

AGENDA

Clallam County Planning Commission

Planning Commission Meeting of Wednesday, May 21, 2025, 6:00 p.m.

The Planning Commission will conduct a regularly scheduled meeting in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362 and by Zoom, meeting number 857 7304 5582 with passcode 12345. Materials regarding past and upcoming meetings are available at: <https://clallamcountywa.gov/meetings>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES:**
- F. ANNOUNCEMENTS:**
- G. PUBLIC COMMENT on AGENDA ITEMS (not subject of hearing) – Please Limit Comments to Three Minutes**
- H. UNFINISHED BUSINESS:**
- I. PUBLIC HEARING/COMMISSION ACTION: Continued Open Space Ordinance hearing**
 - 1) Discussion of changes**
 - 2) Continuation of public comments**
 - 3) Motion regarding public hearing**
 - 4) Discussion and recommendation from commission**
- J. WORK SESSION ITEMS: Presentation of Elwha Channel Migration Zone maps**
- K. PUBLIC COMMENT – Please Limit Comments to Three Minutes**
- L. DISCUSSION OF PUBLIC COMMENTS**
- M. GOOD OF THE ORDER**
- N. ADJOURNMENT**

Members:

Chair, Steve Gale & Vice-Chair, Ron Long
Bonnie Booth; Thomas Butler; Katina Hester;
Kenneth Reandeau; Jane Hielman; Dann May; Warren Billups

Department of Community Development Staff:

Donella Clark, Principal Planner; Rebecca Mahan, Habitat Biologist; Bruce Emery, Director

MINUTES

Clallam County Planning Commission

Meeting of May 7, 2025, 6:00 PM

- A. CALL TO ORDER: The meeting was called to order at 6:11 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Vice-Chair Ron Long, Ken Reandeau, Katina Hester, Jane Hielman, and Warren Billups. Bruce Emery, Director, represented staff from the Department of Community Development.
- D. WELCOME: Vice-Chair Long welcomed all in attendance.
- E. APPROVAL OF MINUTES: Katina Hester moved to approve, and Ken Reandeau seconded. The motion passed unanimously to approve minutes as presented.
- F. ANNOUNCEMENTS: There were no announcements provided by staff.
- G. PUBLIC COMMENT PERIOD: There were no public comments.
- H. UNFINISHED BUSINESS: *RV Regulations and Definitions*. Staff provided summary of proposed changes in response to prior Commission discussion and packet content. It was questioned that if only one RV was visible from offsite, why should there be any restriction on the number of unoccupied RVs allowed on a parcel (such as stored in a garage or barn, or opaquely screened from view)? It was suggested that inoperable or unlicensed RVs should be treated as “junk” per the Junk Vehicle Ordinance (Ch. 19.60, CCC). It was agreed that “inverters” were generally not considered an issue concerning energy sourcing; rather sources of energy that introduce noise or other nuisance characteristics (e.g. generators) should be prohibited. It was requested that, if an RV was to be occupied for up to two years for purpose of housing during home construction, such use should be tied to a valid building permit, subject to renewal according to County standards. Lastly, concern was expressed regarding compliance and enforceability regarding the 180-day per 12-month period occupancy rule. It was suggested that utility hookups and usage be utilized as a source of evidence of occupancy.

At the conclusion of discussion, staff agreed to incorporate the requested changes into a public hearing draft and duly advertise for public hearing during the next available Planning Commission meeting.

- I. PUBLIC HEARING ITEM: *Floodplain Management Ordinance*. Staff provided a summary of the review process, indicating FEMA's decade-long effort to update the Floodway and Flood Insurance Rate Maps (FIRM) for Clallam County. As part of the final map adoption completed at the end of 2024, FEMA is also requiring all local jurisdictions to update their floodplain management ordinances to incorporate provisions of FEMA's Model Ordinance as a stipulation for continued enrollment in the National Flood Insurance Program (NFIP). With a late start on the process and with an abundance of caution, the BOCC adopted amendments to Chapter 27.12, CCC to implement interim controls on April 15, 2025, establishing compliance with FEMA's requirements. The purpose for the evening's public hearing was to provide opportunity to receive public testimony and establish a legitimate public process for review and comment of the proposed changes, to ultimately supersede the 4/15/25 interim ordinance. The public hearing was opened.

Ed Bowen testified that FEMA's actions mandating local controls potentially violated the 10th Amendment to the Constitution. He further explained that most of the problems related to flooding are the result of anthropocentric actions from the federal government, including dam removal and designation of wilderness areas above and below locally inhabited areas of the

west-end, where local solutions to problems originating above stream and below stream are preempted by regulation. Mr. Bowen questioned FEMA's authority to impose regulatory mandates on local jurisdictions where the actions of the federal government were largely responsible for the problems being encountered. He recommend the Commission not approve the draft ordinance.

Following public testimony, the public hearing was closed. The Commission considered the testimony received and the necessity to maintain standing under the NFIP. Following discussion, it was moved by Katina Hester to recommend approval of the draft ordinance as presented. The motion was seconded by Warren Billups. The motion passed unanimously by roll call vote.

- J. WORK SESSION ITEMS: There were no work session items.
- K. PUBLIC COMMENT PERIOD: There were no public comments.
- L. DISCUSSION OF PUBLIC COMMENTS: There was no discussion.
- M. GOOD OF THE ORDER: There were no items for the good of the order.
- N. ADJOURNMENT: The meeting adjourned at __7:20_ p.m.



MEMORANDUM

Clallam County Department of Community Development

Date: May 14, 2025
To: Clallam County Planning Commission
From: Donella Clark, Principal Planner
Re: Public Benefit Rating System

Discussion

At the continued hearing on April 16, 2025 staff was asked to consider language regarding Development Pressure to qualify for a reduction in the program, to consider changing the requirement of requesting to withdraw from the program within 30 days of the new notice of value in order not to be penalized, and to analyze the comments offered by Bob Martin.

The current open space code contains the category for Development Pressure/Zoning, CCC 27.08.060(16). This category included the process for lot combinations which has been identified as a category within the new draft ordinance with an 80% reduction rate. Development pressure, or having a parcel that could be divided but remains a larger parcel, did not make it into the code.

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

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

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

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

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

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

paving, excavation, drilling operations, or other activities that substantially alter the natural topography, hydrology, or existing native vegetation.

Lot combinations were given 15 points which would translate to a 60% reduction. Development pressure alone only qualified for 3 points, which would be a 10% reduction, which was the same category as rare plants, endangered species, and greenbelts. Staff has added language in the draft ordinance to qualify properties with double the density and added it within the category of a 25% reduction next to rare plants and parkland buffers.

After discussion with the Assessor, a more generalized language was maintained regarding the procedure since it will partly need to follow the rules of the state for removal.

Analysis of Bob Martin's comments are attached with Staff's comments in red.

**Proposed Revisions to CCC 27.05 Open Space Comments
on Draft submitted for Planning Commission Hearing**

March 19, 2025

Respectfully Submitted by Bob Martin
Comments from staff in red.

General observations and recommendations:

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

- 1) Conduct a complete audit of those properties currently enrolled in the program including acreage involved, an assessment of whether or not the purpose of the program is being achieved in each case, how much tax benefit is being received (and the amount of revenue the County is forgoing.) Staff provided an overview of the spreadsheet from the Assessor of the enrolled properties with some analysis of size, zoning, and homesite. Charts were provided indicating most of the properties received 40% or less and a number of properties that receive 90% reduction likely because of conservation easements.
- 2) Determine which properties are being maintained under the program as currently constituted and terminate any that are not (following due process of course.) Complete audit was done fairly recently by the Assessor's office required by the State.
- 3) Based on what is learned from the audit determine whether or not there are categories of properties, or existing open space provisions that should not be continued in the program going forward. At the April 16 meeting staff looked over some of the properties with the Planning Commission with the proposed criteria in mind and discussed how properties would be maintaining open space beyond that required by zoning and critical area protection.
- 4) Draft an ordinance that reflects the program the County wants to have going forward. This

new ordinance should "grandfather" those properties that are achieving the purpose of the existing ordinance and of the new ordinance. Those properties that are deemed to be in compliance with the existing ordinance but which the County does not wish to remain qualified under the new ordinance should be phased out, without being subject to back taxes or penalties. Possibly reduce the assessment reduction by 10% per year until it reached zero for such properties. **The current draft is the culmination of the subcommittee established by the Planning Commission in the 2010's and comments from the current Planning Commission.**

- 5) Simultaneously repeal the existing ordinance in its entirety and adopt a new one. This makes it clear that the County is not just "tweaking" an existing ordinance but creating a new one. **Agree this should be a complete repeal and replace.**

Specific Comments on the proposed draft ordinance follow:

27.08.010(1) Effect of the proposed ordinance is in conflict with the stated purpose of "...reducing development pressures in rural area..." Since this ordinance as written will require the re-evaluation of hundreds of properties enrolled under the current ordinance, and since most, I expect, will not qualify for the tax reduction they currently receive, it is impossible to see how this proposed ordinance will reduce development pressure on these parcels. The Board should be made aware of how many properties and how much acreage may be affected by this proposed ordinance and how much financial impact this proposal will have on those currently enrolled. **Staff suggested continuing the development pressure category to provide properties that are double the zoning density to qualify for a reduction since they are providing open space by not developing property, just the same as the lot combination provides a reduction if properties are combined.**

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

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

existing program and followed the requirements In good faith to be penalized by a reform of the ordinance by the County **Applicability was replaced with procedure and the added language of the audit with no penalty if removed due to ineligibility.**

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

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

27.08.040 4 The two sentences of this section seem to be in conflict. I think the intent is that when the property is conveyed either the seller must pay the appropriate back taxes, interest, and penalties, of the purchaser must sign the notice of continuance. If neither occurs, the Auditor cannot record the conveyance. **This is language straight out of the State Code and is how the program works.**

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

27.080.040 6 This is where my above comment about applicability becomes extremely important. If this revised ordinance will apply to all properties currently enrolled then it will be necessary to evaluate each property and make a new determination of eligibility. If properties are determined to no longer be eligible this draft ordinance would make the elected Assessor responsible (after some due process provisions) for informing the property owner they no longer qualify for the program, and that they will be assessed back taxes, interest and penalties. (I can see where DCD might want the Assessor to bear sole accountability, although as I understand it the DCD will be conducting the benefit rating!) Again, I think existing property owners that have in good faith maintained their open space status need to be in some way "grandfathered" or at least exempt from back taxes, etc. State Law. Those properties removed will not have to pay back taxes.

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

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

27.08.050.1 Could or should the County be able to enter into conservation easements? **This is a different discussion than qualifications of open space, but I do believe the County could.**

27.08.050(2) Reference is made to land "...that has a high potential for returning to commercial agriculture." This seems vague and subjective." Who would make this judgement and what would it be based on? **The intent of this would be for the property to become commercially viable and be put back into the Farm and Ag tax category and out of the open space program. We want to see our agricultural lands successful and fit back into that better tax benefit rating system.**

27.08.060.1 It seems to me that determining the "...portion of a subject property that is conserved by the conservation easement..." could be somewhat complicated by the fact the zoning standards allow development of varying lot sizes, which would not necessarily be known in advance of a pending land division application. For example: a 20-acre parcel could be developed into three one-acre parcels and a 17-acre remainder, or alternatively into four 5-acre parcels, or a wide variety of other configurations within the minimum and maximum parcel sizes allowed in the R-5 zone. Given this, how will it be possible to show "...the area the conservation easement applies to..." in advance of a specific land division application? **During review of land divisions Planners look for conservation easements and enrollment in the open space program. Many people have to pay the back taxes on land that they are subdividing if the subdivision makes them ineligible in the program.**

27.08.060 4. A former Clallam County Assessor once informed me that "if I can't eat what you grow on your property it ain't agricultural production." Obviously with that definition tulip farms, lavender farms, and equestrian facilities which are all recognized as agricultural uses under RCW 64.34 would not be considered agriculture. I think it better to stay away from the term "agricultural production" which is undefined, and instead use the term "agriculture as defined under RCW 84.34" This avoids potential confusion and possible conflict with State statute. State could change the definition, and we want to retain local control on what is considered agriculture. Suggest perhaps discussing if we should add the RCW.

27.08.070 The Public Benefit Rating Table seems to me unnecessarily complicated and possibly confusing. It seems to me the "maximum reduction in tax valuation allowed" column is unnecessary. Instead, just add a statement that if the property qualifies under more than one of the last four open space benefit sources the maximum reduction is 40% (if that is the intent.) I also note that the code references in the second column should, I believe, be 27.060 rather than 27.080. Did not change because of formatting. This could be changed, but it does seem clear the intent that some of the categories can be combined to a total of 40%.

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

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Chapter 27.08

OPEN SPACE

Sections:

27.08.010	Purpose.
27.08.020	Ineligible Lands
27.08.030	General Requirements
27.08.040	Administration.
27.08.050	Definitions.
27.08.060	Open space land public benefit resources.
27.08.070	Open space land public benefit rating system.
27.08.080	Signage.
27.08.090	Procedure.
27.08.100	Severability.

27.08.010 Purpose.

This chapter constitutes Clallam County's rules for implementation of Chapter 84.34 Revised Code of Washington (RCW); popularly known as the "Open Space Taxation Act." This law was enacted by the Washington State Legislature in 1971 for the purpose of maintaining, preserving, conserving, and otherwise continuing in existence, adequate open space lands for the current or future production of food, fiber, and forest crops, and to assure the continued use and enjoyment of natural resources and scenic beauty for the economic welfare, social well-being, and quality of life for the County and its citizens.

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

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

27.08.020 Ineligible Lands

(1) Parcels or portions of parcels less than 4 acres, except lands that meet the following criteria:

(a) Farm and Agriculture Conservation land defined herein; or

- (b) Properties that diminish development right(s) with Conservation Easements in rural zoning areas; or
 - (c) Properties that provide public access.
- (2) Designated open space areas or critical areas and shoreline buffers required as part of an approval for zoning, land use, or subdivision requirements.
- (3) Lands or portions thereof which charge a fee, require a membership or rental for such use, or that significantly alter the natural topography, hydrology, or the variety and distribution of existing native vegetation including but not limited to golf courses, campgrounds, RV parks.
- (4) Property zoned industrial or commercial, including but not limited to RC, RV, GC, DPA, CEN, WRC, RNC, RLC, TC, UNC, URC, UC, M, or LI.

27.08.030 General Requirements

- (1) Amendments to approved open space land applications shall be processed the same as new open space land applications in accordance with this chapter.
- (2) Periodic Inspections. Each application for classification and reclassification as open space land shall include authorization for the County Assessor to periodically enter and inspect the subject land, in order to determine if the subject land is in compliance with all terms and conditions of the current use classification. Parcels of land which have been approved for current use classification, but which are found to be in violation of any term or condition of its current use classification, shall be removed from the current use classification pursuant to Chapter 84.34 RCW and may be assessed additional tax, interest, and/or penalties.
- (3) Periodic Audits. All approved applications are subject to periodic audits in which the parcel owner must show proof of conditions of prior approval within 60 days of receipt of said audit. Failure to respond shall be grounds for removal from the program.
- (4) One-acre Homesite. When determining the eligibility of a parcel of land for the open space land that includes or proposes a residence, a minimum one-acre home site exclusion shall be required. The one-acre homesite exclusion applies for each existing or proposed residence on the property. The legislative authority can increase the homesite exclusion if land is not primarily devoted to the pertinent classification. This required home site exclusion may prevent eligibility for the open space land, but does not apply to lands that qualify as Historic Structures per CCC 27.08.050.
- (5) Hold Harmless Agreements. All property owners of land approved for Open Space must execute a hold harmless agreement, freeing Clallam County of any liability which may arise as a result of approval. The Assessor's Office shall provide applicants with a hold harmless agreement as part of the application packet.
- (6) Payment of Fees and Delinquent Property Taxes. A condition precedent to approval of any application pursuant to RCW 84.34 is a certification of non-delinquent property tax account issued by the Clallam County Treasurer. Also, the Board shall deny approval if the landowner has failed to satisfy any judgment the County has obtained against the landowners including but not limited to junk vehicles, critical area violations, and zoning code violations.

27.08.040 Administration.

- (1) The Clallam County Assessor and the Director of the Department of Community Development are vested with the responsibility to administer the provisions of this chapter, unless otherwise specified.
- (2) Application forms and related materials shall be provided by, and returned with a fee, to the Assessor's Office. Application fees are non-refundable even if the application is denied.
- (3) Clallam County adopts the ordinances codified in this chapter under the authority of Chapter 84.34 RCW as amended. The Board of Clallam County Commissioners is the legislative authority to approve or deny open space land and timber land applications reviewed under this chapter. Land proposed for enrollment must meet all requirements of this chapter and 84.34 RCW.
- (4) Transfers of Classified Land. When classified land is transferred or otherwise legally conveyed, the seller or transferor becomes liable at the time of sale for the applicable tax, interest and penalty pursuant to RCW 84.34.108 of all or a portion of the classified land(s), unless the new owner signs the notice of continuance on file with the Assessor. The County Auditor shall not accept for recording an instrument of conveyance on any classified land unless the notice of continuance has been signed.
- (5) Removal of Classified Land by Owner Request. Land Classified as Open Space under this code must be applied to the classified use and remain in its classified status for at least ten assessment years from the date of classification. During the eleventh or later assessment year of classification, the owner may request to have all or a portion of the land withdrawn from the Open Space Program. The additional tax and interest imposed by RCW 84.34.108(4) are due when land is withdrawn from classification if the land has been classified under chapter 84.34 RCW for a minimum of ten assessment years. The owner must submit a written request to withdraw classification to the assessor of the county in which the land is located. If the assessor gives written notice of removal as provided in RCW 84.34.108(1)(d)(i) for all of a portion of the land prior to the owner providing the assessor with a request for withdrawal, then additional tax, interest, and penalty will be imposed.
- (6) Removal of Classified Land by Assessor. The Assessor may determine, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land classified under this chapter no longer meets the criteria for approval. Within 30 days of determining the land no longer meets the criteria for classification, the Assessor must provide written notice and explanation of why the land no longer qualifies for current use classification. At the time the classified land is removed, the land is subject to additional taxes, interest, and penalties pursuant to RCW 84.34.108.
- (7) Removal of Lands Which Adversely Affect Water Quality. The Assessor or their designee may determine, after receiving written notification from the Clallam County Department of Health, Clallam Conservation District, or other governmental organization that land classified under this chapter causes surface or ground water to fall below water quality standards listed in 173-200 WAC or 173-201 WAC, the Assessor may remove the classified land pursuant to CCC 27.08.030(6).
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(8) When Removal Is Not Subject to Additional Tax. When land is approved under this chapter and is removed from Current Use Program, additional taxes, interest, and penalties will not be imposed if the removal qualifies for one of the following:

- (a) Land is transferred to a government entity in exchange for other land located in the State of Washington;
- (b) Land is taken by power of eminent domain or transferred in anticipation of the exercise of such power;
- (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;
- (d) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;
- (e) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;
- (f) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or
- (g) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land classified under this chapter continuously since 1993.

27.08.050 Definitions.

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

- (1) "Conservation easement" means a voluntary, legally enforceable land preservation agreement between a land owner and a municipality or a qualified land protection organization that sets permanent restrictions on the future use, thus protecting the lands natural attributes including but not limited to preservation of land areas for natural habitat used by fish, wildlife, plants or similar ecosystems, or the preservation of land for farm and agriculture purposes. Municipalities or qualified land protection organizations whose mission is to protect resources.
- (2) "Farm and agricultural conservation land" means land that has been granted a conservation easement that no longer meets the criteria for other taxed agricultural land classification and that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.
- (3) "Legislative authority" means the Board of Clallam County Commissioners, or its designee.
- (4) "Native vegetation" means vegetation indigenous to the North Olympic Peninsula as found in Flora of the Pacific Northwest by Hitchcock and Cronquist, Univ. of Washington Press, 1972, as amended, Flora of the Olympic Peninsula by N. Buckingham and E. Shreiner, 1995, as amended.

(5) "Open space land" refers to the open space program in its entirety, and often referred to as the "current use" program regulated under this chapter and RCW 84.34

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

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

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

27.08.060 Open space land public benefit qualifications.

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

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

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

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

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

(4) Development Pressure/Zoning. To be eligible for a reduction the subject property must be large enough to be legally subdividable and the area at least two (2) times the maximum residential density of the underlying zoning district.

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

- (i) The size of the subject property and the size of the area to be preserved for future commercial agriculture production;
- (ii) Location of fences or other measures taken to protect Critical Areas regulated under 27.12 from grazing or other necessary farming operations; and
- (iii) A signed agreement stating the landowner agrees to enroll in and qualify for Farm and Agriculture land pursuant to RCW 84.34.020 and this chapter within 7 years following approval under this section. This agreement will be recorded with the Notice of Approval if accepted into the Open Space program. If property is not returned to commercial agricultural production, the property will be subject to removal from Current Use Program and applicable back taxes, interest, and penalties pursuant to 27.08.030(6).

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

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

(87) **Parkland Buffers.** Eligible lands are those undeveloped lands that contain native vegetation with a common property line of 200 feet with existing County, State, or Federal park, wildlife preserve, sanctuary, or conservation easement protecting lands over 20 acres and that reduce development rights.

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

27.08.070 Open space land public benefit rating system.

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

Public Benefit Rating Table

OPEN SPACE PUBLIC BENEFIT RESOURCE	CODE REFERENCE	PERCENT REDUCTION IN TAX VALUATION	MAXIMUM REDUCTION IN TAX VALUATION ALLOWED
Conservation Easement- diminished development right(s)	27.08.060(1)	90%	90%
Lot Combination- diminished development right(s)	27.08.060(2)	80%	80%

Public Use	27.08.060(89)	75%	75%
Farm and Agriculture Conservation Land	27.08. 060(45)	60%	60%
Conservation Easement- No diminished development right	27.08.060(3)	25%	40%
<u>Development Pressure</u>	<u>27.08.060(4)</u>		
Restoration or Enhancement of Sensitive Ecological Resources	27.08.060(56)		
Rare and Unique Plant Communities	27.08.060(67)		
Parkland Buffers	27.08.060(78)		

27.08.080 Signage.

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

(1) Be posted as follows: At least one open space sign no larger than six square feet and less than five feet in height shall be posted on the subject property's road frontage or access, or nearest public road as applicable, in a conspicuous location, visible to passing motorists.

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

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

27.08.090 Procedure.

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

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

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

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

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

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

(3) The Planning Commission's recommendation on each application shall be forwarded to the Board of Commissioners following a 14-day appeal period which begins the day after the Planning Commission recommendation. This recommendation shall be forwarded to the applicants as soon as possible.

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

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

27.08.100 Severability.

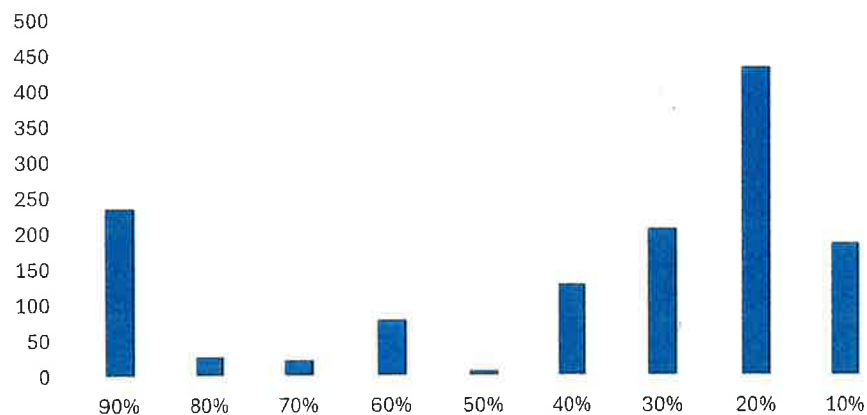
If any section, subsection, paragraph, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of this chapter; it being hereby expressly declared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

Open Space Quantification

Zoning:

Zoning Designation	Parcels in Zone in OS	Percentage of Total
AF	2	0%
AR	13	2%
CF	56	8%
CFM20	3	0%
CFM5	8	1%
DPA	1	0%
NC	139	19%
ONP	4	1%
QR	3	0%
R1	43	6%
R20	28	4%
R5	193	27%
RCC3	59	8%
RCC3	1	0%
RCC5	47	7%
RLM	40	6%
RLM/URH	1	0%
RW1	2	0%
RW5	48	7%
S(R-II)	1	0%
URL	17	2%
VLD	1	0%
WRC	3	0%
Grand Total	713	

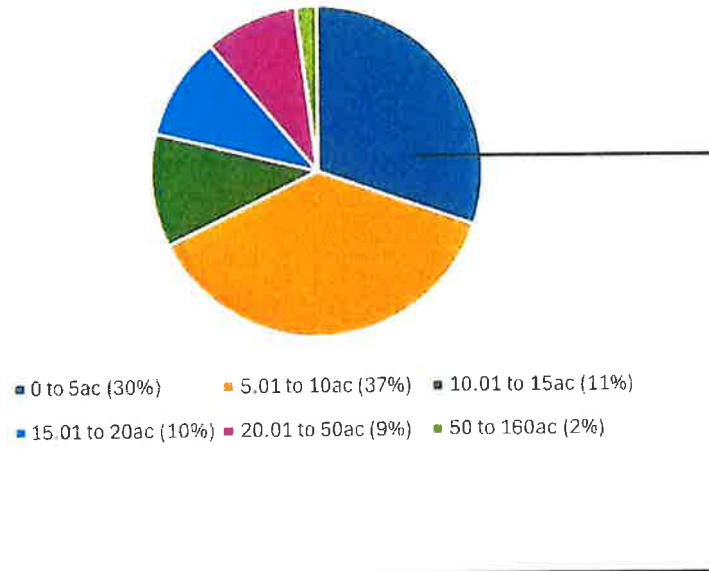
Amount of Property IDs in Percent Reduction Categories



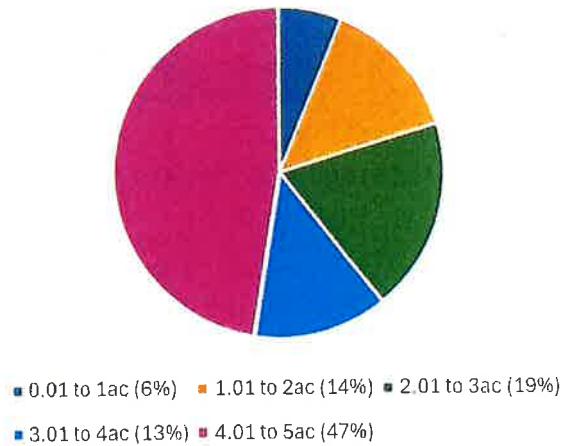
Note: Total amount of property ID's in open space higher than total amount of parcels because each parcel can have multiple property ID's

Acreage:

Distribution of Legal Parcel Size in OS



Distribution of 5ac or Less Legal Parcel Size in OS



PUBLIC COMMENTS RECEIVED

Clark, Donella

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

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

Dear Donella & Clallam County Planning Commission,

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

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

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

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

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

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

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

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

Thank you for your time and consideration.

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

Proposed Revisions to CCC 27.05 Open Space
Comments on Draft submitted for Planning Commission Hearing
March 19, 2025

Respectfully Submitted by Bob Martin

General observations and recommendations:

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

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

Specific Comments on the proposed draft ordinance follow:

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

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

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

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

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

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

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

27.08.040(6) This is where my above comment about applicability becomes extremely important. If this revised ordinance will apply to all properties currently enrolled then it will be necessary to evaluate each property and make a new determination of eligibility. If properties are determined to no longer be eligible this draft ordinance would make the elected Assessor responsible (after some due process provisions) for informing the property owner they no longer qualify for the program, and that they will be assessed back taxes, interest and penalties. (I can see where DCD might want the Assessor to bear sole accountability, although as I understand it the DCD will be conducting the benefit rating!) Again, I think existing property owners that have in good faith maintained their open space status need to be in some way "grandfathered" or at least exempt from back taxes, etc.

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

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

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

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

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

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

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

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

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

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

200 Jay Robinson Rd. Stearn WA 98302

Multipurpose Map-Intranet

Includes all our core layers and landowner info.



Layer List

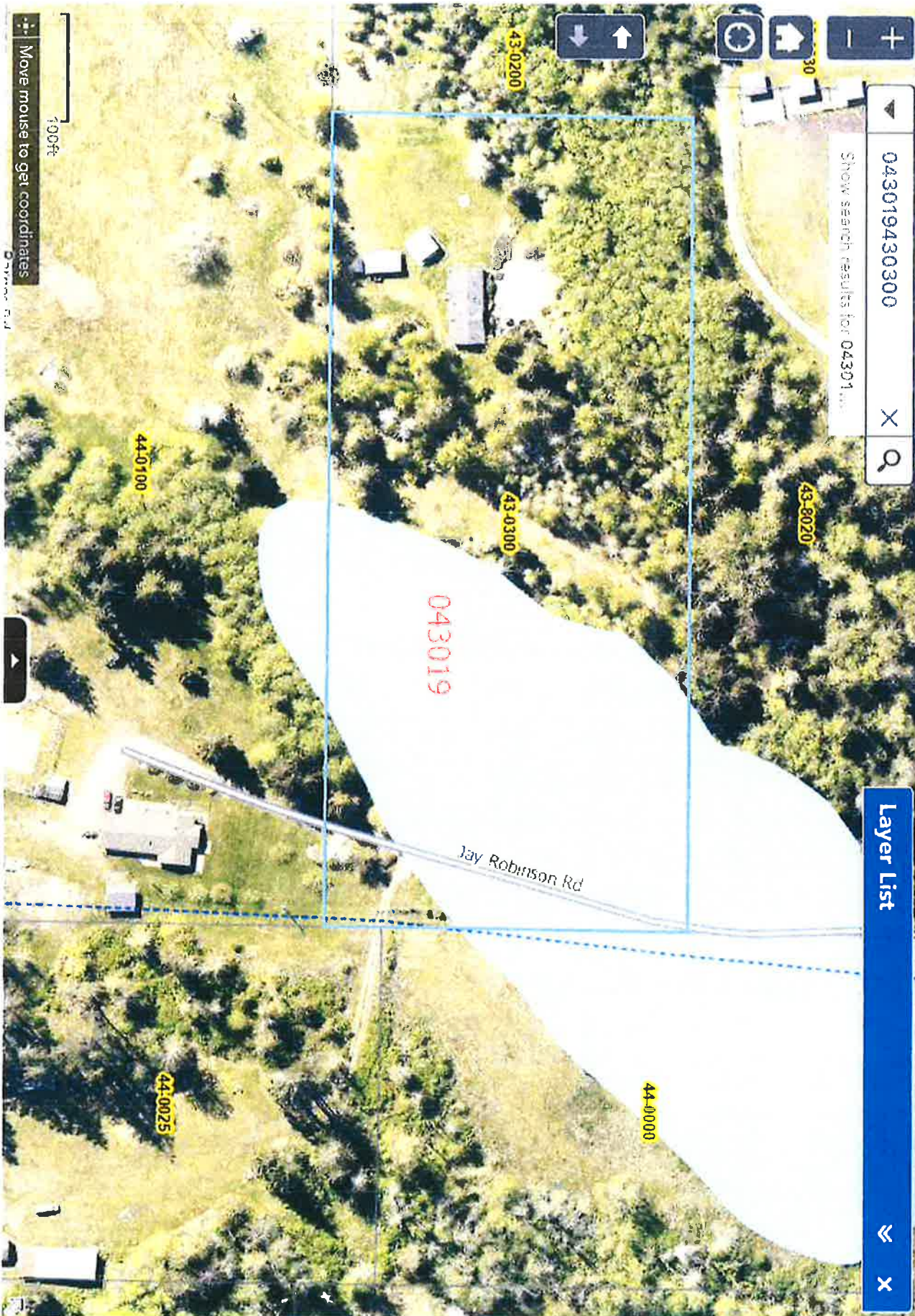
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Show search results for 043019430300



My suggestion is all speakers
use a microphone.

Erve Tobin

Clark, Donella

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

You don't often get email from shimkiri@yahoo.com. [Learn why this is important](#)

Dear Principal Planner Donella Clark and Whom It May Concern,

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

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

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

Thank you very much for your time!

Sincerely,
Shimkiri Figar

Clark, Donella

From: fester <fester@fester.com>
Sent: Friday, April 11, 2025 3:00 PM
To: Clark, Donella
Subject: Open Space Program - Concerns re Proposed Changes

Donella and Members of Community Development,

I am writing in the response to the February 27, 2025, letter sent to me as a resident of the Mt. Angeles area at 846 Key Road, regarding proposed changes to the Benefit Rating System that governs the Open Space tax reduction program affecting our property. I would like to offer my concerns regarding these changes, which if implemented will have a profound impact on the tax burden of our household and many other - often fixed-income - individuals that have been members of and adherents to the Open Space system, several of which may now be unfairly exempt altogether from the proposed criteria changes of the program.

When I spoke to your office regarding these lengthy Code changes in late February, I was told that primarily the categories in the aforementioned Rating System were being consolidated to simplify the rating system of the Open Space program; this seemed to make sense, based on the otherwise lengthy list of eligible categories and the current rating system thereto. However, concerned about the “bottom line” effects of these changes to our tax bill, and not understanding how to determine how our eligibility and rating was calculated to begin with, I visited the CD offices last week and had a Planner there walk me through how the changes would specifically impact our property and the tax reduction we would receive under the program.

I was not only shocked, but disappointed with the County’s proposal to not just reconfigure how the protected water elements that run through most of the Mt. Angeles area – indeed, through much of the County in general – were individually evaluated/valued in the Open Space calculation, but instead to ELIMINATE ALTOGETHER the Type 4 Stream and Class III Wetland (pond) elements like those on our property, along with others, from the Program. I also learned that determination was based on the protected status of these water elements by other entities, be they State or Federal ones, and the perceived need for the County to therefore no longer offer a tax-related incentive for County residents with those elements on their property.

It seems that by deferring “protection” of these elements to those other entities, the County is displaying a lack of hands-on concern for its own natural resources, and no longer finding it necessary to perform a large part of what the Open Space program is intended to do – i.e., to offer a COUNTY-based/tax-related incentive for residents in rural areas with various types of natural resources on them to protect and respect those elements. Instead, the County is knocking residents like us, surrounded by a large and sensitive system of water elements throughout our properties, completely out of the program, thus sending a signal that it no longer cares enough about those resources to offer a monetary incentive to preserve and protect them.

Furthermore, the determination to omit key water elements (and many others, I suspect, that I am not aware of since they are not on our property) from the calculation of the Open Space eligibility and reduce related tax incentives erroneously assumes that those other entities allegedly providing protection of these elements is actually effectively achieving those goals. Essentially, money talks and untended, unchallenged administrative words walk. Few if any resident dropped by default from the Open Space or any such tax-reducing program would continue to consciously act to protect the elements in question were they not to receive tax incentives to do so, solely under the known-ineffective umbrella of Federal or State entities. Most realize those agencies act solely on reports by other residents or rare affected parties and recognize the non-existence of proactive surveillance of private County property by outside entities to provide such “protection”. On the other hand, a significant decrease in one’s tax burden is a true and compelling incentive to be a part of the Open Space program and – as

we have, consciously and sometimes at personal cost - to actively protect the natural resources on one's County property, partially knowing we are being incentivized monetarily by doing so.

To give you a perspective of the enormous impact these proposed changes will have for this fixed-income household, the elimination of the two water elements altogether from the calculations of Open Space eligibility would cost our household an additional \$828 in 2026. This is nearly as much as the largest single half-year tax jurisdiction burden of \$895 in 2025 that we as retirees with no children already pay for the state system in, and \$300 more than that we pay for the year for hospital services. The elimination of our County-approved Open Space application would result in an immediate 13% INCREASE in our total tax bill for 2026 – more than any single already excessive boost from 2025 due to last year's numerous assessments for supposed fire, school, and hospital cost increases, and nearly as much as all of those excessive tax increases combined! The proposed tax burden imposed by the County would be a staggering blow to our already tax-dominated budget were these changes to be implemented.

It is not a minor point that our Open Space participation is a contracted tax related contract that we signed on to with the County's previous approval when the property was purchased in 2022 and that we understood would – at least at some level – continue to provide a tax reduction in an area where property taxes are already sky high in comparison. To simply eliminate parts of that program or eligibility to be a part of it in avoidance of the County's part of that contractual agreement for many seems both unethical and legally questionable. In our case, a Current Use Assessment application for which a professional was employed at homeowner's expense to reclassify most of our property to Open Space from Farm and Agriculture status (Staff Report for CUA2015-04, dated April 20, 2016) shows a no-end date exception for 846 Key Road and a corresponding 10% tax reduction for that area agreed to and granted by your department. As such, Clallam County should minimally grandfather ours and other properties similarly applied and accepted as Open Space areas, maintaining those reclassifications and the agreed-upon tax reduction for those properties.

I sincerely hope the County will consider the concerns this household has - as will certainly many other County taxpayers and landowners – in deciding whether your department proceeds with the proposed Open Space program eligibility changes. There must be better ways for the County to save money than to put the wallets of concerned residents on the chopping block who have already suffered from several recent tax hikes. We should rather continue to be incentivized by the County to protect the natural resources of our properties under existing agreements – agreements your department will hopefully choose to maintain and thereby continue to display concern for protecting County resources with previously agreed-to tax incentives for all those engaged in the Open Space program.

Thank you for your consideration of our concerns in this matter.

Yours,
Stephen Carter
846 Key Road
Port Angeles
510-592-4084



MEMORANDUM

Clallam County Department of Community Development

Date: May 21, 2025
To: Clallam County Planning Commission
From: Rebecca Mahan, Clallam County Habitat Biologist
Re: Lower Elwha River Channel Migration Zone Delineation

Discussion

Clallam County received a Shorelands Shoreline Planning grant to delineate the Channel Migration Zone (CMZ) of the Lower Elwha River, Indian Creek, and Little River to use the best available science to map the location of the CMZ. The study included a detailed CMZ delineation analyses and hydraulic mapping along the Lower Elwha River, including two major tributaries (Little River and Indian Creek) to inform shoreline management and land use planning for life-safety hazards, critical freshwater and riparian habitat, public infrastructure, and private property in Clallam County.

Clallam County adopted a comprehensive Shoreline Master Program (SMP) update under Ordinance 972 as required by RCW 90.58.080(2), which became effective as of September 1, 2021. CCC 35.05.120(2) "Limitations and disclaimer" section identifies that the maps and data prepared to assist in the implementation of the SMP are advisory and provide guidance in determining applicability of standards. Data available during adoption of the SMP update for the Elwha River, Indian Creek, Little River and the associated Channel Migration Zones (CMZ) included information prior to removal of the former Elwha River dams. Changes to the river channel and CMZ have occurred since the removal of the two dams, and no technical data was available to identify these areas.

Public participation and stakeholder meetings were held October 29 and November 21, 2024, and April 23 and May 13, 2025. The meetings included PowerPoint presentations to educate and inform the community of what a CMZ is and how erosion and flooding affect people, property, infrastructure, and riparian systems. A community questionnaire was prepared as part of the data collection process to gather stakeholder information, local knowledge, and personal experiences about past erosion and flood events in the study area.

The CMZ has been approved by the Department of Ecology and DCD requested a hearing from BOCC and would like the Clallam County Planning Commission to recommend adoption for approval of a resolution. The hearing is scheduled for June 3, 2025, at 10:30 am.



Draft Lower Elwha River Channel Migration Zone
May 5, 2025



This project is funded in part by WA Dept. of Ecology (Grant # SRASPC 2375-CLUCD 00006)



Channel Migration Zones (CMZ) are areas in a floodplain where a river or stream channel can be expected to move naturally over time.

- Overall goal is to better understand the current and future patterns of erosion and flooding along the Lower Elwha River, Indian Creek, and Little River systems to incorporate risk-informed decisions into various planning processes to benefit public safety, infrastructure, and aquatic and riparian ecology.
- The Elwha River is a shoreline of statewide significance under the Shoreline Management Act (SMA).
- The removal of two dams in the Elwha River has dramatically affected the river environment downstream and at the delta.
- A detailed CMZ delineation gives planners and resource managers science-based reach scale information necessary to establish jurisdictional boundaries; better protect people, development, and natural resources from flood and erosion hazards.
- Shoreline use and development activities are regulated locally by the Clallam County Shoreline Master Program (SMP), which establishes limitations and requirements specific to CMZs.

Overview

Clallam Co. Elwha CMZ
April 23, 2025

Delineate a detailed CMZ for the Lower Elwha River, Indian Creek, and Little River for the 100-year timescale.

- Predict areas that are at risk of erosion along creeks and rivers in this timeframe

1. Project Background
2. CMZ mapping approach
3. Study methods
4. Draft CMZ delineation
5. Q&A and discussion



Flooding and Erosion

Clallam Co. Elwha CMZ
April 23, 2025



Channel Avulsion along Hot Springs Road, Upper Elwha (1/12/2016)

Flooding – inundation from high river flows.

The FEMA 100-year floodplain is a standard definition of risk area (1% chance in a given year)

Erosion – removal and transport of soil or rock by river processes.

- Bank erosion
- Channel avulsion
- Mass wasting



Study Area

Elwha River

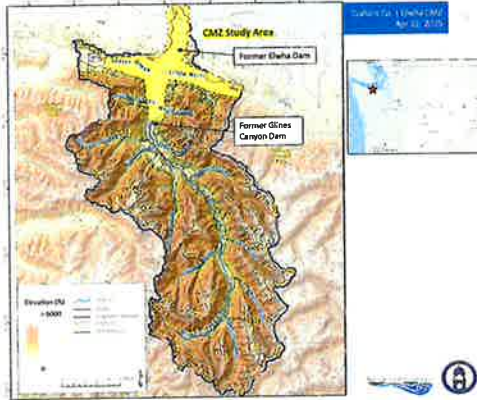
- Altair to Strait of Juan de Fuca
- 12.5 RM

Indian Creek

- Lake Sutherland to Elwha River
- 6 RM

Little River

- NPS to Elwha River
- 7 RM



Considerations of the Elwha River

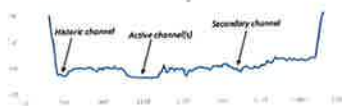
- Flow and sediment transport regimes
- Geomorphic reach setting
- Dam operation and removal
- Ongoing channel evolution
- Existing infrastructure



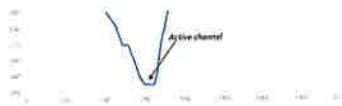
Elwha River -- Upper (RM 13-11)



Wide floodplain with multiple channels



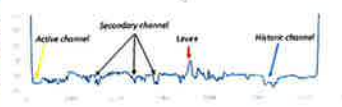
Narrow canyon with a single channel



Elwha River -- Delta (RM 2-0)



Wide river delta with active and historic channels



Channel Migration Zone (CMZ)

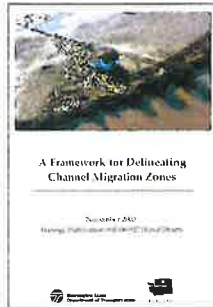
Channel Co. J. Elwha CMZ
Apr. 22, 2023

Detailed CMZ delineation protocol

Rapp and Abbe (2003) for 100-year study lifespan

Study methods

- Community and Co-Manager outreach
- Historical mapping and analysis
- Hydraulic modeling (2D)
- Geomorphic reach delineation
- Field reconnaissance
- Detailed CMZ delineation



Study Area

Channel Co. J. Elwha CMZ
Apr. 22, 2023

Elwha River

Geomorphic Reaches

- Valley confinement
- Slope
- Channel planform
- Topographic/Geologic controls

Indian Creek

- Lake Sutherland to Elwha River
- 6 RM

Little River

- NPS to Elwha River
- 7 RM



Data Sources

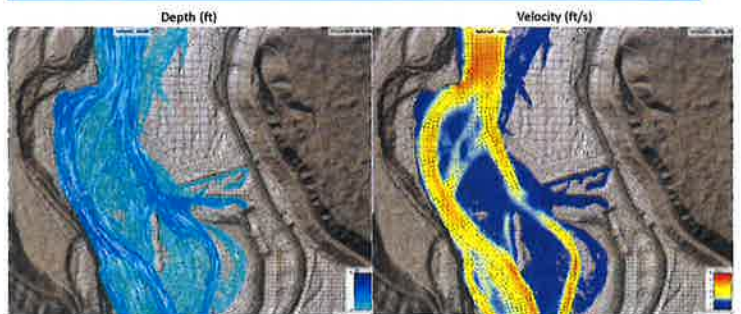
Channel Co. J. Elwha CMZ
Apr. 22, 2023

- Topography (2018, 2014 LIDAR)
- Historical maps and aerial imagery (1873-2023)
- Surface geology (DNR)
- Landslides (DNR)
- Hydrology (USGS 12045500)
- Highways, levees, critical infrastructure
- Field observations (NSD)
- Anecdotal records (Outreach)



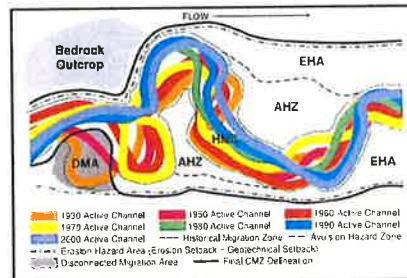
Hydraulic Analysis

Channel Co. J. Elwha CMZ
Apr. 22, 2023



Delineating Elements of a Channel Migration Zone

Channel Migration Zone (CMZ)



The CMZ boundary delineates the area in which channel processes will occur over a specified period of time: 100 years

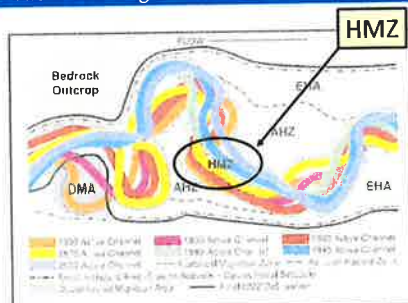
- Historical Migration Zone (HMZ)
- Avulsion Hazard Zone (AHZ)
- Erosion Hazard Area (EHA)
- Disconnected Migration Area (DMA)

$$CMZ = HMZ + AHZ + EHA - DMA$$

Figure 1. Delineating Channel Migration Zones (Map in 2005)



Historical Migration Zone (CMZ)



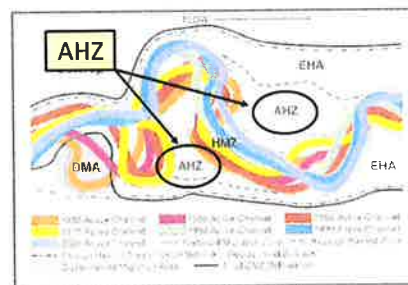
The area the channel has occupied over the course of the historical record (1875 – 2023)

- Active channel (unvegetated area) only
- Based on aerial imagery, topography, field observations

Figure 1. Delineating Channel Migration Zones (Map in 2005)



Avulsion Hazard Zone (AHZ)

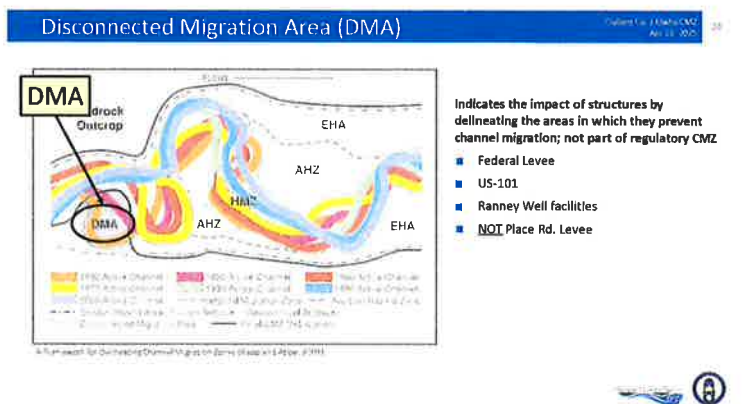
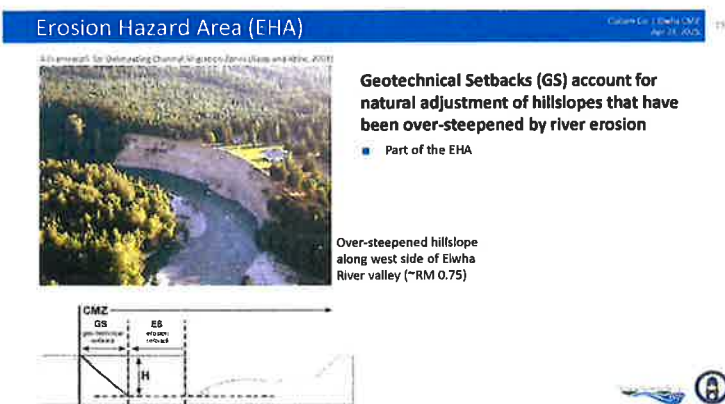
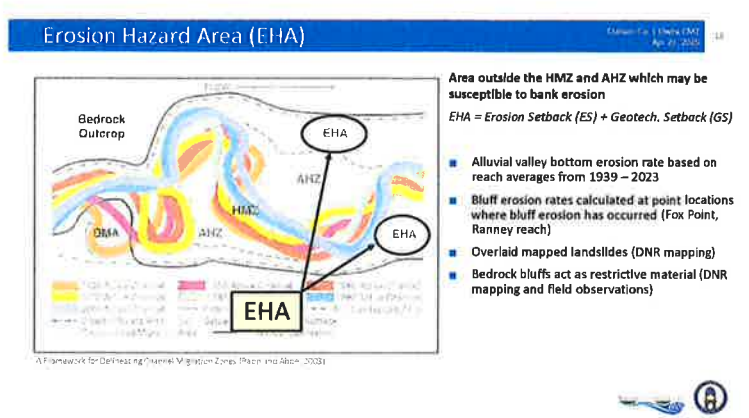


The areas of river landscape, located outside of the HMZ, at risk of channel occupation

- Informed by topography, hydraulic modeling
- Accounts for 2 m range of vertical bed instability

Figure 1. Delineating Channel Migration Zones (Map in 2005)





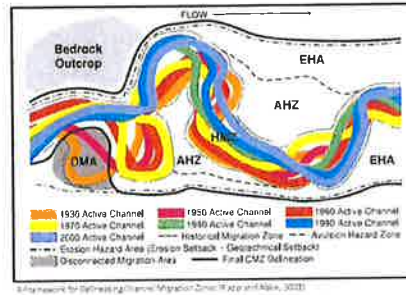
Disconnected Migration Area

William L. A. O'Brien CMZ
Apr 24, 2020



Channel Migration Zone (CMZ)

William L. A. O'Brien CMZ
Apr 24, 2020



The CMZ boundary delineates the area in which channel processes will occur over a specified period of time: 100 years

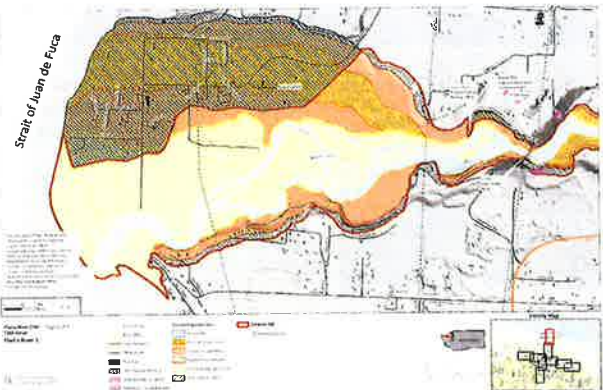
- Historical Migration Zone (HMZ)
- Avulsion Hazard Zone (AHZ)
- Erosion Hazard Area (EHA)
- Disconnected Migration Area (DMA)

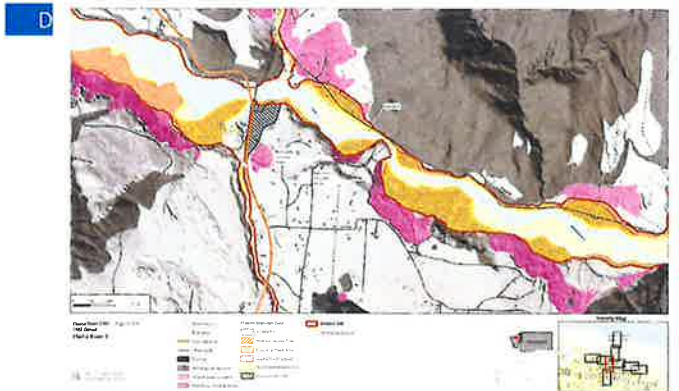
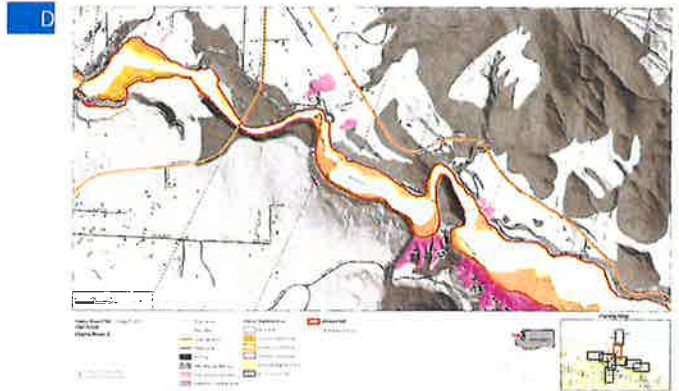
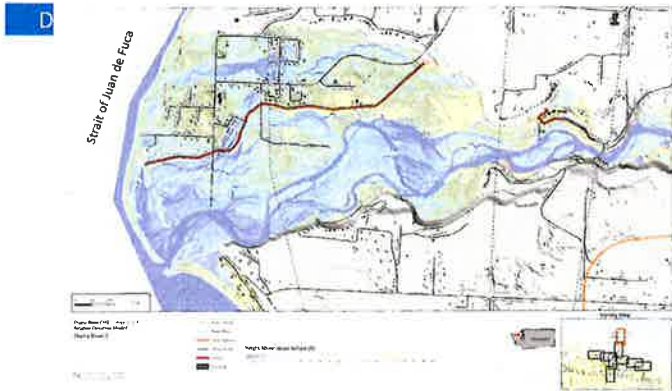
$$CMZ = HMZ + AHZ + EHA - DMA$$

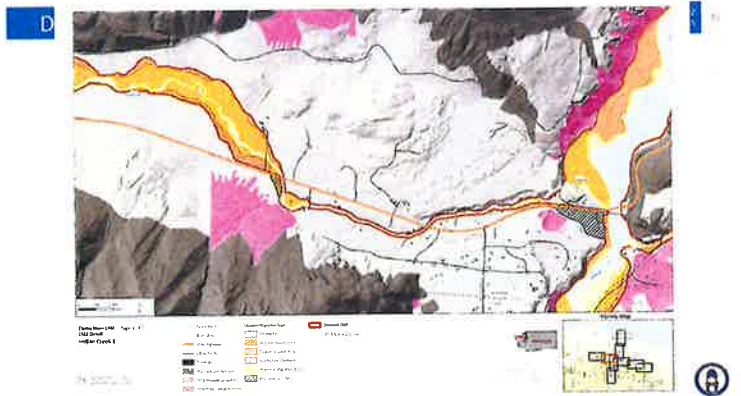
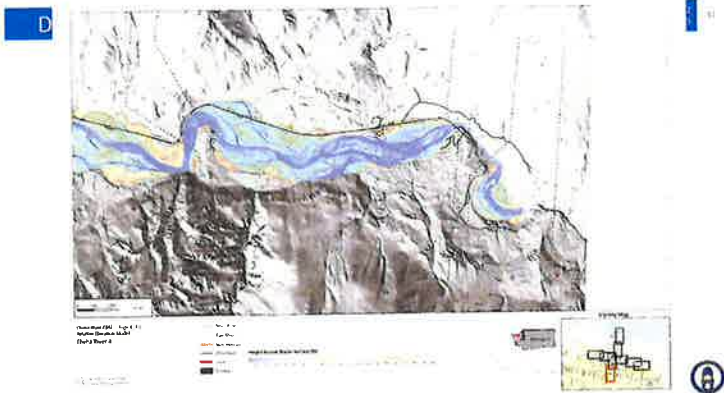
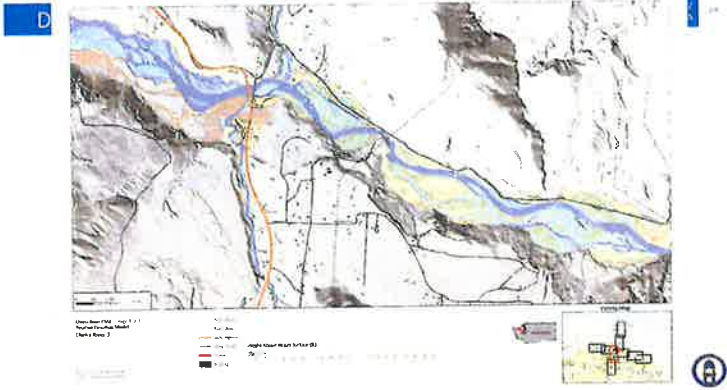
Draft CMZ Delineation

William L. A. O'Brien CMZ
Apr 24, 2020

Draft CMZ Maps

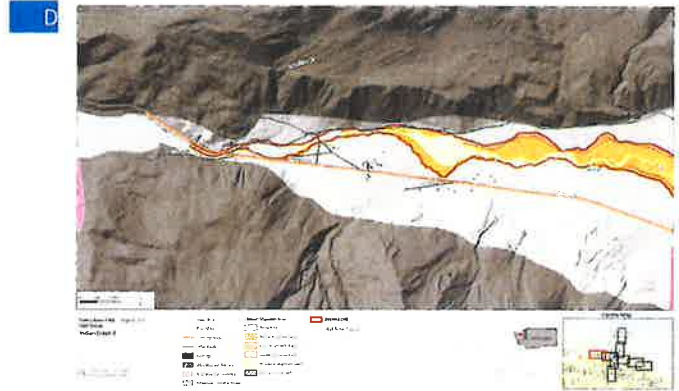








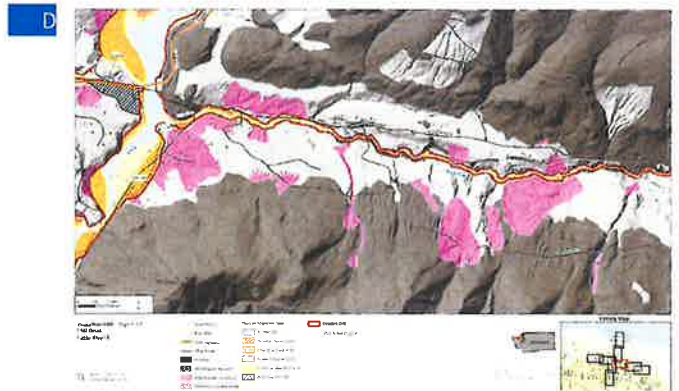
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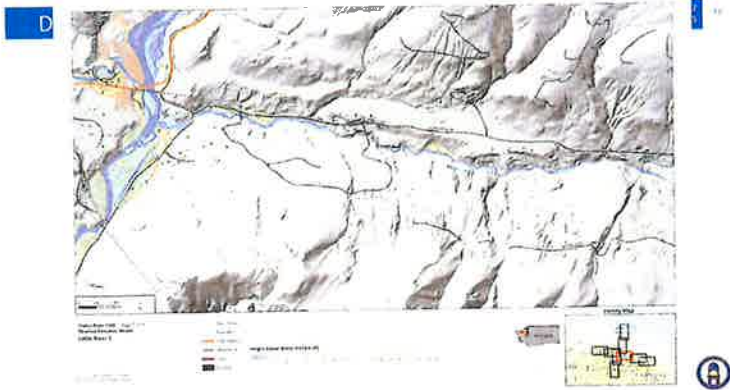


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Draft CMZ Mapping

Clallam Co. 11th Cir. DMZ
Apr 18, 2024

Questions?

Project Team Contact Information

Clallam Co. 11th Cir. DMZ
Apr 18, 2024

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