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations.

(8) All state and local agencies shall cooperate to the fullest extent possible with the local government in holding a joint hearing if requested to do so, as long as:

(a) The agency is not expressly prohibited by statute from doing so;

(b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

(c) The agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the local government hearing.

(9) A local government is not required to provide for administrative appeals. If provided, an administrative appeal of the project decision and of any environmental determination issued at the same time as the project decision, shall be filed within fourteen days after the notice of the decision or after other notice that the decision has been made and is appealable. The local government shall extend the appeal period for an additional seven days, if state or local rules adopted pursuant to chapter 43.21C RCW allow public comment on a determination of nonsignificance issued as part of the appealable project permit decision.

(10) The applicant for a project permit is deemed to be a participant in any comment period, open record hearing, or closed record appeal.

(11) Each local government planning under RCW 36.70A.040 shall adopt procedures for administrative interpretation of its development regulations.

NEW SECTION. **Sec. 11.** The department of commerce shall develop a template for counties and cities subject to the requirements in RCW 36.70B.080, which will be utilized for reporting data.

NEW SECTION. **Sec. 12.** The department of commerce shall develop a plan to provide local governments with appropriately trained staff to provide temporary support or hard to find expertise for timely processing of residential housing permit applications. The plan shall include consideration of how local governments can be provided with staff that have experience with providing substitute staff support or that possess expertise in permitting policies and regulations in the local government's geographic area or with jurisdictions of the local government's size or population. The plan and a proposal for implementation shall be presented to the legislature by December 1, 2023.

NEW SECTION. **Sec. 13.** Section 7 of this act takes effect January 1, 2025."

Correct the title.

EFFECT: • Limits the cities that can be provided a grant from the Department of Commerce for updating permit processes from paper to digital systems to those cities that allow for the development of at least two units per lot on all lots zoned predominantly for residential use within the city.

• Removes requirement that certain counties and cities provide, in an annual permitting report to the Department of Commerce, certain ongoing information to applicants, other local governments, and the state.

• Provides that a local government that is exempt from the permit refund requirements because it has adopted additional optional permit project review provisions may again become subject to the refund requirements if it is not meeting permitting deadlines at least half of the time and does not adopt new permit project review provisions at the time of its next comprehensive plan update.

• Restores the 28-day deadline for a local government to provide a written determination of completeness on a project permit application.

• Provides that, when determining the number of days that have elapsed toward a determination of completeness or project permit processing deadline, every calendar day is counted.

• Extends default project permit processing time periods for permits that do not require public notice from 45 to 65 days; for a permit which requires public notice from 70 days to 100 days; and for a permit which requires both public notice and a public hearing from 120 days to 170 days.

• Increases the permit review period that can be provided for in an ordinance or resolution implementing permit processing timelines while maintaining an exemption from appeal for the ordinance or resolution from 120 to 170 days.

• Provides that the time period for processing a permit will restart if an applicant proposes a change in use that adds or removes commercial or residential elements from the application such that the application would fail to meet a determination of procedural completeness for the new use.

• Reconciles two conflicting versions of a current statutory provision.

• Requires the Department of Commerce to develop a plan for providing local governments with staff to provide temporary support or expertise for processing residential permit applications, with consideration for providing the local government with staff that have experience providing substitute staff support or that have expertise particularly relevant to the local government, with the plan and a proposal for implementation due to the Legislature by December 31, 2023.

• Makes various technical corrections and clarifications.

--- END ---

Bylaws of the Clallam County Planning Commission
Adopted February 7, 1996
Revised July 7, 1999
Revised March 7, 2012
Revised February 5, 2014
Revised January 17, 2018
Revised February 7, 2018
Revised February 15, 2023
Revised September 20, 2023

BYLAWS
OF THE
CLALLAM COUNTY PLANNING COMMISSION

ARTICLE I - NAME

Section 1. Name

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

ARTICLE II - OFFICIAL SEAT

Section 1. Official Seat

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

ARTICLE III - OFFICERS

Section 1. Officers

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

Section 2. Nomination and Election of Officers

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

Section 3. Terms of Officers

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

Section 4. Vacancies in Offices

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

Section 5. Duties of Officers

a. Chair. The Chair shall preside at all meetings and public hearings of the Planning Commission and shall call special meetings when necessary or required. The Chair shall appoint all committees, shall be an ex-officio member of each, without power to vote. The Chair shall sign all official papers and plans involving the authority of the Planning Commission which are

transmitted to the County Commissioners. The Chair shall have the privilege of discussing all matters before the Planning Commission and voting thereon. The Chair shall have all the duties normally conferred by parliamentary usage on such officers and shall perform such other duties as may be conferred by the Planning Commission except as otherwise provided in these Bylaws, in other Planning Commission regulations, or in County ordinances.

b. Vice-Chair. The Vice-Chair shall assume the duties and powers of the Chair in the Chair's absence. If the Chair and Vice-Chair are both absent, the Planning Commission members may elect a temporary chair by a majority vote of those present at the regular, recessed or special meeting, who shall assume the duties and powers of the Chair and Vice-Chair during their absence.

c. Executive Secretary. The Executive Secretary or designee shall keep the minutes of all regular, recessed, and special meetings of the Planning Commission; such minutes shall be approved by the Planning Commission. The Executive Secretary or designee shall give notice of all regular and special meetings to Planning Commission members, shall prepare the agenda of regular and special meetings, shall serve proper and legal notice of all public hearings, and shall draft and sign the routine correspondence of the Planning Commission. The Executive Secretary or designee shall maintain a file of all studies, plans, reports, recommendations, and official records of the Planning Commission, and perform such other duties as the Planning Commission may request.

ARTICLE IV - MEETINGS

Section 1. Regular Meetings; Time and Place

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

Section 2. Recessed Meetings

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

Section 3. Special Meetings

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

Section 4. Notice of Meetings

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

Section 5. Order of Business - Regular and Special Meetings

A. Call to order by Chair
B. Pledge of Allegiance
C. Roll Call
D. Welcome
E. Approval of minutes of preceding meeting
F. Announcements
G. Public Comment on Agenda Items (Not subject of Public Hearing)
H. Unfinished Business
I. Public Hearing and Commission Action
J. Work session items
K. Public Comment on general items
L. Commission and Administration discussion of Public Comments
M. Good of the Order
N. Adjournment

See Attachment 1 for standard welcome format.
Each speaker will be limited to 3 minutes at the Chair's discretion.

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

Section 6. Operational Guidelines

a. Any application may be tabled by majority vote of the Commission if the applicant or an authorized representative is not present at the public hearing.

b. Action on any application or request may be tabled by majority vote of the Commission if all essential information is not provided to the Planning Commission, or if the volume of information provided is significant.

c. Action on any request or application may be tabled to request a legal opinion or interpretation by a majority vote of the Commission.

d. The Commission shall act as a body in (1) making its decisions and in announcing them; and, (2) officially representing itself or making public disclosures to entities outside the Commission or the County Planning staff.

e. Willful misrepresentation of information provided by an applicant pertaining to a request or application will void that request or application upon discovery of the misrepresentation.

f. The Planning Commission will not commence a new public hearing after 8:00 p.m., at the discretion of the Chair.

Section 7. Public Hearing Procedure

1. General. Public hearings provide an opportunity for citizens to give direct input to the Planning Commission on matters being considered. It is the policy of the Planning Commission to conduct hearings in a manner that allows input from the maximum number of citizens possible and respects the opinion of all those wishing to testify.

2. Conducting the Hearing. Public hearings are conducted as regular items on the Planning Commission's Board's published agenda. In order to ensure that the public hearing is conducted in a manner that encourages maximum public participation and respect for varying opinions, the Planning Commission will generally adhere to the following rules:

a. A sign-up sheet will be available for the public to indicate their desire to testify. Speakers will generally be heard in the order in which they sign up, followed by an opportunity for those who did not sign up to comment.

b. The Chair will open the public hearing and accept any written testimony. All written testimony received prior to the close of the public hearing will be considered.

c. The Chair will request planning staff to provide a staff report and recommendation on the matters being considered. Planning Commission members are permitted to ask staff any relevant questions regarding the matter being considered.

d. In order to maintain an accurate public record, all citizens testifying will be required to state their name, address, and nature of interest in the matter for the permanent record.

e. For any application before the Planning Commission, the applicant will be given the opportunity to testify first with a limit of 20 minutes divided among as many of the speakers as determined by the applicant. The applicant will also be given an opportunity, at the end of the testimony period, to have one rebuttal, limited to 10 minutes. Rebuttal comments shall be limited to factual statements relating to previous testimony. The Chair has the discretion to allow more time to speak and/or additional opportunities to comment with the objective of ensuring adequate time for all present to have an opportunity to comment and in consideration of meeting time and other agenda items.

f. The Chair, at its discretion, may limit the comment period for each speaker so that all can be heard. As a general rule, testimony will be limited to three minutes per person, except for a group spokesperson, who will be allowed up to 10 minutes.

g. Public hearings are intended to provide information and opinions from citizens to the Planning Commission. They are not intended to be a debate between those on opposing sides of an issue, nor to weigh how many on each side of an issue attend. The Chair, at its discretion, may limit testimony that provides no new information and/or comments intended solely to debate another person's position on a particular issue while not providing new information to the Planning Commission.

h. The public hearing is closed. Planning Commission members may voice other significant considerations and pose any relevant questions through the Chair. The Chair will question the proper party for answers.

i. The Chair with majority vote may extend the written comment period at their discretion.

j. Motion for disposition. The Commission may take action on the application or matter following a motion.

Section 8. Quorum

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

Section 9. Motions

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

Section 10. Voting

Any action taken by a majority of the quorum, at any regular, recessed or special meeting of the Planning Commission shall be deemed and taken as the final action of the Planning Commission; except that any changes to the Comprehensive Plan, as referenced in RCW 36.70.500, or development regulations involving Clallam County ordinances must be approved by a majority of the total membership of the Planning Commission. Voting on all matters requiring a public hearing before the Planning Commission, and all matters referred to the Planning Commission by the Board of Clallam County Commissioners shall be by roll call vote and the vote of each member shall be recorded in the minutes of the meeting.

Section 11. Staff Reports

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

Section 12. Conflict of Interest/Appearance of Fairness

a. Any member of the Planning Commission who has an interest in any matter before the Planning Commission that would or could tend to prejudice his/her actions thereon, shall so publicly indicate this fact to the Planning Commission prior to the opening of the Public Hearing and shall abstain from voting or participating in any way in the Planning Commission members' action on that matter. The member shall excuse him/herself from the Planning Commission and shall leave the meeting room until the conclusion of the subject matter.

b. During Planning Commission deliberation on any quasi-judicial matter, no member should engage in ex parte communications with opponents or proponents unless the member:

   1. Places on the record the substance of any written or oral ex parte communications concerning the application; and

   2. Provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered or taken on the matter. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are part of the record. Anyone seeking to rely on the appearance of fairness doctrine to disqualify a member of the Planning Commission from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the individual.

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

Section 13. Attendance

a. Attendance at all regular meetings and executive sessions is expected of each Planning Commission member.

b. Any members anticipating absence from any meeting shall notify the Chair or Executive Secretary in advance.

c Any absence may be excused by the Planning Commission, even for an extended period, provided the absence is requested at least 48 hours in advance, unless the absence is necessitated by an emergency.

Section 14. Parliamentary Procedure

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

Section 15. Public Nature of Meetings and Records

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

ARTICLE V - COMMITTEES

Section 1. Establishment of Committees

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

Section 2. Appointment and Terms of Committee Members

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

Section 3. Committee Vacancies

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

Section 4. Meetings of Committees

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

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

Section 5. Quorum and Voting

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

ARTICLE VI - AMENDMENTS

Section 1. Amendments

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

ADOPTION

Adopted February 15, 2023 by an affirmative vote of the members of the Clallam County Planning Commission.

Attachment 1 - Welcome

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

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