AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, April 16, 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:

F. ANNOUNCEMENTS:

G. PUBLIC COMMENT on AGENDA ITEMS (not subject of hearing) – Please Limit Comments to Three Minutes

H. UNFINISHED BUSINESS:

I. PUBLIC HEARING/COMMISSION ACTION: Continued Open Space Ordinance hearing

1) Staff presentation and discussion with commission
2) Continuation of public comments
3) Motion regarding public hearing
4) Discussion and recommendation from commission

J. WORK SESSION ITEMS:

K. PUBLIC COMMENT – Please Limit Comments to Three Minutes

L. DISCUSSION OF PUBLIC COMMENTS

M. GOOD OF THE ORDER

N. ADJOURNMENT

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

MINUTES

Clallam County Planning Commission

Meeting of April 2, 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, Jane Hielman, Dann May, and Warren Billups. Bruce Emery, Director, and Tim Havel, Deputy Director, represented staff from the Department of Community Development.

D. WELCOME: Chair Gale welcomed all in attendance.

E. APPROVAL OF MINUTES: Katina Hester moved to approve, and Ken Reandeau seconded. The motion passed to approve minutes with one abstention.

F. ANNOUNCEMENTS: There were no announcements provided by staff.

G. PUBLIC COMMENT PERIOD: There were no public comments.

H. UNFINISHED BUSINESS: *RV Regulations and Definitions.* Staff provided summary of proposed changes in response to prior Commission discussion and packet content. Concern was expressed about there being no long-term limitation on the duration of occupancy. The number of RVs on a parcel should be limited to one, unless stored within a fully contained garage or similar structure. Concern was also expressed about RVs being parked along private and public rights-of-way. It was suggested that the development of RV parks should be made simpler and more broadly available to accommodate demand and reduce the likelihood of proliferation in residential areas. The need for specific changes were also noted, including eliminating the prohibition of renting of an RV or RV pad (CCC 34.40.100(1)(c)), changing the word "shall" to "must" (CCC33.50.030(2)), ensuring that temporary RV use during home construction is preserved, and defining "stable source of power" with regard to CCC 33.58.020(2).

   Questions were raised concerning the reason for restricting the renting of vacation rentals to the entire building, as opposed to allowing the rental of individual rooms (CCC 33.03.010(119)). Also, questions were raised as to the reason for an owner occupancy requirement for accessory dwelling units (CCC 33.50.040(3)(a)). Staff offered to research the reasons for these provisions for future discussion.

I. PUBLIC HEARING ITEM: None

J. WORK SESSION ITEMS: *Review of Floodplain Management Ordinance.* Staff provided an explanation of the process for updating the Floodplain section of the Critical Areas Ordinance in order to implement current requirements mandated by FEMA. The process involves adopting the mandated standards as articulated by FEMA under an emergency ordinance. This only requires an action of the Board of County Commissioners (BOCC) and will enable the County to establish compliance by the April 23rd deadline established by FEMA and maintain continuity and participation in the National Flood Insurance Program. As a parallel process, the Planning Commission will take up consideration of the same text changes in a full public process. This will allow for consideration of public comments and possible alternatives to the prescribed code language. Any potential changes recommended by the Planning Commission would have to be vetted by FEMA. The Recommendation of the Planning Commission following their process will be forwarded to the BOCC for additional public hearing and final action. The final Ordinance will replace the Emergency Ordinance, which will have a maximum duration of 60 days from the date of adoption.

It was suggested that staff communicate clearly to the public what the minimum (mandated) requirements are as established by FEMA to avoid confusion. With the continued public hearing on the Open Space Ordinance scheduled for April 16th, it was agreed the public hearing for the Floodplain Management Ordinance would take place on May 7th.

K. PUBLIC COMMENT PERIOD: There were no public comments.

L. DISCUSSION OF PUBLIC COMMENTS: There was no discussion.

M. GOOD OF THE ORDER: Katina Hester suggested that if a public hearing item is known in advance to generate a lot of public sentiment, that staff should provide a question-and-answer session prior to the hearing in order to clarify the issues being considered and improve the public's understanding of the matter. Katina Hester also suggested that when other County personnel (non-DCD) are invited as subject matter guests, that they be clearly briefed on the Planning Commission's process to avoid conflicts with the flow and decorum of the meeting. This could also include clear instructions to the public at the start of the meeting. Steve Gale requested that the public notice for the Floodplain Ordinance include a brief FAQ. Steve Gale also suggested that the staff report should highlight the differences between mandatory and suggested changes. Lastly, Chair Gale suggested that future staff reports include expectations and process information for public understanding.

N. ADJOURNMENT: The meeting adjourned at __8:14_ p.m.

MEMORANDUM

Clallam County Department of Community Development

Date: **March 12, 2025**
To: **Clallam County Planning Commission**
From: **Donella Clark, Principal Planner**
Re: **Public Benefit Rating System 27.08**

Summary

State law (RCW 84.34.010) allows the County to adopt an Open Space and Public Benefit Rating System intended to maintain, preserve, conserve and otherwise encourage open space lands by providing a tax break on property meeting a criteria of points. The current rating system was established in 2001, with points being granted for specific property features determined to be a benefit to the public if maintained/protected by individual owners. The tax reduction of the individual parcels are redistributed for payment to the public at large.

The Planning Commission has reviewed the features that properties qualify as providing a benefit to the public and are proposing changes. Many of the characteristics of property originally assessed in the code are currently protected through the Critical Areas Ordinance and Shoreline Master Program and are reflected in the value of the property being taxed since these areas are largely undevelopable. The number of qualifying characteristics in the proposed code is reduced and simplified. Instead of assessing points that are translated to a reduction the proposed code simply provides the benefit resource and gives the reduction in the tax valuation.

Definitions and qualifying materials are also stipulated to help staff assess the benefits. The existing code does not provide accurate requirements for qualifications which has resulted in some interpretation of the benefits throughout the years. A list of lands ineligible for the program is also proposed to help maintain integrity of the concept of open space benefiting the public by removing smaller parcels. Small segments of parcels or exclusive clubs will no longer qualify.

The proposed changes also explain the application process and procedures for review to provide better predictability and intentions of the program. The General Requirements section provides information regarding maintaining good standing within the program. Proposed language in the Administrative section is intended to summarize the State Tax Codes and explain transfers and removal of property from the program.

There are approximately 900 parcels enrolled in the open space program. Letters were sent to property owners enrolled notifying them of the public hearing, though specific changes to properties have not yet been assessed. The existing ratings and proposed ratings are provided below to provide a comparison. If approved, an audit of each individual parcel within the program will take place to determine eligibility in the program under the new qualifications.

Chapter 27.08
OPEN SPACE

Sections:

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

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; or

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

(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.

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

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

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

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

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

(ii) Protect streams or water supply, or

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

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

(v) Enhance recreation opportunities, or

(vi) Preserve historic sites, or

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

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

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

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

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

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

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

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

(c) Dairying or selling of dairy products;

~~(d) Animal husbandry;~~

~~(e) Aquaculture;~~

~~(f) Horticulture;~~

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

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

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

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

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

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

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

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

(1) Conservation Easement (at least one diminished development right). A property which has a conservation easement in perpetuity and diminishes at least one development right shall qualify for a reduction. The applicant must submit documentation of the conservation easement that clearly demonstrates diminishment of at least one development right including a map that shows the area the conservation easement applies to. Reductions in assessed value for perpetual

conservation easements shall apply only to that portion of a subject property that is conserved by the conservation easement and has at least one diminished development right. For example, a 10 acre parcel zoned R5 with a conservation easement that covers 7 of the 10 acres will receive a reduction in tax valuation for the portion of the property that would have been available for development prior to the conservation easement.

(2) Lot Combination. Adjacent parcels under a single ownership that are combined in accordance with Chapter 29.43 CCC, Boundary Line Adjustments and Lot Combination may qualify for a reduction under this program. The area of the resulting parcel created through the lot combination process must be at least two (2) times the maximum residential density of the underlying zoning district to qualify for the benefit. The landowner shall initiate and receive final approval of the lot combination prior to the application in the Current Use Program. The landowner shall provide at the time of Current Use Program application documentation of approval and completion of the lot combination. The parcel created through the lot combination process must result in at least one diminished development right and may contain one single-family residence. Lot combination under this section shall not create a "split zone" parcel. In the event a rezone is required, the lowest density zoning shall prevail and the rezone must have received final approval prior to the submittal of the open space application. Tax benefit reductions for lot combinations shall apply to that percentage of the subject property which would otherwise be available for development prior to the lot combination. For example, two five acre parcels that are zoned Rural Low (R5, CCC 33.10.020) are combined, pursuant to 29.43 CCC. One of the five acre parcels contains a single family home. Following approval under this section, reductions in tax valuation would apply to one 5 acre parcel or the area that would have been available for development prior to approval of the lot combination.

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

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

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

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

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

(5) Restoration or Enhancement of Sensitive Ecological Resources. Eligible lands are those properties that provide documentation from a qualified Clallam County Consultant, Federal, or

State Agency that verifies the existence, location, extent, method of restoration or enhancement, expected outcome of restoration or enhancement, and implementation schedule. The restored/enhanced resource shall be maintained and documentation of continued success of the project when requested. Failure to provide documentation of project completion shall be grounds for removal.

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

(7) Parkland Buffers. Eligible lands are those undeveloped lands that contain native vegetation with a common property line of 200 feet with 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. Parcelsroperties 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

OPEN SPACE PUBLIC BENEFIT RESOURCE	CODE REFERANCE	PERCENT REDUCTION IN TAX VALUATION	MAXIMUM REDUCTION IN TAX VALUATION ALLOWED
Conservation Easement- diminished development right(s)	27.08.060(1)	90%	90%
Lot Combination- diminished development right(s)	27.08.060(2)	80%	80%
Public Use	27.08.060(8)	75%	75%
Farm and Agriculture Conservation Land	27.08. 060(4)	60%	60%
Conservation Easement- No diminished development right	27.08.060(3)	25%	40%
Restoration or Enhancement of Sensitive Ecological Resources	27.08.060(5)		
Rare and Unique Plant Communities	27.08.060(6)		
Parkland Buffers	27.08.060(7)		

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

Item No.	Item	Reference	Pts.	Maximum Allowed in Category
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	
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			

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

Public Benefit Rating	Reduction in Land Valuation
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.~~

27.08.080~~100~~ Signage.

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

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

(~~2~~1) Be posted as follows: At least one open space sign 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, and landowner contact information.~~

(2) At a minimum, signs shall identify the property is designated for public access, location of access points, allowed uses designated per zoning code and property owner approval, and landowner contact information. The sign shall be a brown or green background with white letters no smaller than 2-inches in size.

(~~3~~3) 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.~~

27.08.090~~140~~ Procedure.

An audit of the existing parcels enrolled in the program at the time of adoption of this ordinance will be conducted to determine eligibility under the new qualifications. Properties which qualify to remain in the program will continue to be enrolled. Properties found to no

longer qualify will not be imposed additional taxes, interest, and/or penalties if they request to withdraw from the program within 30 days of their new notice of value.

New Aapplications 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.

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

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

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

(b) Applications received during the period July 1st through October 31st shall be reviewed for eligibility during the period November 1st through December 31st. Applications shall be

~~deemed complete by December 31st of each year, and shall be approved or denied by the County legislative authority by July 1st of the following year.~~

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

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

(4~~3~~) ~~Following the public hearing T~~the Planning Commission's ~~shall make a~~ recommendation on each application ~~to the Board of Commissioners. Such recommendations~~ shall be forwarded to the Board of Commissioners following a 14-day appeal period which begins the day after the Planning Commission recommendation. This recommendation shall be forwarded to the applicants as soon as possible.

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

(4~~5~~) Upon receipt of the Planning Commission recommendation~~s~~, the Board of Commissioners shall schedule a date for decision on the applications. The date of decision shall be within thirty (30) calendar days from the date of receipt of the Planning Commission recommendation~~s~~. The Board of Commissioners shall approve or deny the application~~s~~ after reviewing ~~comments taken at~~ the recommendation from the Planning Commission ~~public hearing~~.

(~~6~~5) If the Board of Commissioners approves the application, an ~~o~~Open ~~s~~Space ~~land~~ agreement between the County and the landowner(s) shall be signed. Said agreement may contain conditions of approval necessary to assure that the classification of ~~o~~Open ~~s~~Space land furthers the purposes of ~~the Open Space Act,~~ Chapter 84.34 RCW and this chapter. If the Board of Commissioners denies the application, in whole or in part, the applicant has the right to appeal only to the Clallam County Superior Court, as specified by WAC 458-30-250(4)(b).

~~27.08.150 Enforcement.~~

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

~~Parcels of land which have been approved for current use classification, but which are found to be in violation of any term or condition of its current use classification, shall be removed from the current use classification pursuant to Chapter 84.34 RCW. Parcels of land classified as open space land may be removed from such classification if land use activities result in ground or surface water quality falling below water quality standards pursuant to Chapters 173-200 and 173-201A WAC.~~

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

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

27.08.1~~0~~0~~90~~ 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.

Chapter 27.08
OPEN SPACE

Sections:

27.08.010	Purpose.
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	Open space land public benefit rating system.
27.08.080	Signage.
27.08.090	Procedure.
27.08.100	Severability.

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 maintaining, preserving, conserving, and otherwise continuing in existence, adequate open space lands for the current or future production of food,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.

(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 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; or

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

(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 are vested with the responsibility to administer the provisions of this chapter, unless otherwise specified.

(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.

(5) "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

(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.

27.08.060 Open space land public benefit qualifications.

Properties which contain, abut (if applicable), or otherwise meet one or more of the following criteria shall be eligible for open space land public benefit rating and valued according to the Open Space Rating system: 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.

27.08.070 Open space land public benefit rating system.

The categories provided by CCC 27.08.060, Open Space land public benefit qualifications , are presented in the following table, which shall be used for determining reduction in tax valuation for open space land applications classified under this chapter. Parcels which meet a given criterion shall receive the reduction in the highest category qualified; public benefit resources are non-cumulative.

Public Benefit Rating Table

OPEN SPACE PUBLIC BENEFIT RESOURCE	CODE REFERANCE	PERCENT REDUCTION IN TAX VALUATION	MAXIMUM REDUCTION IN TAX VALUATION ALLOWED
Conservation Easement- diminished development right(s)	27.08.060(1)	90%	90%
Lot Combination- diminished development right(s)	27.08.060(2)	80%	80%
Public Use	27.08.060(8)	75%	75%
Farm and Agriculture	27.08. 060(4)	60%	60%

Conservation Land			
Conservation Easement- No diminished development right	27.08.060(3)	25%	40%
Restoration or Enhancement of Sensitive Ecological Resources	27.08.060(5)		
Rare and Unique Plant Communities	27.08.060(6)		
Parkland Buffers	27.08.060(7)		

27.08.080 Signage.

Open space signs are required only when public access is granted under the provisions of this chapter. Signs shall conform to the following criteria.

(1) 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.

(2) At a minimum, signs shall identify the property is designated for public access, location of access points, allowed uses designated per zoning code and property owner approval, and landowner contact information. The sign shall be a brown or green background with white letters no smaller than 2-inches in size.

(3) Be purchased and maintained by the property owner at the owner's expense.The sign shall be maintained 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.

27.08.090 Procedure.

An audit of the existing parcels enrolled in the program at the time of adoption of this ordinance will be conducted to determine eligibility under the new qualifications. Properties which qualify to remain in the program will continue to be enrolled. Properties found to no longer qualify will not be imposed additional taxes, interest, and/or penalties if they request to withdraw from the program within 30 days of their new notice of value.

New 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) The processing schedule that follows intends to provide that applications will be approved or denied within six months following the application submittal period and allow sufficient time for County staff to evaluate the applications. Reductions in assessed value resulting from approval will begin the following year.

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

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

(2) 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 be 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.

(3) The Planning Commission's recommendation on each application 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.

(4) Upon receipt of the Planning Commission recommendation, the Board of Commissioners shall schedule a date for decision on the applications. The date of decision shall be within thirty (30) calendar days from the date of receipt of the Planning Commission recommendation. The Board of Commissioners shall approve or deny the applications after reviewing the recommendation from the Planning Commission.

(5) If the Board of Commissioners approves the application, an Open Space 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 Open Space land furthers the purposes of 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).

27.08.100 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.

PUBLIC COMMENTS RECEIVED

Clark, Donella

From: whatranch <whatranch@gmail.com>
Sent: Wednesday, March 5, 2025 10:08 AM
To: Clark, Donella
Cc: Rushton, Pam; Ozias, Mark; Johnson, Randy; French, Mike
Subject: Call for Comment - Public Benefit Rating System-Open Space Program

Some people who received this message don't often get email from whatranch@gmail.com. Learn why this is important

Dear Donella & Clallam County Planning Commission,

I am writing in response to your letter dated February 27, requesting public comment on the Planning Commission's review of the Public Benefit Rating System within the Open Space Program. My husband Sam and I own a ten-acre property in Joyce, which is currently enrolled in the program, and we are deeply invested in preserving its natural state.

When we purchased our land 30 years ago, we were drawn to its natural beauty, rich wildlife, and the surrounding forested landscape. Over the years, as development and land clearing have increased, our property has remained part of one of the last intact wildlife corridors along the Lyre River connecting the Olympic Mountains to the Strait of Juan de Fuca. This corridor is essential for biodiversity and the long-term health of our local ecosystem.

In just the past year, we have observed and photographed elk, deer, cougar, coyote, and black bear on our property. A pair of bald eagles nests nearby, and a family of ravens—including a breeding pair and their juvenile offspring—has made our land their home. Using a bird identification app, we have documented a remarkable diversity of bird species, including migratory and endangered species. Our land provides a critical haven for these creatures, contributing to the environmental health of Clallam County and beyond.

Beyond our property's ecological value, my husband and I have been active members of the Clallam County community for over 45 years. I am retired after 22 years at Country Aire, and my husband has recently semi-retired after working 40 years in Port Angeles paying taxes within Clallam County. Sam has been a District 4 Fire Commissioner for more than 16 years, and understands the need for tax revenues to support our communities. We have consistently contributed to our community, both economically and socially, and we have always paid our fair share of property taxes.

As we move into our retirement years, we are committed to keeping our land undeveloped and maintaining its value as a green space for wildlife, recreation, and environmental preservation. We strongly urge the Planning Commission to maintain the Open Space Program and continue offering modest tax deferrals for landowners like us who choose conservation over development. This program not only supports individual property owners but also provides long-term benefits to the entire county.

Public Benefits Provided by Our Property and the Open Space Program:

1. **Wildlife Habitat Preservation** – Our property serves as a critical wildlife corridor, supporting species that rely on undisturbed land for migration, breeding, and shelter. Protecting such spaces ensures biodiversity and ecological balance.
2. **Carbon Sequestration and Climate Benefits** – Forested and undeveloped lands absorb carbon dioxide, helping to mitigate climate change. Maintaining this natural landscape provides a carbon offset benefit to the county.
3. **Stormwater Management and Water Quality** – Our property helps reduce runoff, erosion, and pollution by naturally filtering rainwater before it reaches local waterways. This contributes to clean water for the county and protects fish habitats, including salmon-bearing streams.
4. **Scenic and Recreational Value** – Open spaces enhance the rural character of Clallam County, benefiting both residents and tourists who value its natural beauty. This contributes to the local economy by supporting eco-tourism, outdoor recreation, and property values.
5. **Fiscal Responsibility** – The Open Space Program is a tax deferral, not a tax cut. The county will eventually recover the deferred taxes should the land be sold or developed, making the program a long-term investment rather than a financial loss.
6. **Increased Tax Contributions Over Time** – Since we purchased our land in 1995, the county has increased its assessed value by 400%. Accordingly, our tax payments have risen, demonstrating that we continue to contribute fairly despite the program's deferral structure.
7. **Maintaining the Integrity of the Hwy 112 Corridor** – The Hwy 112 corridor is one of the last truly "evergreen" landscapes in the country. Keeping these lands undeveloped preserves the county's identity and supports its status as a destination for nature lovers, hikers, and conservationists.

We strongly believe that preserving natural open spaces benefits all residents of Clallam County—economically, environmentally, and socially. We urge the Planning Commission to continue supporting the Open Space Program and recognize the invaluable role these lands play in our shared future.

Thank you for your time and consideration.

Sincerely,
Kathryn (Kat) Nugent
202 Cannon Ball Rd,
Joyce, WA
360-928-3328

Proposed Revisions to CCC 27.05 Open Space

Comments on Draft submitted for Planning Commission Hearing

March 19, 2025

Respectfully Submitted by Bob Martin

General observations and recommendations:

I applaud the County for undertaking an update of the open space program, I think it has long been needed. That being said I think adopting a revised ordinance as the first step is premature, particularly since this proposed revised ordinance is completely ambiguous about what happens with properties currently enrolled in the program. Before undertaking such an extensive revision of this (or any) ordinance there should be clear identification and findings about the problems or issues of the existing program that need to be solved. I would recommend the following stepwise process:

1) Conduct a complete audit of those properties currently enrolled in the program including acreage involved, an assessment of whether or not the purpose of the program is being achieved in each case, how much tax benefit is being received (and the amount of revenue the County is forgoing.)
2) Determine which properties are being maintained under the program as currently constituted and terminate any that are not (following due process of course.)
3) Based on what is learned from the audit determine whether or not there are categories of properties, or existing open space provisions that should not be continued in the program going forward.
4) Draft an ordinance that reflects the program the County wants to have going forward. This new ordinance should "grandfather" those properties that are achieving the purpose of the existing ordinance and of the new ordinance. Those properties that are deemed to be in compliance with the existing ordinance but which the County does not wish to remain qualified under the new ordinance should be phased out, without being subject to back taxes or penalties. Possibly reduce the assessment reduction by 10% per year until it reached zero for such properties.
5) Simultaneously repeal the existing ordinance in its entirety and adopt a new one. This makes it clear that the County is not just "tweaking" an existing ordinance but creating a new one.

Specific Comments on the proposed draft ordinance follow:

27.08.010(1) Effect of the proposed ordinance is in conflict with the stated purpose of "...reducing development pressures in rural area..." Since this ordinance as written will require the re-evaluation of hundreds of properties enrolled under the current ordinance, and since most, I expect, will not qualify for the tax reduction they currently receive, it is impossible to see how this proposed ordinance will reduce development pressure on these parcels. The Board should be made aware of how many properties and how much acreage may be affected by this proposed ordinance and how much financial impact this proposal will have on those currently enrolled.

27.08.010(2) This section seems vague and it is unclear how the proposed ordinance ensures a specific application "...will not be construed as a means for land speculation or a mechanism to subsidize an individual, organization, of industry." Board should know if this is currently happening, and if so to what extent, before adopting such a vague purpose. What provisions of the current ordinance are being misused?

Applicability. The draft ordinance eliminates the applicability section. This seems extremely ill-advised as it leaves 800-900 or so landowners currently enrolled in the program in the dark about how or if these proposed changes will affect them. I would recommend something along the lines that those currently enrolled in the program and meeting the goals of the current program, remain unaffected by this ordinance until or unless they convert the property from open space or convey ownership. Properties currently enrolled and in compliance with the program, that are however considered not meeting the goals of the program going forward should be phased out without penalty. Basically, I do not think it right to unduly penalize those who enrolled in the existing program and followed the requirements in good faith to be penalized by a reform of the ordinance by the County

27.08.030(2) Does this apply to properties currently enrolled, and if so, will the provisions of this proposed ordinance be applied? For example, will a property currently enrolled as open space have their property removed from the program if they do not have a signed conservation easement as required under this revised ordinance, even though such an easement is not required under the ordinance as it currently exists? If this is the intent, it should made explicit.

27.08.040(1) The current ordinance makes the County Assessor and the Director of Community Development responsible for the administration of the ordinance. This proposed amendment changes this to make the County Assessor and the Department of Community Development accountable. There have been two ballot measures over the last 22 years in which the citizens of this County affirmed their preference that the Community Development Director should be an elected official. One of the main arguments for this was that making the DCD Director an elected official would ensure that the official would be accountable to the voters. Changing accountability from the Director to the nebulous "Department of Community Development" as this proposed ordinance does seems contradictory to the clear intent of the electorate of this county to hold the Director accountable. (Not that I think making the DCD Director and elected official was a good idea, but that's an argument for another forum!)

27.08.040(4) The two sentences of this section seem to be in conflict. I think the intent is that when the property is conveyed either the seller must pay the appropriate back taxes, interest, and penalties, of the purchaser must sign the notice of continuance. If neither occurs, the Auditor cannot record the conveyance.

27.08.040(5) Again I think the wording here is a mess. If I understand the intent correctly (and I'm not positive I do) the wording should state that for the first ten years, the property cannot be withdrawn from protected status and no County permits (land division, building, etc.) will be approved inconsistent with the protected status. If the land is otherwise converted to purposes inconsistent with open space status, back taxes, penalties, and interest become due. After ten years the land may be withdrawn from open space, but will still be assessed back taxes, etc.

27.080.040(6) This is where my above comment about applicability becomes extremely important. If this revised ordinance will apply to all properties currently enrolled then it will be necessary to evaluate each property and make a new determination of eligibility. If properties are determined to no longer be eligible this draft ordinance would make the elected Assessor responsible (after some due process provisions) for informing the property owner they no longer qualify for the program, and that they will be assessed back taxes, interest and penalties. (I can see where DCD might want the Assessor to bear sole accountability, although as I understand it the DCD will be conducting the benefit rating!) Again, I think existing property owners that have in good faith maintained their open space status need to be in some way "grandfathered" or at least exempt from back taxes, etc.

27.08.040(7) The intent of this provision seems right, but I question whether the Assessor would normally have the professional or technical qualifications to make such a decision. The Assessor would thus have to defer to the written recommendation of "...the Clallam County Department of Health, Clallam Conservation District, ***or other governmental organization...***" [emphasis mine]. I think this is overly broad. As worded it would include state of federal agencies cities whether in or outside Clallam County) other counties, the PUD, fire districts, school districts, tribal governments, etc. I also think it could be open to abuse. Could Forks for example challenge the classification of property in Port Angeles? Why not just say Clallam County may, after due process and a rebuttable finding of fact based on credible qualified evidence, remove lands which adversely affect water quality?

27.08.040(8)(g) Maybe it's my age, but I think this provision is a bit harsh on widows and widowers who jointly owned their property. Would it really harm the County to give newly bereaved spouses a break on back taxes? Recommend removing the phrase "...continuously since 1993."

27.08.050(1) Could or should the County be able to enter into conservation easements?

27.08.050(2) Reference is made to land "...that has a high potential for returning to commercial agriculture." This seems vague and subjective." Who would make this judgement and what would it be based on?

27.08.060(1) It seems to me that determining the "...portion of a subject property that is conserved by the conservation easement..." could be somewhat complicated by the fact the zoning standards allow development of varying lot sizes, which would not necessarily be known in advance of a pending land division application. For example: a 20-acre parcel could be developed into three one-acre parcels and a 17-acre remainder, or alternatively into four 5-acre parcels, or a wide variety of other configurations within the minimum and maximum parcel sizes allowed in the R-5 zone. Given this, how will it be possible to show "...the area the conservation easement applies to..." in advance of a specific land division application?

27.08.060(4)(i) A former Clallam County Assessor once informed me that "if I can't eat what you grow on your property it ain't agricultural production." Obviously with that definition tulip farms, lavender farms, and equestrian facilities which are all recognized as agricultural uses

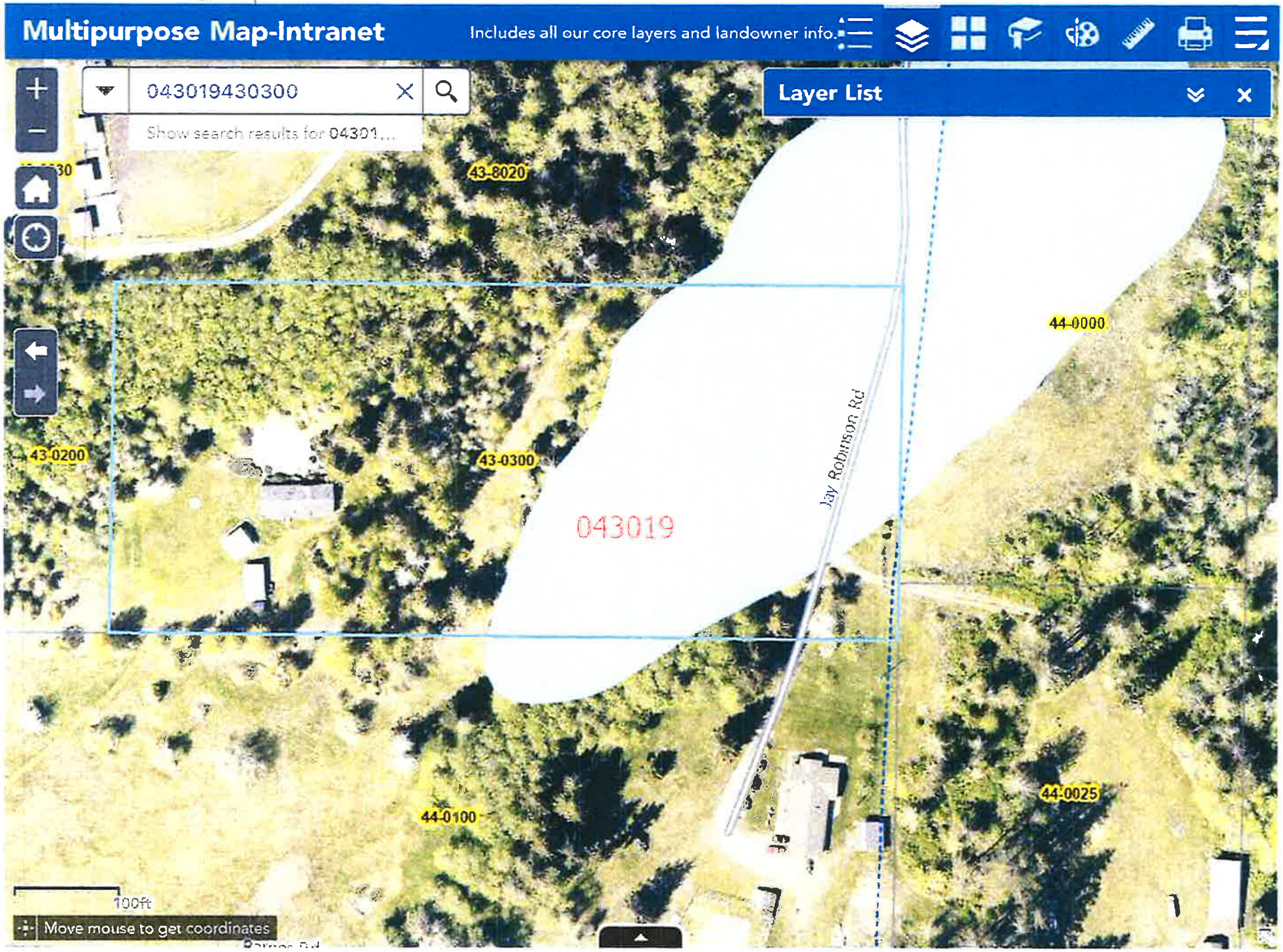
under RCW 64.34 would not be considered agriculture. I think it better to stay away from the term "agricultural production" which is undefined, and instead use the term "agriculture as defined under RCW 84.34" This avoids potential confusion and possible conflict with State statute.

27.08.070 The Public Benefit Rating Table seems to me unnecessarily complicated and possibly confusing. It seems to me the "maximum reduction in tax valuation allowed" column is unnecessary. Instead, just add a statement that if the property qualifies under more than one of the last four open space benefit sources the maximum reduction is 40% (if that is the intent.) I also note that the code references in the second column should, I believe, be 27.060 rather than 27.080.

27.08.090 Again there should be some procedural discussion of what happens to properties already in the open space program.

Bob Martin
PO Box 2406
Sequim
(360) 460-3439

200 Jay Robinson Rd. SEQUIM WA 98382



My sogestion is all speakers use a microphone.

Eric Robin

Clark, Donella

From: Shimkiri Syiem <shimkiri@yahoo.com>
Sent: Wednesday, April 9, 2025 10:39 AM
To: Clark, Donella
Subject: Comments Regarding Open Space Program Changes

You don't often get email from shimkiri@yahoo.com. Learn why this is important

Dear Principal Planner Donella Clark and Whom It May Concern,

I am writing to comment regarding the proposed changes to the Open Space program, specifically about changing the minimum space requirement to 4 acres. This would limit the Open Space program to only larger land owners, and bar entry from people who don't have the capital or opportunity to obtain such a large property. We should do all we can to keep Clallam County as green and open as possible. These pockets of nature such as an empty field on an otherwise developed street, or a small stand of trees and shrubs along a busy road, are what keep this area natural and beautiful.

Studies have shown that kids that go to school that have trees growing within a few hundred feet of the school have less stress and higher academic performance. I would argue that the same is true for open fields and lands, even if the field is just 1 acre, 1/2 an acre, or even a 1/4 acre large. My family moved to this area from a very busy urban setting where there is hardly any green space, let alone wild, uncultivated green space, and one of the main reasons that we chose Sequim and Clallam County is because it still has that open and wild nature feel that has been lost in so many towns all over the country. It might seem like a trivial matter to have a small empty field down the street, but when we take walks, it is a highlight to see wild native plants growing and have an opportunity to enjoy the view of the mountains. This is what helps humans remember how beautiful nature is and why we should take care of it.

Having more Open Spaces is better for people and better for the ecosystem that we live in as it provides more places for birds and animals to thrive and keep this wonderful ecological community intact. In turn, this helps the land to thrive and feed the community through the work of the many passionate organic and regenerative farmers that live in this area. There should be more incentives and ways to encourage folks to be in the Open Space program, not more barriers to entry. Let's keep Clallam County a beautiful, rural, and nature-filled place to live in.

Thank you very much for your time!

Sincerely,
Shimkiri Figar