



BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of June 24-28, 2024

JUL 02 2024

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, June 24, 2024. Present were Commissioners Ozias and Johnson. Commissioner French was excused.

Items of discussion per the agenda published June 13 were:

- Calendar/Correspondence
- Resolution appointing Abigail Bohman and Viola Ware to the Homelessness Task Force
- Resolution appointing Gabriel Bugarin to the Conservation Futures Program Advisory Board
- Contract with Washington State Criminal Justice Training Commission for wellness programs
- Resolution authorizing the temporary closure of Olympic Hot Springs Road No. 17810
- Letter of support for Small Scale Water Efficiency Project – AMI Metering Conversion Phase I
- Resolution authorizing Conservation Futures Program Advisory Board Bylaws Change
- Streamkeepers project and funding presentation
- Briefing and request a call for proposals to be received no later than Tuesday, July 23, 2024 at 10 a.m. regarding the Clallam County Hearings Examiner
- Letter to the City of Port Angeles changing the County contact designee to the County Administrator for the Emergency Operations Center
- Review the "How Did We Do" reports comparing each month's actual performance

Meeting concluded at 11:06 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Vice Chair Johnson called the meeting to order at 10 a.m., Tuesday, June 18, 2024. Also present were Commissioner Ozias and Administrator Mielke. Commissioner French was excused.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

ATM noted that item H2 will be taken before item H1

ACTION TAKEN: CMOM to adopt the agenda as modified, CMFs, mc

CONSENT AGENDA

- 1a Approval of vouchers for the week of June 17
- 1b Approval of minutes for the week of June 17
- 1c Resolution appointing Christopher Rumble to the Marine Resources Committee
- 1d Briefing and call for hearing to be held on Tuesday, July 9, 2024 at 10:30 a.m. regarding amending Chapter 5.100 Consolidated Fee Schedule Sheriff's Department Civil Processes Fee Schedule 400-A
- 1e Proclamation Recognizing Korean War Remembrance Day on June 24, 2024
- 1f Letter to the City of Port Angeles changing the County contact designee to the County Administrator for the Emergency Operations Center

ACTION TAKEN: CMOM to adopt the consent agenda, CMFs, mc

REPORTS AND PRESENTATIONS

- CRJ read the Proclamation Recognizing Korean War Remembrance Day on June 24, 2024
 - Gerry Retella, Korean War Veteran, thanked the BOCC for the proclamation. He recognized Commissioner Johnson for his military service in Vietnam
- CMO thanked the Korean War Veterans and for recognizing Commissioner Johnson for his military service in Vietnam
- CRJ commented on housing, Department of Natural Resources tour, Olympic Medical Center

CONTRACTS AND AGREEMENTS

2a Agreement with Wild Salmon Center for replacement of culverts under Bear Creek Road

ACTION TAKEN: CMOM to approve, CMFs, mc

2b Agreement amendment 1 with Clallam County Economic Development Council for North Olympic Peninsula Recompete Coalition

ACTION TAKEN: CMOM to approve, CMFs, mc

ADMINISTRATION

3a Resolution authorizing expenditure from the Affordable Housing Sales and Use Tax Fund for Peninsula Housing Authority/\$1,500,000

ACTION TAKEN: CMOM to adopt, CMFs, mc

PUBLIC WORKS

4a Letter and WS-4 Form for planning assistance related to Highland Irrigation District

ACTION TAKEN: CMOM to approve, CMFs, mc

BUDGET

5a Resolution for consideration to adopt the following Supplemental Appropriations:

Sheriff – Operations – Additional funding from Washington State Department of Commerce for programs supporting STOP (Services, Training, Officers, and Prosecutors) Violence Against Women to be used for deputies to participate in approve classes in support of the grant mission/\$4,000

Auditor – Additional funding for Security Services from Norpoint Protective Services for the Elections Division from July – December 2024/\$43,780

ACTION TAKEN: CMOM to adopt, CMFs, mc

PUBLIC COMMENT

- John Worthington, Sequim, commented on maps, veterans, ICLEI
- Jeff Tozzer, Sequim, commented on the Korean War Veterans, Towne Road
- Eric Farhman, Sequim, commented on meetings
- Karen Hubert, Sequim, commented on Towne Road, safety

HEARING(S)

H2 Ordinance titled Agricultural Accessory Uses

- Holden Fleming, Bruce Emery, and Donella Clark, Department of Community Development, provided a staff report

ACTION TAKEN: CMOM to open the public hearing, CMFs, mc

- The following provided testimony
 - Richard Olson, Sequim
 - Karen Hubert, Sequim
 - Bruce McCloskey, Sequim
 - John Worthington, Sequim,
 - Warren Miltch, Port Angeles
- The following sent in written testimony: David Herbelin, Rick Olson, Bruce McCloskey (see attached)

ACTION TAKEN: CMOM to close the public hearing and adopt with modifications, CMFs, mc

H1 Resolution authorizing a grant from the Opportunity Fund for Clallam County Public Works – Clallam Bay Sekiu Sewer Pump Station Placement Project

- Steve Gray, Public Works, provided a staff report

ACTION TAKEN: CMOM to open the public hearing, CMFs, mc

- CRJ noted no one provided testimony

ACTION TAKEN: CMOM to close the public hearing and adopt, CMFs, mc

BOARD of CLALLAM COUNTY COMMISSIONERS
MINUTES for the week of June 24-28, 2024
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PUBLIC COMMENT

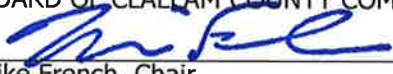
- Karin Cummins, Sequim, commented on Towne Road, Noise Ordinance

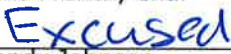
Meeting concluded at 11:13 a.m. and continued to 9 a.m., Monday, July 1.

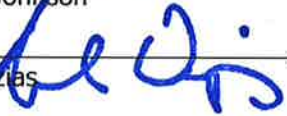
The Board of Commissioners attended WSAC Virtual Update, Willaim Shore Memorial Pool Meeting, Coffee with Colleen, Clallam Transit Meeting and WSAC General Membership during the week of June 24.

PASSED AND ADOPTED this 2nd day of July 2024.

BOARD OF CLALLAM COUNTY COMMISSIONERS


Mike French, Chair


Randy Johnson


Mark Ozias

ATTEST:


Loni Gores, MMC, Clerk of the Board



Jeff Tozzer
Public Comment
6/25/24

For an entire month, the public has been left in the dark, with no communication from the Board of Commissioners about the true intentions for Towne Road. The revelation that Towne Road was never meant to be built on the Towne Road Levee came as a shock, and the absence of any official statement from the Board only deepens the sense of confusion and betrayal.

The public wasn't the only one that the Board of Commissioners confused. According to project partner North Olympic Land Trust, the information they received from the County was that Towne Road *would* be relocated atop the levee. They then passed that information on to donors who were interested in funding the conservation of 64 acres of farmland as part of the project. After the donors generously gave nearly half a million dollars to a project that was advertised to relocate Towne Road, the true intentions of the Board of Commissioners were revealed and donors learned that Towne Road was not planned to be relocated. Many donors were dissatisfied with this change and the lack of communication from the County. Some North Olympic Land Trust donors will either reduce or completely cease supporting that legacy organization that has done so much to save our area's farmlands.

One person felt so disappointed that she is changing her will. North Olympic Land Trust has lost a million-dollar endowment because the County Commissioners didn't communicate effectively.

The Commissioners' first Mission Statement is important and emphasizes your commitment to effective communication. Building a levee twice as wide as needed while knowing that Towne Road would never be built on top of it is not effective communication.

When the Board of Commissioners failed to uphold its commitment to effectively communicate with their project partner the Jamestown Tribe, the Commissioners spent two weeks drafting a letter of apology for that failure.

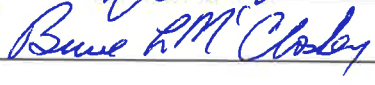
Will the Board of Commissioners consider offering an apology to the project partner who *paid* for the Towne Road Levee under a false understanding of the project's goal? Will the Board of Commissioners apologize to the Taxpayer?

Jeff Tozzer, Jamestown Road, Sequim

BOARD OF CLALLAM COUNTY COMMISSIONERS PUBLIC HEARING

H2 Ordinance titled Agricultural Accessory Uses

I declare under penalty of perjury under the laws of the State of Washington that any testimony that I give is true and accurate. Please print name and address clearly.

No	PRINTED NAME	SIGNATURE	ADDRESS
1	RICHARD OLSON		1046 CANYON RD SE with 98352
2	Bruce McCLOSKEY		5883 Old Olympic Hwy Sequim
3			
4			
5			
6			
7			
8			
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Gores, Loni

From: David Herbelin <davidherbelin@gmail.com>
Sent: Tuesday, February 20, 2024 10:21 AM
To: Gores, Loni
Subject: Re: FW: Online Form Submission #3996 for Contact the Planning Commission
Attachments: Ag Use Code 2-14 Comments from OBLC.pdf

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

Hi Loni,

My apologies. I forgot to CC you on the comments I just sent to Holden. Can you share the comments attached to the BOCC prior to tomorrow's meeting? Since they include images I cannot send them through the county website.

Thanks,
Dave

On Tue, Jan 23, 2024 at 8:57 AM Gores, Loni <loni.gores@clallamcountywa.gov> wrote:

Feel free to have me CCed on emails and I'll make sure the BOCC see all comments.

[Loni.gores@clallamcountywa.gov](mailto:loni.gores@clallamcountywa.gov)

Loni

"My email address has changed! The new format is Loni.Gores@clallamcountywa.gov Please update my contact card as your earliest convenience, Thank you!"

Loni Gores

Clerk of the Board

Commissioners Office

223 East 4th Street, Suite 4

Port Angeles, WA 98362

Phone: 360-417-2256

From: David Herbelin <davidherbelin@gmail.com>

Sent: Tuesday, January 23, 2024 8:50 AM

To: Gores, Loni <loni.gores@clallamcountywa.gov>

Subject: Re: FW: Online Form Submission #3996 for Contact the Planning Commission

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

Thank you Loni! Good to know. There has been confusion in the public on the correct course of sending in comments. I don't think anyone is questioning the integrity or hard work of all those involved. Everyone just wants to make sure they are being heard and using the right channels. Thank you again for confirming that you received these. I greatly appreciate your help.

Take care,

Dave

On Tue, Jan 23, 2024 at 7:36 AM Gores, Loni <loni.gores@clallamcountywa.gov> wrote:

David Herbelin,

Letting you know your email has been received in the Board of Commissioners Office. I also received your email you sent at the first part of this month. That was forwarded to us by Department of Community Development.

These emails have been forwarded to the Board of Commissioners and County Administrator.

Loni

"My email address has changed! The new format is Loni.Gores@clallamcountywa.gov Please update my contact card as your earliest convenience, Thank you!"

Loni Gores

Clerk of the Board

Commissioners Office

223 East 4th Street, Suite 4

Port Angeles, WA 98362

Phone: 360-417-2256

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

Sent: Monday, January 22, 2024 2:31 PM

To: Web_DCAdmin <web_dcdadmin@clallamcountywa.gov>

Subject: Online Form Submission #3996 for Contact the Planning Commission

Contact the Planning Commission

First Name	David
Last Name	Herbelin
Email	davidherbelin@gmail.com
Phone Number	3103518876
Subject	Agricultural Accessory Use Code
Comments/Questions	It was recently brought to my attention that, although we were asked to email additional comments to Holden Flemming after the 1/3/23 meeting, those comments may not be making their way to the commissioners and that this portal is the only way to get those comments in to the record. As such, I am resending my comments that were emailed directly to Mr. Flemming on

1/4/23. Sorry for the duplicate statements.

Thank you Holden for all your hard work on this issue. I truly appreciate all that you have been doing to find a positive solution for everyone involved. Attached in PDF form are additional comments I would like to forward to the Commissioners and decision makers on the issue. I have also pasted them in the body of this email. Can you please forward this to them for me?

Thank you once again,
David Herbelin

January 4th, 2024

To the Clallam County Commissioners and those involved in the Agricultural Use Amendment Process,

As expressed at last night's meeting by many others, thank you for your time and energy in this matter. I am very pleased to see the county taking this issue seriously. The steps taken so far as well as the transparency and communication have been wonderful.

I would like to address a few issues that were brought up at last night's meeting. They are the Conditional Use Permits for small farms, acting expediently, and how we got here in the first place.

Conditional use permits for farms one to three acres

It was proposed last night that only the smaller one to three acre farms should be required to apply for a Conditioning Use Permit as they have a greater chance of affecting neighboring homes. It was stated that larger farms have less likely a chance of affecting neighbors and could be allowed to self-report. I need to express disagreement on the above sentiment on the basis of unfair burdens being placed on the smallest producers, and an unfounded assumption on neighboring properties.

With the current amendment proposal, the most expensive route to compliance is being enforced on the smallest businesses. These smaller farms have the least amount of

room to grow product and therefore are subject to a smaller revenue stream from direct agriculture production. Meanwhile, the larger farms, which have more acreage for planting and production are waived from any Conditional Use application fees. This is truly a formula of placing the biggest financial burden on the lowest class. These small farms cannot produce enough to afford the application fees. For a direct example, our 2.6 acres farm last year grossed just over \$5,000. After paying for insurance and marketing alone, we lost money. And now with this proposal, we would be subject to an additional \$3,000 loss simply because our land is not .4 acres larger. Meanwhile, a nearby farm with 10+ acres and plenty of room to grow more product and generate larger revenue, would not be subject to that fee.

The second part of this proposal is an assumption that smaller farms have a more direct impact on their neighbors. This is mathematically false. A smaller acreage farm has a smaller property line. A smaller property line has a lesser capacity to have adjoining neighbors than a larger property with a larger property line. A three acre square lot (361.5'x361.5') can only have 8 neighbors with half acre lots. Meanwhile a twenty acre square lot (930'x930') can have up to 28 neighbors with half acre lots.

In addition to the mathematical falseness of the assumption is a farm's use of machinery and irrigation. Smaller farms are less likely to use large scale production equipment and sprayers. Meanwhile a larger farm, due to the high volume of production, may need to use large scale production equipment, irrigation and sprayers, in order to grow and harvest in a timely manner. These larger scale operations may create more noise pollution, groundwater issues, and over spray issues.

My recommendation is to have all farms equal in terms of applications and fees. I lean toward the self-certification or checklist permitting guidelines outlined in last night's meeting. If complaints are leveled on farms, then investigations on compliance with self-certification or permit checklists can be addressed. However, to assume that since a farm is smaller that it will automatically have a higher potential of complaints and therefore should be proactively penalized and investigated via a Conditional Use Permit application, is erroneous, an unfair practice, and borders on a form of discrimination.

Acting Expediently

The subject was brought up last night on the need to act expediently on this amendment to protect the farms by allowing them to proceed with the coming season. It was then struck down by a commissioner expressing that getting the verbiage right was more important. Later, several from the audience expressed that expediency was paramount. I would like to take this moment to second or third the idea that expediency is very important.

Nature does not wait for ink to dry on legal forms. Nature sets its own deadlines. Nature does not yield to the farmer's or County's demands. Nature is already in progress for this coming season. The product is going to happen whether the county's legal team comes to a decision or not. The farmers need to take action now. To what extent those actions are for the farmer (hiring, marketing, selling, harvesting, or removing) is dependent on the County. If the County comes to a positive decision, then the farmer can prepare for this year's harvest and continue to support agritourism. However, if the County does not come to a conclusion, or comes to one that restricts the farmers from being able to operate at less than a profit, then farmers cannot invest in their farms as all work and money spent will be at a loss. The deadlines for these investments are being passed daily placing the farmer in a difficult situation for the coming season.

Delay or negative conclusions will affect more than just the farmers. If a positive conclusion is not reached quickly, then this year's tourists will be arriving to fields of product rotting on the vines, boarded up shops, and closed signs in farm driveways. The reputation of the Clallam County agriculture and agritourism will decline. With a negative reputation comes a lower market. And if farmers cannot find a market, then they will cease to exist. Clallam County, with the loss of farms, will lose a major revenue stream.

This is not a threat by the farmers, but a reality they and the rest of the County face. Farmers live by the day while planning for the year. If something goes wrong in the day, if bills cannot be met, if delays keep farmers from doing their daily actions, then the farmer must make a decision that affects the next year plus. By delaying and missing even one season, we may lose

the majority of farms on this peninsula which is a major revenue stream for our area. Delaying and losing these farms because of arguments and meetings regarding how to use ink on a legal document would be tragic.

How we got here

The last issue I would like to address is how we got here.

The history

For the past thirty years Clallam County has been negligent on its support and enforcement of farms which has created our current environment and dilemma. They have allowed farmers to develop and operate with little to no guidance. We have been told stories from many who have been in the Clallam County farm industry about the county no longer requiring or requesting permits for festivals or events on their properties. With the County not giving guidance, farmers turned to each other for help and support on operating properly. The entire industry has been self-governed and self-supported for the past three decades.

We have our own personal story of the County's neglect while opening our farm that we have passed onto Bruce Embree and Holden Flemming. Here is a brief synopsis.

When we decided to open a farm we contacted Clallam County to ask about permits and regulations. They stated that we did not need to talk to them, and instead we should contact the State of Washington. We found that odd, and decided to wait a few months and try the County again. We contacted the County a second time, they looked up our address and stated that we needed to contact the City of Sequim and not Clallam County. We contacted the City of Sequim who said we did not need to contact them, but instead to contact the County. All three levels of government also stated that we did not need any special permits and we could just start planting. Not being comfortable with that, we got our business license with the state, insured our property, and began seeking guidance the same way all the farms we talked to did: by turning to each other. We tried to build our farm with the support of the County and were turned away twice.

The County only seemed to start paying attention to farms this past summer after a series of newspaper articles were published. Mathew Nash wrote three articles, each featuring one of the three new lavender farms opening that season. The day after each article came out, Donella Clark from the County, wrote a letter to the farm being featured stating that they were not in compliance and threatening potential fines. This can be verified by checking the dates of each newspaper article and the dates the letters from Ms. Clark were created. Matthew Nash has expressed deep regret and sorrow as he feels his articles have created this whole dilemma facing our farm industry. Ms. Clark stated last night that the current situation is because of complaints the County has received by residents. However, although I have asked, and our farm was the first to receive a letter of noncompliance, I have never seen a single complaint. When I asked for the content of complaints at the Sequim meeting, nothing was provided. Based on the dates of the letters, the dates of the newspaper articles, and no complaints delivered when requested, I believe the current situation is not complaint driven as suggested by Ms. Clark.

I bring up this history to show that the current situation was avoidable, created through historical neglect of the County, and the County's current actions. Farms are out of compliance because the County did not enforce or guide farms for the past thirty years. The farms grew and families began relying on their income to feed themselves. They did not farm or expand into other uses in secret. Instead they did so out loud: loud enough to create a yearly festival that the County advertised for them and provided County grants to support. The farmers have been fully transparent in their operations, with County officials frequenting the farms. And the County not once before now expressed a concern on their operations and permitting. Our current environment of noncompliant farms is one the County helped create and perpetuated.

Conclusion

As the County helped create our current situation, I believe the County has a responsibility to help fix it that goes beyond code amendments. As stated last night, some farmers have worked their land for years, expecting the land and its products to be the source of their retirement. This late in life, they are not capable of leaving the farm industry now to seek another career elsewhere. Farmers went all in on their businesses as

they felt they were secure in the environment the County helped create. My family personally left six figure incomes to move to Clallam County and develop our farm in the industry the County perpetuated. Now the County is threatening to strip that all away, jeopardizing many families and a large industry in an area that is already financially and food insecure. I understand the need for codes and code enforcement. However, to neglect enforcement for thirty years, allow an industry to grow, and to perpetuate it and benefit off of it, then bring a hammer down that threatens to end it, is irresponsible and legally questionable. Adding an amendment that places 100% of the financial burden on the poorest of farms is discriminatory. And finally, placing wordsmithing as a priority over family farmers' ability to exist is not inline with good ethics.

Prescription

As such, I believe the current farms that are in operation should be grandfathered and allowed to continue operation on the condition that they move towards compliance in the next five years. In the five year window, the County should waive all permitting fees to the grandfathered farms and provide assistance on the road to compliance. Such assistance can come in the form of grants to help establish fire safety and ADA compliance currently being required. Any new farms trying to establish themselves as of January 1st, 2024 should be subject to compliance and permitting as currently outlined in the code and/or outlined in the new amendment to come without assistance.

Regarding Conditional Use Permit fee waivers, I found the argument last night that it being impossible to calculate the total amount of fee waivers, as being false. The person speaking stated that it was not possible to assess how many permits would be applied for or to calculate the financial burden to the County. If taking the route I prescribe above, that calculation is very tangible as it would be based on currently existing farms. The County seems to already have a good idea on the number of farms as a handout was shared last night showing percentages of farms. A counter argument to the difficulty of calculating the fees and the County's ability to afford waving the fees and other assistance, is how much money will the County lose if all these farms have to close because of the County's actions. Again, this is not a threat, but a reality of where we are at this moment.

Thank you once again for all your hard work on this issue. I know it is not a good place to be, and I do not place blame on our current administration. It was the work, or lack of work of the past thirty years worth of administrations that has gotten us here. I applaud you all for taking up this issue and trying to make the best of it. Good work is seldom easy and most of the time, under-appreciated. I can honestly say I believe, all us farms, while stressed and scared for our livelihood, are with you and support you on the path to finding a positive solution.

Thank you,

David Herbelin

Old Barn Lavender Company

9785 Old Olympic Hwy.

Sequim, WA 98382

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.](#)

Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company





Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company



The entire east portion of the barn is used for hanging and drying lavender.

Old Barn Lavender Company is named after the 3,700 sqft historic barn on the property dating back to 1913. It's one of the oldest buildings in Sequim.



On summer mornings, the 10' bay door is opened and lavender is distilled into essential oil in a Portuguese Cooper still. It operates in a completely closed system.



The front of the west portion of the barn has 12' cargo doors that open to a gift shop which sell soaps, candles, essential oil, lavender bud, and incense all made by hand on the property using the lavender grown on the farm.





Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company

Issues according to current Ag Use
Code Draft 2-14

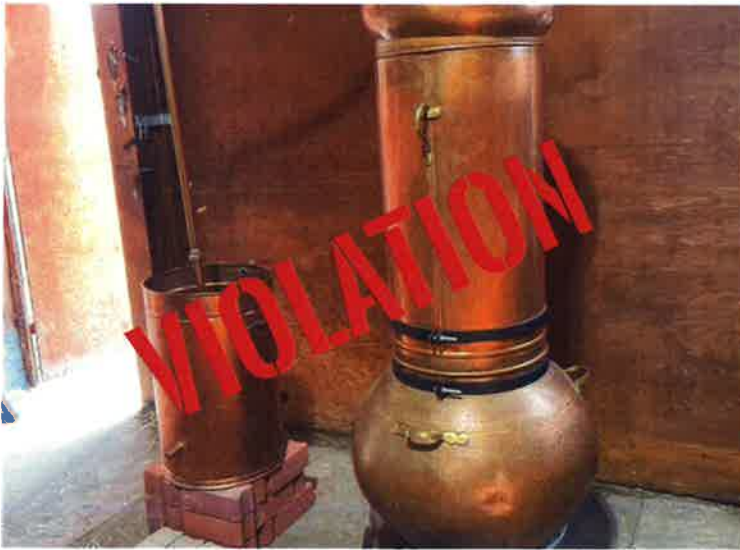
Although built for agriculture and the majority of its life used for agriculture, OBLC's barn cannot be used. Farms less than three acres cannot have an agriculture processing facility without a Conditional Use Permit



Farms under three acres cannot cut, dry or clean their raw materials to add value without a Conditional Use Permit.



Farms under three acres cannot have any processing facility without a Conditional Use Permit.



Farms under three acres are not allowed onsite retail stores without a Conditional Use Permit



Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company

County Visit to Old Barn Lavender Company (OBLC) - "No issues"

On November 17th, 2023, four County officials visited Old Barn Lavender Company's farm in the process of reviewing and understanding Clallam County's farming industry and its relation to the Agricultural Codes. The officials inspected the grounds, the parking lot, the fields, and the barn where processing and retail sales were conducted. After the inspection, the County officials stated they saw "no issues" with the farm. The only items called to attention were by the fire inspector who requested a small ramp to help wheelchairs over the 1.5" lip into the barn and to have any propane tanks located outside the building. Other than these two items, the County officials stated that Old Barn Lavender Company should have no problems with the new codes.

Agricultural Accessory Uses Draft Code 2-14 - OBLC is Out of Compliance

According to the Agricultural Accessory Uses Draft Code 2-14, OBLC is deemed out of compliance without acquiring Conditional Use Permits and paying fees.

	Less than 3 acres	3-4.99 acres
Ag. Processing Facility	Conditional Use Permit	Certificate of Compliance
Onsite Retail Store	Conditional Use Permit	Certificate of Compliance
Outdoor Activities (Corn mazes, tractor, etc.)	Conditional Use Permit	Conditional Use Permit
Farm Stays	Prohibited	Prohibited

How did Old Barn Lavender Company go from having "no issues" to being restricted by Conditional Use Permits and fees?

OBLC is restricted from two crucial components of running a successful farm because it sits on 2.61 acres. If the property was .39 acres larger, OBLC could continue forward with processing lavender and operating a retail store of their goods without applying for Conditional Use Permits and paying fees. Processing and retail are rights afforded to all other farms three acres or more with a Certificate of Compliance.

Agricultural Processing Facility

The current draft of the Agricultural Accessory Use Code states that properties under three acres cannot have an Agricultural Processing Facility unless they acquire a Conditional Use Permit. *"Agricultural Processing Facilities' means a facility which adds value to, refines, or processes raw agricultural goods, including but not limited to washing, sorting, cutting, drying, bagging, freezing, cold storage/controlled atmosphere and/or packing' (Agricultural Accessory Uses Draft Code 2-14).* By this definition OBLC cannot harvest their lavender, and use their barn to hang it to dry, strip the bud off the stems, or distill it. They are limited to only growing lavender. They cannot touch it past that.

- If a farm cannot prepare their product for market, what can they market?
- If a farm cannot produce anything for market, how can they survive?

Onsite Retail Store

The current draft of the Agricultural Accessory Use Code states that farms under three acres cannot have an onsite retail store without a Conditional Use Permit and that such stores must be less than 1,000 sqft, which includes storage.

- If a farm has enough land to accommodate the required minimum of 1 acre of land utilized in the production of agricultural products and the parking required by the Agricultural Accessory Use Code, then why is this not enough to support an onsite retail store?

Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company

- Under the current code, a 200 sqft store with 1,000 sqft of backroom product storage would not be allowed. How does the amount of storage factor into the safe operation of an onsite retail store?

Why three acres?

- If OBLC was seen as having “no issues” by county inspectors, why does it need to apply and pay for Conditional Use Permitting simply because it is .39 acres less than three acres?
- What guaranteed securities are there in three acre properties that allow them to operate under a Certificate of Compliance that a 2.61 acre property does not have?
- How was it determined that three acres would be the cut off for rights?
- What studies were conducted to support this policy?

Additional Restrictions - Farm Stays

According to 33.50 CCC, Clallam County allows properties 1.5 acres and above to construct Additional Dwelling Units (ADU's) subject to requirements. These ADU's can be used as short stay rentals. However, according to the Agricultural Accessory Use Draft Code 2-14, Farm Stays for farms less than 5 acres are prohibited. According to the Code *“Farm Stays’ means paid accommodation on a working farm where guests partake in agricultural work.”*

- Why does having a 5 acre or less farm forfeit a property owner's rights to building and short stay renting an AUD on their property; a right they would have if they had only 1.5 acres and no farm?

Additional Costs and Restrictions - Landscape Barrier

According to 33.XX.050 paragraph 6 states that a landscape barrier must be installed to block the view of the parking lots for farms. This paragraph does not differentiate between full-time parking lots or temporary parking lots.

The parking lot for OBLC is used for 10 weeks of the year (19%). The rest of the year (81%) it is goat pasture. The fencing and gating along this lot sits on the property line. For OBLC to install a landscape barrier the fence would need to be moved inward 10' on the east and south sides so that landscaping could be installed outside the fence away from the goats. This would eliminate the ability to use the existing exit gate, and a new one would need to be installed. The parking area would decrease significantly, reducing parking spaces. In total, with new fencing, a new gate, and installing new landscaping, rough estimates amount to over twenty thousand dollars to create a landscape barrier for this temporary parking lot that was previously described as having “no issue” by County officials.

OBLC's fate with the current Agricultural Accessory Use Code Draft

As it is currently written, the Agricultural Accessory Use Code limits OBLC to growing raw materials and eliminates hosting any customers. OBLC cannot process their materials, host a store to sell their materials, or invite guests to their property to purchase these materials unless tens-of-thousands are invested in Conditional Use Permits and landscape barriers. However, if OBLC were .39 acres larger, many of these restrictions would disappear.

These costs and restrictions are an insurmountable hurdle for OBLC: a farm that was verbally deemed as having “no issues” prior to the current Draft Code. If the code is passed as is, Old Barn Lavender Company will have no option than to close its operations.

A Potential Solution

This illustration of a farm moving from having “no issues” to now being required to invest thousands into Conditional Use Permits and updates begs several questions including:

- What methods of measurement were used to create the delineation of rights between the farms of different acreages?
- What qualities are inherent in a property that is 3 acres that allows it to have more rights and freedoms than a property that is 2.6 acres?

Ag. Acc. Use Draft Code 2-14 comments from Old Barn Lavender Company

- Are these qualities consistent and universal with all parcels of this size?
- What inherent qualities of farming makes it so that farms have less rights than residents in terms of ADU's and short stay rentals?

If these qualities are not universal, consistent, or quantifiable, then they should not be used as a method of judgement and policy making. Rules that govern the masses should not be made on arbitrary methods. As illustrated by Old Barn Lavender Company, a successful, well organized argitourism farm can be deemed as having "no issues" on less than three acres.

The current draft, as written, dictates a farm's abilities, such as their ability to process their crops, run a gift shop, have outdoor activities, and host farm stays, based on acreage size, which has little to do with the farm's ability to support these endeavors.

A more quantifiable and consistent method would exist in the farm's ability to support proposed activities based on parking spaces. A farm should be able to partake and host the activities it can support with adequate guest parking. This would dictate the size of the gift shop and the proposed outdoor activities. This is a method used in many other commercial industries. The fault of the current system in the Draft Code is that it is based purely on acreage. It is possible for a less than 3 acre farm to have 30 parking spots. And it is equally possible for a 20 acre farm to have only two. However, the current draft code would allow the 20 acre farm with two parking spots more rights and freedoms of commerce than the well set up smaller farm. Acreage does not inherently support activities, whereas parking spaces do.

If a delineation of farms and approved activities is needed, then I recommend transitioning from an arbitrary acreage delineation system to a quantifiable system based on support of guest parking.

Gores, Loni

From: Fleming, Holden
Sent: Monday, June 24, 2024 2:27 PM
To: Gores, Loni
Cc: Emery, Bruce
Subject: FW: Agricultural Accessory Use Zoning Ordinance
Attachments: Agricultural Accessory Uses 33.48 (Draft Ordinance)-Letter 240624.pdf

Good afternoon, Loni,

This public comment was received in advance of tomorrow's Public Hearing. Please add the email and attached document to the record.

Sincerely,

Holden A. Fleming

Chief Deputy Director, DCD

Phone: 360-565-2616

Email: Holden.Fleming@clallamcountywa.gov

223 E. 4th Street, Suite 5
Port Angeles, WA
98362

clallamcountywa.gov

From: rick@lavenderconnection.com <rick@lavenderconnection.com>
Sent: Monday, June 24, 2024 2:01 PM
To: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>
Cc: Fleming, Holden <Holden.Fleming@clallamcountywa.gov>
Subject: Agricultural Accessory Use Zoning Ordinance

Bruce and Holden,

I have attached a PDF of a letter to the commissioners care of you that I have completed with comments on the current Draft Ordinance Chapter 33.48 Agricultural Accessory Uses. I hope that you and Holden will be able to review this letter and be able to respond to my proposed amendment in this letter during the Board of Clallam County Commissioner meeting and Public Hearing on the ordinance tomorrow morning.

It is my plan to be present at the public hearing and will likely use the public comment period to read this letter into the hearing for consideration by the commissioners during the hearing.

I do want to thank both of you for all your work to resolve the multitude of issues related to the agricultural accessory uses and consideration of my past comments during the drafting process.

Respectfully Submitted

Rick Olson

Gores, Loni

From: Bruce and Bonnie McCloskey <bbmac5225@gmail.com>
Sent: Monday, June 24, 2024 9:43 PM
To: Gores, Loni
Subject: Agriculture Accessory Uses Code revisions for 6/25/24 Public Hearing
Attachments: Comments on Proposed Agricultural Accessory Uses Code.docx

[You don't often get email from bbmac5225@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Please pass along my comments on the Agriculture Accessory Uses proposed Code changes to the County Commissioners.

I had planned to attend and make public comments at the Public Hearing tomorrow morning, but found out late this afternoon I need to report for Jury Duty tomorrow morning and might miss the Public Hearing. Just in case that happens I would appreciate you getting them my comments.

Thank you.

Bruce McCloskey
5883 Old Olympic Hwy
Sequim, WA 998382
bbmac5225@gmail.com

Comments on Proposed Agricultural Accessory Uses Code
Public Hearing
6/25/24

To: Clallam County Commissioners

My wife and I own B&B Family Farm, 5883 Old Olympic Highway, Sequim, WA 98382, a 12 acre lavender farm across from the Sequim Airport.

I have been involved with the Agricultural Accessory Use proposed changes from the beginning in October of 2023, attending all the public meetings (except the west end meetings), Planning Commission meetings and several other associated special meetings. I have expressed my compliments and thanks to the DCD and Planning Commission for their approach and handling of this process. I have appreciated their open minded, inclusive, and sincere willingness to listen approach to a potentially controversial and important issue. My initial concerns have evolved to a comfort level I feel good about.

Of course there are a few things in the proposed code I would like to see changed, but they are minor. All of our major concerns have been addressed to our satisfaction. I am comfortable our farm will be able to continue doing business much as we have in the past. The changes we are being asked to make are for the better and doable. I think the added specificity of the code will be helpful to all parties, make for a better experience for the public, and provide some certainty and clarity for us farmers.

Undoubtably there will be some things needing to be tweaked going forward, but this is a good start and I appreciate the process and way we got here. I can't speak for other farms, but our farm supports the proposed changes.

Bruce McCloskey
B&B Family Farm
5883 Old Olympic Hwy
Sequim, WA 98392

Comments on Proposed Agricultural Accessory Uses Code
Public Hearing
6/25/24

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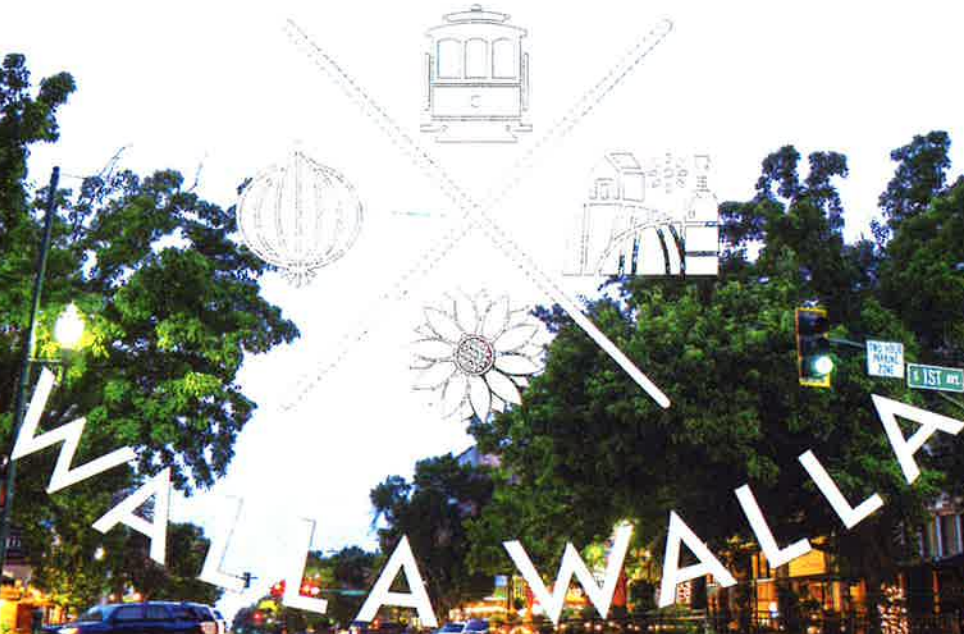
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Bruce McCloskey
B&B Family Farm
5883 Old Olympic Hwy
Sequim, WA 998392

BOCC Mail Correspondences Received from other Jurisdictions

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For registration, our digital program, and lodging information, visit:

PRESERVEWA.ORG/CONFERENCE

THANK YOU TO OUR PARTNERS:



Questions? Contact us at conference@preservewa.org or 206-624-9449.

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RANDY JOHNSON
CLALLAM COUNTY
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PORT ANGELES WA 98362-3000

