

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, May 7, 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: RV discussion**
- I. PUBLIC HEARING/COMMISSION ACTION: Floodplain Management**
- 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:
Tim Havel, Chief Deputy; Bruce Emery, Director

MINUTES

Clallam County Planning Commission

Meeting of April 16, 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, and Jane Hielman. Donella Clark, Principal Planner, represented staff from the Department of Community Development.
- D. WELCOME: Chair Gale welcomed all in attendance.
- E. APPROVAL OF MINUTES: Ken Reandeau moved to approve the minutes, Ron Long and Katina Hester both seconded. The motion passed to approve minutes.
- F. ANNOUNCEMENTS: The Board of County Commissioners passed the Emergency Floodplain Management Ordinance the day before in order to provide continued enrollment in the National Flood Insurance Program. The Planning Commission is simultaneously reviewing the changes required by FEMA and will be holding a public hearing on May 7, 2025.
- G. PUBLIC COMMENT PERIOD: None
- H. UNFINISHED BUSINESS: None
- I. PUBLIC HEARING ITEM: Staff provided information regarding the Open Space Ordinance, looking at some examples and explaining some of the analysis provided in charts. There was some discussion about the code and how they relate to the properties. Staff brought up that properties which are already large and not combined through lot combinations provide similar benefits as those properties the new code will provide benefits too, and that maybe development pressure should be carried over from the old code.

John McKay explained that the pond on his property he has owned for 22 years allows people to see the 173 swans when they park on Kirner Road and he would hate to see his property removed from the program since he provides this service.

Dave Mattern provided comments on conservation easements, having been a volunteer with NOLT (not on the board), and hoped they would continue to qualify under the open space program. He was asked questions from the Planning Commission to help explain how easements are administered and his understanding of who could hold a conservation easement.

Planning Commission continued discussions about the categories and asked staff to bring the ordinance back next time with some language regarding development pressure, change the added timeline in the procedure section from 30 days, and also provide some analysis of Bob Martin's comments. A motion was made by Ron Long to continue the public hearing until the second meeting in May (May 21, 2025) and have staff bring back the ordinance with changes. Motion passed.
- J. WORK SESSION ITEMS: None
- K. PUBLIC COMMENT PERIOD: None
- L. DISCUSSION OF PUBLIC COMMENTS: There was no discussion.
- M. GOOD OF THE ORDER: Ken Reandeau asked if a presentation by Code Enforcement could be brought to the Planning Commission. Steve Gale asked staff what is needed to get Carlsborg UGA standards to be brought for review. Need to prioritize this and reconvene the Carlsborg

Advisory County. Staff suggested emailing the director and also cc'ing Mark Ozias on this request. Tom Butler requested that staff add Short Term Rental standards on an agenda to discuss. Other jurisdictions are placing caps on the number of rentals allowed. There was a time that funding was requested to study the number of short term rentals in the County, but that study was never funded. Katina Hester asked if the County could look into using VRBO/AirBnB to ensure equitability in enforcement issues and rather than targeting just the complaint by a neighbor but instead target an area and send letters to all people violating the code.

N. ADJOURNMENT: The meeting adjourned at __7:45__ p.m.

Subject: FW: Online Form Submission #7075 for Contact the Planning Commission

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Friday, April 18, 2025 12:51 PM

To: Web_DCDAdmin <web_dcdadmin@clallamcountywa.gov>

Subject: Online Form Submission #7075 for Contact the Planning Commission

Contact the Planning Commission

First Name	David
Last Name	Mattern
Email	dmattern@avvanta.com
Phone Number	3604579182
Subject	Open Space ordinance revision
Comments/Questions	I want to offer some comments for the County and Planning Commission to consider regarding revisions to the Open Space ordinance Chapter 27.08. I attended the Planning Commission meeting on April 17, 2025, and appreciate the thoughtful discussion. I agree with the apparent consensus that as a matter of parity since lot combinations can qualify for open space designation, development pressure should also be considered for qualification. The example discussed was where under the draft ordinance a 20-acre parcel would not qualify as open space (barring other features), a combination of four 5-acre contiguous parcels would qualify. While there seemed to be general agreement that a parcel with this type of potential for development should qualify as open space, the matter of what ratio would be required was unresolved. *I think doubling the underlying zoning is appropriate*. This is consistent with how lot combinations are addressed in the proposed ordinance. It also follows the general density intended for the area. As discussed, the homesite allowance should be maintained. I would also like the Commission and staff to consider whether the proposed ordinance should address precision in regard to parcel size. In principle our Township and Range system divides neatly into simple parcel sizes (1, 2.5, 5, 10 acres, etc.)

In practice, however, roadways, survey corrections, and such result in parcels that are slightly less (or more) than described in the zoning code. My experience has been that County staff recognize this and generally base approvals on intent. For example, allowing development on a 4.85-acre parcel in a R5 zone. I think this practice is fine, but it introduces some ambiguity that could be problematic in considering how larger parcels might be developed or qualify for open space. For example, would an undeveloped 9.6-acre parcel in a R5 zone qualify for open space based on development pressure? I think it should, but that means assuming 4.8-acre parcels could be developed. At what point are the parcels too small? It may be that the Open Space ordinance is not the appropriate place for this to be addressed.

Please Note

This form is not for emergencies. If you have an emergency, please phone 911.

Email not displaying correctly? [View it in your browser.](#)



CLALLAM COUNTY
Department of Community Development
County Courthouse
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Port Angeles, WA 98362-3015
Phone: (360) 417-2323
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bruce.emery@clallamcountywa.gov

Memorandum

Date: April 30, 2025
To: Clallam County Planning Commission
From: Bruce Emery, Director
Re: Draft RV Use Code Amendments

Discussion

The Planning Commission continued its consideration of standards related to the use and occupancy of RVs and other related issues on April 2, 2025. During that discussion, several concerns were raised that have been incorporated in the revised Draft Ordinance provided in your packet. Specific changes include:

- Clarity regarding the meaning of "stable source of power found under CCC 33.58.020(2) to include "...other than onsite power generators or inverters."
- Establishment of a 180-day occupancy limit per 12-month period, except that this time limit may be extended to two years during home construction (CCC 33.58.020(5)).
- Restricting occupancy to no more than one RV, with allowance for a 2nd, unoccupied RV on the property, provided further it is stored within a garage or separate structure (CCC 33.58.020(4)).
- Assurance that the RV is not placed in, or encroach upon, a public right-of-way or private easement (CCC 33.58.020(6)).
- Removing the prohibition against renting of an RV or RV pad under prior CCC 33.40.100(1)(c).

In addition to the requested changes to the text of the Draft Ordinance, the Planning Commission inquired 1) why do ADUs require owner occupancy; and 2) Why are vacation rentals restricted to renting of the entire dwelling and not, for example, a single room? Concerning the first question, the Purpose and Intent statement at the beginning of the ADU standards reads as follows:

33.50.010 Purpose and intent.

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

- (1) Ensure that accessory housing remains clearly an incidental and subordinate use to the existing single-family dwelling or business.
- (2) Protect the rural and neighborhood character in areas where accessory housing is allowed.

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

The above stated purpose includes expanding options for homeowners to grant them more alternatives for use of their homesite. However, and as stated under Subsection 1, the scope of an ADU must remain clearly subordinate to the primary residence. In a situation where the primary and accessory residence is rented, you are basically dealing with two bona fide units as opposed to a primary and an accessory unit. In other words, the rental of both units expands the intended scope of use beyond its original intent and potentially subjects the program to density requirements. Although the State Legislature has allowed for the rental of both units within UGAs, they did not do so in rural areas. Our recommendation is not to change this provision.

Concerning the second question, the Zoning Code's definition for bed-n-breakfast inn under CCC 33.03.010(13) allows for the renting of one or more rooms (up to five rooms) on a short-term basis—provided the owner also occupies the dwelling. The point of the Vacation Rental standard was to allow for the rental of the entire structure. You can still offer a single room, or multiple rooms for rent on a short-term basis; we just happen to call those bed-n-breakfast inns.

Lastly, I did peruse several other County Codes regarding Recreational Vehicle occupancy. The results are included in the attached paper *Summary of Western Washington Counties RV Occupancy Regulations*. For the most part, most jurisdictions do provide some kind of time limit concerning duration of occupancy, like 180 days within a one-year period. Exceptions include Grays Harbor and Lewis Counties, which had additional service requirements for occupancies greater than 180 days (210 days for Lewis), and San Juan County, which makes a two-year exception while a home is being built. Based on these comparable regulations, as proposed, the Draft Ordinance provides a clear and responsible approach to managing RV use.

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

Sincerely,



Bruce Emery, Director
Clallam County DCD

Draft RV Use Code Amendments
Draft April 30, 2025

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

Definitions, Section 33.03.010, CCC.

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

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

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

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

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

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

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

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

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

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

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

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

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

Accessory Housing, Ch 33.50, CCC.

CCC 33.50.030: The requirements listed below apply to all accessory housing:

(2) *Structure Type.* Accessory housing units shall~~must be~~ stick-built or manufactured residential units approved by the Department of Community Development, or the Washington Department of Labor and Industries, as applicable, for permanent occupancy. Accessory housing units shall not include~~be~~ travel trailers, recreational vehicles, buses, truck storage containers, or similar manufactured-mobile units~~which are not originally intended to be used for permanent residences.~~ Structures described

~~under WAC 296-150R-0020 as "temporary living quarters" shall not be permitted or placed under the provisions of this section. If such structures are occupied for a period of 90 or more consecutive calendar days in the same location, such occupation shall be considered a violation of this chapter and subject to enforcement under Clallam County Code.~~

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

(6) *Density.* ~~In rural zoning districts, there shall be no more than one accessory housing unit allowed per lot. In designated Urban Growth Areas, there shall be no more than two accessory housing units allowed per lot as set forth in RCW 36.70A.681.~~

33.50.040 Additional standards for accessory dwelling units.

(1) *Size.*

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

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

(3) *Occupancy.*

(a) In rural zoning districts, ~~The~~ owner of the parcel shall live either in the primary dwelling or ADU as their primary residence. For the purpose of this

standard, "primary residence" shall mean occupancy by the underlying property owner for no less than 120 days during a calendar year.

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

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

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

(a) In rural zoning districts, When development abuts or is accessed by a county road, all building entrances shall be located so that only one entrance faces the road frontage of the development.

(b) Unless located within a designated Urban Growth Area and within ½ mile of a major transit stop, Oon-site parking area shall be provided.

(c) Access for vehicle ingress and egress shall share the same legal access onto a public or private road as the primary dwelling unit and no new access shall be established for the ADU.

(d) The primary dwelling and the ADU may be no more than 300 linear feet from each other.

33.51.020 Vacation rental standards.

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

(2) Connection to a ~~P~~ublic ~~S~~anitary ~~S~~ewer or an ~~O~~on-~~S~~ite ~~S~~eptic ~~S~~ystem ~~T~~hat ~~C~~omplies with Chapter 41.20 CCC, On-Site Sewage Systems. If connected to an on-site septic system, the owner is responsible to ensure that the vacation rental occupancy is consistent with the design capacity of the on-site septic system and type of wastewater discharges allowed, and in compliance with on-site septic systems periodic inspection, maintenance, and reporting requirements under CCC 41.20.170.

(5) A recreational park trailer, under American National Standards Institute A119.5 standard for Park Model Recreational Vehicles, as defined by WAC 296-150P-0020, and placed in accordance with Chapter 21.06, CCC, may be used as a vacation rental subject to the requirements of this Chapter. It is incumbent on the applicant to demonstrate compliance with applicable requirements of the Washington State Department of Labor and Industries (L&I) and CCC, Chapter 21.06.

General Requirements, Chapter 33.40, CCC

33.40.100 Unauthorized Rental for Use of Structures

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

- a) Unpermitted cabins or similar structures being advertised as, or otherwise being offered on, a rental or lease basis.
- b) Tiny Houses on Wheels that do not bear the proper Washington Department of Labor and Industries (L&I) compliance insignia, or that have not been properly placed in accordance with Title 21, CCC, that are being advertised as, or otherwise being offered on, a rental or lease basis.
- Recreational Vehicles, or service pads intended for the location of Recreational Vehicles, that are being advertised as, or otherwise being offered on, a rental or lease basis; except that Recreational Vehicles or service pads intended for the location of Recreational Vehicles located within a designated RV Park, approved under a Binding Site Plan in accordance with Title 29, CCC, are allowed in accordance with the terms of said Binding Site Plan.
- c) Any cabins or similar structures that do not meet the requirements of Title 41, CCC, that are being advertised as, or otherwise being offered on, a rental or lease basis.

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

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

Recreational Vehicle Placement and Occupancy, Chapter 33.58, CCC

33.58.010 Applicability

The purpose of this chapter is to protect public health, safety, and welfare of Clallam County citizens and the environment by providing standards for citing and occupancy of Recreational Vehicles for personal use on private property. Specifically, this Chapter is not intended to establish regulations on the normal recreational use of Recreational Vehicles but addresses use and occupancy of Recreational Vehicles that extend in duration beyond what is normally considered simple "recreational" use.

33.58.020 General Requirements

The placement of a Recreational Vehicle for a duration of thirty (30) days or more for purposes of occupancy or periodic occupancy shall be subject to the following requirements:

- (1) The Recreational Vehicle must maintain current licensing, be in working order, and be movable within two days' notice.
- (2) The Recreational Vehicle must be provided with a stable source of power other than onsite power generators or inverters, potable water supply, and means of adequate sewage disposal to the satisfaction of the Washington Department of Labor and Industries and the Clallam County Environmental Health Division. Under no circumstances shall gray or black water be discharged onto the ground or surface waters.
- (3) The Recreational Vehicle must be placed outside of structural setbacks applicable to the subject property according to its zoning designation, as well as outside of Critical Areas and their associated buffers in accordance with Chapter 27.12 and Title 35, CCC.
- (4) No more than one (1) Recreational Vehicle may be occupied on a parcel, and no more than two (2) recreational vehicles may be present on a parcel. If a second Recreational Vehicle is present, it shall be contained within a garage or similar structure.
- (5) A Recreational Vehicle shall not be occupied for more than 180 days in a 12-month period, except that this time limit may be extended to two consecutive years during home construction on the property where occupancy for the structure has not been granted.
- (6) A Recreational Vehicle placed in accordance with this Chapter shall not be located in, or encroach upon, any public right-of-way; or be located in, or encroach upon, a private easement in which a separate party holds interest.

Park Model Placement, Chapter 21.06, CCC

21.06.020 Definition.

- 1) "Recreational Park Trailer" or "Park mModel Recreational Vehicle," "recreational park trailer," or "tiny home on wheels" shall mean a trailer-type unit that has substantially lost its identity as a mobile unit by virtue of its being permanently fixed on property complying with American National Standards Institute A119.5 standard for park trailers as defined by WAC ~~296-150P-0020~~. These units shall bear an insignia issued by the Washington Department of Labor and Industries or equivalent. This definition does not include recreational vehicles as defined by

L&I is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

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

21.06.030 Park model placement requirements.

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

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

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

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

Summary of Western Washington Counties RV Occupancy Regulations

April 30, 2025

The following summarizes regulatory programs in other county jurisdictions concerning the use and occupancy of recreational vehicles in Western Washington. The purpose of this summary is to provide context and comparisons in how other similar jurisdictions are dealing with some of the issues related to occupancy and use of RVs.

Skagit County

- Allows occupancy of an RV up to 180 days in a 12-month period.
- Only one RV may be occupied on a lot.
- Allows up to two RVs stored on a lot without a special use permit.
- Any RV that is inoperable or unlicensed is considered junk. Outdoor storage of more than 500 SF of junk is prohibited.

Grays Harbor County

- Generally, prohibits occupancy of an RV for more than 14 consecutive days.
- Full-time occupancy of an RV is allowed if all utilities available for a minimum two-bedroom habitable residence are present and approved (septic and potable water required).

Snohomish County

- Only one RV may be occupied on property for up to 180 days in any 12-month period.
- The RV must be fully licensed and ready for highway use.
- There is no limit on the number of RVs or duration for unoccupied RVs; provided they are owned by a resident of the property, and they must be fully licensed and ready for highway use.
- Floodway and floodplain regulations must be observed.
- RVs are prohibited as a residence.

San Juan County

- Occupancy of an RV is allowed up to 180 days.
- A temporary use permit is required after 180 days, up to 2 years to provide temporary housing during home construction.
- The RV must be registered and licensed.
- A written plan for sewage disposal must be issued by H&CS (EH).
- An RV may be allowed as a permanent use with issuance of a Land Use Permit (Similar to CUP).
 - If placed on a lot with a residence, it must consider density.
 - No placement on shorelines
 - Must meet NFPA 1192.
 - Must meet setbacks and other landuse standards.
 - Screening standards apply.

- Approved septic and water source required.

Lewis County

- Maximum occupancy of an RV is 210 days, after which, the RV site must meet all requirements established for a mobile home park, including approved water, septic and an approved trailer placement permit.



MEMORANDUM

Clallam County Department of Community Development

Date: April 30, 2025
To: Clallam County Planning Commission
From: Tim Havel, Chief Deputy Director, DCD
Re: Floodplain Management Ordinance

Clallam County received notification that we had until April 23, 2025, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(d) and (e) of the National Flood Insurance Program (NFIP) regulations or the County would be suspended from the NFIP.

On April 15, 2025, after a properly noticed public hearing, the Board of County Commissioners (BOCC) adopted Emergency Ordinance 1029 amending our Critical Areas Ordinance, Chapter 27.12, so that it meets or exceeds the minimum NFIP requirements, temporarily avoiding suspension from the NFIP. The Emergency Ordinance provides 60 days to fully adopt the required modifications to Chapter 27.12. If suspended, the community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

After presenting this information to the Planning Commission on April 02, 2025, a public hearing was planned for May 07, 2025. The Department of Community Development (DCD) took the unusual step of pursuing an Emergency Ordinance due to the short timeframe caused by complications in drafting and complexities of the issue, input from legal, as well as federal regulations. Fortunately, our existing Critical Areas Ordinance, Chapter 27.12, requires only minor modifications to be compliant with the NFIP requirements. Most changes needed are the inclusion of some new definitions and minor modifications to the code's language.

It should be noted that FEMA dedicates extensive time and effort to acquire accurate data, confirm their findings with the public, and publish their findings. The maps that have been adopted as of April 23, 2025, began their topographic studies 10 years ago. FEMA collects and analyses data through topographic, hydrologic, and hydraulic means.

Once their preliminary maps are completed, the Agency works with the community through Open Houses, mailings, and digital presentations. Subsequently, there is a 90-day review period where the community can submit comments, appeals, and data which FEMA uses to make any necessary corrections to the maps. Once the review period concludes, a Letter of Final Determination is issued providing communities with six months to adopt the study and ordinance. Attached to this staff report is part of a presentation provided by FEMA regarding changes to flood risk maps.

DCD is presenting the same proposed code modifications that were utilized for the Emergency Ordinance, to the Planning Commission for their review, public hearing, and finalization process to forward to the BOCC. These code modifications are required by FEMA in order to maintain compliance. As noted above, the Emergency Ordinance process allows for 60 days from the date of adoption to ensure that our revised code is reviewed through the regular methods, meets NFIP minimum requirements, and is adopted by the BOCC. It is necessary to complete this process by June 13, 2025, to remain in compliance with the NFIP.

Tim Havel

Chief Deputy Director, DCD

Flood Risk Open House

CLALLAM COUNTY, WASHINGTON

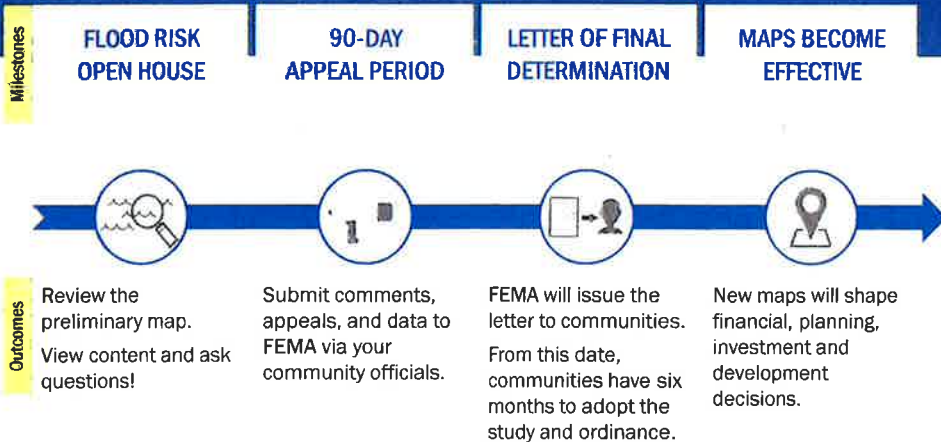


FEMA

1

Federal Emergency Management Agency

Timeline to Effective Maps



* All projected dates may change as the project progresses.

Helping people before, during and after disasters

FEMA.GOV

2

Why are we here?

Flooding is the most costly, deadly natural hazard in the U.S., yet is highly predictable.

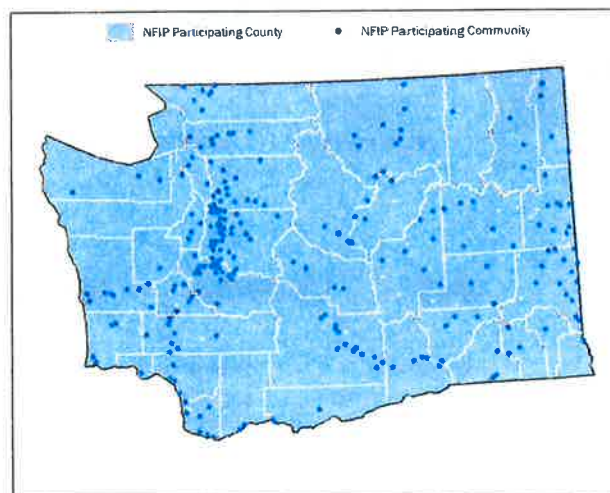
A flood study update reflects:

- Our understanding of flood risk as the land changes over time.
- Incorporation of new technology and years-of-record to update our understanding of flood risk.
- Updates to policies and national priorities.
- Promotion of risk identification before an event to allow communities time to mitigate.



National Flood Insurance Program

- Initiated in 1968 (since amended)
 - ✓ Provides flood insurance for structures and contents in communities that adopt and enforce an ordinance outlining minimal floodplain management standards.
 - ✓ Identify and map flood risk on an ongoing basis.
- Washington Participants
 - ✓ 39 of 39 counties
 - ✓ 244 of 282 incorporated communities (covering 98% of incorporated community population)



Flood Study Updates are a Collective Effort

Federal Government

Responsible for mapping communities on a continuing basis.

Makes flood insurance available and establishes minimal standards.

Incentivizes resilience towards natural hazards.

State Government

Prioritizes areas for future mapping studies.

Determines criteria for prioritization (availability of existing data, accuracy of mapping, connections to mitigation opportunities).

Connects across agencies.

Local Government

Provides local insight on mapping credibility.

Integrate hazard data into enforcement and planning mechanisms.

Ensures compliance with floodplain management requirements.

5

Experts in the Field: Floodplain Mapping

Key Takeaways

- ✓ How are flood maps made.
- ✓ Value of floodplain mapping to communities.



[Experts in the Field: Floodplain Mapping - YouTube](#)

6

What's Changing

Improved technology and years of additional streamflow data facilitated updates to:



Topography (Ground elevation)



Hydrology (How much water)



Hydraulics (How the water moves)



Via Washington Department of Natural Resources | TheBareEarthJacobs.com

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Visualizing Risk (30-Year Mortgage)

1% Annual Chance = High Flood Risk
Approximately 1 in 4 chance of flood event (26%)

0.2% Annual Chance = Moderate Flood Risk
Approximately 1 in 20 chance of flood event (5%)



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Floodplain Mapping Limitations

There are **limitations to floodplain models and mapping**. Maps do not account for:

- Changing conditions (built or physical environment).
- Impacts from a charred landscape or frozen ground.
- Blocked bridges, culverts, and channels from debris, ice jams, and critters.
- Sediment flow, channel erosion, and channel migration.
- Flood risk from pluvial events where extreme rainfall creates a flood independent of a riverine flood source.



Meeting Agenda

- Why are we here?
- What goes into a flood study update?
- What resources are available?



Resource: Submitting Feedback

When: The 90-day appeal period begins after publication in the Federal Register and two newspaper notifications.

A **comment** includes corrections or clarifications that relate to misspellings, labeling and/or missing information on flood maps.

An **appeal** is a formal objection to the addition/modification of preliminary Base Flood Elevations, flood depths, Special Flood Hazard Area boundaries or zone designations, or regulatory floodway boundaries.

An **appeal** should be accompanied by data/documentation indicating that the flood hazard information shown on the preliminary products is scientifically or technically incorrect.

Flood Map Update: Comments and Appeals

Date _____ Name _____
Property Address _____ Property Parcel Number (optional) _____

Instructions:

Please provide the completed form and any supplemental information to your local floodplain administrator. They will collect all comments and appeals and submit them to FEMA during the 90-day appeal period. The 90-day appeal period begins after publication in the Federal Register. FEMA also publishes two notices in a local newspaper. For additional questions, please contact your floodplain administrator. You can also reach out to FEMA Region 10's Regional Service Center at 702.625.1212 or 1.800.425.6842.

To Provide a Comment:

A comment includes changes to spelling, labeling, or missing information on flood maps. No technical analysis is required. Please include any data to support the statement in the space below. Then, send this to your local floodplain administrator within the 90-day appeal period.

To Submit an Appeal:

An appeal is a formal objection to determine the new Base Flood Elevation (BFE) in flood zones or regulatory floodway boundaries. Appeals must include:

- A signed letter with the property information that explains the suggested correction.
- Information that shows the BFEs or boundaries are scientifically or technically incorrect.
- Scientific and technical data, as well as reasoning, which shows that other methods or approaches produce better BFEs.

Please send the response to FEMA's appeal right to your local floodplain administrator within the 90-day appeal period.

Resource: Insurance Questions

Home removed from the High Flood Risk Area?

- Remember, risk is still present. Moderate Flood Risk Areas have a **6% chance** of flooding over a 30-year mortgage. Additionally, **one in four** flood insurance claims come from Low and Moderate Flood Risk Areas.
- Once the flood study is effective (est. Fall 2026) and you wish to adjust or cancel your flood insurance, please contact your mortgage company.
- From there, any adjustments should be brought up with your insurance agent.

Home added to the High Flood Risk Area?

- Your home will move into the High Flood Risk Area on the effective date of the flood study (est. Fall 2026).
- Your mortgage company will contact you by letter soon after the effective date and notify you to purchase flood insurance within 45 days.
- Flood insurance can be purchased from a licensed agent. More information available at:

<https://www.floodsmart.gov>

Federal Emergency Management Agency 13

Resource: Direct Assistance



Property Identification

- ☐ How did the mapping change at my property?
- ☐ Who can I ask for more site-specific information?

➡ **RegionXHelpDesk@starr-team.com**



Flood Study and Engineering

- ☐ What methods were used to develop the maps?
- ☐ How can I submit feedback?

➡ **RegionXHelpDesk@starr-team.com**

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Federal Emergency Management Agency 14

Resource: Direct Assistance



Flood Insurance

- ☐ What are my flood insurance options and requirements?

➡ **fema-R10-mit-fmi@fema.dhs.gov**



Floodplain Management

- ☐ What does the NFIP require for building and development?

➡ **Local staff (who may escalate to State/FEMA)**

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Ordinance _____

An ~~emergency~~ ordinance amending Chapter 27.12 Critical Areas regarding floodplain management to ensure continued participation in FEMA's National Flood Insurance Program (NFIP)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 27.12.500. Applicability and purpose is amended as follows:

This section applies to all regulated uses within designated frequently flooded areas of Clallam County. The intent of this section is to:

(1) Protect the public health, safety and welfare from harm caused by flooding on both private and public properties by reducing the risk of flood damage in areas prone to flooding.

(2) In addition to the requirements of this section, Clallam County uses the Clallam County Construction Code, Chapter 21.01 CCC, which includes the adoption of Division I, Appendix 31, Uniform Building Code International Building Code, Appendix G and International Residential Code, Section R322, which sets forth minimum structural standards required in frequently flooded areas.

(3) This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, when any other provisions, easements, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 27.12.505. Designation and duties of floodplain administrator.

(1) The Clallam County Director of Community Development, or their designee, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions.

(2) Duties and Responsibilities of the Floodplain Administrator shall include the review of all development permits to determine that:

(a) The permit requirements of this ordinance have been satisfied;

(b) All other required state and federal permits have been obtained;

(c) The site is reasonably safe from flooding;

(d) The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 27.12.520(3) are met.

(e) Notify FEMA when annexations occur in the Special Flood Hazard Area.

Section 27.12.51005. Regulated uses and activities is amended as follows:

Applicability of this chapter is set forth in Part One of this chapter. Unless otherwise specified in this chapter, proposals located within the jurisdiction of this chapter as it applies to frequently flooded areas shall require:

(1) A certificate of compliance if within frequently flooded areas;

(2) A variance consistent with Part Seven of this chapter if the standards and requirements cannot be met.

Section 27.12.5150. Classification and designation is amended as follows:

(1) *Classification.* Frequently flooded areas shall be classified as floodways, floodplains and special flood hazard areas (SFHA). "Floodway" refers to the channel of a stream, plus any adjacent

areas, that must be kept free of encroachment in order to discharge the base flood without cumulatively increasing water surface elevation more than ~~one-0.0 footfeet~~. "Floodplain" refers to the area of land that would be covered with water during a flood, and includes the floodway and the special flood hazard area. "Special flood hazard area" means the floodway and adjoining land which is subject to a one percent or greater chance of flooding in any given year, as determined by engineering studies accepted by Clallam County. Coastal high hazard areas are located within special flood hazard areas.

(2) *Designation.* All lands classified as floodway, floodplain, or special flood hazard areas in the Federal Emergency Management Agency report titled "The Flood Insurance Study (FIS) for Clallam County, WA and Incorporated Areas" dated ~~April 23, 2025~~December 5, 1989, as now or hereafter amended, with accompanying Flood Insurance Rate and Boundary Maps (FIRM) dated April 23, 2025, are designated as frequently flooded areas. The study and maps are on file at Clallam County. When base flood elevation data has not been provided in the Flood Insurance Study, the Administrator, or his/her designee, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from the U.S. Federal Emergency Management Agency, Washington Sstate Department of Ecology, or other qualified source. Where base flood elevation data and floodway delineation ~~are~~ is not available either through the Flood Insurance Study or from a qualified source, historical data, high water marks, photographs of past flooding, etc., shall be used to determine base flood elevations. Special flood hazard areas shall be delineated by engineering studies that meet the specifications of 44 CFR § 65 and approved by FEMA and then adopted by Clallam County. The only method to alter data or maps related to special flood hazard areas is through an officially processed map change, through a physical map revision, a County-wide remapping, or a Letter of Map Change (LOMC) submitted to FEMA and approved. Qualified professionals may submit these studies to FEMA to alter the location of the special flood hazard areas through the Letter of Map Change (LOMC) process, with the concurrence of the Administrator. Frequently flooded areas shall not include those lands where a qualified professional pursuant to CCC 27.12.050 determines that Flood Insurance Study maps are in error.

(3) If a project will alter the Base Flood Elevation (BFE) or boundaries of the special flood hazard area (SFHA), the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, then the project proponent shall initiate, and receive approval of, a Conditional Letter of Map Revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the Floodplain Administrator to be attached to the floodplain development permit, including all required property owner notifications.

Section 27.12.5~~2015~~. Protection standards for certain development proposals is amended as follows:

All development within designated frequently flooded areas shall be in compliance with the Clallam County Construction Code, Chapter 21.01 CCC, as amended, in addition to the following:

(1) *Critical Facilities.* Critical facilities are prohibited within areas designated as frequently flooded.

(2) *Land Divisions.*

(a) New land divisions within a designated frequently flooded area are prohibited, unless each lot designated for development contains at least one building site, including access and utilities, that is not within such areas and is one acre or larger in size, and the lot also complies with the

minimum lot size allowed under CCC Title 33, Zoning Code. The buildable area shall be shown on the face of the final plat and/or site plan. Measurements of the buffer shall be from the OHWM, or the outer edge of the special flood hazard area, whichever is greater.

(b) New land divisions containing frequently flooded areas shall be consistent with the requirement to minimize flood damage; shall have utilities and common facilities located and constructed to minimize flood damage; shall have adequate drainage provided to reduce exposure to flood damage; and where base flood elevation data has not been provided or is not available from another authoritative source, it shall be included as part of the application generated for development proposals which contain at least fifty (50) lots or five (5) acres (whichever is less).

(c) For new land divisions, any designated frequently flooded area and/or critical area buffer located on the development site shall be surveyed by a professional land surveyor. The location of the critical area shall be shown on all required county site plans.

(3) *Land Disturbing Activities.* Land disturbing activities located within the jurisdiction of critical areas shall obtain a certificate of compliance and provide for storm water quality and quantity control, including preparation of a temporary erosion and sediment control plan and permanent drainage plan, consistent with ~~the Stormwater Management Manual~~ CCC 27.14 for the Puget Sound Basin, prepared by the State Department of Ecology, February, 1992, as amended. This requirement may be waived by the Administrator upon determination that the proposal will not affect the critical area, except as follows:

(a) *Frequently Flooded Areas.* Land disturbing activities are prohibited within floodways unless certification by a civil engineer licensed in the State of Washington is provided demonstrating that such activities shall not result in more than a ~~one~~0.0-foot increase in flood levels during the occurrence of the base flood discharge. In the designated frequently flooded area, the cumulative effect of any land disturbing activity, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. Certification by a civil engineer licensed in the State of Washington who is qualified for flood assessment is required unless the Administrator determines that sufficient information is available to determine compliance.

(b) Elevated areas for the purpose of creating a flood sanctuary for livestock are allowed on agricultural lands where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Elevated areas do not relax National Flood Insurance Program standards (NFIP).

(4) *Recreational Vehicles.* Recreational vehicles placed within the special flood hazard area shall comply with all of the following conditions:

(a) The recreational vehicle shall be located on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, be on its wheels or jacking system, be not obstructed (i.e., no blocking or skirting), be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

(b) Any structures temporarily attached to recreational vehicles must comply with applicable provisions of this chapter.

(c) Recreational vehicles shall not be located within critical area buffers required pursuant to this chapter.

(5) *Notice to Title.* Any property on which a development proposal is submitted shall have filed with the Clallam County Auditor: (a) a notice to title of the presence of the critical area or buffer, (b) a statement as to the applicability of this chapter to the property, and (c) a statement describing possible limitations on actions in or affecting such areas or buffers as approved by the Administrator.

Clallam County shall record such documents and will provide a copy of the recorded notice to the property owner of record. Development proposals which are also defined as normal repair and maintenance of existing structures or developments, including but not limited to: roof repair, interior remodeling, wood stove permits, etc., and on-site sewage disposal systems repairs or replacement, are exempt from this requirement.

(6) *Protection Standards for Structures in Frequently Flooded Areas.* In addition to the critical area buffer requirements and other applicable protection standards of this chapter and the standards set forth in Chapter 21.01 CCC, Clallam County Construction Code, as amended, the following conditions shall apply to structures constructed within designated frequently flooded areas.

(a) *Floodways.* Consistent with RCW 86.16.061(2)(a), as it applies, construction or reconstruction of residential structures is prohibited within designated floodways, except for: (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure, the cost of which does not exceed fifty (50) percent of the market value of the structure either, (i) before the repair, or reconstruction is started, or (ii) if the structure has been damaged, and is being restored before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty (50) percent.

(b) *Residential, commercial and/or industrial buildings.* Buildings are prohibited within special flood hazard areas unless constructed or placed on lots or parcels of land platted by a final plat approved and recorded prior to December 10, 1980, for the Dungeness and Elwha Rivers and the effective date of this chapter for all other special flood hazard areas. If a portion of the pre-existing lot lies outside the flood hazard area, building shall be directed to the ~~nonhazard~~nonhazardous portion to the maximum extent feasible.

(7) *Roads and Bridges – New Construction.* Any new construction of private or public roads or bridges proposed within the jurisdiction of this chapter but outside of regulated critical areas or their buffers shall comply with the standards below and obtain a certificate of compliance. Any new road or bridge construction proposed within a critical area or associated buffer requires a variance approval pursuant to Part Seven of this chapter and shall also comply with the following minimum development standards, as applicable.

(a) It shall also be shown that no other reasonable or practicable alternative exists and the road or street crossing serves multiple properties whenever possible;

(b) Public road or maintained road or street crossings should provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street construction is the minimum necessary to provide safe roads and streets;

(d) Storm water and drainage impacts have been evaluated and have been determined to be consistent with this chapter;

(e) Deckings, abutments and piers shall not contain petroleum-based treatments or preservatives, including creosote, arsenic or copper; and

(f) Encroachments, including fill, shall not increase flood levels during the occurrence of the base flood discharge.

(8) *Trails and Trail-Related Facilities.* Construction of publicly owned trails on public lands, or privately owned trails for private or public use, and trail-related facilities, such as picnic tables, benches, interpretive centers and signs, pedestrian bridges and viewing platforms, may be allowed in the critical area and associated buffers through the issuance of a certificate of compliance pursuant to this chapter, subject to the following standards:

(a) Encroachments, including fill, shall not increase flood levels during the occurrence of the base flood discharge.

(9) *Zoning or Comprehensive Plan Amendment.* Prior to taking action on a zoning or comprehensive plan map amendment, the applicant shall complete an environmental assessment that shall be approved by Clallam County, to confirm the nature, extent and rating of critical areas on the property; determine if the subsequent development proposal would be consistent with this chapter; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any SEPA threshold determination pursuant to Chapter [27.01](#) CCC, Clallam County Environmental Policy. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposed zoning or comprehensive plan map amendment if the impacts are significant and cannot be mitigated.

Section 27.12.900. Definitions are amended as follows:

Whenever the following words and phrases appear in this chapter, they shall be given the meaning attributed to them by this section. "Shall" is always mandatory, and the word "may" or "should" indicates a use of discretion in making a decision. All other words in this chapter shall carry the meanings as specified in the latest edition of Webster's New Collegiate Dictionary.

(1) "Administrator" means the Director of the Clallam County Department of Community Development or his/her designee.

(2) "Agriculture" or "agricultural activities" means the use of land for commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable or animal products or of berries, grain, hay, straw, turf, seed, cottonwood trees, Christmas trees not subject to the excise tax imposed by RCW [84.33.100](#) through [84.33.140](#), or livestock, including those activities directly pertaining to the production of crops or livestock including, but not limited to, cultivation, harvest, grazing, on-site animal waste storage and disposal, fertilization, the operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems, and canals, and normal maintenance, operation and repair of existing serviceable structures, facilities, or improved areas. Activities (like installing drainage tiles) that allow an area to be utilized for agricultural use, or the processing or packing of primarily (i.e., over 50 percent) off-site agricultural materials are not considered agricultural activities.

(3) "Alteration" means a human action that may change the existing condition of a critical area. Alterations include but are not limited to: grading; dredging; channelizing; cutting, clearing, relocating or removing vegetation (except noxious weeds identified by the Washington Department of Agriculture or Clallam County Cooperative Extension); applying herbicides or pesticides or any hazardous or toxic substance; discharging storm water runoff or pollutants; grazing domestic animals; modifying for surface water management purposes; or any other human activity that changes existing vegetation, hydrology, wildlife or wildlife habitat.

(4) "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

~~(5)~~ (4) "Applicant" means any person, public agency or business entity such as a corporation or a partnership which applies for a development proposal, permit or approval subject to review under this chapter. Applicant shall also mean any predecessor or any successor in interest involving the proposal.

~~(6)~~ (5) "Aquaculture" means the farming or culturing of game or food fish, shellfish, and/or other aquatic animals or plants in fresh or salt water areas, and may include such developments as fish hatcheries, rearing pens, shore-based structures and shellfish rafts. Aquaculture practices pertain to any activity related to growing, handling, or harvesting of aquaculture produce, including, but not

limited to, propagation, enhancement and rehabilitation of said fisheries resources. Excluded from this definition is the private husbanding or harvesting of anadromous fish, as prohibited by Washington State Law, and related commercial uses such as wholesale and retail sales, processing, packaging or freezing facilities.

(76) "Aquifer" means a saturated body of rock, sand, gravel or other geologic material that is capable of storing, transmitting, and yielding water to a well in sufficient quantities to be economically useful.

(87) "Aquifer recharge" means the process by which water is added to an aquifer. It may occur naturally by the percolation (infiltration) of surface water, precipitation, or snowmelt from the ground surface to a depth where the earth materials are saturated with water. Aquifer recharge can be augmented by "artificial" means through the addition of surface water (e.g., land application of reuse water, wastewater or storm water) or by the injection of water into the underground environment (e.g., drainfields and drywells).

(9) "Area of shallow flooding" means a designated zone AO, AH, AR/AO, AR/AH, or VO on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

(10) "Area of special flood hazard" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "special food hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

(118) "Base flood" means the flood level having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

(12) "Base Flood Elevation (BFE)" means the elevation to which floodwater is anticipated to rise during base flood.

(13) "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

(149) "Best management practices" means conservation practices or systems of practices and management measures that:

(a) Control soil loss and reduce water quality degradation caused by nutrients, pathogens, bacteria, toxic substances, pesticides, oil and grease, and sediment; and

(b) Minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

(150) "Buffer" means an area of protection contiguous with a critical area where use is limited to protect the integrity, maintenance, function and structural stability of the critical area.

(164) "Clearing" means the destruction, disturbance or removal of vegetation by physical, mechanical, chemical or any other means.

(172) "Conservation easement" means a limited protective easement granted to Clallam County or other organizations devoted to protection and management of lands or portions thereof.

(183) "Critical facilities" means a facility for which even a slight chance of flooding or destruction caused by a geologic hazard would be too great. They include, but are not limited to: schools, hospitals, police, fire, emergency response installation, nursing homes, installations which produce, use or store hazardous materials or hazardous waste, pipelines which transmit oil and gas, municipal water and sewer facilities, and regional transportation facilities, such as airports, ports, railroads and major highways.

(194) “Development” or “development proposal” means any of the activities relating to the use and/or development of land, including but not limited to: any land use permit or approval issued by Clallam County pursuant to the Clallam County Code (e.g., building permit, industrial, commercial or residential; binding site plan; franchise right-of-way construction permit; master plan development; planned unit development; right-of-way access permit; shoreline permits including exemptions; conditional use permit; subdivision; short subdivision; utility or on-site sewage permit; the removal, excavation, grading, clearing, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind; paving, mining, drilling operations and storage of equipment or materials; the dumping, discharging, or filling with any material; the draining, flooding, or disturbing of the water table; the driving of pilings or the placing of obstructions; planting of vegetation (e.g., introduction of non-native species) that would alter the character of the critical area; activities that result in adverse changes in water temperature or physical or chemical characteristics of critical area water sources; or any subsequently adopted permit or required approval not expressly exempted by this chapter. Any development in a special flood hazard area must still obtain a floodplain development permit.

(2045) “Development proposal site” means, for purposes of this chapter, the legal boundaries of the parcel or parcels of land on which an applicant has applied for authority from Clallam County to carry out a development proposal.

(21) “Elevation Certificate” means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

(22) “Elevated Building” means a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

(2346) “Enhancement” means actions performed to improve the condition of existing degraded critical areas (e.g., wetlands or streams) so that the functions they provide are of a higher quality (provided that this activity does not significantly degrade another existing function or value), and are designed to improve or restore native fish and wildlife habitat, or watershed functions.

(2447) “Erosion” means the process whereby the land surface is worn away by the action of water, wind, ice or other geologic agents and by processes such as gravitational creep or events such as landslides. Geologic erosion occurs as an ongoing process that acts on all land surfaces to some degree. Human activities such as removing vegetation, increasing storm water runoff or decreasing slope stability often accelerate or aggravate natural erosion processes.

(2548) “Existing, ongoing agriculture” means agriculture that is both: (a) on land located within the agricultural retention zoning district and/or on land that meets the criteria and are enrolled in the Washington State open space and agricultural current use program per RCW 84.34.020(2)(b) and (c); and (b) is on land that has been used for agriculture since June 16, 1992, and not ceased use for agriculture for more than five consecutive years at any one time. Changing the type of agricultural activities being conducted is not considered new or expansion of existing agricultural activity. Agriculture that meets the definition of existing, ongoing agriculture on farmed wetlands, farmed wetland pastures, and prior converted wetlands is allowed to continue subject to the provisions of CCC 27.12.037.

(2649) “Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(270) “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, and/or the unusual

and rapid accumulation of runoff of surface waters from any source, and/or mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. This may also include the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

(28) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

(29) "Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(3024) "Floodplain" or "flood-prone area" means an area of land susceptible that would be to being covered (or inundated) with water during a flood. Also known as the "frequently flooded area."

(31) "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structure which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the Base Flood Elevation.

(3222) "Floodway" means the channel of a stream or other watercourse and any adjacent land areas, that must be kept free of encroachment in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, which is the federal standard.

(3323) "Footprint" means all area covered up to the exterior dimensions of structural improvements, including: buildings, outbuildings, decks, patios, overhangs, driveways, and other manmade structures that preclude or have the effect of precluding establishment and/or continued growth of natural vegetation.

(3424) "Forest practices" means as defined in WAC 222-16-010(21), as amended, any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: road and trail construction, harvesting, final and intermediate, pre-commercial thinning, reforestation, fertilization, prevention and suppression of diseases and insects, salvage of trees, and brush control. Forest practices shall not include preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

(3525) "Frequently flooded areas" means the floodway and special flood hazard area, combined. Also known as "floodplain."

(36) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shop buildingshipbuilding and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

(3726) "Functions, beneficial functions, or functions and values" means the beneficial roles served by critical areas including, but not limited to: water quality/quantity protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, historical and archaeological value protection, aesthetic value, and recreation. These beneficial functions are not listed in order of priority.

(3827) "Grading" means any excavating, filling or removing of the surface layer or any combination thereof.

(3928) "Grazed wet meadows" are wetlands whose vegetative cover has been greatly modified as a result of grazing, seeding or cutting for hay. They are typically dominated by pasture species (such as blue grass, orchard grass, fescue, clovers, reed canary grass, etc.) as well as non-native wetland species such as soft rush and buttercup. They are saturated or have standing water during the wet season and part of the growing season but are dry during the summer months. Grazed wet meadows have been used (within the last five years) or are being used for livestock grazing, seeding, or cutting for hay.

(4029) "Hazardous substances" means those substances defined as hazardous or dangerous wastes in Chapter 173-303 WAC and/or the Model Toxic Control Act (Chapter 173-40 WAC).

(41) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(41) "Historic structure" means any structure that is: 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or Directly by the Secretary of the Interior in states without approved programs.

(4330) "Hydrogeology" means the science dealing with the properties, distribution, and circulation of ground water and related aspects of water.

(4431) "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development; and/or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to: roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities are not considered impervious surfaces.

(4532) "Lake" means a naturally existing or artificially created body of standing water greater than or equal to 20 acres in size. Lakes include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A lake is bounded by the ordinary high water mark or the extension of the elevation of the lake's ordinary high water mark within the stream, where the stream enters the lake. All lakes meet the criteria of Chapter 90.58 RCW (Shoreline Management

Act) and have been inventoried as “shorelines of the State” under the Shoreline Master Program for Clallam County.

(4633) “Land disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to: demolition, construction, paving, clearing, grading, grubbing, surface mining or mineral extraction and other site development activities. This definition does not include those normal activities associated with construction and/or occupancy of a single-family dwelling and appurtenances.

(4734) “Land divisions” means any division of land regulated under the Clallam County Land Division Ordinance, CCC Title 29, as now or hereafter amended.

(4835) “Landslide” means the general term used to describe the downslope movement of a mass of slope materials including rock, soils, artificial fills, and vegetation. The speed and distance of movement, as well as the amount and type of slope material, vary greatly.

(49) “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance (i.e. provided there are adequate flood ventilation openings).

(5036) “Major new development” means any new development that is not considered minor new development, including but not limited to:

(a) Clearing, grading or filling one acre or greater in area;

(b) Zoning conditional use permits required under CCC Title 33, Clallam County Zoning Code;

(c) Any new commercial or industrial development authorized under Chapter 33.34 CCC or Chapter 33.35 CCC, Clallam County Zoning Code, except when authorized as a home enterprise activity consistent with CCC Title 33, Clallam County Zoning Code;

(d) Any structure, regardless of use with a footprint in excess of 4,000 square feet;

(e) Any land division pursuant to CCC Title 29, Clallam County Land Division Code.

(5137) “Marine bluff” means the cliff-like landform which has been created by wave and tidal erosion along marine shorelines. For the purposes of this chapter, marine bluffs include those areas along marine shorelines where:

(a) The slope is identified as “unstable,” “unstable old slide” and “unstable recent slide” on the maps of the Coastal Zone Atlas of Washington, Clallam County (1978); or

(b) Other slopes where the slope is equal to or in excess of 40 percent slope, or where the ground surface rises 10 feet or more vertically within a horizontal distance of 25 feet.

(52) “Mean Sea Level” means the vertical datum to which Base Flood Elevations shown on a communities Flood Insurance Rate Map are referenced, for purposes of the National Flood Insurance Program.

(5338) “Mineral extraction” includes activities involved in the extraction of minerals (excluding water) from the earth for industrial, commercial or construction uses.

(5439) “Minor improvement” means any repair, reconstruction, or improvement of a structure, the cost of which is less than 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “minor improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. However, this term does

not include: any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(5540) "Minor new development" means the following activities are considered minor new development:

(a) Construction or placement of a single-family dwelling and associated appurtenances, including a garage, deck, driveway, utilities, fence, and an associated home enterprise as defined and approved under CCC Title 33, Clallam County Zoning Code; provided, that all of the following criteria are met:

(i) Grading shall not exceed 500 cubic yards; and

(ii) Land disturbing activities shall not exceed 20,000 square feet, except that on parcels less than five acres, land disturbing activities must not exceed 15 percent of the gross parcel size; and

(iii) The total cumulative footprint of all structures on a parcel must be less than 4,000 square feet; and

(iv) The total cumulative impervious surface area on the parcel must be less than 10 percent of the gross parcel size; and

(v) All land disturbing activities must be located on slopes less than 15 percent; and

(vi) All land disturbing activities must comply with any critical area buffer and other protection standards established for parcels created by land division.

(b) Construction and practices normal or necessary for agriculture, including agriculture service roads and utilities, construction of an agriculture building less than 4,000 square feet in size used exclusively for agriculture; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of wetlands or streams by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary agriculture;

(c) Clearing, grading or filling less than one acre not associated with residential development or agriculture; provided, that mineral extraction is not involved; provided further, that no such activity shall occur within critical areas or their associated buffers inconsistent with this chapter.

(5641) "Monitoring" means the collection and analysis of data for the purposes of documenting changes in natural ecosystems and features. This includes gathering baseline data and follow-up data for evaluating the impacts of development on biological, hydrologic and geologic elements of such systems and assessing the performance of required mitigation measures.

(5742) "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, or *Flora of the Olympic Peninsula* by N. Buckingham and E. Shreiner, 1995.

(58) "New construction" means (for the purposes of determining insurance rates) structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, which is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(5943) "Normal maintenance" means those acts that are usually necessary in order to prevent a decline, lapse or cessation of a lawfully established condition. It does not include additional placement

of fill on, or excavation of, previously undisturbed soils or slopes; clearing, removal, or cutting of trees greater than 12 inches in diameter at 4.5 feet, or total replacement of a structure.

(6044) “Normal repair” means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the regulated critical area. “Normal repair” does not include placement of fill; further excavation of native soils; or clearing and grading of previously undisturbed soils or slopes.

(6145) “Open space” means lands which are in a natural or undeveloped character because they have not been developed with structures, paving or other appurtenances. Open space lands can include: parks, recreation areas, conservation easements, critical area buffers, or tracts or commons designated as open space through a land division.

(6246) “Ordinary high water mark” means the mark on all lakes, streams and tidal waters which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that conditions existed on the effective date of this chapter, as it may naturally change thereafter, or as it may have changed thereafter in accordance with permits issued by a local government or the department; provided, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

(6347) “Performance standard” or “protection standard” means a measure, control, procedure, or process to ensure that critical areas are protected. For the purposes of this chapter, these terms have the same meaning as regulation.

(6448) “Person” means any individual or public or private entity (i.e., corporations).

(6549) “Pond” means a naturally existing or artificially created body of standing water less than 20 acres in size and not defined as “shorelines of the State” by Chapter 90.58 RCW (Shoreline Management Act). Ponds can include reservoirs which exist on a year-round basis and occur in a depression of land or expanded part of a stream. A pond is bounded by the ordinary high water mark or the extension of the elevation of the pond’s ordinary high water mark within the stream, where the stream enters the pond.

(6650) “Practicable alternative” means an alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impact to critical areas. It may include an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

(6751) “Priority habitat” means a seasonal range or habitat element with which a given species has a primary association, and if altered, may reduce the likelihood that the species will maintain and reproduce over the long term. These might include areas of high relative density or species richness, breeding, nesting, feeding, foraging, and migratory habitat, winter range, movement corridors, and/or habitats that are of limited availability or high vulnerability to alteration. Priority habitats are established by the Washington Department of Wildlife within their Priority Habitats and Species Data Base.

(6852) “Priority species” include those which are State-listed endangered, threatened, sensitive, candidate and monitor species as well as priority game and nongame species under Chapter 232-12 WAC.

(6953) “Public facilities” means buildings or uses of land whether owned or leased, operated by a public agency for such purposes as providing places for public assembly and recreation, operating services of benefit to the public, or for the administration of public affairs.

(7054) “Public utility” means a business or service, either governmental or having appropriate approval from the State, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, sewer and/or wastewater, water, transportation or communications.

(7155) “Ravine” means a landform usually having little or no floodplain that develops adjacent to a stream, and has relatively steep side walls composed of unconsolidated materials or surficial deposits.

(7256) “Reasonable alternative” means an activity that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which the regulatory authority has authority to control impacts.

(7357) “Recreational vehicle” means a vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; provided, that the RV is not attached to any structure, including but not limited to decks, structures, additions, and storage buildings, regardless of size.

(7458) “Regional trail” means a public trail system that crosses between regional planning areas or jurisdictions, such as other counties, cities, or tribal reservations.

(7559) “Regulated use or activity” means any development proposal located within the jurisdiction of a regulated critical area which includes or directly affects a critical area or its buffer or is adjacent to a critical area. (See definition of adjacent and development.)

(7660) “Restoration” means the return of a critical area (e.g., stream or wetland) to a state in which its functions and values approach its unaltered state as closely as possible.

(7761) *Review Authority*. The “review authority” for this chapter is the applicable decision-maker for the specific task or permit decision, which may be the Board of Commissioners, the Clallam County Hearing Examiner, or the Administrator of the Department of Community Development, as prescribed by this chapter and/or Chapter 26.10 CCC, Consolidated Development Permit Process Code.

(7862) “Road” or “street” means any vehicular right-of-way which: (a) is an existing State, County or municipal roadway, (b) is a publicly owned easement, (c) is shown upon a land division pursuant to Clallam County Land Division Code (CCC Title 29), or (d) is a private access greater than 50 feet in length serving more than one property through right of use or easement. The road or street shall include all land within the boundaries of the road right-of-way.

(7963) “Salmonid” means a member of the fish family ~~salmonidae~~ Salmonidae. In Clallam County these include chinook, coho, chum, sockeye and pink salmon; rainbow, steelhead, cutthroat trout; brown trout; Brook and Dolly Varden char, kokanee, and whitefish.

(8064) “Site investigation” means work necessary for land use application submittals such as surveys, soil logs, percolation tests or other related activities.

(8165) “Special flood hazard areas” means the floodway and adjoining land area. In a riverine system, this area is subject to a one percent or greater chance of flooding in any year, as determined by engineering studies acceptable to Clallam County. The coastal high hazard areas are included

within special flood hazard areas. Special flood hazard areas are designated on the Flood Insurance Rate Maps as A and V zones.

(8266) "Species of concern" means species classified as endangered, threatened, sensitive, candidate, or monitored by the Washington Department of Fish and Wildlife under Chapter 232-12 WAC. Monitored species shall include those species that are of special interest because they were at one time classified as endangered, threatened, or sensitive species that require habitat of limited availability during some portion of their life cycle.

(83) "Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimension of the building.

~~(67) "Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, or before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. However, this term does not include: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

(8468) *Stream Types*. For the purposes of this chapter, artificially created water conveyances, such as irrigation ditches, constructed in areas not already containing naturally flowing waters, are not classified as streams.

(a) "Type 1 water" means all waters, within their ordinary high water mark, as inventoried as "shorelines of the State" under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW, but not including those waters' associated wetlands as defined in Chapter 90.58 RCW.

(b) "Type 2 water" shall mean segments of natural waters which are not classified as Type 1 water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(i) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 100 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 2 water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(ii) Are within a federal, State, local, or private campground having more than 30 camping units; provided, that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

(iii) Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations: (A) stream segments having a defined channel 20 feet or greater in width between the ordinary high water marks and having a gradient of less than four percent; (B) lakes, ponds, or impoundments having a surface area of one acre or greater at seasonal low water; or

(iv) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria: (A) the site must be connected to a stream bearing salmonids and accessible during some period of the year; and (B) the off-channel water must be accessible to juvenile salmonids through a drainage with less than a five percent gradient.

(c) "Type 3 water" shall mean segments of natural waters which are not classified as Type 1 or 2 water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(i) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(ii) Are used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have significant anadromous fish use: (A) stream segments having a defined channel of five feet or greater in width between the ordinary high water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet; (B) ponds or impoundments having a surface area of less than one acre at seasonal low water and having an outlet to an anadromous fish stream;

(iii) Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use: (A) stream segments having a defined channel of 10 feet or greater in width between the ordinary high water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent; (B) ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water; or

(iv) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.

(d) "Type 4 water" classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 water upstream until the channel width becomes less than two feet in width between the ordinary high water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 waters. These may be perennial or intermittent.

(e) "Type 5 water" classification, for the purposes of this regulation, shall be applied to all segments of natural waters within the bankfull widths of defined channels that are not classified as Type 1, 2, 3 or 4 waters and which are physically connected by an aboveground channel system, including but not limited to irrigation ditches, to downstream waters such that water or sediment

initially delivered to such waters will eventually be delivered to a Type 1, 2, 3 or 4 water. While irrigation ditches or other manmade water conveyances may be physically connected to a Type 5 water, all manmade irrigation ditches or other artificial water conveyances are not regulated by this chapter. Designation of Type 5 streams shall require review and confirmation by the Clallam County Habitat Specialist on a case-by-case basis, and shall be based on a consideration of stream segment length, sediment delivery potential to Type 1, 2, 3, or 4 waters, and desynchronization of flood water flows.

(8569) "Structure" means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed, on, above, or below the surface of the ground or water. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(86) "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(87) (67) "Substantial improvements" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, or before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. However, this term does not include: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(8870) "Toe of slope" means the lowermost topographic break in slope. Where no distinct break exists, this point shall be the lowermost limit of the landslide hazard area as defined and classified by this chapter.

(8974) "Top of slope" means the highest topographic break in slope. Where no distinct break in slope exists this point shall be the uppermost limit of the landslide hazard area as defined and classified by this chapter.

(9072) "Unavoidable and necessary impacts" means those impacts to critical areas that remain after a person proposing to alter such an area has demonstrated that no practicable alternative exists for the proposed project.

(9173) "Utility" means a fixed improvement which contains or conveys power, gas, oil, water, sewage, surface drainage, or communication signals.

(9274) "Water-dependent uses" means a use or portion of a use that cannot logically exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation. Water-dependent uses include, but are not limited to: aquaculture, boat launch facilities, ferry terminals, hydroelectric power plants, marinas, marine construction, dismantling and repair, marine and limnological research and education, private and public docks, terminal and transfer facilities for marine commerce and industry, water intakes and outfalls, log booming, tug and barge facilities, residential appurtenances such as beach access ramps and walkways, observation decks and platforms, picnic sites, and gazebos/shelters less than 250 square feet in size.

(93) "Variance" means a grant of relief by a community from the terms of a floodplain management regulation.

(9475) "Water-related uses" means a use or portion of a use that is not intrinsically dependent on a waterfront location, but which includes operations that cannot occur economically without a shoreline location or without close proximity to water-dependent uses. Water-related uses include, but are not limited to: warehousing or storage facilities; support services for fish hatcheries; seafood processing plants; wood products manufacturing; log storage; watercraft sales; boating supplies.

(9576) "Watershed" means the interconnected system of surface and near-surface water bodies that drain to a common outlet.

ADOPTED this _____ day of _____ 2025

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike French, Chair

ATTEST:

Randy Johnson

Loni Gores, MMC, Clerk of the Board

Mark Ozias

