

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, February 19, 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:** January 15, 2025
- F. ANNOUNCEMENTS:**
- G. PUBLIC COMMENT on AGENDA ITEMS** – Please Limit Comments to Three Minutes
- H. UNFINISHED BUSINESS:** None
- I. PUBLIC HEARING/COMMISSION ACTION:** Proposed changes to Consolidated Development Permit Process CCC 26.10.540 regarding timeline
- J. WORK SESSION ITEMS:**
 - 1) Presentation on Comprehensive Plan Update.
 - 2) Draft Public Benefit Rating System-Open Space program ordinance.
 - 3) Introduction to definition and changes to zoning code regarding RV's.
- K. PUBLIC COMMENT** – Please Limit Comments to Three Minutes
- L. DISCUSSION OF PUBLIC COMMENTS**
- M. GOOD OF THE ORDER:** Discuss and Vote on proposed amendment to 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 2

Department of Community Development Staff:

Donella Clark, Principal Planner; Tim Havel, Deputy Director; Bruce Emery, DCD Director

MINUTES

Clallam County Planning Commission

Meeting of January 15, 2025, 6:00 PM

- A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Steve Gale, Vice-Chair Ron Long, Tom Butler, Ken Reandeau, Katina Hester, Dann May, and Jane Hielman. Donella Clark, Principal Planner and Bruce Emery, Director of Community Development represented staff.
- D. WELCOME: Chair Gale welcomed all in attendance.
- E. APPROVAL OF MINUTES: Katina Hester made a motion to approve the minutes and Bonnie Booth seconded. Motion passed to approve minutes with one abstention.
- F. ANNOUNCEMENTS: Election of Chair and Vice Chair: elected Steve Gale as Chair and Ron Long as Vice Chair. Preview of the work plan and discussion of the items coming to the Planning Commission regarding the GMA update. Public outreach plan, gap analysis, and outline of accomplishments will be presented with a request for comment from Planning Commission. Immediate actions are advertising the GMA survey, press releases, and finalization of the proposed public outreach plan. Staff is still waiting on the lands capacity analysis.
- G. PUBLIC COMMENT PERIOD: No public present at the meeting.
- H. UNFINISHED BUSINESS: None
- I. PUBLIC HEARING ITEM: None
- J. WORK SESSION ITEMS:
 - 1. Staff brought back the requested changes to the Public Benefit Rating System-Open Space program ordinance. The Planning Commission discussed the ordinance including the benefit a person would contribute by combining parcels and requested clarification from the Assessor regarding section 27.08.040(5). Staff will make changes and request the Assessor to attend a meeting to discuss the program.
 - 2. Staff presented proposed changes to CCC 26.10.540 to remain compliant with State regulations introduced by Senate Bill 5290. Because this is a State regulation and the changes are minor and intends to provide better customer service for land use decisions, staff would like to bring this to a public hearing on February 19th.
- K. PUBLIC COMMENT PERIOD: None
- L. DISCUSSION OF PUBLIC COMMENTS: None.
- M. GOOD OF THE ORDER: Commissioner Hester provided in writing proposed changes to the bylaws to revise the section regarding Conflicts of Interest. Discussion and a vote will take place at the next meeting. Steve Gale asked staff to request comment on the changes from legal.
- N. ADJOURNMENT: The meeting adjourned at __7:45__ p.m.

Peninsula Daily News

Affidavit of Publication

State of Washington }

County of Clallam/Jefferson } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Peninsula Daily News a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Clallam/Jefferson County, Washington and is and always has been printed in whole or part in the Peninsula Daily News and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Clallam/Jefferson County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of PDN1008136 HEARING 2/19/25 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 01/25/2025 and ending on 01/25/2025 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$69.72.

Subscribed and sworn before me on this

27th day of January,
2025.

Randie Pospical

Notary Public in and for the State of Washington.

CL CO COMMUNITY DEV - LEGAL ADS | 48140985
DONELLA CLARK



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to RCW 36.70.580, that the Clallam County Planning Commission (PC) has scheduled a public hearing for Wednesday, February 19, 2025, at 6:00 p.m. in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362. To appear by Zoom please visit <https://zoom.us/join> or call (888) 475-4499 or (253) 215-8782, then enter Meeting ID: 860 165 2237 and Passcode: 12345.

The purpose of the hearing is to receive public testimony on the adoption of amendments to the Clallam County **Time limit for final land use decisions** to remain compliant with State Senate Bill 5290. The amendment changes the limit from 120 days to 65 days for Type 1 permits, 100 days for Type 2, and 170 days for Type 3.

State Environmental Policy Act (SEPA): Clallam County is the lead agency for this proposal. Clallam County issued a Determination of Non-Significance (DNS) on January 22, 2025 for a non-project action and has determined that the proposed amendments to the Development Regulations would not result in a probable significant adverse impact on the environment.

Comments & Additional Information: Any interested person or party may submit written or oral comments on the proposal. Comments can be submitted at the public hearing or in advance of the public hearing. Upon completion of the public hearing process, the Planning Commission will forward its recommendations to the Board of Clallam County Commissioners for its consideration and further action. For more information view the Planning Commission Agenda for February 19, 2025. You can also visit DCD office at 223 E. 4th St., Suite 5, Port Angeles, WA 98362, Monday through Friday, between 8:00 a.m. - 4:30 p.m. or contact Donella Clark, project planner at (360) 417-2594, or by email at donella.clark@clallamcountywa.gov if you have any questions or comments.

PDN.: January 25, 2025

Legal No. 1008136

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:

- (a) Requires an amendment to the Comprehensive Plan text or map, or a development regulation;
- (b) Requires approval of a new fully contained community as provided in RCW 36.70A.350, a master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.07A.200; or
- (c) Is substantially revised by the applicant, consistent with CCC 26.10.330(3).

(4) *Overview of Standard Permit Process Timelines.*

Standard Process Timelines Guidelines by Permit Category			
Timeline Element	Type I	Type II	Type III
A determination of complete application for processing, or incomplete application, shall be issued 28 days from the date the application is submitted.	No	Yes	Yes
For applications determined to be incomplete, a new determination of completeness or incompleteness shall be issued 14 days from the date the requested new information has been submitted. This process shall be repeated until the application is deemed complete for processing.	No	Yes	Yes
Once deemed complete for processing, the review authority should provide a decision on the underlying permit within <u>65 days for Type I, 100 days for Type II, and 120 days for Type III</u> from the date of completeness.	Yes (from date of application)	Yes	Yes
Appeal Period – A permit issued by Clallam County that is subject to this chapter shall not be acted upon within 14 days of the date the decision is placed in the mail, to allow for any appeals of the decision.	Yes	Yes	Yes
Appeal Process – The review authority on an appeal provided	Yes	Yes	Yes

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 <u>26.10.330(3)</u> 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.

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

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

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

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

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

18 (i) To achieve permit review within the stated time periods, a
19 local government must provide consolidated review for building permit
20 applications. This may include an initial technical peer review of
21 the application for conformity with the requirements of RCW
22 36.70B.070 by all departments, divisions, and sections of the local
23 government with jurisdiction over the project.

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

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

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

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

36 (ii) A local government must determine, no later than August 1,
37 2023, the specific fee structure needed to provide permit review
38 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;

1 (b) Building industries; and

2 (c) Building officials.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) (a) Within (~~(twenty-eight)~~) 28 days after receiving a project
23 permit application, a local government planning pursuant to RCW
24 36.70A.040 shall (~~((mail or))~~) provide (~~((in person))~~) a written
25 determination to the applicant(~~((, stating))~~).

26 (b) The written determination must state either:

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

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

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

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

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

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

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

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

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

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

22 (d) The notice of application pursuant to the requirements in RCW
23 36.70B.110.

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

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

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

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

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

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

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

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

27 (i) For project permits which do not require public notice under
28 RCW 36.70B.110, a local government must issue a final decision within
29 65 days of the determination of completeness under RCW 36.70B.070;

30 (ii) For project permits which require public notice under RCW
31 36.70B.110, a local government must issue a final decision within 100
32 days of the determination of completeness under RCW 36.70B.070; and

33 (iii) For project permits which require public notice under RCW
34 36.70B.110 and a public hearing, a local government must issue a
35 final decision within 170 days of the determination of completeness
36 under RCW 36.70B.070.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (ii) The county or city is not meeting the permitting deadlines
5 established in RCW 36.70B.080 at least half of the time over the
6 period since its most recent comprehensive plan update under RCW
7 36.70A.130.

8 (b) A city or county that is required to adopt new measures under
9 (a) of this subsection but fails to do so becomes subject to the
10 provisions of RCW 36.70B.080(1)(1), notwithstanding RCW
11 36.70B.080(1)(1)(ii).

12 ~~((+2))~~ (3) Nothing in this chapter is intended or shall be
13 construed to prevent a local government from requiring a
14 preapplication conference or a public meeting by rule, ordinance, or
15 resolution.

16 ~~((+3))~~ (4) Each local government shall adopt procedures to
17 monitor and enforce permit decisions and conditions.

18 ~~((+4))~~ (5) Nothing in this chapter modifies any independent
19 statutory authority for a government agency to appeal a project
20 permit issued by a local government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (d) Notifying the news media;

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

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

35 (g) Mailing to neighboring property owners.

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

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

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

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

11 (c) Comments shall be as specific as possible.

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

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

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

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

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

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

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

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

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

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

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

23 NEW SECTION. **Sec. 11.** The department of commerce shall develop
24 a template for counties and cities subject to the requirements in RCW
25 36.70B.080, which will be utilized for reporting data.

26 NEW SECTION. **Sec. 12.** The department of commerce shall develop
27 a plan to provide local governments with appropriately trained staff
28 to provide temporary support or hard to find expertise for timely
29 processing of residential housing permit applications. The plan shall
30 include consideration of how local governments can be provided with
31 staff that have experience with providing substitute staff support or
32 that possess expertise in permitting policies and regulations in the
33 local government's geographic area or with jurisdictions of the local
34 government's size or population. The plan and a proposal for
35 implementation shall be presented to the legislature by December 1,
36 2023.

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

3 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 ---

**State Environmental Policy Act (SEPA) WAC 197-11
DETERMINATION OF NON-SIGNIFICANCE**

Proposal: Amendments to Time limit for final decision - Exceptions, CCC 26.10.540

Applicant: Donella Clark, Principal Planner for
Clallam County Department of Community Development
223 East 4th Street, Suite 5
Port Angeles, WA 98362

NOTICE IS HEREBY GIVEN, pursuant to RCW 36.70.580, that the Clallam County Planning Commission (PC) has scheduled a public hearing for Wednesday, February 19, 2025, at 6:00 p.m. in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362. To appear by Zoom please visit <https://zoom.us/join> or call (888) 475-4499 or (253) 215-8782, then enter Meeting ID: 857 7304 5582 and Passcode: 12345.

The purpose of the hearing is to receive public testimony on the adoption of the following proposed amendment of the Clallam County Development Regulations time limits for final land use decisions. The proposed amendments are intended to make Clallam County in compliance with State Senate Bill 5290. Interested parties are invited to attend the public hearing(s) and make their views known to the Planning Commission.

Any interested person or party may submit written or oral comments on the proposal. Comments can be submitted at the public hearing or in advance of the public hearing. Upon completion of the public hearing process, the Planning Commission will forward its recommendations to the Board of Clallam County Commissioners for its consideration and further action. For more information consult the Planning Commission Agenda for the November 1st meeting. You can also visit our offices at 223 E. 4th St., Suite 5, Port Angeles, WA 98362, Monday through Friday, between 8:00 a.m. - 4:30 p.m. Please contact Donella Clark, project planner at (360) 417-2594, or by email at donella.clark@clallamcountywa.gov if you have any questions or comments.

Description of Proposal: The proposed standards will be an amendment to the timeline for Type 1, 2 and 3 permits. Instead of the standard 120 days for the review authority to provide a decision, Type 1 permits will now need to be complete within 65 days, Type 2 within 100 days, and Type 3 within 170 days from the date of completeness.

Location of Proposal: This proposal would apply throughout the unincorporated portions of Clallam County.

SEPA: The updates to the Comprehensive Plan and development regulations are a non-project action (per WAC 197-11-704(2)(b)). Phased review is a component of a non-project action. The lead agency determines the appropriate scope and level of detail of environmental review to coincide with meaningful points in the planning and decision-making processes. Environmental review may be phased if it assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues not yet ready. Broader environmental documents may be followed by narrower documents such as site specific analysis (project specific) per WAC 197-11-060(5) of SEPA Rules. When project actions to implement these regulations are proposed, these project actions will be subject to further environmental review.

Clallam County is the lead agency for this proposal. Clallam County has determined that the proposed amendments to the Comprehensive Plan and Development Regulations would not have a probable significant adverse impact on the environment based on a review of a completed environmental checklist, proposed amendments Comprehensive Plan and Development Regulations pertaining to mineral lands, and other information on file with Clallam County.

This Determination of Non-Significance (DNS) for this non-project action is issued 1/22/2025 under WAC 197-11-340(2).

Comments on this DNS must be submitted by **February 10, 2025**.

Signature:



Bruce Emery, Responsible Official
Department of Community Development (DCD)
223 E. 4th Street, Suite 5, Port Angeles, WA 98362

This may be the only opportunity to comment on the environmental impacts of the proposal. Unless the Responsible Official withdraws the threshold determination pursuant to WAC 197-11-340(3)(a), the threshold determination shall be final at the end of the comment period. Agencies and interested parties will be notified if the threshold determination is withdrawn. The threshold determination may be appealed as part of the Board of County Commissioner's final decision regarding adoption of the amendments to the Development Regulations pertaining to Recreational Uses. Contact the Responsible Official for SEPA appeal procedures.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

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

Instructions for applicants

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

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

Instructions for lead agencies

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

Use of checklist for nonproject proposals

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

A. Background Find help answering background questions

1. **Name of proposed project, if applicable:**
2. **Name of applicant:** Clallam County
3. **Address and phone number of applicant and contact person:** Donella Clark, Project Planner, 223 E 4th St Clallam County Courthouse Suite 5, Port Angeles, WA 98362
donella.clark@clallamcountywa.gov, 360-417-2594
4. **Date checklist prepared:** January 17, 2025
5. **Agency requesting checklist:** Clallam County
6. **Proposed timing or schedule (including phasing, if applicable):** Planning Commission Public Hearing scheduled for February 19, 2025, with a vote on a recommendation to the Board of County Commissioners and public hearing to follow.
7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.** No.
8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.** Final Environmental Impact Statement (FEIS) for adoption of Clallam County Comprehensive Plan and Regional Comprehensive Planning, Zoning Ordinance Title 33 adopted by Ordinance 581 on December 19, 1995 and amendments.
9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.** No.
10. **List any government approvals or permits that will be needed for your proposal, if known.** None.
11. **Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) This is a non-project action amending the current development regulation timelines to reflect the changes required through Senate Bill 5290.**
12. **Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by**

the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. The changes will affect the timelines required for a decision of all land use development permits in Clallam County.

B. Environmental Elements

1. Earth Find help answering earth questions

- a. **General description of the site:** This proposal is a non-project action that will apply to all areas of the unincorporated County.

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other: All.

- b. **What is the steepest slope on the site (approximate percent slope)?** Any. The development regulations encompass all of unincorporated Clallam County.
- c. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)?** If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. All soil types.
- d. **Are there surface indications or history of unstable soils in the immediate vicinity?** If so, describe. This is a non-project action so this is not applicable.
- e. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.** This is a non-project action so this is not applicable.
- f. **Could erosion occur because of clearing, construction, or use?** If so, generally describe. This is a non-project action and is not applicable.
- g. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?** This is a non-project action so this is not applicable.
- h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any.** This is a non-project action so this is not applicable.

2. Air Find help answering air questions

- a. **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed?** If any, generally describe and give approximate quantities if known. This is a non-project action regarding the standards for timelines of land use decisions.

- b. **Are there any off-site sources of emissions or odor that may affect your proposal?** If so, generally describe. There is nothing that would indicate an effect.

c. Proposed measures to reduce or control emissions or other impacts to air, if any. There will be no permanent emissions created by this non-project action.

3. Water [Find help answering water questions](#)

a. Surface Water: [Find help answering surface water questions](#)

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. This is a non-project action so this is not applicable.**
- 2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. Site specific development will be reviewed in the context of the County's development and Critical Area regulations and is not applicable to this non-project action.**
- 3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. None.**
- 4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known. No.**
- 5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. This is a non-project action, site specific information is not required until a sign construction project is proposed.**
- 6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No.**

b. Ground Water: [Find help answering ground water questions](#)

- 1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known. This is a non-project action so this is not applicable.**
- 2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. Placement of Park Models will require a legal connection to a septic system or sewer. Currently Park Models are connecting to septic systems without benefit of review or inspection of the system.**

c. Water Runoff (including stormwater):

- 1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.** Site specific development will be reviewed for compliance with Clallam County Codes at the time of permitting. Drainage plans will be required with the processing of the placement permit. This non-project action will not affect these.
- 2. Could waste materials enter ground or surface waters? If so, generally describe.** No.
- 3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.** This is a non-project action.
- 4. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.** The need for stormwater and soil impact mitigation will be determined at the time of permitting development within the timeframe of the new regulations.

4. Plants [Find help answering plants questions](#)

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

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ orchards, vineyards, or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? This is a non-project action.

c. List threatened and endangered species known to be on or near the site. There may be ESA listed species located within Clallam County, but will not be directly effected by this non-project area.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any. None.

e. List all noxious weeds and invasive species known to be on or near the site. There could be all types of noxious weeds on sites located within this non-project action.

5. Animals [Find help answering animal questions](#)

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site. All could exist in areas controlled under this non-action project.

Examples include:

- **Birds:** hawk, heron, eagle, songbirds, other:
- **Mammals:** deer, bear, elk, beaver, other:
- **Fish:** bass, salmon, trout, herring, shellfish, other:

- b. **List any threatened and endangered species known to be on or near the site.** There may be all ESA listed species in this non-action project area.
- c. **Is the site part of a migration route? If so, explain.** The area within this non-project action may be a migration route.
- d. **Proposed measures to preserve or enhance wildlife, if any.** None specified per this non-project action.
- e. **List any invasive animal species known to be on or near the site.** There may be all types listed in this non-project area.

6. Energy and Natural Resources Find help answering energy and natural resource questions

- a. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.** This is a non-project action and does not apply.
- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.** No.
- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.** None.

7. Environmental Health Find help with answering environmental health questions

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.** No.

1. **Describe any known or possible contamination at the site from present or past uses.** This is a non-project action and not site specific.

- a. **Describe existing hazardous chemicals/conditions that might affect project development and design.** This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. None.
- b. **Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.** None.
- c. **Describe special emergency services that might be required.** None.
- d. **Proposed measures to reduce or control environmental health hazards, if any.** None.

b. Noise

- 1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?** This is a non-project action so there is no site specific information.
- 2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)?** Indicate what hours noise would come from the site)? None.
- 3. Proposed measures to reduce or control noise impacts, if any.** None.

8. Land and Shoreline Use [Find help answering land and shoreline use questions](#)

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.** This is a non-project action so there is no site specific information until a project is proposed.
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?** This is a non-project action so this is not applicable.
- c. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?** This is a non-project action so this is not applicable.
- d. Describe any structures on the site.** Not applicable to this non-project action.
- e. Will any structures be demolished? If so, what?** Review of site specific improvements will occur at the project stage.
- f. What is the current zoning classification of the site?** This is a non-project action and review of zoning classifications will be complete at time of development.
- g. What is the current comprehensive plan designation of the site?** This is a non-project action and will apply to all Comprehensive Plan designations throughout unincorporated Clallam County.
- h. If applicable, what is the current shoreline master program designation of the site?** This is a non-project action and there is no site specific information.
- i. Has any part of the site been classified as a critical area by the city or county? If so, specify.** This is a non-project action and there is no site specific information.
- j. Approximately how many people would reside or work in the completed project?** This is not applicable for this non-project action.

- k. **Approximately how many people would the completed project displace? None.**
- l. **Proposed measures to avoid or reduce displacement impacts, if any. None.**
- m. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any. This is a non-project action and there is no site specific information.**
- n. **Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any. This is a non-project action and there is no site specific information.**

9. Housing Find help answering housing questions

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

10. Aesthetics Find help answering aesthetics questions

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? This is a non-project action and there is no site specific information.**
- b. **What views in the immediate vicinity would be altered or obstructed? This is a non-project action and there is no site specific information.**
- c. **Proposed measures to reduce or control aesthetic impacts, if any. This is a non-project action and there is no site specific information.**

11. Light and Glare Find help answering light and glare questions

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

12. Recreation Find help answering recreation questions

- a. **What designated and informal recreational opportunities are in the immediate vicinity? This is a non-project action and there is no site specific information.**
- b. **Would the proposed project displace any existing recreational uses? If so, describe. This is a non-project action and there is no site specific information.**

- c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any. None.**

13. Historic and Cultural Preservation [Find help answering historic and cultural preservation questions](#)

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. This is a non-project action and there is no site specific information.**
- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. Review of the specific placement will ensure historical features are protected.**
- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. This is a non-project action and there is no site specific information.**
- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. None associated with the proposed Ordinance.**

14. Transportation [Find help with answering transportation questions](#)

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. This is a non-project action and there is no site specific information.**
- b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? This is a non-project action and there is no site specific information.**
- c. **Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). This is a non-project action.**
- d. **Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. No.**
- e. **How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? None.**
- f. **Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest**

products on roads or streets in the area? If so, generally describe. No.

g. Proposed measures to reduce or control transportation impacts, if any. None.

15. Public Services Find help answering public service questions

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. This is a non-project action that affects timelines for processing permits.

b. Proposed measures to reduce or control direct impacts on public services, if any. None.

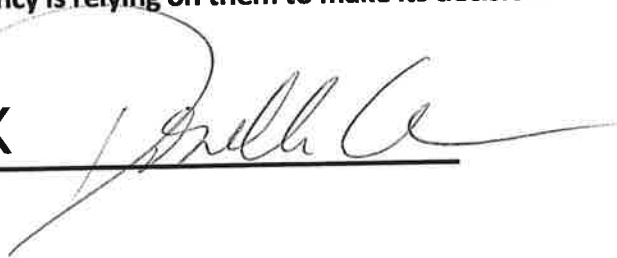
16. Utilities Find help answering utilities questions

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other: This is a non-project action and there is no site specific information.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. This is a non-project action and there is no site specific information.

C. Signature Find help about who should sign

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

X 

Type name of signee: Donella Clark

Position and agency/organization: Principal Planner, Clallam County Department of
Community Development

Date submitted: 1/17/2025

D. Supplemental sheet for nonproject actions [Find help for the nonproject actions worksheet](#)

IT IS NOT REQUIRED to use this section for project actions.

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

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

- 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? It will not.** This non-project amendment alters the timeline for development review of land use proposals.

- **Proposed measures to avoid or reduce such increases are:** Nothing proposed as there will be nothing produced through adoption of the amended ordinance.

- 2. How would the proposal be likely to affect plants, animals, fish, or marine life? The amendment to our development regulation timelines will have no affect.**

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:** Nothing proposed.

- 3. How would the proposal be likely to deplete energy or natural resources? The proposed regulations would not deplete energy or natural resources.**

- **Proposed measures to protect or conserve energy and natural resources are:** Nothing proposed.

- 4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? The amendment will not affect these areas as it changes only timelines for land use permit review.**

- **Proposed measures to protect such resources or to avoid or reduce impacts are:** The proposed amended ordinance does not propose specific protective measures to avoid impacts.

- 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? The amendments will not.**

- **Proposed measures to avoid or reduce shoreline and land use impacts are:** Nothing proposed.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Utilities will likely be associated with the land use proposals but not affected by this ordinance.

- **Proposed measures to reduce or respond to such demand(s) are:** None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The intent of the amendment is to come into compliance with State Senate Bill 5290.

Comprehensive Plan Update

Preliminary review of Clallam
County requirements

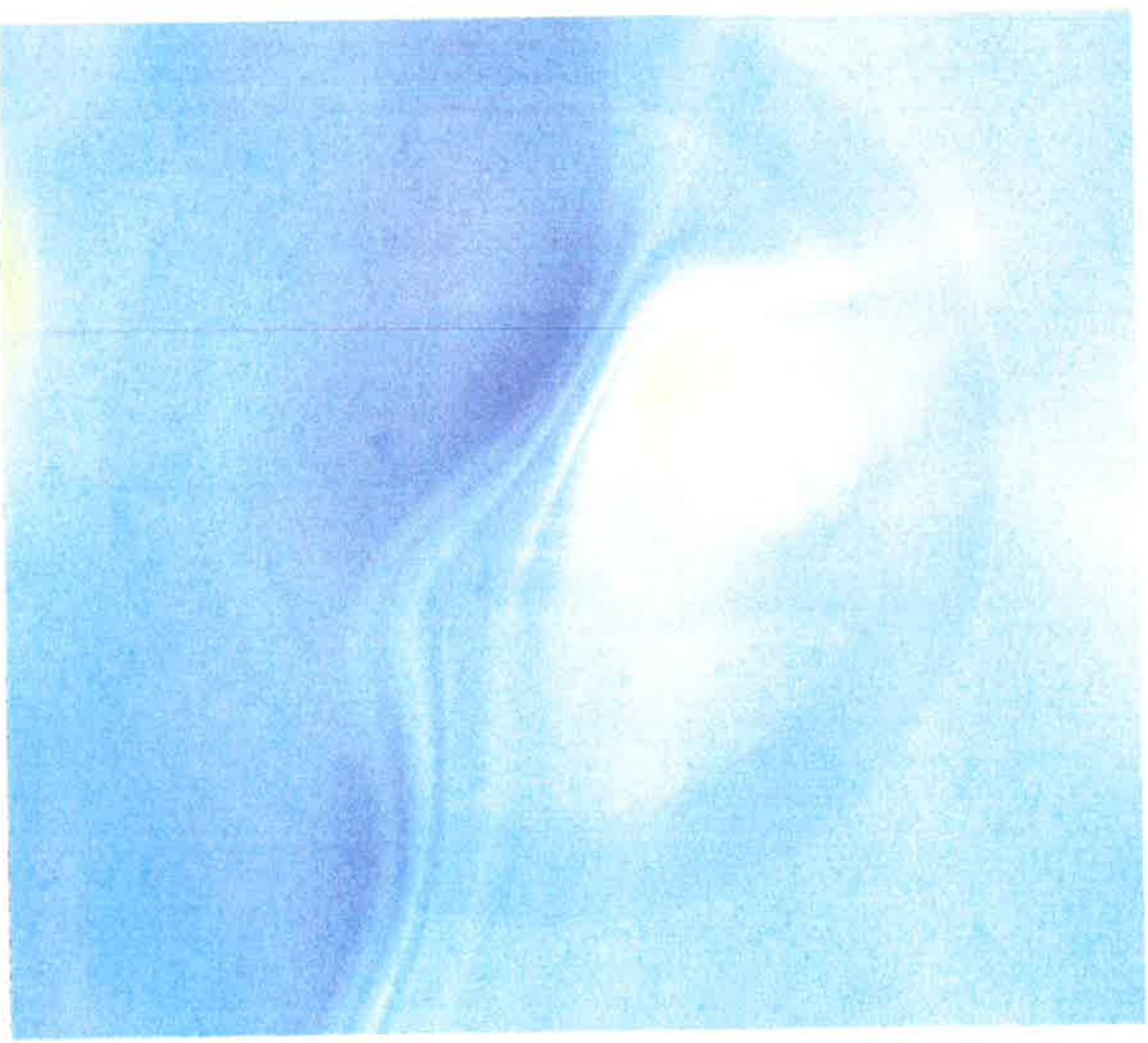


Introduction and Purpose

Clallam County is undertaking a periodic review of its Comprehensive Plan as required by the Washington State Growth Management Act (GMA) under Chapter 36.70A RCW

The GMA requires each Comprehensive Plan be reviewed and revised if needed on a 10-year schedule established by the Legislature

This is an opportunity to provide an overview of the project, state requirements, and address questions and concerns



Mandatory Elements

- The Comprehensive plan of Clallam County, as a fully planning county, must include the following mandatory elements, as outlined in RCW 36.70A.070:

- Land Use
- Rural
- Housing
- Transportation
- Capital Facilities
- Economic Development
- Utilities
- Parks & Recreation

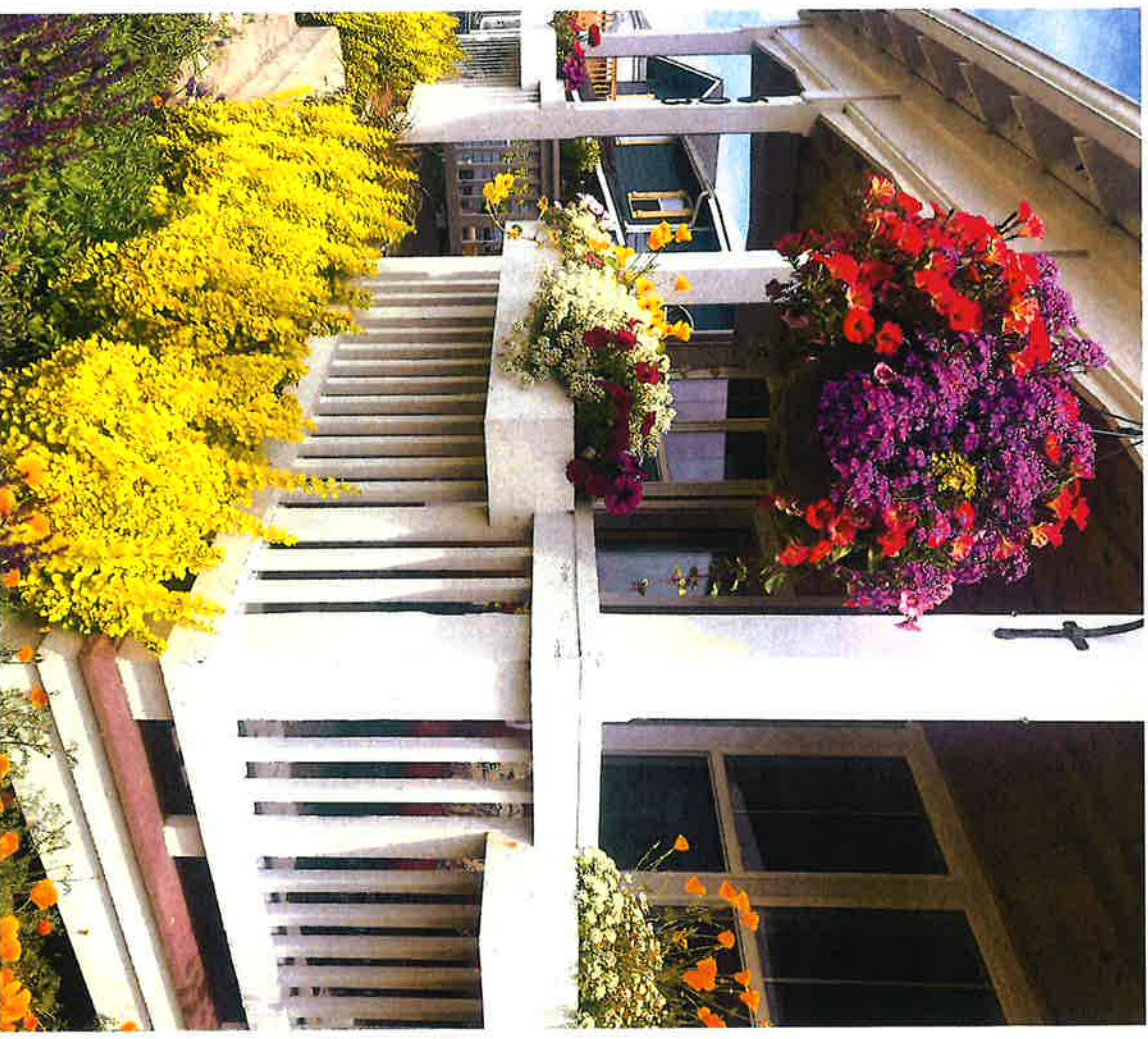
New Climate Element

- HB 1181
 - Requires integration of a new Climate Change Element and Resiliency sub-element
 - Following elements must be updated to include or build on climate change topics:
 - Land Use
 - Capital facilities
 - Parks, Recreation, and Open Space
 - Public Facilities and Utilities
 - Transportation



New Housing Requirements

- **HB 1220:**
 - Planning for housing by income band
 - Provide for emergency housing, emergency shelters, & permanent supportive housing
 - Policies/regulations to address racial disparities, displacement, and exclusion in housing
- **HB 1337:**
 - Allows at least 2 Accessory Dwelling Units (ADUs) per lot in zones that allow for single-family homes within Urban Growth Areas (UGAs)
- **These may require land use element changes as well as development regulations changes**



Future Housing Allocations

Utilizing the Department of Commerce's Housing for All Planning Tool (HAPT) with moderate growth projections, the County's future housing needs are projected to increase by:

Clallam County Housing Allocations, HAPT C, 8/28/24

	0-30% AMI						Emergency Housing (temp)
	Non-PSH	PSH	>30-50%	>50-80%	>80-100%	>100-120%	>120%
City of Forks	100	45	92	37	13	10	2
Forks UGA	10	5	9	4	1	1	0
City of Port Angeles	664	299	605	241	85	63	13
Port Angeles UGA	100	45	91	37	13	10	2
City of Sequim	623	280	568	227	80	61	11
Sequim UGA	100	45	91	37	13	10	2
Clallam Bay/Seki UGA	10	5	9	4	1	1	0
Joyce UGA	0	0	0	0	0	0	0
Catsborg UGA	60	27	55	22	8	6	1
Unincorporated Rural	0	0	0	124	44	34	812

PSH = Permanent Supportive Housing

AMI = Area Median Income

Other Comprehensive Plan Topics of Note

Changes in the Housing Element
will drive changes to the Land
Use Element and potentially
other elements:

- Economic Development
- Parks and Recreation
- Transportation
- Capital Facilities
- Utilities



Critical Area Ordinance Update

The Growth Management Act (GMA) requires Clallam County to adopt and periodically update regulations that protect five types of critical areas:

- Critical Aquifer Recharge Areas (CARAs)
- Fish and Wildlife Habitat Conservation Areas (FWHCAs)
- Frequently Flooded Areas (FFAs)
- Geologically Hazardous Areas (GHAs)
- Wetlands



Critical Area Ordinance Update, continued

- Clallam County last completed a comprehensive update of its critical areas policies and regulations in 2004, with several minor updates since that time, and is now required to complete a periodic update by December 31, 2025.
- According to State law, critical area regulations are required to incorporate Best Available Science (BAS), and any deviations from science-based recommendations must be identified, assessed, and explained.
- Jurisdictions must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.



Critical Area Ordinance Update, Gap Analysis

Main areas of consideration

- Update policies to include *no net loss* for consistency with GMA
- Providing clarity on relationship of Shoreline Master Plan and CAO
- Update wetland delineation, ratings system and qualifications of wetland professionals
- Revise wetland buffers to meet Ecology's recommendations and standardizations
- Update stream and wildlife habitat conservation area classifications
- Stream protection standards, including riparian area management, vegetation requirements, and mitigation
- Update hazard tree and vegetation removal requirements
- Revise wastewater, dewatering, and allowed activities provisions in CARAs
- Clarify and ensure consistency of regulated activities and exemptions

Community Survey

Community input is an important component of our Comprehensive Plan update. By taking this survey, your input can help us determine how to best prioritize the needs and desires of our community, partners, and co-managers going forward.



What we've been doing:

- Gap Analysis
- BAS Report
- Housing allocations
- Climate Vulnerability Analysis

What we're doing now:



PUBLIC OUTREACH



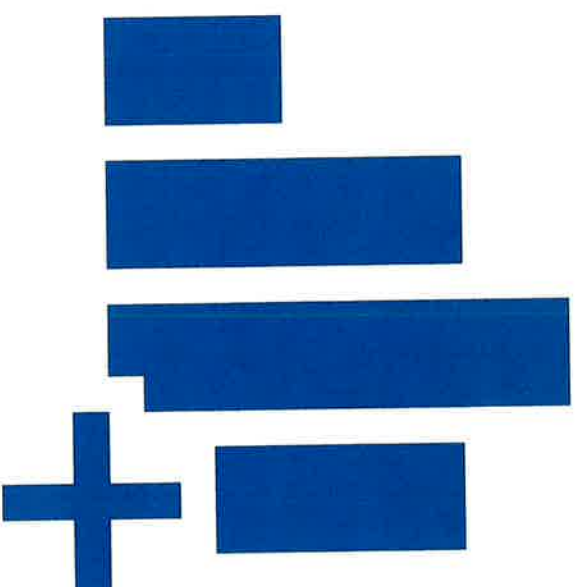
COMMUNITY SURVEY



PLANNING
COMMISSION

What we're doing next:

- Continued Public Outreach
- Draft Periodic Update release
- Press release
- Commerce review
- SEPA checklist



**And when all
of that is
complete**

- Public Comment
- Open House events
- BOCC & PC workshops
- SEPA Comment period

Lastly

- BOCC Approval

Presentation created in coordination with the County's consultant, Facet NW, Inc.

Contacts:

- Bruce Emery, Director, DCD – (360) 417-2323, bruce.emery@clallamcountywa.gov
- Tim Havel, Deputy Director, DCD – (360) 417-2563, tim.havel@clallamcountywa.gov





MEMORANDUM

Clallam County Department of Community Development

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

Discussion

Typos were corrected, clarifications made, size and height of signs were added. Need to discuss 27.08.040 with Assessor and need to discuss if we are going to leave in Lot Combinations as a qualifier for the program.

Regarding signs, Clallam County Code CCC 33.57 does not specify materials or colors for signs, only size and height. As long as the sign is maintained and visible I am not enough of an expert to specify materials and want landowners to deal with aesthetics and what looks best on their property to inform the public that they are welcome to utilize the land. Would like to consider language to exempt these signs from a permit since it is required as part of the program.

Under the current code CCC 27.08.060(16) it has been identified that lot combinations that extinguish a development right do provide a benefit as open space:

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.

The question was asked at the previous meeting if the reduction of value already received is not enough and providing the additional benefit should not be provided? The benefit to the public in this section is to provide contiguous open spaces that are protecting lands from being developed. This has always been important in the program to maintain large parcels that contribute to the character of our rural lands. The Planning Commission needs to decide if Lot Combinations that distinguish a development right provides a benefit worth supporting in the program.

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.
27.08.080100	Signage.
27.08.110	Hold harmless agreement.
27.08.120	Open space land amendments.
27.08.130	Home site exclusion.
27.08.090140	Procedure.
27.08.150	Enforcement.
27.08.100190	Severability.

SOURCE:

ADOPTED:

Ord. 606

12/17/96

AMENDED

ADOPTED:

SOURCE:

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, except lands that meet the following criteria:

(a) Farm and Agriculture Conservation land defined herein;

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

(c) 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 charge a fee, require a membership or rental for such use, or 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 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 whose mission is to protect resources.

(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.

(51) "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 qualificationsresources.

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 systempoints: 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 existing County, State, or Federal park, wildlife preserve, sanctuary, or conservation easement protecting lands over 20 acres and that reduce development rights.

(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

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
"Prime" or Class I	3	6	9	12	15
Class II	2	3	6	9	12
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 qualifications 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. **Parcels** properties which meet a given criterion shall receive the reduction in the highest category qualified; public benefit 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

<u>OPEN SPACE PUBLIC BENEFIT RESOURCE</u>	<u>CODE REFERENCE</u>	<u>PERCENT REDUCTION IN TAX VALUATION</u>	<u>MAXIMUM REDUCTION IN TAX VALUATION ALLOWED</u>
<u>Conservation Easement- diminished development right(s)</u>	<u>27.08.080(1)</u>	<u>90%</u>	<u>90%</u>
<u>Lot Combination- diminished development right(s)</u>	<u>27.08.080(2)</u>	<u>80%</u>	<u>80%</u>
<u>Public Use</u>	<u>27.08.080(8)</u>	<u>75%</u>	<u>75%</u>

<u>Farm and Agriculture Conservation Land</u>	<u>27.08. 080(4)</u>	<u>50%</u>	<u>50%</u>
<u>Conservation Easement- No diminished development right</u>	<u>27.08.080(3)</u>	<u>25%</u>	<u>40%</u>
<u>Restoration or Enhancement of Sensitive Ecological Resources</u>	<u>27.08.080(5)</u>		
<u>Rare and Unique Plant Communities</u>	<u>27.08.080(6)</u>		
<u>Parkland Buffers</u>	<u>27.08.080(7)</u>		

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
Highest Public Benefit				
1.	Conservation easements, TDRs	CCC <u>27.08.060(17)</u>	23	23
Very High Public Benefit				
2. A.	Lot combination	CCC <u>27.08.060(16)(b)</u>	15	15

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
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	
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	

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
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
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%
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.~~

27.08.080100 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;~~

(21) Be posted as follows: At least one open space sign no larger than six square feet and less than five feet in height shall be posted on the subject property's road frontage or access, or nearest public road as applicable, in a conspicuous location, visible to passing motorists. At minimum, signs shall identify access points, allowed uses designated per zoning code and property owner approval, and landowner contact information.

(32) Be purchased and maintained by the property owner for the appropriate fee as established in Chapter 5.100 CCC; and at the owner's expense.

~~(4) Be maintained at~~ The sign shall be maintained 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.~~

27.08.090140 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.~~

~~(21) 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.~~

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

~~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.

~~(23)~~ 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 been~~ 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, 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 recommendations, 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 recommendations. The Board of Commissioners shall approve or deny the applications after reviewing ~~comments taken at the recommendation from the~~ Planning Commission ~~public hearing~~.

(65) If the Board of Commissioners approves the application, an ~~e~~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 ~~e~~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.



CLALLAM COUNTY
Department of Community Development
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Phone: (360) 417-2271
Fax: (360) 417-2443
enrique.valenzuela@clallamcountywa.gov

Memorandum

Date: February 12, 2025
To: Clallam County Planning Commission
From: Bruce Emery, Director
Re: Draft RV Use Code Amendments

Discussion

Use of Recreational Vehicles (RVs) as an alternative means of housing has been occurring in Clallam County and across our State with increased frequency. The reasons are many and varied but the circumstance is primarily driven by a substantial increase in the price of housing and reduced production of new, affordable housing stock. In short, many are resorting to alternative housing situations, such as unit-sharing and use of non-traditional housing units.

Along with this increase in residential use of RVs are the emergence of collateral issues, including aesthetic impacts, problems related to sewage disposal, critical area impacts, and solid waste disposal issues, to name a few. There exists a clear need to strike the right balance between protecting communities from the issues related to uncontrolled proliferation of residential RV use and the need to recognize its necessity to many County citizens for whom better alternatives are simply not available or attainable. Human compassion demands a reasonable compromise.

Current Code provisions

In March of 2024, the Board of County Commissioners (BOCC) adopted Ordinance 1014, implementing standards for the placement and use of Park Model Recreational Vehicles (Park Model Placement, Chapter 21.06, CCC). These standards included provisions to ensure placement does not violate principals of land use regulations, include adequate utility connections, are conducted according to manufacturers' specifications, and addresses proliferation and aesthetics. Since Park Models are designed according to ANSI standards 119.5, they are considered appropriate for recreational and seasonal use. Recognizing the impracticality of regulating duration of use, the new Code provisions deliberately omitted any reference or requirement concerning duration of use.

The County Code currently addresses RVs and RV use in two specific locations: under Section 33.03.010(93) CCC, definition of an "RV park", and Section 33.50.030(2) CCC, Accessory Dwelling Unit, *Structure Type*. Under the former, "RV park" is defined as "...a campground for day use and overnight accommodations by motor homes, travel trailers, truck campers and camping trailers." Because the reference to the cited examples is stated in the plural, this definition provides the regulatory link allowing the County to regulate multiple (2 or more) RVs as an RV park. However, the definition is indirect and inconsistent with State definitions.

Further, there is no accompanying definition for “Recreational Vehicle” or how the term differentiates from other small mobile units, such as “tiny homes on wheels.”

Although RVs are prohibited as accessory dwelling units, the language contained in CCC 33.50.030(2) creates an untenable situation. In order to enforce the prohibition of occupancy of an RV for “90 consecutive days,” Code Enforcement would be obligated to produce evidence on a daily basis of said occupancy—an impracticable task.

Scope of specific changes

Although RVs are being used for residential purposes, they are intended for recreational and seasonal use. This fact creates a challenge that limits the County’s ability to deliberately regulate uses beyond those intended (i.e. provisions allowing for durations of use beyond design). As noted in the introduction, a regulatory approach that demands strict adherence to the design limitations of the unit ignores the economic reality and necessity faced by many County residents. Strict adherence would, in short, be inhumane. And yet, there exists a need to address issues of proliferation, community aesthetics and essential services to ensure to the degree possible the acceptable use of RVs within the County. To achieve this, the Department of Community Development is proposing specific changes to five separate Chapters of the County Code as follows:

Chapter 33.03, Definitions (Zoning). As noted, a definition for *Recreational Vehicle* is needed in order to define what we are addressing. We recommended adopting the state definition found under WAC 296-150R-0020, with minor modifications for administrative purposes. Additionally, there is need to provide definitions for *Recreational Park Trailer* and *Tiny House/Tiny House on Wheels* as there tends to be broad confusion between these closely related terms. Again, we recommend adopting the state definitions found under WAC 296-150P-0020 for Recreational Park Trailer. A concise definition for *Tiny House/Tiny House on Wheels* does not exist in the WAC, but the unit is clearly described—offering an opportunity to define what it means with respect to the County Code.

As noted above, there is a need to more specifically define what constitutes an *RV Park*, not only to clarify what is meant by the term, but also to define what is allowed by right through omission. This sets forth the number of RVs allowed on a parcel. By this modified definition, the Draft Ordinance would allow a parcel to house one RV and one *Recreational Park Trailer*, as an RV Park includes “...two or more RVs or two or more recreational park trailers.” Additional, or modified, definitions are provided for *Building, Dwelling Unit, Lodges, Structure and Vacation Rental* in order to provide clarity, consistency, or simply as a house-cleaning effort.

Chapter 33.40, General Requirements. As a related topic, the use of RVs, or other substandard housing, for rental purposes has been an ongoing challenge for Code Enforcement. The proposed language under new Section 33.40.100, establishes that use of unpermitted structures or substandard structures for rental purposes (short-term or long-term) is a violation. Establishing that the advertisement itself is prima facie evidence will provide Code Enforcement with the tools necessary to enforce such occurrences.

Chapter 33.50, Accessory Housing. It is necessary to distinguish between accessory dwelling units (ADUs) and other units, such as recreational park trailers. An ADU can only be a bona-fide residential dwelling, which includes stick-built dwellings or modular homes built and placed in accordance with State Building Codes. A Tiny House on Wheels, by definition, becomes a dwelling unit once the wheels are removed and the structure is placed on a permitted

foundation. In contrast, a Recreational Park Trailer is built to ANSI Standards 119.5, and not the State Building Codes. Therefore, we cannot approve them as a true accessory dwelling unit. Also, changes to the Growth Management Act (RCW 36.70A.601) require that the County allow at least two ADU's in Urban Growth Areas (UGAs), prohibits maximum floor area requirements for ADUs below 1,000 SF, and eliminates any owner-occupancy requirements for ADUs in UGAs. This same section of the act prohibits aesthetic design standards in UGAs and requirements for off-street parking in UGAs if the property is located within ½ mile of a major transit stop. The proposed changes will meet the current requirements of the RCW.

Chapter 33.51, Vacation Rentals. The DCD is proposing to allow recreational park trailers to be utilized as short-term rentals. The reasoning for this proposal is to allow landowners the option to use alternatives to existing housing stock, thereby potentially reducing the demand on limited, affordable housing stock. Because the park model units would be used on a short-term basis, their use would be consistent with the intended design of the park model, which is for recreational and short-term occupancy. Use of park models for this purpose would still require compliance with the placement criteria under Chapter 21.06, CCC.

Chapter 21.06, Park Model Placement. The existing language contained in the Definition Section (CCC 21.06.020(1)) categorizes Tiny Homes on Wheels as synonymous with Recreational Park Trailers and requires that they be placed in accordance with Chapter 21.06, CCC. However, as noted above, Tiny Homes on Wheels are residential units manufactured according to State Building Code standards. As such, they are required to be placed upon a foundation with an approved Building Permit before occupancy. The proposed definition for Recreational Park Trailer corrects this, and utilizes the same definition proposed in the Zoning Code (WAC 296-150P-0020). A new "Applicability" section has also been included. In the interest of avoiding competition for limited housing stock, we have proposed allowing one recreational park trailer per lot regardless of the presence of an accessory dwelling unit.

Current considerations at the State level

The following is a summary of some of the legislative bills currently being considered in Olympia. The purpose of providing this information is to gauge the current regulatory climate in terms of where we are heading as a State, and what kinds of additional changes may be required to the County's development regulations.

Bill	Description
HB1345 / SB5470	Allows all Counties to authorize detached ADUs outside of UGAs.
HB1443 / SB5332	Requires allowing at least one RV per lot within Cities and Counties.
HB1840 / SB5471	Authorizes Middle Housing in unincorporated UGAs and LAMIRDs.

There are certainly a wide range of legislative proposals beyond the sample provided, but they do indicate legislative interest on broadening housing opportunities and housing types. These include departures from strict adherence of densities within urban and rural areas, expansion of the use of ADUs, and even recognition of RVs as a potential alternative for housing purposes.

Conclusions

Any two people are going to have separate ideas on how Clallam County should approach the use of RVs for residential purposes. Both sides of the argument are valid: proliferation of uncontrolled RV use ushers in a slew of problems; strict regulations limiting the use of RVs only

to their intended recreational use is overburdensome and exacerbates homelessness. By limiting the proliferation of RVs on a per-lot basis, strengthening the enforcement response to the rental of RVs and other illicit dwellings, and tightening the definitions of the range of recreational and small-unit dwellings, the proposed changes will help to create order and moderation with respect to RV use.

If you have any questions regarding this information, please contact me at 360-417-2323 or at bruce.emery@clallamcountywa.gov.

Sincerely,



Bruce Emery, Director
Clallam County DCD

Draft RV Use Code Amendments
Draft February 11~~B~~, 2025

The following are excerpts from the Clallam County Code related directly or indirectly to residential use of RVs. The proposed changes shown herein are intended to clarify the County's position on uses of recreational vehicles.

Definitions, Section 33.03.010, CCC.

(14) "Building" means any structure utilized or intended for supporting or sheltering any use or occupancy.

(354) "Dwelling uUnit" means any building or any portion thereof which is ~~Lawfully establishedintended~~ ~~and/or~~ designed to be used, rented, leased, let or hired out to be occupied for living purposes having independent living facilities for one or more persons ~~one family~~ including permanent provisions for living, sleeping, eating, cooking, sanitation and including accessory structures and improvements.

(5152) "Lodges" means any ~~structure~~ permanent building, constructed and approved in accordance with Chapters 21.01 and 21.02, CCC, accommodating an organization which is operated not-for-profit where entrance to the premises is contingent upon the payment of a monthly or yearly fee.

(91) "Recreational Park Trailer" or "Park Model Recreational Vehicle" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

- a) Built on a single chassis, mounted on wheels; and
- b) Having a gross trailer area not exceeding 400 square feet in the set-up mode; and
- c) Certified by the manufacturer as complying with ANSI A119.5 (WAC 296-150P-0020).

Recreational park trailers shall be placed in accordance with Chapter 21.06, CCC.

(95) "Recreational Vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle or as defined by NFPA 1192 *Standard on Recreational Vehicles*, current edition. Recreational vehicles including but not limited to: camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers (WAC 296-150R-0020).

(963) "RV park" means a ~~parcel or portion thereof, or group of adjacent parcels or portion(s) thereof, intended or otherwise established campground~~ for day use and

overnight accommodations by two or more recreational vehicles or two or more recreational park trailers, motor homes, travel trailers, truck campers and camping trailers.

(108) "Structure" means anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially erected or composed of parts joined together in some definite manner, but not including unroofed paved areas, fill, automobiles or recreational vehicles, or any fence less than seven feet in height.

(112) "Tiny House" or "Tiny House on Wheels," for purposes of this Title, are defined by the following two generalized categories as follows:

- a) "Tiny House, Stick-Built" means a Dwelling Unit measuring no larger than 400 square feet in area and constructed in place in accordance with Section AQ102, Appendix Q, International Residential Code, as permitted and administered by the Clallam County Department of Community Development, Building Division.
- b) "Tiny House" or "Tiny House on Wheels" means a modular-type unit, whether constructed on a chassis or not, constructed to State Building Code standards and bearing an insignia verifying approval by the Washington Department of Labor and Industries (L&I). Use and occupancy of a Tiny House or Tiny House on Wheels requires placement on a permanent foundation approved by the Clallam County Department of Community Development, Building Division in accordance with Title 21, CCC. Once so placed, the Tiny House is considered a Dwelling Unit.

(1194) "Vacation rental" means a legally constructed dDwelling Unit or Recreational Park Trailer established in accordance with CCC 33.51.020 and intended for occupancy of the entire dwelling (not rental of individual rooms) by any person/group other than the primary owner for periods of 30 days or less and is an allowed use in all zoning districts that allow single-family residences. Uninhabitable structures like garages, barns, or sheds, and unpermitted structures, shall not be used as vacation rentals. "Vacation rental" does not include a bed and breakfast permitted and operated in accordance with this code.

Chapter 21.06

PARK MODEL PLACEMENT

Sections:

21.06.010	Purpose.
21.06.020	Definition.
21.06.030	Park model placement requirements.
21.06.040	Effective date.

21.06.010 Purpose.

The purpose of this chapter is to provide an avenue for park models to be legally placed on property in unincorporated Clallam County. Through the issuance of a placement permit the County can ensure proper installation, maintenance of setbacks, appropriate connection to potable water and waste disposal, and location outside of any critical areas or shorelines and their buffers.

21.06.020 Definition.

"Recreational Park Trailer" or "Park Model Recreational Vehicle," "recreational park trailer," or "tiny home on wheels" shall mean a trailer-type unit that has substantially lost its identity as a mobile unit by virtue of its being permanently fixed on property complying with American National Standards Institute A119.5 standard for park trailers as defined by WAC 296-150P-0020. These units shall bear an insignia issued by the Washington Department of Labor and Industries or equivalent. This definition does not include recreational vehicles as defined by L&I, is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

(a) Built on a single chassis, mounted on wheels; and

(b) Having a gross trailer area not exceeding 400 square feet in the set-up mode; and

(a)(c) Certified by the manufacturer as complying with ANSI A119.5 (WAC 296-150P-0020).

21.06.030 Park model placement requirements.

(1) Applicability. The provisions of this Chapter shall apply to the placement of a Recreational Park Trailer within unincorporated Clallam County. As used in this Chapter, the term "park model" shall apply to, and be considered synonymous with, a Recreational Park Trailer.

(2) Placement of a park model (including recreational park trailers, or tiny home on wheels with appropriate L&I insignia or equivalent) within Clallam County requires approval of a placement permit issued by the Clallam County Department of Community Development (DCD).

(32) An application for placement shall be submitted to DCD Building Division on the appropriate forms and shall include the following:

- (a) Site plan showing the location of the park model, other structures, distances from property lines, distances from critical areas and/or shorelines.
- (b) Means of managing stormwater runoff if the area of the park model and other new impervious surfaces (e.g., decks, patios, driveways) of the site exceeds 400 square feet.
- (c) Source of approved water connection.
- (d) Approved sewage disposal.
- (e) Accessory improvements, such as decks, skirting, parking, access, etc.
- (f) Means of securing the unit to prevent overturning or roof uplift.

(43) A park model may not be occupied until a Placement Permit has been issued and a final inspection performed and approved by the Clallam County Department of Community Development (DCD) or if a previously issued permit related to the placement of a park model is on file with DCD. Existing park models placed prior to adoption of the ordinance codified in this chapter may continue to be occupied, but if found to be noncompliant with underlying regulations in place at the time of adoption of this chapter (drainage, septic, potable water, zoning, critical areas, shorelines) may be subject to code enforcement action. Existing park models used for housing purposes may choose to submit a site plan, approved potable water

source, approved sewage disposal, compliance with critical area/shoreline buffers and zoning setbacks in lieu of a placement permit within 24 months of adoption of this title.

(54) Only one park model may be placed on a legal lot zoned for residential purposes with or without an existing single-family residence, provided compliance with all other criteria specified in this Chapter. Multiple park models trailers may be located on property within an approved Bbinding Ssite pPlan established for the purpose of placing multiple park models.

(5) A park model placed on property with a single-family residence will disqualify the property for an accessory dwelling unit while the park model is present. Likewise, a property containing an accessory dwelling unit is not eligible for the placement of a park model, unless allowed per zoning.

(6) Placement of a park model shall comply with all use and dimensional requirements of the County Code, including setbacks established in the Zoning Code, requirements of the Shoreline Master Program, Critical Areas Code, drainage requirements, and environmental health regulations.

(7) Storage of solid waste shall meet the requirements of WAC 173-350-300 which requires solid waste to be held in rigid, durable, corrosion resistant, watertight, rodent-proof, easily cleanable containers.

(8) Improvements to a site for the placement of a park model shall not disturb the native vegetation within a critical area, shoreline, or their associated buffers without compliance with shoreline and critical area regulations. Park models shall not be placed in a designated floodplain.

(9) Park models shall be secured with a system that meets the requirements per the manufacturer's installation instructions or, by engineered design, and shall be installed to prevent overturning and roof uplift.

(10) Placement of park models shall require service connection to an approved means of sewage disposal, potable water supply, and electrical service.

(11) Park models may have skirting and freestanding detached decks. Accessory improvements shall be included and reviewed during the placement permit process and may require compliance with existing building codes.

21.06.040 Effective date.

This chapter shall take effect (i.e., the effective date shall be) the date of adoption of the ordinance codified in this chapter.

Chapter 33.40

GENERAL REQUIREMENTS

Sections:

33.40.010	General requirements.
33.40.020	Exceptions to minimum standards.
33.40.030	Setbacks related to building heights.
33.40.040	Building height limitations related to airport approach clear zone.
33.40.050	Authorization of similar uses.
33.40.060	Private ownerships within the Olympic National Park and Olympic National Forest.
33.40.070	Solid waste disposal.
33.40.080	Hazardous waste treatment and storage facilities.
33.40.090	Access to State Route 101.
<u>33.40.100</u>	<u>Unauthorized Rental for Use of Structures</u>

33.40.010 General requirements.

The following requirements apply in the zones as specified herein and shall be deemed additional requirements to those specified in other sections of this chapter.

33.40.020 Exceptions to minimum standards.

The following exception to the minimum standards automatically apply in the zones specified herein.

(1) The minimum front, rear and side yard setbacks specified in all residential zones shall not apply to the common lot line of two (2) adjacent parcels which are integrated under a common ownership through the filing of a zoning lot covenant; provided, that the home developed thereon shall otherwise comply with all zoning code setback requirements applicable to individual lots.

(2) Within all zoning districts, reduced setbacks are allowed for mobile homes which are located in approved planned unit developments and mobile home park subdivisions.

The reduced setbacks shall be:

- (a) Front yard: thirty-five (35) feet from the centerline of a private fronting street.
 - (b) Side yard: six (6) feet from the property line.
 - (c) Rear yard: six (6) feet from the property line.
- (3) Within all zoning districts, reduced setbacks are allowed for mobile homes which are located in pre-existing, nonconforming mobile home parks. Setbacks shall be consistent with those required by the Uniform Building Code.
- (4) Within rural zones the setbacks for pre-existing, nonconforming lots of one-half acre or less in area shall be as follows:
- (a) Front yard – forty-five (45) feet from a local access street, fifty (50) feet from an arterial street, sixty (60) feet from a highway.
 - (b) Side yard – eight (8) feet (forty (40) feet from the centerline of the right-of-way of a side street).
 - (c) Rear yard – fifteen (15) feet (forty (40) feet from the centerline of the right-of-way of a rear street).

33.40.030 Setbacks related to building heights.

Buildings exceeding thirty-five (35) feet in height shall be provided with a minimum side yard and rear yard setback of fifteen (15) feet plus three (3) feet for each complete story over thirty-five (35) feet.

33.40.040 Building height limitations related to airport approach clear zone.

There is hereby created an airport approach clear zone west of the Fairchild Airport precisely depicted on the official zoning map of this chapter. Structures constructed in said approach zone shall be limited in height, pursuant to Federal Aviation Administration approach clearance standards. Said approach zone is an overlying zone with the minimum standards of the underlying land use zone remaining in effect.

33.40.050 Authorization of similar uses.

The Hearing Examiner may rule that a use not specifically named in the permitted uses of the zone shall be allowed if it is of the same general type and is similar to one or more of the permitted uses specified for the zone involved.

33.40.060 Private ownerships within the Olympic National Park and Olympic National Forest.

All land within the Olympic National Park and Olympic National Forest which is privately owned shall be zoned Commercial Forest unless specifically designated otherwise on the zoning map of this title. Such land shall be subject to the requirements of this chapter pertaining to lands zoned Commercial Forest.

33.40.070 Solid waste disposal.

Solid and liquid waste disposal facilities requiring approval of the County or State health agencies shall be conditional uses in all Commercial Forest zoning districts.

33.40.080 Hazardous waste treatment and storage facilities.

On-premises hazardous waste treatment and storage facilities designed to serve a use on the same property which generates hazardous waste are allowed as an accessory use in any zoning district which allows land uses which can generate hazardous waste zoning districts. Treatment and storage facilities allowed under this section shall meet the criteria for siting of hazardous waste facilities as developed by the Washington State Department of Ecology pursuant to RCW 70.105.210.

33.40.090 Access to State Route 101.

In all zoning districts fronting on State Route 101, uses shall be subject to the following access requirements:

- (1) *Establishment of Allowed Uses.* No direct access to State Route 101 shall be allowed unless the property does not have legal access to a County or private road. New uses that do not have

County road access shall combine accesses with neighboring properties to the maximum extent possible to reduce the number of access points to State Route 101. Where access to State Route 101 is permitted by the State and Clallam County and the access point is not at a signalized intersection, access shall be right turn in at ingress and right turn out at egress points.

(2) *Subdivisions and Short Subdivisions.* No direct access to State Route 101 shall be allowed from new subdivisions or short subdivisions with legal access to a County or private road. If no County or private road is available, the subdivision or short subdivision shall include a road which:

- (a) Provides access to each lot within the plat.
- (b) Intersects with Highway 101 at only one specific location approved by the State Highway Department.
- (c) Is designed to allow for future extension of road service to adjacent properties fronting Highway 101.

33.40.100 Unauthorized Rental for Use of Structures

(1) The following are prohibited in all zoning districts in Clallam County:

- (a) Unpermitted cabins or similar structures being advertised as, or otherwise being offered on, a rental or lease basis.
- (b) Tiny Houses on Wheels that do not bear the proper Washington Department of Labor and Industries (L&I) compliance insignia, or that have not been legally placed in accordance with Title 21, CCC, that are being advertised as, or otherwise being offered on, a rental or lease basis.
- (c) Recreational Vehicles, or service pads intended for the location of Recreational Vehicles, that are being advertised as, or otherwise being offered on, a rental or lease basis; except that Recreational Vehicles or service pads intended for the location of Recreational Vehicles located within designated RV Park, approved under a Binding Site Plan in accordance with Title 29, CCC, are allowed in accordance with the terms of said Binding Site Plan.

(d) Any cabins, similar structures, or RV's that do not meet the requirements of Title 41, CCC, that are being advertised as, or otherwise being offered on, a rental or lease basis.

(2) Any advertisement for the rental or lease of units described under Subsection (1) above, shall be considered prima facia evidence that a violation of the provisions of this Section is occurring.

(3) Any violation of the provisions of this Section shall be enforced in accordance with CCC Section 33.59.010 and CCC Title 20, as applicable.

Chapter 33.50

ACCESSORY HOUSING

Sections:

33.50.010	Purpose and intent.
33.50.020	Applicability.
33.50.030	General requirements.
33.50.040	Additional standards for accessory dwelling units.
33.50.050	Additional standards for accessory apartments and caretaker apartments in commercial and industrial zones.
33.50.060	<i>Repealed.</i>

33.50.010 Purpose and intent.

Clallam County recognizes the benefits that accessory housing can provide as a housing alternative where such benefits consider and are balanced with other community goals. The purpose and intent of this chapter is to:

- (1) Ensure that accessory housing remains clearly an incidental and subordinate use to the existing single-family dwelling or business.
 - (2) Protect the rural and neighborhood character in areas where accessory housing is allowed.
 - (3) Accommodate unique or special housing needs and circumstances such as caretaker housing.
 - (4) Increase and diversify available low-income rental housing stock inside the County.
 - (5) Provide for the general convenience of area land owners to accommodate family and guests with independent living quarters.
 - (6) Allow for accessory apartments above commercial and industrial buildings without consuming valuable commercial and industrial property with residential uses.
 - (7) Create alternative housing opportunities that promote more efficient use of existing or planned public and private transportation facilities and utilities.
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- (8) Encourage accessory housing where public and private utilities, transportation facilities, and other facilities already exist.

33.50.020 Applicability.

Accessory housing units are allowed land uses in all zones where otherwise consistent with the standards of this chapter and the Clallam County Code. Accessory housing includes accessory dwelling units (ADUs), accessory apartments, and caretaker apartments. Accessory housing which conforms to the standards in this chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential use which is consistent with the comprehensive plan and zoning designation for the lot.

33.50.030 General requirements.

The requirements listed below apply to all accessory housing:

- (1) *Certificate of Occupancy.* A certificate of occupancy is required to be obtained from the Building Official and posted within the accessory housing unit. The code inspection required to obtain a certificate of occupancy in an existing structure shall be restricted to the portion of the structure to be occupied by the accessory housing unit and shall apply only to new construction, and not the existing components of the primary dwelling.

- (2) *Structure Type.* Accessory housing units shall be stick-built or manufactured residential units approved by the Department of Community Development, or the Washington Department of Labor and Industries, as applicable, for permanent occupancy. Accessory housing units shall not be include travel trailers, recreational vehicles, buses, truck storage containers, or similar manufactured mobile units which are not originally intended to be used for permanent residences. Structures described under WAC 296-150R-0020 as "temporary living quarters" shall not be permitted or placed under the provisions of this section. If such structures are occupied for a period of 90 or more consecutive calendar days in the same location, such occupation shall be considered a violation of this chapter and subject to enforcement under Clallam County Code.

- (3) *Water and Wastewater Disposal.*

(a) Accessory housing shall be required to utilize the same potable water source as the associated primary residential dwelling, commercial or industrial use.

(b) Accessory housing shall not be permitted unless the Environmental Health Division certifies that the water supply and sewage disposal facilities are adequate for the projected number of bedrooms.

(4) *Recording.* To ensure continued compliance ~~with owner occupancy and other~~ ordinance requirements by current, as well as any subsequent owners, a registration of the accessory housing unit in the form of a notice to title shall be filed and recorded with the Clallam County Auditor. The notice to title shall be on a form provided by the Administrator and filled out completely by the applicant prior to filing. The notice to title shall run with the land and serve as notice to all future purchasers/owners of the subject property of the presence of the accessory housing unit and applicable restrictions regarding accessory housing units contained in the Clallam County Code. Proof of registration, in the form of a copy of the filed document, shall be submitted to the Department of Community Development prior to issuance of a certificate of occupancy. Said registration may only be removed upon a demonstration to the Department of Community Development that the accessory housing unit has been lawfully removed from the subject property, or the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to CCC Title 29.

(5) *Sale or Transfer of Accessory Housing Units.* Accessory housing units shall not be sold as separate dwelling lots from the subject property, unless the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to CCC Title 29.

(6) *Density.* In rural zoning districts, there shall be no more than one accessory housing unit allowed per lot. In designated Urban Growth Areas, there shall be no more than two accessory housing units allowed per lot as set forth in RCW 36.0A.681.

33.50.040 Additional standards for accessory dwelling units.

In addition to the general requirements of CCC 33.50.030, accessory dwelling units shall be subject to the following requirements.

(1) *Size.*

(a) *Size of Detached ADU.* Detached ADUs shall not exceed 50 percent of the gross floor area of the primary dwelling unit, nor exceed 1,250 square feet in gross floor area. This requirement shall not apply to any detached ADU 400 square feet or less or detached ADUs in designated Urban Growth Areas up to 1,000 square feet in gross floor area.

(b) *Size of Attached ADU.* Attached ADUs shall not exceed 35 percent of the gross floor area of the primary dwelling unit. This requirement shall not apply to any attached ADUs in designated Urban Growth Areas up to 1,000 square feet in gross floor area.

(2) *Density.*

(a) The property on which an ADU is to be located must be a legally created parcel.

(b) Outside of designated urban growth areas, the property on which a detached ADU is to be located shall be at least 1.5 acres in size. This standard may be waived by the Administrator where it can be demonstrated that the detached ADU will be served by a community water supply and an adequate sewage disposal system.

(c) Inside areas zoned Agricultural Retention (AR), detached ADUs are prohibited except on lots that are subject to the agricultural retention development standards of CCC 33.07.010(4) to 33.07.010(10), or where the existing parcel is 30 acres or larger in size.

(d) Inside areas zoned Commercial Forest (CF), detached ADUs are prohibited.

(3) *Occupancy.*

(a) In rural zoning districts, ~~t~~The owner of the parcel shall live either in the primary dwelling or ADU as their primary residence. For the purpose of this standard, "primary residence" shall mean occupancy by the underlying property owner for no less than 120 days during a calendar year.

(b) ADUs may be used for occupation by family members, guests, renters, lessees, and estate caretakers/groundskeepers.

(c) Either the primary dwelling or ~~the one~~ ADU may be used as a vacation rental, as defined in Chapter 33.51 CCC, but not more than one~~both~~.

(4) *Design.* ADUs shall be designed so that the appearance of the lot remains that of a single-family residential development through the following standards:

- (a) In rural zoning districts, when development abuts or is accessed by a county road, all building entrances shall be located so that only one entrance faces the road frontage of the development.
- (b) Unless located within a designated Urban Growth Area and within ½ mile of a major transit stop, on-site parking area shall be provided.
- (c) Access for vehicle ingress and egress shall share the same legal access onto a public or private road as the primary dwelling unit and no new access shall be established for the ADU.
- (d) The primary dwelling and the ADU may be no more than 300 linear feet from each other.

33.50.050 Additional standards for accessory apartments and caretaker apartments in commercial and industrial zones.

In addition to the general requirements of CCC [33.50.030](#), accessory apartments and caretaker apartments shall be subject to the following requirements.

- (1) The gross floor area of an accessory or caretaker apartment shall not exceed 1,250 square feet.
- (2) In order to ensure accessory apartments do not constitute an encroachment into commercial areas or otherwise compete with commercial or industrial developments for limited commercial or industrially zoned land, accessory apartments shall only be allowed to locate above the first floor of multi-storied commercial or industrial buildings.
- (3) Caretaker apartments shall be permitted in commercial or industrial zones.

33.50.060 Additional standards for temporary medical hardship dwellings.

Repealed by Ord. [982](#)

Chapter 33.51

VACATION RENTALS

Sections:

33.51.010	Purpose.
33.51.020	Vacation rental standards.

33.51.010 Purpose.

Clallam County is a destination for thousands of visitors annually attracted to the area's scenic beauty and variety of cultural and outdoor recreational opportunities, and these visitors are in need of local accommodations. Short-term rental of residences referred to hereafter as "vacation rentals" have become an established use throughout Clallam County. It is the purpose of this chapter for vacation rentals to be operated in a way that will avoid unreasonable disturbances to neighbors and area residents and for renters to know they are safe and can enjoy their stay. Other types of transient accommodations are not regulated by this chapter.

33.51.020 Vacation rental standards.

The dwelling and vacation rental use must comply with all County and State regulations and requirements as well as the following standards:

(1) The owner is responsible for obtaining an inspection by the Clallam County Department of Community Development, or by a qualified organization or person approved by the Administrator, to review that the structure or unit has adequate means of egress, exits, smoke detectors, carbon monoxide alarms, fire extinguishers, and other fire protection systems in compliance with the Building Code.

(2) A recreational park trailer, under American National Standards Institute A119.5 standard for Park Model Recreational Vehicles, as defined by WAC 296-15 P-0020, and placed in accordance with Chapter 21.06, CCC, may be used as a vacation rental subject to the requirements of this Chapter. It is incumbent on the applicant to demonstrate compliance with applicable requirements of the Washington State Department of Labor and Industries (L&I) and CCC, Chapter 21.06.

(32) Connection to a pPublic sSanitary sSewer or an oOn-sSite sSeptic sSystem tThat cComplies with Chapter 41.20 CCC, On-Site Sewage Systems. If connected to an on-site septic system, the owner is responsible to ensure that the vacation rental occupancy is consistent with the design capacity of the on-site septic system and type of wastewater discharges allowed, and in compliance with on-site septic systems periodic inspection, maintenance, and reporting requirements under CCC 41.20.170.

(43) On-site parking adequate to accommodate vacation rental guests shall be provided.

(54) All outdoor storage of refuse and recyclables must be secured in covered containers. The owner is responsible to notify renters in writing that refuse and recyclables must be kept in secured containers provided for that purpose. Recycling and refuse shall not create a nuisance of odor or attract animals, and shall remain in compliance with Chapter 41.11 CCC, Solid Waste Regulations.

(65) The owner is responsible to provide written notice to renters of:

(a) County sound and noise regulations pursuant to Chapter 15.30 CCC, Public Disturbance.

(b) Rules of conduct, local laws, burn bans, and renter responsibility not to trespass on private property or to create disturbances (e.g., noise). If there is an easement that provides renters legal access to off-site areas such as a beach access, this shall be indicated on a map and the easement shall be clearly marked.

(c) The location of the breaker box, water shut-off, gas shut-off, instructions regarding the septic system, emergency numbers, and the name and number of a local contact person(s) for the vacation rental.

(76) The owner is responsible for complying with State transient accommodation requirements under Chapter 246-360 WAC; and the Washington State Department of Revenue requirements for short-term rentals of residences, including those pertaining to business licenses and any sale and lodging taxes.

Compliance shall be addressed through Chapter 33.59 CCC, Enforcement, and CCC Title 20, Code Compliance.

Proposed Revision to Conflict of Interest By-Law

1. Disclosure and Participation in Working Sessions

Any member of the Planning Commission who has an interest in any matter before the Planning Commission that would or could reasonably be perceived to prejudice their actions shall publicly disclose the nature of the conflict of interest prior to engaging in any discussions on the matter. Members with such a conflict may participate in working sessions for the purpose of providing factual information or expertise but shall not advocate for personal interests or unduly influence the outcome.

2. Conduct During Working Sessions

A member with a disclosed conflict of interest shall adhere to the same standards of decorum and impartiality expected of all Planning Commission members. If the member is deemed disruptive or unduly biased during the working session, the Chairperson may take appropriate action, including limiting their participation or referring the matter to the full Commission for resolution.

3. Participation in Public Hearings and Actions

Members with a conflict of interest shall abstain from voting on or participating in any Planning Commission action related to the matter. During public hearings, the member shall recuse themselves from the Planning Commission table and participate solely as a member of the public, with all rights and privileges afforded to the public, including the opportunity to provide testimony or commentary.

4. Ex Parte Communications

During deliberation on any quasi-judicial matter, no member shall engage in ex parte communications with opponents or proponents unless the member:

- Places on the record the substance of any written or oral ex parte communications concerning the application.
- Ensures a public announcement of the communication's content and the parties' rights to rebut the substance of the communication at each hearing where action is considered or taken.

This prohibition does not preclude members from seeking specific information or data during public hearings if the request and responses are entered into the public record.

5. Challenges Based on the Appearance of Fairness Doctrine

Anyone seeking to disqualify a member of the Planning Commission based on the

appearance of fairness doctrine must raise the challenge at the earliest opportunity after the basis for disqualification becomes known.

6. Quorum and Decision-Making

In the event a challenge to one or more members would cause a lack of quorum or failure to obtain a majority vote, the challenged member(s) may fully participate in the proceeding and vote as though the challenge had not occurred, provided the member(s) publicly disclose the basis for the potential disqualification prior to rendering a decision.